

Public Document Pack



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

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2017/1264, 2018/0710 and 2018/0346

Please meet at the Town Hall for immediate departure at 10.45 a.m.

Plan Number	Site	Approx Time of Arrival
2017/1264	Planning application for wetland and habitat creation schemes. Site A Land parallel to Ings Lane and south of Bulling Dyke - 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. Land South of Doveside Drive/Everill Gate Lane, Wombwell, Barnsley	11.05 a.m.
PLEASE NOTE, THE APPLICATIONS BELOW ARE FOR CONSIDERATION AT THE NOVEMBER MEETING BUT ARE SUBJECT TO A SITE VISIT		
2018/0346	Erection of new petrol filling station including forecourt and canopy, retail building, underground storage tanks, car care facilities, refuse area, car parking, landscaping and associated works, Land at Mitchells Way, Barnsley Road, Wombwell, Barnsley, S73 8DR	11.30 a.m.
2018/0710	Erection of petrol filling station including forecourt, canopy, retail building, underground storage tank, jet washes, car parking and associated landscaping, 245 Barnsley Road, Wombwell, Barnsley S73 8DT	11.45 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 25th 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. Various sites at Wombwell - 2017/1264 - For Approval (*Pages 9 - 20*)

Site A Land parallel to Ings Lane and south of Bulling ; Site B Land south of Aspen Grove, Fern Close, Celandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close and land South of Doveside Drive/Everill Gate Lane, Wombwell, Barnsley.

5. Former William Freeman Site, Wakefield Road, Mapplewell, Barnsley S75 6DN - 2017/1718 - For Approval (*Pages 21 - 34*)

6. Land off Wakefield Road, Mapplewell, Barnsley - 2017/1716 - For Approval (*Pages 35 - 48*)

7. Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate/Barnsley Town Centre S70 1DB - 2018/0989 - For Approval (*Pages 49 - 60*)

8. Wombwell Main Community and Sports Association, Windmill Road, Wombwell, Barnsley S73 8PW - 2018/1149 - For Approval (*Pages 61 - 68*)

Planning Appeals

9. Planning Appeals - 1st to 30th September 2018 (*Pages 69 - 70*)

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, 15 October 2018

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

MINUTES

Present Councillors Coates, Franklin, David Griffin, Hampson, Hand-Davis, Higginbottom, Lamb, Leech, Makinson, Richardson, Riggs, Spence, Stowe, Tattersall, Wilson and R. Wraith

In attendance at site visit Councillors Makinson and Richardson

In attendance at meeting Councillors Andrews BEM and Miller

36. Site Visit

Prior to the meeting Members visited the site of Planning Application No. 2018/0362, application for external alterations including partial demolition works, formation of new building entrance, changes to window design and alterations to external parking and manoeuvring at Barnsley Mencap Centre, Burton Road, Monk Bretton.

37. Election of Chair

RESOLVED that, in the absence of Councillor D Birkinshaw, Councillor Richardson be elected Chair for this meeting.

Note: Councillor Richardson in the Chair.

38. Declarations of Pecuniary or Non-Pecuniary Interests

Councillors Coates and Makinson declared Non-Pecuniary interests in **Planning Application 2018/0969** – [Keresforth Centre, houses 1-12, Keresforth Close, Barnsley] in their capacity as Members of Berneslai Homes Board, which was the applicant in respect of this application.

39. Minutes

The minutes of the meeting held on 4th September, 2018 were taken as read and signed by the Chair as a correct record.

40. Barnsley Mencap Centre, Burton Road, Monk Bretton - 2018/0362 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0362** [external alterations at Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley].

Mr Kevin Luty addressed the Board and spoke against the officer recommendation to grant the application.

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

41. 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].

The report incorporated further information regarding the access to the site, which had been requested by Members in deferring consideration of the application at the Board meeting on 4th September, 2018.

Mr Mark Johnson (of Johnson Mowet) addressed the Board and spoke in favour of the officer recommendation to grant the application.

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

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

42. Land to the rear of 7 - 29 May Terrace, Barnsley - 2018/0888 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0888** [erection of 1 dwelling (outline with all matters reserved apart from means of access) to the rear of 7–29 May Terrace, Barnsley, S70 6HS].

Mr David Oliver addressed the Board and spoke against the officer recommendation to refuse the application.

Mr Beaumont addressed the Board and spoke in favour the officer recommendation to refuse the application.

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

43. Land parallel to Ings Lane and south of Bulling Dyke (Site A) and land south of Aspen Grove, Fern Close, Celandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close (Site B) - 2017/1264 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1264** [wetland and habitat creation scheme at Ings Lane and south of Bulling Dyke (Site A) and land south of Aspen Grove, Fern Close, Celandine Grove, Maytree Close, Mulberry Close and Honeysuckle Close (Site B)].

RESOLVED that consideration of the application be deferred to allow Members to visit both sites referred to in the application.

44. Car Park, Fieldsend Road, Goldthorpe - 2017/1701 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1701** [erection of 9 three-storey town houses, car park at Fieldsend Road, Goldthorpe, Rotherham, S63 9LX].

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

45. Ashroyd Business Park, Ashroyd Way, Platts Common - 2018/0864 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0864** [development of site at Ashroyd Business Park for employment uses within 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)].

RESOLVED that the application be granted in accordance with the officer recommendation, subject to an additional condition that the orientation of the site lighting should be considered at reserved matters stage in order to avoid light pollution into the adjacent residential area.

46. Keresforth Centre, Houses 1 - 12, Keresforth Close, Barnsley - 2018/0969 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0969** [conversion of disused former NHS residential accommodation at the Keresforth Centre into 13 dwelling units and associated work including alterations to access road, landscaping, provision of bin stores and street lighting].

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

47. Worsbrough Mill Museum and Country Park, Park Road, Worsbrough Bridge - 2018/0839 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0839** [retention of temporary toilet building with access balcony and disabled ramp at Worsbrough Mill Museum and Country Park].

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

48. Planning Appeals - 1st to 31st August

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

The report indicated that four appeals were received in August 2018, and one additional appeal decided in July, which had not been previously reported, and had been dismissed. The report noted that, since 1st April 2018, nine appeals have been decided, five appeals (56%) having been dismissed and four appeals (44%) having been allowed.

RESOLVED that the report be noted.

Chair

2017/1264

Applicant: Garganey Trust, C/o JBA Consulting

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

Site Addresses:

Site A: Land parallel to Ings Lane and south of Bulling Dyke - 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.

Members will recall that this application was presented to Planning Regulatory Board in September and was deferred to allow a site visit.

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 proposal is for two wetland and habitat creation schemes between Wombwell and Darfield. 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 located 1.25km east of Wombwell and south of the Bulling Dyke and parallel Ings Lane and 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. In addition the scheme would 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 east 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 GI1 and GS1 will apply.

The WATI site is located between Wombwell Ings and Broomhill Flash both of which are Biodiversity Interest Sites where policy GI1 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 of 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 propriety 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 (Jult 2018(1))
Wati Boundary Plan (July 2018)
Wombwell Wetlands Ground Investigation (Novermber 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 writng by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of 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.

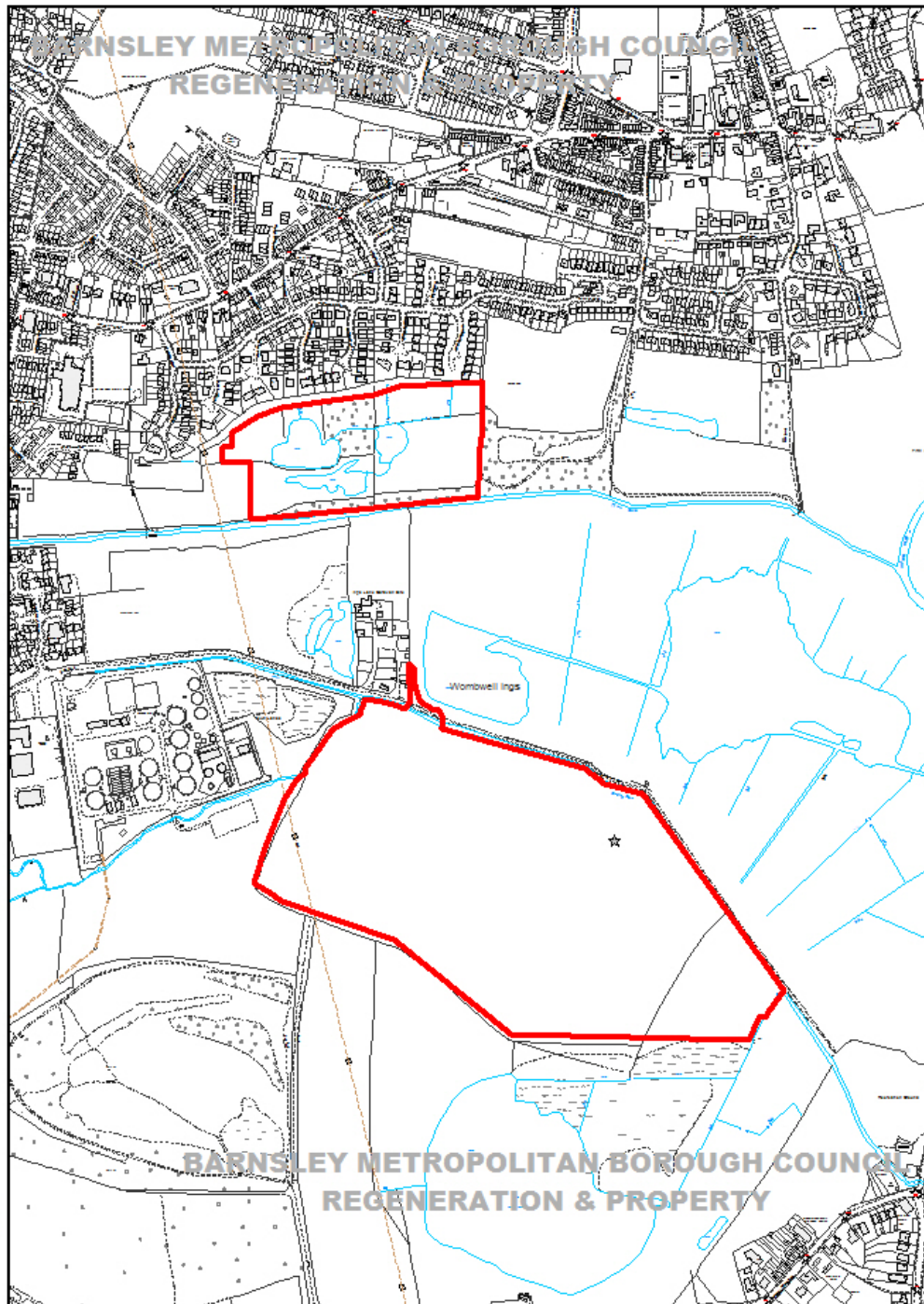
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 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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BARNESLEY MBC - Regeneration & Property



Scale 1: _____

2017/1718

Applicant: Netherton Homes, C/o John R Parley Associates

Description: Residential development for up to 102 dwellings with associated infrastructure and access (Outline with All Matters Reserved apart from access).

