

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 July 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the under mentioned planning application(s)

2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 26th June 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 High Street, Shafton, Barnsley - 2018/0396 - For approval (*Pages 5 - 20*)
4. Job Centre Plus, High Street, Goldthorpe , Rotherham S63 9LQ - 2018/0656 - For approval (*Pages 21 - 26*)
5. Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley S71 2JS - 2018/0362 - For approval (*Pages 27 - 32*)
6. Land at Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square, Barnsley - 2018/0279 - For approval (*Pages 33 - 46*)
7. 79 Beeston Square, Athersley North, Barnsley S71 3DW - 2018/0591 - For approval (*Pages 47 - 50*)
8. Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley - 2018/0802 - For approval (*Pages 51 - 54*)

Planning Appeals

9. Planning Appeals - 1st to 30th June 2018 (*Pages 55 - 56*)

Planning Enforcement

10. Planning Enforcement Update Report (*Pages 57 - 60*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), Coates, M. Dyson, Franklin, Gollick, David Griffin, Hampson, Hand-Davis, Hayward, 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, 16 July 2018

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

MINUTES

Present

Councillors D. Birkinshaw (Chair), Coates, M. Dyson, Gollick, David Griffin, Hampson, Higginbottom, Lamb, Leech, Makinson, Mitchell, Noble, Pickering, Richardson, Riggs, Saunders, Spence, Tattersall, Wilson and R. Wraith

10. Declarations of Interest

Councillor Noble declared a Non-Pecuniary interest in **Planning Application No 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 as she has been working with FLAG (Friends of Lowfield Action Group) in her capacity as a local ward member.

11. Minutes

The minutes of the meeting held on 22nd May 2018 were taken as read and signed by the Chair as a correct record.

12. Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF - 2017/0638 - For Refusal

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, Rotherham S63 8JF

Mr Steve Gamble addressed the Board and spoke against the officer recommendation to refuse the application.

The Head of Planning, Policy and Building Control, addressed the Board and read out a letter composed by representatives of FLAG (Friends of Lowfield Action Group) asking for the Board to refuse the application, in accordance with the officer recommendation.

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

13. Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ - 2018/0158 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0158** [Erection of 2 no. detached two storey dwellings with provision of double integral garages] at former wood yard, Tithe Laithe, Hoyland, Barnsley S74 9DQ.

RESOLVED that the application be granted in accordance with the officer recommendation subject to completion of a S106 Agreement covering compensation for loss of green space.

14. Worsbrough Hall Wood - Tree Preservation Order No. 1/2018 - To seek confirmation of the Order without modification

The Head of Planning and Building Control submitted a report informing members that an objection had been received in respect of Tree Preservation Order 1/2018 at Worsborough Hall Wood, Worsborough.

RESOLVED that the Executive Director, Core Services, be authorised to confirm Tree Preservation Order 1/2018 without modification.

15. Planning Appeals - 1st to 31st May 2018

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2018/19.

The report indicated that 4 appeals were received in May 2018, no appeals were withdrawn, and 1 appeal was decided in May 2018.

It was reported that 4 appeals have been decided since 1 April 2018, 2 of which (50%) have been dismissed and 2 of which (50%) have been allowed.

Chair

Item 3

2018/0396

Applicant: Homes England c/o WYG

Description: Residential development of up to 43 dwellings (Outline with All Matters Reserved apart from access)

Site Address: Land off High Street, Shafton, Barnsley

Two letters of objection have been received from local residents

Site Description

The site is a 1.3ha area of undeveloped land which is located at the side and to the rear of a terrace of properties (Nos 50-56 High Street) within the built up area of Shafton.

The surroundings are mainly residential with part of the site frontage being occupied by houses. In addition the site shares a boundary with a street of bungalows to the north and west located on Poplar Avenue and Park View and Acacia Grove. However other uses in the vicinity of the site include the Sainsbury's local store and a pharmacy located opposite the proposed entrance to the site. In addition another local supermarket, Premier Stores is located to the south east of the site and a large section of this particular boundary is also shared with Shafton Primary School.

The site is now in an overgrown and disused state. However the application states that the previous use of the site had been split into two as a private garden in the area behind the terrace, No-50-56 High Street and as a field used for rough grazing purposes on the other half.

Vegetation is a feature of the site as growing within it is a number of mature trees and hedgerows located around the boundaries of the site and in the central areas. Old ordnance survey records indicate a number of outbuildings were located in the part of the site that was stated to be used for garden purposes.

The site falls from the site frontage on High Street to the rear by approximately 7m and rises from the north west boundary adjacent Poplar Avenue to the south east boundary adjacent the school land by approximately 2m.

Proposed Development

The proposal is to develop the land for a development of up to 43 dwellings. The application is in outline form seeking approval over the means of access only. All other matters are reserved for future consideration.

Access is proposed via a new give way priority junction onto the High Street. An indicative internal layout has been provided showing a cul-de-sac arrangement with parking along the frontages and a suds pond and pumping station located at the eastern end of the site (where the land falls).

History

2015/0456 – Residential Development of 38 no. dwellings (Outline, seeking approval over means of access and layout) approved 15th December 2016.

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.

Saved UDP Policies

UDP notation: Allotments/Urban Greenspace

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'
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'

SPD's

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

Planning Advice Note's

33 - Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

Proposed Allocation : Housing Allocation

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until

the final report is issued and the examination closes. However, it does mean 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance in the emerging Local Plan are as follows:

Policy GD1 – General Development
Policy D1 – High Quality Design and Place Making
Policy H7 – Housing Mix and Efficient Use of Land
Policy T4 – New Development and Transport Safety
Policy Poll1 – Pollution Control and Protection
Policy CC3 – Flood Risk

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Affordable Housing Officer – No comments received. However the affordable housing needs are met by the development.

Biodiversity Officer – Mitigation is required. Has recommended that any approvals are conditioned to refer to the Ecology Report and require implementation of the mitigation and enhancement measures proposed within it.

Coal Authority – No objections on the grounds that the conclusions of the Coal Mining Risk Assessment are sufficient for demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Contaminated Land – No objections subject to a condition requiring an intrusive site investigation prior to the commencement of development.

Drainage – No objections subject to conditions

Education – A contribution to mitigate the impact of the development on primary school places is required.

Highways – Do not object subject to conditions.

Regulatory Services – No objections subject to conditions.

Shafton Parish Council – No comments received

SYMAS – No objections on the grounds that the risk to the development from historic coal mining activity in the area is considered to be low.

Tree Officer – No comments received. The tree survey submitted states that most of the trees are of low value with only two category B trees, however, the survey was carried out in 2014 so an AIA is conditioned. This also reflects the need to retain trees and hedges for ecological reasons.

Waste – No comments at this stage.

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised by neighbour notification, site and press notice. 2 objections have been received from local residents. In summary the main concerns expressed are as follows:-

- Loss of outlook and overbearing impact from the proposed;
- Bungalows would be more in keeping with the character of the part of the village;
- Concern about any proposed planting of trees near the boundaries with existing properties and long term maintenance of these
- Queries regarding land ownership;
- The increased traffic will cause noise and highway safety issues;
- The bus services should be improved;
- Doctors and schools are full;

Assessment

Principle of development

The principle of residential development of this site has already been established under outline planning application 2015/0456.

Whilst the site is identified as Urban Greenspace and an allotment site in the existing Unitary Development Plan, the site was removed from the green space register in 2015 based on the evidence provided by the previous applicant.

The application site is proposed as a Housing allocation (AC22) in the emerging Local Plan with an indicative yield figure of 38. The applicant is proposing up to 43 dwellings on the site which is considered acceptable as it would slightly exceed the density requirements set out in policy CSP14

Visual amenity

The site possesses a degree of sensitivity from a visual amenity perspective because it is not previously developed and as it contains vegetation including a number of mature trees and hedgerows. However the majority of the site is not visible from public vantage points apart from the vegetation located around the boundaries.

With regards to the existing trees and vegetation a survey was carried out in 2014 which identifies that many of the trees and hedges are relatively poor quality and would not be considered a constraint to development. Since this time the site has remained undeveloped and the trees and hedges allowed to mature. Furthermore, the Ecology Appraisal recommendations identify a value in retaining and improving this vegetation (in part) as part of the package of ecological mitigation and enhancements. The indicative layout plan only proposes to retain some trees within the development which is not acceptable. However, as layout is not considered in this application and landscaping is a reserved matter this can be dealt with at the reserved matters stage with a condition applied to this application to secure the ecological mitigation and an arboriculture impact assessment to ensure those trees and hedges retained are protected during the development.

Concerns have been raised regarding the maintenance of landscaping, particularly close to existing boundaries and this will be dealt with through a condition requiring a landscape management plan for the site.

Regarding the detail of the proposed housing development itself details of layout, scale and appearance are reserved at this stage. Therefore a future application would be required to assess this information.

Residential Amenity

The main criteria for assessing this issue are Core Strategy Policy CSP29 Design, the Designing New Residential Development SPD and Core Strategy Policy CSP40 Pollution Control and Prevention.

An indicative layout has been provided which demonstrates that the site can accommodate 43 dwellings easily and separation distances between the new and existing properties can be achieved to meet the standards in the Designing New Residential Development SPD. However, as this application is in outline with only the principle of development and means of access being considered the layout as submitted is indicative only.

The main sensitivity of the application is that the site is located next to a large number of bungalows which makes the properties more susceptible to overlooking. For this reason a condition restricting the maximum scale of some plots to be 2 storeys in height was applied to the previous application (2015/0456). This condition is not carried forward in this application as the layout is not fixed but an informative will be applied so that the applicant is aware that when scale is considered properties of more than two storeys are unlikely to be acceptable near to existing bungalows without evidence to support an acceptable impact.

