

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 19 February 2019
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

### 1. Declarations of Interest

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

### MEETING:

### 2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 22<sup>nd</sup> January, 2019.

### Planning Applications

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

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

### 3. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2018/1569 - For approval (*Pages 7 - 30*)

### 4. Broadstone Farm, Whitley Common. For approval - 2018/0960 - For approval (*Pages 31 - 44*)

### 5. 52 Tower Street, Worsbrough Common, Barnsley, S70 1QS - 2018/1399 - For approval. (*Pages 45 - 54*)

### 6. Georgie's Yard, 233 Park Road, Barnsley, S70 1QW - 2018/1271 - For approval (*Pages 55 - 60*)

### Planning Appeals

### 7. Planning Appeals - 1st January to 31st January, 2019 (*Pages 61 - 64*)

### Enforcement Update

### 8. Enforcement Update QTR 3 2018/19 (*Pages 65 - 68*)

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

Monday, 11 February 2019

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 22 January 2019
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors Coates, Franklin, David Griffin, Hampson, Hayward, Higginbottom, Lamb, Leech, Makinson, Markham, Mitchell, Richardson, Riggs, Saunders, Spence, Tattersall, Wilson and R. Wraith

### 75. APPOINTMENT OF CHAIR

**RESOLVED** that Cllr Richardson be appointed as Chair, in the absence of Cllr D. Birkinshaw, for this meeting only.

### 76. Declarations of Interest

There were no declarations of pecuniary or non-pecuniary interest with regard to any of the items on the agenda.

### 77. Minutes

The minutes of the meeting held on 18<sup>th</sup> December 2018 were taken as read and signed by the Chair as a correct record.

### 78. Balmoral Industrial Tanks, Barrowfield Road, Thurnscoe, Rotherham S63 0EW - 2018/0966 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0966** [Proposed extension to existing industrial unit at Balmoral Industrial Tanks, Barrowfield Road, Thurnscoe, Rotherham, S63 0EW].

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to:

- (i) completion of S106 Agreement (£25,000 for biodiversity mitigation);
- (ii) the imposition of an additional condition requiring a verification report to be provided (to demonstrate that appropriate mitigation has been put in place to deal with land instability risks associated with the former mine shaft located in the vicinity of the development) and
- (iii) that the proposal complies with the relevant Building Regulations concerning that issue.

**79. Marlborough Hotel, 36 Dodworth Road, Barnsley S70 6DY - 2018/0683 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0683** [Conversion of existing public house into 4 no. apartments including dormer extension to 2<sup>nd</sup> floor at Marlborough Hotel, 36 Dodworth Road, Barnsley, S70 6DY].

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to REFUSE the application being:-  
MOVED by Councillor Mitchell and SECONDED by Councillor Coates with voting being as follows:-

In favour of the amendment to REFUSE the application:- Councillors Coates, Hayward, Leech, Makinson, Markham, Mitchell and Tattersall.

Against the amendment to REFUSE the application:- Councillors Dave Griffin, Hampson, Higginbottom, Lamb, Richardson, Riggs, Spence, Wilson and R. Wraith.

Councillors Franklin and Saunders abstained from voting.

The amendment being lost, the substantive motion to approve the application was then put and resolved.

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

**80. 4 Springfield Place, Barnsley, S70 6HJ - 2018/1146 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1146** [Erection of 3 ½ storey side/rear extension to accommodate HMO (maximum 6 persons) at 4 Springfield Place, Barnsley, S70 6HJ].

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to REFUSE the application being:-  
MOVED by Councillor Mitchell and SECONDED by Councillor Tattersall with voting being as follows:-

In favour of the amendment to REFUSE the application:- Councillors Coates, Franklin, Dave Griffin, Hampson, Hayward, Higginbottom, Lamb, Leech, Makinson, Markham, Mitchell, Saunders, Tattersall and Wilson

Against the amendment to REFUSE the application:- Councillors Richardson, Spence and R. Wraith.

Councillor Riggs abstained from voting.

**RESOLVED** that the application be REFUSED against the Officer recommendation on the following grounds:

Members felt that this type of small housing unit development would lead to harm to the character of the area as it would add to multi occupancy dwelling concentration issues and that additionally the development was to an inadequate standard of residential amenity for future residents due to a lack of shared room facilities and small bathrooms.

**81. Georgie's Yard, 233 Park Road, Barnsley, S70 1QW - 2018/1271 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1271** [Change of use of basement of residential property into a business associated with the making and selling of seasonal crafts and soft furnishing plus tea parties and events (maximum 12 people and 3 hour duration) at Georgie's Yard, 233 Park Road, Barnsley, S70 1QW].

**RESOLVED** that the application be deferred to enable Officers to seek clarification as to whether the proposal would be subject to control under the Building Regulations due to Health and Safety concerns associated with the risk of the proposed use being carried out from within a basement.

**82. Planning Appeals - 1st to 31st December 2018**

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

The report indicated that no appeals were received in December 2018.

It was reported that 14 appeals have been decided since 1<sup>st</sup> April 2018, 10 of which (71%) have been dismissed and 4 of which (29%) have been allowed.

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Chair

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# Item 3

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**2018/1569**

**Applicant:** Mr David Shepherd (BMBC) c/o How Planning LLP

**Description:** Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park 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

**Site Address:** 1 Barnsley Markets and adjoining land, Cheapside, Barnsley

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No representations have been received.

## Site Description

The site was described as follows in the Officer report associated with planning application 2017/0586 (decision date 27<sup>th</sup> September 2017):-

*"The application relates to the next phase of the 'Better Barnsley' proposals for the redevelopment of the Town Centre, following on from the approval for the detailed set of plans relating to the new Library and the refurbishment of the Metropolitan Centre and its modification into the 'Glassworks'.*

*The application is the latest in a series of an increasing number of applications submitted relating to the Better Barnsley Town Centre redevelopment plans to take into account differences at the scheme has evolved as it has progressed nearer to becoming a reality. A development agreement is now in place to enable the delivery of the scheme as has been widely publicised.*

*Phase 2 encompasses:-*

- The existing multi storey car park located to the rear of the Met Centre off Lambra Road;*
- The remaining part of the Met Centre which did not form part of the phase 1 application fronting onto Cheapside;*
- land associated with the existing temporary market at May Day Green;*
- land associated with the former TEC building to the north of Kendray Street;*
- Wesley Street and Lambra Road;*
- The Lambra Road car park located to the rear of the existing food market*
- The service roads and raised engineering structures which provide access to the multi storey car park and service vehicle access to the Met Centre and Markets from Lambra Road*

*The existing Met Centre, TEC building and the multi-storey car park are a form of brutalist post war architecture that are a product of their time. Facing materials include brown concrete panels, concrete and red brick. This phase includes 1.74ha of land in total".*

Following the controlled demolition of the of the old multi storey car park which served the Met Centre in the early hours of 27<sup>th</sup> January of this year the planning permission has now been lawfully implemented and secured. This has opened up the land where this phase of the Glassworks development would take place.

## **Proposed Development**

The proposal was described as follows in the Officer report associated with planning application 2017/0586:-

*This is a comprehensive mixed use redevelopment proposal for the Town Centre that would link in with the refurbished Met Centre to create a new retail hub known as the Glassworks. The development would also include other town centre related uses including a new multi screen cinema and food and drink establishments. In addition also forming part of the application would be a new multi storey car park to serve the Town Centre to replace the existing one which is going to be demolished.*

*Previous applications have been in outline and reserved matters form. However this is an application for full planning permission and includes full details of the plans for each constituent part of the development.*

*The mixed use development will comprise approximately 9360sq m of new retail floorspace (Use Class A1), approximately 2484 sq m of food and drink (Use Class A3.), approximately 8526sq m of leisure floorspace, including a 12 screen cinema and a bowling alley (Use Class D2), ancillary floorspace of approximately 6487sqm, a 494 space multi storey car park with access road, and servicing arrangements including a new service road between Kendray Street and Lambra Road.*

*A more detailed summary of the proposals is provided below:-*

- *Ground floor food and drink and first floor leisure use in a separate block north of Kendray Street on the site of the former TEC building;*
- *A canopy over the proposed public walkway between the Phase 2 development and the Metropolitan Centre*
- *A cinema above retail and food and drink uses on land to the south of Kendray Street between the Met Centre and the railway;*
- *The 4 level, 494 space multi storey car park would be located above the 2 storey retail provision at the southern end of the scheme near to Lambra Road.*
- *An extended service road to link the development with Kendray Street*

*The proposal is for the development to link in with the refurbished Met Centre and library phases via new public realm works which would see the existing pedestrian areas in the vicinity remodelled and the covered pedestrian walkway adjoining the new retail units being provided on all 4 sides of the refurbished Met Centre. As part of this a new public square is envisaged in the May Day Green area which includes land forming part of the existing temporary market.*

*Access to the multi storey car park and for service vehicles for most of the development would be via a reconfigured and extended service road off Kendray Street. The building to the north of Kendray Street would be serviced via Midland Road.*

*The various buildings would differ in size with the cinema and multi storey car park being 4 storeys in height (6 in total in the case of the multi-storey car park as it would sit above a two storey part of the mixed use part of the development). In addition the roof space of the multi storey car park would also be used. The remaining parts have been designed on two levels.*



*The proposed elevations are dominated by full height glazing for the most part in the case of the retail and restaurant shop units. The palette of materials proposed includes a mixture of light brown brick, gold metal cladding, light render. The cinema and multi storey car park would be enclosed with aluminium panels.*

*Demolition of approximately 38,200 sqm of buildings within the wider town centre redevelopment site is being undertaken pursuant to the outline permission and a separate Prior Notification of Demolition procedure.*

The development proposals remain unaltered except in the case of the multi-storey car park which is proposed to be reconfigured with regards to its shape and size. The primary reason for this is to move the development a sufficient distance away from an easement needed to protect a public sewer located in close proximity to this part of the development.

The proposal would see the size of the car park reduced in terms of the amount of space that it occupies on the ground. Conversely the height of the car park would need to increase in storey height in order to accommodate a similar number of parking spaces. This would mean that rather than it being a 6 storey building with a deck of parking on the roof top it would become 7.5 storeys in the highest section.

The position of the access/egress into the multi-storey car park would be moved to a set back location off the new service road and the associated circular ramp structure (the rotunda) located on the outside of the car park structure would be reduced in size from 5 storeys to 4 storeys. Overall parking numbers would be similar to that already approved, 481 spaces compared with 494.

## **History**

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

Reserved matters approval of access, appearance, layout and scale of the refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1, A3, A4), and leisure (D2) uses was given 20<sup>th</sup> April this year under application 2017/0135. This is now known as phase 1 of the Glassworks.

Approval over 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).

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.

Application 2017/0586 is the parent application to which this application to vary part of the plans relates. The overall description is *Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park 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*. This was approved on 27<sup>th</sup> September 2017 and is otherwise known as phase 2 of the Glassworks development.

Application 2018/0279 approved the erection of permanent structures and associated public realm works on 25<sup>th</sup> July 2018.

Application 2018/0989 approved a new pedestrian footbridge and associated works and structures including alterations to public realm on 24/10/2018.

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

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

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

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

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

## **Policy Context**

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3<sup>rd</sup> January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

## Local Plan

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

Policy BTC13 Development Site 1 - The Glassworks including former TEC building and CEAG site - We will allow the following types of development:

- Retail, including a department store;
- Offices;
- Leisure;
- Food and drink; and
- Car parking.

The development of the site will be expected to:

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell; and
- Include other uses if they would support the liveliness and economic strength of the town centre.

Other relevant policies include:-

LG2 'The Location of Growth'

TC1 'Town Centres'

TC2 'Primary and Secondary Shopping Frontages'

BTC1 'The Daytime and Evening Economies'

BTC4 'Improving Public Spaces'

BTC5 'Landmark Buildings'

BTC6 'Building Heights'

BTC7 'Gateways'

BTC11 'Car Parks'

GD1 'General Development'

E5 'Promoting Tourism and encouraging Cultural Provision'

T3 'New Development and Sustainable Travel'

T4 'New development and Transport Safety'

D1 'High Quality Design and Place Making'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'SUDS'

RE1 'Low Carbon and Renewable Energy'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

I1 'Infrastructure and Planning Obligations'

CL1 'Contaminated and Unstable Land'

BIO1 Biodiversity and Geodiversity

HE1 The Historic Environment

SPD's

-Residential amenity and the siting of buildings

-Parking

## NPPF

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

### **Consultations**

Air Quality – Confirmed that they had no objections to the development:-*The developer shall ensure that suitable air quality mitigation is incorporated into the development. These mitigations shall consist of those listed within Section 6.2 (Mitigation, Operational Phase) of the supporting air quality assessment, and those in subsequent correspondence between the Local Planning Authority and the developer.*

Biodiversity Officer – No objections to the development subject to the imposition of the 2 relevant conditions that were imposed on planning permission 2017/0586.