Site Address: Former William Freeman Site, Wakefield Road, Mapplewell, Barnsley, S75 6DN

1 representation from a local resident. Cllr Miller has concerns with the number of new accesses proposed to be created by developments along this section of the A61 Wakefield Road. The application is linked to application 2017/1716 which proposes the development of a food store with associated access and car park on the adjoining land.

Site Location and Description

The site is located off Wakefield Road just north of the Bar Lane / Wakefield Road junction. It is part of the former William Freeman employment site. The factory building has been demolished with much of the brickwork left on site and the development platform largely in place.

The site falls sharply from Wakefield Road but beyond this the development platform is relatively flat. There is existing vegetation around the site edges with more dense shrubs and trees along the northern and western boundary (with Wakefield Road). The land to the immediate east and north of the site is scrubland with various trees and shrubs scattered across it. Beyond this are agricultural fields. To the south and west is the residential areas of Athersley North and Mapplewell.

The southern portion of the site is the subject of application 2017/1716 for a convenience store (Lidl).

Proposed Development

This application is in outline with all matters reserved except access, as such detailed matters related to design, scale, layout and landscaping will be dealt with at the next stage (reserved matters). Nevertheless the relationship between this proposed development and the adjacent Lidl has raised a number of issues which needed to be resolved, particularly in relation to the location of Lidl within the site and the impact of this in design terms.

A parameters plan has been provided to allow specific aspects of the residential development to be fixed including ecological zones, buffer planting and open space.

The developable area is 2.67ha with an ecological zone along the eastern boundary, adjacent the scrub land and agricultural areas. An area of greenspace is located to the south eastern side, close to the proposed Lidl and within the 30m standoff beneath the Pylons which cross this part of the site. A second area of green space is located at the south western edge and there is a buffer planting zone along the boundary with the Lidl.

The anticipated yield of up to 102 dwellings equates to approximately 40 dwellings per hectare. In addition, the greenspace at 0.42ha (excluding buffer zones) would equate to 15% of the site.

Planning History

2009/1076 – Erection of 83no. Residential dwellings (including means of access and layout) and industrial units use class B1, B2 and B8 with means of access (Outline). Withdrawn

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.

Core Strategy

CSP1 Climate Change
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 Homes to be Built
CSP10 The Distribution of New Homes
CSP15 Affordable Housing
CSP19 Protecting Existing Employment Land
CSP25 New Development & Sustainable Travel
CSP26 Development & the Highway Network
CSP29 Design
CSP35 Green Space
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

ED7 Existing employment areas
DT4/3 Employment Policy Areas 'William Freemans'

SPDs/SPGs

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

Planning Advice Note 33

Financial Contributions to School Places

Emerging Local Plan

The site is allocated as a housing site (AC3) with an indicative number of 102 dwellings. Policies H1, The Number of New Homes to be Built, H2, The Distribution of New Homes, H3, Housing Site Policies and GD1, General Development are all relevant.

Emerging Policy TC3 Thresholds for Impact Assessments is also relevant.

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 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places

Consultations

Air Quality – No objections subject to the mitigation recommended in the Air Quality Assessment being conditioned.

Biodiversity - The buffer strip of woodland suggested along the eastern boundary plus a small amphibian pond in this area would meet the biodiversity mitigation needs if the buffer connected into the wildlife corridor on the south-eastern boundary formed by the disused railway corridor. The plantings should be native species of native provenance and the same caveats as with the supermarket apply.

Broadband – no objection subject to a condition securing highspeed broadband

Coal Authority – No objections, just standing advice.

Contaminated Land – The Geo-Environmental report is dated and a new report is required, however, there is sufficient information available to show the site could be developed for residential development. An up to date survey should be conditioned along with any remediation work identified as required.

Drainage – No objections subject to conditions

Enterprising Barnsley – Support despite the loss of employment land

Education – No comments received but condition added to secure future contribution

Highways – No objections subject to conditions

Network Rail – No comment

Public Rights of Way – Initial concerns about drainage flooding the footpath in the railway cutting and the open space not being overlooked, now resolved through the amended layout and confirmation from drainage officers that existing issues associated with the footpath flooding will be improved by the proposed.

Police Architectural Liaison – Various comments on detailed design matters to be passed to the applicant for the next stage.

Regulatory Services – No objections subject to the mitigation in the noise report being conditioned and appropriate mitigation secured on the Lidl site.

SYMAS – No objection subject to a condition requiring further investigation into ground conditions.

Tree Officer – No objection subject to conditions

Ward Councillors – Concerns that there are too many access points on Wakefield Road, particularly taking account of other recently approved development.

Yorkshire Water – No objection subject to a condition requiring detailed drainage proposals.

Representations

The application has been advertised by way of a site and press notice and properties within the vicinity have been consulted directly in writing. One letter of comment was received the details for which are summarised as follows:

- Noise during construction;
- Increased traffic on roads that are already very busy;
- Pressure on local infrastructure, schools and health etc;
- The site should be returned to the natural environment to provide greenspace for existing residents.

Assessment

Principle of Development

The NPPF (2018) confirms planning law requires that applications for planning permission be determined in accordance with the development plan (in this case the saved UDP and Core Strategy) unless material considerations indicate otherwise. Weight can be afforded to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the framework¹.

Arguments that an application is premature are unlikely to justify a refusal of planning permission unless it is clear the development is so substantial or its cumulative effect would be so significant that to grant permission would undermine the plan making process or the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The site is located in Urban Barnsley where priority is given to development in accordance with Core Strategy Policy CSP 8 – The Location of Growth. It is also part employment policy area, part employment proposal in the UDP therefore policies ED7 Existing Employment Areas and DT3 – Proposed Employment Sites as well as Core Strategy policy CSP19 – Protecting Existing Employment Land apply. More recently the site has been proposed to be allocated (as part of a wider allocation) for residential development in the emerging Local Plan and taking account of paragraph 48 of the NPPF (2018) some weight can be afforded to this allocation.

Taking the employment policies first, in the production of the emerging Local Plan the suitability of the site for employment use has been considered, concluding that there is no reasonable prospect of the site being developed for employment use and that the proposed employment site is not required to achieve the employment land requirement for the borough as there are more preferable sites proposed for allocation. This assessment is in accordance with the previous and current NPPF with regards building a strong, competitive economy, therefore, although UDP (ED7 & DT3) policies indicate that planning permission should not be granted for the proposed residential use on this site it is concluded that the degree of conflict with these policies is not sufficient to justify refusal. Furthermore, the assessment undertaken as part of the Local Plan process supports that the redevelopment of this site would comply with the criteria set out in Core Strategy Policy CSP19.

In considering the proposed housing allocation some weight can be afforded to this given the advanced stage of the Local Plan, albeit this is reduced by the ongoing minor modifications process which includes changes to the site specific policy for this site (following representations). Policy H3 of the emerging Local Plan requires development of housing sites to comply with Policy GD1 – General Development and the site specific policies which in the case of allocation AC3 include an indicative number of 102 dwellings and the retention of the diverse grassland to the east of the site, abutting the railway line. The parameters plan submitted with this application demonstrates that the proposed is capable of delivering a residential scheme which complies with emerging local plan policies. The impact of the proposed on ecology (and specifically the grassland) as well as the wider principles of emerging policy GD1 is covered in more detail below.

It is therefore concluded that a land use planning policy recommendation for refusal cannot be justified based on the UDP employment designations on the site. In addition residential development would comply the emerging Local Plan housing designation on the site.

¹ The Local Plan is tested against the previous NPPF (March 2012) in accordance with the transitional arrangements

Residential Amenity

There were a number of concerns with the scheme as originally submitted and the relationship between this proposed residential development and the neighbouring retail scheme (on the southern portion of the site). Discussions with both applicants have resulted in changes to the schemes, removing the isolated greenspace to the south and footpath link and pulling the food store further away from the proposed housing.

A parameters plan has been provided showing for the residential development showing key areas of green space, buffer zones, trees to be retained and the developable area.

A key issue in relation to residential amenity for new residents is the relationship with the proposed retail development both in terms of noise disturbance and the potential for an overbearing impact from the retail building. With regards to noise, provisions have been made on the retail site, i.e. acoustic fencing and the siting of the building to act as a noise barrier so that any noise created would be below the background levels for the residential properties. These are conditioned as part of that application and it is therefore accepted that there will not be an unacceptable impact from the retail store. The noise report for the residential application indicates that the main noise impact will be from traffic on Wakefield Road and the level of mitigation will depend on the final layout and the proximity and orientation of the properties in relation to Wakefield Road. The report has based its calculations on properties being set back 16 meters from the road and the gardens being to the rear, away from the road, concluding that with standard glazing and ventilation this would allow for good internal noise levels. When the final layout is submitted additional mitigation (i.e. glazing or acoustic fencing) may be required if these distances are not achieved. Nevertheless, the noise report has demonstrated that the site can be used as residential development, subject to confirmation of final mitigation measures at the reserved matters stage.

The proposed retail building is located to the southern side of the site and orientated so that the rear of the building is on the boundary between the two sites with the car park beyond this. This has benefits in terms of noise, however, the bulk of the retail building and change in levels resulted in an overbearing and overshadowing impact on the future residential properties. The layout as amended shows the proposed store and car park shifted further to the south with the overall height of the retaining structures reduced (from a max of 3.1 to 1.5m) along the boundary. As a result the bulk of the store is reduced and, with the substantial buffer zone of landscaping along the boundary now shown on the parameters plan, compliance with SPD Residential Amenity and the Siting of Buildings is achievable.

There is minimal impact in residential amenity terms on existing residents with the majority located on the other side of Wakefield Road. A small number of houses are located to the north of the site with rear gardens facing on the site. The relationship between these properties and the proposed will need careful consideration at the detail design stage with distances needing to accord with the Designing New Housing Development SPD.

As a result of the various changes to both schemes it is now accepted that the proposed residential development can be achieved in compliance with Core Strategy Policy CSP29 and emerging Policy GD1 in relation to the impact on future residential amenity.

Visual Amenity

The site is currently a brownfield site. The previous employment building has been demolished and the site left empty for some time. As a result it is currently not of high value in visual amenity terms. There are a number of trees and scrub around the boundary of the

site and to the eastern boundary there is an area of grassland between the site and the wider agricultural land beyond.

A tree survey has been provided and although some trees will need to be removed to accommodate this they are not considered to be a constraint to the development. The parameters plan shows the better quality trees on the site (two weeping willows) retained which is an improvement on the previous indicative layout. In addition, replacement planting can be secured on the greenspaces and buffers zones though the landscape details at reserved matters stage.

The proposed greenspaces, as now shown, are an improvement on what was originally submitted. The area to the south east remains only partly overlooked, however, the pylons crossing this part of the site mean that this area is not developable. Some overlooking can be achieved through the final layout of the development and there is an element of surveillance from the proposed Lidl. The greenspace to the south west of the site is intended to provide an opportunity for a play area (LEAP). Overlooking of this space can be achieved and whilst not centrally located, the scale of the site is such that the space will be accessible. It also has the advantage of being accessible to residents to the west of Wakefield Road. The overall quantum of greenspace also complies with the SPD in terms of on site provision.

