

Public Document Pack

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| MEETING: | Planning Regulatory Board |
| DATE: | Tuesday, 19 March 2019 |
| TIME: | 2.00 pm |
| VENUE: | Council Chamber, Town Hall, Barnsley |

AGENDA

SITE VISITS:

1. Site Visit Details

Please meet at the Town Hall for immediate departure at 9.30 a.m.

The Planning Regulatory Board will make visits of inspection to the following sites which are the subject of planning applications:

| <u>Plan Number</u> | <u>Site</u> | <u>Approximate Time of Arrival</u> |
|--------------------|--|------------------------------------|
| 2018/0466 | Residential development (Outline including access) at Land at Talbot Road, Penistone, | 9.50 |
| 2018/1361 | Demolition of existing buildings and residential development of 29no dwellings and associated works at Land off New Road, Tankersley | 10.30 |
| 2017/1440 | Demolition of existing buildings and redevelopment of site to provide residential development with associated infrastructure, open space and landscape provision. (Outline - all matters reserved) at 321 Hough Lane, Wombwell | 11.00 |
| 2018/0849 | Erection of 40 no. dwellings at Land at Pearson Crescent, Wombwell | 11:20 |

Please note: Members of Planning Regulatory Board should not become involved in discussions with neither the applicant nor local residents when on site visits.

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

2. Declarations of Interest

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

MEETING:

3. Minutes (Pages 5 - 8)

To receive the minutes of the meeting held on xx

Planning Applications

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

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

4. Berneslai Close, Barnsley - 2017/1556 - For approval (*Pages 9 - 26*)
5. Land at Talbot Road, Penistone - 2018/0466 - For approval (*Pages 27 - 40*)
6. Lane off New Road, Tankersley - 2018/1361 - For approval (*Pages 41 - 58*)
7. 321 Hough Lane, Wombwell - 2017/1440 - For approval (*Pages 59 - 72*)
8. Pearson Crescent, Wombwell, 2018/0849 - For approval (*Pages 73 - 84*)
9. 18 Low Cudworth Green, Cudworth - 2018/1360 - For approval (*Pages 85 - 94*)
10. Smithies Lane Depot, Smithies Lane, Smithies - 2019/0113 - For approval (*Pages 95 - 98*)

Public Footpaths/Diversions

11. Application for diversion and stopping up of footpaths at Pearson Crescent, Wombwell (*Pages 99 - 104*)

Planning Appeals

12. Planning Appeals - 1st February to 28th February 2019 (*Pages 105 - 108*)

To: Chair and Members of Planning Regulatory Board:-

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

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Regeneration and Property
Paul Castle, Service Director Environment and Transport
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control
Andrew Burton, Group Leader (Inner Area), Development Management
Bob Power, Senior Legal Officer (Locum)

Parish Councils

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

Monday, 11 March 2019

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|-----------------|--------------------------------------|
| MEETING: | Planning Regulatory Board |
| DATE: | Tuesday, 19 February 2019 |
| TIME: | 2.00 pm |
| VENUE: | Council Chamber, Town Hall, Barnsley |

MINUTES

Present

Councillors D. Birkinshaw (Chair), Franklin, David Griffin, Hampson, Hayward, Noble, Pickering, Richardson, Riggs, Saunders, Spence, Stowe, Tattersall and R. Wraith

83. Declarations of Interest

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

84. Minutes

The minutes of the meeting held on 22nd January 2019 were taken as read and signed by the Chair as a correct record.

85. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2018/1569 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1569** (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, Barnsley Markets and adjoining land, Cheapside, Barnsley)

RESOLVED that the application be granted in accordance with the Officer recommendation which included an amendment to the published version of condition 2 to refer to revision number 7 as the most up to date elevation plan reference numbers.

86. Broadstone Farm, Whitley Common. For approval - 2018/0960 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0960** (Erection of combined indoor equestrian arena and agricultural storage barn at Broadstone Farm, Browns Edge Road, Whitley Common, Barnsley S36 7GR)

RESOLVED that the application be granted in accordance with the Officer recommendation subject to referral to the Secretary of State to determine whether or not they would wish to call it in for his determination; and the addition of an

informative requiring the applicant to contact the LPA for advice prior to hosting any events.

87. 52 Tower Street, Worsbrough Common, Barnsley, S70 1QS - 2018/1399 - For approval.

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1399** (Erection of 2 no. detached dwellings at land adjacent 52 Tower Street, Worsborough Common, Barnsley S70 1QS)

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of S106 agreement requiring the payment of £3000 as compensation for loss of greenspace land affecting one of the plots.

88. 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 Georgies Yard, 233 Park Road, Barnsley S70 1QW)

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

89. Planning Appeals - 1st January to 31st January, 2019

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

The report indicated that 3 appeals were received in January 2019, no appeals were withdrawn and 5 appeals were decided.

It was reported that 19 appeals have been decided since 1st April 2018, 14 of which (74%) have been dismissed and 5 of which (26%) have been allowed.

RESOLVED that the update report be noted.

90. Enforcement Update QTR 3 2018/19

The Head of Planning and Building Control provided 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 highlighted that 51 service requests were received in October 2018, 21 in November 2018 and 17 in December 2018. Of the 89 cases received, 41 were investigated/resolved and 48 remain under consideration.

RESOLVED that the update report be noted.

Chair

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Item 4

2017/1556

Applicant: McCarthy and Stone Retirement Lifestyles Ltd

Description: Demolition of former Council office building and part new build/part conversion development of 58 apartments (including 49 retirement living apartments) together with communal facilities, landscaping, car parking and associated access

Site Address: Berneslai Close, Barnsley, S70 2HL

12 letters of objection were received to the application that went before Members at the September 4th 2018 Planning Board along with 7 letters of support. On re-consultation on the amended plans a further 6 letters of representation have been received.

Proposed development and Amendments following September 4th Planning Board

Members will recall considering this application on 4th September 2018. The application proposed the demolition of the 1930's block and its replacement with a new build specialist Retirement Living accommodation for 53 units total, comprising new build of 45 units in the new building and 8 units proposed to be in the converted Edwardian Building.

The new building would be separated from the Edwardian hospital building with works then taking place to the existing building to repair and rebuild the attached wall to make good the separation. From the main public vantage points to the south and east the Edwardian Hospital Building would then remain externally as is with all works to convert it being predominantly internal.

The Retirement Living development would feature communal facilities such as a residents' lounge, CCTV entry system, and Careline alarm facility. A management company would maintain the grounds and fabric of the development following construction, thus safeguarding the interests of the owners and the local community.

The negotiations included extended discussions in order to achieve high quality design and high quality external detailing and materials in a building of four with the top floor of accommodation lies within the roofspace but still lower than the existing 1930's building.

33 no. parking spaces were originally proposed with two disabled spaces to the main car park to the rear and east of the proposed building. A further 7 no car parking spaces were proposed accessed from Berneslai Close to the rear of the retained Edwardian building. A small substation building was also proposed within the grounds.

At the Planning Regulatory Board meeting on September 4th 2018, Members resolved that the application be granted in accordance with the Officer recommendation but with delegated authority given to Officers to seek a more suitable balance between parking and garden areas within the layout.

In reconsidering the external layout, the applicants have also reconsidered the overall viability, the initial scheme was the subject of a viability assessment, and offer of the proposal and have now submitted amended plans. These involve an increase in the amount of garden space available for future residents as requested by Members, which has been accomplished with a re-design of the layout without any loss in parking spaces. The applicants also propose a small increase in the number of units, by a total of 5 overall. This comprises:

3 apartments in a new lower ground level to the new build
1 additional apartment to ground level in the new build
1 additional apartment to Edwardian Hospital Building, and erection of separate refuse store to east of building

The proposed building would be slightly higher than previously approved to accommodate the additional lower ground floor but would still be lower than the existing 1930's block to the front elevation. The addition of a part lower ground floor would not raise the building a full floor height however, due to variations in gradient of the site which alters the extent of uplift but from the front this would be approximately 1.5m higher than was previously presented to Members. The revised elevations of the building would be the same height, or lower, than the existing building, although there are additional windows to the east elevation to serve the three new apartments in the new lower ground floor, and there are minor changes in fenestration to other elevations proposed approved.

The applicant has agreed to pay the additional offsite open space contribution for the additional units, bring the total to £44994.11

Given the additional changes that have been made to the Scheme it is being taken back to Members for them to consider the changes made.

Site Location & Description

The site measures approximately 0.42 hectares (1.04 acres) and is located in Barnsley Town Centre on the north side of Berneslai Close.

The site comprises disused former Council office buildings and an area of hard standing (mainly car parking). The existing building comprises the main buff brick building which was constructed in the 1930s with modern additions to the rear, together with an adjoining red brick Edwardian former hospital building. The site is irregular in shape and has some level changes. The site is located approximately 400 metres from the defined Shopping Area of Barnsley Town Centre.

Access is taken from Berneslai Close, which forms the site's southern boundary. There is established residential development to the north and west boundaries with a mews court to Churchfields Close to the east.

The site lies wholly within the Victoria Road Conservation Area. The Conservation Area was enlarged in 2008 specifically to include the buildings at Berneslai Close with considerable Member and local support.

The buildings, which are located on a site that once housed Beckett Hospital which was founded in 1862, and now contain redundant offices, which are large scale 3/4 storey buildings. The elevations that face the former St. Mary's burial ground are of particular interest. The oldest of these buildings is the 3 storey, red brick Edwardian building in Baroque style. It has a hipped Welsh slate roof with overhang and decorated stone corbels, a central gabled projection with pediment, round window and decorated oriel window above the main entrance. Bays to either side incorporate sliding sash frames in an unusual 8 over 2 arrangement. Height to eaves 9m, height to apex 12.5m.

Adjacent and attached to this building is a larger 1930's building of 4 storeys with a stepped elevation in an orange-buff brick. 11 bays, some with vertical proportions, some square. Square bays incorporate windows in an 8 over 12 arrangement and vertical windows incorporate side hung casements. The foundation stone was laid by Countess Fitzwilliam in October 1938. Height to eaves is 13.5m, height to roof is 16m on the front elevation. Two arms extend to the rear, one 4.3m to eaves and 6.3m to ridge; one 12m to eaves, and 14m to ridge. It is this later building which is intended to be demolished. There are some trees to the perimeter. The open space to the south is the former St Mary's Burial Ground.

Planning History

B/80/0894/BA Environmental works and car parking area

Policy Context

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

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 site is within Barnsley Town Centre and a Conservation Area.

Local Plan Policies

| | |
|-------|--|
| SD1 | Presumption in favour of sustainable development |
| GD1 | General Development |
| CC1 | Climate Change |
| CC2 | Sustainable Design and Construction |
| CC4 | Sustainable Drainage Systems |
| CC3 | Flood Risk |
| RE1 | Low Carbon and Renewable Energy |
| LG2 | Location of Growth |
| H1 | The Number of New Homes |
| H2 | The Distribution of New Homes |
| H6 | Housing Mix and Efficient Use of Land |
| H7 | Affordable Housing |
| T3 | New Development and Sustainable Travel |
| T5 | Reducing the Impact of Road Travel |
| T4 | New Development and Transport Safety |
| D1 | Design |
| HE1 | The Historic Environment |
| HE2 | Heritage Statements and general application procedures |
| Bio1 | Biodiversity and Geodiversity |
| CL1 | Contaminated and Unstable Land |
| Poll1 | Pollution Control and Protection |
| I1 | Infrastructure and Planning Obligations |

Relevant Supplementary Planning Documents and Advice Notes

The SPDs/PAB's are currently being updated given the adoption of the Local Plan with a number already out to consultation. Those of relevance to the scheme are as follows:

SPD Designing New Housing
SPD Open Space provision on New Housing Developments
SPD Parking

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

Para 109 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 62 where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified and, the agreed approach contributes to the objective of creating mixed and balanced communities.

Para 189 In determining applications, LPA should require an applicant to describe the significance of any heritage asset including any contribution made by their setting.