Residents' concerns about noise and disturbance during the construction phase are acknowledged. Conditions requiring method statements to limit noise and dust would be required along with a condition restricting the hours of day when construction work is permitted.

Highway Safety

The main criteria for assessing this issue are CSP26 'New Development and Highway Improvement' and CSP25 'New Development and Sustainable Travel'.

The proposed access is located on a busy stretch of Shafton High Street where a disused bus stop layby and pedestrian refuge are located on the section of highway along the site frontage. In addition the site is located opposite and next to 2 convenience stores and a pharmacy. There is also a parking layby spanning across the width of the existing terrace (50-58 High Street) and a right turn lane into High Gate Lane which serves a large housing estate and the car park for one of the convenience stores. There are a variety of associated road markings in these areas.

Highways consider that improvement works would be required to mitigate the effect of the development including the recommended removal of redundant laybys, provision of a right turn lane into the site, the widening of the central pedestrian island with guard rails and tactile crossings, and the provision of new double yellow lines. These improvements were conditioned on the previous application and although the applicant has sought to demonstrate some of these works are not required; highways remain of the view that they are necessary to make the development acceptable in highway safety terms. These works would be subject to the usual processes with regards to Highways S278 Agreements and Traffic Regulation Orders.

Provided that a condition is imposed requiring these mitigation works to be undertaken Highways do not object to the development in principle or the proposed access arrangement in highway safety terms.

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

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. Whilst the layout is not under consideration at this stage it is likely that some or all of this provision would come through a monetary compensatory sum. The calculation of this sum would depend on the number and type of housing proposed which is not yet fixed. As such, if approval is given to the scheme, a condition is recommended to ensure that the provision of green space, whether on-site or in the form of a compensatory sum, is agreed before the development commences.

Affordable housing – The applicant has agreed to deliver a policy compliant scheme in relation to affordable housing. This can be secured via an appropriate condition when the number of houses has been agreed.

Education – The Admissions and Access Manager has confirmed that the number of dwellings currently proposed (43) would generate a total of 9 primary and 6 secondary pupils. Secondary pupils can be accommodated within existing pupil provision. However, a S106 contribution in relation to primary provision is required which, based on 43 dwellings, would equate to £123, 795. In these circumstances, a S106 would usually be required but the NPPG does state that:

“No payment of money or other considerations can be positively required when granting planning permission. However, where the 6 tests will be met, it may be possible to use a negatively worded condition to prohibit development until a specified action has been taken (for example, the entering into of a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)”

As the exact housing numbers aren't fixed by this application, an exact compensatory sum for education provision is also not able to be fixed at this stage and so, in line with the NPPG, it is considered that a negatively worded condition could be imposed at outline stage to secure appropriate provision.

Other considerations

Biodiversity

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is accompanied by an ecological assessment and Reptile Survey. The latter has concluded that whilst no reptiles have been found on the site appropriate working methods should be employed during construction as they are known to be present in the wider area. A Newt Survey was also recommended, however, the ecologist found the pond on site was dried up when the survey was proposed to be carried out and as such no suitable habitat for Great Crested Newts was present on site. A similar approach has been recommended in relation to appropriate working methods during construction.

No European/UK protected species, nor UK BAP species were recorded on site during the walkover survey but the site does have some local value which would be impacted by the development and the report makes a variety of recommendations about retaining existing trees and hedges on the north western boundary of the site, the hedge on the south east boundary and the pond which would be adhered to. In addition 15 starling nest boxes, 3 swift nest boxes and 3 bat boxes would be provided as compensation. Furthermore the report sets out that works affecting the vegetation should avoid the bird nesting season from March to August. The Biodiversity Officer has considered the report and has resolved not to object to the application subject to a condition requiring the recommendations of the report to be followed through. In addition it has been recommended that the existing grassland immediately around the pond is retained along with a strip to connect to the retained hedgerow on the north east boundary and a compensatory landscaping scheme. This provision would be assessed in more detail at the reserved matters stage if approval was granted for the outline application.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is in a location that is categorised as being at the lowest risk of flooding. Notwithstanding this, some of the residents living next to the site have identified issues with surface water pooling on the site during high rainfall events.

Surface water flows across the site are unregulated at present. The construction of the development and a system of drainage would address the issue of water pooling in areas of the site and off site run off which would be of benefit to existing residents.

The FRA states that In accordance with the recommendations in the NPPF, the design of the new development will adopt measures to reduce the surface water discharge through the use of sustainable drainage techniques. Surface water runoff will be attenuated within the Site drainage system to mitigate off-site flooding and to protect vulnerable areas within the Site. Soakaway testing has identified poor infiltration rates for the site. In the absence of a local watercourse a sewer connection is considered the only feasible option. Yorkshire Water has been consulted and has confirmed that in this instance a limited discharge of 3.5 l/s of surface water could be connected to the surface water sewer within Acacia Grove. An above ground detention basin has been sized that provides a volume of 431m³ of attenuation storage which is sufficient to balance flows during the 1 in 100 year + CC event whilst limiting the discharge to 3.5 l/s. Other potential SuDS options such as permeable paving with subgrade storage within private parking areas and filter drains may be considered at detailed design stage. Yorkshire Water has confirmed that the foul sewerage from the site can discharge at an unrestricted rate to the combined sewer in High Street to the south west of the site. A pumped connection will be required.

Yorkshire Water have been consulted as part of this application and confirmed that they are happy with the approach being taken subject to conditions.

Ground conditions

The site is located in a Coal Mining Referral Area. However a Mining Risk Assessment report has concluded that there is a negligible risk in terms of shallow coal workings and mine entry influence. Neither SYMAS nor the Coal Authority have objected on that basis.

In addition the phase 1 desk top report has concluded that the risk of the site being contaminated from previous land uses is low. Therefore Pollution Control have not objected subject to the standard requirement that a condition is imposed requiring some intrusive investigation prior to the commencement of development to inform any necessary mitigation measures to deal with any unexpected contamination.

Conclusion

In summary, whilst the proposed housing development would be built upon land which is designated as Allotments in the UDP the principle of residential on this site was accepted in 2015 and it has been removed from the greenspace register.

That being the case paragraph 14 of the NPPF states that planning permission should be granted for a proposed development provided that
–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 main benefits associated with the proposed development are that it would provide new housing in an area which is a priority to accommodate new housing growth in the LDF component of the Development Plan (the Cudworth Principal Town). The site is also located in a sustainable location with close access to a primary school, shops, a pharmacy and a bus stop. In addition the development would contribute towards addressing the deficiency in the 5 year housing land supply and lead to the provision of 6 affordable houses.

The impacts of the development have been considered. The development would lead to the loss of area of greenfield land within the urban area, some trees and vegetation and some loss of habitat. However the existing value of the site is limited by the fact that is a private and enclosed site. In addition the effects of the development can be adequately mitigated and compensated for.

Other important impacts of the development including the effects of the development on the living conditions of existing properties, highway safety and flood risk. However loss of view is not a material planning consideration and the detailed design of the scheme is a reserved matter. In addition Highways have resolved not to object to the application in safety terms subject to the imposition of the condition requiring the mitigation works already described. In the case of flood risk the development would need to be constructed with systems to ensure that the risk of flooding would not be increased off site.

Further impacts have been considered including land stability and pollution control issues. However consultation responses from drainage officer, Yorkshire Water, SYMAS, the Coal Authority and Pollution Control are all content that the effects of the development can be mitigated against through the use of appropriate conditions.

Therefore it is recommended to the Board that outline planning permission is granted subject to the conditions listed below which include the requirement to provide public open space and affordable housing provision and a scheme of highway mitigation works.

Recommendation

Grant planning permission subject to conditions including those to secure suitable public open space provision, affordable housing, and education contribution.

- 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.
- (d) 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level

to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

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

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

- 5 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) Removal of parking lay by on High Street;
 - b) Provision of right turning pocket on High Street;
 - c) Provision of central island on High Street with guard rails and tactile crossings;
 - d) Measures to prevent parking on High Street and the new access road;
 - e) Provision of any necessary signing/lining;
 - f) Provision of/any necessary alterations to street lighting;
 - g) Provision of/any necessary alterations to highway drainage;
 - h) Any resurfacing/reconstruction as necessary.
- 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, in accordance with Core Strategy Policy CSP 26.

- 6 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with High Street, such that there is no obstruction to visibility and forming part of the adopted highway.

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

- 7 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.

- 8 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

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

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

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

- 10 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface 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 and the scheme shall be retained throughout the life of the development.

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

- 11 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

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 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.

- 12 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without prior written approval from the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

- 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 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

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

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

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

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.

- 17 No development shall commence until such time as a suitable planning obligation has been entered into for the provision of off-site education facilities. The provision of off site education facilities shall be provided in accordance with the approved scheme.