Ecology

The ecology officer raised initial concerns with regards to the loss of ecology on the site. However, additional ecological surveys (including species specific surveys) have been carried out by the applicant demonstrating that there are no Great Crested Newts, Amphibians or Reptiles in the site and the main foraging area for bats is on land outside the application boundary. In addition, mitigation and enhancement as set out in the ecology survey, including an ecological buffer zone along the entire eastern boundary of the site, can be secured though condition. As such the impact on ecology is now considered to be acceptable.

Drainage and Flood Risk

The development site is in Flood Zone 1, however as the development area exceeds 1ha a Flood Risk Assessment has been provided with the planning application which demonstrates that the site is not at significant flood risk and recommends finished floor levels be set above existing ground levels with external areas designed to fall away from buildings. Detailed drainage has not been provided at this stage, albeit the site is well served by sewers so there is no objection in principle. A detailed drainage strategy is conditioned to be submitted with the reserved matters application, including consideration of the use of SUDS.

Highways

The application is outline in nature with all matters reserved for future consideration with the exception of access. A Transport Assessment has been submitted to support this application, and consideration has been had to the cumulative impact of the adjoining site for a proposed Lidl store (taking into account their Transport Assessment). The Transport Assessment for this development covers five junctions and establishes the present day situation, then adds normal traffic growth for five years in the future, the residential impact is then assessed alone and finally the residential impact and the proposed Lidl store, if approved.

The TA demonstrates that the impact of the residential traffic on the network is minimal. The NPPF states that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe.” It is clear that the residual cumulative impact could not be classed as severe. Access into the site is proposed to be a priority junction with a right turn lane and visibility splays which has been designed to the requirements of the Design Manual for Roads and Bridges, accordingly there is no unacceptable impact on highway safety. However, it is demonstrated that some of these junctions begin to operate close to or above capacity at peak times. This is due to normal predicted traffic growth and not as a result of this development; therefore, highway improvement schemes will be investigated and implemented in the usual manner. Consequently, there are no objections to the proposed development in a highway context, subject conditions.

Sustainability

The site is located in Urban Barnsley where the majority of new growth is planned. It is a sustainable location with good access to a range of services and facilities as being on a main bus route linking to Barnsley, Wakefield and Leeds. In addition, the recently resurfaced bridleway linking to Barnsley town centre can be accessed from the other side of the Wakefield Road / Barr Lane junction.

Further consideration of sustainable construction and design can also be provided at the reserved matters stage.

S106 Contributions

As the application is in outline with all matters reserved (except access) conditions have been added to secure contributions at reserved matters stage to mitigate the following:

- Additional School Places
- Improvements to off site Greenspace
- 15% Affordable Housing

The final figure will relate directly to the agreed quantum of development and mix of properties and as such will be calculated and agreed when the Reserved Matters application is submitted.

Conclusion

The application is in outline with all matters reserved except access. The parameters plan provided, along with the amended Lidl scheme on the adjacent site, now demonstrates that an acceptable residential scheme can be achieved which complies with Core Strategy Policies (in particular CSP 29 Design, CSP 26 Dew Development and Highway Improvement and CSP 35 Green Space) and emerging Local Plan Policies H3, GD1, T4, D1 and GS1. As such it is recommended that the application be approved.

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) landscaping
- Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 3 The reserved matters application shall be in accordance with the parameters as shown on the approved plan 08 4145 SK07 unless required by any other conditions in this permission.
- Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 4 Prior to commencement of works onsite, the developer shall submit details of actions for mitigation of air quality impact, for agreement with the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
- Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policy CSP 40.**
- 5 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.**
- 6 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).
- Should the site require a remediation scheme to address any contamination risks identified, then this scheme shall be implemented in accordance with the approved timetable of works. 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.**

- 7 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:
- Arboricultural impact assessment
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity**
- 8 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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.**
- 9 Prior to commencement of development full details of the mitigation measures identified in the Preliminary Ecological Appraisal Report, 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.**
- 10 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 11 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 12 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 right turn lane on Wakefield Road including pedestrian islands;
 - Provision of visibility splays having the dimensions 2.4m x 120m;
 - Relocation of speed camera on Wakefield Road frontage;
 - Provision of 2m wide footway on the site frontage;
 - Any necessary signing/lining;
 - Provision of/any necessary alterations to street lighting;
 - Provision of/any necessary alterations to highway drainage,
 - Any necessary reconstruction/resurfacing;
 - Reinstatement of any redundant vehicular footway crossings.
- 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.**
- 13 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.
- Reason: In the interest of road safety to accord with Core Strategy Policy CSP 26.**
- 14 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/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 112 of the National Planning Policy Framework 2018.**
- 15 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.**
- 16 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 the free flow of traffic in accordance with Core Strategy policy CSP 26.**

- 17 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 flow of traffic in accordance with Core Strategy policy CSP 26.
- 18 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 and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 19 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.
- 20 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 21 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 Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);

- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

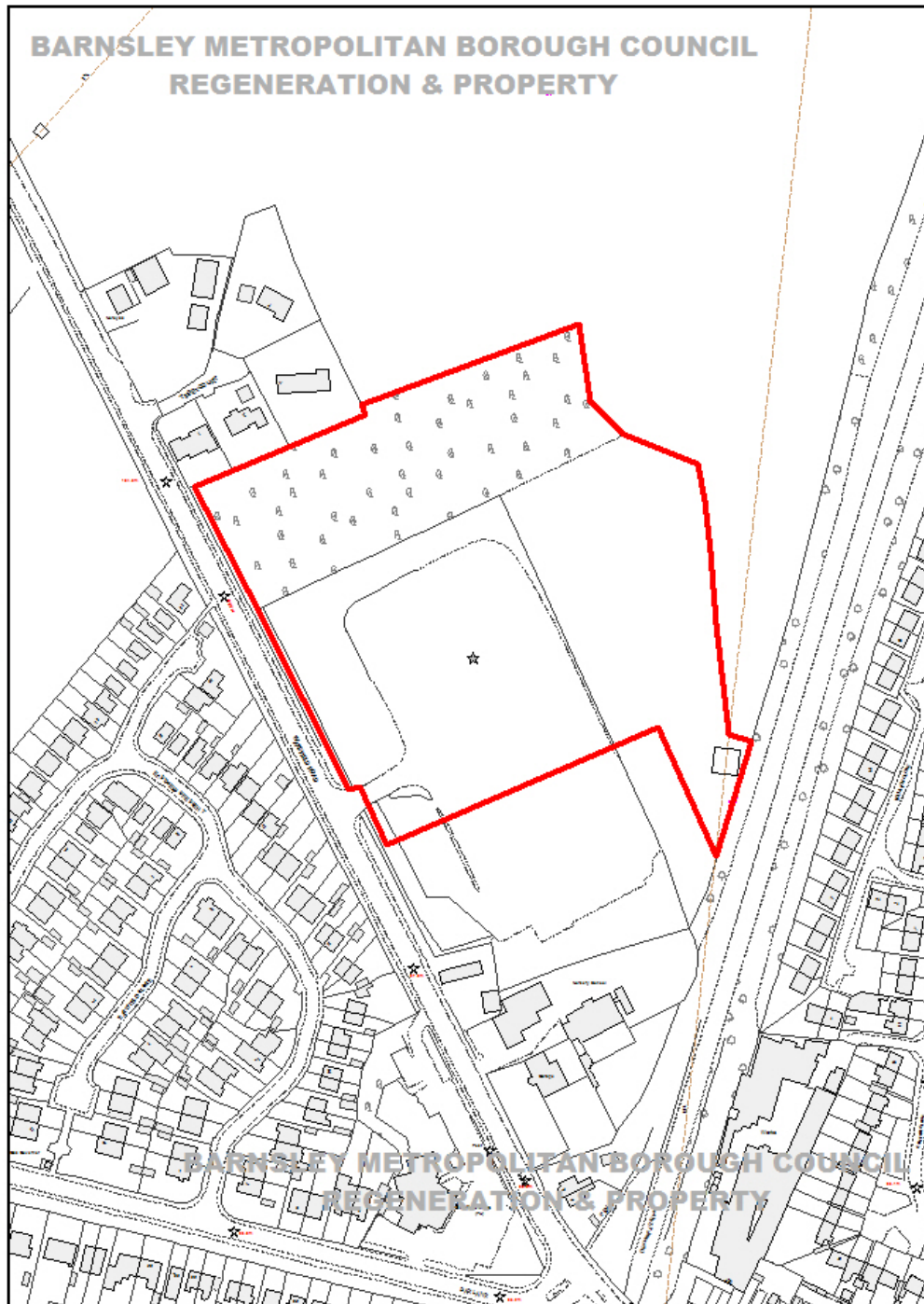
- 22 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policies CSP35, CSP42 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the 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 policies CSP35, CSP42 and the Open Space Provision on New Housing Developments SPD.

- 23 The development hereby permitted shall not begin until a scheme for education provisions have been submitted to and approved in writing by the Local Planning Authority in accordance with Core Strategy policy CSP42 and Planning Advice Note 33 Financial Contributions to School Places. The provisions shall be made in accordance with the approved arrangements and timescales.

Reason: In order to ensure that there is sufficient capacity at local schools to accommodate children from the development in accordance with Core Strategy policy CSP42 and Planning Advice Note 33 Financial Contributions to School Places.

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BARNSELEY MBC - Regeneration & Property



Scale 1: _____

2017/1716

Applicant: Lidl UK GmbH Pipestone Ltd., C/o DDP

Description: Erection of food store with associated access and car park.

Site Address: Land off Wakefield Road, Mapplewell, Barnsley

Objections from 4 local residents, Asda and the Co-op. Cllr Miller has concerns with the number of new accesses proposed to be created by developments along this section of the A61 Wakefield Road. The application is linked to application 2017/1718 which proposes the development of up to 102 dwellings (outline) on the adjoining land.

Site Location and Description

The site is located off Wakefield Road just north of the Bar Lane / Wakefield Road junction. It is part of the former William Freeman employment site. The factory building has been demolished with much of the brickwork left on site and the development platform largely in place.

The site falls sharply from Wakefield Road but beyond this the development platform is relatively flat. There is existing vegetation around the site edges with a line of tall conifers along the southern boundary with Tipsey Cottage, Wakefield Road. A high voltage line runs north / south to the east of the site as does a dismantled railway.

The land to the immediate east and north of the site is scrubland with various trees and shrubs scattered across it. Beyond this are agricultural fields. To the south and west are the residential areas of Athesley North and Mapplewell.

Proposed Development

The application has been submitted for full planning permission for a new Lidl Foodstore. This would see the redevelopment of part of the site with a 2,125m² gross internal area (1,325m² net useable sales area).

The store would be served with a 127 no. space customer/staff car park including 9 no. disabled spaces, 8 no. parent and child spaces, 2 no. Electric Vehicle Charging places and 4 no. cycle spaces. Servicing to the building would be to the east of site, with access taken across the car park.

The building would be single storey with a powder coated aluminium monopitch roof; the principle materials would be white washed render and silver cladding. The building is sited at a right angle to Wakefield Road with the western side elevation (facing Wakefield Road) incorporating large elements of glazing which would be complemented by an entrance canopy. This canopy would wrap around the building onto the southern elevation where the entrance is located. The front elevation (southern) is largely blank render, although the plans show billboard signage used to provide interest.