Para 192 in determining applications, LPA should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Para 197 the significance of a non-designated heritage asset should be taken into account in determining the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para's 124 good design is a key aspect of sustainable development

Consultations

The full range of consultations was undertaken when the application was considered previously and which Members were minded to approve. The responses at that time were as follows:

Historic England – No comments required
South Yorkshire Archaeology Service – no comments received
South Yorkshire Police – advice provided on secured by design
Civic Trust – supports the application and considers relative heights have been considered properly
Yorkshire Water – no objections in principle
Pollution Control –no objections.
Highways DC – no objections in principle
Design – no formal comments received, requested enhanced planting
Policy – A greenspace assessment would require a contribution
Contaminated Land Officer – no comments received
Affordable Housing - affordable housing would normally be required or equivalent offsite contribution
Forestry Officer – no objections subject to conditions
Biodiversity Officer – no objections subject to conditions
Conservation Officer - no objections subject to conditions
Highways Drainage – the submitted information is sufficient, no conditions required
Waste Management – the developer will be charged for bins. Bin store should be large enough for 11 x 1100 litre containers for household waste and then extra for recycling bins
Adult Care Homes – no comments received
Natural England – No comments

For the minor changes proposed, the following limited consultation exercise was undertaken limited to material considerations which may be affected by the proposed changes;

Conservation – no objection subject to a condition regarding materials

Highways – no objections subject to re-imposition of all previous conditions

Representations

The initial scheme that went before members in September 2018 had 12 letters of objection and 7 letters of support. The concerns raised are summarised as follows:

- Support for project as a whole but concerns about details
- Loss of privacy/size/overlooking/overshadowing/over development
- Impacts of noise/dust on health during demolition/construction
- Effect on drains/ water pressure etc.
- Effect on street parking in local area as there are insufficient spaces proposed
- Noise disturbance from vehicle movements in proposed car park
- Design is out of character for this low rise conservation area(bulk scale massing details)
- A 10 ft. high Victorian brick wall should be built instead of proposed fence
- A nursery was refused in this area, why should this application be granted?
- Potential for rats to be disturbed
- Must ensure the flats are only for the over 55's and not rented out to drug or alcohol dependents
- Loss of view

Following the submission of these amended plans, local residents were consulted and representations from 6 addresses have been received. Whilst several of the letters supported the development overall, the following issues were raised which predominantly reflect comments made previously which are:

- Loss of privacy/overlooking/amenity
- Insufficient parking provided
- Potential disruption during demolition/construction
- Overbearing/overshadowing/loss of light
- Boundary treatment
- Noise from vehicle movements
- Materials not in keeping with surroundings

One resident raised Juliet balconies in particular as causing a loss of privacy, one resident also raised the impact on bats and considered that the proposal does not address significant public health or safety issues.

Assessment

Principle of Development

The principle of the development was accepted by Members when the scheme went before them in September 2018, with only the issue of gaining a suitable balance between parking and garden areas remaining outstanding and being delegated to Officers to resolve. It is not considered that the adoption of the Local plan in the intervening period would alter the principle of the development as the site is still located within the Urban Barnsley, which is a focus for growth and that it lies within a sustainable location, close to town centre amenities and services including the transport interchange, health centres shops and entertainment.

In view of the above, Members are asked to consider whether the amendments to the approved scheme set out in this report are acceptable.

S106 considerations – off-site public open space, affordable housing,

A viability assessment previously demonstrated that the proposal cannot support affordable housing. However, In accordance with GS1 and I1 and the SPD Open Space Provision on New Housing Developments, new developments that exceed 20 residential units are expected to contribute towards green space requirements.

There is limited amenity space within the site proposed for residents, however, the developer previously agreed to pay the off-site greenspace contribution of £41,763. The developer has now agreed to provide a pro rata increase to £44994.11 as a result of the 5 additional units proposed.

Historic Environment

Members previously accepted that the potential harm to the conservation area as a result of the loss of the 1930's building was outweighed by its replacement which proposes separation from the Edwardian hospital building; high quality materials and detailing and a more appropriate scale and massing than the existing, together with the provision of a significant number of much needed dwellings for elderly and retention of the Edwardian Building.

In considering the proposed amendments, the Conservation Officer considers that the height of the building is increased slightly as a result of the amendments, however, this is order to minimise the very significant excavation that would have been required to set the building down circa 700mm as was previously proposed. However, a submitted plan comparing the exiting 1930's building to the proposed elevations demonstrates that:

- The key corner Edwardian red brick element of Becketts is retained and restored.
- The proposed massing and scale of the Berneslai Close frontage is still markedly less than the existing building.
- The footprint of the proposed is still markedly less than existing. Moreover, the northern most elevations of the proposal are is much less close to the rear of existing dwellings along Victoria Road (primarily 10-14).
- The important bay projections to the Berneslai Close frontage are retained from the previous approval.
- The use of buff brick, stone strings and detailing and slate (roof) is retained in the redesign.
- The proposal still broadly reflects the appearance and arrangement of the existing (1938) element but imposes its character less forcefully (primarily due to the reduction in bulk) on its Edwardian neighbour.

The Conservation Officer concludes that on balance the new design still defers to the traditional without being a pastiche, and the proposed amendments would result in a building appropriate for its context and contributes something new and positive in the Conservation Area. As such, the test at NPPF para 196 is still satisfied as the less than substantial harm is offset by the public benefit and the proposal accords with Local Plan Policy HE1q.

Design and Visual Amenity

Members previously agreed that the proposals were of high quality design and materials and together with the scale and massing, and high quality detailing were considered to be appropriate to its location and is considered to preserve and enhance the character of the of the Conservation Area.

The amended proposals retain the high quality materials and detailing and key design elements, and the Conservation Officer is satisfied that the amended proposal presents a high quality design suitable for the replacement of this large building in the Conservation Area despite one objector having concerns that the materials are not in keeping.

Whilst the new building is slightly higher than the approved plans, it is clear the height of the key front elevation (south elevation) would still be lower than the existing 1930's building. Additionally, as with the previous plans presented to Members, the building would still have a significantly smaller footprint than the existing, sitting centrally with in the plot with a much larger parking and circulation area around it than the existing building.

The top (4th) floor accommodation would remain located in the roof space as previously shown to Members and also reduces the impact of the building, and minimises the visual impact of the fourth floor accommodations. The additional units to the new lower ground floor level are accommodated without being visually intrusive to the street scene due to level changes within the site. The level changes allow the additional units to be accommodated without raising the building a whole floor height.

The amended plans show the rear(north) elevation to have a higher roof apex, although no additional windows are proposed, and the location of the proposed windows is almost identical to those previously seen by Members.

The east elevation (facing Berneslai Close) proposes to insert additional windows for the new lower ground floor apartments. There are other changes to fenestration proposed which do not affect the character of the proposal.

Overall the amended proposals are still considered to demonstrate a high quality design and materials. The scale and massing remain appropriate and together with the high quality detailing the amended plans are considered to be appropriate to its location and is considered to preserve and enhance the character of the of the Conservation Area. As such the proposal is considered to be in accordance with Local Plan policies GD1, D1 and HE1.

Residential Amenity

Residents were previously concerned about loss of privacy and overlooking, and overshadowing caused by the height and mass of the proposed new building. One resident considered that the proposal would appear overbearing although the existing building is virtually abutting the garden boundaries to Victoria Road properties, compared to the proposed which will be at least 14m away from the boundary to the north. The approved plans meet and considerably exceed all relevant external space standards, between the proposed building and the existing dwellings, increasing from 17m and 18m (existing), to 28m and 32m as proposed to the north elevation; from 26 and 32 as existing to 32 and 36m to proposed west elevation and from 23m increased to 32m away to the east elevation. Even though one element of the building is taller than the existing at this point, the proposed building meets the 25 degree rule at all elevations. This demonstrates that there would not be any overshadowing or loss of light. Only number 14 Victoria Avenue immediately to the west of the site does not meet required external distance requirements, but it is currently only 1m away from the Council Offices and the approved plans would see an increase to 8m from the new building. The dwelling does not have any windows to the side elevation.

The amended proposals also meet and exceed these standards to the same degree despite the slight increase in height, taking into account additional distances required to offset the height of the proposed building. As such it would not appear overbearing to existing dwellings to the north or west. To the east elevation, the proposed building is the approximately the same height as existing but further away (existing 23m away, proposed 32m away.)

One objector has concerns that Juliet balconies would lead to increased overlooking and loss of privacy. However, Juliet balconies do not result in greater overlooking than windows and were on plans already seen by Members. In addition, only the southwest corner of objector's garden boundary touches the site. Additionally, as the dwelling is at an angle to the site, intervening distances, boundary treatment and existing and proposed tree planting, it is very unlikely that any impact on privacy would occur as a result of the proposal.

A shading study specifically for Victoria Rd properties has previously been provided from the applicant which demonstrates that the dwellings would not be significantly impacted by the new building due to its significantly greater distance from the neighbouring properties than the existing building. Despite the slight increase in height from that previously approved, the substantially increased distance from existing dwellings will satisfactorily maintain residential amenity including privacy and light levels and would not lead to overshadowing or overlooking to a significant degree.

Both the new build element and the conversion element complies with the relevant internal space standards for the most part, as set out in the Councils adopted SPD "Designing New Housing Development and the adopted best practice guidance in the South Yorkshire Residential Design Guide, although some individual rooms in the conversion are slightly below due to the constraints encountered when converting an existing building.

Concerns were raised about potential noise of vehicles using the car park to the apartments. The existing Council buildings have car parks to east and west elevations which were used during office hours, and there are also commercial premises to the north of the site, with car parking to the rear, closest to properties on Victoria Road. It is acknowledged that there will be some increase in noise levels over and above existing as the Berneslai Close building is currently unused.

Given that parking will be no closer than the existing, and that an additional boundary fence will be erected which will additionally mitigate against vehicular noise, it is not anticipated that vehicular noise from the site will be overly detrimental on existing residents, the majority of which have rear gardens which back on to the site.

Comments were received from resident relating to boundaries. However, the exiting boundary treatments belonging to the various properties surrounding the application site are proposed to be retained and a 1.8m timber fence proposed to the rear and west boundary; and 1.8m railings to the east as per the plans that Members previously saw.

To summarise, despite concerns from local residents, a careful assessment has demonstrated that the proposed amendments would not impact detrimentally on the exiting dwellings to a significant degree, and the application is considered to accord with Local Plan Policy GD1, and the relevant supplementary planning documents and best practice.

Highways

The amended proposal does not result in any reduction in the no. of parking spaces. The site lies within a sustainable town centre location, with all town centre services and the transport interchange within walking distance. As such the normal parking requirements as set out by adopted Supplementary Planning document Parking can be relaxed and the Highways Officer has no objections to the amended plans on this point.

On balance the proposal is considered to comply with the adopted SPD Parking and Local Plan Policy T4

Pollution Control

The Pollution Control Officer initially had concerns about a small substation on site and the potential impacts of noise. This had also been raised by an objector. However, following the submission of further information the Pollution Control Officer is satisfied that the brick construction would provide sufficient noise mitigation to prevent nuisance.

Residents raised concerns about noise during construction and demolition. A construction method statement has been submitted which adequately covers the potential issues with respect to noise and dust during demolition and construction, which was raised as a concern by objectors. This includes hours of operation for construction/demolition and control of noise/dust. It is acknowledged that there will be some disturbance during demolition and construction, although this would be for a temporary period only. The Pollution Control Officer is also satisfied that there would be no significant impact on existing dwellings as a result of the substation and the application is therefore in accordance with relevant policies

Drainage

A resident raised concerns about the impact the proposal would have on water pressure, drains etc. A drainage strategy and plan have been submitted and both Yorkshire Water and the Highways Drainage Officer have no objections and it is considered the proposal is acceptable on this point.

Trees

The Council's Tree Officer has assessed the scheme and the changes and, given that most of the areas for the new parking are already hardstanding, has raised no objections to the scheme.

Biodiversity

The site has been surveyed for bats, including roof voids where accessible. Evidence of bat activity has been found and avoidance and mitigation measures are proposed as follows:

- Provision of four tree mounted bat boxes to provide roosting opportunities during the demolition and renovation of building to be installed prior to any development works commencing on site and remain in place for a minimum of five years but preferably permanent
- inclusion of suitable bat features within the retained building, such as installation of a bat 'ridge box' to be incorporated in to one of the loft voids
- Use of Bitumen felt only, to be utilised within the re-roofed section of retained building

The Biodiversity Officer is satisfied with the survey, reports and avoidance and mitigation proposals subject to conditions for implementation of the measures.

Other issues

Concerns were raised about noise and dust during demolition and construction. A planning condition is proposed for the construction period. However, the control of demolition falls under the Building Act 1984 and is administered by the Highways Authority.

Conclusion

This is a much needed specialist development which will provide accommodation for the elderly, on the edge of Barnsley Town Centre, replacing unused 1930's ex Council offices with a modern bespoke building of high quality design, appropriate scale, and materials suitable for this Conservation Area location. In an attractive and sustainable location, the development also proposes to retain the historic red brick Edwardian building on this former Beckett Hospital site, the latter building to be converted to apartments. The modest increase of 5 apartments will help to ensure the viability of the proposal and enable the development to go ahead. Despite neighbour objections, careful assessment has demonstrated that the small increase in the height of the proposed building and additional fenestration would meet and exceed all the adopted external space standards, would not be considered to be detrimental to the privacy and amenity of surrounding residents, and would not be overbearing or cause overshadowing. A contribution of £44,994.11 will be made towards the provision or enhancement of off-site greenspace, increased from that previously agreed. Car parking is considered appropriate in scale for this sustainable location and it is not considered that it would cause a noise impact or disturbance and significant enough to outweigh the benefits of the proposal.