Contaminated Land – No objections given that the relevant condition on planning permission 2017/0586 has been discharged.

Civic Trust- Supported planning application 2017/0586 based upon the following summary of reasons:-

- *Barnsley needs a town centre that is a "Destination" for both locals and visitors alike.*
- *The proposals are attractive and inviting and will give Barnsley presence*
- *Better use of previously underused or badly used locations*
- *The improved offer regarding the evening economy is to be welcomed both from the aspect of choice and also increased safety which is of great importance especially for people on their own.*
- *The increased offers regarding leisure, dining and retail are to be applauded and the Trust is hopeful that the new developments will bring about an enhanced feeling of civic pride and ownership into the town.*
- *Retention of commerce instead of money being spent outside of the Borough*
- *Employment generation for the benefit of local people*
- *The absence of harm to heritage assets*
- *The materials palette will harmonise with the new Library and will give an uplift to an area which has suffered from uninspiring and unattractive frontages especially along Cheapside*

Drainage – No objections to the development subject to the imposition of the 2 relevant conditions that were imposed on planning permission 2017/0586.

Enterprising Barnsley – Express support for the proposals on the grounds that the development would secure investment, generate a business rate income and lead to an increase in employment opportunities.

Highways – No objections subject to conditions.

Network Rail – NR are fully engaged with the proposals relating to the Town Centre Regeneration Project. They had no observations to make, subject to the continuation of necessary discussions and agreements with the applicant.

Pollution Control – No objections to the development subject to the imposition of the 2 relevant conditions that were imposed on planning permission 2017/0586 which require details of air conditioning or extraction systems to be provided and noise and dust suppression measures.

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

SYAS – No objections.

SY Police ALO – Previously they made a variety of recommendations with regards to detailed design measures to make the development suitable from a secured by design and counter terrorism perspective. The resulting condition is proposed to be carried across to the new application.

Urban Design Officer – Was supportive of the plans. However conditions are required in relation to the following matters:-

- Sample panels of the proposed materials.
- Refinements to the external façade of the cinema
- Refinements to the glass canopy roof over the new shopping arcade

Yorkshire Water – The amendments have been specifically designed to avoid the problem with the previous design of the multi storey car park being built over a public sewer easement. They also stated that water mains and other services enter parts of the site may require capping off or removal. No comments have been received from Yorkshire Water to the current application. As it is their policy not to respond to planning application consultations where they have no comments to make on proposals it is presumed that they have no comments to make on the current application.

## **Representations**

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

## **Assessment**

### Principle of development

The development already benefits from planning permission following the original application being approved on 27th September 2017 and it being implemented at the end of January earlier this year. The principle of development is already established therefore. The scope of this application therefore is only to consider the amendments to the multi-storey car park.

### Visual amenity

The assessment of the previous set of plans concluded that the overall development would greatly modernise appearance of the town centre and bring it up to date with the modern era. In addition it was determined that the scale of the development could be absorbed for the reason that it would replace buildings that were of similar scale to the previous ones that existed on parts of the site.

The changes would see the multi-storey car park increased in height from 6 storeys to 7.5 in its highest part. However this size is comparable to the multi-storey car park for the Alhambra Centre which is located directly adjacent. In addition the increase in the storey height is partly offset by the building occupying a smaller area on the ground compared with previously and the repositioned/smaller rotunda. This part of the site is located on a low ground level, directly at the side of the multi storey car park for the Alhambra Centre with severance to the land to the east provided by the railway line, Market Gate car park and Harborough Hill. Taking those things into consideration I am comfortable that the proposed changes can be absorbed by the surroundings without giving rise to any adverse visual impacts. In addition it is considered that the changes to the elevations would not negatively impact on the final appearance of the development as it has been possible to safeguard the main design principles and facing materials, despite the reconfigurations. For that same reason I consider the changes to be acceptable and minor material in nature. The proposals therefore comply with the relevant suite of policies in the new Local Plan including D1 'High Quality Design and Place Making', BTC6 'Building Heights' and BTC7 'Gateways'.

### Residential Amenity

It remains the case that there are no residential properties in the immediate vicinity of the proposed development that would be affected by scale and dominance issues given the separation distances that would be involved. In addition Harborough Hill acts as a visual severance point. It was acknowledged that construction work has the potential to cause disturbance over a greater area. This led to conditions being imposed to limit working times and to ensure that a construction method statement is in place. Further conditions were imposed requiring the submission of details relating to external plant.

### Highway Safety

The assessment of the previous application concluded that the town centre road network could accommodate the development without giving rise to impacts that would be classed as severe, which is the threshold set by the NPPF. Mitigation measures that were identified as being necessary include:-

- a) provision of a signal controlled junction at the Wesley Road/Lambra Road*
- b) provision of a signal controlled junction at Lambra Road/Pontefract Road;*
- c) provision of VMS at various locations throughout the town centre;*
- d) any necessary changes to street lighting;*
- e) any necessary changes to drainage;*
- f) provision of and any necessary changes to Traffic Regulation Orders;*
- g) carriageway/footway resurfacing/reconstruction on all affected highways;*
- h) any necessary signing/lining;*
- i) provision of signal engineer parking bay at the signal controlled junctions;*
- j) provision of motorcycle/cycle parking*
- k) provision of coach parking facilities*

On the whole the proposed amendments do not alter the previous assessment carried out. The number of parking spaces would reduce by 13. However this a reduction equating to less 3% of the number of spaces previously approved which Highways are content is not material.

The other main change is the relocation of the access/exit into the multi-storey car park from being directly opposite the access/exit into the multi-storey car for the Alhambra Centre on Lambra Road to the new service road that is going to be constructed to the north east behind the new Glassworks buildings directly alongside the railway track. This would reduce the number of conflicts with traffic entering and exiting the Alhambra Centre car park and so is supported by Highways. It remains the case therefore that the development complies with the relevant highways policy which is now relabelled T4 'New development and Transport Safety' in the Local Plan.

The construction method statement condition would also need to be carried across to provide highways with control over the following areas:-

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Phasing of the development
- 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

### **Other considerations**

#### Air Quality

Suitable mitigation measures were agreed as part of the existing planning permission and are proposed to be carried across to the new permission. These include:-

- Dust suppression during the demolition and construction phases.
- 20 electronic vehicle charging points
- Provision of a travel plan
- New signage

#### Flood Risk and Drainage

The FRA established that the site falls in Flood Zone 1 (low flood risk) and that the risks to the culverted watercourse (Sough Dyke) are negligible, subject to standard requirements requiring the provision of attenuation measures to ensure that the required amount of surface water run off from the development is stored within the site prior to being discharged at a restricted rate. The same conditions would need to be carried across to the new permission therefore.

In addition to the above the proposal would solve the problem with the development conflicting with an easement for a public sewer which would cause delays for the development and add costs that would threaten its delivery.

### CO2 emission reduction and BREEAM

Development should achieve a BREEAM very good standard in order to comply with Local Plan Policy CC2 Sustainable Design and Construction. This would result in the same condition being carried across to the new permission.

### Biodiversity

The previous assessment established that the potential for the development to impact upon protected species including bats was low. However a condition was imposed requiring the provision of bat bricks as part of the development more carefully thought out strategy for lighting of the new areas as mitigation. The same conditions would need to be carried across therefore.

### Police ALO recommendations

The same condition is proposed to be carried across requiring the submission of details of how the previous recommendations of the Police ALO are going to be incorporated within the detailed construction drawings.

### Conclusion

In summary the scope of this application is purely to consider the changes to the proposed new multi-storey car park with the previous version of this and all other buildings associated with the phase 2 parts of the Glassworks development benefitting from planning permission that now been lawfully implemented and secured.

The changes would see the size of the building reduced in terms of the amount of space it would be occupy on the ground. This would see it avoiding conflicting with a public sewer easement which threatens the delivery of the scheme. The resulting configurations would result in a section of the multi-storey car park being raised higher from 5 storeys to 7.5. However this is comparable to the multi storey car park for the Alhambra Centre which it would be located adjacent to. In addition the building would be in a low lying part of the town centre located at the side of the railway and open land on the opposite side with Harborough Hill acting as severance between the development and the nearest sensitive receptors. The reconfigured elevations maintain the same design principles and facing materials and taking these things combined I consider the changes to be of an acceptable and minor material nature taking into account the relevant policies including D1 'High Quality Design and Place Making', BTC6 'Building Heights' and BTC7 'Gateways'.

The changes would see the number of parking spaces reduced by 13. However this is less than a 3% reduction compared with previously and does not alter the previous assessment carried out. In addition the new location for the entrance/exit would create fewer conflicts with traffic accessing and exiting the Alhambra Centre multi-story car park. Overall the application is judged to be acceptable and is recommended for approval accordingly subject to the imposition of the same conditions as previously, which cover mitigation required to make the development acceptable in highways, drainage, air quality and biodiversity terms.



## 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:-
  - BBTC\_IBI\_XX\_A\_F100\_PL\_00\_02 rev 4 -Phasing Plan - Ground Level
  - BBTC\_IBI\_XX\_A\_F100\_PL\_RF\_01 rev 3 - Phasing Plan - Roof Level
  - BBTC\_IBI\_XX\_A\_F100\_PL\_00\_05 rev 2 - Planning Boundaries Ground Floor Level
  - BBTC\_IBI\_XX\_A\_F100\_SP\_09 rev 1 - Building Elevation Reference Plan
  - BBTC\_IBI\_D2\_A\_F100\_PL\_00\_02 rev 2 - DS 2 - Context Plan
  - BBTC\_IBI\_DS\_A\_F100\_EL\_XX\_01 rev 6 - Proposed GA Elevations Sheet 1 of 2
  - BBTC\_IBI\_DS\_A\_F100\_EL\_XX\_02 rev 4 - Proposed GA Elevations Sheet 2 of 2
  - BBTC\_IBI\_D2\_A\_F100\_PL\_RF\_01 rev 8 - Roof Plan
  - BBTC\_IBI\_XX\_A\_F100\_SP\_B1 rev 7 - Phase 2 Site Plan - Basement
  - BBTC\_IBI\_XX\_A\_F100\_SP\_00 rev 12 - Phase 2 Site Plan - Ground Floor
  - BBTC\_IBI\_XX\_A\_F100\_SP\_01 rev 9 - Phase 2 Site Plan - First Floor
  - BBTC\_IBI\_XX\_A\_F100\_SP\_02 rev 5 - Phase 2 Site Plan - Second Floor
  - BBTC\_IBI\_XX\_A\_F100\_SP\_03 rev 2 - Phase 2 Site Plan - Third Floor
  - BBTC\_IBI\_XX\_A\_F100\_SP\_RF rev 4 - Phase 2 Site Plan - Roof
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_BS\_001 rev 5 - DS.3&5 - Basement Floor Plan
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_00\_001 rev 9 - DS.3&5 - Ground Floor Plan
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_01\_001 Rev 7 - DS.3&5 - First Floor Plan
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_02\_001 Rev 7 - DS.3&5 - Second Floor Plan
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_03\_001 rev 2 - DS.3&5 - Third Floor Plan
  - BBTC\_IBI\_DS-35\_A\_F100\_PL\_RF\_001 rev 4 DS.3&5 - Roof Plan
  - BGW2-IBI-ZC-GF-PN-A-G200-0002 - ZC - Ground Floor Plan - rev P04
  - BGW2-IBI-ZC-01-PN-A-G200-0003 - ZC - First Floor Plan - rev P03
  - BGW2-IBI-ZC-02-PN-A-G200-0004 - ZC - Second Floor Plan -

