

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 25 September 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2018/0362

Please meet at the Town Hall at 11.00 a.m. for immediate departure at 11.15 a.m.

Plan Number	Site	Approx Time of Arrival
2018/0362	Planning application for external alterations including partial demolition works, formation of new building entrance, changes to window design and alterations to external parking and manoeuvring areas at Barnsley Mencap Centre Burton Road, Monk Bretton	11.30 a.m.

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

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

2. Declarations of Interest

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

MEETING:

3. Minutes (*Pages 5 - 8*)

To receive the minutes of the meeting held on 11th September 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.

4. Barnsley Mencap Centre, Burton Road, Monk Bretton - 2018/0362 - For Approval (Pages 9 - 14)
5. Land off Halifax Road, Thurgoland - 2018/0028 - For Approval (Pages 15 - 28)
6. Land to the rear of 7 - 29 May Terrace, Barnsley - 2018/0888 - For Refusal (Pages 29 - 38)
7. Land parallel to Ings Lane and south of Bulling Dyke (Site A) and land south of Aspen Grove, Fern Close, Cekandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close (Site B) - 2017/1264 - For Approval (Pages 39 - 50)
8. Car Park, Fieldsend Road, Goldthorpe - 2017/1701 - For Approval (Pages 51 - 60)
9. Ashroyd Business Park, Ashroyd Way, Platts Common - 2018/0864 - For Approval (Pages 61 - 74)
10. Keresforth Centre, Houses 1 - 12, Keresforth Close, Barnsley - 2018/0969 - For Approval (Pages 75 - 84)
11. Worsborough Mill Museum and Country Park, Park Road, Worsborough Bridge - 2018/0839 - For Approval (Pages 85 - 90)

Planning Appeals

12. Planning Appeals - 1st to 31st August (Pages 91 - 92)

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 Regeneration and Property
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
Bob Power, Senior Legal Officer (Locum)

Parish Councils

Please contact Elizabeth Barnard on email governance@barnsley.gov.uk

Monday, 17 September 2018

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 4 September 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present Councillors Franklin, Gollick, David Griffin, Hayward, Higginbottom, Leech, Makinson, Noble, Pickering, Richardson, Riggs, Spence, Stowe, Tattersall, Wilson and R. Wraith

In attendance at site visit Councillors Dave Griffin, Spence, Tattersall, Wilson and R. Wraith

26. Declarations of Interest

Councillor Richardson declared a Non-Pecuniary interest in **Planning Application No 2018/0865** – [Change of use from residential use to mixed use café and artist studio at cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley S70 2EX] as he is a Trustee of the Cooper Gallery.

27. Minutes

The minutes of the meeting held on 24th July 2018 were taken as read and signed by the Chair as a correct record.

28. Land off Halifax Road, Thurgoland - 2018/0028 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0028** (Residential development of 25 dwellings and access [Outline with All Matters Reserved apart from access] at land off Halifax Road, Thurgoland).

Mr Patrick Townsend addressed the Board and spoke in favour of the officer recommendation to grant the application.

Mr Robert Blythe (Thurgoland Parish Councillor) addressed the Board and spoke against the officer recommendation to grant the application.

RESOLVED that the application be deferred to enable Officers to seek clarification on the type of highways gateway feature to be provided, and to explore further the suitability of an alternative access off Smithy Hill.

29. Berneslai Close, Barnsley S70 2HL - 2017/1556 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1556** [Demolition of former Council office building and part new build/part conversion development of 53 retirement living apartments together with

communal facilities, landscaping, car parking and associated access at Berneslai Close, Barnsley S70 2HL].

RESOLVED that the application be granted in accordance with the Officer recommendation but with delegated authority given to Officers to seek a more suitable balance between parking and garden areas within the layout.

30. Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB - 2018/0420 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0420** [Erection of 4 no. business units for use within Use Classes B1(b) (Research & Development), B1 (c) (Light Industry), B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices and associated access, parking and circulation/service areas, infrastructure works and landscaping at Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley S74 9SB]

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

31. Ardagh Glass Ltd., Burton Road, Monk Bretton, Barnsley, S71 2QG - 2018/0492 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0492** [Demolition of 7 no. dilapidated buildings and erection of a steel portal framed warehouse building for the storage of pallets and glass products, canopy and associated service area at Aardagh Glass Ltd., Burton Road, Monk Bretton, Barnsley S71 2QG].

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

32. 14 High Street, Hoyland, S74 9AB - 2018/0831 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0831** [Change of use of café to hot food takeaway and installation of fume extraction unit at 14 High Street, Hoyland, Barnsley, S74 9AB].

RESOLVED that the application be REFUSED, contrary to the Officer recommendation, on grounds of highway safety and in particular, impeding free flow of traffic and proximity to junction.

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to refuse being:-

MOVED by Councillor Stowe and SECONDED by Councillor Franklin, with voting being as follows:-

In favour of the amendment to REFUSE the application:-
Councillors Franklin, Dave Griffin, Hayward, Higginbottom, Lamb, Leech, Makinson, Pickering, Spence, Stowe, Tattersall, Wilson and R. Wraith.

Against the amendment to REFUSE the application:-
Councillors Richardson and Riggs

33. Cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley. S70 2EX - 2018/0865 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0865** [Change of use from residential use to mixed use café and artist studio at cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley S70 2EX]

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

34. Planning Appeals - 1st to 31st July 2018

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

The report indicated that two appeals were received in July 2018.

It was reported that no appeals were withdrawn in July 2018, four appeals were decided in July 2018 and a total of eight appeals have been decided since 1st April 2018. Four appeals (50%) have been dismissed and four appeals (50%) have been allowed.

Chair

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Item 4

2018/0362

Applicant: Bros Prop Ltd. C/o Space Studio Ltd

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

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

Councillor Sheard Objects

Introduction

This application was deferred from the July Planning Board in order to allow Members the opportunity to visit the site and also to enable confirmation from the agent about whether the external alterations are necessary to facilitate the conversion of the building to an A1 use under permitted development rights. The agent has replied as follows:

“I confirm that the external alterations are not essential in order to facilitate the change of use under permitted development. However, we are wanting to do the alterations to improve the appearance of the building as indicated on the drawings. We do not need to remove the corner of the building but the other alterations would be beneficial.”

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 48 of the NPPF, the extent of this will depend on:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given)
- 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.

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. It is also brought to the attention of the Members that the works subject to this application are not essential to facilitate the change of use under

permitted development. 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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BARNSELY MBC - Regeneration & Property

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



Scale 1: 1250

Item 5

2018/0028

Applicant: Mr Elmhirst C/o Johnson Mowat

Description: Residential development of 25 dwellings and access (Outline with All Matters Reserved apart from access)

Site Address: Land off Halifax Road, Thurgoland, Sheffield

Update

Members will recall that this application was presented at the last meeting (4th September) and Members requested additional information regarding the proposed gateway feature.

Highway Officers have undertaken investigations into the feasibility of erecting a Vehicle Activated Sign (VAS). It is not possible to locate a suitable site in the 30mph section. The offside when travelling into the village only has a limited highway verge width with either a wall or hedgerow at the back. A sign could not be installed and contained within the highway boundary and maintained safely on this side. On the nearside (footway side) heading into the village, due to the amounts of heavy good vehicle manoeuvres into and out of Thorpe's yard's and the petrol station, then the forward visibility obstruction to HGV drivers caused by a VAS mounted high (to clear pedestrian walking along the footway) would be unacceptable and cause a road safety hazard.

Further, due to issues discovered with mains electric power for any traffic signage along the A629 at Thurgoland, then the original idea to mains power the improved gateway will not be financially viable.

Therefore, the proposed gateway feature for the development would be to refresh/enhance the red antiskid feature, refresh the 30mph road marking roundel, replace and upgrade the existing 30mph entry signs with ones in a better reflective class of material including a yellow backing board (for increased visibility) and the installation of a dragons teeth speed reducing feature.

The approximate cost for the above would be £6,000 subject to detailed costing from the Council's Commercial Team, and the traffic management requirements from streetworks. This would need to be covered by the developer as part of the condition imposed.

In addition, please be advised that it is Traffic's intention to re-establish the Speed Indicator Device (SID) deployment regime across the Borough. Ward members and member of the public can ask for a site (length of road) to be included, therefore, the local ward members or the Parish Council could request a sign to be installed on this section from time to time. SIDs are only erected for approximately 4 weeks and then moved to the next location, they are not permanently erected in one location.

Members also raised the issue at the last meeting about whether access could not be gained into the site via the north –western corner, off Smithy Hill. This was looked at during the course of the application but the following further response has been gained from the applicant which states the issues in relation to a proposed access from Smithy Hill:

“..this access route was examined in detail and dismissed due to the land width constraints between the existing dwelling to the south and the land fronting the fairly recently constructed townhouses to the side and rear of the farmhouse. The corridor measures some 6.6m between the boundaries at the proposed entrance point. As you may be aware a

traditional estate road construction comprises of a 5.5m carriageway with 2.0m footways to each flank (9.5m overall) so the corridor is well short of the requirement even if the farmhouse is demolished. Even if a single sided footway is provided (5.5 + 2.0=7.5m) or a narrower carriageway is provided (4.8m + 2.0=6.8m), both options still exceed the available width and therefore are unachievable within land controlled by the applicant. It should be noted that these measurements also do not make any allowance for kerb radii which widens the bell mouth of the junction even further on the approach to Smithy Hill...Furthermore, putting the land issue aside, the junction would be situated just 11.7m from the access to the townhouses to the northwest, which is likely to be considered in detail as part of a Road Safety Audit given the potential for rear shunt type accidents on the bend. For the reasons set out, access via Smithy Hill cannot be achieved”

For the above reasons access into the site off Smithy Hill could not be achieved.

The remainder of the report is as Members will have seen it previously.

Site Description

The site is located on the north eastern edge of Thurgoland, a settlement located around 6.1m south west of the centre of Barnsley.

The site comprises an irregular shaped piece of agricultural land, totalling around 1.04 Ha and designated as ‘safeguarded land’ within the Barnsley UDP (2000). The northern extent of the site is occupied by a vacant farmhouse together with a number of outbuildings.

The site is bordered by existing residential development along the north western edge by virtue of properties located on Smithy Hill. An existing bus shelter is located along the western boundary of the site, with the south western edge occupied by an existing war memorial. The Green Dragon Inn PH is located directly opposite the site together with an existing hair & beauty salon on the corner of Halifax Road/Cote Lane. Properties within the surrounding locality comprise a variety of architectural form & scale, with the majority of existing residential properties being of a stone-built construction incorporating slate roofs.

Previous Planning History

2012/0676 – Residential Development of 3 no. dwellinghouses following demolition of exiting barn shelters (Outline) – Approved (August 2012)

2015/1319 - Erection of 3 no. dwellings (Outline) – Approved (December 2015)

2016/0274 - Conversion of agricultural barn to 2 no. dwellings (Prior Notification) – Approved May 2016

Proposed Development

The planning application is for the redevelopment of the site for up to 25 dwellings. The farmhouse will be retained with all other farm buildings on the site removed. All matters are reserved except access which is to be from Halifax Road via a T-Junction. The existing farm access off Smithy Hill will be retained for no.1 Smithy Hill (which has parking to the rear) and will continue on as a pedestrian link into the site. Continued access to the adjacent farm land is secured via the new access from Halifax Road and a new field entrance to the south east of the site.

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 modifications 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 48 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.

Core Strategy

CSP3 SuDS
CSP4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes to be Built
CSP10 The Distribution of New Homes
CSP14 Efficient use of land
CSP 15 Affordable Housing
CSP26 New Development and Highway Improvement
CSP29 Design
CSP33 Green Infrastructure
CSP36 Biodiversity and Geodiversity
CSP42 Infrastructure and Planning Obligations

Saved UDP Policies

The site is in the Housing Policy Area on the Saved UDP Proposals Map.

SPDs

Designing new housing development
Parking

Emerging Local Plan

The site is proposed for allocation as housing in the emerging Local Plan, it formed part of a number of additional sites put forward for allocation during the Examination in Public.

Policies of relevance would be:

Policy SD1 - Presumption in Favour of Sustainable Development

Policy GD 1 – General Development

Policy H7 – Housing Mix and Efficient Use of Land

Policy T4 – New Development and Transport Safety

Policy D1 – High Quality Design and Place Making

Policy CC3 – Flood Risk

Policy 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. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Consultations

Affordable Housing – scheme includes 7 affordable units which equates to 28% over the policy which requires 25%

Coal Authority – No Objections

CPRE – Object to the loss of safeguarded land and potential future pressure on the Green Belt.

Contaminated Land – No objections subject to conditions

Ecology – The Ecology reports are acceptable, and all mitigation should be conditioned. The retention of the hedgerows is an important part of these mitigation measures therefore if removal of additional hedgerow is required at detail design stage a further ecology report would be required.

Education – There is a shortage of secondary and primary school places and a contribution of £125,183 will be required to mitigate this.

PROW – Footpath 18 will need to be diverted and the new route tarmacked with consideration given in the landscaping scheme to visibility and safety.

Highways drainage – No objections subject to conditions

Highways - A number of concerns were raised regarding the access into the site from Halifax Road. These have been resolved and as a result no objections subject to conditions.

Parish Council - The Parish Council is of the opinion that this site is not suitable with the access, as shown, onto Halifax Road. The access is far too near the traffic lights on one side, and far too near the access/egress of Thorpe's Lorry Park on the other. The Parish Council also raise the concern that the site should remain as safeguarded land until any allocation is adopted by the Local Plan. However, the Parish Council do acknowledge that the area around the traffic lights is an eyesore and any visual improvements that could be gained would be welcomed.

Pollution Control – No objections subject to conditions

SYMAS – No objections

Trees – Concerns about the impact of the access on the hedgerow and trees. More detailed plans required to show level changes and the full impact of any internal layout on the boundary trees and vegetation. These can be conditioned for submission at the Reserved Matters stage.