The development platform is raised to allow the access from Wakefield Road to meet highway safety / design standards. This has resulted in the store being set at a level which is closer to that of Wakefield Road and higher than the surrounding land. Retaining walls around the site vary from 0.5m in height to 3.1m in the south eastern corner (adjacent the former railway banking).

Landscaping would comprise of structured tree and shrub planted verges, these would be located along the site and car parks perimeter.

In addition to regenerating the site itself, the applicant suggests that the proposals would support approximately 40 full and part time jobs.

To meet with the local and national validation requirement the application has been accompanied with the following reports:

- Planning, Design and Access Statement
- Noise Impact Assessment
- Air Quality Assessment
- Travel Plan
- Statement of Community Involvement
- Transport Assessment
- Phase 1 Desk Study Report
- Arboricultural Survey and Impact Assessment
- Ecology Assessment
- Flood Risk Assessment

Planning History

2009/1076 – Erection of 83no. residential dwellings (including means of access and layout) and industrial units use class B1, B2 and B8 with means of access (Outline). Withdrawn

Policy Context

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

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

Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP4 Flood Risk
CSP5 Including Renewable Energy in Developments

CSP19 Protecting Existing Employment Land
CSP25 New Development & Sustainable Travel
CSP26 Development & the Highway Network
CSP29 Design
CSP31 Town Centres
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

ED7 Existing employment areas
DT4/3 Employment Policy Areas 'William Freemans'

SPDs/SPGs

Parking
Residential Amenity & the Siting of Buildings

Emerging Local Plan

The site is allocated as a housing site (AC3) with an indicative number of 131 dwellings. Policies H1, The Number of New Homes to be Built, H2, The Distribution of New Homes, H3, Housing Site Policies and GD1, General Development are all relevant.

Emerging Policy TC3 Thresholds for Impact Assessments is also relevant.

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 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places

Consultations

BMBC Drainage: The proposal is on a previously developed site with a high impermeable area. The proposals therefore would not significantly increase the amount of run off from the site; accordingly there are no drainage concerns.

Coal Authority – No objection subject to a condition requiring further site assessment in line with the applicant's geo-environmental report.

Enterprising Barnsley – Support

Forestry Officer: No objections subject to conditions

Highways DC: No objections subject to conditions

Regulatory Services: No concerns to resident's amenity subject to the recommended conditions raised within the noise survey.

Sheffield Area Geology Trust (SAGT) – No objections subject to an informative advising the applicant to contact them pre-commencement and allow site visits to record geology on site during ground works.

SYMAS – No objections subject to conditions

Yorkshire Water: No objections subject to the recommended conditions.

Ward Councillors: Councillor Miller has raised concerns about the number of additional accesses on Wakefield Road associated with this site and the residential scheme to the north.

Representations

The application has been advertised by way of a site and press notice and properties within the vicinity have been consulted directly in writing. 4 letters of comment have been received the details for which are summarised as follows:

- Highway safety concerns related to increased traffic, location of the access and existing high levels of traffic on Wakefield Road.
- Increased disturbance associated with noise and light from cars entering and existing the site.
- Disruption during construction from noise and dust which will directly impact residents opposite the site.
- The site should be returned to its natural state and not developed. There is already too much development in Mapplewell and Royston.
- More landscaping is needed.
- There are already enough supermarkets in the area and town.
- Changes on Wakefield Road to the verge will affect the ability of the neighbouring resident to access their property safely.
- The opening hours will lead to disturbance and should be limited to 10pm.

Asda have submitted an objection that the Transport Assessment provided is deficient, the applicant has not demonstrated that there is no reasonable prospect that employment use will come forward on the site or that the most suitable alternative use is for residential and arguing that draft policy TC3 of the Emerging Local Plan should be applied and an impact assessment required (given the proposed exceeds the 500 sqm threshold). In addition, the impact of the store on residential amenity including in relation to the allocation must be considered.

The Co-op has also objected on the grounds that the development is not sustainable development, the sequential test is deficient and that there is a suitable and available site in

a sequentially preferable location available. They also argue the policy TC3 of the Emerging Local Plan and the associated impact test should be applied.

Amended plans – consultation has been undertaken on the amended plans internally and with residents who have previously commented. It was not considered necessary to consult with Asda or the Co-op as their comments focus on the principle of the development rather than design considerations. This approach is considered to strike the right balance between the need to consult and not unduly delaying the application (NPPG paragraph 026).

Assessment

Principle of Development

The NPPF (2018) confirms planning law requires that applications for planning permission be determined in accordance with the development plan (in this case the saved UDP and Core Strategy) unless material considerations indicate otherwise. Weight can be afforded to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the framework¹.

Arguments that an application is premature are unlikely to justify a refusal of planning permission unless it is clear the development is so substantial or its cumulative effect would be so significant that to grant permission would undermine the plan making process or the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. The site is located in Urban Barnsley where priority is given to development in accordance with Core Strategy Policy CSP 8 – The Location of Growth. It is also part employment policy area, part employment proposal in the UDP therefore policies ED7 Existing Employment Areas and DT3 – Proposed Employment Sites as well as Core Strategy policy CSP19 – Protecting Existing Employment Land apply. More recently the site has been proposed to be allocated (as part of a wider allocation) for residential development in the emerging Local Plan and taking account of paragraph 48 of the NPPF (2018) some weight can be afforded to this allocation.

Taking the employment policies first, in the production of the emerging Local Plan the suitability of the site for employment use has been considered, concluding that there is no reasonable prospect of the site being developed for employment use and that the proposed employment site is not required to achieve the employment land requirement for the borough as there are more preferable sites proposed for allocation. This assessment is in accordance with the previous and current NPPF with regards building a strong, competitive economy, therefore, although UDP (ED7 & DT3) policies indicate that planning permission should not be granted for the proposed retail use on this site it is concluded that the degree of conflict with these policies is not sufficient to justify refusal. Furthermore, the assessment undertaken as part of the Local Plan process supports that the redevelopment of this site would comply with the criteria set out in Core Strategy Policy CSP19.

In considering the proposed housing allocation some weight can be afforded to this given the advanced stage of the Local Plan, albeit this is reduced by the ongoing minor modifications consultation which includes changes to the site specific policy for this site (following representations). Policy H3 of the emerging Local Plan requires development of housing sites to comply with Policy GD1 – General Development and the site specific policies which in the case of allocation AC3 include an indicative number of 102 dwellings and the retention of the diverse grassland to the east of the site, abutting the railway line. An application for residential development on the wider site has been submitted in tandem with this planning application. This demonstrates, following a number of amendments to both schemes, that the remaining site is capable of delivering a residential scheme which complies with

¹ The Local Plan is tested against the previous NPPF (March 2012) in accordance with the transitional arrangements

emerging local plan policies and does not undermine the ability to deliver the housing allocation. The impact of the proposal on ecology (and specifically the grassland) as well as the wider principles of emerging policy GD1 is covered in more detail below.

It is therefore concluded that a recommendation for refusal cannot be justified based on the UDP employment designations on the site, nor can a recommendation of refusal be based on the emerging Local Plan housing designation on the site.

Turning to the retail issues arising from the proposal, firstly it is concluded that the submitted sequential assessment has demonstrated that there are no sequentially preferable sites within the 5 minute drive time of the application site. The submission made by an objector to the planning application maintains that there is an edge of centre site which is sequentially preferable. However, since that site is consented for industrial development, it is not considered to be demonstrably suitable or available. Accordingly it is the Council's view that there are no sequentially preferable sites which are suitable and available for the proposed development.

Secondly it is concluded that given the scale of the development proposed, which does not exceed the threshold set out in the NPPF, no retail impact assessment is required. Two objectors have submitted comments to the planning application stating that significant weight should be afforded to the emerging Local Plan policy TC3 and that a retail impact assessment should be required. However, accepting that some weight can be afforded to the emerging Local Plan in accordance with paragraph 48 of the NPPF, taking account of the current status of the Local Plan and ongoing consultation on the Minor Modifications to the Local Plan (which include amendments to this policy following objections and discussion at the EiP process) it is not considered that applying the thresholds in the policy would be reasonable or proportionate at this time. Accordingly the proposed is acceptable under current retail planning policy.

The proposal must therefore be assessed in accordance with the presumption in favour of sustainable development and impacts on visual and residential amenity (to existing and future residents).

Residential Amenity

The application has been amended following concerns regarding the impact of the proposed on residential amenity in relation to the layout of the site, the scale of building and proposed changes in levels on the site. In addition, the original scheme left an isolated parcel of land to the south of the Lidl site.

In order to create a level development platform land levels moving east across the site are proposed to be raised with retaining walls along the northern, eastern and southern boundaries varying in height from 0.5m to 3.1m in height. This created a number of concerns both in relation to the scale and massing of the proposed Lidl on the northern boundary, nearest to the proposed residential development and in relation to the proposed green space to the south of the Lidl which was not overlooked and was accessed via a narrow footpath around the eastern boundary of the site. The indicative layout submitted with the residential scheme showed houses backing onto the northern boundary with the property and gardens overshadowed by the retail building and retaining walls. The footpath to the greenspace was located on a thin strip of land between the existing railway cutting and a 3m high retaining structure. Not only would the footpath have been uninviting, the layout and levels would have created an isolated area of greenspace which would likely feel unsafe and would not be an attractive / useable greenspace for the proposed residential development. Therefore, the impact on the proposed housing allocation in terms of residential amenity was not

acceptable and the proposed did not promote good design in accordance with Core Strategy Policy CSP 29.

The scheme as amended shows the proposed store and car park shifted to the south, incorporating the previously undeveloped land. The applicant has consulted with National Grid and confirmed that there are no objections to amended site layout. The overall height of the retaining structures has also been reduced along this boundary. As a result the bulk of the store is reduced and it is possible to undertake a more cohesive approach to the design of the residential scheme on the wider allocation, the parameters plan for which a substantial buffer zone of landscaping along the boundary (demonstrating compliance with SPD Residential Amenity and the Siting of Buildings is achievable) as well as better designed greenspaces and an ecology buffer. This approach is now in compliance with Core Strategy Policy CSP29 and emerging Policy GD1 in relation to the impact on future residential amenity and the future use of neighbouring land.

In relation to impacts on the residential amenity of existing residents, the most significant impact will be on the resident of Topsy Cottage which is immediately adjacent to the site with the car park wrapping around the north and east boundaries of the cottage. The property is an unusual situation in that it has always been surrounded by employment uses with the former William Freeman factory, restaurant, garage and nursery school all located in close proximity. There is a line of tall conifer trees along the north and east boundaries screening the property which is shown as retained on the plan. As such there will be no significant overshadowing / overbearing impact on the property. In addition, the applicant has confirmed 1.8m close boarded fence will be erected providing protection from noise.

A noise report has been provided with the application which sets out that the ambient noise climate at the site is attributable to road traffic noise and the principle noise sources associated with the proposed store will be from: HGV deliveries, fixed external plant and the customer car park. The delivery yard is located to the north eastern corner adjacent an area identified as green space. Deliveries are expected once or twice a day and between the hours of 7am – 11pm. The yard is designed so that the store itself provides substantial screening in relation to noise with an additional 3m acoustic fence provided around the perimeter of the delivery area and plant compound. Taking account of this attenuation the impact on residents associated with noise from deliveries and plant noise is assessed as low. Noise from the car park is assessed to be below the ambient noise level; however, the applicant has proposed a 1.8m acoustic fence around the site in any case to further reduce any noise disturbance.