rev P03  
 -BGW2-IBI-ZC-03-PN-A-G200-0005 - ZC - Third Floor Plan - rev P02  
 -BGW2-IBI-ZC-04-PN-A-G200-0006 - ZC - Fourth Floor Plan - rev P02  
 -BGW2-IBI-ZC-05-PN-A-G200-0007 - ZC - Fifth Floor Plan - rev P02  
 -BGW2-IBI-ZC-BA-PN-A-G200-0001 - ZC - Basement Floor Plan - rev P03  
 -BGW2-IBI-ZC-06-PN-A-G200-0008 - ZC - Sixth Floor Plan rev P01  
 -BGW2-IBI-ZC-07-PN-A-G200-0009 - ZC - Seventh Floor Plan rev P01  
 -BGW2-IBI-ZX-XX-EL-A-G200-0001 - ZB-C - Proposed GA Elevations rev P04  
 -BGW2-IBI-ZX-XX-EL-A-G200-0002 - ZB-C - Proposed GA Elevations rev P04  
 -BBTC\_IBI\_DS\_A\_F100\_SE\_AB\_01 rev 7 - GA Building Sections A & B  
 -BGW2-IBI-ZC-XX-SE-A-G200-0001 - ZC - GA Sections rev P04  
 -BTC\_IBI\_D2\_A\_F100\_PL\_00\_01 rev 18 - Ground Floor Plan  
 -BBTC\_IBI\_D2\_A\_F100\_PL\_01\_01 rev 15- First Floor Plan  
 -BBTC\_IBI\_D2\_A\_F100\_SE\_AA rev 12 - Section AA  
 -BBTC\_IBI\_D2\_A\_F100\_SE\_BC rev 12 - Sections BB and CC DS2  
 -BBTC\_IBI\_D2\_A\_F100\_EL\_SS\_01 rev 8 - South Elevation DS2  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_06 rev 3 - DS3/5 - Typical Bay Type DS3/5D Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_05 rev 3 - DS3/5 - Typical Bay Type DS3/5C Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_04 rev 3 - DS3/5 - Typical Bay Type DS3/5B Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_03 rev 2 - DS6/7 - Typical Bay Type DS6/7B Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_02 rev 2 - DS6/7 - Typical Bay Type DS6/7A Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_01 rev 5 - DS3/5 - Typical Bay Type DS3/5A Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_07 rev 3 -DS3/5 - Typical Bay Type DS3/5E Details  
 -BBTC\_IBI\_DS\_A\_F100\_DT\_09 rev 1 -DS3/5 - Typical Canopy DS3/5F Details  
 - BBTC\_IBI\_XX\_A\_F100\_SP\_XX\_001 rev 1 - Proposed Phase 2 Developments - Gross External Areas  
 -BBTC\_IBI\_XX\_A\_F100\_SP\_XX\_003 rev 1 - Proposed Phase 2 Development - Gross Internal Areas by Planning Use  
 -BBTC\_IBI\_XX\_A\_F100\_SP\_XX\_004 rev 1 - Proposed Phase 2 Development - Gross Internal Areas by Planning Use  
 -BBTC\_IBI\_D2\_A\_F100\_DT\_N\_01 rev 3 - Wall Section N-01 North Facade/Party Wall - Grid 9/F  
 -BBTC\_IBI\_D2\_A\_F100\_DT\_S\_01 rev 3 - Wall Section S-01 South Facade - Grid 4/A  
 -BBTC\_IBI\_D2\_A\_F100\_DT\_S\_02 rev 3 - Wall Section S-02 South Facade - Grid 6/A. -The principles detailed within the Shopfront Design Guide document (appendix 6 of the Design and

Access Statement)

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

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road level gradients; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**
- 4 No development shall take place until the external material palette and samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The construction of the building shall only take place after a sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.**

- 6 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 Local Plan polices T4 'New development and Transport Safety' and Poll1 'Pollution Control and Protection'.**

- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) provision of a signal controlled junction at the Wesley Road/Lambra Road
  - b) provision of a signal controlled junction at Lambra Road/Pontefract Road;
  - c) provision of VMS at various locations throughout the town centre;
  - d) any necessary changes to street lighting;
  - e) any necessary changes to drainage;
  - f) provision of and any necessary changes to Traffic Regulation Orders;
  - g) carriageway/footway resurfacing/reconstruction on all affected highways;
  - h) any necessary signing/lining;
  - i) provision of signal engineer parking bay at the signal controlled junctions;
  - j) provision of motorcycle/cycle parking;
  - k) provision of coach parking facilities.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.**

- 8 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan policy CC3 'Flood Risk'.**
- 9 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 Local Plan policy Poll1 'Pollution Control and Protection'.**
- 10 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:  
(i) a survey of the extent, scale and nature of contamination;  
(ii) an assessment of the potential risks to:  
o human health,  
o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,  
o adjoining land,  
o groundwaters and surface waters,  
o ecological systems,  
o archeological sites and ancient monuments;  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).  
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.  
The development shall be carried out in accordance with the approved report including any remedial options.  
**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan policy CL1 'Contaminated and Unstable Land'.**

- 11 The shell and core part of the proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Local Plan policy CC2 'Sustainable Design and Construction'.**
- 12 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.**
- 13 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.  
**Reason: In the interest of promoting use of public transport, in accordance with Local Plan policy T3 'New Development and Sustainable Travel'.**
- 14 Details of measures to restrict vehicular access to/from Kendray Street shall be submitted and approved by the Local Planning Authority prior to the commencement of development, and shall then be implemented prior to the development being brought into use, and permanently retained thereafter  
**Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.**
- 15 Details of measures to control vehicular/pedestrian access to the service yard shall be submitted to and approved by the Local Planning Authority prior to the commencement of development, and then shall be implemented prior to the development being brought into use, and permanently retained thereafter.  
**Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.**

- 16 Details of the car park management plan shall be submitted and approved in writing by the Local Planning Authority prior to the development being brought into use, and then shall be implemented at all times.  
**Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'**
- 17 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.  
**Reason: In the interest of highway safety in accordance with Local Plan policy T4 'New development and Transport Safety'.**
- 18 Prior to the commencement of works on the new external façade of the development a scheme for the provision of bat bricks within the development as a means of providing biodiversity enhancements be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.**

- 19 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 in accordance with Local Plan Policy HE1 The Historic Environment.**

- 20 The developer shall ensure that suitable air quality mitigation is incorporated into the development. These mitigations shall consist of those listed within Section 6.2 (Mitigation, Operational Phase) of the supporting air quality assessment, and those in subsequent correspondence between the Local Planning Authority and the developer.
- These shall consist of:
- Provide parking spaces with an electric charging point (20 normal electric vehicle charging points), using a phased introduction with an initial agreed provision and a remaining allocated at an agreed trigger level. The electric charging points should be located near priority parking areas (e.g. car park pedestrian entrance routes).



Provision of a Travel Plan, to include:

- Strategy to discourage high emission vehicle use
- Improved pedestrian access to public transport
- New or improved bus stop infrastructure
- Site layout to encourage walking and cycling.
- Strategies for reducing emissions by vehicles operated by tenants and promoting the uptake of lower emission technologies shall be encouraged by provision of information on accreditation schemes, such as South Yorkshire -ECO Stars (<http://www.ecostars-uk.com/>).

Provision of anti-idling signage. With regard to the commercial site, the following mitigation to be implemented:

- A workplace travel plan shall be promoted to all staff.

-A Delivery and Service Planning Toolkit shall be adopted to ensure deliveries are efficient and minimise effects on local roads.

**Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Local Plan Policy AQ1 Development in Air Quality Management Areas.**

- 21 Prior to the occupation of the development details of a scheme for responding to the recommendations of South Yorkshire Police Crime Reduction Officer in the completed development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.

**Reason: In the interest of crime prevention and counter terrorism.**

- 22 Prior to occupation of the buildings, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details

**Reason: In the interest of visual and public amenity in accordance with Local Plan policies D1 'High Quality Design and Place Making' and Poll1 'Pollution Control and Protection'.**

- 23 Prior to the commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.  
**Reason: In the interests of encouraging recycling and visual amenity in accordance with Local Plan policy Poll1 'Pollution Control and Protection'.**
- 24 Prior to the commencement of works on the new external façade of the development samples of the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**
- 25 Prior to the commencement of works on the arcade a lighting scheme for the glass canopy roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**

- 26 No building or other obstruction shall be located over or within :-
- i) 6.5 (six point five ) metres either side of the centre line of the 1200/1050mm public combined sewer i .e. a total protected strip width of 13 metres, that crosses the site ;
  - ii) 6 (six) metres either side of the centre line of the 1750mm public combined sewer i.e. a total protected strip width of 12 metres, that crosses the site;
  - iii) 5.0 (five) metres either side of the centre line of the 675mm public combined sewer i .e. a total protected strip width of 10 metres, that crosses the site;
  - iv) 3.5 (three point five ) metres either side of the centre line of the 450mm public surface water sewer i .e. a total protected strip width of 7 metres, that crosses the site; and
  - v) 3 (three) metres either side of the centre line of each of the 300mm, 225mm and 150mm public surface water sewers i .e. total protected strip widths of 7 metres per sewer, that cross the site

Furthermore, where the required stand -off distances are to be achieved via diversion or closure of the sewer (s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and the agreed diversion works shall then be fully implemented prior to construction in the relevant area of the development site, to the satisfaction of the Local Planning Authority as part of an overall phasing programme for the development.

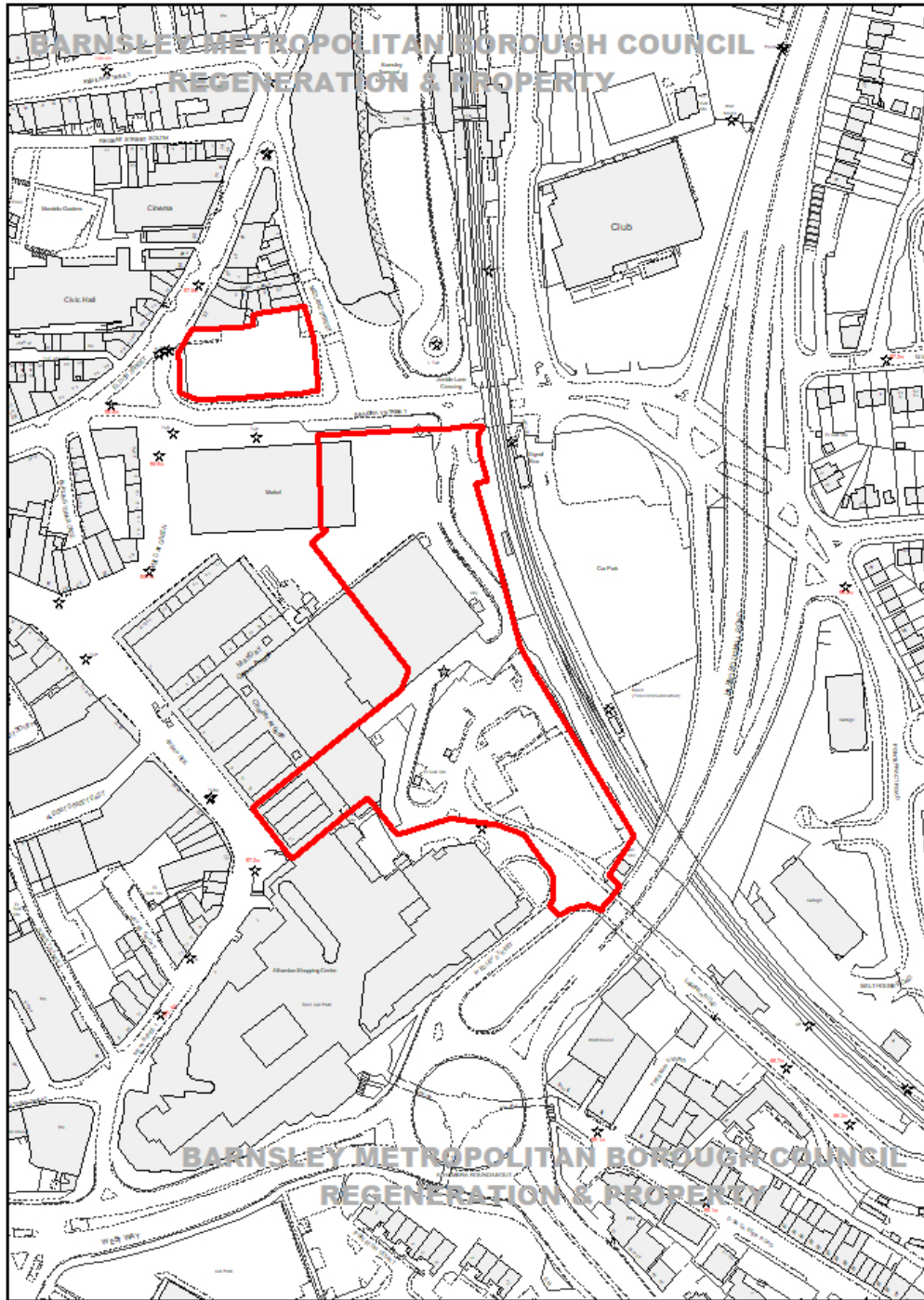
**Reason: In the interests of public health, in order to protect the public sewerage and to ensure access for repair and maintenance to the sewerage is maintained at all times.**