It is considered that the amended design would retain and enhance the character of the Conservation Area whilst providing a welcome contribution to the housing need within Urban Barnsley and is in accordance with the relevant policies in the Development Plan and the NPPF.

Recommendation:

Approve subject to legal agreement for contribution of £44,994.11 greenspace contribution and 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 and specifications as approved unless required by any other conditions in this permission:
NE-2473-03-01-AC-001 REV B Site location and context Plan
NE-2473R-03-01-AC-006-1 REV A Former Barnsley CO Offices Plans and Elevations - Existing
NE-2473R-03-01-AC-006-2 REV A Former Barnsley CO Offices Plans and Elevations - Demolition
NPS-DR-A-(00)-060 REV P1 rec'd 7/2/19 Retained Building Alternative ground Floor Plan and Elevations
NPS-DR-A-(00)-041 REV P1 Proposed First Floor Plan received 07/02/2019
NPS-DR-A-(00)-042 REV P1 Proposed Second Floor Plan
NE-2473-03-02-AC-006-1 REV S Elevations 1 of 2 rec'd 07/02/2019
NE-2473-03-02-AC-006-2 REV M Elevations 2 of 2 rec'd 07/02/2019
NE-2473-03-02-AC-006-7 REV D Materials and precedence sheet rec'd 07/02/19
NE-2473-03-02-AC-002-2 REV Q Proposed site layout rec'd 7/2/19
NE-2473-03-02-AC-002-3 REV C Boundary treatment plan rec'd 7/2/19
NE-2473-03-02-AC-002-3 Proposed comparative site layout rec'd 21/2/19
NE-2473-03-02-AC-005-1 Comparative context elevations
NE-2473-03-02-AC-002-9 REV Q Floor Plans rec'd 07/02/2019
NE-2473-03-02-AC-005 REV F Context Elevations rec'd 7/2/19
NE-2473-03-01-AC-012 REV A Sub-station layout
NPS-B1-PL-GF-A-Zz_70_60_X-200 REV P1 Received 12/2/19 Proposed refuse store
NE-2473-3-AC-133 16 Victoria Road - Shading Study
NE-2473-04-LA-01 REV K Landscape General Arrangement Plan rec'd 11/2/19
NE-2473-03-LA-03 REV D Detailed Landscape Plan rec'd 12/7/18
NE-2473-03-DE-001 REV C Drainage Strategy rec'd 16/2/18
9871-KC-XX-YTREE-TCP-01 Tree Constraints Plan
9871-KC-XX-YTREE REV A Tree Survey impact assessment and method statement rec'd 2/2/18
9871-KC-XX-YTREE Tree Protection Plan rec'd 2/2/18
Bat Mitigation Statement dated V3 dated 31/7/18 WSP received 20/8/18
Figure 5 Bat Mitigation Location received 20/8/2018
Phase I Desk Top Study Report by Arc Environmental
Phase 2 Ground Investigation report by Arc Environmental

Construction Method Statement dated 5/2/18
NE-(XXXX)-1-AC-15 dated 6/27/17 Annotated Indicative retained
building reinstatement plan

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 On commencement of development a representative sample of the roofing materials, facing stone and brick shall have been submitted to, and approved in writing by, the Local Planning Authority. This shall include the building on site, of a sample panel of at least 1m by 1m in size of the proposed brick and facing stone. Thereafter the development shall proceed in strict accordance with the details as approved.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 Design.
- 4 The windows, doors and frames shall be set in at least 75mm in the reveal and decorated in a colour to be agreed in writing with the Local Planning Authority on commencement of development. Thereafter, the agreed fenestration shall be installed and retained for the duration of the development.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 Design.
- 5 The gutters shall be ogee in section mounted either on corbels or brackets (no fascias) with matching circular down pipes and soil pipes all in black.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 Design.
- 6 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.
- 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 Policy Poll1 Pollution Control and Protection.

- 8 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.
- 9 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity and in accordance with Local Plan Policy Bio1. Biodiversity and Geodiversity.
- 10 On commencement of development full details of the mitigation measures identified in Part 5 of the Bat Mitigation Statement by WSP dated July 2018, and Part 8 of the Extended Phase 1 Habitat Survey by Innovation Group Environmental Services dated 26/2/18 reference E-13792 REV 3, 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.
- 11 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy Bio1 Biodiversity and Geodiversity.
- 13 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Local Plan Policy I1 Infrastructure and Planning Obligations, in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework
- 14 Upon commencement of development, details of external lighting shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the development hereby approved and retained in accordance with the approved details.
Reason: To enhance the quality of the development in the interests of the amenities of the locality, in accordance with Local Plan Policy D1 Design and POLL1 Pollution Control and Protection.

15 On commencement of development, details of a scheme to reduce the developments carbon dioxide emissions to at least achieve carbon compliance targets as defined in Building Regulations by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that the required reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan Policy RE1 Low Carbon and Renewable Energy.

16 The development shall not advance above damp-proof course level until details of the works to the exterior of the retained Edwardian Building have been submitted to and approved by the Local Planning Authority substantially in accordance with annotated indicative plan NE-(XXXX)-1-AC-15 dated 6/27/17. The submitted details shall include, inter-alia, making good the separation of the Edwardian Building as well as replacing and repairing matching stone detailing and matching bricks. The development shall be carried out in accordance with the approved details before the first occupation of the new apartment building.

Reason: in the interests of visual amenities of the locality and in accordance with Local Plan Policy D1 Design and to preserve the historic character of the area in accordance with Local Plan Policy and HE1 The Historic Environment .

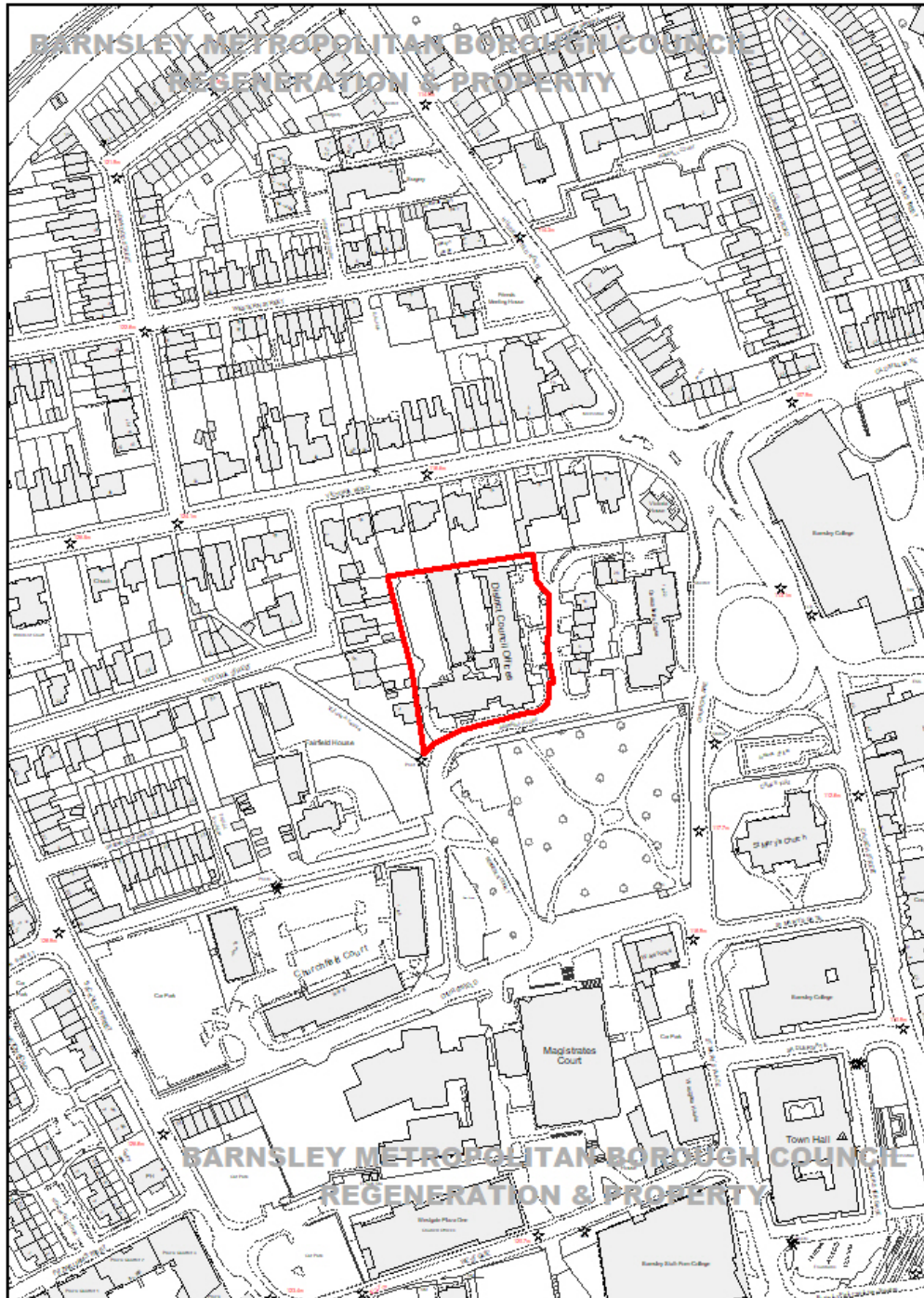
17 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In accordance with Local Plan Policy T4 New Development and Transport Safety.

- 18 Any gates/barriers shall be located at least 5 m from the adopted highway, to allow a vehicle to wait clear of the highway whilst the gates are being opened/closed.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4 New Development and transport Safety.
- 19 On commencement of the development a plan shall be submitted to and approved in writing by the Local Planning Authority which indicates the position of boundary treatment to be erected and shall provide details of each boundary type proposed. The boundary treatment shall be completed before the building is occupied. Development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining properties in accordance with Local Plan Policies HE1 and D1.

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BARNSELY MBC - Regeneration & Property



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Item 5

2018/0466

Applicant: Mr Chris Ward

Description: Residential development (Outline including access)

Site Address: Land at Talbot Road, Penistone, Sheffield, S36 9ED

30 letters of objection have been received and 4 letters of support.

Site Description

The proposed development site is 2.43ha of greenfield land located to the north east of Penistone town centre. The site is irregular in shape and slopes steeply down from the south to Thurlstone Road at the northern boundary. Talbot Road bounds the site to the south and east with Bridge Street to the west.

The site is located in a predominantly residential area with dwellings to all boundaries. To the south there are two Public Houses / Restaurants. Penistone Police Station is in the south east corner, at the junction of Bridge Street with Talbot Road. St Mary's Church is located to the south of the site, off Talbot Road.

Proposed Development

This planning application is in outline with all details reserved except access. An indicative layout has been provided showing 39 dwellings.

Access is from Talbot Road, to the north west of the site. As Talbot Road is not adopted, it is proposed that part of the road will be reconstructed to adoptable estate road standards and aligned into the site as the main priority route.

History

There are a number of planning applications relating to the various properties on the periphery of the site however, the most relevant to this application is:

2017/1221 – Erection of housing development (up to 6 units) (Outline with all matters reserved apart from access) –Withdrawn

Policy Context

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

Local Plan

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 Policies

The site is allocated in the Local Plan for housing. Site Policy HS71 identifies the indicative number of dwellings as 30. Development is expected to:

- Provide appropriate access;
- Respect the historic setting of the listed building at 8-10 Thurlstone Road and the group character of Penistone Conservation Area immediately adjacent and to the east. Development of site HS71 will require the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials;
- Archaeological remains may be present on site therefore proposals must be accompanied by an appropriate archaeological assessment.

The following Local Plan policies are relevant:

SD1 'Presumption in Favour of Sustainable Development'
GD1 'General Development'
LG2 'Location of Growth'
H1 'The number of New Homes to be Built'
H2 'Distribution of New Homes'
H6 'Housing Mix and Efficient Use of Land'
H7 'Affordable Housing'
T3 'New Development and Sustainable Travel'
T4 'New Development and Transport Safety'
D1 'High Quality Design and Place Making'
LC1 'Landscape Character'
HE1 'The Historic Environment'
HE2 'Heritage Statements and General Application Procedures'
HE3 'Developments Affecting Historic Buildings'
HE6 'Archaeology'
GI1 'Green Infrastructure'
BIO 'Biodiversity and Geodiversity'
CC1 'Climate Change'
CC2 'Sustainable Design and Construction'
CC3 'Flood Risk'
CC4 'Sustainable Drainage Systems (SuDs)'
RE1 'Low Carbon and Renewable Energy'
CL1 'Contaminated and Unstable Land'
Poll1 'Pollution Control and Protection'
AQ1 'Development in Air Quality Management Areas'
I1 'Infrastructure and Planning Obligations'

Penistone Neighbourhood Plan

Penistone Neighbourhood Plan has been submitted for examination to an independent examiner. This Plan sets out the vision and objectives for the future of Penistone and development proposed in it. A key component of the vision is to *'offer a range of housing that provides for all sectors of the community, as well as attracting new residents to the area's unique blend of town and country'*. In addition, the 10 objectives support development whilst protecting the town's rural and historic character.