A lighting assessment has also been provided demonstrating that luminance spill from the site will be limited to 0.5-1 lux. This is accepted as sufficiently low to not cause a significant disturbance to the residents (existing or future) or to the wildlife corridor along the railway cutting.

It is therefore accepted that the proposed retail scheme will not have an unacceptable impact on residential amenity.

Visual Amenity

The layout of the scheme has been informed by various factors including: the levels on the site, a desire to make the best use of the sites prominent location, access considerations and impact on the neighbouring residential development. The current layout has evolved through the consultation process and is considered to be the best solution achievable. An area of trees and scrub will be lost as a result of the proposed; however, whilst these have a visual amenity value their loss is not detrimental and can be mitigated through appropriate landscaping.

As the site has an operator confirmed the approach to the store design has been led by their specific requirements rather than a detailed assessment of the wider area. Nevertheless the modern rendered and glazed building will not appear out of place in this location and the monopitch roof helps to reduce the overall bulk of the building. The landscaping design incorporates some heavy standard trees along the frontage, native hedgerows and a wildflower mix which will soften the appearance of the proposed and provide some visual interest.

Finally the proposed store and car park layout ensures maximum visibility and surveillance across the site which along with the proposed boundary treatments will reduce antisocial behaviour on the site. As such the proposed design is in compliance with Core Strategy Policy CSP 29.

Highways

A Transport Assessment has been submitted to support this application, and consideration has been had to the cumulative impact of the adjoining residential development (taking into account their Transport Assessment). The Transport Assessment for this development covers five junctions and establishes the present day situation, then adds normal traffic growth for five years in the future, the residential impact is then assessed alone and finally the residential impact and the proposed Lidl store, assuming the residential development is approved.

The TA demonstrates that the impact of the Lidl Store and the residential traffic on the network is minimal. It should be noted that the assessment of the impact of the Lidl and the residential development is a worst case scenario. This is due to the fact that every trip to the Lidl has been assumed to be a new trip on the network making the assessment extremely robust. In reality some of the trips to the Lidl would already be on the network and would call in as they pass by or make a small diversion during a journey they were already making. The NPPF states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” It is clear that the residual cumulative impact could not be classed as severe. Access into the site is proposed to be a priority junction with a right turn lane and visibility splays which will be designed to the requirements of the Design Manual for Roads and Bridges, accordingly there is no unacceptable impact on highway safety. However, it is demonstrated that some of these junctions begin to operate close to or above capacity at peak times. This is due to normal predicted traffic growth and not as a result of this development; therefore, highway improvement schemes will be investigated and implemented in the usual manner.

Consequently, there are no objections to the proposed development in a highway context, subject to the following conditions

Ecology

A detailed ecological appraisal has been submitted to support this application and the adjacent residential development. It includes species specific surveys in relation to reptiles and amphibians (including Great Crested Newts) which concluded that the site was a suitable habitat but that none were present. In terms of mitigation the applicant has included an appropriate landscaping scheme along with reptile refugia and bird and bat boxes. This has been accepted by the Council's Ecology Officer.

Sustainability

The design and access statement includes a sustainability section which confirms Lidl's approach to sustainability including low energy and timer controlled lighting, a refrigeration waste heat recovery system will be used to heat the building and all plant proposed is energy efficient. In addition two vehicle charging points are provided in the car park and cycle parking. In addition, the proposed building will be required to meet current building regulation standards in relation to sustainability.

The site is located within Urban Barnsley where the majority of new development is proposed, it is accessible by a variety of transport methods, located in close proximity to existing and proposed residential developments with good crossing facilities on Wakefield Road, on a main bus route and close to a cycle link with the town centre.

As such the proposed is sustainable development and accords with the NPPF and existing and emerging Local Planning Policy.

Conclusion

In summary the proposed development is not objected to in land use planning policy terms for the reasons set out in this report. In addition the assessment of the other material considerations including residential and visual amenity, highway safety, biodiversity and flood risk has concluded that there are no other impacts that would substantiate anything other than a recommendation to grant planning permission for the proposal. Accordingly the recommendation is one of approval, subject to the conditions and limitations set out within the recommendation.

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:

1744 P400 Rev N Site Layout
1744 P100 Rev B Floor Plan
1744 P101 Rev B Roof Plan
1744 P102 Building Areas Plan
1744 P201 Rev F External Elevations
1744 P401 Rev J Surfacing Plan
1744 P402 Rev K Boundary Treatments Plan
1744P403 Rev C Levels Plan
1744 P403 Rev G Levels Plan
1744 P404 Rev A Existing Site Plan
1744 P405 Rev A Site Location Plan
1744 P600B Proposed Site Section
1744 P601B Proposed Site Section
1744 P602 Proposed Site Section
DWG 01 Proposed Lighting Layout
Lidl_Mapplewell_Carpark_Itg_Results_12.03.18

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

- 3 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.

- 4 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 right turn lane on Wakefield Road including pedestrian islands;
- Provision of visibility splays having the dimensions 2.4m x 120m;
- Provision of 2m wide footway on the site frontage;
- Relocation of 30mph speed limit and associated Traffic Regulation Order;
- Relocation of SCOOT loop and any necessary revalidation of the Bar Lane signal controlled junction;
- Any necessary signing/lining;
- Provision of/any necessary alterations to street lighting;
- Provision of/any necessary alterations to highway drainage,
- Any necessary reconstruction/resurfacing;
- Reinstatement of any redundant vehicular footway crossings.

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.

- 5 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 the free flow of traffic in accordance with Core Strategy Policy CSP 26.

- 6 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 flow of traffic in accordance with Core Strategy Policy CSP 26.

- 7 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.**
- 8 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
- Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 9 Within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development.
- Reason: In the interests of sustainable travel in accordance with Core Strategy policy CSP 26.**
- 10 The development shall not be brought into use until a service yard management plan has been submitted to and approved in writing by the Local Planning Authority, once approved it shall be strictly adhered to at all times. The plan shall include for the management of all delivery vehicles, customers vehicles, pedestrians, the use of banksmen, and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery, in the interests of road safety.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 11 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 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.**

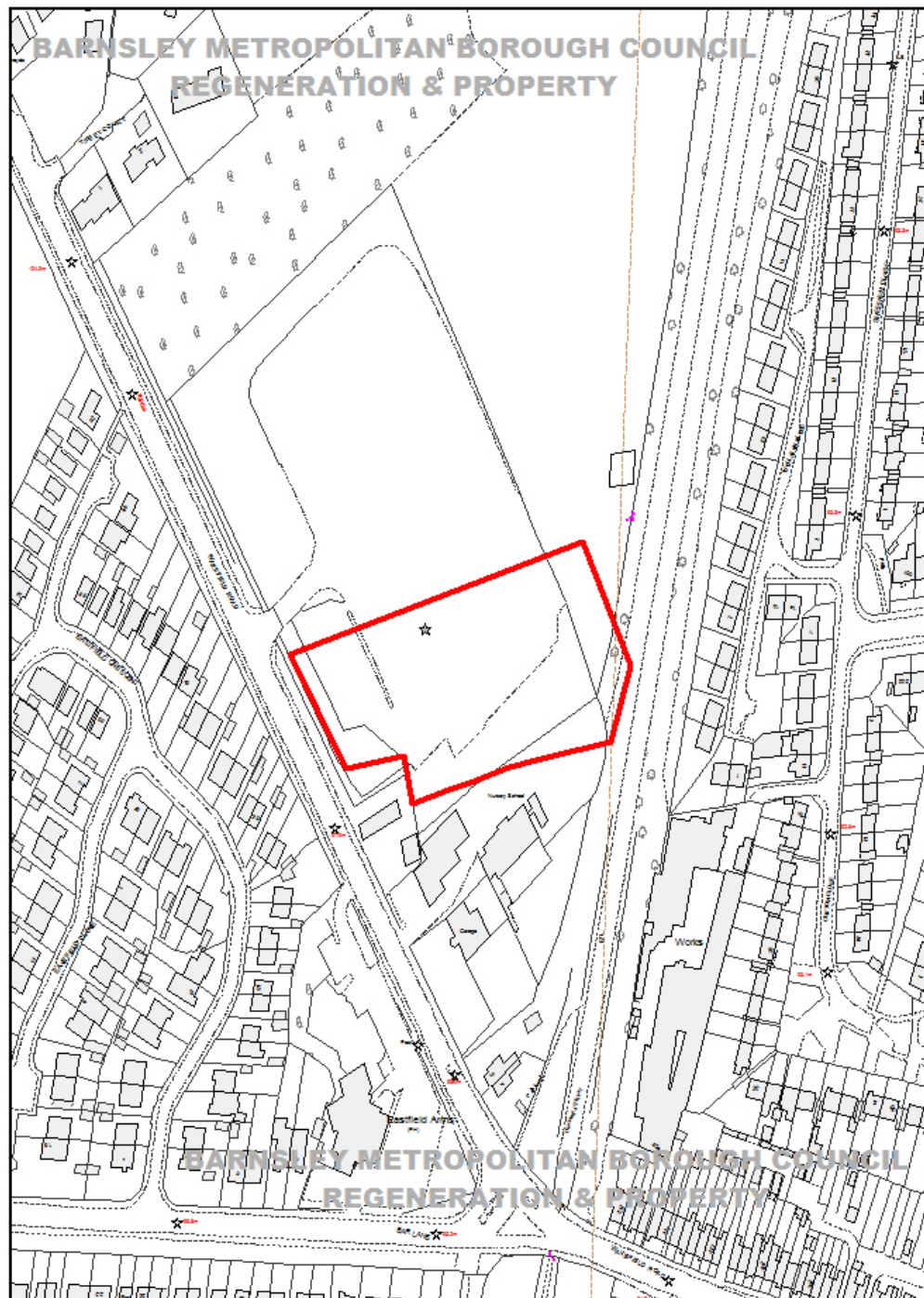
- 13 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted 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.
- 14 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.
- 15 Prior to commencement of works onsite, the developer shall submit details of actions for mitigation of air quality impact, for agreement with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policy CSP 40.
- 16 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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.
- 17 The opening hours for the store hereby permitted shall be limited to between the hours of 0800 to 2200 Mondays to Saturdays and for 6 consecutive hours between 1000 and 1800 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.
- 18 Deliveries shall be only take place between the hours of 0700 & 2300.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

- 19 The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual 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. A report detailing the findings of the investigation 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 development rests with the developer and/or landowner.
Reason: In accordance with paragraphs 178 & 179 of the NPPF.
- 20 Prior to occupation a Validation Report to confirm remediation works have been undertaken must be submitted to the planning authority and approved in writing. 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 accord with paragraphs 178-183 of the NPPF.
- 21 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.
- 22 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA Reference:-

2017/1716

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BARNESLEY MBC - Regeneration & Property



Scale 1: _____

2018/0989

Applicant: Barnsley MBC, C/o GVA HOW Planning

Description: Erection of new pedestrian footbridge and associated works and structures including alterations to public realm.

Site Address: Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate/ Barnsley Town Centre, Barnsley, S70 1DB

Representations have been received from 2 parties.