- 27 Development shall not commence until details have been submitted to and approved by the Local Planning Authority that demonstrate that public water supply infrastructure will be protected during all phases of eh development . Construction in the relevant areas of the development shall not commence until approved measures have been fully implemented.
- Reason: In order to protect the public water supply.**

- 28 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network**

- 29 The development shall not be brought into use, until a scheme for the method of payment for the car park have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme for the lifetime of the development.  
**Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.**
- 30 The development shall not be brought into use until details of any entrance/security barriers, including manner of operation have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.  
**Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.**
- 31 The development shall not be brought into use until precise details of the proposed access/egress to the multi-storey car park including signing, lining or other equipment to segregate and control vehicles using the car park and service vehicles have been submitted to and approved in writing by the Local Planning Authority.  
**Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.**
- 32 Upon commencement of development full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the buildings.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**
- 33 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 and in accordance with Local Plan policy D1 'High Quality Design and Place Making'.**

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**BARNLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

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# Item 4

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**2018/0960**

**Applicant:** Miss Amy Hawley

**Description:** Erection of combined indoor equestrian arena and agricultural storage barn

**Site Address:** Broadstone Farm, Browns Edge Road, Whitley Common, Barnsley, S36 7GR

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No letters of representation have been received

## **Description**

The site lies just beyond the north western edge of Whitley Common and Broadstone Reservoir lies approximately 250m to the north. The gated access to the farm is formed by dry stone walls from Browns Edge Road. The immediate surrounding fields are grazed by horses.

Broadstone Farm currently operates as an equestrian business 'Broadstone Equestrian' which includes a livery stable and training facility (D2) and a horse breeding programme (sui generis). The site comprises a timber clad agricultural building used for tack and hay storage, with adjacent stable block, a covered timber horse walker, an outdoor ménage and a lunge pen. To the west of the stable block, on the opposite side of the access road, is a timber log cabin which forms a temporary rural works dwelling, where the applicant currently lives.

The landholding Broadstone Farm has recently expanded its land ownership from 35 acres to 80 acres and also features a small scale wind turbine which is located to the west of the log cabin.

## **Proposed Development**

The proposal involves the erection of a combined indoor equestrian arena and agricultural storage barn. The building measures approximately 38.85m by 67.85m and is approximately 7.5m in height. The horse arena has a floor area of approximately 1957sqm and the agricultural storage area being approximately 678sqm. The proposed building is sited to the north east of the existing buildings on an area currently used for grazing, and is of a standard agricultural design with timber cladding sides on a blockwork base and a metal sheet roof with rooflights. Two roller shutter access doors are proposed to the southern elevation. The highways and parking arrangements will remain as existing.

The applicant has submitted a supporting statement of justification, an Ecology Report and a Landscape Visual Impact Assessment.

In support of the application, the submitted statement states that: *'The proposed development includes the erection of an indoor arena for exercising and training horses, along with an agricultural storage building to safely house the equipment needed for making hay and other associated agricultural activities on the farm and the large quantities of hay produced. These are proposed to enhance the existing facilities on site and further develop the growing stud and livery business'*.

To provide an overall outline of the business on site, a state of the art stud farm/breeding/livery programme operates with respect to the level of facilities that are required, and the day-to-day activities that take place.

The application site is currently running a successful business in the breeding and training of the best possible mares and foals to achieve sporting excellence in the sport of eventing, and at present possesses 30 horses of this quality.

The applicant has represented Great Britain twice at European Championship level and is looking to develop a business which will provide the opportunity to breed and maintain horses of this calibre for the future. The applicant states that if these high standards are to be maintained then similarly high standards of training, breeding and stabling facilities need to be provided within a single site.

As the business has now been established and running for a number of years, the first horses out of the breeding programme are out competing on the eventing circuit. With the 2018 UK and International Young Horse Championships in late September. The applicant has three horses bred through the programme entered at the event, in the 4YO, 5YO and CIC\*\* 7YO classes. This is testament to the level of competition that the applicant is aiming to produce horses to and for. Alongside this the applicant provides financial stability to the breeding programme through the provision of a start-of-the-art livery service.

These proposed all-weather facilities would complement the existing equestrian facilities available at Broadstone Farm providing the applicant and livery customers with training provision available all year round helping support the needs of this sport. The proposals are intended to further improve the equestrian facilities at the site bringing Broadstone Farm in line with similar international training venues throughout the UK. This further intended investment will provide Broadstone Farm with much needed all-weather training facilities which will further support this successful rural business.

The proposed application is also considered paramount to the delivery exemplar facilities, especially given the prevailing weather conditions at the site and its wind swept location. The supporting documents state that the location has been carefully selected on site to be sufficiently close to the existing facilities on site without affecting the existing internal access arrangements at the site for farm machinery.

### **Planning History**

B/04/2293/PR -Change of use from agriculture to mixed use - agriculture and motorsport.  
Refused 02/02/2005.

2008/0736 – Erection of horse riding arena – Approved with conditions 14/07/2008.

2009/1396 – Erection of a barn and formation of parking area - Approved with conditions 22/02/2010.

2012/0689 - Erection of 1 no. 50KW wind turbine (25m to hub and 34.5m to blade tip) –  
Refused but allowed at appeal 03/12/2013.

2013/0126 - Erection of a building for the purposes of hay and tack storage, use of the existing building, land and ménage as an equestrian livery (D2) and for the purposes of horse breeding – Approved 17/09/2014 subject to conditions and a S106 Agreement preventing the implementation of planning permission 2009/1396.

2013/0907 - Erection of temporary rural workers dwelling at land at Brown's Edge Road –  
Approved for a period of 3 years subject to other conditions on 23/10/2013.

2014/1078 - Erection of extensions to existing barn – Approved with conditions 18/11/2014.



2014/1156 - Erection of a covered horse walkers building and lunging pen – Approved with conditions 08/12/2014.

2018/1190 - Erection of a permanent rural workers dwelling – This is a live application that is still under consideration at the present time.

### **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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The site is located within the Green Belt as shown on the Proposals Map of the Adopted Local Plan

#### Adopted Local Plan 2019

Policy GD1 General Development

Policy T4 New Development and Transport Safety

Policy BIO1 Biodiversity and Geodiversity

Policy D1 High Quality Design and Place Making

Policy GB1 Protection of Green Belt

In accordance with the NPPF and as set out in GB1, we will not allow proposals for 'inappropriate' development in the Green Belt unless it can be shown that there are very special circumstances that justify setting aside local and national policy. As set out in paragraph 88 (now 143) of the NPPF very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Policy E6 Rural Economy

We will encourage a viable rural economy by allowing development in rural areas if it:

- Supports the sustainable diversification and development of the rural economy;
- Results in the growth of existing businesses;
- Is related to tourism or recreation; or
- Improves the range and quality of local services in existing settlements.

Development in rural areas will be expected to:

- Be of a scale proportionate to the size and role of the settlement;
- Be directly related, where appropriate, to the needs of the settlement;
- Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area;
- Consider the re-use of existing rural buildings in the first instance; and
- Protect the best quality agricultural land, areas of lower quality agricultural land should be used for development in preference to the best and most versatile land.

#### NPPF (July 2018)

In respect of this application, relevant policies include:

#### Section 13. Protecting Green Belt Land

Paragraph 134 of the NPPF states that: Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 145 (g) states:-

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

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Section 6. Building a strong, competitive economy - Supporting a prosperous rural economy  
Paragraph 83. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

### **Consultations**

Dunford Parish Council – No comments received

Highways DC – No objection subject to conditions

Drainage – No objection

Regulatory Services – No objection

Yorkshire Water – No objection

Biodiversity Officer – No objection

### **Representations**

No letters of representation have been received.

## Assessment

### Principle of development

The proposal lies within the Green Belt and the NPPF states that, a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. An exception to this would be for agriculture and the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and outdoor recreation. In the case of the latter this is as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case the site is in mixed use (part agriculture, part equine breeding, a livery and part equestrian sport and recreation. Whilst similar in nature to agricultural use and could be regarded as a form of farm diversification the largest internal area associated with the proposed development is intended to be used for equestrian recreation/sport purposes. As the proposal involves the erection of a large building that would impact upon the openness of the Green Belt it has to be classed initially as a form of inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF states that *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.

In terms of very special circumstances and the justification for the need for the proposed building, the planning history shows that equestrian uses have now been established at the site in particular application 2013/0126 established the use of the existing building, land and ménage as an equestrian livery, and for the purposes of horse breeding/training. The proposed indoor arena and agricultural barn are proposed in connection with the existing Broadstone Equestrian Facility. The applicant has provided a statement of justification with the application, given that the building is of a significant size and to demonstrate that the building is an essential facility.

As the building is dual purpose, for agricultural use and equestrian uses, the two uses should be considered separately. In terms of the agricultural section of the building, the applicant has provided the following justification:-

*'Broadstone Farm has recently expanded its land ownership from 35 acres to 80 acres. This is to ensure the quantity of hay production on site through the summer months is large enough to self sustain the animals on site throughout the year. The location of the site is subjected to extreme weathers and high winds all year round, so the animals on site are kept inside a lot of the time - only going out the graze during the day, raising the demand for hay further'*.

*Ensuring that the hay production is self sustained, will save a lot of money each year as it will mean that hay does not have to be purchased from external outfits elsewhere and shipped in at a premium price. Given the new investment in land, Broadstone Farm also needs to expand the machinery collection to ensure the production of hay. Given the extreme weathers, the machinery would be best placed to be stored inside; this ensures firstly its security, but secondly storing machinery inside and out of the weather also ensures its lifespan is maintained.*

*The intended agricultural store will therefore house all new machinery and also the large quantities of hay once produced, as this has to be stored inside and out of the weather otherwise it will rot and be deemed unusable. It is anticipated that the hay yield annually will be circa 480 large bales.'*

The agricultural element of the building is considered to be justified, given the extent of the applicants land holding. In addition, the existing building which is currently used for hay storage is also used for the storage of tack and equipment, and is not of a sufficient size to accommodate the increased hay production proposed and the associated machinery. The size of the agricultural element of the building is considered to be acceptable and its scale is in line with other agricultural enterprises in the area in accordance with policy GB1.

Whilst the building is of a dual use, the equestrian arena occupies the majority of the floor space of the building. In terms of the equestrian arena and justification for its size, the applicant has provided the following information:-

*'With regard to the size of the indoor school proposed - to give some background to the sport of eventing, eventing is an equestrian sport where a single horse and rider combination compete against other combinations across the three disciplines of dressage, show jumping and cross-country, and it is an Olympic sport. It is therefore important that the indoor arena provides a suitable all weather - all year round facility for both dressage and jumping training''.*

The size of the internal horse arena would be 66m x 27m. This compared with 20m x 60m for an international dressage arena and 50m x 80m for an international showjumping arena. It is therefore slightly larger than the former but considerably smaller than the latter which provides reasonable justification for the development.

Policy E6 – Rural Economy states that: *'We will encourage a viable rural economy by allowing development in rural areas if it, supports the sustainable diversification and development of the rural economy; results in the growth of existing businesses; is related to tourism or recreation; or improves the range and quality of local services in existing settlements.'* The proposal is related to existing agricultural, equestrian breeding and sport and recreation activities taking place on site as rural forms of activities and forms of farm diversification. I therefore consider that it fits within the aims of Local Plan policy E6 'Rural Economy' and paragraph 83 of the NPPF.