Reason: To ensure children can be accommodated in local primary schools in accordance with policy CSP 42

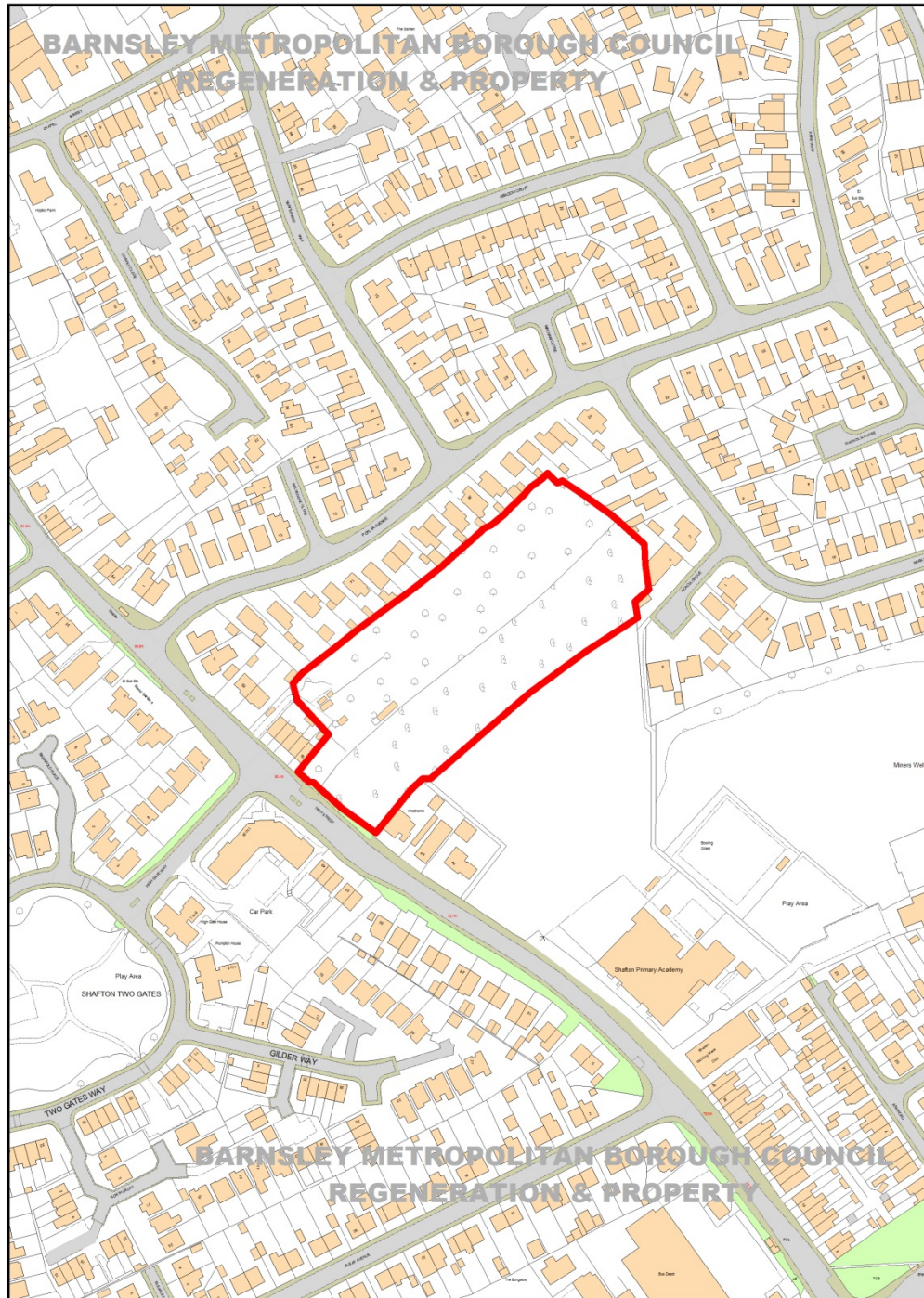
- 18 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to on site and off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the on

site and off site open space shall be provided prior to completion of the development in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.

- 19 No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4 (four) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
To ensure that no foul water discharges take place until proper provision has been made for their disposal.

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Scale 1: 2500

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Item 4

2018/0656

Applicant: Job Centre Plus, c/o Andrew Bailey Architects

Description: Change of use from job centre (A1) to 15 bedroom sui generis HMO (C4)

Site Address: Job Centre Plus, High Street, Goldthorpe, Rotherham, S63 9LQ

Introduction

This application is brought to PRB on the request of a local Councillor. A petition against the scheme has been received with 147 signatures. A single letter of objection has also been submitted.

Site Description

The former Job Centre is located close to the Asda supermarket on the southern edge of Goldthorpe town centre. The two storey flat roofed brick building is on the corner of Lesley Road and High Street. Terraced houses facing on to Melton Avenue overlook the rear of the site which comprises 7 car parking spaces (including disabled parking) and bin storage area. The site, which is slightly elevated from the High Street side, has a small brick boundary wall and some landscaped grounds including mature trees. Immediately to the south is a house that is attached to the Union Jack Memorial Club.

High Street is a bus route and there is also a Railway Station a short distance away off Barnsley Road.

Proposed Development

This is a change of use to create an HMO where there would be 7 bedrooms (11m² to 23m²) a boiler room and shared kitchen dining room (31m²) on the ground floor. On the second floor there would be 8 bedrooms (16m² to 23m²) and a kitchen dining room (18m²).

The existing parking area (approximately 7 spaces) is to be retained and secure bin storage, cycle parking and communal space provided.

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.

Core Strategy

CSP19 Employment to be retained
CSP26 Highways issues.
CSP29 Design matters.
CSP31 Town Centres.
CSP40 Pollution protection.

Saved UDP Policies

Housing Policy Area

SPDs/SPGs

Designing New Housing Development

This sets out minimum guidelines for separation distances between windows, room sizes and for gardens areas.

Parking

This sets out parking standards according to numbers bedrooms and site location.

Emerging Local Plan

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance are:

SD1 Presumption in favour of sustainable development

GD1 General development

D1 High Quality Design and Place Making

TC1 Town Centres

T4 New Development and Transport Safety

Poll1 Pollution Control and Protection

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

Highways Drainage – No objections

Highways- No objections

Representations

There is a petition with 147 signatures and a single letter of objection.

The issues raised are:

- Invasion of privacy from windows in flats looking directly into nearby houses.
- The parking in the street is already over stretched with non-residential people using the street as parking and preventing parking of residents.
- The building in question does not have sufficient parking space to facilitate the 15 rooms mentioned in the application.
- There is also a concern on the effect that the clientele of the site will have on the community if the clientele are of an unsavoury nature, the effect it could have on our house values.
- The safety of the residents including their children on the surrounding streets is of great concern.

Assessment

Principle of development

This is a Housing Policy Area and whilst the building was previously a Job Centre the immediate surroundings are predominantly residential in character. The Job Centre use has been relocated to Mexborough as part of a re-organisation and it is not likely that the site would be used for a similar use in the future. A job centre is classed as an A2 office use (professional and financial services) which includes banks, building societies, estate agents and employment agencies. Any demand that there may be for such town centre office uses can better be accommodated within the nearby town centre. This would accord with national planning policy and Core Strategy policy CSP31 Town Centres, which say that the town centre should be where such uses are located.

This is a Housing Policy Area so the Job Centre being located here was not consistent with the immediate surroundings and residential use would be a better fit. 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 Goldthorpe centre, shopping and other facilities and 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

Local residents raise concerns about loss of privacy and the future occupants. The later concern is not a planning matter that can be considered in making a decision on this application.

The Council's SPD Designing New Housing Development recommends 21m between upper floor habitable room windows. However, this can be reduced to 19m across a road. The plans show that there is about 19.5m from the rear walls and windows in houses facing Melton Avenue to the windows in the former Job Centre. In addition the distance between existing opposing houses on and around Melton Avenue where there are a series of narrow roads is comparable to this distance and as such it is not considered that there would be a significant loss of privacy to neighbouring dwellings.

There is house and garden immediately to the south. There is existing upper floor windows to a communal kitchen and the applicant has agreed that this be obscure glazed to prevent overlooking.

There is existing mature planting associated with the former Job Centre. This would be retained as communal area for future residents and therefore there some amenity provision has been provided. Although this would not meet the Council's requirements for amenity space per bedroom, the recommended standards are generally aimed at new housing estates and are not so applicable to changes of use to an HMO. In addition the type of accommodation provided would be aimed at single occupants whereby the need for amenity space to be directly on site is less essential. The internal standards meet the guidelines apart from one bedroom which is slightly below the recommendations by about 4 square metres but this is not seen as being of significant concerns given that future occupants would be able to view the room and it still provides sufficient space for bedroom and bathroom facilities.

Visual Amenity

There are no significant external alterations proposed to the existing building apart from a new door opening on the north elevation. The existing mature planting associated with the former Job Centre will be retained as communal space and the existing car park used for parking.

Highway Safety

Local residents have raised concerns about the lack of parking in the area and safety of children on the surrounding streets if this application is allowed.

The site is located on a heavily trafficked, classified road with limited parking available within the site boundary. The pattern of narrow roads means that there is little space for existing residents to park, however, there is a small parking area associated with the former Job Centre so this is a better scenario than the adjacent residential area. The existing 7 space car park will be used and provision made for cycle parking. The location is close to the town centre and this is a bus route. In addition, it is unlikely that the proposed development will generate more traffic than the existing use.

Consequently, there are no objections to the proposed development in a highway context.

Conclusion

The proposal is a change of use from a former Job Centre, which is an A2 Office use that would normally be located in a town centre rather than within a predominantly residential area. There are houses close by and the proposal would allow for the conversion of a currently vacant building. The building is sufficient distance from neighbouring properties to ensure neighbouring amenities are adequately protected. There are minimal alterations to the building and the Council's Highways Section are satisfied that the proposal would not raise any highway safety concerns. As such the proposal is recommended for approval.