SPD's/PANs

The following Supplementary Planning Documents and Planning Advice Notes are currently being updated with some already out to consultation. Those of relevance to the proposal are:

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Planning obligations
- Affordable Housing
- Financial contributions to Schools

Other

South Yorkshire Residential Design Guide

NPPF

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

In respect of this application, relevant policies include:

The Presumption in Favour of Sustainable Development
Delivering a sufficient supply of homes
Conserving and Enhancing the Historic Environment

Consultations

Affordable Housing – The site will be expected to deliver 30% affordable housing in accordance with the Local Plan Policy H7.

Air Quality - The proposed development is adjacent to the A628 Thurlstone Road. Whilst not an air quality management area (AQMA), this road is detailed within the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance where mitigation of air quality impact is recommended. The applicant has offered vehicle charging points which is considered acceptable subject to a suitably worded condition.

Biodiversity – The Ecology Officer has confirmed that he is generally happy with the preliminary Ecological Appraisal submitted by the applicant. A condition is recommended securing mitigation and enhancement measures to be agreed at reserved matters stage.

Conservation and Design – No objection subject to a condition requiring further investigation of the significance of adjacent heritage assets (8-10 Thurlstone Road and the Penistone Conservation Area) and the impact of the proposed on them along with a suitably designed scheme mitigating any impact identified.

Drainage – No objections subject to conditions.

Highways – No objections subject to conditions

Regulatory Services – No objections subject to conditions.

SYAS – SYAS considers that the likelihood of encountering important archaeological remains within the site is negligible and advises that no archaeological investigation is warranted. Care, however, should be taken to ensure St Mary's Well and trough are not harmed should consent for development be obtained.

SYP – No objections just general comments on detailed design matters.

School Admissions – The proposed will impact on the deficit of school places already in the area. Due to the number of new homes proposed in Penistone over the period of the current plan period the existing provision will be insufficient to accommodate all demands during the duration of the existing and proposed plans. As such a contribution is required towards primary and secondary education.

Penistone Town Council – Object due to the density of the houses, possible drainage issues, possible issues with the retaining wall adjacent to Bridge Street, the visual impact on the Grade 1 listed church, and Talbot Road being used as a rat run.

Tree Officer – No objections subject to conditions.

YW – No objections subject to conditions.

Representations

The application has been publicised by press and site notices and individual neighbour notification to 45 households. 30 objections have been received from local residents. The main objections to the proposals are summarised as follows:-

- The site was safeguarded in the UDP and previous surveys for the Local Plan identified it as unsuitable for development;
- Increased traffic, both during construction and from new residents, will make roads more congested and dangerous. The traffic lights at Bridge Street are already very busy;
- Talbot Road will become a rat run and there will be an increase in on street parking;
- Talbot Road is not suitable for increased traffic associated with the development and there is poor visibility at the junction with Thurlstone Road;
- The site is an important greenspace in the town and is highly visible; its loss will be to the detriment of the area;
- There has not been proper consultation with residents;
- Mature trees have already been removed from the site and the remaining ones should be protected;
- The topography of the site makes it unsuitable for development;

- Concerns that there will be a negative impact on drainage and flood risk and that there are natural springs on the site;
- Impacts on wildlife and habitats;
- Existing services and utilities are already overstretched;
- The site is in a conservation area and it part of the historic landscape of Penistone;
- The heritage assessment submitted is inaccurate and the site is far more visible than it suggests;
- Will the development be in keeping with the historic vernacular of the area? If approved the development must be of a high quality design and materials;
- The development will have a negative impact on neighbouring businesses as it will bring noise sensitive uses close to the restaurants and pubs;
- Loss of privacy and amenity land for adjoining residents;

Councillor Kitching has also commented on the application and raised some of the concerns outlined above in particular with regards to the loss of greenspace, the impact on historical features, traffic congestion, and the avoidance of Talbot Road becoming a rat run.

Four letters of support have been received stating that the proposed will bring more people to Penistone which is of benefit to local businesses, that a high quality development here will be a good use of the site and help to avoid urban sprawl and it will bring improvements to the north end of Talbot Road.

Assessment

Principle of development

The site is allocated in the Local Plan for housing (HS71) with an indicative number anticipated for the site of 30. As such, subject to the detailed requirements of this policy being met and any additional policy requirements as identified in the assessment of the application, the proposed development is acceptable in principle.

An assessment of the wider policy requirements is provided below:

Highway Safety (Access)

The site is located on an un-adopted road with bus stops immediately adjacent to and opposite the junction of Talbot Road with Thurlstone Road. The kerb radii are very small and may result in larger vehicles being forced onto the opposing carriageway, to the detriment of the free and safe flow of other traffic on the highway. There is also extensive on street parking in the vicinity of the junction which will have to be removed to protect vehicular manoeuvring and visibility. However, the applicant has provided speed surveys to justify the reduction in visibility at the junction with Thurlstone Road. The Transport Assessment also demonstrates that the Talbot Road/Thurlstone Road junction will operate within its capacity with the development traffic. As such, subject to suitable conditions to secure appropriate improvements, including measures to restrict through traffic along Talbot Road, it is not considered that the proposal would result in any significant detriment to highway safety.

The Transport Assessment confirms that the signal controlled junction at A628 Barnsley Road/B6462 Bridge Street is currently operating close to capacity in both the AM and PM peaks. In 2024, the junction operates over capacity without the development, obviously when the development is included it is made slightly worse. It should be borne in mind that this assessment has allowed for 39 dwellings which may change at detailed design due to the difficult topography of the site.

The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Normal traffic growth results in the junction operating over capacity in 2024, the addition of the development traffic has only a slight impact. A refusal of planning permission on highway grounds could not, therefore, be substantiated.

There are, therefore, no objections to the proposed development in a highway context subject to appropriate conditions.

Heritage Impacts

There is a degree of sensitivity between the development of this site and the setting of 8-10 Thurlstone Road (Grade II Listed Buildings) and the Penistone Conservation Area. This is highlighted in the site specific policy and there should be a detailed assessment of the historic significance of these assets, the intervisibility between the site and impacts on the setting of the assets as a result of the proposed development. This has not been provided with this planning application, with the heritage assessment focusing on views of the site from the conservation area only. It remains the case that the setting of the adjacent Listed Buildings and Conservation Area must be properly assessed. However, at this stage the layout, scale or design of the development is not under considerations so it is difficult to fully assess the impact until these factors are confirmed. It is therefore accepted that this can be secured through a condition along with suitable mitigation as part of the detailed design process. This is in accordance with the site specific policy HS71 and Local Plan policies HE1, HE2 and HE3.

The Town council have raised concerns over the impact on the Grade 1 Church. However, the nearest church to the site, St Mary's Church is not listed. The Town Council may therefore be referring to the Church of St John which is close to the town centre and therefore sufficient distance from the site not to be significantly affected.

With regards to the archaeology requirement, the scoping review for the Local Plan did raise some potential, but colleagues at SYAS have confirmed that the likelihood of encountering important archaeological remains within the site is negligible and therefore no archaeological investigation is warranted.

However, care should be taken to ensure St Mary's Well and trough are not harmed and this will need to be covered in a detailed heritage assessment that should accompany any Reserved Matters application.

Residential Amenity

As the application is in outline issues relating to residential amenity will, in the main, be dealt with at the detailed design stage. With regards to noise and disturbance from the construction process, conditions will be applied to ensure appropriate controls.

There is some potential for issues associated with locating new houses close to existing businesses, however, regulatory services has assessed the application and raised no concerns in this regard.

S106 Contributions

Planning Policy I1 'Infrastructure and Planning Obligations' requires development to mitigate any impact on local infrastructure. In this regard the proposed development will be expected to provide the following:

A contribution towards the creation of additional school places; this is will be agreed when the final number and types of houses proposed is fixed. Nevertheless School admissions have confirmed a shortfall in both Primary and Secondary school places.

Policy H7 requires 30% of the houses proposed on site are affordable in accordance with the Council's SPD and local needs;

The site is not greenspace and as such no contribution is required to offset the loss of greenspace, however, the development will be expected to provide 15% greenspace on site or a suitable contribution towards the improvement of offsite green space in accordance with Local Plan policy G11 and the accompanying SPD

It is likely that when the Reserved Matters application is submitted the Sustainable Travel SPD will be in place and as such a S106 agreement in accordance with this will be required.

As these are all subject to the final design of the scheme suitably worded conditions are proposed to allow the final contributions to be agreed at the Reserved Matters Stage.

Ecology

The Ecology Officer has confirmed that he is generally happy with the PEA (Preliminary Ecological Appraisal) submitted by the applicant. He has raised some queries regarding data used but not with the scope or findings of the site survey. The main area of concern relates to existing Badger Data not sourced from the South Yorkshire Badger Group. However, both ecologists accept there are badgers in the surrounding area, but it remains the fact that the onsite survey did not find any evidence of badgers on the site itself (either foraging or of badger setts). It should also be noted that as Badgers are a protected species (Badgers Act 1992) the applicant would be required to comply with the Act, reporting any new evidence of badgers if found.

The PEA provides a number of suggested mitigation measures which can be conditioned. No enhancements have been provided, however, these can be agreed at the Reserved Matters stage and a suitable condition can be applied to secure this.

Drainage

Very limited information has been provided at this stage regarding the possible drainage of the site given that the layout of the site is not under consideration. The applicant has indicated that they will be looking at foul to be connected to mains and surface water to be dealt with via SuDS or soakaway. Yorkshire Water and the Council's Drainage Section have both been consulted and are satisfied that an adequate drainage solution can be found once the detailed scheme is known. They have therefore confirmed that this can be secured via a suitable worded condition.

Trees

The access proposed does not implicate any trees of note and as such there is no objection from the Forestry Officer. Similarly, as the site is generally open it is accepted that development can be achieved here without undue harm to trees. There are however, trees present on and close to the boundaries which will need to be considered as part of any scheme. Some attempts appear to have been made with the indicative layout to keep away from the TPO trees adjacent to the Church and the trees bounding Bridge Street. There are issues which still need to be addressed however, such as the trees adjacent to Talbot Street (some of which were felled by the owner a few years back) which so far have not been documented or dealt with. Then there are the level changes and engineering works which although not noted must be required and have the potential to impact significantly on all the trees on and adjacent to the site.

As such a full tree survey will be required at the reserved matters stage and the information in it will need to be used to inform the final layout put forward. In light of the evident need for major level changes then an arboricultural impact assessment will also be required to deal with this as well as the usual tree protection documents.

Conclusion

The application is an outline application with only access being considered at this stage. The site is an allocated site for Housing as shown in the recently adopted Local Plan and Highways have made a full assessment of the access into the site and are satisfied that, subject to suitable conditions, it meets the necessary standards. Details of scale, layout, landscaping and design, are reserved at this stage and these would need to be further assessed if any subsequent reserved matters application was submitted.

Recommendation

Grant planning permission subject to conditions:

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

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

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

- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 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 Survey
 - Arboricultural impact assessment
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity**
- 5 The landscaping details to be submitted pursuant to condition no.1 above shall include full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and to accord with Local Plan Policy D1, Design.
- 6 The reserved matters application shall include full details of the mitigation measures identified in the Ecological Survey along with enhancement measures proposed on site, including a timetable for their implementation, to be agreed with 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
- 7 The reserved matters application shall include a plan indicating the position and design of boundary treatments to be erected. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of the locality and to accord with Local Plan Policy D1, Design.

- 8 The reserved matters application shall include details of Electric Vehicle Charging Points to be provided for each property.
Reason: In accordance with Local Plan Policy Poll1.
- 9 The reserved matters application shall include a detailed heritage assessment, assessing the significance of heritage assets affected by the proposed development, the impact of the proposed development on these assets and identify mitigation as appropriate. The scope of this assessment is to be agreed in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance the significance and setting of heritage assets in accordance with Local Plan Policy HE1.
- 10 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policies CC3 and CC4.
- 11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policies CC3 and CC4.
- 12 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
ii) the means by which the discharge rate shall be restricted to a maximum rate of 5 (five) litres per second to the surface water sewer network .
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan Policies CC3 and CC4.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to prevent mud/debris being deposited on the public highway
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Local Plan Policies T4 and Poll1.**
- 14 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To meet identified housing need in accordance with Local Plan Policy H7**
- 15 No development shall commence until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.
- Reason: To ensure children can be accommodated in local primary schools in accordance with Local Plan Policy I1.**

- 16 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to on site and off-site public open space in accordance with Local Plan Policy GS1 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the on site and off site open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Local Plan Policy GS1 and the Open Space Provision on New Housing Developments SPD.
- 17 No development shall commence until arrangements are in place to ensure any need for the provision of sustainable travel measures towards improving levels of accessibility to sustainable modes of travel arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.
Reason: In accordance with Local Plan Policies T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.
- 18 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety in accordance with Local Plan Policy T4.
- 19 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1.
- 20 Prior to any work commencing, the applicant shall submit to BMBC for their approval a noise management plan detailing how they will control noise during construction. Once approved the applicant shall adhere to the noise management plan at all times.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1

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

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1.