The rural windswept nature of the site means that outdoor training is limited during the winter months, especially given the prevailing weather conditions at the site. The proposal would comply with Policy E6 in that it would allow for indoor training provision available all year round to further improve the equestrian facilities at the site and would bring Broadstone Farm in line with similar international training venues throughout the UK. The applicant has also provided examples of similar sized training facilities around the country, and whilst the building is large, it is of a necessary size in order to allow for indoor dressage and jumping. Weight is afforded these considerations as Very Special Circumstances. In addition, there are no other buildings within the area of a sufficient size which could accommodate this use and it is felt that the need for the building has, on balance, been justified and is supported by Policy E6 – Rural Economy of the Local Plan. Whilst the need for the building has been established, consideration must be taken upon the impact of the size and scale of the building upon the openness of the Green Belt, which is assessed below.

## Visual Impact

The proposed indoor equestrian arena would be located to the north east of the existing farm complex, within an area of land currently used for grazing. The land slopes up from north east to south west and the building is to be set into the land to allow for a level surface. The building appears as a large agricultural building with timber clad walls on a blockwork base with timber sliding doors and a second roller shutter door in brown, located on the south west elevation. The two lengths of the building (south east and north west elevations) would feature a series of small windows. The north east elevation of the building would not feature any windows or doors. In terms of design, the proposal is acceptable and would introduce an agricultural style building into a landscape that already features these buildings, and it is considered that the proposals will be in keeping with local vernacular.

In terms of the impact upon the openness and visual amenity, the building is large in size and scale; therefore the applicant has submitted a Landscape Visual Impact Assessment with the application. The assessment considers the potential for change to views and visual amenity. The aim is to establish the area in which the development is likely to be visible, and the types of receptors who may experience such views of the proposed development, and the extent to which views are likely to be altered. The submitted Landscape Visual Impact Assessment has considered a number of different visual receptors and the impact has been assessed as below.

### *Residential Receptors, PROW Users, and Road Users located to the north east of the Site.*

The landscape to the north east of the site gently rises to a high point north of Windmill Lane. There are a small number of farmsteads and/or dwellings located in the landscape between Green Gate and Windmill Lane which afford views towards the Site. These include Broadstone Lodge, Green Lane Head and Green Lane End.

From visual receptors to the north east of the site, the proposed development would be seen in the context of the existing farm buildings at Broadstone Farm. Due to the contours of the land, the building would be seen in the context of other much taller features. The indoor arena is located on lower ground than the existing farm buildings and would not appear taller in the landscape than those buildings already visible at the farm. Overall, there would be no greater than a medium magnitude of change in the view available from the visual receptors located in the landscape to the north east, giving rise to a moderate visual effect.

### *Residential Receptors, PROW Users, and Road Users located to the north west*

The landscape to the north west also rises to Windmill Lane, which follows a ridge line in the landform. The landscape is more undulating than that to the north east, which interrupts the extent of overall visibility towards Broadstone Farm.

There are a number of farmsteads and dwellings in the landscape off Windmill Mill Lane, Birds Nest Lane, Hey Slack Lane, and Dick Edge Lane with the potential for views towards the proposed development; however the indoor arena would be located beyond the existing agricultural buildings within the farm and would be screened from this view point. Overall, the magnitude of change in the views available from visual receptors to the north west of the Site is likely to be no greater than medium to low, giving rise to moderate/minor visual effect.

### *Residential Receptors, PROW Users, and Road Users located to the South*

Visual receptors to the south include users of Brown's Edge Road, Whitley Road, and Spicer House Lane, and residents of Spicer House, Brown's Edge Farm. The ability to view the site from the South is interrupted by the presence of the wind turbines. However, the existing buildings at Broadstone Farm can be seen from Whitley Road and the northern part of Spicer House Lane. However these views are seen in the context of the wider landscape and in relation to other agricultural buildings in the area.

The existing buildings at Broadstone Farm cannot be seen from Brown's Edge Road due to the presence of a ridgeline in the near landscape. The proposed indoor arena would be located further north from the road and would not be seen. The arena would be visible at the junction with Broadstone Road, however from this point it would then be seen in the context of the existing farm buildings. Overall, there would be no greater than a medium magnitude of change in the view available from the visual receptors located in the landscape to the north east, giving rise to a moderate visual effect.

### *Views from other PROWs/Publicly accessible land*

There is a further bridleway that runs to the west of the Site between Birds Nest Lane and Lower Maythorn Lane. There is also an area of publicly accessible land located to the immediate east of Broadstone Reservoir, north east of the site.

The building would be seen from both the bridleway and the land adjacent to the reservoir; however it would be seen in the context of the existing farm complex and wind turbine. The proposed development is typical of the local landscape, and would not appear incongruous in close proximity views from the north east or west.

### *Views from the A629*

The A629 is the primary road which passes through the local landscape. The nature of views from the route is expansive across the surrounding upland landscape, with long distance views available to the east and north east across the lower lying Wakefield and Barnsley landscapes.

Broadstone Farm forms a small element in the view from the A629, and the proposed development would appear as part of the larger complex and would not appear isolated or a significant feature within the landscape. There would be no greater than a low magnitude of change in the view giving rise to a moderate/minor visual effect.

In conclusion, the building is set within the envelope of the existing equestrian complex. The building has been sensitively sited in a location which would ensure that the building would be seen against the existing buildings and has been designed to appear as a traditional agricultural building. The changes to landscape character would be seen in the context of the existing buildings, both from within the farm complex itself, and from the wider local landscape. With increasing distance from the proposed development would be seen in the context of the wider landscape that features other farms and their associated buildings. The building would not be seen from Browns Edge Road when approaching the site, and from the east the site is screened by an existing agricultural building at Hey Side Farm. Whilst the building is large, due to its sensitive siting and agricultural appearance that it would not appear incongruous within the landscape nor would it cause any significant adverse harm to the openness or visual amenity of the Green Belt, in accordance with the NPPF and policy GB1 of the Local Plan. The overall balancing exercise is set out in the conclusion section of this report.

### Residential Amenity

There are no dwellings within immediate proximity of the site, with the exception of the temporary workers dwelling. The proposal is not considered to impact on residential amenity.

### Highway Safety

Highways raise no objections to the proposal and it is not anticipated that the proposal would significantly increase the amount of visitors to the site. The highways arrangements will remain as existing. The proposal is considered to be acceptable from a highway safety point of view.

### Drainage

The Drainage Officer and Yorkshire Water have no objections to the proposal.

### Biodiversity

The Biodiversity Officer has been consulted and has no objection to the proposal. The submitted Ecology Report states that the proposed development will result in the permanent loss of small areas of species-poor improved neutral grassland. This habitat is of low conservation significance and does not present a constraint to development. No further ecological surveys are recommended; however, standard precaution/mitigation is recommended regarding badger and nocturnal wildlife which should be secured by condition.

### Conclusion

The NPPF states that inappropriate development should not be approved except in very special circumstances. The Green Belt balance requires an assessment of whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposal.

It has been established that the development is that starting point for assessing this proposal is that it is a form of inappropriate development given that the largest internal space would serve equestrian sports and recreation and as the development would affect the openness of the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In this case it is considered that the proposed development is related to the existing operations being carried out on site which have similarities to an agricultural operation as a form of farm diversification. In addition the combined uses on site lend themselves much to a rural location in much the same way as a livestock farm would. In this regard the proposed development is considered to comply with the objectives of Local Plan Policy E6 'Rural Economy' and paragraph 83 of the NPPF.



The application has been accompanied by a Landscape and Visual Impact Assessment which has established that the impact of the development on sensitive receptors and on long distance views would range from minor to moderate. As such the impact on openness and on the wider landscape would not be significant. In addition the applicant has supplied strong justification to explain the size of the proposed building. Also the reasons for the development to continue with their development of breeding horses to enter national and European wide competitions and achieve continued and improved sporting excellence are considerations which attract weight as very special circumstances. Furthermore the development would not conflict with any of the purposes of including land in the Green Belt. The proposed building would not be distinguishable from an agricultural storage building of this type by its external appearance and by virtue of its external facing materials. Overall therefore it is considered that the weight afforded to the conflicts with Green Belt planning policy including the effect of the development on openness is low, compared with the planning policy reasons and very special circumstances involved which are sufficient in my view to clearly outweigh the limited harm that would occur. In addition no other areas of harm have been identified within the assessment which has also considered other material considerations including the impact of the development on highway safety and biodiversity. The Officer recommendation is therefore one of approval.

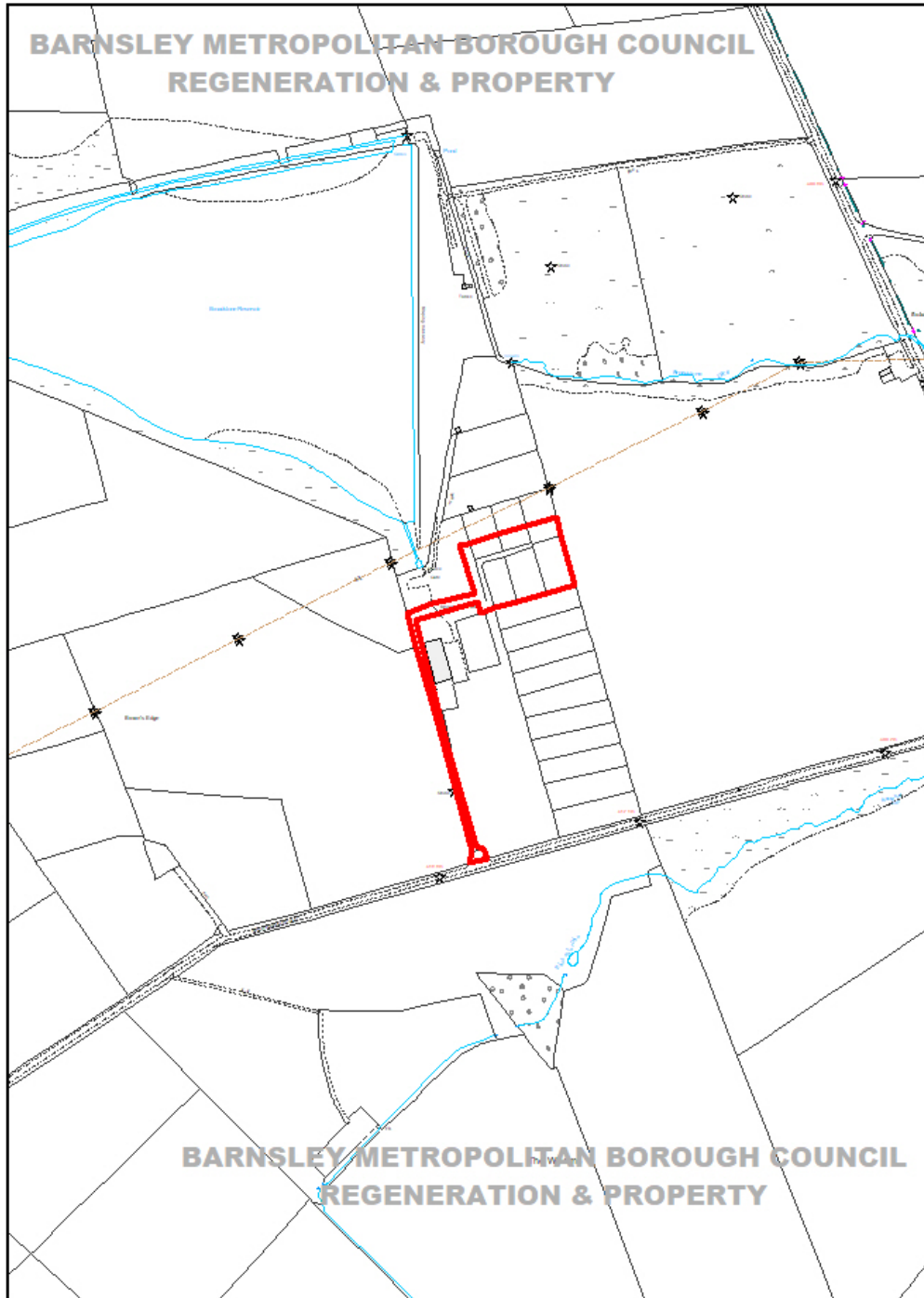
**Recommendation – approve subject to conditions and referral to the Secretary of State.**

As the proposal results in a non-residential development which exceeds 1000sqm within the Green Belt, in line with The Town and Country Planning (Consultation) (England) Direction 2009: circular 02/2009, the application will need to be referred to the Secretary Of State.