Recommendation

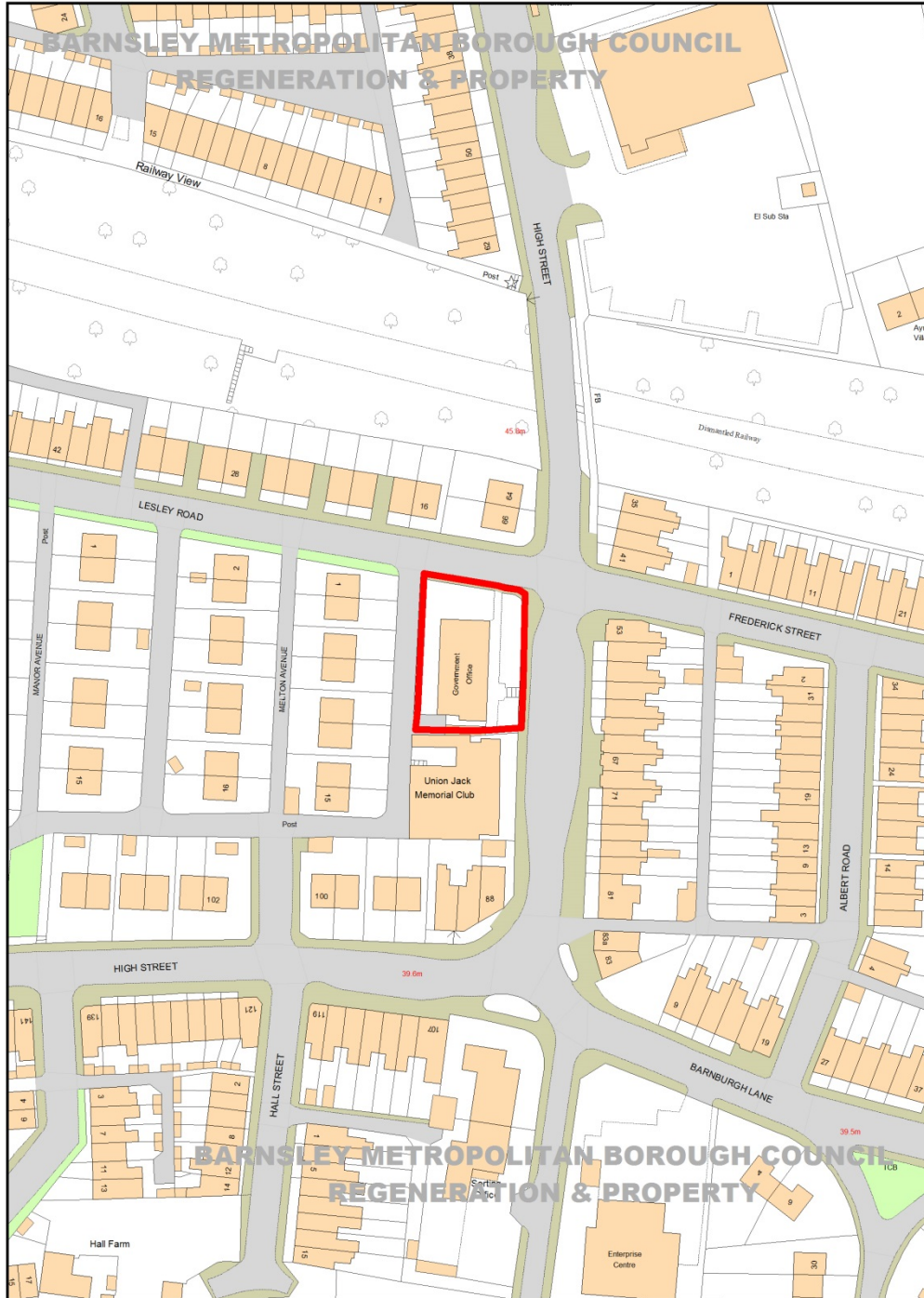
Grant subject to conditions

- 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 P01E 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 Notwithstanding the submitted plans the windows to the southern side of the first floor kitchen-dining room shall be obscure glazed and shall remain as such thereafter.
Reason: In the interests of neighbouring amenities in accordance with CSP29

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Scale 1: 1250

2018/0362

Applicant: Bros Prop Ltd, c/o Space Studio Ltd

Description: External alterations including partial demolition works, formation of new building entrance, other fenestration changes and alterations to external parking and manoeuvring areas

Site Address: Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley, S71 2JS

8 Letters of representation have been received, 5 of which are standard letters

Councillor Sheard Objects

Background and Description

The site currently comprises a single storey red brick building with metal profile pitched roof, and with flat roofed porch extensions to the front and an attached garage to the rear. A small car park lies to the west with the Sun Inn immediately beyond. Residential dwellings lie immediately adjacent to the east, with the garage to no. 264 immediately next to the boundary. Its owners are a charity (Mencap) and the site is currently used as a community centre for the charity.

The site lies on the north side of Burton Road, Monk Bretton opposite the entrance to Littleworth Lane.

Site History

2016/0147 – Change of use to a trading area for motorcycle sales, repairs and MOT test centre with ancillary works was refused for the following reasons in May 2016

1. The site lies within a larger area designated as a Housing Policy Area on the approved Barnsley Unitary Development Plan. It is considered that the proposed introduction of a mixed motorcycle repairs and sales use would be materially detrimental to the amenity of the occupiers of adjacent residential properties by reason of the associated noise and general disturbance it would create from the resultant activities taking place, this would be contrary to Saved UDP Policy H8B and Core Strategy Policy CSP40 (Pollution Control and Protection).
2. The proposed development fails to provide sufficient and suitable accommodation within the site for parking, loading/unloading and turning of vehicles in connection with the proposed use. Consequently, the proposal would be likely to result in increased vehicles manoeuvring and parking within the highway to the detriment of the safe and free flow of traffic on the highway to both vehicular traffic and pedestrians and contrary to Core Strategy Policy CSP26.

2016/1475 – Change of use to A1 retail, including part demolition of a single storey element with new shop front, car parking and associated works was withdrawn by the applicant in March 2018

Proposed Development

The applicant seeks permission for the alteration to the external appearance of the building by re-configuring the building entrance, which includes removing a section of the south east corner of the building measuring 3.1m by 3.1m.

The works outlined in the application form also include the removal of the UPVC conservatory and brick built extension along the eastern elevation and re-configuration of the parking and turning areas.

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, saved Unitary Development Plan policies and the Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Emerging Local Plan

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance are as follows:

Policy GD1 – General Development
Policy D1 – High Quality Design and Place Making

Core Strategy

The following Core Strategy Policies are of relevance to this application:-

Policy CSP 26 states that development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

Policy CSP 29 sets out the design principles and states that high quality development will be expected that respects heritage, townscape and landscape character.

In the Unitary Development Plan the site is allocated as a Housing Policy Area, where the following saved policies are of relevance:

Policy H8B - Planning permission will be granted for small scale, non-residential uses in housing policy areas, and for the expansion of existing uses, if :

a) there is no unduly harmful impact on the amenity of neighbouring and nearby residents by way of noise, disturbance, loss of privacy, traffic congestion or other forms of nuisance

b) there is no unduly harmful visual impact on the character of the residential area; boundary trees, hedges and walls should be retained wherever possible; and the design of new buildings, or extensions should be to a good standard, relating to existing buildings in terms of appearance, siting, scale and materials

c) there is no conflict with public safety on the highway and there is satisfactory provision where necessary for off-street parking, servicing and manoeuvring areas. where parking is to be provided in any area fronting a highway that area should be provided with soft landscaping and screening where possible

Consultations

Highways DC – No objections

Representations

Councillor Sheard – Objects to the Planning Application as it is on a dangerous corner and considers there would be a health and safety risk for cars entering and exiting the site.

8 letters of objection have been received from local residents, five of which are identical though from different addresses. The issues raised are summarised as follows:

- Road safety, fast road, blind bend, insufficient parking, junction with Littleworth Lane, accident blackspot, impact on pedestrians crossing access, overspill onto adjacent highway and layby
- Effect on air quality
- Noise pollution

Assessment

Principle of development

The site is within a housing policy area where the underlying policy is for such areas to remain in predominately residential use. Planning permission will be granted for small scale, non-residential uses in housing policy areas, where it can be demonstrated that, there is no adverse impact upon amenity, there is no unduly harmful visual impact on the character of the residential area and there is no impact upon highway safety. In this case the use of the building is established and the application does not propose any change in use. As such consideration can only be given to the impact of the external alterations on residential and visual amenity, and highway safety.

Visual Amenity

The applicant seeks permission to make external alterations to the building, including a new building entrance which requires the demolition of a small section on the front south east corner of the premises. Other external changes include the demolition of the conservatory and brick extension and the addition of external glazing to the eastern elevation. These changes will reduce the footprint of the building and are considered to be minor alterations that would not have a detrimental impact on the character of the area and as such is considered acceptable and in compliance with Core Strategy Policy CSP 29.

Residential Amenity

The building is located within a housing policy area, however given the minimal external alterations to the building, which result in a reduction in footprint, the changes proposed are considered not to have a detrimental impact on residential amenity by means of overshadowing, overlooking or loss of outlook and therefore is considered accepted and in compliance with Saved UDP Policy H8B.

Highway Safety

The proposed development does not result in the loss of off street parking or a requirement for additional provision given the reduction in the footprint of the premises. Furthermore the proposed development slightly increases the amount of on site vehicular parking and manoeuvring areas. The demolition of the corner of the building immediately at the back edge of footway benefits particularly pedestrian intervisibility. Given that the existing access is to remain unchanged it is considered that the proposal would not have a detrimental impact upon highway safety.