Waste – Access needs to accommodate a 26 tonne RCV (Refuse Collection Vehicle)

YW – No objection subject to conditions

Representations

The proposed was advertised through neighbour notification letters, site notices, and by a press notice. 6 objections have been received. These raise concerns regarding:

- Loss of the historic farmhouse and barns and impact on this historic part of Thurnscoe;
- Overdevelopment of the site and wider area and loss of character of the village;
- Loss of community feeling in the village from increased development;
- Loss of outlook / privacy and light;
- Schools and health services already overloaded;
- The drains can't take the sewage and water runoff;
- Increased traffic causing congestion and highway safety concerns; and
- Impact on wildlife.

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The proposal site is predominantly comprised of Unitary Development Plan (Saved Policies) designated Safeguarded Land and a smaller area of land with the Housing Policy Area designation.

The revised NPPF states, in relation to the presumption in favour of sustainable development, that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Currently the council cannot demonstrate a 5 year housing supply which is a material consideration in this case. Thurgoland is identified as a village in the settlement hierarchy, in the adopted Core Strategy and the emerging Local Plan, where development is allowed if it is consistent with Green Belt policy and is necessary for the viability of the settlement and to meet local needs. As the site is safeguarded in the saved UDP, its development is not in conflict with Green Belt policy and the absence of a 5 year housing supply supports (in part) that the development is necessary to meet local needs. The village of Thurgoland includes some essential services (doctors, school, shop and public house) and is serviced by buses to Barnsley, Penistone and Sheffield. Furthermore, whilst the site was originally proposed to remain safeguarded in the Local Plan, through the EiP process it was identified that additional land for housing is required and this site has now been brought forward as a housing allocation. Whilst the weight that can be afforded to the Local Plan is limited in accordance with paragraph 48 of the NPPF, the site has been assessed as a sustainable, suitable location in order to be out forward as an allocation.

Therefore, taking account of the above it is considered that departing from the development plan and applying the presumption in favour of sustainable development, there is justification for the principle of residential development at this site. However, this is subject to an assessment of the impacts.

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 demonstrate that the site can accommodate up to 25 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. Loss of a view or outlook is not a matter that can be taken into account when considering planning applications.

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.

Visual Amenity

The site is visible when approaching the village from the east as a result of the open landscape beyond it and its topography. Nevertheless it is located at the edge of the existing settlement with residential and / or mixed use development along 3 of the 4 boundaries. A well designed scheme here has the potential to complement and overtime blend into the existing village nicely. However, as this is an outline application, the detailed design will form part of the reserved matters application.

Highway Safety

Initial concerns were raised by the Council's Highways Section with regards to the suitability of the access onto Halifax Road. In response the applicant's have provided a Road Safety Audit and further assessments of the impact on the free flow of traffic on Halifax Road. In response to the concerns raised the applicant's Highways Consultant raised the following points:

- The proposed access has been designed to adoptable standard
- Visibility splays have been provided in accordance with the 30mph plated speed limit in force
- The access exceeds junction spacing guidance to the traffic signals based upon the 30 mph plated speed limit
- No accidents have been recorded at comparable junctions to the north of the signals
- The proposed access will operate well within capacity
- The access has been the subject of an independent Road Safety Audit which has not raised any concerns over the for, location or proximity of the junction to the traffic signal or lorry park

Further discussions were held between the applicant and the Highways Section. Whilst the above points allayed some concerns the Highways Section were still concerned about visibility at the access. The applicant had originally put forward that the visibility would meet MfS (Manual for Streets) standard but, knowing the traffic generation and speeds along Halifax Road, the Highways Section were looking for the higher standards required by the DMRB (Design Manual for Roads and Bridges) which it was not clear could be met. However, the applicant has provided further information to show that the required visibility, 2.4m x 90m, can be achieved. There has also been an agreement that a 'gateway' feature can be provided, at the cost of the applicant, which would help to highlight the change in speed to motorists. Whilst the details of this are not fully worked up it is considered that they can be secured by an appropriate condition.

In view of the above discussions and further details provided through the course of the application the Highways Section have raised no objections to the scheme subject to suitable conditions.

Affordable Housing, Education and Green Space

As the application is at outline stage full details of the type and size of house proposed are not fixed. However, the applicant has confirmed in their submission that 7 of the 25 houses will be affordable which equates to 28% of the development which is above the policy requirement of 25%. This can be secured via an appropriate condition.

Whilst house sizes are not yet known, the Council's Education section have calculated that 25 homes would generate 5 additional primary school places and 4 additional secondary school places. This would equate to a commuted sum of £125,183. The education contribution can be secured via a suitably worded condition.

In terms of green space the applicant has shown on their indicative drawing that green space can be incorporated within the layout of the site. This would benefit the visual amenities of the area as highlighted by the Parish Council. However, the plans are only indicative at this stage and as such a condition can be imposed to ensure this issue is adequately addressed at the reserved matters stage.

PROW

There is a PROW that runs from Smithy Hill through the top half of the site and links onto Fir Tree. The applicant has acknowledged its existence on the indicative plan and the likelihood that this will need to be retained but diverted through the site. This will need to form part of the reserved matters but the diversion will also need to be agreed with the PROW Section and an informative is therefore recommended to make the applicant aware of this.

Drainage

The applicant has submitted a Drainage Strategy and Flood Risk Assessment as part of the application. In summary this states that foul water will discharge to the public combined sewer. In terms of surface water disposal, this will depend on the layout that is eventually decided upon but it is proposed to carry out infiltration testing to ascertain whether soakaways will be feasible. If not, other methods will have to be explored including discharging to the public surface water sewer at appropriately controlled rates. These details have been assessed by the Council's Drainage Section and Yorkshire Water who have both raised no objections subject to suitable conditions.

Ecology and Trees

The applicants have submitted a bat report and Preliminary Ecological Assessment. The Council's biodiversity Officer is satisfied with the contents of these reports and subject to conditioning the mitigation measures proposed has raised no objections. The issue of the impact on hedges and trees within and on the boundaries of the site has been raised. However, as neither layout nor landscaping is being considered at this stage this is an issue that would need to be more appropriately assessed at Reserved Matters stage. A condition is however recommended to highlight this issue to the developer if outline permission is granted.

Conclusion

The land is currently allocated as Safeguarded land but the allocation for housing in the emerging Local Plan, the lack of a 5 year supply, and the site's positioning towards the centre of the village and bordered on three sides by existing development, provide weight to support the principle that residential development is acceptable. The access has been fully assessed by the Council's Highways Section who have raised no objections. Although in outline form only at this stage it is considered that a scheme could be designed to ensure there are no significant detriments to visual amenity or residential amenity and as such the recommendation is to approve.

Recommendation

Grant subject to conditions:-

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

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

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) means of access
 - (e) landscaping
- Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
- Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.**
- 4 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.**
- 5 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
- 1. A survey of the extent, scale and nature of contamination.
 - 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 - 3. An appraisal of remedial options, and proposal of the preferred option(s).
 - 4. A remediation statement summarising the works to be undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the

submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40

- 6 In relation to Condition No.5, should the site require a remediation scheme to address any contamination risks identified, then this scheme shall be implemented in accordance with a timetable of works to be submitted to and agreed in writing with the Local Planning Authority. On the completion of the measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.

Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40.

- 7 No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4.

- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Core Strategy Policies CSP 3 and CSP 4.

- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation into the watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an approved programme and details.

Reason: To prevent the increased risk of flooding in accordance with Core Strategy Policy CSP 4.

- 10 An Arboricultural Impact Assessment shall be submitted with the Reserved Matters application.

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

- 11 Prior to any work commencing, the applicant shall submit to BMBC for their approval a noise and dust management plan detailing how they will control noise and dust during demolition and construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.

Reason: In the interest of residential amenity to accord with Core Strategy Policy CSP40.

- 12 Prior to commencement of development full details of the mitigation measures identified in the Preliminary Ecological Appraisal (Dec 2017) and the Bat Emergence Survey (August 2018), 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.
- 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 No development shall commence until such time as a 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.
- 15 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.
- 16 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Halifax Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interests of highway safety in accordance with CSP26.
- 17 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interests of highway safety in accordance with CSP26.
- 18 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of a gateway feature on Halifax Road;
 - Any necessary signing/lining;
 - 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.

- 19 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;
 - Siting of the site cabin
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Measures to prevent mud/debris being deposited on the public highway
 - Noise and dust management plan to provide measures on how noise and dust will be controlled during the construction period

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

- 20 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 interests of highway safety in accordance with CSP26.

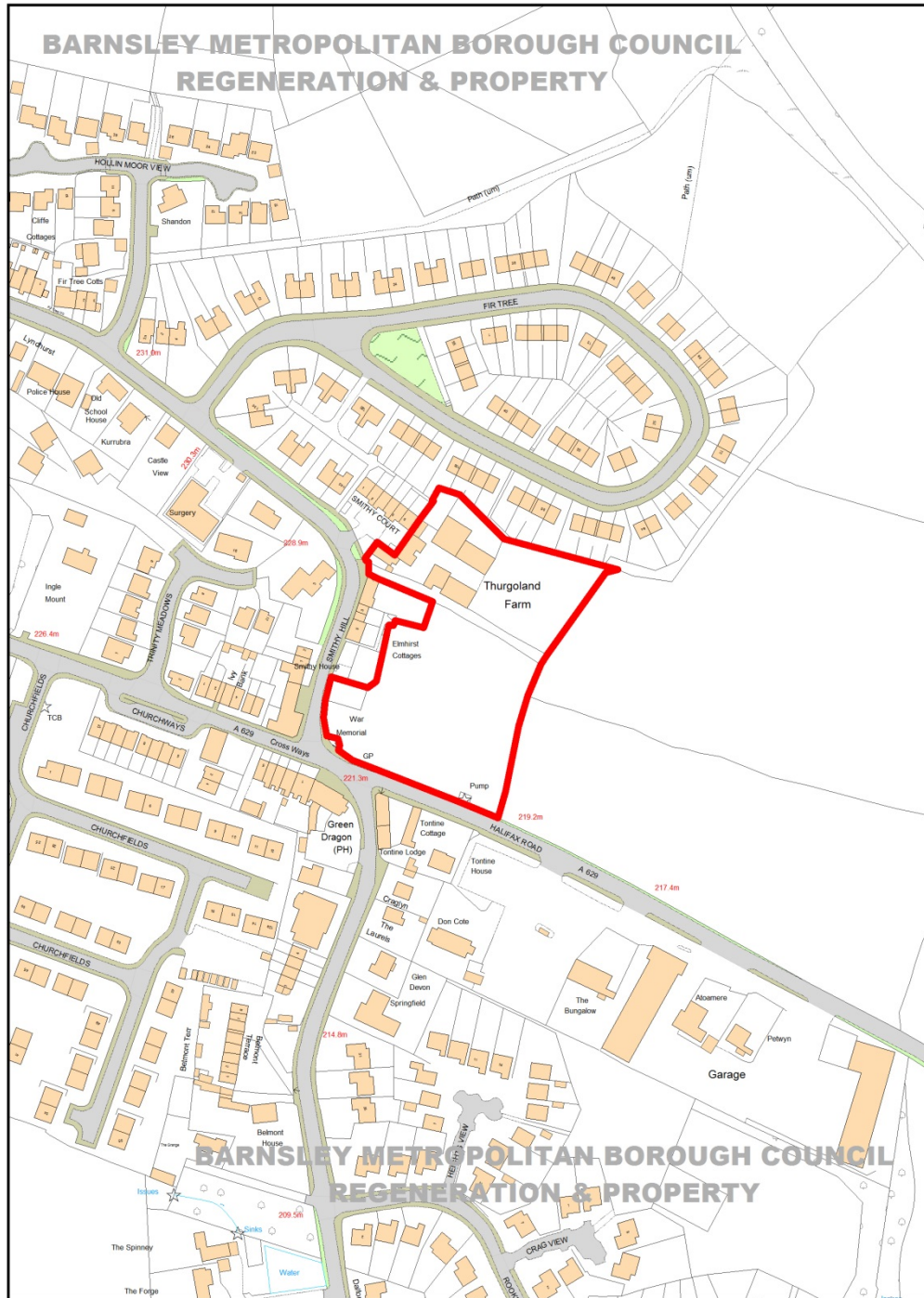
- 21 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: In the interests of highway safety.

- 22 The development red line area hereby approved shall be in accordance with drawing No. 1770 01 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.

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BARNESLEY MBC - Regeneration & Property

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



Scale 1: 2500

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Item 6

2018/0888

Applicant: David Oliver

Description: Erection of 1no dwelling (Outline with all matters reserved apart from means of access)

Site Address: Rear of 7 - 29 May Terrace, Barnsley, S70 6HS

11 letters of objections received.

Councillor Neil Wright has requested the application be taken before the Board

Site Description

The site is rectangular in shape and measures approximately 850m². It sits to the East of the access road serving the rear of several properties fronting May Terrace and to the North of the rear garden areas of the properties fronting Dodworth Road. The land has been subject to some clearance in recent years and has an area of hard core to the North West corner which has been used as a parking area.

The surrounding area is predominantly residential with terraces and semis to the West on May Terrace, detached and semi-detached to the South on Dodworth Road and private amenity spaces associated with properties fronting Dodworth Road to the East. To the North of the site is a small stream with a railway line and associated banking beyond.

Site History

2015/1074 – Erection of 2no. detached dwellings (outline) – refused for the following reasons;

In the opinion of the Local Planning Authority the proposed dwellings and parking spaces would be contrary to Policy H8D of the Unitary Development Plan, policy CSP29 'Design' and the Council's Supplementary Planning Document 'Designing New Housing Development' in that their positioning and layout would not reflect the established development pattern of the area. As such, it is considered that the proposals would form an 'ad hoc' and incongruous addition to the locality, detrimental to character and visual amenity. Furthermore, the adopted SPD makes it clear that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. In this case there is potential for the site, together with neighbouring garden land, to form a larger development site with improved access and amenity options.

In the opinion of the local Authority the site is served by a substandard access road which cannot adequately accommodate the manoeuvring and parking requirements of vehicles including that of a refuse truck or fire appliance. Vehicles would therefore not be able to access the site in a safe and convenient manner contrary to the requirements of policies CSP26 (New Development and Highway Improvement) and CSP29 (Design) and the guiding principles of the Council's SPD - Designing New Housing Development and the planning policy statements in the NPPF relating to requiring good design.