22 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

" Provision of improved kerb radii at the Talbot Road/Thurlstone Road junction;

" Relocation of bus stops on Thurlstone Road;

" Measures to prevent parking on Talbot Road/ Thurlstone Road;

" Measures to prevent through traffic on Talbot Road, including any necessary accommodation works;

" Provision of/ any necessary alterations to street lighting;

" Provision of/any necessary alterations to highway drainage;

" Any necessary resurfacing/reconstruction.

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

Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4.

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

Reason: In the interests of highway safety and the free flow of traffic in accordance Local Plan Policy T4

24 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.

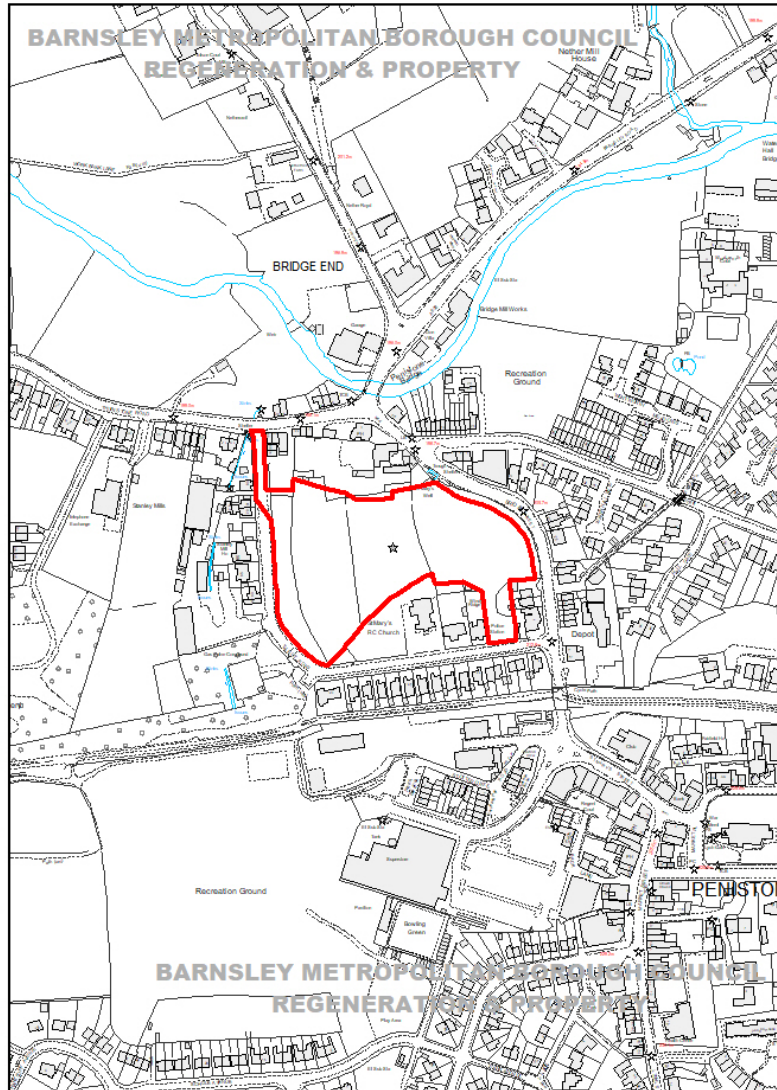
25 The visibility splays, shown on Indicative Highway Layout Drawing number RG, shall be safeguarded at the junction of Talbot Road with Thurlstone Road, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4.

26 Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority, in the interests of road safety.

Reason: In the interest of Highways Safety in accordance with Local Plan Policy T4.

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BARNSELY MBC - Regeneration & Property



Scale 1: -----

Item 6

2018/1361

Applicant: Rouse Homes Ltd

Description: Demolition of existing buildings and residential development of 29no dwellings and associated works

Site Address: Land off New Road, Tankersley, Barnsley, S75 3BQ

3 letters of objection have been received.

Site Location and Description

The application relates to site HS94 in the adopted local plan which is allocated for housing. The site is circa 1.2 hectares and lies to the west of the M1 on the outskirts of Tankersley. It is bounded to the southeast by relatively new housing, to the north and west lays a wooded area and to the southwest lies Potters Hole Plantation, an area of TPO'd woodland and a Nature Conservation site. The woodland all lies within Green Belt. There is an existing vehicular access to the eastern end from New Road and there are level changes within the site. It is believed that there is a footpath running east-west just outside the northern boundary of the site.

The site previously accommodated a business known as the Company Shop which has relocated to Wentworth Business Park in Tankersley. The site is therefore currently vacant with buildings falling into disrepair. The site consists of a car park to the East, a large depot/warehouse and attached office within the centre and a single storey former staff sales building to the West.

Proposed Development

The applicant proposes to demolish the existing buildings and build 29no. dwellings comprising 22no. detached, 4no. semi-detached and 3no. terraced/townhouses. All the dwellings would provide accommodation over 2 floors and have either 2, 3 or 4 bedrooms. The applicant proposes 9 different house types across the development.

Access would be taken from New Road to the East of the site and a single road built to adoptable standards would provide access to 24no. properties. The remaining 5 properties to the West of the site would be served by a private drive. All the properties would have a frontage on to the road or the drive.

The detached dwellings would have in curtilage parking with access to either an attached or detached garage. The larger property types have double garages. The semi-detached and townhouses have out of curtilage parking/small parking court arrangements.

The majority of properties would have a modest, relatively open buffer garden to the front elevation and an enclosed private garden to the rear.

The existing hedge rows and trees to the North West boundary would be retained where possible and a new hedgerow to the South East boundary is proposed along the entirety of the boundary. A 5m buffer is proposed between the 2no. plots to the South West of the site, adjacent to the Local Nature Reserve Woodland.

The application has been subject to amendments through the course of the application process in terms of the provision and location of on-site affordable housing and the landscaping treatment around the perimeter of the site.

The applicant initially proposed no contributions or affordable housing and provided a Viability Assessment, however, following on from an independent Viability Assessment, full education and Open Space contributions are proposed as well as 4 no. on site affordable units.

Policy Context

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

Policy H1 The Number of New Homes to be Built

Policy H3 Uses on Allocated Housing Sites

Policy H6 Housing Mix and Efficient Use of Land

Policy H7 Affordable Housing

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy GS1 Green Space

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's/PAN's

The SPD's/PAN's are currently being updated due to the adoption of the Local Plan with some already out to consultation. Those of relevance to this application are as follows:

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

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

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

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

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

Consultations

Enterprising Barnsley – concerned with loss of employment unit

SYAS – No comments to this application but no objections at pre application stage.

SYMAS – No objections subject to standing advice

Coal Authority – No objections subject to condition

Tankersley Parish Council – Raised initial concerns with the lack of contributions and the height of the proposed dwellings in relation to existing dwellings. They also stated a desire to retain the site for retail or to be used as additional car parking/drop off/pick up for the local school.

Conservation Officer – No objections

Yorkshire Water – No objections subject to conditions

Regulatory Services – No objections subject to conditions

Highways – No objections subject to conditions

Public Rights of Way – No objections, provided advice regarding acquired public access rights

Policy – No objections subject to compliance with relevant policies

Air Quality Officer – No objections but asked for potential EV charge points

Education – No objections subject to contributions

Contaminated Land Officer – No objections subject to conditions

Affordable Housing Officer – No objections to reduced affordable housing provision following Viability Assessment.

Tree Officer – No objections to amended scheme subject to conditions

Ecology – No objection to revised scheme, subject to conditions

Drainage – No objections subject to conditions

Waste Management – No comments

Broadband – No comments

Ward Councillors – Cllr Hand Davies and Cllr Barnard objected to the initial lack of contributions

Representations

34 neighbouring properties were consulted on the application via letter and there was also a site notice put up and a press notice in the Barnsley Chronicle. As a result of the consultation exercise, 3no. letters have been received. The main points of concern are:

- Height of properties in relation to neighbouring dwellings
- Increased overlooking/loss of privacy
- Loss of trees/hedges
- Drainage issues
- Lack of visitor parking
- Reduced highway safety
- Strain on local services/facilities
- Development leaves an area of no man's land

Assessment

Principle of development

The site is currently vacant but previously accommodated an employment use, however, the site is now a Housing allocation (HS94) in the adopted Local Plan with an indicative number of dwellings at 26. As such, the proposal is acceptable in principle subject to compliance with the relevant Local Plan policies.

Local Plan Policy H6 Housing Mix and Efficient Use of Land states that a density of 30 dwellings per hectare net will be expected in villages. Based on the proposed site area of 1.21 Ha, a development of 29 dwellings would, after the application of the gross to net ratio, give the proposal a density of 30 dwellings per hectare which is regarded as acceptable

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

Design / Visual Amenity

Due to the level differences between the site and New Road none of the proposed dwellings would have a frontage on to New Road itself, however, the existing boundary wall onto New Road would be retained by gabions and behind that would be new retaining structures with plateaus provided for planting. Furthermore, 2no. Oak trees, one either side of the entrance, are incorporated into the scheme. As such, a 'soft' and attractive frontage would be provided along New Road and into the development in order to maintain or improve the visual amenity of the streetscene, in accordance with Local Plan Policy D1. The planting and landscaping would also continue the soft boundaries to either side of the development.

It should also be noted, the current buildings on the site are all set back from New Road and do not have a frontage or presence on it.

All the properties within the site would have a frontage onto the internal road network within the site, which provides an active street frontage, in accordance with guidance set out in SPD 'Designing New Housing Development' and the South Yorkshire Residential Design Guide. The scheme also includes 9 different property types which is in-line with Policy H6 'Housing Mix and Efficient Use of Land' which states '*Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population*'.

In terms of the design of the proposed housing types, they are all compatible with the location and would harmonise with the relatively modern housing estate to the South which consists of predominantly detached, 2 storey, hipped roof dwellings. There is also a new housing estate currently under construction to the North of the site which consists of detached and semi-detached 2 storey properties.

The streetscene would also be varied in that there is not a strict building line and a number of the properties have projecting gables, porches and other features to add interest to the front elevations.

The majority of properties would have a modest, relatively open buffer garden located in between the front elevation and the back edge of the highway hard margin/private drive. This aids to soften the development and create an attractive streetscene which is not over dominated by hard landscaping, in accordance with policy D1 and the SPD.

It could be argued that the proposed development is more visually compatible with the surrounding area than the existing commercial buildings given that it sits immediately adjacent to a residential development of a similar style and density. Furthermore, as the site has been vacant for some time, the buildings have fallen into a state of disrepair.

In terms of parking, each of the detached dwellinghouses has in-curtilage parking which sits forward of either a detached or attached garage. These parking solutions are varied in that some sit to the front of the properties and some to the side, as such, the hard landscaping is broken by soft landscaping and the vehicles would not be overly prominent on the streetscene.

The semi-detached dwellings (plots 1 - 2 and 16-17) and townhouses (plots 18-20) have out of curtilage parking. The parking for plots 1 and 2 and in a prominent position adjacent to the entrance to the site but are separated into 2 groups of 2 with landscaping to both sides and also in-between.

The parking to the front of plots 16-20 are in 2 rows with landscaping to both sides and a bin store in between. There would be a relative large area of hard landscaping with potentially 9 vehicles in a row, however, the site is in a relatively non prominent area of the site and is viewed against the backdrop of the wooded plantation which softens it somewhat, in combination with the onsite landscaping.

Each of the dwellings has pedestrian access to the rear gardens, including the mid terraced unit (plot 19). This enables bins to be stored in non-prominent areas and maintain the visual amenity of the streetscene to a reasonable degree. Bins would be collected from the front of the properties which front the adopted highway and there is a bin collection area adjacent to the adopted highway for the residents of the private drive to utilise on collection days.

Residential Amenity

It is acknowledged that a scheme for 29 dwellings on the site would introduce noise and disturbance associated with residential activity and vehicular movement. The site is currently not in use but previously accommodated an industrial use with an element of retail. As such, the site could be brought into use again for commercial purposes which would arguably generate more noise and disturbance through industrial activity and the manoeuvring of HGV's. In fact, Regulatory Services have received complaints in the past relating to noise from vehicles and general site activities.