Other issues

It is noted that the objection letters make reference to the potential change of use to A1 and the concerns over the impacts this would have in particular relating to noise, pollution and highway safety. It has to be emphasized that a change of use does not form part of this application. However, Members should be aware that under Part 4 Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015 the applicant can change up to 150 square metres of the building from its current D1 use to an A1 use for a period of up to 2 years without needing to apply for planning permission. The applicant could undertake this change in use at any time and only needs to notify the local planning authority of the date the use will commence and what use it will be. Whilst this is a temporary permission, its implementation would not preclude the applicant from applying for a permanent permission at a later date. As such, whilst the concerns of the residents in relation to parking and highway safety are acknowledged the change in use of the premises to A1 for two years would be permitted development.

Conclusion

The proposed scheme for external changes is considered in line with relevant local and national policies and is not considered to be detrimental to visual amenity, residential amenity, or highway safety.

Recommendation

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of 3

years from the date of this permission.

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

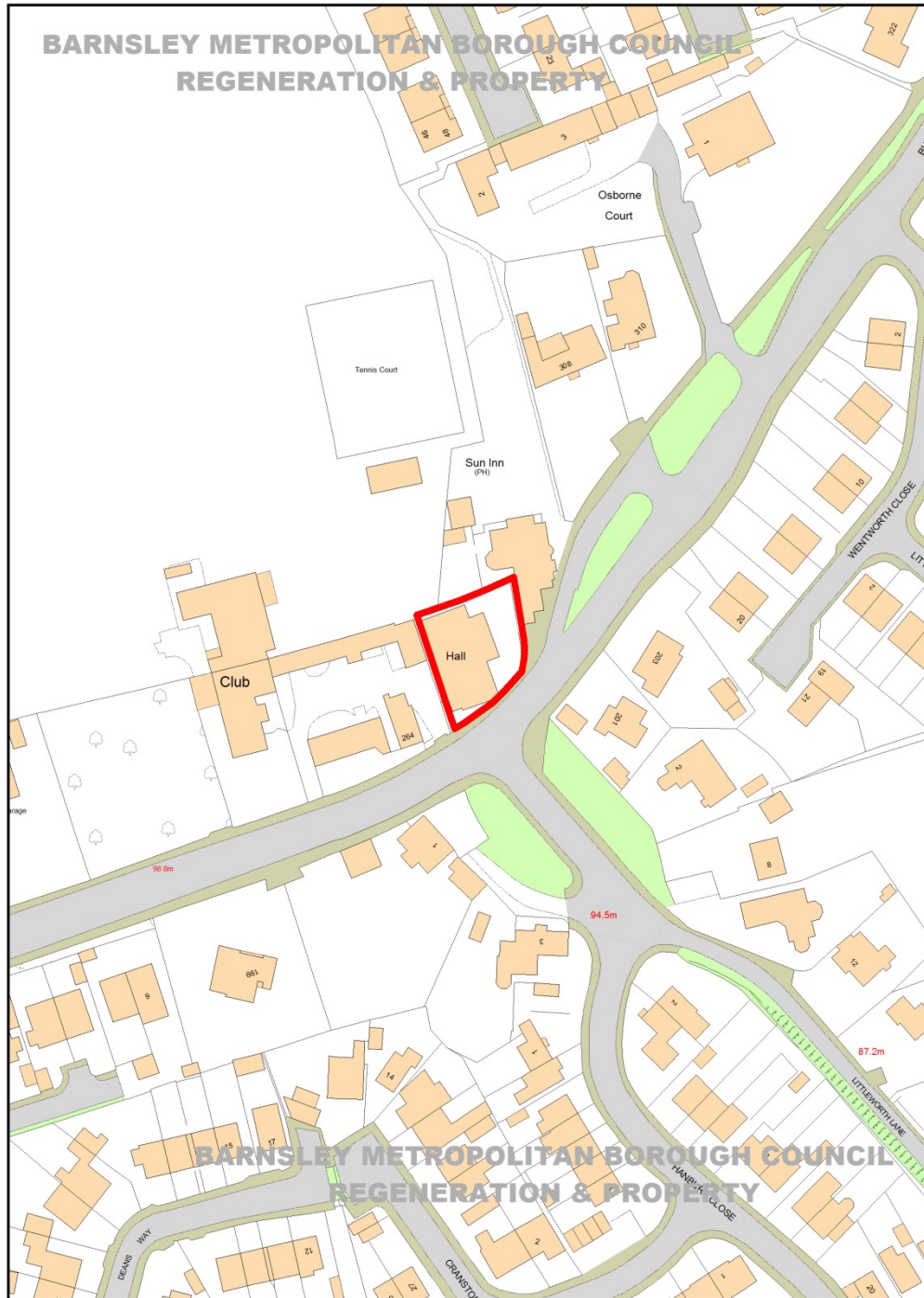
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (A18-121/05 Rev B, A18-121/06, A18-121/07 and A16-172/05-1) and specifications as approved unless required by any other conditions in this permission.

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.

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Scale 1: 1250

Item 6

2018/0279

Applicant: Barnsley MBC, c/o HOW Planning LLP

Description: Erection of permanent structures and associated public realm works.

Site Address: Land at: Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square, Barnsley

1 representation raising concerns. The Civic Trust is supportive of the application.

Site Description

The application site covers many of the existing pedestrianised streets and squares within the Town Centre, including Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square. The overall amount of land included in the application is 2.38ha.

These areas constitute the retail heart of the Town Centre that is currently undergoing re-development as part of the Better Barnsley project. The application site is therefore a mixture of existing streets and spaces and the new areas that are due to be provided as part of the Better Barnsley/Glassworks project.

Numerous listed buildings and the Regent Street/Church Street/Market Hill Conservation Area are located adjacent to some of the areas included within the application site.

Proposed Development

The proposals represent a combination of refurbishment of existing areas and the formation of a new main square for the Town Centre. This is proposed to be created in the May Day Green/Kendray Street area in front of the entrances to the Glassworks and cinema, the new library and the new building intended for leisure and food and drink uses. In addition the application includes a new covered arcade that is to be created in between the refurbished Met Centre and new multipurpose building that is to include shops and the cinema. Furthermore Midland Street would be changed to only allow for one way vehicle access south for service and emergency vehicles and a widened footpath being created on the east side to create improved pedestrian access to the Transport Interchange and new service vehicle laybys in the western part. The existing taxi rank would be relocated onto Eldon Street. An enlarged gateway area would be created at the junction of Eldon and Midland Street.

The development would consist of the provision of replacement of block paving of different colours and types in the majority of areas included within the application, the provision of new street furniture, market stalls and pods, outdoor seating areas, walling, terraces, tree planting and lighting. In addition the new main square shall include turf and stone terraces to create an amphitheatre and a cascading water pool and rill that would be set within the ground.

History

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

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

Permission was granted for phase 2 of the Glassworks comprising a mixed use development to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road In September last year under planning application 2017/0586.

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

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

Preceding those were a number of applications for versions of the development that were not initiated including-

2006/1082 - Mixed use redevelopment comprising retail, leisure and residential, including new market hall, public amphitheatre/ outdoor market, multi storey car park with pedestrian link bridge over railway, new pedestrian routes and means of access (Outline) – Approved with conditions 10/10/2006.

2007/1573 - Mixed use redevelopment comprising retail, leisure and residential, including new market hall, public amphitheatre/ outdoor market, multi storey car park with pedestrian link bridge over railway, new pedestrian routes (Reserved Matters) – Approved with conditions 06/12/2007.

2010/0293 - Variation of condition 39 of planning consent 2006/1082. (2007/0271 Extension of time limit). Approved with conditions 03/06/2010.

2011/0714 - Mixed-use redevelopment, comprising demolition of existing buildings on application site and replacement with retail and leisure elements, including new market, multi-storey car park and surface-level car park, new pedestrian routes, public realm, means of access. Approved 07/09/2011.

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 emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean 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:

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- 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Saved UDP Policies

UDP notation: Principal Shopping Frontage

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP20 'Promoting Tourism and encouraging cultural provision'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP31 'Town Centres'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

Publication version of the Draft Local Plan

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

BTC3 Public Spaces – New development must make a positive contribution to public space through its design, siting and use of materials.

BTC7 Gateways – Development must:-

- create a strong distinctive visual gateway to the town centre and a sense of arrival
- be of high quality design and use the best quality materials
- include good pedestrian links through the site and the town centre
- improve public spaces in accordance with the Town Centre Public Spaces Strategy
- creating linkages to other areas adjacent to the town centre

BTC12 The Markets Area District – We will allow shops, offices, leisure developments, and food and drink uses within the Markets District. Other uses will only be supported where they contribute to the vitality and viability of the town centre.

BTC13 Development Site 1 – The Glassworks including former TEC building and CEAG site

We will allow the following types of development:-

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

Development will be expected to:-

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell

TC2 Primary and Secondary Frontages – Proposals for retail (A1-A5) uses will be allowed on primary and Secondary Shopping frontages in Barnsley Town Centre and the District Centres provided that:

- Within each primary shopping frontage in Barnsley Town Centre and the District Centres, ground floor uses are predominantly retail (Class A) in nature.
- Other uses may be acceptable, especially where they diversity and improve provision in a centre, providing that it can be demonstrated that the vitality and viability of the primary shopping area is concerned is not negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature.

BTC4, Improving Public Spaces – New developments above set thresholds must include proposals to enhance public spaces.

Other

Barnsley Town Centre Public Spaces Strategy

NPPF

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

where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Air Quality – No objections have been received.

Biodiversity Officer – No objections have been received.

Coal Authority – No objections have been received.

Conservation Officer – No objections have been received.

Contaminated Land – No objections received.