In the opinion of the Local Planning Authority, activity associated with the proposed dwellings and their parking areas would be materially detrimental to the amenities of the occupants of the adjoining dwellings (May Terrace), and the proposed dwellings themselves, by reason of noise and disturbance attributed to residential activity and vehicular movement in close proximity to the boundaries with their private amenity space. The proposal is

therefore contrary to CSP policy CSP29 (Design), UDP policies H8A and H8D, the Council's SPD - Designing New Housing Development and the NPPF core planning principle relating to high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Proposed Development

Following on from the refusal of 2no. dwellings under application number 2015/1074; the applicant now seeks outline planning permission for 1no. dwelling with all matters except access reserved. The main difference between the 2 applications is the removal of 1 plot and the removal of the 5no. spaces for the existing residents.

An indicative site plan has been supplied with the application showing an 'L' shaped dwelling to the North of the site with a detached garage to the West and a bin store to the South West. Mature planting is also shown along the Western boundary.

Policy Context

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

The 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 48 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.

UDP Saved Policies

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

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those

existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

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

Core Strategy

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

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

SPD's

SPD 'Designing New Housing Development'
SPD 'Parking'

Emerging Local Plan

Allocation: Urban Fabric

Policies of relevance:

Policy GD1 – General development
Policy T4 – New Development and Transport Safety
Policy D1 – High Quality Design and Place Making

NPPF

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

Paragraphs of particular relevance to this application include:

Para 109 - development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Para 124 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,

creates better places in which to live and work and helps make development acceptable to communities.

Para 127 - Planning policies and decisions should ensure that developments.... create places .. with a high standard of amenity for existing and future users.

Para 130 - Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Highways DC – object and recommend refusal on grounds due to increased use of a substandard highways that cannot be negotiated by a fire appliance or service vehicle.

Drainage – No objections

Network Rail – No objections subject to guidelines

Regulatory Services – No objections

Ward Councillors – Cllr P. Birkinshaw objects and states the access is unsuitable

Representations

11 Letters of objection have been received. The main points of concern are;

- Reduced highway safety
- Inadequate access for residents and emergency vehicles
- Inaccuracies on the application form
- Increased flood risk
- Loss of trees
- Out of character with the area
- Loss of privacy/increased overlooking
- Increased overshadowing
- Difficult with bin/refuse collections
- Drainage has lack of capacity for additional properties
- Site is not secure and results in health and safety concerns
- Covenant on the land restricting buildings and its use
- Disruption during construction

Assessment

Principle of Development

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

As outlined above, a previous outline application on the site was refused for 2no dwellings under application 2015/1074. It is acknowledged that this application is for a single dwelling, however, the previous application was not refused for the number of dwellings it was refused for highways, visual amenity and residential amenity reasons, as such, the principle of residential development on the land was not acceptable. The previous application was assessed under the same saved UDP policies and Core Strategy policies which this current application is subject to. The NPPF has been updated since the previous application but it still carries forward the same importance on design and highway safety. As such, for this application to be considered acceptable it would need to address and overcome all 3 previous reasons for refusal.

As with the previous application, it has been stated that the land is subject to a legal covenant which restricts the previous owner, and any successor, in terms of what the land can be used for or built upon it. The covenant states 'the purchaser and his successors in title will not erect on the said plot of land hereby conveyed any buildings other than greenhouses and garden sheds...and will not use the land for any purpose other than that of an allotment garden'. However, it should be acknowledged that this is a legal issue which needs to be considered separate of the planning process.

Residential Amenity

In terms of separation distances the indicative site plan illustrates that 1 no. dwelling could be accommodated on the site which would observe the relevant separation distances set out in Supplementary Planning Document 'Designing New Housing Development'.

As the application is only at outline stage, no details of the internal floor layouts have been supplied, as such, room sizes in comparison to the technical guidelines set out in the South Yorkshire Residential Design Guide would have to be assessed under a reserved matters application. Based on the indicative layout it is acknowledged that adequate garden spaces could be achieved for the proposed dwelling.

The development of the plot for residential purposes would inevitably result in noise and disturbance, associated with residential activity and vehicular movements. The site has been used as a garden/orchard/allotment for a number of years and as such, it is an area residents could reasonably expect to remain undeveloped and quiet. It is acknowledged that the site has recently been used for parking but that was an ad hoc use, used by existing residents. The development of a permanent dwelling at this would result in increased regular activity at the site that would lead to noise and disturbance to the detriment of neighbouring amenities.

Visual Amenity

Supplementary Planning Document 'Designing New Housing Development' states that dwellings should be orientated to have a frontage to the existing public highway, however, the proposed dwelling would not have a highway frontage. Furthermore it recommends that the space between the proposed dwellings and adjacent dwellings should reflect the prevailing character of the street. In this case, May Terrace is made up of dense arranged semi-detached and terraced dwellings; whereas the indicative plan illustrates 1 no. detached 'L' shaped dwelling. In this respect the proposed scheme would be strongly at variance with the grain of surrounding development, and so be harmful to the character and appearance of the area. Consequently, the proposal would conflict with the objectives of Core Strategy Policy CSP29, saved Policies H8A and H8D of the UDP; and those of the National Planning Policy Framework ("the Framework"). Taken together, and amongst other matters, these policies seek to ensure that new development is responsive to local character and history, and reflects the identity of local surroundings.

The proposal would not integrate well within the development pattern of the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development. To allow such proposals can indicate a departure from the long established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character, contrary to CSP 29 and SPD 'Designing New Housing Development'. The NPPF also states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

The SPD makes it clear in several sections that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. The site formerly was incorporated within the garden area of properties fronting Dodworth Road until it was sold off. The land to the East of the site, up to Rosedale Gardens, still forms part of the rear gardens of properties fronting Dodworth Road, some of which are in excess of 80m in length. As such there is potential for the site, together with neighbouring garden land, to form a larger development site with access options. It is acknowledged that several land owners would be involved; however, if the application site was developed it would prejudice the potential comprehensive development of a larger site, contrary to the SPD and policy H8D.

As the application is an outline with only access applied for, limited details with regards to the design, scale and appearance of the property has been submitted. This would need to be assessed further under a reserved matters application if outline approval was given.

Highway Safety

The application states that the site formerly had vehicular access to serve a garage, however, several residents who have resided on May Terrace for a number of years refute that claim. Furthermore, a legal document dated 31/12/1952 outlines a covenant stating that the purchaser and his successors in title will not erect on the said plot of land... any buildings other than greenhouses and garden sheds. However, since the previous application the applicant has used the land to park their vehicles, and those of neighbouring residents. This was an ad hoc use, used by existing residents. The current proposal is to create a permanent access for new residents.

May Terrace, together with the rear access roads, are adopted highways, but are both narrow, only being able to accommodate one way traffic flows and lack any segregated pedestrian facilities. In addition, the section adjacent to the side elevation of 29 May Terrace from which access would be taken is not adopted. Given the width of the access to the rear of 1-29 May Terrace, the site could not be accessed entirely from the adopted highway. It is not clear whether the applicant has an access right over the unadopted section, however, that is a private matter.

Access to the properties would not be possible for emergency vehicles, such as fire appliances, and refuse vehicles. It is acknowledged that alternative arrangements through Building Regulations could be introduced to mitigate fire appliance access such as sprinkler systems; however, there would be no alternative for bin collection. Currently refuse vehicles only enter the very top of May Terrace therefore, the future occupants would have a long man carry distance to take the bins to the collection point which would be inconvenient for future occupants (especially on recycling days when 2no. wheelie bins are collected) and would undermine the proper planning of the area.

It is acknowledged that a bin storage area is shown on the indicative plan to the South West of the site which would be closer to the collection point on May Terrace. However, there

would still be a significant man carry distance and the bins are unlikely to be stored there given the bin stores distance from the dwelling itself which would make its location impractical.

For the above reasons it is concluded that the development would not provide a safe and convenient access and would therefore conflict with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", March 2012, and the National Planning Policy Framework.

Drainage

Some of the neighbouring residents raised concerns regarding past flooding and sewer issues. The Councils Drainage Officer and Yorkshire Water have been consulted and raised no objections in principle. However, if the application was supported full details regarding the drainage of the site would be required.

Summary

The development of the plot for a residential property represents a significant departure from the current arrangement. The associated residential activity and vehicular movements would inevitably result in noise and disturbance to the rear boundaries of existing dwelling in an area that residents should reasonably expect to remain undeveloped and quiet.

The proposal would contribute little to the streetscene and would be contrary to the development pattern of the area, resulting in an 'ad-hoc' development, detrimental to visual amenity and policies H8D, CSP29, SPD 'Designing New Housing Development' and the NPPF. Furthermore, the SPD makes it clear in several sections that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. In this case there is potential for the site, together with neighbouring garden land, to form a larger development site with access options.

In addition, it is not considered that a safe and convenient access can be achieved and this conflicts with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", and the NPPF.

For the reasons outlined above, the proposed application does not address the previous reasons for refusal set out in application 2015/1386, as such, refusal is once again recommended.

Recommendation

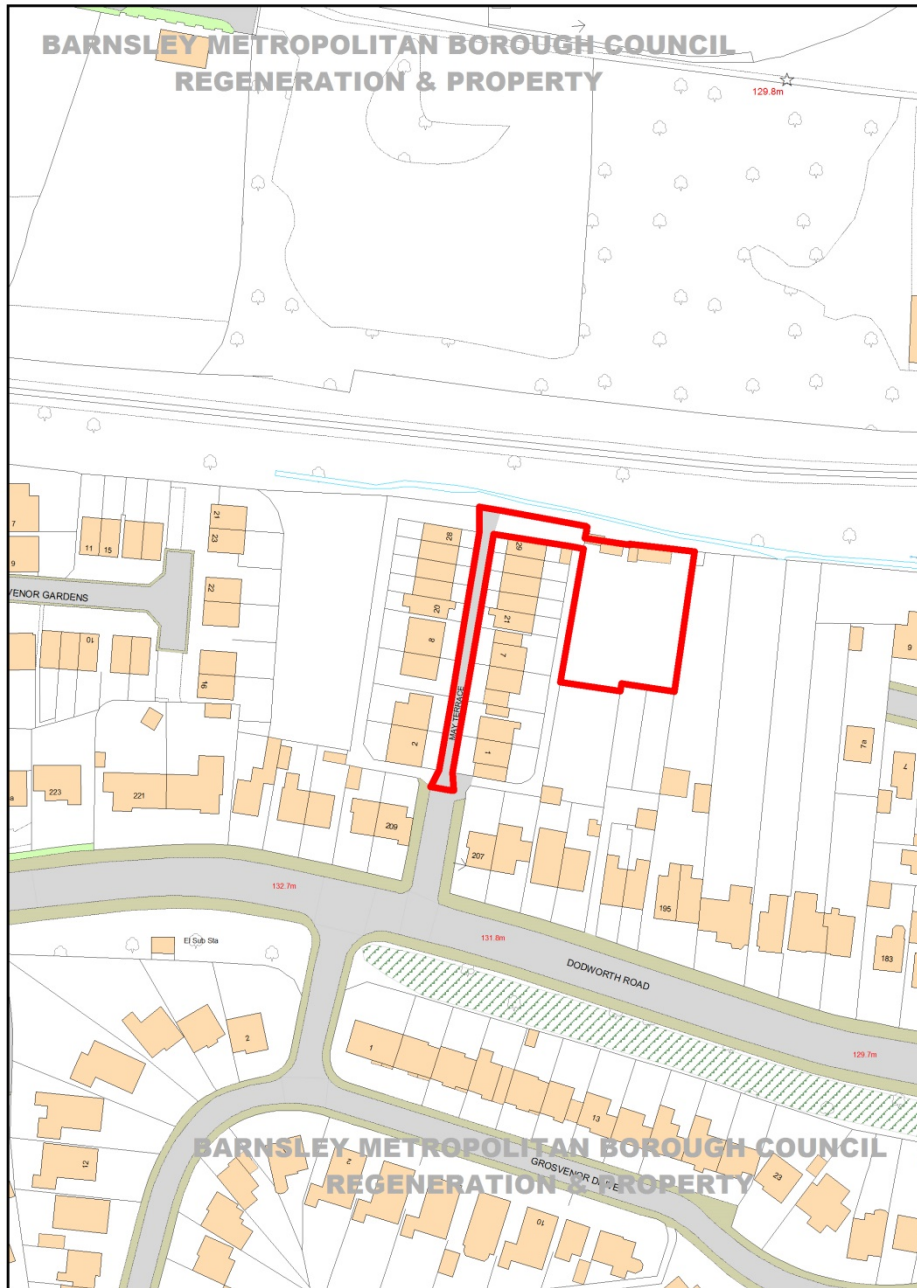
Refuse

- 1 In the opinion of the Local Planning Authority the proposed dwelling would be contrary to NPPF paragraphs 124 and 130, Saved Policy H8D of the Unitary Development Plan, Policy CSP29 'Design' and the Council's Supplementary Planning Document 'Designing New Housing Development' in that its positioning and layout would not reflect the established development pattern of the area. As such, it is considered that the proposals would form an 'ad hoc' and incongruous addition to the locality, detrimental to character and visual amenity. Furthermore, the adopted SPD makes it clear that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. In this case there is potential for the site, together with neighbouring garden land, to form a larger development site with improved access and amenity options.

- 2 In the opinion of the local Authority the site is served by a substandard access road which cannot adequately accommodate the manoeuvring and parking requirements of vehicles including that of a refuse truck or fire appliance. Vehicles would therefore not be able to access the site in a safe and convenient manner contrary to the requirements of policies CSP26 (New Development and Highway Improvement) and CSP29 (Design) and the guiding principles of the Council's SPD - Designing New Housing Development and Paragraph 109 of the NPPF.