The Northern and Western boundaries of the site sit adjacent to a plantation and the North Eastern boundary adjoins New Road, therefore, the only boundary neighbouring existing residential properties is to the South East.

Plots 4 to 12 have rear elevations containing habitable room windows which face the neighbouring properties and the site is on a higher level. However, the proposed rear elevations are in excess of 10m from the site boundary and any neighbouring private amenity space, in accordance with SPD 'Designing New Housing Development'.

A number of existing neighbouring properties have side elevations facing the application site and proposed habitable room windows but there is a separation distance of circa 20m, significantly above the 12m required in the SPD. There are some existing properties to the South East of the site which would have rear elevations, containing habitable room windows, facing proposed habitable room windows. There is a separation distance of circa 25m between the sets of windows which is in excess of the 21m set out in the SPD.

It should also be noted that there is existing landscaping outside the site boundary which provides some screening and a new hedge is proposed inside of the site along the entire South Eastern boundary which would provide further screening from the neighbouring development.

In terms of the amenity of the future residents of the site the dwellings achieve the separation distances set out in the SPD and generally meet or exceed the internal and external spacing standards set out in the South Yorkshire Residential Design Guide.

Contributions

Initially the applicant stated that they could not provide any contributions on viability grounds and submitted a Viability Assessment. The Council appointed an independent Viability Assessor and it was determined that development could support full education contribution, full off site Open space contribution and reduced on site affordable housing provision, the applicants ultimately agreed to these terms. These will be explored below:

Education

A financial contribution will be needed for planning applications for housing developments where the scheme provides 20 or more homes; and, there is insufficient capacity in local schools. The proposed development would generate a total of 16 primary pupils (21 pupils per 100 homes) and 12 secondary pupils (17 pupils per 100 homes). The following contributions for educational provision have been proposed:

6 primary pupils totalling £82,530
12 secondary pupils totalling £56,408

The applicants have agreed to pay full primary and secondary education contributions totalling £138,938.

Open Space

In accordance with Policy GS1, I1 and the SPD Open Space Provision on New Housing Developments a minimum of 15% of the gross site area must be open space of a type appropriate to the site, its location, layout and nature. Where it is impossible to make such provision on land either within or immediately adjacent, or where the council deem it appropriate, suitable off-site open space facilities may be acceptable either as new facilities or improvements to existing.

On small sites such as this, unless there is a deficiency in greenspace in the locality, it is unlikely that the Council will seek on site provision as it is very difficult to provide a useable space and reduce deficiencies. Whilst there are some deficiencies in the provision of child/youth facilities and local green spaces in the locality, it is considered more appropriate in this instance to seek an off-site contribution in entirety towards upgrading the quality of existing facilities. The full contribution has been calculated as £53,757.14. Following the independent Viability Assessment, the applicants have agreed to pay the full off site open space contribution.

Affordable Housing

Policy H7 'Affordable Housing' states '*Housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and Dodworth and Rural West, 20% in Darton and Barugh; 10% in Bolton, Goldthorpe, Thurnscoe, Hoyland, Wombwell, Darfield, North Barnsley and Royston, South Barnsley and Worsbrough and Rural East.*

These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable'.

Although the Independent Viability Assessment found that full contributions for education and open space could be viably accommodated, it did state that a full on-site affordable housing contribution in line with policy H7 'Affordable Housing' of 30% would render the scheme unviable but 4no. of units (circa 14%) could viably be incorporated.

The Affordable Housing Officer has agreed a 50/50 split of affordable rent and shared ownership. The applicant has proposed plots 1 (3 bed Bedale unit) and 16 (2 bed Malham

Unit) for affordable rent and plots 2 (3 bed Bedale unit) and 17 (2 bed Malham Unit) as shared ownership.

Trees

The initial site layout drawings and accompanying tree report stated that all the trees and hedges on the site were to be removed to accommodate the development. However, given that the majority of the existing trees within the site boundaries would be located towards the rear boundaries of the gardens serving the proposed dwellings, there was little justification for total removal and the Tree Officer objected.

As such, a revised tree report was submitted and the scheme now retains the majority of the trees along the Northern boundary. The applicant has also proposed 2no. native oak trees, 1 at each side of the site access to provide an attractive entrance into the site and link to the surrounding woodland. The Tree Officer has stated that he is now satisfied with the applicant's proposals and has withdrawn his initial objection, subject to standard conditions.

Ecology

As stated above, the applicants initially proposed to remove all the trees and hedgerows from the site, however, Housing allocation HS94 states;

Development on this site will be expected to retain the hedgerows on the Southern and Eastern boundaries. If it is proposed to remove any of these sections of hedgerows they should be first fully evaluated against all the criteria of the Hedgerow Regulations 1997; and ensure the impacts/effects on the landscape are appropriately minimised and mitigated.

Unfortunately, the site owners, unknown to the applicants, had removed significant sections of the hedgerow on the Southern boundary. However, following on from significant negotiation, the applicants have agreed to plant a native hedgerow the full length of that boundary from New Road to the South Western boundary. Not only will this act as a buffer to the neighbouring housing site but it will also provide a wildlife corridor to the Nature Reserve Woodland.

Housing Allocation HS94 also states; *the development will be expected to...create a buffer strip of native tree planting at the boundary where the site abuts a Local Nature Reserve Woodland to the South West, which is an England Priority Woodland Habitat*'. The applicants have now also incorporated a 5m buffer (i.e. retain a section of the existing woodland) to the rear of plots 13 and 14 in line with this requirement.

Alongside the amendments to the planning application, the applicants also submitted a revised Ecology Assessment. The Councils Biodiversity Officer has assessed the latest proposal and is content the development meets the requirement of Local Plan site HS94.

Contaminated Land

The Site Investigation has identified elevated areas of contamination, and will require remediation measures to ensure the site can be considered suitable for the proposed residential use. The Contaminated Land Officer has raised no objections to the proposal subject to pre commencement conditions.

Highways Safety

The proposed development would be accessed from New Road via the existing site entrance which served the previous use. The majority of the dwellings would be served by an adopted shared surface with a turning head adjacent to plots 18-20. Plots 11-12 to the west of the site would be served by a shared private drive. As the private drive would only accommodate 5no. properties it would accord with the South Yorkshire Residential Design guide.

Each 2 bedroom property would have access to at least 1no. parking space and each property with 3 bedrooms or over would have access to 2no. parking spaces, in accordance with SPD parking. It is acknowledged that the proposed garages would fall marginally short of the recommended internal sizing set out in the South Yorkshire Residential Design Guide, however, the development is not reliant on the garages to provide the required level of parking.

As well as the designated or in curtilage parking spaces provided for the residents, the scheme also incorporates visitor parking spaces to try and limit the amount of on street parking. This is not a policy requirement but something the applicant wanted to incorporate into the scheme.

There are 2 large oak trees proposed adjacent to the site entrance in order to create a feature and a gateway into the site. They would not impact on visibility and, subject to them being planted in pits, would not impact highway safety.

Highways DM have assessed the application and have raised no objections, subject to conditions; as such the scheme complies with Local Plan policy T4 New development and Transport Safety, SPD 'Parking' and the SYRDG.

Conclusions

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

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

Recommendation: Approve subject to legal agreement and conditions:

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

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

Planning Layout SK-01b Rev B
RH14/S/1149/D/OP - Kensington
RH05/S/1429/D/OP - Harewood
RH42/S/1457/D/AS - Fulwood plots 23 & 25
RH42/S/1457/D/OP - Fulwood
RH25/S/884/AS/OP - Bedale (SY)
RH10/S/1167/OP - Studley (OP)
RH34/S/1695/D/AS - Shelly plot 29
RH34/S/1695/D/OP - Shelley
RH34/S/1695/D/OP - Shelley - Plot 11
RH30/S/775/T/AS/AS/OP - Malham
RH02/ST/1500/D/AS - Nostell
RH60/S/1826/D/AS - Collingham
Standard Details Quad Garage
SG1 - Standard Single Garage
DG1 - Standard Double Garage
Lap boarded timber fence detail
AWD01 - Artstone Wall Detail

Reason: In the interests of the visual amenities of the locality 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.

- 5 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 7 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 9 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

11 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.

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

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

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

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 'New Development and Transport Safety'.

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

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 15 Prior to the commencement of any development works, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. This report shall, amongst other matters, include the following:-
1. Methodology to identify and remove any contaminated material.
 2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.
 3. Chemical testing suite, frequencies and threshold levels.
 4. Procedures to confirm capping levels have been achieved on plots.
 5. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied.
- The development shall thereafter be undertaken in full accordance with the submitted reports.

Reason - to protect the environment and ensure the site is suitable for the proposed end use, in accordance with Local Plan policy CL1 'Contaminated and Unstable Land.

- 16 With regards to any remedial actions taken, there would be the requirement to provide a validation report to certify any works. This report should include the following.
- Details of who carried out the work.
 - Details and justifications of any changes from the original Remediation Statement.
 - Records of chemical characteristics of any imported capping soils/materials. Any testing suite and threshold levels need to be agreed with the local authority, prior to any sampling being undertaken.
 - Confirmation that capping levels have been achieved
 - Laboratory and in situ test results
 - Records of any materials disposed of off-site and their disposal locations.
 - Confirmation that remediation objectives have been met.

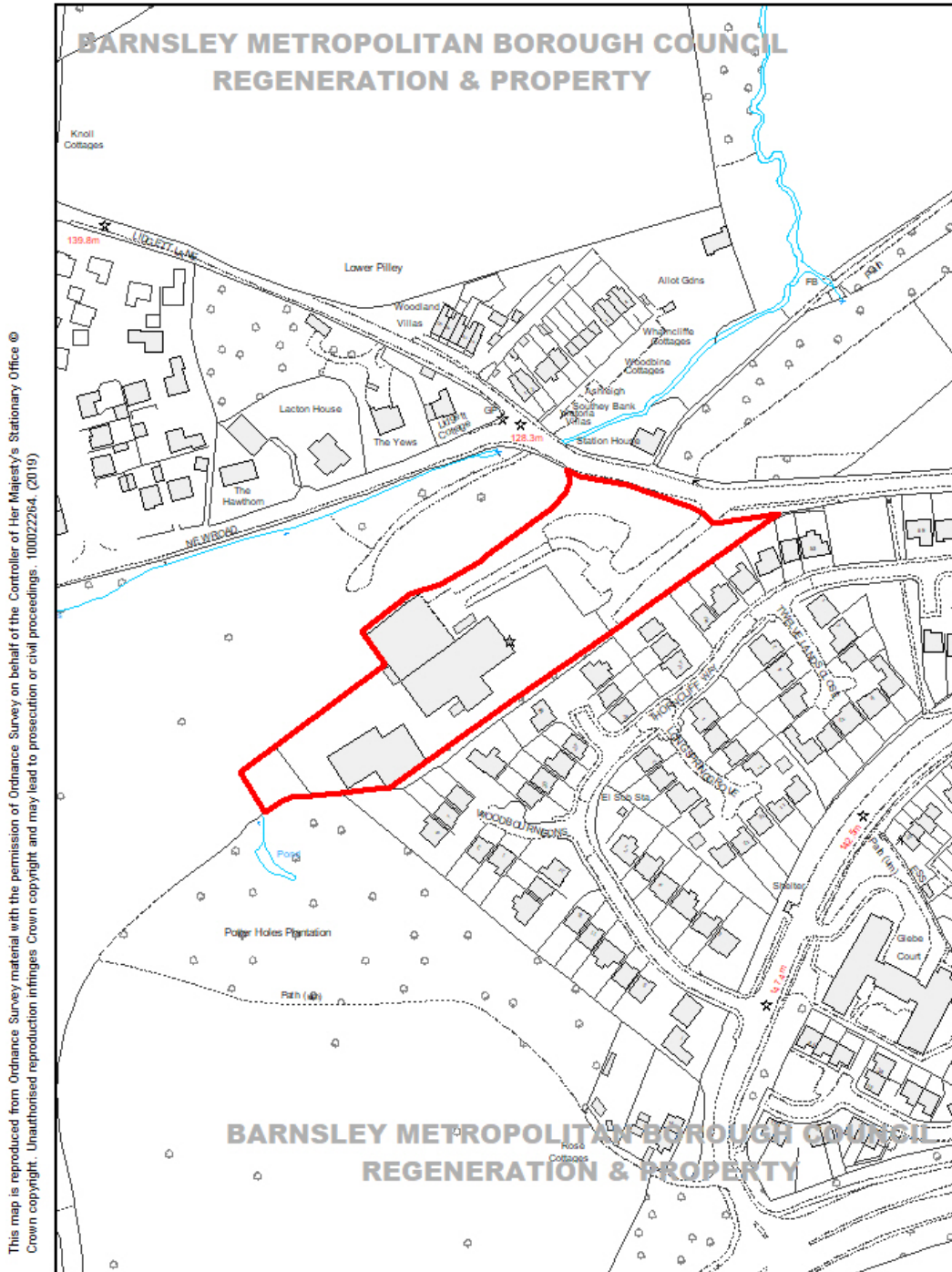
Reason - to protect the environment and ensure the site is suitable for the proposed use, in accordance with Policy CL1 Contaminated and Unstable Land.