Site Description

The application concerns the existing railway line level crossing that is located on Kendray Street in Barnsley Town Centre and surrounding land which includes existing road surfaces and footpaths, areas of pedestrianised public realm located to the south of the Transport Interchange, Midland Street and a section of the Market Gate car park.

The majority of Barnsley residents will be familiar that the existing level crossing is served by barriers that close when trains are approaching causing an obstruction to all forms of traffic when closed posing a safety risk.

Proposed Development

The proposal is to construct a new footbridge and associated access structures which would see the closure of the existing level crossing preventing it being used by all forms of traffic.

The western bridge landing would be constructed in the existing pedestrianised area located to the south of the Transport Interchange (Interchange Square) which is proposed to see its layout and surface materials reconfigured in the same way as the new areas of public realm being created as part of the Glassworks development. The bridge would then cross over the railway line to the eastern landing point which would be on the southern side of Kendray Street on land forming part of the existing Market Gate car park.

The bridge structure would be approximately 105m long in length when taking into account the steps/funicular lifts with the deck itself being just over 60m in length. There would be the option of accessing the bridge deck via stairs or a funicular lift that would be fully enclosed. Its width varies from a maximum of 8.8m at the bottom of the steps to 5m along the deck.

The most striking part of the design is the two pylon structures which would serve as a design feature to make the bridge a landmark. The pylons are proposed at 36m tall which would make the bridge the tallest structure in this part of the town centre, including the new buildings that to be built as part of the Glassworks development, where they would be 8m higher than the new cinema.

The bridge pylons and deck parapet are proposed in painted steel. The inside of the deck would be painted in a different colour to the outside to accentuate and compliment the light installation. The bridge deck and steps will be in anti-slip resin. Stairs handrail are proposed in hard wood.

The reconfigured area of public realm to the south of the Interchange/North and East of the Glassworks would include a mixture of replacement block paving, turfing, outdoor seating, bollards, tree planting and outdoor market stalls. The outdoor market stalls would be located

on the eastern and southern sides of the square, consisting of modules that would either be 4.8m or 3.6 wide x 3.4m in height with the former being able to be divided in half.

Changes to the existing situation would see the removal and realignment of existing kerbs, street trees and the statue that is a monument to the coal mining history.

History

There have been a large number of previous applications at the site. The list of applications includes:-

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

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

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

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

2018/0279 - Erection of permanent structures and associated public realm works. Approved 25/07/2018.

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

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

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

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

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

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

Policy Context

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

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

Proposed Local Plan Allocation – The Markets Area/Proposed Cycle Route/Jumble Lane Gateway/Priority site for Public Improvements/Better Barnsley Development Site

Relevant Local Plan Policies would be:

TC1 'Town Centres'

Policy BTC3 – Public Spaces

Policy BTC 5 – Landmark Buildings

Policy BTC6 – Building Heights

Policy BTC7 – Gateways

Policy BTC9 – Cycling

Policy BTC12 – The Markets Area

Policy BTC13 – Development Site 1 – Better Barnsley including former TEC building and CEAG building and CEAG

Policy BTC23 – Eastern Gateway

Policy GD 1 – General Development

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

Saved UDP Policies

UDP notation: Central Shopping Area/Transport Interchange/Private Car Park

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP31 'Town Centres'
CSP40 'Pollution Control and Protection'
CSP43 'Education and Community Facilities'

Revised NPPF

The revised 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 – Wishes to see a net gain of tree planting and a commitment to native species being used before approval is considered.

Coal Authority – No objections as the Coal Mining Risk Assessment report confirms intact coal with no evidence of shallow coal mine workings.

Drainage – Identify that the site is crossed by a combined public sewer. As such they recommend that comments are sought from Yorkshire Water before the application is determined.

Highways – Request the imposition of conditions.

Network Rail – Support the proposals subject to continued liaison with Network Rail to deliver the scheme.

Tree Officer – No objections subject to conditions.

SYMAS – No objections as per the Coal Authority.

SY Police ALO – Considers the bridge design to be sufficiently open and well lit.

Yorkshire Water – Confirm that the development would be sited over the public sewerage and water supply networks located within the site. However they are content not to object subject to the imposition of a suitable condition ensuring that measures are in place to protect the pipes particularly during the construction phase, or arrangements are in place for a diversion.

Representations

The application was advertised by neighbour notification letters and site notices. Representations have been received from Gala Bingo and Birdwell Wheelers Cycle Club. In summary the main grounds of concern expressed are as follows:-

Gala Bingo - The company perceives that the development would increase the severance between their building and the town centre. In addition they consider that it will make the journey on foot from the Interchange more difficult and time consuming for their customers as a result of them having to use the bridge structures.

In addition to the above they point out that the crossing on the eastern side is located on the southern side of Kendray Street which shall result in a need to cross the road in order to walk to the club. As such they query whether any new crossing points shall be put in place to help their customers reach their destination safely. They point out that many of their customers are elderly and do not have the reactions or movement of younger people and that this will create dangers and put off customers leading to a reduction in trade.

Birdwell Wheelers Cycle Club -The club consider that the proposals represent deterioration in the quality of cycling as a mode of transport in the town centre for the reason that cyclists shall be required to dismount to cross the bridge.

In their view the bridge should have been designed with ramps to enable cyclists to access and egress the deck freely. They feel that such a hindrance is a decline from the present situation where this is the case apart from when the barriers are closed.

They assert that the Council has not carried out a thorough enough engagement with appropriate local and national cycle interest groups.

They consider in its current form the proposal would fail to achieve national planning and transportation objectives about reducing the need to travel by car for environmental sustainability purposes.

They consider that absence of a design to enable cyclists to use the bridge would see it fail to contribute to other objectives including reducing obesity rates, alleviating congestion on the roads in the town centre, improvements to noise and air quality levels.

In addition they are concerned that no data is shown concerning existing or predicted cycle usage and that there is too little interpretation of the alternative on road route as also being the Trans Pennine Trail (TPT).

Assessment

Principle of Development

The supporting documentation states that the existing level crossing is considered obsolete by Network Rail and is a potential danger to public safety. For this reason they intend to close the crossing regardless of the outcome of this planning application before March of next year. Provision of a new means of crossing the railway is necessary therefore to

prevent severance on Kendray Street and is something that has been long envisaged dating back to first applications to redevelop the town centre in 2005.

Provision of better links within the town centre and other adjacent areas including the Metrodome and Oakwell are something which is expected under proposed local plan policy *BTC13 Development site 1 –Better Barnsley including the former TEC site*. The proposal would achieve this aim retaining link between the new and reconfigured areas of the town centre comprising the Glassworks east over the railway to Kendray Street towards the Metrodome and Oakwell. Based upon the above the proposal is acceptable with regards to land use planning policy considerations.

Furthermore the provision of the new outdoor market stalls would contribute towards the vitality and viability of the town centre in accordance with proposed policy TC1 'Town Centres'.

Visual Amenity

The site is also identified as an important gateway site and a priority site for public improvements in the publication version of the Local Plan. The relevant policies seek to create distinctive new landmarks, high quality design, the best quality building materials, a strong sense of arrival, improvements to public spaces and linkages to adjacent areas.

The plans have been through a design evolution process prior to the application being submitted with the range of consultations carried out listed in the Design and Access Statement. The proposal aims to deliver on the project brief of becoming a distinctive new landmark through a combination of the substantial size of the bridge structures, its architectural design features including the two pylon structures which would become the tallest features in the area at 36m tall, the steel facing materials, the lightweight funicular lift, the after dark lighting strategy and through the uplift/modernisation of interchange square. In addition the development would not harm the views of any of the landmark buildings listed within relevant policy BTC5. The bridge would not be a building as such. However the site is located in an area that is identified to be suitable to accommodate tall buildings within the 2009 Building Heights Study. As such there is no conflict with policy BTC6 'Building Heights'. For these reasons the bridge design is considered to satisfy the range of relevant policies that includes BTC7 'Gateways' and CSP29 'Design'.

The development would also deliver other public realm improvements including an extension and reconfiguring interchange square. This will include changes to the surface paving materials, permanent structures to be used as outdoor market stalls and soft landscaping. These too are considered to satisfy the objectives of policies BTC7 'Gateways' and CSP29 'Design'.

Residential Amenity

The nearest dwellings are located sufficiently far away from the site and are screened off from it by Harborough Hill Road so as to not be affected by the proposal from an over dominance or overshadowing perspective.

The development is aimed at maintaining and improving linkages between the town centre and the Metrodome and Oakwell. However any increase in pedestrian journeys would not generate concerns from a noise and disturbance perspective, particularly given the high existing background levels.

Noise and disturbance has the potential to cause disturbance during the construction phase. Therefore it would be necessary to impose a condition requiring an appropriate method statement, including the need to agree the route to be used by construction traffic.

Given the height of the pylons light nuisance is one area where there is the potential for an amenity issue to be caused. For this reason imposing a condition is prudent. On the other hand the risk is low because the lighting scheme has to be sufficiently subdued so as to not cause a railway safety issue.

Highway Safety

The proposal is required to deliver safer way for pedestrians to cross the railway line than the existing level crossing and is supported by Network Rail for that reason.

The closing of the Jumble Lane crossing shall also require the new service arrangements to be implemented to serve the refurbished met centre including the markets and the Glassworks development once it is constructed. This shall involve service vehicles having to use Harborough Hill or West Way, Alhambra Roundabout and Westley Street to a new purpose built service road. This is something that has already been established through the approvals on applications 2015/0549, 2017/0135 and 2017/0586.

The removal of two way vehicular traffic flows from Kendray Street, the stopping off of Midland Street the extension of Interchange Square further south shall create a larger area of public realm that shall be free from interference from vehicles. There is no doubt that safety would not be significantly improved for pedestrians on the western side of the bridge landing therefore.

Concerns have been raised by Birdwell Wheelers Cycle Club that the plans should be re-designed with ramps to enable cyclists to use the bridge without having to dismount. However this raises safety concerns due to the potential conflicts that would occur at the top of the access structures and the bridge deck where forward visibility will be restricted. Both the handrail and lifts would enable cyclists to use the bridge which compares with Kendray Street access being prevented altogether when the Jumble Lane crossing is closed. In addition the plans include provision for secure, lockable cycle storage in the underside of the bridge abutments.

Gala Bingo have raised concerns that pedestrian access to the building from the Transport Interchange. Again however they do not appear to have appreciated that the existing level crossing is going to be closed in March next year regardless of the outcome of this planning application. Furthermore I do not subscribe to this view as following the closure of the level crossing their customers would only need to use the same pelican crossing over Schwabisch Gmund Way as they do currently. Therefore whilst the journey time might be increased slightly it would not be prevented or result in a need to cross more roads than they do at present. Pedestrians accessing the Metrodome and Oakwell can also do so using this same route or the existing one which involves using the existing crossing point underneath the Harborough Hill road system. Alternatively there is the option of walking further down Pontefract Road in order to cross in a location nearer to Grove Street.

The development may require abnormal loads to deliver the structures to the site. This is something for a construction method statement condition.

The proposals are regarded acceptable by Highways having regard to CSP26 'New Development and Highway Improvement' subject to the imposition of appropriate conditions. In addition Network Rail have not raised any concerns with their ability to continue to safely operate the railway.