- 3 In the opinion of the Local Planning Authority, activity associated with the proposed dwelling would be materially detrimental to the amenities of the occupants of the adjoining dwellings (May Terrace), by reason of noise and disturbance attributed to residential activity and vehicular movement in close proximity to the boundaries with their private amenity space. The proposal is therefore contrary to CSP policy CSP29 (Design), saved UDP policies H8A and H8D, the Council's SPD - Designing New Housing Development and Paragraph 127 of the NPPF requiring a high standard of amenity for existing and future users.

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BARNESLEY MBC - Regeneration & Property

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



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Item 7

2017/1264

Applicant: Mr Jeffrey Lunn C/o JBA Consulting

Description: Planning application for wetland and habitat creation schemes comprising of works to two sites as follows:-

Site A Land parallel to Ings Lane and south of Bulling Dike - creation of new wetland area and associated feature including control structures, bund and diversion of part of Bulling Dyke.

Site B Land south of Aspen Grove, Fern Close, Celandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close - Creation of new wetland and wet meadow areas and associated features including construction of bunds and drains.

This application is brought before Members as Site B is owned by BMBC.

6 letters of objection, 5 letters of support, and 1 letter of comment have been received.

Site Description

The proposed is for two wetland and habitat creation schemes between Wombwell and Darfield, South Yorkshire. The schemes are separate but located around 250m apart. They are referred to as Wings Across the Ings (WATI) and Doveside.

WATI comprises 9.31ha of open agricultural land 1.25km east of Wombwell and south of the Bulling Dike and parallel Ings Lane, a bridleway. To the north are areas of open water within Wombwell Ings nature reserve fed by a series of ditches, whilst a similar area to the south—Broomhill Flash— is managed as a nature reserve by the Garganey Trust. There is no public access to the site; farm access is via a track running from Everrill Gate Lane to the south.

Doveside is situated north of WATI, immediately to the south of Darfield and covers approximately 4.4ha of woodland, scrubland and grassland alongside two ponds and associated wetland margins. The site is bounded by the River Dove to the south and residential development within Darfield to the north. To the west and east are pastoral fields and areas of woodland.

Proposed Development

Both schemes are habitat creation projects designed to enhance biodiversity, particularly for species of declining waterfowl and to mitigate the impact of past alterations to the river, contributing to improved water quality and locally reducing flood risk.

WATI

The WATI scheme links Broomhill Flash (Garganey Trust) to Wombwell Ings (RSPB), proposed works here are:

- A new wetland to the right of Bulling Dike with reed bed and wet grassland habitats, varying from 0 to 1m deep with water taken from and released back, into Bulling Dyke as necessary;

- Creation of new wet grassland areas in the east of the site with a network of scrapes (shallow depressions) which seasonally hold water, this creates in-field wet features which are attractive to wildlife;
- The construction of control structures and a culvert to direct water to where it is needed to maintain habitat areas;
- Bulling Dike will be diverted and a bund created to prevent flooding of nearby areas including the caravan park, with the redundant section of Bulling Dike retained as wetland habitat and flood storage;
- Creation of reptile refugia and otter holts;

In addition, native meadow seeds mixes will be planted to improve the grassland habitat and the farmland will be let to a tenant farmer with changed farming practices to benefit farmland bird species.

Doveside

The Doveside scheme incorporates an area of land located to the south of Darfield and north of Wombwell Ings. The alterations are primarily habitat creation works:

- Desilting of the existing pond located at to the south west of the site to increase the area of inundation and persistence of standing water in drought periods;
- Construction of a small stop log weir structure within the existing outfall ditch to raise water levels on site;
- Construction of bunds and drains to the western and eastern boundaries to ensure water levels outside the site are not raised.

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 48 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.

Saved UDP Policies

Both the WATI and Doveside sites are allocated in the UDP as being Washlands in the Green Belt Policy GS7 will apply however the washlands policy has not been saved.

The Doveside side is also a Nature Conservation Area and the WATI site is located directly between Wombwell Ings and Broomhill Flash both of which are Nature Conservation Areas. As such Policy GS1, WW10/2 and DA7/5 will apply.

Core Strategy

CSP 1 'Climate Change' we will take action to adapt to climate change by...locating and designing development to reduce the risk of flooding and promoting investment in Green Infrastructure to promote and encourage biodiversity gain.

CSP 4 'Flood Risk' sets out the policy approach to reduce the extent of flooding

CSP 18 'Sites for Gypsies, Travellers and Travelling Showpeople' sets out the strategy for allocating sites for Gypsies, Travellers and Travelling Showpeople specifically referring to sites being identified in areas not at high flood risk.

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

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

CSP30 'The Historic Environment' development affecting the historic environment will be expected to protect or improve...archaeological remains of local importance.

CSP 33 'Green Infrastructure' sets out the policy to protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets. The River Dearne Valley Corridor and River Dove Valley Corridor are both identified on the Green Infrastructure Diagram.

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

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

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

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

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

CSP40 'Pollution Control and Protection' is that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

Local Plan

Both sites are retained as Green Belt (GB1) in the emerging Local Plan and allocated as Functional Floodplain (CC3).

The Doveside site is proposed for allocation as Greenspace where policy G11 and GS1 will apply.

The WATI site is located between Wombwell Ings and Broomhill Flash both of which are Biodiversity Interest Sites where policy G11 and BIO1 will apply.

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

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

Biodiversity Officer - The scheme will deliver significant biodiversity gains, as such no objections subject to a condition requiring the following to be provided to the satisfaction of the LPA at later stages:

- The Construction Method Statement before any works commence;
- The pre-construction badger survey;
- The invasive plants summer survey prior to construction commencing;

Design and Conservation Officer – No objections subject to SYAS being consulted
Contaminated Land - No objections and no conditions required.

Drainage – No objections

EA: No objections subject to the proposed being carried out in accordance with the FRA's submitted which can be the subject of a condition.

Dearne and Dove Drainage Board – No comments received

Highways: No objections in principle subject to controlling construction traffic.

Pollution Control: No objection subject to conditions protecting residents from disturbance during construction.

Public Rights of Way – No objections

South Yorkshire Archaeology Service – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ward Councillors – No comments

Yorkshire Water – No objections

Representations

The application has been advertised through neighbour notification letters, site notices and press adverts. Amended plans have also been subject to a second round of consultation. 6 objectors have raised the following concerns;

- Impact on flood risk as a result of bringing increased water onto the site (Doveside) when it already floods;
- The site will become a bog, unsightly and smelly;
- Residents home insurance will increase because of the increased flood risk;
- Poor public consultation by the applicant prior to submission;

One resident has not objected to the scheme but requested that trees on site, close to existing residential properties, be topped / lopped to protect against debris in high winds;

In addition, 5 letters of support have been received including two from residents.

Following the statutory consultation period a meeting has been held on the Doveside site with the applicant and objectors present. The case officer and Drainage Officer were present at this meeting where concerns about the scheme proposed at Doveside were discussed.

Assessment

Principle of Development

Both the sites are located in the Green Belt in the saved UDP and emerging Local Plan. In addition, they are shown as flood plain as well being covered by various biodiversity / habitat protection policies.

Core Strategy Policy CSP 34 safeguards the general extent of the Green Belt as shown on the UDP Proposals Map whilst saved UDP policy GS7 restricts development in the Green Belt unless it maintains the openness of and does not conflict with the purposes of including land in the Green Belt.

Saved UDP policies DA7 and WW10 identify key sites (including Doveside, Broomhill Flash and Wombwell Ings) which will be safeguarded from development which could cause disturbance, pollution or other damage. Policy GS1 promotes environmental improvements throughout the borough with Core Strategy Policy CSP 36 seeks to conserve and enhance biodiversity across the borough.

The proposed development includes some engineering works on both sites, albeit these are relatively small in scale and the sites will retain their open character; therefore the proposal does not conflict with Green Belt Policy GS7. In addition, the proposals are specifically designed to enhance biodiversity through the creation of wetland habitat and improved management on the sites; they have received full support from the Council's Biodiversity Officer and as such are considered to comply with UDP policies DA7, WW10 and GS1 as well as Core Strategy Policy CSP 36. On this basis the proposal is acceptable in principle.

Drainage

The WATI scheme, in addition to habitat creation, has been designed to reduce the existing flood risk resulting from Bulling Dike. In 1 in 100 year flood events the River Dove overtops with floodwater transferring into Billing Dike, this in turn overtops and floods several areas along its reach including Darfield Caravan Park. The proposed works include diverting Billing Dike so that the dog leg at the Caravan Park boundary is no longer an active part of the river channel. In addition a bund will be erected along the edge of the new channel, providing additional protection to the caravan park and nearby Waste Water Treatment Works from flood water (from the river). The former channel will be left in place as wetland habitat and additional flood storage (for surface water).

These works will improve the flow of Billing Dike and direct any overspill onto the WATI site and wetland habitats of Broomhill and Wombwell Ings.

The proposed works at Doveside have been designed purely to improve the habitat on site, with the works here having a neutral impact on flood risk. The plans and Flood Risk Assessment provided with this application provide details of the proposed and the resultant impact on flood risk. It is proposed to increase the water level on site by 20 to 30cm through the introduction of a drop log weir to the culvert connecting the site to the River Dove. Currently water from the site drains into the River Dove via this culvert and vice versa when water levels are raised in the river. The drop log weir will control water flows on the site, retaining surface water within the site whilst also delaying the influx of water from the River Dove. At times of flood, water will not flow into the site from the river until such time that levels reach the point of overtopping the weir, in effect reducing the amount of water that will influx into the site from the river at times of flooding. In more extreme flood events, water from the river would be able to flow into the site as it is now (once the weir is overtopped) and overall flood risk to properties will remain the same.

Residents adjacent to this site have raised a number of concerns about the proposed increase in water levels and how this will affect flood storage. This is of particular concern as the site currently receives surface water from the residential areas to the north through three drains, with water levels often raised on the site and, in the case of the flooding event in 2007, the whole site flooded close to level with the nearest residential properties. The flood risk assessment provided with the application sets out how the works proposed will not increase flood risk and this has been accepted by the Environment Agency. In addition, following a meeting with residents on site it has been agreed that the Trust, who will manage the site, will keep an open line of communication with residents who can easily monitor water levels on site and request the weir is opened / reduced in height to allow water to drain into

the river as and when appropriate. The details of this will form part of the Management Plan conditioned.

Mitigation to sites adjacent to Doveside is provided through the diversion of existing drain channels which currently run into the site to run along the eastern and western boundaries with associated bunds and new outfalls directly into the River Dove. This will ensure water from these sites discharges directly into the river rather than through the Doveside site, reducing surface water on site and mitigating any leakage from the former landfill to the east.

The works proposed are minimal, particularly in relation to the Doveside site, and will require limited maintenance with the Wildlife Trust taking this role on the Doveside site and Garganey assuming responsibility for the WATI site. Overall flood risk will be reduced (on the WATI scheme) or remain the same (Doveside). The Council's drainage officer has supported the findings of the FRA as has the Environment Agency; therefore the proposed complies with Core Strategy Policy CSP 4 'Flood Risk'.

Trees and Ecology

The proposals are specifically for habitat creation; therefore, the impact on ecology is beneficial and supported by the Council's Biodiversity Officer.

The WATI scheme includes the creation of reedbeds and wet grassland habitats with water levels across the site controlled through various stop log structures which will allow water to be stored in some areas and fed into others as required. Areas expected to be seasonally inundated with water will be seeded with proprietary mixes of native wet-meadow grass and wildflower species from reputable sources and / or local wetlands, ensuring locally adapted species and speeding up the establishment of a biodiverse ecosystem. The area of the site that remains suitable for agriculture will be let out to tenant farmer with the farming methods tailored towards nature conservation, creating sky-lark plots, field margins and retaining winter stubble. A Preliminary Ecological Assessment has been provided with the planning application, along with a Water Vole Survey. These surveys identify that there will be some minimal impacts on protected species during the construction phase but that these can be mitigated through an appropriate construction method statement prepared for the proposed works and adopted throughout. Overall the impact is expected to be beneficial.

The Doveside scheme similarly improves the biodiversity on site through increasing the extent and depth of water inundation on the site for the purposes of improving the provision of wetland habitat for wildlife. An Ecology Statement, Great Crested Newts (GCN) Survey and Bat Survey have all been provided to support the application, identifying that there is no evidence of GCN and that bats currently only forage on the site. As physical alterations are minimal and the scheme will increase biodiversity through improved habitat, the overall impact will be beneficial.

In the case of both sites some additional survey work will be required and / or care during construction. This will be secured through conditions.

With regards to trees, a tree survey had been provided which notes the key areas where trees will be implicated in the creation of new drains etc. as these operations are likely to have significant impacts on the trees. As per the survey documents tree protection measures and an arboricultural method statement will be required to deal with these issues and ensure the safe retention of as many of the trees as possible. The provision of this protection will be required before any other operations begin on the site as recommended by the tree survey document.

The remaining works although potentially close to the trees involve works such as dredging the existing silted up pond which will have minimal impacts on the small, relatively young planted trees which are present on the site. Ultimately, although some trees will be impacted, the works being undertaken are purely to improve the biodiversity and habitat value of the site and as such any disturbance caused now will benefit the trees through improved management well into the future.

There are therefore no objections from an arboricultural perspective subject to the necessary protection for the trees being provided where required.

Residential Amenity

The main issue raised by objectors relates to flooding which has been addressed earlier in this report. Conditions are recommended to control works during the construction period but once the works are completed, no further impacts on residential amenity are expected.

Archaeology

The development has been delayed as a result of archaeological remains on the site. A Geophysical Survey and onsite intrusive investigations have been carried out identifying archaeological features and deposits which appear to be Romano-British in date and conform to known patterns of brickwork field systems and enclosures that exist in this part of the region. Pottery recovered on the site, is a significant assemblage, given the limited quantity of pottery recovered from other brickwork enclosures in this area and it has the potential to add to the growing picture of Romano-British activity. As a result of these assessments the design of the scheme has been amended (in consultation with SYAS) to ensure that archaeological remains on site are not lost and a Working Scheme of Investigation provided so that any further archaeology is properly documents during the construction phase.