Civic Trust – Support the application for the following summary of reasons:-

- Pedestrianisation has remained a priority.
- The crossing to the Eldon arcade is welcomed.
- The re-siting of the taxi ranks and drop-off bays for businesses along with disabled parking on Eldon Street keeps vehicular traffic on the periphery.
- The removal of the disabled toilets from Queen Street will improve the appearance of that area.
- The opening up of Peel Square is supported.
- The raised grass areas and the linear water features will soften the appearance of the development.
- The arrangement of the external market stalls is much improved.
- The proposed Glassworks square will provide a much needed centralised feature that will be attractive, functional and pleasant public space that will open up the views to the surrounding buildings and provide a focal point for the buildings themselves.
- The street furniture is of high quality and the clean lines are attractive to the eye.

Drainage – Are content to agree details via a condition.

Highways – Are content with the proposals subject to the imposition of conditions.

Historic England - No objections to the proposals which they believe will have minimal impact on the character and appearance of the conservation area

Pollution Control – No objections are raised. However a construction management plan condition is required.

Tree Officer – No objections subject to the provision of a landscaping scheme to agree planting specifications.

SYMAS – No objections on the basis that a suitable ground investigation report has been provided. The report has identified that mining legacy risks are low. However suitable foundations are required as there is some potential for the ground to be affected by shallow coal workings.

SY Police ALO – No comments have been received.

Urban Design Officer – Supports the application.

Yorkshire Water – No comments have been received.

Representations

The application was advertised by neighbour notification letters, site and press notices. A representation has been received from a member of the public expressing concerns with the proposed fan pattern brick setts in Peel Square with regards to their ability to reflect sunlight and cause glare. In addition it is stated that that particular surfacing causes ease of movement problems for shopping trolleys, pushchairs and wheelchairs.

Assessment

Principle of development

The application is not about changing the use of the majority of the existing land or constructing new buildings (with the exception of the market stalls and pods). This means that there are few land use planning policy considerations to take into account of as such. However the proposal would deliver one of the aims within the subtext of proposed policy BTC12 'The Markets Area District' through the creation of a new public square to accommodate a new open market area and town centre events. In addition the proposals are aimed at enhancing the vitality and viability of the Town Centre in accordance with CSP31 and the aims of the NPPF.

Visual amenity

The Design and Access Statement explains that the proposals have been the subject of community engagement through events during the weeks of 15th and 22nd January. In addition the scheme architects have met with a visually impaired group.

The plans have been presented at the Barnsley Design Review Panel and were positively received. As a result the plans are supported by our Urban Design and Conservation Officers.

Ultimately the proposals represent a significant investment in the town centre which are aimed at enhancing its appearance, place making and creating focal points. This is from the perspectives of regenerating and modernising the town centre for the benefit of existing residents and businesses and making it more appealing to visitors.

Overall the proposals are supported from the necessary urban design specialists that include Council Officers and the Design Review Panel as being sufficient to achieve high standards of appearance as per the aims of policy CSP 29 'Design'. However conditions are required to agree elevational details of the market stall and pod structures.

Residential Amenity

There are few residential properties in the areas of the town centre covered by this application. Notwithstanding this, there is a need for a construction method statement to be secured by condition to limit the effects of noise and dust on users of the town centre.

Highway Safety

This application is about the upgrade and provision of pedestrianised spaces and as such there are few highway safety considerations to consider once the development is operational. The plans achieve all of the policy aims of creating good pedestrian links through the town centre. However the project represents a significant challenge from a construction perspective and as such conditions are required to cover phasing, means of

access for construction traffic, the storage of materials, workers parking and the location of site compounds etc. Service arrangements would be another post construction issue, as is the formal process for relocating the existing Midland Road taxi rank to Eldon Street. Those considerations are reflected in the proposed conditions. In addition conditions are proposed with regards to the details of street furniture, lighting columns, signage and trees etc.

Others

Flood Risk and Drainage

The FRA has established that the site falls in Flood Zone 1 (low flood risk) and the proposals are considered to be 'Less Vulnerable'. The main risk to the development is a culverted watercourse Sough Dyke that passes through the town centre. However surface water attenuation is proposed to ensure that surface water run-off during extreme rainfall events is collected and discharged into the drainage network without presenting a flood risk to the buildings. Highways Drainage are content to agree detailed specifications via a pre-commencement.

Ground conditions

SYMAS are content that the risks to the development associated with the potential for land to be unstable within parts of the site have been understood and are able to be mitigated. This is also the case for contaminated land.

Conclusion

In summary this application follows on from the recent planning permissions for the refurbishment of the met centre, the Glassworks development and the new library. The provision of the public realm works proposed and associated permanent structures would represent a significant investment of the town centre resulting in regeneration, modernisation and improvements. It would enhance its visual appeal for all existing users of the town centre and increase its appeal to visitors. The application is therefore supported as it complies with a range of national and local planning policy perspectives including existing adopted policies CSP29 Design and CSP31 Town Centres and proposed policies BTC3 Public Spaces, BTC7 Gateways and BTC12 The Markets Area District, BTC13 Development Site 1.

Recommendation

Grant planning permission with conditions

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

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

Ref. BBTC_IBI_XX_G700_SP_00_09_2 - Boundary Plan;
Ref. BBTC_IBI_XX_G700_PL_00_03 - Existing Site Plan;
Ref. BBTC_IBI_XX_G700_PL_00_02_D - GA Plan Whole Site;
Ref. BBTC_IBI_XX_G700_PL_00_01_2 - Combined Rendered Plan;
Ref. BBTC_IBI_N4_G700_SE_00_01_A - Sections A-C Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_15 - GA Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_02_A - Levels Plan Midland Street;
Ref. BBTC_IBI_N4_G700_PL_00_01 - GA Plan Phase C;
Ref. BBTC_IBI_N3_G700_SE_00_01_A - Sections A-F;
Ref. BBTC_IBI_N3_G700_PL_00_19_B - GA Plan Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_18 rev A - GA Plan Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_17 rev A - GA Plan Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_04_A - Levels Plan - Peel Square;
Ref. BBTC_IBI_N3_G700_PL_00_03_A - Levels Plan - Cheapside and Queen Street;
Ref. BBTC_IBI_N3_G700_PL_00_02_A - Levels Plan - Cheapside;
Ref. BBTC_IBI_N3_G700_PL_00_01_B - Public Realm Phase 3;
Ref. BBTC_IBI_N1_G700_SP_00_07_3 - Public Realm Phasing;
Ref. BBTC_IBI_N1_G700_SE_00_01_A - Sections Main Square;
Ref. BBTC_IBI_N1_G700_PL_00_22 - Level Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_21 - GA Plan Arcade;
Ref. BBTC_IBI_N1_G700_PL_00_20_A - Levels Plan Main Square;
Ref. BBTC_IBI_N1_G700_PL_00_16_B - GA Plan Main Square; and,
Ref. BBTC_IBI_N1_G700_PL_00_01 - General Arrangement Plan Phase B.
Ref BBTC-IBI-N3-L-G700-PL-00-01 rev C - Public Realm General Arrangement Plan - Phase A

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

- 3 Upon commencement full 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 LDF Core Strategy Policy CSP 29, Design.

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Upon commencement 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, 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: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 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.

Thereafter the approved hard landscaping details shall be implemented in accordance with the approved details.

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

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

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

- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the completion of the development. The landscape management plan shall be carried out in accordance with the approved plan.

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

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

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

- 12 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users

of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

- 13 Prior to the erection of any market stalls or pods full design details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 14 Upon commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- o Definition of highway boundary;
 - o Provision of bollards to control vehicular movement;
 - o Provision of street furniture;
 - o Relocation of CCTV camera on Lambra Road;
 - o Measures to control parking both during construction and for the final scheme;
 - o Measures to control loading both during construction and for the final scheme;
 - o Relocation of taxi rank;
 - o Provision of/ relocation of street lighting;
 - o Provision of/ relocation of highway drainage
 - o Any necessary signing/lining;
 - o Provision of 10% of each specialist material for future maintenance;
 - o Any necessary resurfacing/reconstruction
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 16 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Phasing details shall include interim arrangements during the construction of each phase. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 17 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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

- 18 Development shall not commence until an interim servicing strategy for each phase of development has been submitted to and approved in writing by the Local Planning Authority, once approved it shall be strictly adhered to at all times. The plan shall include for the management of all delivery vehicles, pedestrians, the number of vehicles permitted at any one time, the use of banksmen, a highway cleansing strategy, a waste strategy and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery.