Others

Flood Risk and Drainage

The site is located in an area of low flood risk and so this is not an issue affecting the proposal. However a condition would need to be imposed requiring a surface water management system.

Yorkshire Water have raised a concern that the development is proposed to be built over public sewerage and water supply networks. However they are content not to object subject to the imposition of a suitable condition ensuring that measures are in place to protect the pipes (particularly during the construction phase) or to ensure that arrangements are in place for a diversion/s. This is reflected in the recommendation.

Ground conditions

The site is in a Coal Mining Referral Area. However intrusive investigation work has determined that there are no evidence of any shallow coal workings which would pose a risk to the stability of the land.

Biodiversity

The Biodiversity Officer is seeking to ensure that the development delivers a net biodiversity gain with regards to increasing on the number of trees on the site and ensuring that native specimens are used. This can be ensured through a landscaping condition.

Conclusion

In summary provision of the new bridge is necessary in order to enable continued pedestrian access between this part of the town centre and the areas to the east of Kendray Street and Pontefract Road including the Metrodome and Oakwell. This is because existing level crossing is scheduled to be closed in March next year regardless of the outcome of this planning application. As such the proposal would deliver one of the aims of intended Local plan policy *BTC13 Development site 1 –Better Barnsley including the former TEC site*. Also the provision of the new outdoor market stalls would contribute towards the vitality and viability of the town centre in accordance with proposed policy TC1 'Town Centres'.

The site is also identified as a gateway site and a priority site for improvements to the public realm. The combination of the stature of the design of the bridge, its design features most notably the pylons, its facing materials and other enhancements to the surrounding area of public realm including the reconfigured and extended Interchange Square would ensure that the development would become a landmark feature as per the aims of proposed Local Plan policies BTC7 'Gateways' and CSP29 'Design'. In addition the development would not harm the views of any of the landmark buildings listed within relevant policy BTC5, or conflict with BTC6 'Building Heights'.

The development is supported by Network Rail as the plans represent a safer way to cross the railway than the existing level crossing. In addition the closing off of Kendray Street and stopping up of Midland Street and creation of an enlarged pedestrianised area at Interchange Square would remove conflicts between vehicular and pedestrian traffic on the western side of the bridge landing. To the east the road configuration would remain much the same as the existing. As such there would be no deterioration in highway safety on that side of the bridge.

Concerns have been raised that the plans have not sufficiently catered for the needs of cyclists. However this ignores the fact that the level crossing is due for closure early next year. The provision of the bridge would therefore also enable continued ability for cyclists to cross the railway line in this location along with pedestrians that shall otherwise be prevented. The provision of ramps instead of steps or the lift is not seen desirable from a highway safety point of view to reduce the risk of collisions occurring where forward visibility is at its worse when accessing onto the bridge deck. However handrails and the lifts would provide different access options to enable cyclists still to use the bridge. In addition enhancements would be provided in the form of secure, lockable cycle storage in the underside of the bridge abutments.

The development is likely to require abnormal loads to be delivered to the site for the bridge structures and could involve night time working to avoid minimising disruption on the railway network. Therefore a construction method statement condition is required. Apart from during the construction phase the development is not envisaged to lead to any impacts harming the residential amenity of the nearest properties because of the distance and because of views being blocked off by Harborough Hill Road.

The other main issue of significance is that the development has the potential to impact on sub terrain public sewer and water supply infrastructure. However Yorkshire Water are content that the matter can be adequately covered by a pre-commencement condition to require the necessary investigation work to inform protection measures and if a diversion/s are required.

Overall the application is assessed to be acceptable subject to the conditions listed in the recommendation and is recommended for approval accordingly.

Recommendation

Grant planning permission with conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-

BGW2-IBI-XX-PN-A-F100-0011 rev 1 'Site Location Plan'
BGW2-IBI-PB-XX-PN-A-F100-0015 rev 1 'Proposed Site Plan'
BGW2-IBI-PB-XX-PN-L-G700-001 rev P01 'Public Realm GA Plan'
BGW-IBI-XX-EL-A-F100-0017 rev 1 'Proposed elevations - sheet 1 of 2'
BGW-IBI-XX-EL-A-F100-0017 rev 2 'Proposed elevations - sheet 2 of 2'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials

- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

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

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

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

- 5 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off has been submitted to and approved in writing with 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 life of the development.

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

- 6 Prior to the development being brought into use 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. The approved hard landscaping details shall be implemented prior to the development being brought into use.

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

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

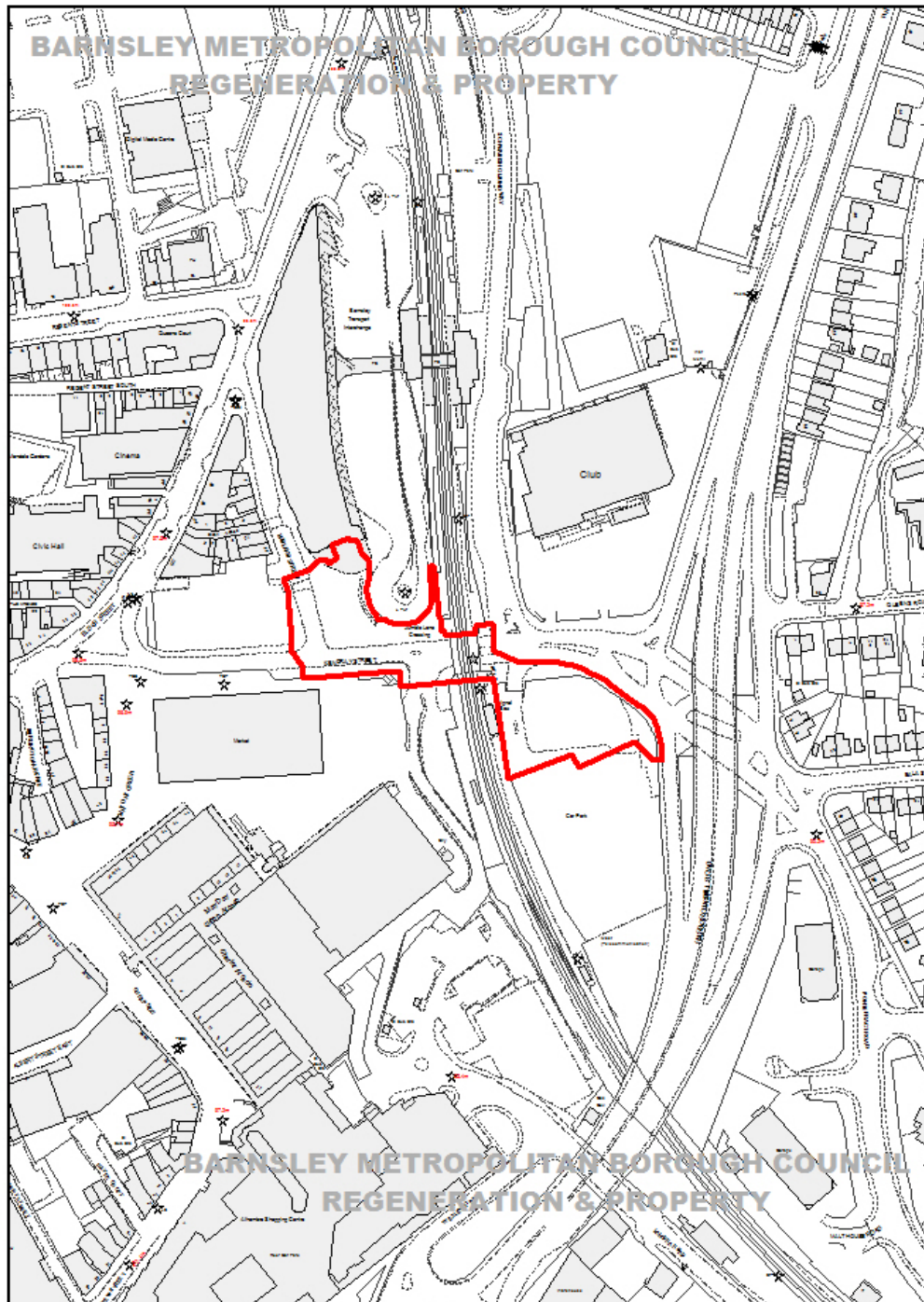
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

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

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

- 9 On commencement of development a scheme for the provision of lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to the development being brought into use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.
- 10 No development shall commence until a scheme for protecting the water and waste water infrastructure that is laid within the site boundary has been submitted to and approved by the Local Planning Authority. Construction in the relevant areas of the site shall not commence until the protection measures have been fully implemented in accordance with the approved plans. If the infrastructure is to be closed or diverted, the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 11 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: in the interests of road safety.
- 12 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 pedestrian crossing facilities on Kendray Street/Pontefract Road to the east of the railway line;
 - Measures to prevent vehicular/pedestrian movement at the level crossing;
 - Provision of/amendments to Traffic Regulation Orders;
 - Removal of redundant signal infrastructure to the west of the railway including the interface into the railway signal box;
 - Changes to signal configurations;
 - Provision of LED traffic signals with nearside/on crossing detection;
 - Any necessary signing/lining;
 - Provision of/any necessary alterations to street lighting;
 - Provision of/any necessary alterations to highway drainage;
 - 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
- 13 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 14 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.

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BARNESLEY MBC - Regeneration & Property



Scale 1: _____

2018/1149

Applicant: Wombwell Main Community and Sports Association

Description: Proposed change of use to create junior training pitch including grading works.

Site Address: Wombwell Main Community and Sports Association, Windmill Road, Wombwell, Barnsley, S73 8PW

4 representations from local residents.

Site Description

Wombwell Main Sports lies to the west of Wombwell, at the junction of Windmill Road and Hough Lane. The current facilities include a cricket oval and full size football pitch as well as a community centre / club house.

The application site comprises a 2.59ha field located to the west of existing sports grounds. It is currently unused and overgrown with scrub and small trees. There is housing (on Cowley Green) to the south east of the field with the land to the north comprising agricultural fields.

Proposed Development

It is proposed to clear the site, regrade the land to create a level field and lay out a junior football pitch. The applicant has confirmed that the regrading works are cut and fill with no need to take soil off or bring new soil onto the site. The junior pitch will be grass.

The site will be secured with fencing similar to that currently around the perimeter of the existing sports ground. In addition, trees and shrubs will be planted around the perimeter.

History

2016/0237 Erection of a detached building to form changing facilities and store (Amended Plans) – Approved 08/2016

Policy Context

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

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

CSP3 'Sustainable Drainage Systems'
 CSP4 'Flood Risk'
 CSP26 'New Development and Highway Improvement'
 CSP29 'Design'
 CSP33 'Green Infrastructure'
 CSP 34 'Protection of Green Belt'
 CSP35 'Green Space'
 CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Green Belt Policy GS6 'Extent of Green Belt'

Publication version of the Draft Local Plan

Proposed allocation: Safeguarded Land/Greenspace/Nature Improvement Area

Policy GB6 - We will only grant planning permission on sites allocated as safeguarded land for development that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following the adoption of a replacement Local Plan which proposes such development.

Policy GS1 Green Space - We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

NPPF

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

Paragraphs 143 -144 confirm that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances and that local planning authorities are required, when considering an application, to give substantial weight to any harm to the green belt. Paragraph 146 lists a number of forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes “material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds”

Consultations

Drainage – No objections or conditions.