Highways

Public roads will be used during the construction works. Access to WATI will be by Everill Gate

Lane. Access to Doveside will be via Mary Lane / Springfield Crescent. Apart from a slight increase in traffic due to construction, disruption is expected to be limited. Once construction is complete the access routes into the sites will be closed with no public access to either site for wildlife conservation purposes. Highways confirmed no objection in principle subject to the submission of confirmation of the types and number of vehicles for construction, as well as tracking, to show access can be safely achieved. This can be conditioned.

Existing Public Rights of Way to the Left Bank of Bulling Dike (Wombwell 10 and 11) will be diverted with a permanent change in levels to both routes as a result of the new bund on the WATI scheme. Public Rights of Way have not objected and applications for the diversions are progressing.

Conclusions

The proposed developments are to create and improve biodiverse habitats in an area of the borough where nature conservation and environmental improvement is supported (UDP policies DA7, WW10 and GS1 as well as Core Strategy Policy CSP 36). Actual engineering works and physical alterations are minimal and the site will remain open in character in accordance with Green Belt policy (UDP GS7). The WATI scheme will create additional flood storage and reduce flood risk to immediate surrounding areas including the Darfield Caravan Park whilst the Doveside scheme has been accepted by the Drainage Officers and

Environment Agency to be flood neutral (i.e. it will not increase or decrease flood risk) complying with Core Strategy Policy CSP 4. Therefore, taking account of the significant biodiversity benefits the proposed is acceptable and recommended for planning 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 amended plans and specifications as approved:

Doveside Access Plan (July 2018)
Preliminary Ecological Assessment Survey (July 2018)
WATI Location Plan 2016s3858-WT01
Archaeological Evaluation Report no.3136 (June 2018)
Doveside Flood Risk Assessment (Final Report August 2017)
Doveside: Geo-Environmental Appraisal January 2017
Doveside Wetland Design (September 2017)
Doveside Boundary Plan DS02
2016s3858-WT03-2-Outline G.A (rev 2)
2016s3858-WT04-2-Inset Plan 1 (rev 2)
2016s3858-WT05-2-Inset Plan 2 (rev 2)
2016s3858-WT06-1-Sections 01 (rev 1)
2016s3858-WT07-2-Sections 02 (rev 2)
2016s3858-WT08-1-culverts Under (rev 1)
2016s3858-WT09-Eel Ladder
2016s3858-WT10-1-culvert head walls
2016s3858-WT11-culverts head walls -2
2016s3858-WT12-1-Earth Works Zones
2016s3858-WT16-Stoplog Structure
2016s3858-WT09-Footpath Diversion Plan (Rev V1.0)
Bat Activity Survey Report (Doveside)
Great Crested Newt Survey Report (Doveside June 2017)
Wombwell Wetlands and Doveside Water Vole Surveys (September 2017)
Wati Access Plan (July 2018(1))
Wati Boundary Plan (July 2018)
Wombwell Wetlands Ground Investigation (November 2016)
Wings Across the Ings Archaeology and Heritage Statement A1010 (July 2018)
Wombwell Wetlands and Doveside Tree Report (December 2017)

unless required by any other conditions in this permission.

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

- 3 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local

Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

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

- 5 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

The programme and method of site investigation and recording.

The requirement to seek preservation in situ of identified features of importance.

The programme for post-investigation assessment.

The provision to be made for analysis and reporting.

The provision to be made for publication and dissemination of the results.

The provision to be made for deposition of the archive created.

Nomination of a competent person/persons or organisation to undertake the works.

The timetable for completion of all site investigation and post-investigation works.

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

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

- 6 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey:
- The Construction Method Statement before any works commence;
 - The pre-construction badger survey;
 - The invasive plants summer survey prior to construction commencing;
 - Details of the actual enhancements the applicants are offering.
- 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.

- 7 Prior to any work commencing, the applicant shall submit to BMBC for their approval a noise and dust management plan detailing how they will control noise and dust during construction. Once approved the applicant shall adhere to the noise and dust

management plan at all times.

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

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

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

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

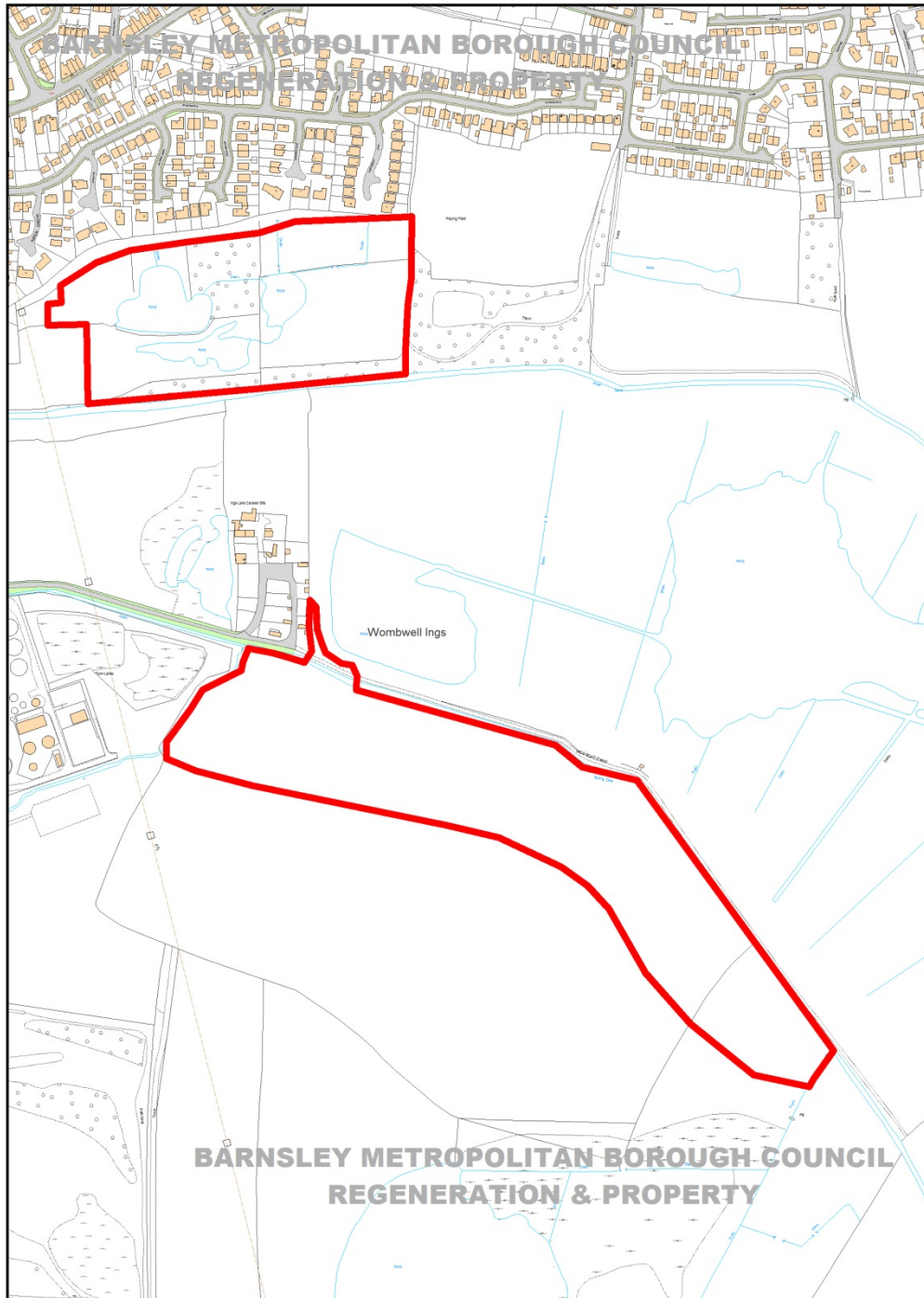
- 9 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained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

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

- 10 Prior to any work commencing the applicant shall submit a construction method statement detailing the routes to be taken, and types of vehicles to be used, during the construction period. The approved statement shall then be adhered to throughout the construction period

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

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BARNSELY MBC - Regeneration & Property

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



Scale 1: 5000

Item 8

2017/1701

Applicant: Mr Paul Bussey C/o JK Planning and Design Service Ltd

Description: Erection of 9 no. 3 storey townhouses.

Site Address: Car Park, Fieldsend Road, Goldthorpe, Rotherham, S63 9LX

The site is presented to Planning Regulatory Board as the site is currently in Council Ownership.

Site Description

The site comprises a 0.15ha car park located at the junction of Barnsley Road and Fields End Road. It is a broadly linear site with vehicular access from Fields End Road and pedestrian access from Barnsley Road. There is also an existing footpath access from Charles Street to the rear of the site and a maintenance access to the greenspace to the north of the site.

The site is flat and mostly tarmacked with parking areas laid out and whitelined. There are some areas of soft landscaping on the site and scattered trees along the site edges (to the north and south).

To the east of the site, the area is characterised by a rows of red brick terraced housing. To the west are industrial premises and there is a greenspace to the north.

Proposed Development

The proposed is to build 9 houses, 4 pairs of semis and one detached, all two bed. Access is from the existing access point off Fields End Road with a private drive running to the rear of the properties. Parking is at the rear.

The 4 pairs of semis front onto Fields End Road with gardens to the side and rear. The detached property is located at the junction with Barnsley Road and is double fronted to face both highways.

Site History

None

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 48 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.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17, 'Housing Regeneration Areas'
CSP19, 'Protecting Existing Employment Land'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Housing Policy Area

SPD's

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

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

The site is located in the Urban Fabric in the emerging Local Plan. Policies of relevance would be:

Policy SD1 – Presumption in favour of Sustainable Development

Policy GD1 – General Development

Policy H7 – Housing Mix and Efficient use of land

Policy T4 – New Development and Transport Safety

Policy D1 – High Quality Design and Place Making

Policy 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. 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:

109 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe .

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Consultations

Broadband – No objection subject to the standard condition.

Parks – Provision must be made to secure alternative maintenance access.

Contaminated Land – No objection, subject to a condition requiring intrusive site investigation.

Drainage – No detailed drainage strategy has been provided, however the site is well serviced by existing public sewers and the applicant has agreed to consider potential soakaways, subject to porosity testing. This detail can be agreed through a condition and as such there are no objection.

Highways – No objection subject to conditions

Police Architectural Liaison – General comments on detailed design matters to be passed to the applicant

Regulatory Services – Has reviewed the updated the noise report and acknowledges that it has provided more accurate sound levels for the site. There are no concerns relating to noise impact internally but there is still an issue with noise levels for garden areas. The

report claims the buildings will offer a 15dB reduction in sound levels to 53dB which would be in the upper category of acceptable. However, concerns are raised that the buildings would only offer some protection and the rest would be mainly by the boundary fencing which would be less effective. Comments are given that the boundary treatment should not include any gates to ensure the maximum effect of noise mitigation.

Coal Authority – No objection, subject to a condition requiring site investigation.

Trees – A tree survey has been provided which confirms the majority of trees on / adjacent the site are category C with the only category B tree located within the footway on Barnsley Road to be retained. No objections are therefore raised subject to the imposition of conditions.

Yorkshire Water – No observations

Representations

The application was publicised by notices in the press and on site and by notification letter to individual properties. 5 letters of objection have been received raising the following concerns:

- Loss of parking which is currently used by residents in surrounding houses
- Consideration should be given to the footpath access to Charles Street and ongoing problems with antisocial behaviour associated with this route.
- Increased traffic.
- There is already too many houses with a number empty.
- Road safety fears with the second access (originally proposed but now removed from the application).

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. The site is allocated as being within the Housing Policy Area in the UDP where residential development is acceptable in principle. The assessment of the application has therefore been carried out in this context and is detailed below with regards to site specific issues:-

Visual Amenity

The proposal is for 9 houses which is the maximum that could be feasibly accommodated on the site and therefore provides the most efficient usage of the land. This layout has been informed by the constraints of the site, which is relatively narrow and located close to a busy road junction, and the impact of the proposed development on the street scene.

The current proposal is considered to be the best solution providing a single point of access, located in the same place as the existing car park access and with the houses facing onto Fields End Road and Barnsley Road framing the street. The original layout proposed 10 town houses, orientated to be in line with the terraces to the East. However, whilst the wider area is largely terraced housing, this approach would have required a second access and the creation of a parking court which was unacceptable in highway and design terms.

The house designs are in keeping with the area in terms of their relatively simple elevational treatment and being two storeys in height. The use of brick and concrete tiles is also in keeping.

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.

The site layout and house design complies with South Yorkshire Design Guidance in terms of internal spacing standards. In addition the distances between dwellings, (existing and proposed) meets the standards as set out in the Designing New Residential Development SPD. However, the garden spaces for some of the plots are marginal / below the standards usually required. This is as a consequence of the changes made to the layout in order to meet design and highway safety requirements and the constrained nature of the site. As such, and taking account of the adjacent greenspace, in this case the smaller gardens are considered acceptable.

The Noise Officer raised a number of concerns regarding the impact on new residents from noise associated with the road and employment uses opposite. Following submission of some additional and more accurate assessment of noise levels by the applicant the Noise Officer has agreed that internal noise levels can be achieved, subject to mitigation measures. Concerns remain in relation to garden areas; however, the applicant has provided close boarded fences with no gates or gaps along the garden boundaries. This will mitigate noise impacts to a degree and given the wider constraints of the site, is acceptable in this instance.

Therefore the proposed is acceptable in residential amenity terms.

Highway Safety

Asset Management have confirmed that the car park was declared surplus to requirements due to ongoing maintenance costs and lack of use. The car park was intended for visitors to Goldthorpe Town Centre but was not used for this purpose nor was it receiving any income. Therefore retaining the land and continuing to be responsible for its maintenance was not a viable option in a time when the Council is tasked with reducing costs and generating revenue.

The proposed residential development has been design to utilise the existing single access point for the car park with parking located to the rear of the properties. This is acceptable in highway safety terms, taking account of previous vehicle movements. Parking meets the requirements of the SPD providing 1 space for each 2 bed dwelling.

Maintenance access to the greenspace to the north of the site is currently through the car park and will be relocated to come directly off Fields End Road, as shown on the plans. Highway Officers and Parks have confirmed that this is acceptable.