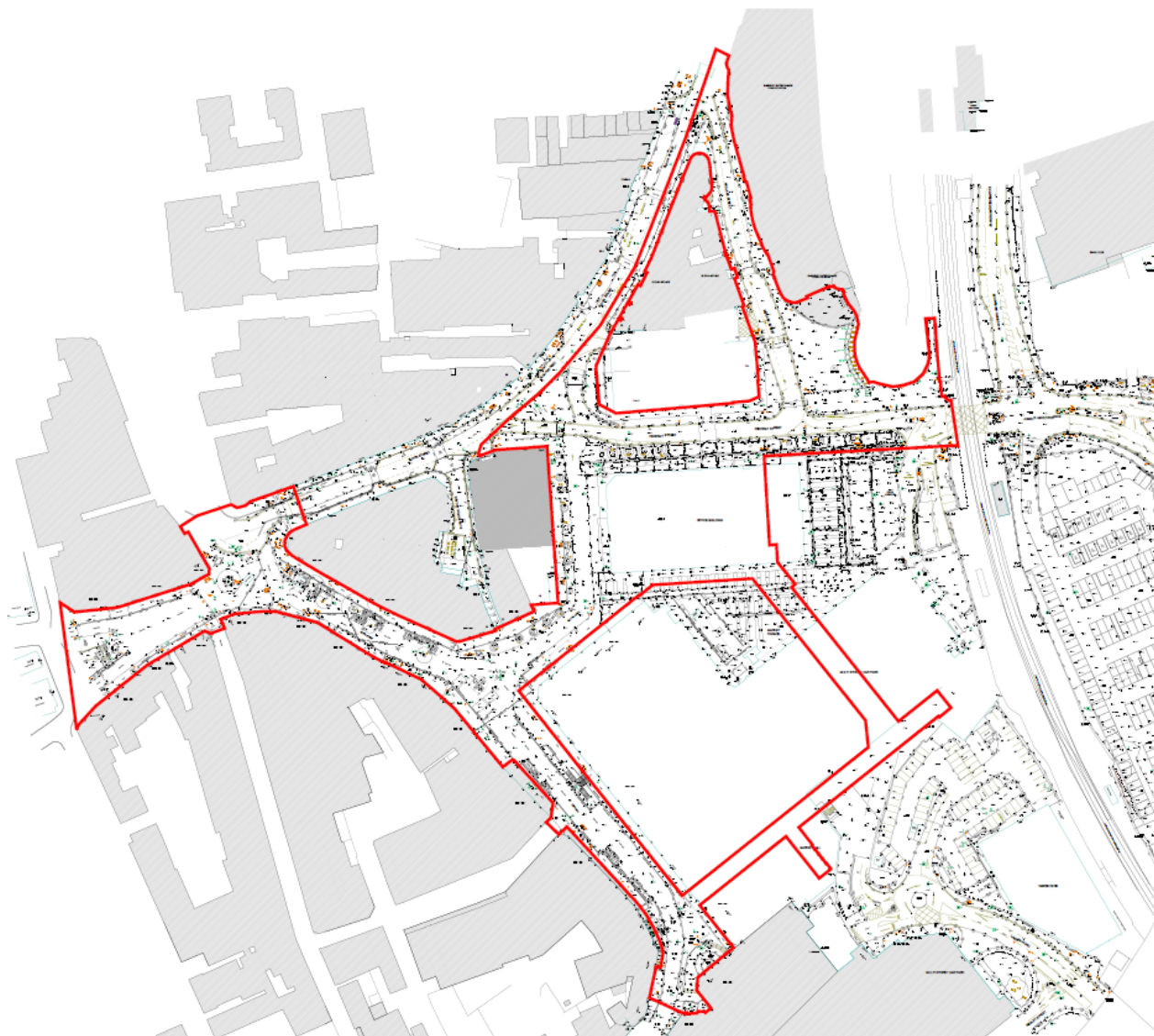
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

- 19 Each phase of development shall not be brought into use until a servicing strategy for the permanent market stalls has been submitted to and approved in writing by the Local Planning Authority. Once approved it shall be strictly adhered to at all times. The plan shall include for the management of delivery vehicles, pedestrians, the use of banksmen and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery,

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

PA Reference:-

2018/0279



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BARNSLEY MBC - Regeneration & Property

Service Director: David Shepherd
Westgate Plaza One, Westgate
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Tel. (01226) 772621



NORTH

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2018/0591

Applicant: Berneslai Homes, C/o NPS Barnsley Ltd

Description: Single storey extension to rear and accessibility ramp to side and rear of dwelling

Site Address: 79 Beeston Square, Athersley North, Barnsley, S71 3DW

Site Location & Description

The semi-detached dwelling is located at the north western corner of the square formed by the highway of Beeston Square. The property is characterised by mixed red-brick and white skim render elevations, a terracotta pan tiled pitched roof and white uPVC casement windows and doors. The curtilage incidental to the main dwelling is relatively large with a rear garden that abuts several rear boundaries of properties located on Ollerton Road and Trowell Way.

Proposed Development

The proposal consists of a single storey rear extension that will be serviced by a newly formed access ramp. The extension will measure 4m in projection, 6.05m in width with an eaves and total height of 2.7m and 3.9m respectively. The access ramp will measure 6.2m in external length, 2.8m in width from the existing side elevation while the proposed hard standing will total 0.45m in height with the hand rail increasing this to 1.3m at its tallest point. The extension will feature a pitched tile roof, brickwork elevations and white uPVC windows. The access ramp will be predominantly composed of concrete.

Policy Context

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

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

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

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

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

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows

confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

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

Representations

Neighbour notification letters were sent to surrounding properties, no responses were received.

Assessment

Principle of Development

The construction of extensions on residential properties is considered acceptable subject to the assessment of the impact on residential amenity, visual amenity, or highway safety.

The development is located within a housing policy area under the UDP and as urban fabric under the emergent Local Plan. The principle of residential development is therefore acceptable.

Residential Amenity

The extension will be positioned to the north of the attached neighbouring property and is therefore unlikely to overshadow the rear of 77 Beeston Square. The separation distance provided by the garden relative to surrounding properties will mitigate any shadowing created by the extension. The windows that will be created as a consequence of the extension are limited to the ground floor and are sufficient distance away from neighbouring properties to the rear to prevent overlooking.

The proposal will have an impact on 77 Beeston Square. However as the projection of the addition is limited to 4m and is designed with a pitched roof that slopes away from the southern boundary, the extension is not considered to be an overly detrimental addition that will harm the amenity of 77 Beeston Square or its curtilage.

As such, the development is found to be in compliance with Policy CSP29, Local Plan policies GD1 and D1 and the SPD – House Extensions in relation to residential amenity.

Visual Amenity

The proposal will be constructed at the rear of the host property and will not subsequently affect the street scene or be harmful to the visual amenity of the area. Nevertheless, the addition mimics the overall style of the main dwelling and should present an attractive extension to the main property.

Overall the proposal is found to be relevant to its area and setting and in line with Core Strategy Policy 29, Local Plan policies GD1 and D1 and the SPD – House Extensions relating to visual amenity.

Highway Safety

The proposal does not result in a loss of off street parking or elicit a requirement for additional parking and as such the proposal is acceptable in terms of highway safety.

Conclusion

To summarise, the development proposed at 79 Beeston Square, Athersley North complies with the SPD – House Extensions, Policy CSP 29 and Local Plan [2016] policies GD1 and D1 - in that the scale and design harmonises with the existing building, it does not adversely affect the amenity of occupiers in adjacent properties and it maintains the character of the street scene.

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

Plan No. - Proposed Plans & Elevations: NPS-DR-A-(00)-021 P10

Plan No. - Location Plan: NPS-DR-A-(00)-010 P2

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

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BARNSELY MBC - Regeneration & Property

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Scale 1: 1250

Item 6

2018/0802

Applicant: Andie Nixon, Neighbourhood Services, Barnsley MBC

Description: Remove Ash tree T1 within TPO 1/1964.

Site Address: Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

Description

The triple stem Ash tree forms part of a woodland within Barnsley Crematorium and is situated adjacent to the rear boundary of No.81 Roehampton Rise. The site is steeply sloping, with the woodland area elevated in relation to the dwellings below. The tree sits atop a retaining wall which has been structurally affected by the Ash tree whereby the sandstone blockwork has been loosened to the extent that the elevation is bowing and the toppers are loose and at risk of falling.

Proposed Development

The applicant seeks permission for the removal of 1no Ash tree within TPO 1/1964 to facilitate the demolition and re-building of the stone boundary wall between the woodland and the residential property, No.81 Roehampton Rise. The application is accompanied by a brief assessment of the damage created by the tree and the methods constituting removal of the tree and repair of the wall. The applicant has also stipulated that the homeowner has concerns for the safety of their children who play in the garden adjacent to the tree and wall.

Policy Context

The statute law on Tree Protection Orders can be found within the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

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

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

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

Consultations

Tree Officer – No objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents. One representation in support of the proposal has been received which raised the following points:

- The representor suggests that the removal of TPO'd trees has become an annual occurrence within the woodland and has suggested removing all dead and diseased trees under one project instead of in a piecemeal fashion.

Assessment

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

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

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

In the opinion of the Arboricultural Officer the tree could potentially be retained subject to a suitable repair. However the key issue is that in order to make that repair, significant root damage to the trees would occur due to the excavations that would be required. He considers that this work would then leave the tree potentially unviable and unstable and more prone to falling/wind throw. He therefore agrees the removal will be required due to the damage caused by that repair.

No replacement planting is required in this instance due to the nature of the woodland. However the compound effect of similar tree removals means that the woodland edge is beginning to recede and as such it is likely that some replanting could be required where future tree removals are concerned in the future.