- 17 No development shall take place until a scheme for disposing of surface water by Means of a sustainable drainage system is approved by the Local Lead Flooding Authority.
A scheme for disposing of surface water by means of a sustainable drainage system shall accompany the reserved matters application. The scheme shall include the following details:
- " Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - " A timetable for its implementation; and
 - " A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
- Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
- Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 'High Quality Design and Place Making'.**
- 19 Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before 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 'High Quality Design and Place Making'.**

- 20 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Local Plan policy D1 'High Quality Design and Place Making' and BIO1 'Biodiversity and Geodiversity'.
- 21 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority:

Tree protection plan (TPP)
Tree Protective Barrier Details (TPB)
Arboricultural method statement (AMS)

No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.
- 22 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance with policy I1 in the Local Plan and in accordance with paragraphs 112 of the National Planning Policy Framework 2018.
- 23 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'.
- 24 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access with New Road such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.



BARNLEY MBC - Regeneration & Property



Scale 1: -----

Item 7

2017/1440

Applicant: Balmoral Group Holdings Limited

Description: Demolition of existing buildings and redevelopment of site to provide residential development with associated infrastructure, open space and landscape provision. (Outline - all matters reserved)

Site Address: 321 Hough Lane, Wombwell, Barnsley, S73 0LR

4 letters received.

Site Description

This is an established industrial use located within an otherwise predominantly residential area. It was last used by Balmoral tanks who have now moved away from the site to a purpose built facility in Thurnscoe. The site is close to the Wombwell railway station and there is easy access to the town centre of Wombwell and the A6195 that connects to the retail uses at Cortonwood and the M1. Opposite the site are sports fields with some associated buildings providing community uses.

Within the industrial site are some large buildings, open storage areas and a telecommunications mast. The existing residential areas are situated to the north, south and west of the site with open land to the east and a woodland area to the south-east.

Proposed Development

This is an outline application with all matters reserved but a Design Access Statement refers to about 45 dwellings and a single point of access off Hough Lane. A conceptual design layout was also submitted to allow some feedback for a future application from a Highways perspective. In addition the application has been accompanied by the following reports:

- A flood risk assessment
- A drainage assessment
- A habitat survey
- A tree survey
- A contaminated land report
- A coal mining risk assessment
- A design and access statement
- A transport statement

To deal with drainage issues the indicative layout shows a pumping station and a basin to provide a Sustainable Urban Drainage System.

Previous Planning History

The site has been the subject of numerous past planning applications in connection with its industrial use including extensions, change in working hours and erection of office and welfare facilities. Prior notification was also granted for a 15m high telecommunications mast at the site in 2013.

Policy Context

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

The Local Plan

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 site is shown as Urban Fabric on the Local Plan. The following policies are relevant

CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SuDS)
RE1 Low Carbon and Renewable Energy
LG2 The Location of Growth
H1 The Number of New homes to be built
H2 The Distribution of New Homes
H6 Housing Mix and Efficient Use of Land
H7 Affordable Housing
E4 Protecting existing employment land
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 Design
GS1 Green Space
BIO1 Biodiversity and Geodiversity
Poll1 Pollution Control and Protection
I1 Infrastructure and Planning Obligations

SPD's/PANs

The following Supplementary Planning Documents and Planning Advice Notes are currently being updated with some already out to consultation. Those of relevance to the proposal are:

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Planning obligations
- Affordable Housing
- Financial contributions to Schools

Other

South Yorkshire Residential Design Guide

NPPF

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

In respect of this application, relevant policies include:

The Presumption in Favour of Sustainable Development
Delivering a sufficient supply of homes
Conserving and Enhancing the Historic Environment

Consultations

Highways – No objections subject to conditions

Pollution Control - No objections subject to conditions.

Tree Officer - No objections subject to conditions

Contaminated Land - The application has been supported with a desk study to assess the potential contamination risks. The report provides a good assessment of the possible contamination risks posed on the site to the proposed development. The report has concluded, the only way to assess the degree of contamination is through undertaking an intrusive site investigation. This can be dealt with as a condition on any decision made regarding the application, as sufficient consideration of the contamination risks has been undertaken.

SYMAS- Raise no objections as the Coal Mining Report adequately assesses the site.

Coal Authority – Initially raised objection but after further information was provided they have withdrawn that objection and raised no further concerns.

Enterprising Barnsley - are concerned about the loss of employment land in relation to this application, but remain committed to supporting Balmoral in their ongoing expansion into the borough via their new facility.

SY Police - Recommendations are made about security.

Representations

4 letters received raising the following issues:

- How will trees be protected during the construction process
- Will the site levels change
- Proximity of the Suds basin to houses could cause flooding
- Concern about having a phone mast next to houses.
- Concern about potential for overlooking
- Support for housing to replace industry
- Concern about traffic on Hough Lane, could park and ride be increased and other community benefits be provided.
- Concern about mud on the road during construction
- Concern about dealing effectively with contaminated land
- Concern that future access should not be prided to greenspace i.e. to encourage development.
- Telecommunications operator raised issue of the future layout being prepared to take account of the location of the existing mast.

Assessment

Principle of development

This is an outline application with all matters reserved so the key consideration is the principle of allowing residential development at this site

This is an established industrial site so the key consideration would be in relation to Local Plan Policy E4 Protecting existing employment land. This states the following:

“Land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if:

- Development would not result in a significant loss of existing jobs or employment potential;
- There will still be an adequate supply of employment land or premises in the locality; and
- The land or premises cannot satisfactorily support continued employment use.

If the above criteria can be satisfied then redevelopment will be allowed”

With regards to this site, the occupiers, Balmoral Tanks, have moved to another premises within the Borough and as such there has been no significant loss of jobs as the employment opportunities are still contained within the borough. In terms of adequate supply of employment land, the Local plan has only recently been adopted and has allocated nearly 300 ha of employment land on suitable sites throughout the borough. 3.6 ha of this allocated employment land is within Wombwell and as such it is considered that there is an adequate supply of employment land in the locality. In terms of whether the site can support employment use the main issues are its location and surroundings. The site is bordered on three sides by existing housing with the boundaries of the site tight up to the garden areas of these neighbouring properties. Industrial usage would not generally be seen as compatible in such close proximity to residential housing and the site is constrained from being able to develop any further to the south and south east by the existing wooded areas. As such it is not seen as an ideal location to support continued employment use and therefore other uses could be considered. Given, the predominantly residential surroundings, the use for residential development would therefore appear to be the most compatible.

In considering residential development, it also has to be assessed whether the site is in a sustainable location. The site is within the Principal Town of Wombwell and is within walking distance of Wombwell railway station which provides direct access to both Barnsley town centre and Sheffield. Hough Lane provides a direct route into Wombwell Centre whilst there are facilities such as a sports ground and nursery within close proximity of the site. There will be some economic benefits of sustainability through the creation of jobs in construction of the houses whilst environmentally there is the opportunity to provide 'green' benefits with the re-development of the site in terms of landscaping and trees compared to its current industrial appearance. As such it is considered that the proposal would represent sustainable development.

The indicative layout shows a development of 45 dwellings which equates to a density of 30 dwellings per hectare. Given the sustainability of this location it is considered that there is adequate scope to raise this closer to the 40 dwellings per hectare required by the Local plan. This would need to be fully considered at reserved matters stage where the design of the site, and constraints such as the proximity to neighbouring houses, the telecommunications mast, and the trees can be fully considered.

Residential Amenity

This is an outline application with all matters reserved so the final layout, levels, landscaping and design of the houses is still open for consideration at the reserved matters stage. However, there is sufficient information provided with this application to indicate that a suitable high density layout can be provided that would not adversely affect the occupants of neighbouring properties adjacent to the site.

There is an existing telecommunications mast in the north-western corner of the site that will need to be considered in the design of any layout.

Visual Amenity

Whilst this is an industrial site the view from Hough Lane is of the entrance a low administrative building and therefore, the visual impact is not significant. There are dwellings overlooking the site to the south and southwest so removing the industrial buildings, external storage and service yards will result in a significant visual improvement for those overlooking the site. However, care will need to be taken regarding the site levels and location of public open space and the drainage pond. The boundary treatment with the open land to the south east will also be important to ensure long range views are satisfactory. This would all need to be considered at reserved matters stage.

Highway Safety

The existing site comprised of warehouse/workshop units which generated vehicle movement, including HGV's. The proposed residential development is supported by a Transport Statement which demonstrates that the traffic generated by the development is unlikely to have any significant adverse impact on the surrounding highway network, and could not be classed as severe as specified by the NPPF. Visibility splays in accordance with the Design Manual for Roads & Bridges have been provided at the junction with Hough Lane and involve a kerb line build out.

In view of the above there are no highways objections to the scheme subject to suitable conditions.

Other matters

Pollution Control

The main issue relates to any noise from the existing telecommunications mast on the site that would need to be taken into account when the layout is submitted at reserved matters stage. In addition there needs to be conditions on any reserved matters approval to ensure that no nuisance occurs during construction from hours of working, noise and dust.

Trees

The applicant has provided a tree survey which shows that, given there is already an industrial use on the site, the majority of the site itself is clear of trees. The Council's Tree Officer is satisfied that the tree survey can be utilized to inform the final layout so that the impact on trees on and close to the site can be adequately minimised.

Ecology

The applicant has submitted an Extended Phase 1 Habitat Survey which concludes that, as an industrial site, the ecological value of the site is considered to be low. It does state that the buildings have bat roost potential and there was evidence of badgers foraging at the edges of the site. The report concludes that it would be acceptable for a survey to be carried out as condition of a planning permission. If a badger sett were to be present that would be impacted by the development, works would have to proceed under licence from Natural England, with appropriate mitigation measures. Similarly with regards to bats the report recommends that bat boxes are included within any building design. Suitable conditions to cover these aspects are therefore recommended.

Drainage

The application includes a conceptual drainage layout which looks at the use of a detention basin. This is indicative at this stage as the layout is not under consideration but Yorkshire water have looked at the scheme and are happy that there is the ability to ensure foul and surface water drainage are adequately dealt with in the detailed design.

Section 106 contributions

The applicant has agreed that at the reserved matters stage the following matters will be part of the proposal to be considered.

Open Space

There is a requirement for either on site POS or a contribution to off-site POS on developments of over 20 in accordance with Local Plan policy GS1.

Affordable Housing

Local Plan Policy H7 requires this on developments of over 15 dwelling and for Wombwell there is a requirement for 10% affordable housing.

Education

Local Plan policy P11 Infrastructure and Planning Obligations seeks contributions including for Education. There is a Draft SPD Financial Contributions to Schools relating to this matter and this confirms a requirement relating to developments of 5 or more homes where there are pressures on school places.

Sustainable Travel

Local Plan policy P11 also seeks contributions including for Sustainable Travel. There is a Draft SPD Sustainable Travel relating to this matter and this confirms a requirement would be based on the number of bedrooms on developments of 10 or more dwellings.

As this is an outline application with all matters reserved these contributions would best be achieved via planning conditions as the amount of development is not known.

Conclusion

This is an outline application with all matters reserved. The main concern is the loss of employment land but the site is not suitable given its location in a residential area and the Local Plan has made provision for better located employment land in the vicinity. The site is in a sustainable location and surrounded by housing and as such residential development is considered acceptable in principle.

Conditions imposed include those seeking affordable housing, public open space, education and sustainable travel contributions.

Recommendation

Grant subject to conditions:

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

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

2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3 The visibility splays shown on drawing number 117436/sk1001 Rev A shall be provided and safeguarded such that there is no obstruction to visibility and forming part of the adopted highway such that there is no obstruction to visibility

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.

4 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Measures to provide visibility splays having the dimensions 2.4m x 70m at the junction with Hough Lane;
- Measures to prevent parking on the site frontage and site access;
- Provision of/any necessary amendments to street lighting;
- Provision of/any necessary amendments to highway drainage;
- Any necessary resurfacing/reconstruction

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

Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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

Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 6 Prior to any works commencing on site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 8 Prior to the occupation of the site 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 shall be fully implemented, in the interests of sustainable development.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 9 As part of the reserved matters submission a report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted to and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
 5. A Validation Report to confirm remediation works have been undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- Reason: To ensure public health is protected in accordance with Local Plan policy Poll1 Pollution Control and Protection.**

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to control the emission of dust and dirt and to prevent mud/debris being deposited on the public highway during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**

- 11 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with Local Plan Policy H7

- 12 No development shall commence until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.