There is a footpath to the east of the site, linking Charles Street with the car park. This is not a Public Right Of Way and the land is within the applicant's ownership. At this stage the applicant has not proposed to close this route, however, the Council are not able to control this in the future.

Recommendation

Grant planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Site Plan Drawing 4 Rev C, Plot 9 Drawing 2, Plot 1-8 Drawing 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 accordance with Core Strategy Policy CSP 29, Design.
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.
- 4 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard Residential and Visual Amenity in accordance with Core Strategy Policy CSP 29, Design.

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

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To comply with Core Strategy Policy CSP 40 Pollution.

- 9 No development shall take place unless and until:

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

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

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways. are all approved in writing by the Local Planning Authority.

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 lifetime of the development.

Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP3 and CSP4.

- 10 The site is located in a coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. Intrusive ground investigation must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and / or landowner.

Reason: To ensure safe stable development in accordance with NPPF Paragraphs 178-180 and Core Strategy Policy CSP 40.

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

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

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

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BARNSELY MBC - Regeneration & Property

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



Scale 1: 2500

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2018/0864

Applicant: Mr Simon Peters C/o Spawforths

Description: Development of the site for employment uses within use classes B1 (B) Research and Development, B1(C) Light Industrial, B2 General Industrial and B8 Storage and Distribution with ancillary offices 9,180m² GEA and associated access, parking and circulation areas, infrastructure and landscaping (Outline with all matters reserved).

Site Address: Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB

Site Description

The application site comprises of a vacant development plot at Ashroyd Business Park, which is located off Ashroyds Way and Ryecroft Bank in the Platts Common part of Hoyland, south of the A6195 Dearne Valley Parkway.

The business park is relatively well established with a number of recent buildings being constructed and businesses now operating there following on from the planning permission granted in 1999 and the now expired Ashroyd and Shortwood Local Development Order. Roads and other infrastructure systems are in place and plateaus to create ready-made development plots. The site is known as plot 3 and forms the Southwest segment of Ashroyd Business Park.

The site is approximately 2.7 ha in area. It is located in the southern area of the business park. The business park connects with the A6195 Dearne Valley Parkway via Ryecroft Bank which provides direct access to J36 of the M1 Motorway.

The site is a relatively flat with an access road having already been constructed to connect with the north east corner at the site entrance from Ashroyds Way, the internal industrial estate road. The roads have been created to provide appropriate access for a range of vehicles as befits a business park location.

To the south and west is a residential area set at a higher level than the site, behind semi-mature landscaping. There are also public rights of way bordering the site to the west and south. To the north and east are buildings connected with the existing business park.

Proposed Development

Outline planning permission is sought to develop Plot 3 for employment uses (B1b, B1c B2 and B8). All matters are reserved. However a parameters plan has been submitted which sets out the maximum amount of development that would be sought for the site.

The site area is approximately 2.77 hectares and a maximum GEA floorspace of 9,180m² is sought. The applicant has put forward two options for an indicative layout at this stage which are described in detail below. The maximum ridge height of any unit would be 20m based on an underside of haunch height of 12m and with a 6 degree roof pitch, in keeping with existing permitted units including those recently granted permission on Plot 5, under application reference number: 2018/0420.

Other parameters include details of the developable area, a site access zone, identifying the possible access points in the site from the internal estate road and existing areas of landscaping around the periphery of the site which will be retained. Proposed landscaping

would be introduced along the Eastern boundary to create an appropriate edge and boundary to the access road whilst effectively integrating the plot 3 development into the wider Ashroyd business park context.

The precise occupancy for plot 3 is not known at this stage, accordingly 2 indicative scheme options are proposed in order to allow for future flexibility and to assist in sourcing future tenant demand. The two options are:

Option A – multiple units:

Four units with a total of 8,297 sqm gross internal area (GIA) consisting of:

- Unit 3A 1,487sqm GIA ground floor plus 111sqm first floor offices, 19no. parking spaces (inc 1no. disabled)
- Unit 3B 2,323sqm GIA ground floor plus 158sqm first floor offices, 33no. parking spaces (inc 2no. disabled)
- Unit 3C 2,044sqm GIA ground floor plus 158sqm first floor offices, 28no. parking spaces (inc 2no. disabled)
- Unit 3D 1,858sqm GIA ground floor plus 158sqm first floor offices, 24no. parking spaces (inc 2no. disabled)

A major design consideration with regards to this indicative layout is the existing residential areas adjacent to the southern and western boundaries of the site and how these relate to the locations of the new service yards, which will generate an element of noise. The indicative design therefore proposes the service yards to be screened by the buildings themselves, thereby adopting a natural acoustic screening strategy. This design concept also provides an efficient layout in terms of the use of the space by keeping the length of the internal spine road to a minimum which is also beneficial both financially and environmentally.

Option B – Single Unit consisting of:

- 8,361sqm GIA ground floor plus 418sqm first floor offices, 120no. car parking spaces (including 5no. disabled)

As with option A, a major design consideration with regards to the indicative layout is the existing residential areas adjacent to the southern and western boundaries of the site and how these relate to the location of the new service yard. In this case the best design solution for the single unit option was for the service yard to be located in the north east corner of the site, furthest away from the residential areas, the building providing natural acoustic screening.

The precise details of scale layout landscaping and access would be the subject of a future reserved matters application.

The application has been accompanied by a suite of supporting documents including drainage strategy, interim travel plan geo-environmental report, coal mining risk assessment, transport assessment, noise impact assessment, and ecology report.

The development is expected to lead to the creation of construction jobs (FTE) during the build period and up to 244 full time jobs.

History

B/99/0342/HN Construction of infrastructure to site including roads, plateaus drainage, services and landscaping. Granted 25.05.1999

In addition the site is adjacent the land which was designated to constitute the Ashroyd and Shortwood Business Park Hoyland Local Development Order that was in place between January 2013 and April of this year. Applications on that land include the following:-

2015/1404 - Prior notification application for the erection of 165,00sqft distribution warehouse with ancillary office, car parking and service yard etc. 9 units totalling 43,000sqft of semi-detached and welfare accommodation, parking and service yards Approved 15/01/2015.

2018/0181 - Erection of employment unit (Use Classes B1(b), B1(c), B2 and B8) with ancillary B1 (a) offices with parking and circulation/servicing areas, infrastructure works, substation and hard and soft landscaping - LDO Prior Notification application. Approved 23/02/2018.

In addition planning application 2006/1825 –for the erection of B1, B2 and B8 industrial units was approved 20/12/2006.

2018/0420 Erection of 4 no. business units for use within Use Classes B1(b) (Research & Development), B1(c) (Light Industry), B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices and associated access, parking and circulation/service areas, infrastructure works and landscaping (Plot 5). Granted 04/09/2018

Policy Context

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

The 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 48 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.

Saved UDP Policies

UDP notation: Employment Proposal

Core Strategy

The site lies within the Dearne Valley Nature Improvement Area

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

SPD's

- Residential amenity and the siting of buildings
- Parking

Emerging Local Plan

Proposed allocation: Employment Proposal (HOY7)

Part of the site is in the Sheffield City Region Enterprise Zone. The development will be expected to retain the young plantation woodland present on the periphery of the site

Policies of relevance would be as follows:

Policy GD1 – General Development
Policy E5 - Uses on employment land
Policy T4 – New development and Transport Safety
Policy D1 – High Quality Design and Place Making
Policy CC3 – Flood Risk
Policy 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. 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.

Section 6 of the NPPF states that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'

Consultations

Enterprising Barnsley – EB has been working with NS over a number of months and fully support the application and development of speculative units that are much needed to generate economic growth in the borough.

YW – no objections subject to conditions.

Pollution Control – no objections but a condition requiring further noise impact assessment is required to be submitted at reserved matters, and conditions control noise, dust, and hours of construction.

Highways DC – no objections subject to conditions.

PROW – no objections.

SYMAS – no objection subject to informative.

Coal Authority – no objection subject to standing advice informative.

Contaminated Land Officer – no objections.

Air Quality – no objections but electric charging points condition recommended

Forestry Officer – no objections subject to conditions.

Biodiversity – As the site lies in the Dearne Valley Nature Improvement area, biodiversity enhancement and mitigation would be required at reserved matters stage

Highways Drainage - no objections.

Waste Management – no comments received

Superfast Broadband – no comments received

Ward Councillors – no comments received

Representations

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

Assessment

Principle of Development

The site is allocated as an employment proposal in the adopted Unitary Development Plan and proposes units for B1, B2, B8 employment uses. The site is also proposed to be allocated as an employment site in the emerging local plan. As such the principle of development is acceptable.

The development would generate a large number of skilled and semi-skilled jobs and lead to the significant investment in the local economy. It is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12. Also being within the Principal Town and being surrounded by other employment units the site is in a priority sustainable location to accommodate growth and benefits from excellent access to the strategic road network. The proposal is therefore supported in land use planning policy terms.

Visual Amenity

Whilst the design, scale and layout of the development are not under consideration at this stage, it is acknowledged that the proposed building would represent another large scale addition to the development at Ashroyd Business Park. However the site is large enough to absorb the development taking into account its surroundings which are large and spacious and already include a number of large buildings. The unit/units would sit at a lower level than the dwellings to the south and west and would sit well in the landscape when viewed from that direction, being screened by existing vegetation and screen banks.

The parameters plan would ensure the new buildings would be designed in accordance with modern architectural principles for this form of development and would complement the permitted sites already on the Ashroyd Industrial Estate.

This would all aid with integrating the development with the local area and provide a high grade setting for the development and its workforce. The actual details of the design of the development would need to comply with policy CSP29 'Design' and would be assessed at Reserved Matters stage if outline planning permission was granted.

Residential Amenity

The nearest residential dwellings lie immediately west and adjacent to the site in a cul-de-sac off Upper Hoyland Road. The site at this point is well screened by a substantial bund and mature vegetation, and lies at a much lower level than the dwellings. Outlook would not be compromised. Further dwellings lie to the south, again off Upper Hoyland Road, though these are more sideways on to the site, which is separated from the residential properties by a public footpath, considerable screening by mature vegetation and significant level differences. Again, it is considered that outlook would not be affected to a large degree.

Due to the site being a lower level, the existing vegetation would screen the building to a large degree and the eaves of the units in either layout option would be the closest part of the building to the dwellings, further minimising the impact on the outlook for the residents and would not appear overbearing providing the buildings proposed at reserved matters accord with the parameters plan proposed in this application.

In terms of potential impact on daylight and sunlight, the units would lie to the north of the existing dwellings and so would not directly impact upon sunlight.

Taking the above into account the proposal is considered to comply with CSP 29 Design and will protect residential amenity.

Highway Safety

The site benefits from excellent access to the strategic road network due to Ashroyd Park being closely connected to the A6195 Dearne Valley Parkway leading to the M1 to the west.

The Transport Impact Assessment states that the proposed development is expected to generate 72 two-way trips during the AM peak hour and 94 two-way trips during the PM peak hour which does not cause a significant impact on the road network. Furthermore the plans have been designed to allow sufficient turning/manoeuvring for HGV's and parking provision. Consequently, there are no objections to the proposed development in a highway context, subject to conditions.

Noise

A background noise assessment has been submitted. In option A the proposed layout would result in the buildings screening the service yards to large degree, whereas in option B, the service be screened less but would lie at the furthest point from residential properties. The Pollution Control Officer has no objections, but requests that a noise impact assessment is submitted at reserved matters stage when the details of the design of scheme will be fixed, together with conditions controlling noise and dust during construction and also limit hours of working during the construction period.

Subject to these conditions the development is considered acceptable with regards to residential amenity considerations taking into account of Core Strategy policy CSP40,

Other considerations

Air Quality

The site is not located in an air quality management area. An interim Travel Plan has been submitted to support the application which proposed that the final travel plans should contain commitments to promoting sustainable travel. Due to the size of the development (Options A and B propose 104 and 120 car parking spaces respectively), mitigation would be required to mitigate against the cumulative air quality impact of development generally within the area. The Air Quality officer proposed a minimum of 2 x electric vehicle charging points are provided at reserved matters stage. This can be secured by condition. An informative is also recommended to encourage fleets providing deliveries to join the ECO Stars fleet recognition scheme

Drainage

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

Surface water management is the other main consideration. A drainage strategy and drainage layout have been provided. Yorkshire Water and the Council's drainage officer have assessed the details and are content with the proposals, subject to conditions.

Biodiversity

An ecological assessment has been submitted to support the application which concludes that the site is of low value in terms of biodiversity and recommends a number of habitat mitigation and creation measures including native tree and shrub planting, installation of bird and bat boxes, and incorporation of wildflower grassland where possible. The Biodiversity Officer has raised no objections subject to the agreement and securing of appropriate mitigation proposals which can be done by a suitably worded condition. As such the application can comply with Core Strategy Policy CSP 36.

Public Rights of Way

The Public Rights of Way Officer has confirmed that neither indicative options appears to have any direct impact on the footpath to the east which links the industrial estate to the residential areas to the south. The proposal will not physically impact upon the public rights of way to the south of the site.

Conclusion

In summary the proposal relate to development on a site which benefits from an existing employment allocation within an existing well established industrial site. In addition the site is in a suitable and sustainable location for development as identified in the Core Strategy and emerging Local Plan.

Although outline with all matters reserved, it is anticipated that the development, once reserved matters are secured, would generate a large number of jobs and lead to the significant investment in the local economy. This is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12.

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

Ecological enhancements would be a requirement, with noise impact assessment and suitable air quality mitigation measures at reserved matters stage. Overall however the development is considered acceptable when considered against relevant local and national planning policies and is supported by Officers accordingly.