- 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 18.137.03 P2, 18.137.04 P2, 18.137.06 P1, A(00)-01 Rev A, A(90)-02) 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 Local Plan Policy D1 High Quality Design and Place Making.**
- 3 The development shall be carried out in accordance with the mitigation measures detailed within submitted Preliminary Ecological Appraisal Report dated January 2019 by Brooks Ecological.  
**Reason: In the interests of Biodiversity, in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.**

- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 5 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**

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**BARNESLEY MBC - Regeneration & Property**



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**2018/1399**

**Applicant:** Mr Kevin Porter and Dean Evans

**Description:** Erection of 2 no. detached dwellings

**Site Address:** Land adjacent 52 Tower Street, Worsbrough Common, Barnsley, S70 1QS

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2 representations have been received from members of the public.

## **Site Location & Description**

The site of 0.05ha is approximately rectangular in shape and is situated at the southern end of Tower Street in Worsbrough Common. Tower Street is characterised by a long row of stone fronted terraced properties with one detached stone fronted dwelling located at the end (No.52) which is set slightly back from the building line but abutting the terraced housing. The site lies approximately 7m south of this dwelling. The site is rectangular site approximately 27m x 14m and lies adjacent and at right angles to land which has recently been granted planning permission for 5 dwellings under 2017/1116. There are semi-detached dwellings to the east at Columbia Street with rear gardens which abut the site. The site lies at a higher level than Tower Street, currently reached by a temporary ramp of clay and soil leading from highway level. It is currently covered in long grass and forms an informal open area. The detached houses granted under 2017/1116 are under construction and nearing completion.

## **Proposed Development**

Full planning permission is sought to build two detached dwellings. The application has been amended during consideration to reduce their size and a reconsultation exercise undertaken. Due to the sloping nature of the site the dwellings are now proposed to be of two stories to the front elevation but only one storey to the rear, with accommodation in the roof space lit by Velux windows. The rear garden to each dwelling would be raised above a small patio with a staircase being provided to enable access onto the gardens located at a higher level. Each would have a single integral garage. Materials are proposed to be buff coloured art stone walls with artificial stone heads and cills with grey concrete roof tiles. Only one small high level window is proposed to side elevation, this being to a garage. Space for additional car parking is to the frontage. Dwellings are proposed to be 4 bedrooms with kitchen and open plan lounge/dining room. A private drive is proposed to be built to serve the dwellings from the end of Tower Street.

## **Planning History**

Application site: - 2017/1398 - Erection of 1 no. detached house - Outline, all matters reserved refused 26/02/2018 for the following reason:-

*In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Policy CSP29 in that it would appear out of character, isolated and incongruous within the street scene and not reflect the character of the existing dwellings by being located in an elevated and separated position. As a consequence it would appear as an unduly intrusive feature in the street scene to the detriment of visual amenity.*

2007/0547- Residential Development of 2 dwellings (Outline) Refused (Land adj to the site)

1. The site lies within an area designated as Allotments/ Urban Green Space on the approved Barnsley Unitary Development Plan.

Adjacent land: - B/97/1519/BA Erection of dwelling refused for the following reasons:-

1. Despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on highway and residential amenity
2. In the opinion of the LPA the proposals would be contrary to policies H7D and GS31 of the draft UDP in that it would result in the loss of an area of open land last used for allotment purposes.
3. The applicant has not supplied sufficient details of either the gradients of the proposed access nor drainage to Tower Street to prove that a satisfactory means of access can be provided to the proposed development, which would result in substandard arrangements, to the material detriment of highway safety.

2017/1116 - Erection of 5 no. detached houses with integral garages and associated access road, driveways and landscaping. Granted 21/11/17

### **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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

### **Relevant Local Plan Policies**

#### **Local Plan Designation – Urban Fabric and Greenspace ( allotments)**

SD1 Presumption in favour of Sustainable Development;  
GD1 General Development;  
LG2 The Location of Growth;  
H1 The Number of New Homes to be Built;  
H2 The Distribution of New Homes;  
H4 Residential Development on Small Non-allocated Sites;  
H6 Housing Mix and Efficient Use of Land;  
T3 New Development and Sustainable Travel;  
T4 New Development and Transport Safety;  
D1 High Quality Design and Place Making;  
GS1 Green Space;  
CC1 Climate Change;  
CC2 Sustainable Design and Construction;  
CC3 Flood Risk;  
RE1 Low Carbon and Renewable Energy

#### Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing Development  
Parking

It should be noted that depending on when the application is determined, additional requirements may be sought in accordance with new SPDs that are currently being drafted

### NPPF

The NPPF (2018) sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 108 it should be ensured that safe and suitable access can be achieved for all users

Para 124 Good design is a key aspect of sustainable development

### **Consultations**

Highways Drainage – no objection subject to conditions

Forestry Officer – no significant trees affected so no objections subject to conditions for tree protection

SYMAS – No objections subject to a condition requiring intrusive site investigations to determine coal mining

Highways – no objections subject to conditions

The Coal Authority – no objections subject to a condition requiring intrusive site investigations

Policy – whilst no longer used for allotments, there would be a loss of greenspace for one of the plots which lies on greenspace so compensation would be payable

### **Representations**

The application has been advertised by site notice and nearby residents have been consulted in writing.

Two objections were received to the initial plans. Both related to land ownership and highway issues, one was from the landowner who owns the adjacent site and the other was written on his behalf. Both representations related to land ownership( although Certificate A has been signed), and concern about access for waste and emergency vehicles; and trespass onto the adjacent landowners land. Impacts on No. 63 Tower Street opposite were also raised in terms of overlooking.

Following the submission of amended plans, a reconsultation exercise was undertaken. However, no further objections were received.

### **Assessment**

#### Principle of Development

The northern portion of the site is designated in the adopted Local Plan as urban fabric and the southern part of the site (which was the subject of a previous application 2017/1398) is designated green space (allotments). Policy GD1 is the starting point for making decisions on all proposals including those shown as Urban Fabric.

The southern part of the site (as per application 2017/1398) is identified on the green space register as part of Tower Street Allotments site (GS832) and policy GS1 will, therefore, apply. In accordance with policy GS1 we will only allow development proposals that result in the loss of green space where there is a surplus or compensation is provided. Whilst it is recognised that the allotment use has ceased, the southern part of the application site is still considered to perform a Natural Area green space function and, as such, is afforded a degree of protection and a presumption against development.

Given the above, and in line with policy GS1, compensation for the loss of the area of green space would be required which could include off site replacement or a financial contribution of that single dwelling located on greenspace.

Policy H4 Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

Policy H6 Housing Mix and Efficient Use of Land expects a density of about 40 dwellings per hectare in Urban Barnsley. Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons. The current proposal equates to a density of 25 dwellings per hectare which is below the policy requirement. However, due to the topography and constraints of the site, two dwellings are considered appropriate in this instance.

#### Design & Visual Amenity

The previous application for one dwelling was considered to be isolated and incongruous, located at a distance from both the new build dwellings granted under 2017/1116 and the existing terrace and detached dwelling at the end of Tower street ( number 62). However, the proposal currently being considered is for 2 no detached dwellings of a scale not dissimilar to the existing detached dwelling at number 62 Tower Street and located on a similar building line, with a west facing front elevation, again similar to the existing. The layout neatly fills in the area of land between the existing dwellings on Tower Street and the small enclave of large detached dwellings at the southern end of Tower Street which lie behind a gated entrance and tall stone wall, with separate character and all of a south facing front elevation. As such the proposal is considered to be in accordance with Local Plan Policy GD1.

#### Residential Amenity

The plots meet external requirements for private amenity space. Internally whilst the ground floor meets internal space standards, some of the bedrooms are marginally below double size. Since they have not been identified as double or single it would be hard to support a refusal on these grounds there is sufficient space overall to provide sufficient internal space. The proposal is therefore considered to meet with policy D1. The rear gardens have been made usable through the provision of rear patio areas and a staircase to provide access the larger sections of the rear gardens which would be on a higher ground level.

#### Highways

Whilst the Highways Officer considers the single garage is too small to satisfy the requirements as set out in the South Yorkshire Residential Design Guide, there is sufficient external parking and manoeuvring space for each dwelling to have 2 no cars in accordance with the SPD Parking and the Local Plan policy T4.



### Coal Mining and Contaminated Land

The site is located in a coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. The coal mining risk assessment undertaken by LYONS CMC ref CRMA00191 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The Coal Authority also recommends a planning condition to secure intrusive site investigations. This can be secured by a condition for ground investigations and any appropriate mitigation. The application is therefore compliant with Local Plan Policy CL1 and 178a,b,c, and 170 e & f of the NPPF (2018)

### Drainage

The main Local Plan policies for assessing drainage/flood risk are CC2 and CC3. The site is not in an area classed to be at risk of flooding. The Council's Drainage Engineer, have no objections subject to conditions. The application is therefore acceptable on this point in accordance with Local Plan policies CC2 and CC3.

### Other matters

Objectors initially raised issues about land ownership and access. However, Certificate A was completed in the application form stating that applicants are the sole owner of all of the land included within the application. Any dispute about this issue would be a private legal matter between the two parties.

Highways have therefore assessed the submitted plans and are satisfied that there is sufficient space for safe manoeuvring and parking within the site boundary. Any incidents of trespass onto land in other ownership are a civil matter and not a matter for the Local Planning Authority.

### Conclusion

The National Planning Policy Framework makes it clear that development proposals that accord with the development plan should be approved without delay.

This site is located within Urban Barnsley which has been prioritised to accommodate future growth; the development would therefore contribute to achieving housing objectives. The site is in a sustainable location on the edge of an established residential area and the proposals would be readily compatible with adjoining uses and accessible by public transport. It accords with T4 New development and highway safety and adopted SPD Designing New Housing Development in that it could be designed to provide safe, secure and convenient access for all road users and would add to existing highway safety problems.

In addition this proposal now complements the character of the end of Tower Street, reflecting the existing detached dwelling, whilst being of a smaller scale and orientation than the large detached dwellings at the end of Tower Street. Overall, the proposal is considered to comply with Local Plan Policy SD1, GD1 and D1.

### **Recommendation**

Approve subject to conditions and S106 Legal agreement in the sum of £3,000 for loss of Greenspace