Trees – No objections subject to a condition requiring replacement tree planting around the boundary of the pitch.

Highways – No objections subject to conditions.

Regulatory Services – No objection subject to a condition restricting construction to working hours

Representations

The application was advertised by neighbour notification letters and a site notice. 4 representations have been received which raise a number of concerns:

- There are car parking issues on the Cowley Green associated with the club;
- The construction works will create noise and dust problems for residents;
- Land is used by dog walkers;
- Access for construction vehicles will be via Windmill Lane which is already very busy and has lots of on street parking issues;
- Noise from the pitch and any lights will impact on residents directly adjacent to it;
- Loss of privacy;
- Concerns the pitch would be used for other purposes such as a car boot, fair etc as is already happening on the wider site;
- Will the trees and shrubs be replanted as the fencing and any lights would spoil residents outlook;

Of the four letters only 2 object outright with one not objecting subject to parking restrictions and one letter of support welcoming the investment in a community facility, but does still raise some concern about parking.

Assessment

Principle of Development

The site is designated Green Belt in the UDP. It is shown on the greenspace register as part of the Wombwell Main Sports Ground but the site itself does not appear to have any formal sports use, is outside of the fenced sports ground area and appears to be overgrown and unused.

The NPPF indicates that material changes in the use of land (such as changes of use for outdoor sports or recreation) and engineering operations are not inappropriate in the Green

Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal would therefore appear to be not inappropriate.

The site is proposed to be re-designated Safeguarded Land in the emerging Local Plan. The Local Plan designation attracts some weight because of the stage that the production of the local plan has reached (i.e. the examination of the plan has reached an advanced stage but we do not yet have an Inspectors report).

National policy and emerging Local Plan policy indicates that planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. In addition, the emerging Local Plan policy states that 'we will only grant planning permission on sites allocated as safeguarded land for development that is needed for ... alternative uses where the development will protect the open nature of the land and will not affect the potential for future development of the site'.

Therefore, as the proposed is an engineering operation to level the site and will retain the open nature of the land, not affecting the potential for future development of the site, it is concluded that there is no conflict with Green Belt policy or the emerging Safeguarded Land Policy and as such the proposed is acceptable in principle.

Residential Amenity

The proposed pitch is located directly adjacent the rear gardens of properties on Pashley Croft and as such these properties will be the most affected by the development. The application is for a grass pitch to be used as a training pitch for junior members of the club. No hours of use have been provided but as no lighting is proposed it is reasonable to assume the pitch will not be used in evenings, limiting noise disturbance. Furthermore, the proposal is for a grass pitch to be used for training junior members. Grass pitches do not create as much noise disturbance as other surfaces and junior teams are accompanied by adult coaches who can control noise levels to a certain degree and to whom residents can complain (the applicant has confirmed that the club have spoken to residents and are happy to continue an open dialogue on this basis). Finally, as there is already a large playing pitch and cricket ground on the wider site, noise associated with the use of a playing field is already heard in this locality. Therefore, taking all the above into account the increase in noise disturbance is not anticipated to be significant.

Any overlooking or loss of privacy will be limited by the limited use of the pitch, distances and levels. In addition, tree planting is proposed around the boundary and will provide some screening. Overall the proposal is assessed as being acceptable in residential amenity terms.

Visual Amenity

The existing site is an area of land which has been allowed to become overgrown, being separate from the wider agricultural land and not used by the sports club. Nevertheless it has some visual amenity value with a number of self-seeded trees and shrubs on the site, albeit the tree officer has confirmed that none are particularly mature or worthy of retention. The visual impact of the development is limited by virtue of the fact that the sports pitch itself will not appear incongruous, arguably being a positive addition to the wider environment. It is also mitigated, in part, by the proposal to provide some replacement planting around the perimeter of the new pitch. Therefore, taking account of the wider benefits of providing additional sports provision in Wombwell, on a well-used facility; it is considered that the visual impact is acceptable.

Highways

The applicant has supplied information confirming that there are 3 parking options available, Windmill Road car park, Windmill Road parking bays, Hough Lane car park. Existing parking issues have been raised by residents, however, the applicant has confirmed that the proposed development is to improve existing facilities rather than increase activity or membership. The Highways Officer has, therefore confirmed that there are no objections to the proposed development in a highway context subject to a condition requiring a construction method statement.

Conclusion

In summary the proposed works are considered acceptable in land use planning terms given that they would preserve the openness of the Green Belt and would not prejudice long term future development options given the proposal to re-designate it Safeguarded Land in the Local Plan as part of a much wider area of land. Furthermore the land is on the Greenspace register. Given that the proposal would simply mean that the existing junior football team would train on the new pitch rather than the existing it is not expected to give rise to any significant residential amenity or highway safety issues once operational. The officer recommendation is therefore one of approval.

Recommendation

Grant subject to conditions:-

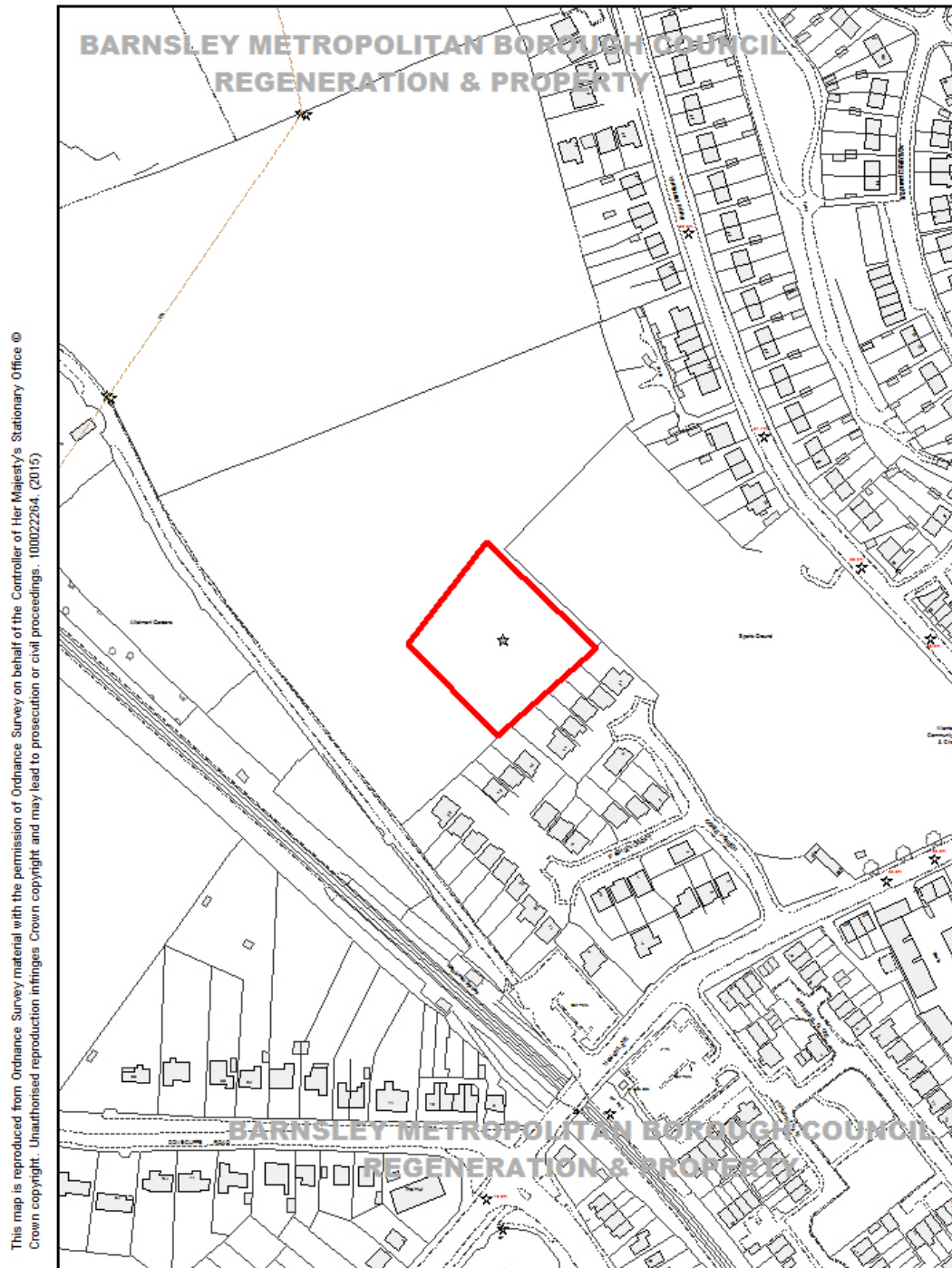
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos: WFC/PTG/MAR18-02, WFC/PTG/MAR18-04A and WFC/PTG/MAR18-05) 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 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 the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of the proposed landscaping works around the boundary of the site. The approved landscaping details shall be implemented within the first year of the use of the proposed development(s). 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, in accordance with Core Strategy Policy CSP 29.

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

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



BARNSELY MBC - Regeneration & Property



Scale 1: _____

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Item 9

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 September 2018 to 30 September 2018

APPEALS RECEIVED

6 appeals were received in September 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2018/0647	Variation of condition 2 of application 2017/0607 (granted at appeal under reference APP/R4408/W/17/3182593) to allow the hours of the car wash to be amended to 09:00 to 18:00 hours Monday to Saturday, and 09:00 to 17:00 hours on Sunday and Bank Holidays. Former petrol filling station, Pontefract Road, Cudworth, Barnsley, S72 8AY	Written Representations	Delegated
2018/0616	Erection of single storey outbuilding to form residential annex (Resubmission) 4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD	Written Representations	Delegated
2016/0180	Sub-division and change of use of building into 11 no. workshops to provide flexible leisure/employment uses. 26 Doncaster Road, Barnsley, South Yorkshire, S70 1TL	Written Representations	Delegated
2018/0157	Erection of detached double garage South Grove House, South Grove Drive, Hoyland, Barnsley, S74 9DY	Written Representations	Delegated
2017/0638	Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers. Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF	Written Representations	Committee
2014/1136	Erection of 1 no. dwelling with detached garage. (Amended Plans). Land adjacent 197 Brierley Road, Grimethorpe, Barnsley, S72 7AW	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in September 2018

APPEALS DECIDED

1 appeal was decided in September 2018.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0898	Formation of car park and associated access/egress Land to the north of Old Mill Lane, Old Mill Lane, Barnsley	Dismissed	Delegated

2018/2019 Cumulative Appeal Totals

- 10 appeals have been decided since 01 April 2018
- 6 appeals (60%) have been dismissed since 01 April 2018
- 4 appeals (40%) have been allowed since 01 April 2018

Audit	Details	Decision	Committee/ Delegated
2017/1342	Erection of detached double garage to dwelling. Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE	Dismissed	Delegated
2017/1054	Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) Land at Wentworth Street, Birdwell, Barnsley, S70 5UN	Allowed	Delegated
2017/0721	Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley	Dismissed	Delegated
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
2017/0898	Formation of car park and associated access/egress Land to the north of Old Mill Lane, Old Mill Lane, Barnsley	Dismissed	Delegated