Recommendation

Grant planning permission subject to conditions

- 1 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) means of access
 - (e) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.
- 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:
 - 14698A-100 REV A Location Plan - Plot 3
 - 14698A-101 Existing Site Plan
 - 14698A-102 Existing Site Sections
 - 14698A-103 REV B Parameters Plan
 - 14698A-104 Existing Site Sections
 - 14698A-105 REV B Proposed Site Plan - Option A
 - 14698A-106 REV A Proposed Site Plan REV B
 - 14698A-108 REV A Proposed Typical Sections - Option A
 - 14698A-109 Proposed Typical Sections - Option B
 - Noise Report by White Young Green dated June 2018
 - Ecological Assessment by Smeeden Foreman dated November 2017

Air Quality Assessment by White Young Green dated 2018
Interim Travel Plan by White Young Green dated 7 June 2018
Drainage Strategy by William Saunders dated May 2018
Transport Assessment by White Young Green dated 7 June 2018

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

- 3 The proposed layout of the site at reserved matters stage shall be in general accordance with the following documents:
Parameters Plan 14698A-103 REV B; AND
Proposed Site Plan Option A (14698A-105 REV B); OR
Proposed Site Plan Option B(14698A-106 REV A)
Reason: To ensure development is of appropriate scale and general design in accordance with CSP 29.

- 4 Application for approval of the matters reserved in Condition No. 1 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.

- 5 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of buildings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.

- 6 All buildings within the proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

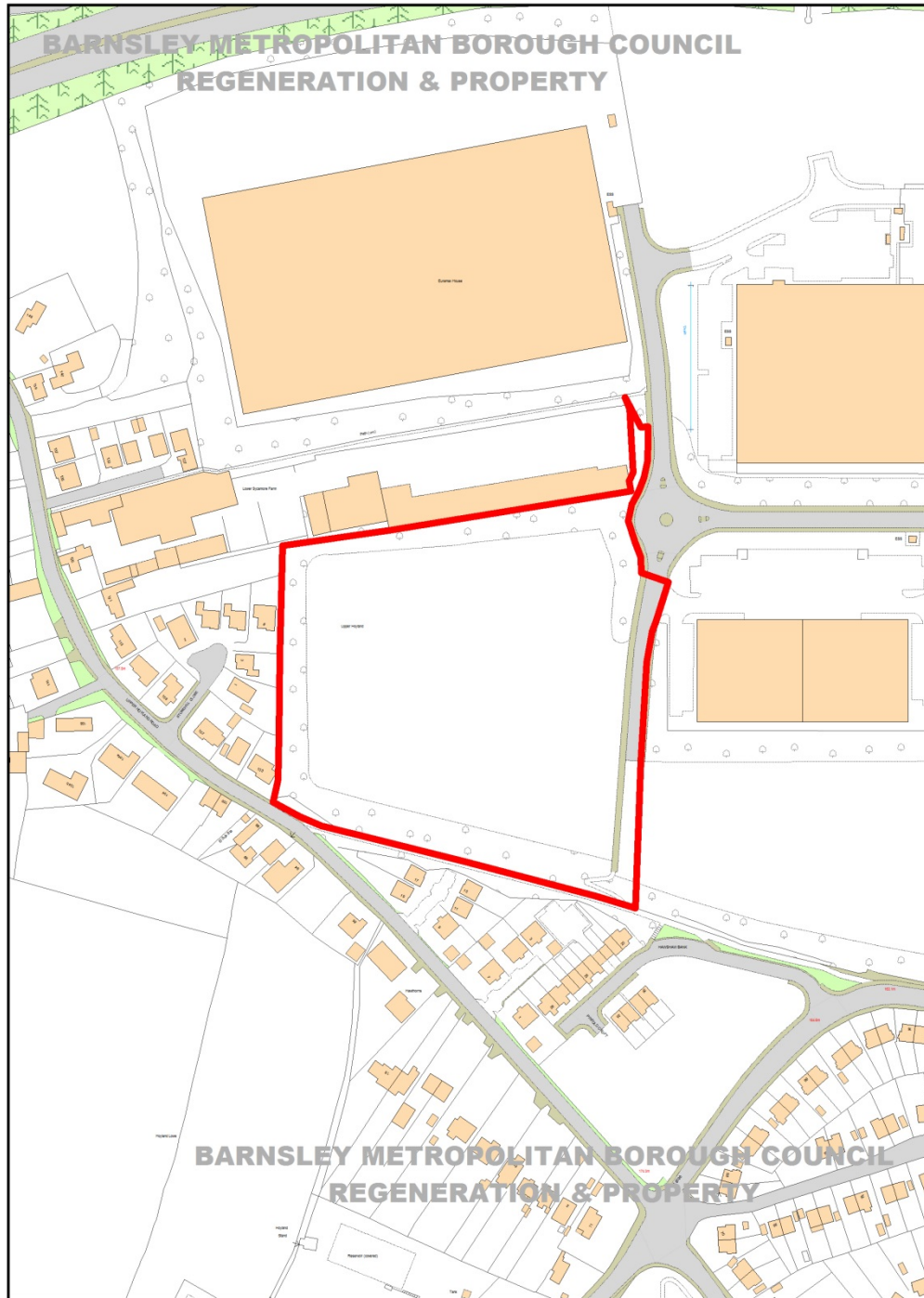
- 7 A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow the measures set out in Section 5.5 of the Smeeden Foreman Ecological Assessment and shall additionally identify a location and details for an amphibian pond and wildlife grassland. The scheme shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of biodiversity and in accordance with CSP 36.

- 8 A noise impact assessment shall accompany the reserved matters submission indicating existing background noise levels, expected noise emissions from proposed development and proposed mitigation measures. 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 in accordance with Core Strategy Policy CSP 40 Pollution Control and Protection.
- 9 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0800-1300. No working on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 Prior to any work commencing, the applicant shall submit to the Local Planning Authority for their approval a noise and dust management plan detailing how they will control noise and dust during construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 11 Within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.
- 12 Prior to the occupation of each unit, details of appropriate air quality mitigation controls shall be agreed in writing with the Local Planning Authority which shall include inter alia, at least 2 EV charging points. The mitigation controls shall be in accordance with the requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance, and shall be also incorporated into any Travel Plan where appropriate for the proposed development. Thereafter the controls shall be implemented in full for the duration of the development.
Reason: In the accordance adopted Core Strategy Policies CSP 40 (Pollution Control and Protection) and CSP 41 (Development in Air Quality Management Areas).
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree survey
 - Arboricultural impact assessment
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.**

- 14 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 15 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 interests of Highway safety and in accordance with Core Strategy policy CSP.
- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to prevent mud/debris being deposited on the public highway
- 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.**
- 17 Upon commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

- 18 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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BARNSELY MBC - Regeneration & Property

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



Scale 1: 2500

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2018/0969

Applicant: Berneslai Homes C/o NPS Barnsley

Description: Conversion of disused former NHS residential accommodation into 13 dwelling units and associated works including alterations to access road, landscaping, provision of bin stores and street lighting

Site Address: Keresforth Centre, House 1-12, Keresforth Close, Barnsley, S70 6RS

Site Location & Description

The application relates to a former collection of 3 bedroom homes owned by the NHS Trust and used to accommodate NHS Staff arriving in to the country from overseas. The dwellings were vacated and then used by the trust as offices with an outpatient facility to dwelling 11. The buildings have been left uninhabited and unused for the past 3 years. The immediate external area is made up of gardens for the houses, a service/ access road and 2 existing garage blocks.

The buildings are predominantly 2 stories in height and, with the exception of the garage blocks, either semi-detached or terraced. The front elevations of the buildings are staggered and not in a straight line.

The site sits to the East of Barnsley fire station, the North East of 3 blocks of apartments, the South of sports fields, the north of playing fields and the West of the NHS Keresforth Centre.

The site, along with the fire station, Keresforth Centre and playing fields falls within mixed use allocation AC16 in the Local Plan. The site is proposed for a mix of housing (circa 200) and green space (3.25Ha of playing pitches).

Proposed Development

It is proposed to reinstate and reuse the 12 existing houses as 3/4 bedroom dwellings through a refurbishment programme that will modernise them and ensure they comply with current building regulations. One of these houses had been used for outpatient appointments and is now proposed to be refurbished into a wheelchair accessible dwelling for a family with a double bedroom, bathroom and living accommodation on the ground floor and further bedrooms and a bathroom on the second floor

The external alterations to the dwellings will include a render panel around the main entrance as well as a more contemporary glass canopy above the door. The front doors will be replaced with composite units. The windows will also be replaced with more efficient double glazed uPVC units. The majority of the existing fenestration openings will remain with a small number added to serve the revised internal layouts.

It is also proposed to render the gable elevations with a light colour render to lighten the dwellings and give a more contemporary appearance.

In addition to the re-use of the existing houses, one of the garage blocks will be demolished to open up the aspect in front of the second garage block which will then be converted into a wheelchair accessible dwelling (plot 13).

In total 13 homes will be created, (1no. 2 bed, 11no. 3 bed and 1 no. 4 bed). The external area will be used for the same purpose with each home having its own private garden and dedicated parking allocation (2no. spaces per dwelling). The existing central circulation area will be used as an access drive and the existing site restrictions have determined the available road width which is in excess of 5.5 m.

A turning head has been introduced at the end of the access road to enable refuse collection and the turning of large vehicles. The new turning head requires a new retaining wall to be introduced and the existing steps to be demolished and rebuilt.

The houses which back on to the existing steep grass bank, including plots 7-12 have smaller back gardens than recommended due to the existing site restrictions.

Policy Context

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

The 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 48 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 Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP5 Including Renewable Energy in Developments.
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes

CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP30 The Historic Environment
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Consultation Draft Local Plan

The Council has produced a Consultation Draft Local Plan which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation. In the Policies Maps the site is allocated as Urban Fabric and Green Space.

Unitary Development Plan

The UDP designation is Housing Policy Area/Employment Policy Area. The West part of the site is also in a Conservation Area.

Saved UDP policies

H4 'Development on Housing Sites' promotes residential development
H8A 'Existing Residential Areas'

Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing
SPD Open Space provision on New Housing Developments
SPD Parking
PAN 30 Sustainable Location of Housing Sites

NPPF

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

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 124 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consultations

PROW – No objections subject to further information

Drainage – No objections Building Control to check

Yorkshire Water – No objections

SYMAS – No objections

The Coal Authority – No objections subject to Standing Advice

Affordable Housing – No objections

Regulatory Services – No objections

Ward Councillors – No comments

Representations

14 neighbouring residents were consulted on the application, a site notice was put up in the local area and a press notice was placed in the Barnsley Chronicle. No letters of representation have been received.

Assessment

Principle of Development

The site is located within a Housing Policy Area in the currently adopted Unitary Development Plan maps and within site allocation AC16 in the submission version of the Local Plan. AC16 is a mixed use allocation proposed for circa 200 houses and 3.25ha of Green Space. Furthermore, the buildings were previously used as dwellings for NHS staff relocating to the area from overseas. As such, the use of the buildings for housing is acceptable in principle and previously established.

Whilst the scheme has been submitted by Berneslai Homes the number of properties developed i.e. 13, would not trigger the requirement for affordable provision to be included as part of the scheme.

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

Residential Amenity

There are existing residential dwellings to the West of the site in the form of 3no. blocks of apartments. However, the apartments are built on a higher level and the buildings subject to this application already exist, as such, the development would not increase overshadowing or result in overbearing features.

There are habitable room windows proposed in the side elevations of the properties facing the neighbouring apartments, however, given the level differences and separation distances privacy levels for existing and proposed residents would still be maintained to a reasonable degree.

There would be noise and disturbance generated by the proposed development through residential activity and vehicular movements, but, given the buildings have previously been used for residential purposes and as office accommodation, the noise and disturbance would not be significantly different or to an unreasonable degree.

With regards to the amenity of the future residents of the scheme, some of the separation distances between front elevations (between plots 6 and 7 and plots 1 and 12) fall short of the minimum recommended 12m across a road (the distance is 10m). However, these separation distances already exist and are the same as when the units were previously used for residential purpose.

As the buildings are staggered there are some instances where windows are on side elevation windows which face neighbouring amenity spaces, especially to the South of the site where the division of garden areas is a little more complicated. The majority of these windows serve non habitable rooms but there are instances where the windows do serve habitable rooms. However, some of the views would be restricted by boundary treatments, especially in respect of ground floor windows. In other situations the windows are secondary windows in dual aspect rooms where a condition could be recommended to obscure them without restricting light levels or outlook for occupants. As such, privacy levels would be maintained to a reasonable degree.

Despite the dwellings being constructed a number of years ago the internal spacing on offer is similar to current requirements. For example the 3 bedroomed units measure approximately 75/76m² internally which is only marginally short of the 77m² for a 3 bedroom 4 person household set out in the South Yorkshire Residential Design Guide, as such, amenity levels for future residents would be to a reasonable degree.

In terms of external amenity space, the properties to the North of the access road meet or exceed the 60m² recommended in the SPD and South Yorkshire Residential Design Guide. However, given the location of the steep banking in close proximity to the rear elevations of plots 7-9, and the awkward garden arrangement between plots 9 and 10, those plots fall below the recommended external amenity standards. For example, the garden area to the rear of plot 8 measures approximately 30m². However, as the buildings exist there is little opportunity to increase the garden sizes without reconfiguring the adjacent land and constructing large retaining structures. The gardens would be large enough to provide

seating/entertaining areas but would have minimal space for recreation. Permitted Development rights would be removed so that the garden areas could not be eroded further through the erection of extensions or outbuildings. Furthermore, there is currently a playing field directly opposite the site and if a mixed use scheme comes forward on AC16 it would need to incorporate a large area of green space which could be used by residents. There is also a large sports club nearby which provides a range of recreational activities. On this basis, there are recreational opportunities within close proximity to the site and as such, on balance, the smaller garden areas are not considered to be of detriment to warrant refusal of the scheme.

Design & Visual Amenity

The existing buildings would not be dramatically altered, rather brought up to date and modernised. A feature would be made of the main entrance doors with a rendered panel around the door itself and a glazed canopy above. The front doors themselves would also be replaced for a more contemporary composite design with the windows also being upgraded. The gables of the buildings would also be covered in a light colour render to brighten up the elevations. The proposed amendments would retain the original character but modernise and uplift the appearance more in-line with modern developments, as such, the amendments would arguably improve visual amenity, in accordance with CSP29.