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91**

**of the Town and Country Planning Act 1990.**

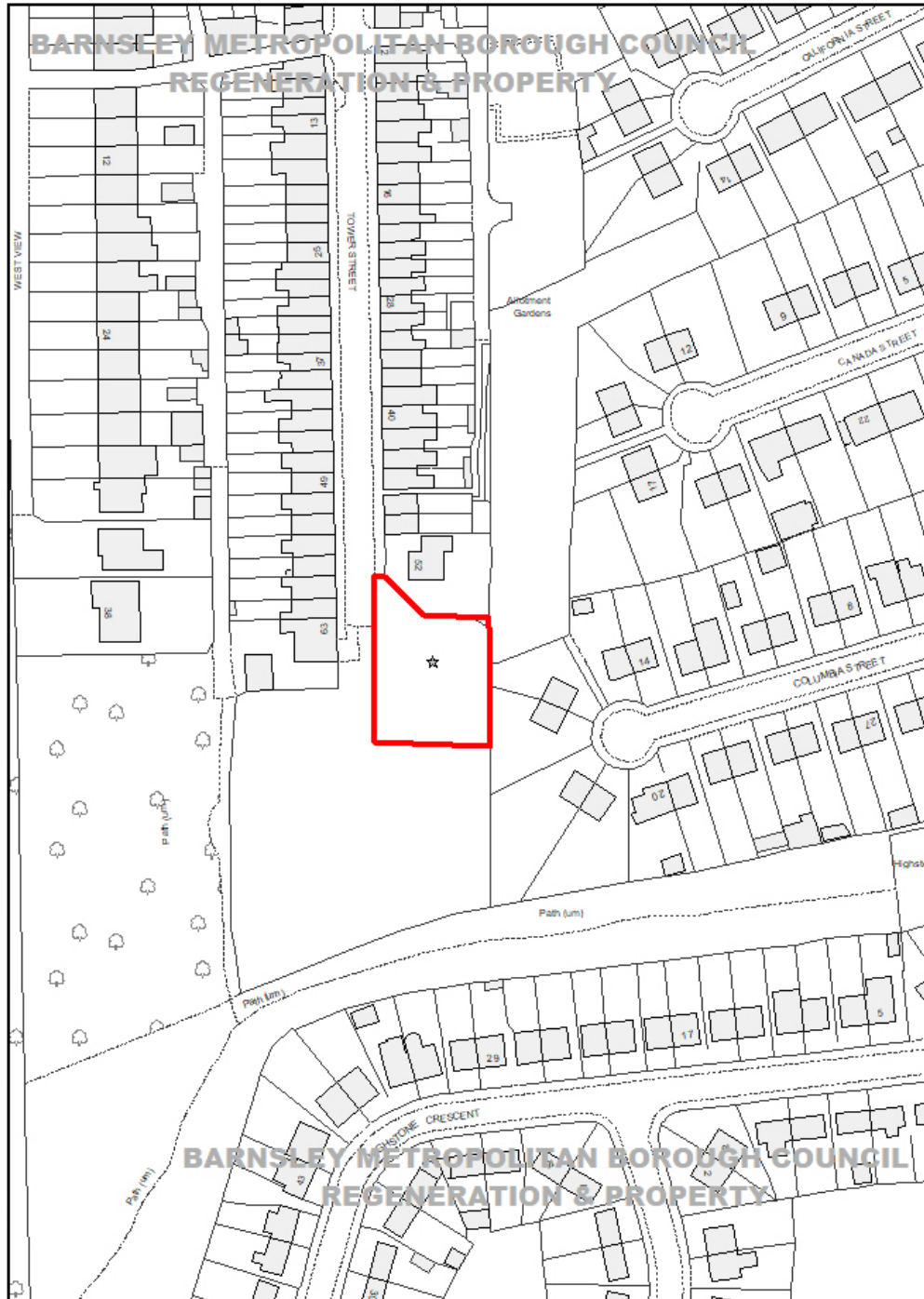
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:  
Site Plan and Location Plan  
SEA/Tower/002 Existing Site layout/Sections  
SEA/Tower/003 REV A Proposed Site Layout/Sections  
SEA/Tower/004 Proposed Floor Plans and Elevations  
Tree Survey Report  
Tree Plan  
Tree Plan NS627 Additional Tree Retained  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material ( ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 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 in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 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 in accordance with Local Plan Policy T4 New Development and Transport**

**Safety.**

- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**
- 8 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 9 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 10 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
  - Tree protection plan
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy D1 and BIO1**

- 11 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 in accordance with Local Plan Policy D1 and BIO1.**
- 12 Prior to the commencement of development the site investigation recommended in the mining risk assessment undertaken by Lyons CMC ref CMRA00191 shall be undertaken by a suitably qualified engineer. The 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 and development rests with the developer and/or landowner"  
**Reason- In accordance with Local Plan Policy CL1 (Contaminated and Unstable Land), and stability NPPF sections 178 a,b,c. 179 and 170 e & f**
- 13 The development shall not be brought into use until a scheme for demarking the private drive to be used to serve the development from the adjacent private drive serving the adjoining development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and maintained thereafter.  
**Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.**

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**BARNSELY MBC - Regeneration & Property**



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# Item 6

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**2018/1271**

**Applicant:** Mrs Lynn Hemsworth

**Description:** Change of use of basement of residential property into a business associated with the making and selling of seasonal crafts and soft furnishing plus tea parties and events (max 12 people and 3 hour duration)

**Site Address:** Georgies Yard, 233 Park Road, Barnsley, S70 1QW

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The application was referred for a decision at the January Planning Board meeting in order to enable Officers to obtain clarification as to whether the proposal would be subject to control under the Building Regulations. This followed Councillor Mitchell requesting that the application be determined by the Board due to health and safety concerns associated with the proposed use due to take place in the basement associated with the property. Representations have been received from 2 households.

## **Site Location and Description**

No.233 is a mid-terraced dwelling located on Park Road (also the A6133), which is located opposite Locke Park close to its junction with Park Grove. The property is set back behind a small front garden which is enclosed by a low level boundary wall and privet hedge.

Park Road is characterised by a variety of stone fronted, terrace dwellings, along its tree lined length. A neighbouring property located 5 doors down at No.243 recently obtained planning permission in 2017 to enable the ground floor to be used as a similar home based business for crafts and a tea room (The Twisted Teapot).

## **Proposed Development**

The applicant is seeking planning permission to use the basement of the residential property for craft workshops (sui generis) with associated teas (A3). The upper floors would remain in residential use as a family home occupied by the applicant. Access and egress to the basement by potential clients would be via the rear garden and basement door; it is not envisaged that clients would access the basement from the property.

The craft workshops would be held on a part time basis with a maximum of 8 events taking place over a monthly period and only any 2 of those events taking place on a Saturday. The maximum duration of events would be 3 hours and they would be held on Mondays to Friday, between 5:30pm and 8:30pm and 11am and 4pm on Saturdays with no events taking place on Sundays or Bank Holidays. The capacity of the venue is 12 people.

## **Planning History**

There is no record of previous planning applications at the property. However planning permission was granted recently in March 2017 at a neighbouring property No.243 to enable a change of use of the dwelling to a ground floor business (class A3 and sui generis) and 1st and second floor residential apartment (ref 2017/0014). The hours of use were then changed under application 2017/0640.

## **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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

### Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:-

#### **Policy SD1 Presumption in favour of Sustainable Development**

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

#### **Policy GD1 General Development**

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

#### **Policy T4 New Development and Transport Safety**

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.



### **Policy Poll1 Pollution Control and Protection**

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

### **National Planning Policy Framework**

The National Planning Policy Framework sets out the Governments 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**

Building Control – Have confirmed that the proposal would be subject to control under the Building Regulations.

Highways DC – no objections

Regulatory Services – No objections

Ward Councillors – Cllr Kath Mitchell has requested that the application be considered by Planning Regulatory Board due to safety issues

### **Representations**

The application has been advertised by way of neighbour notification. 2 letters of objection have been received in relation to noise, parking issues and loss of family homes within the area.

### **Assessment**

#### Principle of development

The proposal is to create a home based business within the basement of a house that is located within a well established residential area. The upper floors of the house would remain in use as a dwelling. Previously UDP Policy H8C stated that small home based businesses may be acceptable where the majority of the building and its curtilage continue to be solely in residential use, where adequate parking provision exists and where the use would not be unduly harmful to the living conditions of adjacent residents. Whilst this policy is no longer in force following the adoption of the new Local Plan I do not feel that these principles have disappeared altogether as a means of assessing proposals for home based businesses. The new replacement policy in the Local Plan 'Policy GD1 General Development' is lot more wide ranging given that it covers all land subject of the Urban Fabric land use designation, including the old UDP housing policy areas. However it includes similar policy tests including ensuring that development proposals should not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents. In summary of the land use policy position the provision of small, part time home based businesses which ensure that the majority of dwellings continue to be in residential use may be acceptable in principle. However this is subject to the Council being satisfied that proposals are acceptable in residential amenity and highway safety terms.

### Residential amenity

The proposed change of use is part time and would be limited to being carried out from the basement of the property with the upper floors remaining in use as a family dwelling. The proposal to host a maximum of 8 events over a monthly period (an average of 2 per week) for a maximum duration of 3 hours at times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would ensure that the use would not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents in my opinion. Arguably the most contentious part of the proposal is the proposal to allow up to 12 people to attend the events. However as this would be a maximum number with a likelihood of numbers being lower on many occasions I consider this acceptable taking into account of the other parameters and restrictions set out above listed above. It is therefore considered that the proposal accords with Local Plan Policy GD1 in that it would not have a significant adverse effect on the living conditions and residential amenity of local residents.

### Visual amenity

No external changes are proposed and as such the property would retain the appearance of an ordinary house staying in keeping with the area.

### Highway Safety

The existing property does not benefit from any off street parking as is the case with most other properties on Park Road leading to on street parking being a prevalent feature of the area. It is acknowledged that the proposal may cause additional pressures on on-street parking provision in the area. However the applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. The small scale nature of the proposal and accessibility of the property by walking/cycling and public transport means that it is unlikely to generate any significant traffic. Furthermore the proposal is to operate the part time use less frequently than the maximum allowed under the planning permission given to the Twisted Teapot business taking place several properties located further down Park Road. Given these circumstances Highways have resolved not to object to the application, subject to conditions being imposed to ensure that the proposed operating restrictions are adhered to.

### Health and safety

Whilst not a consideration under planning legislation Officers have been able to establish that the proposal would be subject to control under the Building Regulations at the request of Members. Furthermore the case officer has supplied further information advising that that this is a split level property meaning that the basement has doors which open directly into the rear garden, rather than access to the outside being reliant on an internal staircase back into the property. In addition the property also has provision of an external staircase that connects the rear garden with the ground floor of the property which is raised at the rear due to the difference in levels that could be used in the case of an emergency.

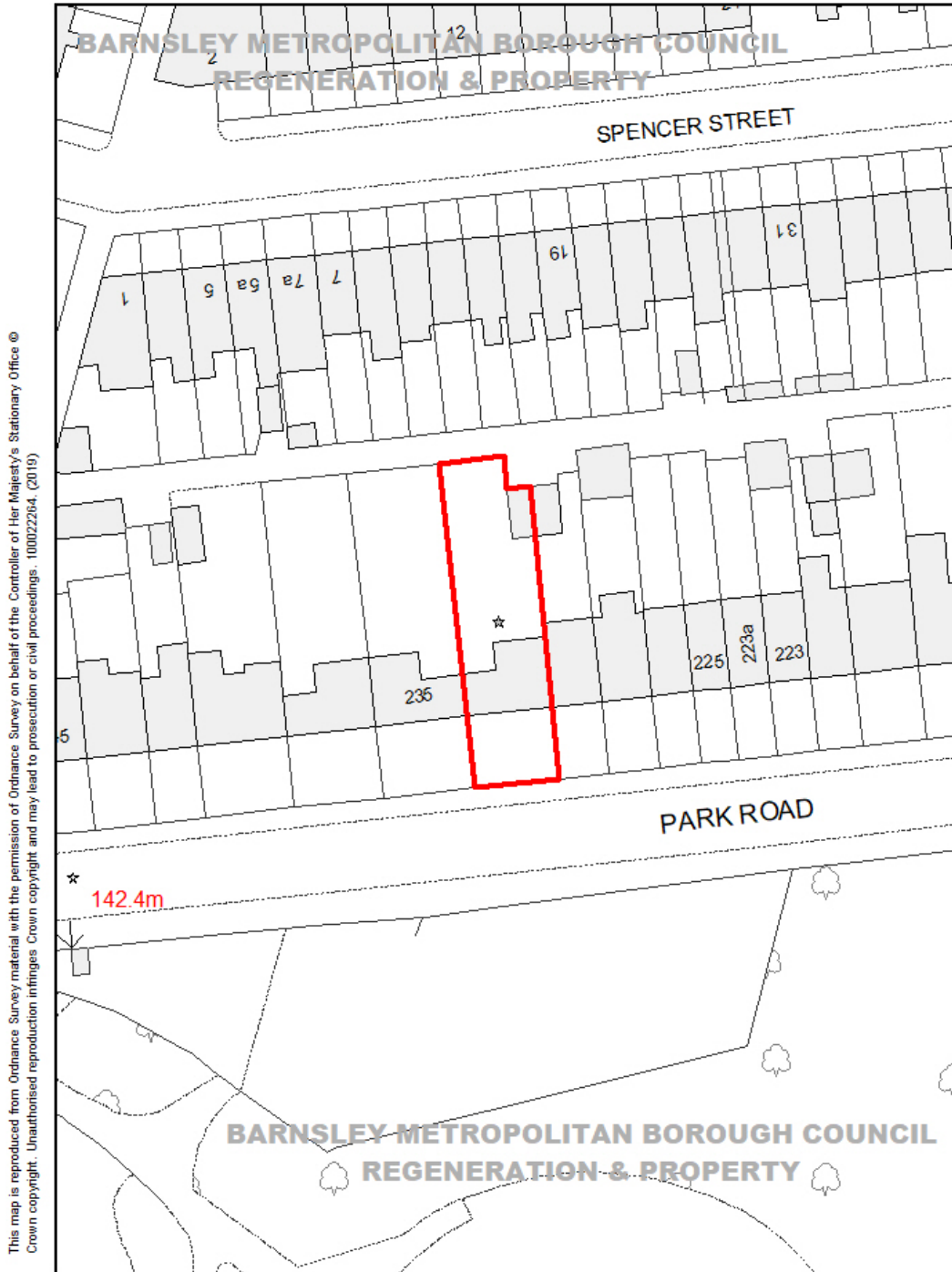
## Conclusion

In summary the proposal for this small scale home based business is considered acceptable for the reasons that it would only take place in the basement of the property with the upper floors remaining in use as a family dwelling. Furthermore the proposed use would be part time, averaging 2 events per week for maximum of 3 hours with no more than 8 events in total taking place over a monthly period. Operating hours would be limited to times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would be less frequent than the permission granted in 2017 to the Twisted Teapot home based business granted at a neighbouring property, No.243 which is allowed to host 3 events per week over a longer period (6 hours maximum duration) and be at a time that would not give rise to disturbance during unsociable times. Taking these things into account it is considered that the proposal would not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents.