Recommendation

Approve with conditions:-

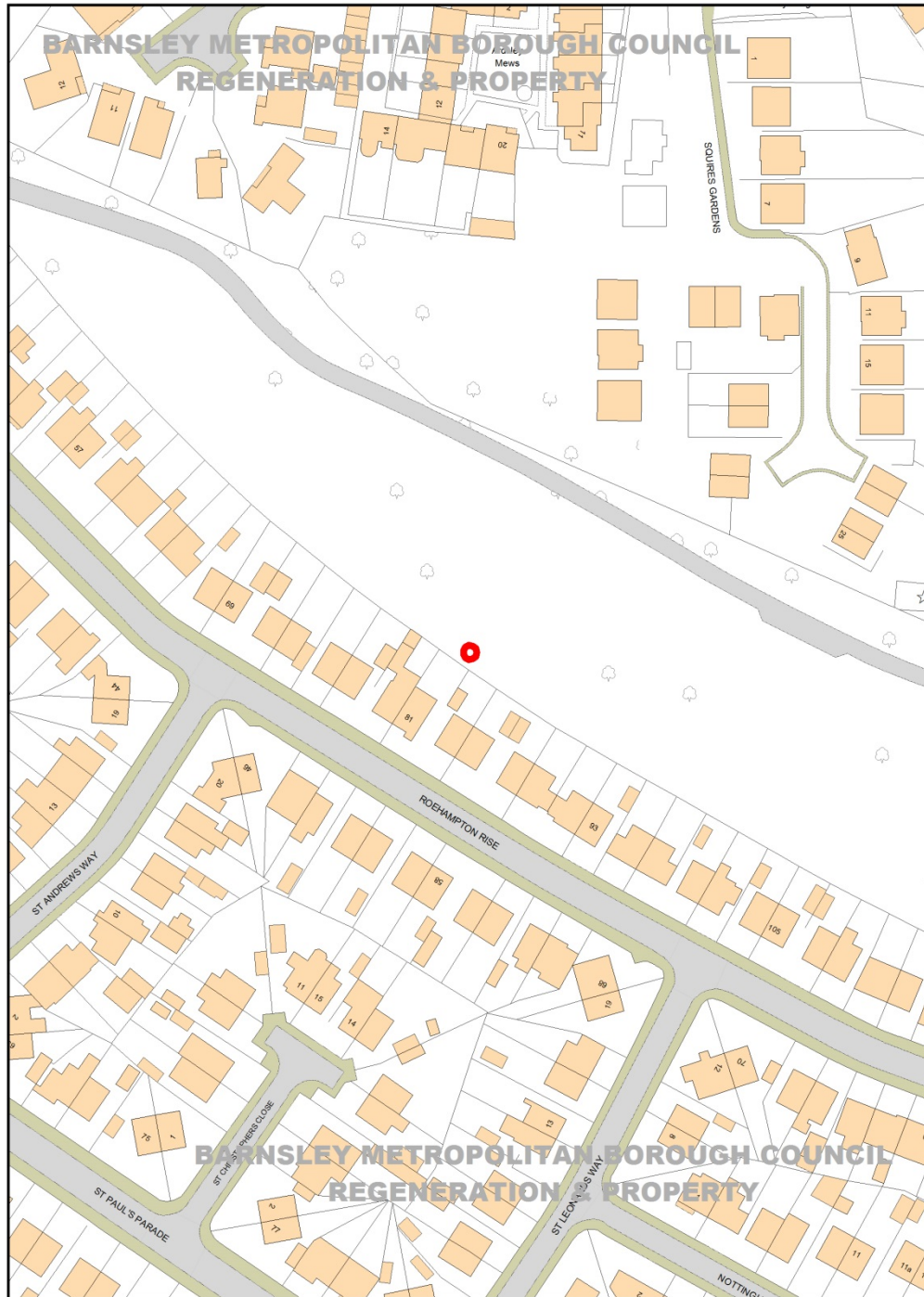
1 The proposed tree works should be completed within 2 years of the date of this consent.

Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.

2 Not less than five working day's notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.

Reason: To ensure the work accords with good arboricultural practice.

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BARNSELY MBC - Regeneration & Property

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Scale 1: 1250

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Item 9

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 June 2018 to 30 June 2018

APPEALS RECEIVED

1 appeal was received in June 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2018/0245	Erection of detached garage with store above and erection of boundary fencing and demolition of existing garage. 7 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ	Written Representation	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in June 2018

APPEALS DECIDED

0 appeals were decided in June 2018

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

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Item 10

Planning Enforcement Report to Planning Regulatory Board

Quarter 1 (April – June 2018)

Introduction

The Planning Enforcement service is a critical part of ensuring the planning system is regulated, ensuring compliance with National Guidance and the Local Development Plan. The service has been realigned with the Planning Service from April 2018, having previously being located in the Community Safety Service.

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 Period of this reporting year 2018/2019 (April – June 2018). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

Overall number of Planning Enforcement service requests Quarter 1:

April 2018	63
May 2018	65
June 2018	82

Total number of requests for service Quarter 1 2018/2019 **210**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 1 2018/19	210	125	85

Commentary

The majority of cases received by the service are resolved through negotiation and contact with the parties concerned, some cases are also low level or considered technical breaches of planning control where formal action would not be appropriate. Cases can take several weeks to resolve as they may require interventions by the Council and work with a variety of stakeholders including the submission of retrospective planning applications to be considered. Our service policy also seeks to negotiate first with those concerned to allow cases to be resolved at the earliest stage wherever possible.

The service will also take swift and robust enforcement action to address breaches of planning control which are harmful and unacceptable. This can include ceasing works on site or preventing activities taking place at certain times of the day. Investigations and officer visits can be time consuming and have to be balanced with the available resource. From April 2018 the service has aligned with Planning/Economic Regeneration service in the Place Directorate. Due to staffing changes there is a vacancy for the Planning Enforcement Officer post which is currently advertised for recruitment.

Summary of case activity

(a) Issuing of formal notices

360228 Land at Worsbrough Wood Worsbrough Barnsley S71 2LS	Creation of Unauthorised vehicular access points onto Classified Road	Enforcement Notice Issued 22 nd Dec 2017 (Appeal Submitted) Awaiting Determination
355804 20 Lyndhurst Bank Penistone Sheffield S36 6ER	Unauthorised engineering operations and construction of detached outbuilding to rear of property	Enforcement Notice Issued 26 th Jan 2018 (Appeal Submitted) Awaiting Determination
352494 Gleeson Homes Blyth Street Wombwell S73 8LH	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways Compliance period expired 26 th April 2018 Prosecution file prepared and awaiting court date Due to non-completion of the works	Breach of Condition Notice Issued 26 th Feb 2018
352496 Gleeson Homes Elwood Lundwood Barnsley S71 5JF	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways Compliance period expired 26 th April 2018 Prosecution file prepared and awaiting court date Due to non-completion of the works	Breach of Condition Notice Issued 26 th Feb 2018
350285 57 Darfield Road Cudworth Barnsley S72 8HF	Development not completed in accordance with approved plans and conditions Works partially completed, parking spaces required	Enforcement Notice Issued 9 th March 2018
361045 Land off Hoyle Mill Lane Thurlstone Sheffield S36 9PZ	Unauthorised change of use of land from agricultural use to purposes for stationing a caravan for security reasons Caravan removed from land, notice complied with	Enforcement Notice Issued 23 rd March 2018

J38 M1 Haigh Huddersfield Road	Unauthorised change of use (agricultural) to road laying contractor site (B1/B8).	Enforcement Notice Issued 20th April 2018 (Appeal Submitted) Awaiting determination
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The Woodlands Carr Head Lane Bolton upon Dearne	Non-compliance with Tree Protection Requirements and planting on residential Development (2016/0926)	Temporary Stop Notice Issued 24 th May 2018
	Works allowed to recommence on site following Tree Remediation Works, further 27 replacement Trees to be replanted from October 2018 as Part of landscaping scheme and mitigation.	

Land off Willowbank Barnsley S75 1BN	Importation of significant amounts of material alterations to the profile of the land	Temporary Stop Notice Issued 14 th June 2018
	Works relating to tipping of soil have ceased Enforcement Notice to be issued to require The material brought onto site to be removed	

Land off Worsbrough Rd Worsbrough Barnsley S70 5LN	Continuing works to form highways access onto classified road and laying of hardcore and aggregate, alterations to land levels on land covered by a Tree Preservation Order	Stop Notice Issued 21 st June 2018
	Action follows on from enforcement notice Issued in December 2017 and requires any Works to the access points and depositing of material to cease.	

(b) Legal action

321606 The Cross Inn Summer Lane Royston Barnsley S71 4SE	Non-compliance with Enforcement Notice Failure to remove decking and reinstate Parking area – Beer Garden	S187B Injunction proceedings (Adjourned)
		Planning Appeal submitted

Case details – Enforcement and planning appeals were dismissed by the Planning Inspectorate A revised application to reduce the area of the external drinking area was submitted and subsequently refused at Planning and Regulatory Board (ref: 2017/1196). An appeal has been submitted and is awaiting determination by the Planning Inspectorate.

352494 Gleeson Homes Blyth Street, Wombwell Elwood, Lundwood Lowfield Road, Bolton upon Dearne	Non-Compliance with hard surfacing conditions provision of loose aggregate driveways	Prosecution Action
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Case details – 3 Breach of condition notices were issued by the Council on developments undertaken by Gleeson Homes. The developments were subject to conditions regarding the provision of solid bound materials (tarmac) for manoeuvring facilities including private driveways and turning areas. Breach of condition notice served on 26th February 2018 and required compliance by 26th April 2018. The works have not been undertaken and prosecution file has been prepared for legal services. Magistrates Court dates are currently awaited for proceedings to commence.

355496 35 Hanbury Close Monk Bretton Barnsley S71 2LA	Non-Compliance with S215 Notice Scaffolding and Building fencing at the property	S215 Untidy Land Notice
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Case details – A S215 untidy land and buildings notice was issued due to scaffolding and building fencing and materials surrounding the residential property for over two years. Prosecution action was taken following the failure to comply with the S215 Notice. Matter was heard at Magistrates Court on 7th June 2018, defendant pleaded guilty, imposed a fine of £425, ordered he pay a victim surcharge of £45 and to pay £880 Council costs = £1348 in 28 days.

Conclusion

Case numbers have increased from 103 requests for service in Quarter 4 of 2017/18 to 210 in Quarter 1 of 2018/19. Cases continue to be assessed in terms of the severity of harm taking place and are prioritised accordingly. There are a number of ongoing cases with formal and legal actions being prepared which will be issued in due course with the details relayed to elected members in future planning enforcement case updates.