The former garage block would obviously undergo a change in order to be converted into a dwelling (Plot 13). However, the main walls and roof would be retained and the building would receive fenestration to reflect that of the adjacent properties. The end gable would be upgraded with composite cladding as this elevation is in a prominent position and forms a gateway into the site. As such, it would harmonise with the development and maintain, or arguably improve, visual amenity.

Currently there is a shared space between the front elevations of the buildings which accommodates footpaths and landscaping. As there is limited vehicular access to the buildings, and no in-curtilage parking, it is proposed to introduce an access road, turning head and parking spaces for each property, in-line with current policies and guidelines.

This would obviously decrease the amount of soft landscaping and increase the amount of hard landscaping. However, front garden areas would still be incorporated and the parking spaces for each unit would generally be separated by soft landscaping. As such, the streetscene would not be overly dominated by hard landscaping or overly prominent/dominant parking areas.

Each property, including the mid terraced dwellings, would have pedestrian access to the rear garden areas and bin stores. As such, waste and recycling containers would be located in non-prominent positions and not dominate the streetscene.

Highway Safety

The existing buildings are located off a private road and were formerly used for residential purposes. There are, therefore, no objections in principle to the proposed development in a highway context. The Council's Highways Section have commented as follows:

"The existing buildings are located off a private road and were formerly used for residential purposes. There are, therefore, no objections in principle to the proposed development in a highway context. It should be pointed out that a connection to an adopted highway will be required at some point in the future. The junction arrangement does not conform to current standards but it is not a new proposal having being in use for many years. In the case of new development an adoptable road would be required which should consist of a 5.5m

carriageway and with 700mm margin surrounding it, in order that the highway can be kept open if the statutory undertakers need to access their equipment. A narrower carriageway is acceptable if the statutory undertaker's equipment can be located elsewhere."

With regards to the above, given that the site forms part of a larger mixed use allocation there are likely to be upgrades to the roadways through the site as part of future planning applications that this development would benefit from. In terms of the internal layout the scheme provides sufficient off-street parking to meet the relevant SPD and also provides a turning head for refuse vehicles. As such the proposal is considered acceptable on highway safety grounds.

Conclusion

Taking into account the relevant development plan policies and other material considerations, subject to conditions, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the revised scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 004-C5, 013-P1, 014-P1, 015-P1, 016-P1, 017-P1, 018-P1, 022-P1, 024-P1, 025-P1, 026-P1, 027-P1, 028-P1, 029-P1, 030-P1, 035-P1, 037-P1, 038-P1, 039-P1, 082-P1 and 084-P1) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 4 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the

occupation of the building(s).

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

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

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

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

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

- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

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

- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
- 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.**

- 9 The windows on the Eastern elevation of plot 11 (W108 & W109) facing the rear garden area of plot 12 shall at all times be fitted with obscure glass and retained as such thereafter.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

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BARNESLEY MBC - Regeneration & Property

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



Scale 1: 2500

Item 11

2018/0839

Applicant: Mr Adam Ryall-Waite

Description: Retention of temporary toilet building with access balcony and disabled ramp

Site Address: Worsbrough Mill Museum and Country Park, Park Road, Worsbrough Bridge, Barnsley, S70 5LJ

No objections received.

Site Description

Worsbrough Mill Museum is located within a country park, off Park Road, approximately 3km to the South of Barnsley Town Centre. The site consists of a water powered corn mill constructed circa 1625 and a later 19th century engine mill, set in over 200 acres of Country Park including a 60 acre reservoir built in 1804. The two main buildings on the site are Grade II* listed and are constructed from deeply-coursed dressed sandstone with stone slate and Welsh slate roofs.

The structure subject to the application is already in situ given that it was approved for a temporary period under application 2010/0617. The toilets are located to the east of the mill buildings and adjacent to the access road. The site is set lower than the adjacent mill cottage and is immediately adjacent to a small garden area. The site is enclosed by a mature hedge on the Western boundary, adjacent to the roadway, and mature woodland to the North, East and South.

Proposed Development

The applicant seeks permission to retain the prefabricated toilet block (8.6m (L), 3m (W) & 2.7m (H)) containing separate ladies, gents and disabled facilities. The external walls of the building are plastic coated galvanised steel finished in a mushroom colour. Windows are square cornered aluminium with tinted double glazing and powder coated heritage green.

In order to easily access the building an external ramp and balcony, constructed from timber, is in situ. Surrounding the building there is a hedge to the West and a post and rail fence enclosing the remaining three sides.

Policy Context

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

The 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 48 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.

Saved UDP Policies

BE6D 'Temporary Structures' - on sites visible from highways and public areas, portable and demountable buildings and those in short life materials will only be given a temporary permission, not exceeding five years, and then only in exceptional circumstances where it can be shown that a building in permanent materials is either not suitable, or that urgent accommodation is needed pending the completion of a permanent structure.

Core Strategy Policies

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

CSP 29 – Design – High quality development will be expected.

CSP 30 – The Historic Environment – Development which affects the historic environment and Barnsley's Heritage Assets and their settings will be expected to protect or improve the character and/or appearance of Listed Buildings.

CSP 34 – The Protection of Green Belt – In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

CSP 40 – Pollution Control and Protection – We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Emerging Local Plan

Allocation : Green Belt

Policies of relevance:

Policy GD1 – General Development
 Policy HE1 – The Historic Environment
 Policy GB1 – Protection of Green Belt

NPPF

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

In respect of this application paragraph 145 is of relevance which states;

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 190 is also relevant which states; Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Consultations

Conservation Officer – No objections

Drainage – No objections

Policy – No objections

Tree Officer – No objections

Regulatory Services – No objections

Ward Members – No comments

Representations

None

Assessment

Principle of Development

The building already exists and, despite being within the Green Belt, was previously granted planning permission under application 2010/0617 as the toilet units provide facilities for outdoor recreation (in relation to school trips to the Country Park, Reservoir and Mill) which is an acceptable use in the Green Belt. The previous application was approved under PPG 2 which has since been superseded by the NPPF and the recently revised NPPF, however, that wording has been carried forward into the currently adopted document, as such, the principle remains.

It is acknowledged that saved UDP policy BE6D 'Temporary Structures' states that on sites visible from highways and public areas, portable and demountable buildings and those in short life materials will only be given a temporary permission, not exceeding five years. However, in this case the temporary building has been sensitively placed and is not easily visible from the main highway. Given its provides an important functional use that benefits visitors to the Museum and Country Park it is therefore considered acceptable in principle subject to the assessment if visual amenity, residential amenity and highway safety.

Visual Amenity

As mentioned above, the building is located within close proximity to historically important listed buildings and within the Green Belt. The site is located to the East of the buildings and on a lower level than the mill cottage. It is located adjacent to the access road into the Mill site but is separated by a mature hedge. The building is located within close proximity to the hedge, which is approximately 2 metres in height, and as the building is flat roofed with a maximum height of 2.7m, views are very limited. In addition to the hedge, the remaining three boundaries of the proposed site are bordered by mature woodland which provides a green backdrop to the proposed building and also limits views from Worsbrough FC sports ground to the East.

The main walls of the building are plastic coated in a mushroom colour with Heritage Green windows. The walls reflect the colour of the stone used on the mill and help the building assimilate with the woodland and surrounding nature reserve. As with the previous 2010 permission, buildings of this nature are generally granted for a temporary period in case they fall into disrepair; however, the building has been in situ for 8 years and is well maintained. The Conservation Officer is also satisfied that the development does not harm the character or appearance of the adjacent listed buildings, in fact its impact has lessened over the years as the vegetation has grown around it.

Furthermore, the building could easily be removed and the land restored in the future with no lasting effect on the historic buildings or the surrounding Green Belt. Therefore, the building

harmonises with its surroundings and does not result in a visually intrusive, or dominant, feature to the detriment of visual amenity. Nor does it adversely affect the special architectural or historic interest character of the listed buildings.

Residential Amenity

The building is sufficient distance from neighbouring properties not to impact on residential amenity.

Highway Safety

The proposal does not impact on the existing access or parking facilities.

Summary

It is considered that the relatively modest size of the building, the proposed external finish and the non prominent position ensures the historic character of the surrounding Mill site and the openness of the Green Belt are retained, even if the permission for the building is made permanent, in accordance with CSP 29, CSP 30, CSP 34 and the NPPF.

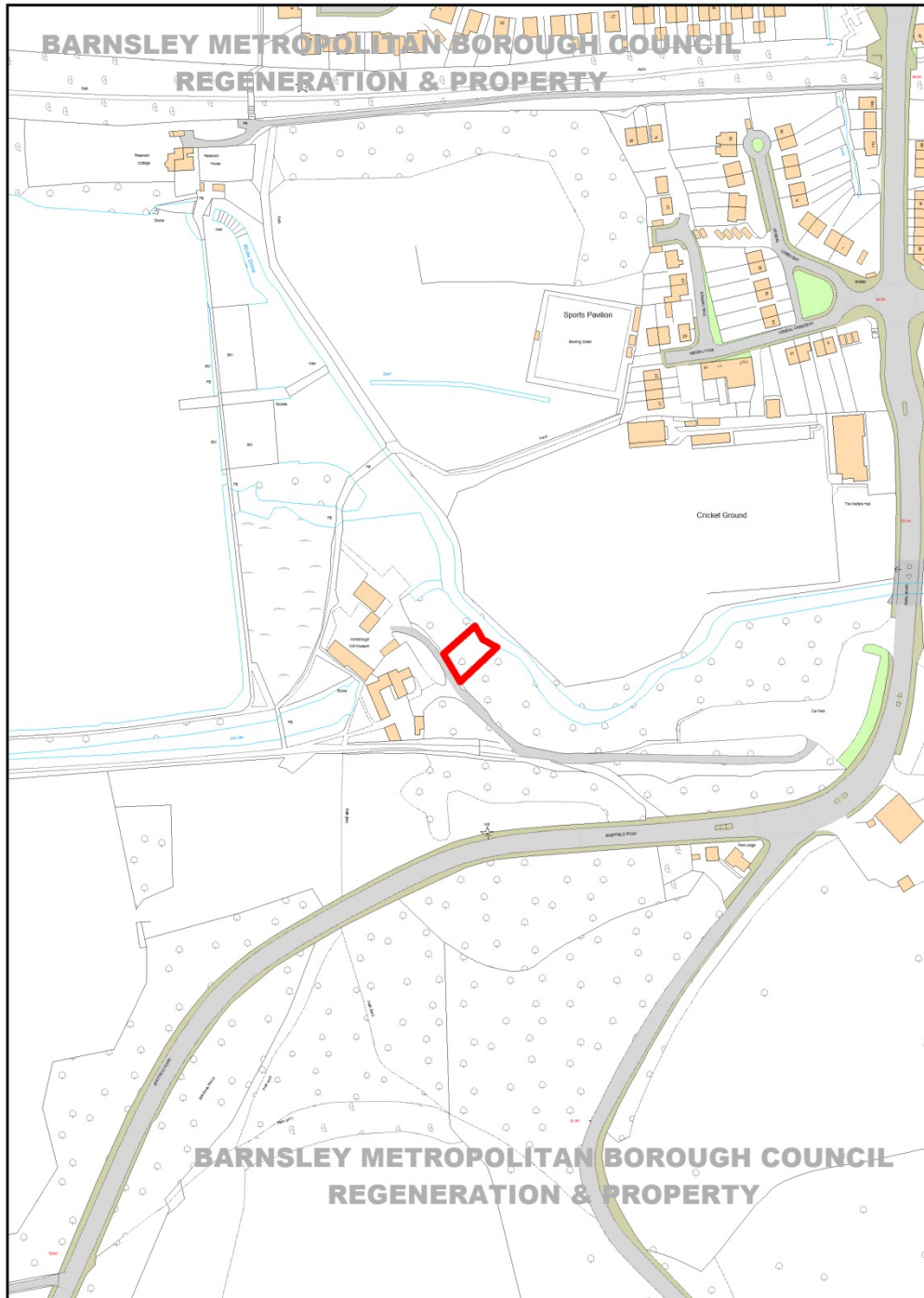
Recommendation - Grant subject to conditions:-

- 1 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 2 The existing boundary hedge to the South West of the building shall be permanently retained for the lifetime of the development.
Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policy CSP 29 'Design'.

PA Reference:-

2018/0839

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BARNSELY MBC - Regeneration & Property

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



Scale 1: 2500

Item 12

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 August 2018 to 31 August 2018

APPEALS RECEIVED

4 appeals were received in August 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2018/0524	Formation of new driveway and vehicular access. 131 Goldthorpe Green, Goldthorpe, Rotherham, S63 9EL	Written Representations	Delegated
2018/0462	Erection of first floor side extension to dwelling 60 Manchester Road, Thurlstone, Sheffield, S36 9QT	Written Representations	Delegated
2018/0738	Proposed extension to link Leapings Cottage and outbuildings. Leapings Cottage, Leapings Lane, Thurlstone, Sheffield, S36 9QP	Written Representations	Delegated
2018/0481	Erection of 1 no. detached dormer bungalow with side attached garage 1 Woodland View, Silkstone Common, Barnsley, S75 4SA	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in August 2018

APPEALS DECIDED

0 appeals were decided in August 2018. However, 1 additional appeal was decided in July which had not been previously reported. This was as follows:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0800	Erection of 1 no. holiday villa Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ	Dismissed	Delegated

2018/2019 Cumulative Appeal Totals

- 9 appeals have been decided since 01 April 2018
- 5 appeals (56%) have been dismissed since 01 April 2018
- 4 appeals (44%) have been allowed since 01 April 2018

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
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,	Dismissed	Delegated

	Barnsley, S36 9FE		
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
2017/0088	Residential development of 21 dwellings (Outline including means of access) Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ	Allowed	Committee
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation 29-31 New Street, Barnsley, S70 1RZ	Dismissed	Delegated
2017/1196	Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE	Allowed	Committee
2017/1285	Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) Land Bmbc Asset ID E00045, Milton Road, Hoyland, Barnsley, S74 9BN	Dismissed	Delegated
2017/0800	Erection of 1 no. holiday villa Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ	Dismissed	Delegated