No external changes are proposed which would ensure that the domestic appearance of the property would be protected. It is acknowledged that the proposal may increase pressures on on-street parking in the area. However applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. Given the small scale nature of the use and the fact that it is proposed to operate less frequently than the Twisted Teapot business at No.243 they feel that a reason for refusal could not be substantiated. On balance therefore the Officer recommendation is one of approval subject to the conditions set out below.

### **Recommendation** - Grant planning permission subject to conditions

- 1        The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
  
- 2        The development hereby approved shall be carried out strictly in accordance with the plans (Nos) 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 Local Plan Policy D1 High Quality Design and Place Making.**
  
- 3        The business use hereby permitted shall be limited to being carried out from the basement of No.233 Park Road Barnsley between the hours of 1730 and 2030 Monday to Fridays, 1100 and 1600 on Saturdays and not at all on Sundays and Bank/Public Holidays. There shall be a limit of a maximum of 8 events per calendar month with no more than two events to be held on Saturdays during any given month. Events shall have a maximum duration of 3 hours with the maximum number of people allowed to attend any event being 12.  
**Reason: In the interests of local amenity and highway safety and to accord with Local Plan Policies GD1, D1 and T4.**
  
- 4        The provision of teas shall be ancillary to the craft workshop use and shall therefore be only served during the hours specified in Condition 3 above.  
**Reason: For the avoidance of any doubt.**



**BARNESLEY MBC - Regeneration & Property**



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# Item 7

## BARNSLEY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 January to 31 January 2019

#### APPEALS RECEIVED

3 appeals were received in January 2019:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2018/1046	Erection of detached dwelling <b>Land at Broomhill View, Bolton Upon Dearne, S63 8LB</b>	Written representation	Delegated
2018/1208	Erection of a timber single storey granny annexe for ancillary residential use associated with the dwelling <b>8 Orchard Close, Keresforth Hall Road, Kingstone, Barnsley, S70 6NF</b>	Written representation	Delegated
2018/1374	Erection of brick outbuilding to the rear of dwelling (retrospective) <b>21 Kings Court, Wombwell, Barnsley, S73 0FB</b>	Written representation	Delegated

#### APPEALS WITHDRAWN

0 appeals were withdrawn in January 2019

#### APPEALS DECIDED

5 appeals were decided in January 2019

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/0180	Sub-division and change of use of building into 11no. workshops to provide flexible leisure/employment uses <b>26 Doncaster Road, Barnsley, South Yorkshire, S70 1TL</b>	Dismissed	Delegated
2017/0638	Residential development of 97 no. dwelling houses with garages, parking spaces and public open space and associated roads and sewers <b>Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF</b>	Dismissed	Committee
2018/0157	Erection of detached double garage <b>South Grove House, South Grove Drive, Hoyland, Barnsley, S74 9DY</b>	Allowed	Delegated
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	Dismissed	Delegated

	<b>Former petrol filling station, Pontefract Road, Cudworth, Barnsley, S72 8AY</b>		
2018/0738	Proposed extension to link Leapings Cottage and outbuildings <b>Leapings Cottage, Leapings Lane, Thurlstone, Sheffield, S36 9QP</b>	Dismissed	Delegated

### 2018/2019 Cumulative Appeal Totals

- 19 appeals have been decided since 01 April 2018
- 14 appeals (74%) have been dismissed since 01 April 2018
- 5 appeals (26%) have been allowed since 01 April 2018

<b>Audit</b>	<b>Details</b>	<b>Decision</b>	<b>Committee/ Delegated</b>
2018/0524	Formation of new driveway and vehicular access. <b>131 Goldthorpe Green, Goldthorpe, Rotherham, S63 9EL</b>	Dismissed	Delegated
2017/1342	Erection of detached double garage to dwelling. <b>Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.</b>	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. <b>Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE</b>	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) <b>Land at Wentworth Street, Birdwell, Barnsley, S70 5UN</b>	Allowed	Delegated
2017/0721	Residential Development (outline) <b>Land at Lakeside View, Huddersfield Road, Penistone, Barnsley</b>	Dismissed	Delegated
2017/0088	Residential development of 21 dwellings (Outline including means of access) <b>Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ</b>	Allowed	Committee
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation <b>29-31 New Street, Barnsley, S70 1RZ</b>	Dismissed	Delegated
2017/1196	Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) <b>The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE</b>	Allowed	Committee
2017/1285	Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) <b>Land Bmbc Asset ID E00045, Milton Road, Hoyland,</b>	Dismissed	Delegated

	<b>Barnsley, S74 9BN</b>		
2017/0800	Erection of 1 no. holiday villa <b>Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ</b>	Dismissed	Delegated
2017/0898	Formation of car park and associated access/egress <b>Land to the north of Old Mill Lane, Old Mill Lane, Barnsley</b>	Dismissed	Delegated
2017/1587	Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of Use) <b>Agricultural Building, Land at Low Mill Lane, Off Fall Head Lane, Silkstone, Barnsley, S75 4LB</b>	Dismissed	Delegated
2018/0462	Erection of first floor side extension to dwelling <b>60 Manchester Road, Thurlstone, Sheffield, S36 9QT</b>	Dismissed	Delegated
2018/0616	Erection of single storey outbuilding to form residential annex (Resubmission) <b>4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD</b>	Dismissed	Delegated
2016/0180	Sub-division and change of use of building into 11no. workshops to provide flexible leisure/employment uses <b>26 Doncaster Road, Barnsley, South Yorkshire, S70 1TL</b>	Dismissed	Delegated
2017/0638	Residential development of 97 no. dwelling houses with garages, parking spaces and public open space and associated roads and sewers <b>Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF</b>	Dismissed	Committee
2018/0157	Erection of detached double garage <b>South Grove House, South Grove Drive, Hoyland, Barnsley, S74 9DY</b>	Allowed	Delegated
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 <b>Former petrol filling station, Pontefract Road, Cudworth, Barnsley, S72 8AY</b>	Dismissed	Delegated
2018/0738	Proposed extension to link Leapings Cottage and outbuildings <b>Leapings Cottage, Leapings Lane, Thurlstone, Sheffield, S36 9QP</b>	Dismissed	Delegated

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# Item 8

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 3 October - December 2018

#### Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 Period of this reporting year 2018/2019 (October – December 2018). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

#### Overall number of Planning Enforcement service requests Quarter 3:

October 2018                      51

November 2018                    21

December 2018                    17

Total number of requests for service Quarter 3 2018/2019 **89**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 3 2018/19	89	41	48

#### Commentary

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

The service will also take swift and robust enforcement action to address breaches of planning control which are harmful and unacceptable. This can include ceasing works on site through the service of stop notices or preventing activities taking place at certain times of the day.

Investigations and officer visits can be time consuming and have to be balanced with the available resource. From April 2018 the service has aligned with Planning/Economic Regeneration service in the Place Directorate. Due to staffing changes there is a vacancy for the Planning Enforcement Officer post which is currently advertised for recruitment.

## Summary of Case Activity

### (a) Issuing of Formal Notices

<b>Case Reference &amp; Location</b>	<b>Breach of Planning Control</b>	<b>Details of Service/Appeal</b>
2018\ENQ\00442  Land at West Wood, Tankersley, Barnsley, S75 3DL	1. Use of land for motor cycle racing and trials.  2. Use of land for purposes of Clay Pigeon Shooting Activities	Enforcement Notice and Stop Notice issued 12 <sup>th</sup> September 2018 requiring cessation of the two uses for the remainder of 2018.  Notice complied with
2018\ENQ\0003  Land at WillowBank, Barnsley, S75 1BN	Unauthorised Engineering Operations to Alter the Profile of the Land	Enforcement Notice Issued 7 <sup>th</sup> November 2018 requiring material to be removed and land re-profiled to previous condition within one month.  Appeal Submitted
2018\ENQ\00645  Land Adjacent 9 Railway Terrace, Goldthorpe, Rotherham, S63 9AF	Unauthorised change of use from agricultural to purposes of stationing 4 caravans for storage and intermittent residential use.	Enforcement Notice issued 15 <sup>th</sup> November 2018 requiring unauthorised use to cease and removal of caravans and associated structures.  Compliance required within 2 months (by 17 <sup>th</sup> February 2019)
2018\ENQ\00184  Residential Development, Carr Head Lane, Bolton Upon Dearne, Rotherham,	Non-Compliance with Condition 13 relating to Tree Protection. Damage sustained to a number of TPO Trees	Enforcement Notice Issued 7 <sup>th</sup> December 2018 requiring significant mature tree replanting to mitigate the damage and removal of existing trees.  Steps required by end of March 2019
2018\ENQ\00442  Land at West Wood, Tankersley, Barnsley, S75 3DL	1. Use of land for motor cycle racing and trials.  2. Use of land for purposes of Clay Pigeon Shooting Activities	Article 4 Direction issued 17 <sup>th</sup> December 2018 removing permitted development rights for motor trial activity and clay pigeon shooting (suspended for 12 months)

		Direction takes effect 18 <sup>th</sup> December 2019 where no further such activities are permitted.
2018\ENQ\00526 Land to the Rear of Cliff Lane, Brierley, Barnsley, S72 9HR	Unauthorised change of use of vacant land for the purposes of stationing caravans and creation of bays	Temporary Stop Notice issued 20 <sup>th</sup> December 2018 requiring all works to cease.
2018\ENQ\00689 Land off Sandybridge Lane, Shafton, Barnsley, S72	Unauthorised change of use of agricultural land for stationing of caravans and, storage of building materials and vehicles	Temporary Stop Notice issued 20 <sup>th</sup> December 2018 requiring all works to cease.

**(b) Legal action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Case Details</u></b>	<b><u>Prosecution Status</u></b>
BMBC vs Gleeson Homes PLC Residential Developments: 1.Elwood, Lundwood, Barnsley, S71 2.Blyth Street, Wombwell, S73	Failure to comply with conditions associated with surface finishing of shared surfaces and private drives for vehicle manoeuvring  Breach of Condition Notices issued February 2018, not complied with.  Not guilty plea submitted	Magistrates Court Trial Scheduled 25th February 2019 for case to be heard.

**(c) Enforcement Appeals**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Appeal Decision</u></b>
2018\ENQ\00024 20 Lyndhurst Bank, Penistone Sheffield, S36 6ER	Undertaking of engineering operations including excavations and the construction of retaining walls and a detached outbuilding in the rear garden.	Appeal Dismissed  Decision dated 3 <sup>rd</sup> October 2018

<p>360228</p> <p>Land at Worsbrough Wood, Worsbrough Road, Worsbrough, S70</p>	<p>Unauthorised engineering operations, namely the layout of means of access onto a classified road &amp; creation of parking areas/earth movements in area covered with TPO trees</p>	<p>Appeal Dismissed</p> <p>Decision dated 29<sup>th</sup> November 2018</p>
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**Conclusion**

The service continues to build on numbers of formal enforcement actions and interventions where appropriate. Cases continue to be assessed in terms of the severity of harm taking place and are prioritised accordingly. There are a number of ongoing cases with formal and legal actions being prepared which will be issued in due course with the details relayed to elected members in future planning enforcement case updates. Please contact the service should you wish to make further enquires in respect of specific cases.