Reason: To ensure children can be accommodated in local primary schools in accordance with Local Plan Policy I1.

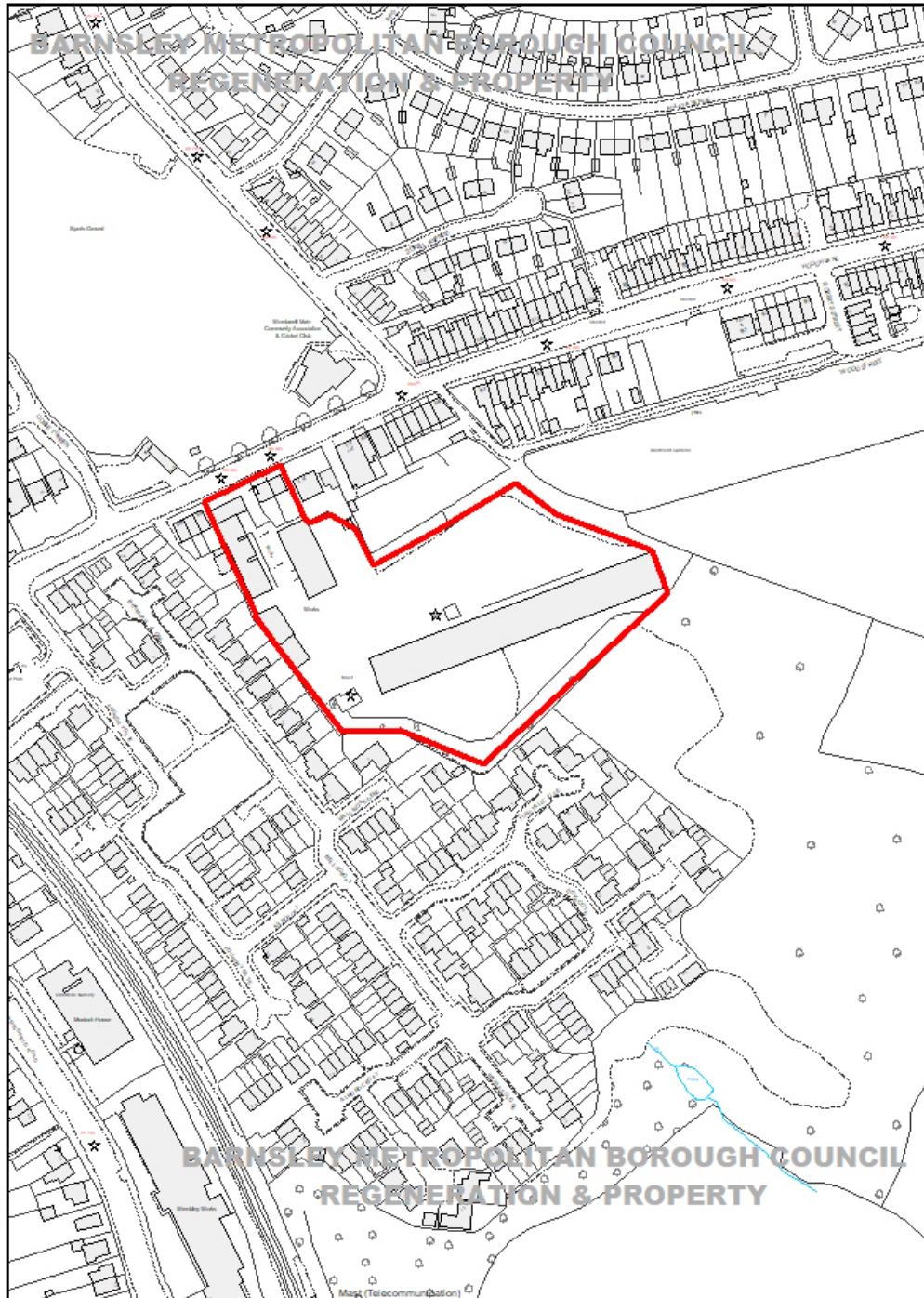
- 13 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of on site public open space or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD or an equivalent replacement policy and Local Plan policy GS1. The provision of the off site open space shall be provided in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with the Open Space Provision on New Housing Developments SPD or an equivalent replacement policy and Local Plan policy GS1.

- 14 No development shall commence until arrangements are in place to ensure any need for the provision of sustainable travel measures towards improving levels of accessibility to sustainable modes of travel arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.
Reason: In accordance with Local Plan Policies T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.
- 15 As part of the reserved matters submission the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority:
- Tree Survey
 - Arboricultural impact assessment
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan policy BIO1 Biodiversity and Geodiversity**
- 16 No development shall take place until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of the proper drainage of the area in accordance with Local Plan policy CC4 Sustainable Drainage Systems (SuDS).
- 17 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 18 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.
- 19 The reserved matters application shall include full details of the surveys and mitigation measures identified in the recommendations of the Extended Phase 1 Habitat survey dated 21st September 2017, along with enhancement measures proposed on site, including a timetable for their implementation, to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with policy BI01 Biodiversity and Geodiversity
- 20 The reserved matters application shall include a noise survey detailing the impact of any noise from the existing mast on the proposed dwellings including any mitigation measures. This shall be agreed in writing with the Local Planning Authority and the scheme shall then proceed in accordance with the approved details.
Reason: In the interests of residential amenity in accordance with Policy Poll1 Pollution Control and Protection

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BARNSELY MBC - Regeneration & Property



Scale 1: -----

Item 8

2018/0849

Applicant: Mr James Blunt

Description: Erection of 40 no. dwellings

Site Address: Land at Pearson Crescent, Wombwell, Barnsley

3 letters of representation have been received

Description

The site is two separate parcels of land located at the junction of Pearson Crescent and Aldham House Lane and off Wortley Avenue. The larger of the two is a cleared site which previously accommodated 36 houses.

The site slopes up from Pearson Crescent towards Wortley Avenue in a generally north to south direction.

There is residential development to all boundaries of the site with a variety of bungalows, and two storey houses adjacent to the site. The wider area is mixed in character with varying property types and materials.

Proposed Development

It is proposed to erect 40 no. dwellings across both parcels of land. The proposed housing mix is:

- 7 x 2 Bedroom town house
- 4 x 2 Bedroom semi-detached bungalow
- 22 x 3 Bedroom semi-detached house
- 7 x 3 Bedroom town house

The layout utilises the existing road layout with most properties accessed directly from the adopted highway network. A parking court is proposed for plots 7-11, located off Aldham House Lane and gated for security. In addition there is a private drive access to plots 33 -36 and no.25 Wortley Avenue (existing property).

The houses and bungalows are stated to be brick and render with grey concrete tiles to the roof and are all of a relatively simple design.

Gardens are located to the front and rear. A small area of green space is retained at the junction of Pearson Crescent and Wortley Avenue with the mature tree here also retained; this will be transferred to the ownership of adjacent properties as additional garden (plots 20 & 21).

A range of boundary treatments are proposed with brick pillars and fencing in more prominent locations on the site. Because of the slope across the site retaining walls are proposed in various locations ranging in height from 0.5m to 2.2m.

The footpath through the site is retained and improved as an adopted right of way; the applicant is seeking to formally dedicate the route in consultation with PROW officers.

Planning History

None

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd 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).

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 majority of the site is included within Housing Allocation:- Site HS87 Land east of Wortley Avenue, Wombwell which has an indicative number of dwellings of 32. The remainder of the site is allocated as Urban Fabric.

Local Plan policies of relevance to the scheme would be as follows:

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth' Wombwell is listed as one of the Principal Towns where priority is given to development.

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 10% of new homes to be built in Wombwell.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected in Principal Towns.

Policy H7 'Affordable Housing' seeks 10% affordable housing in Wombwell.

Policy H8 'Housing Regeneration Areas' includes Wombwell.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

Policy GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPDs

The following Supplementary Planning Documents are currently being consulted on and are relevant to the proposal:-

'Parking' states that the parking standards for new housing development shall be 2 spaces for 3 bed dwellings and above.

'Designing New Housing Development' provides guidance regarding the design of new housing and external space standards.

'Open Space Provision on New Housing Development' provides guidance on open space requirements and off site contributions.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABI 'Building for Life' scheme.

NPPF

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

In respect of this application, relevant policies include:

The Presumption in Favour of Sustainable Development
Delivering a sufficient supply of homes

Consultations

Affordable Housing – No objection subject to a 10% requirement of affordable housing. Confirmed that the 4 x 2 bed units as proposed is acceptable.

Contaminated Land – No comments or objections

Drainage – No objections subject to conditions

Education – A contribution towards primary school places is required.

Highways DC – No objections subject to conditions.

Regulatory Services – No objection subject to conditions

Ward Councillors – No comments

YW – No objections subject to conditions

PROW – No objections

Representations

The application was advertised through neighbour letters and site notices with 3 letters of representation received. The issues raised are:

- The proposed will exacerbate current issues with on street parking
- Loss of privacy
- Overbearing impact for existing bungalows bordering the site
- Loss of greenspace used by local children and children's groups
- Disturbance from more building works
- The area is already overdeveloped.

Assessment

Principle of development

The majority of the site is allocated in the Local Plan for housing (Site HS87) and is located in the Principle Town of Wombwell where 10% of housing growth for the borough is sought (Local Plan Policy H2). The remaining part of the site is Urban Fabric and given that it is closely associated with the site, and is within predominantly residential surroundings, it is reasonable to conclude that the development of this part of the site is also acceptable in principle to allow a more comprehensive development to be achieved. As such the proposed residential development is acceptable in principle subject to an assessment against the other policies in the Local Plan as set out below.

Visual Amenity

The proposed number of units is above the assumed yield for this site, however, the island on Wortley Avenue was not included as part of the allocation. The density of the whole site would be just over 40 dwellings per hectare which meets the requirements of Policy H6 in providing an efficient use of land.

The layout has been initially informed by the existing road layout and utilities located therein. The levels on site further constrain the layout with some cut / fill required across the site and retaining structures. The applicant has provided levels plans and sections across the site taking in existing residential properties. These show that, the retaining structures required are limited in so far as possible with the highest at the rear of the proposed properties. This approach minimises the visual impact of the structures as well as ensuring that the new development sits within the hillside across the site.

The levels across the site have also meant that it has not been possible to secure parking to the front or side of every individual dwelling; therefore, the site layout includes some parking courts. These courts are limited in scale and have been located in areas where they are well over looked and can be gated (in one case). Landscaping has also been shown, softening the appearance of the parking courts.

The proposed design of the houses and pallet of materials, being relatively simple and incorporating brick and render is in keeping with the wider area. The dwellings predominately front onto the highway(s) with gardens to the rear. Plots 3-5 are set at an angle, this is to ensure the adjacent parking court is well overlooked and the orientation here is not unlike that of the existing properties along the other side of Aldham House Lane so will not appear out of place.

In addition, there is a public right of way crossing the site which is to be retained. The gradient is improved with steps kept to a minimum height and spaced to allow easier access with a pushchair and a handrail provided. This has been kept roughly on the same route with access along the proposed private drive and between plots 11 and 12 to a bus stop located here on Pearsons Crescent. The boundary treatment along this route has been kept as open as possible, with railings used to demark private and public space.

Finally, the applicant has proposed a high level of landscaping on the site with a range of trees to provide variety through the seasons. Further detailed information will be secured through condition, including hard landscaping to differentiate public and private areas.

Overall, the proposed development is considered to be a well-designed and quality scheme, addressing the constraints of the site and complies with Local Plan Policy D1 and the requirements of the Designing New Housing Development SPD and the South Yorkshire Residential Design Guidance.

Residential Amenity

The majority of the site is bounded by roads, limiting the impact of the proposed on residential amenity. There is well in excess of 21m between the proposed new dwellings and existing properties on Pearsons Crescent, therefore, although some of the existing properties are bungalows the overall impact is acceptable. The applicant has also sought to further reduce the impact by lowering the land level along this part of the site as shown on the sections provided.

The nearest properties (25 Wortley Avenue and 195 Aldham House Lane) are located on the southern boundary and are side on to the proposed development. Access for no.25 is retained with a garden on the proposed development located to the side of this property. Plots 1 and 2 are adjacent no.195 Aldham House Lane with no windows overlooking this property and no impact on overshadowing due to their orientation to the north.

The internal layout of the properties provides a reasonable standard of living space in accordance with the Internal Space Standards in the South Yorkshire Residential Design Guide with some rooms slightly under sized but others being larger. The bungalows are slightly small for a two bedroom, three person property but would be generous for a one bed, two person property which is likely to be the target occupier. All the gardens meet the external amenity space standards.

Therefore the proposed is acceptable in residential amenity terms and complies with Policy D1 and the requirements of the Designing New Housing Development SPD and the South Yorkshire Residential Design Guidance.

Highway Safety

The proposed largely utilises the existing road network with most properties accessed directly from these roads. The private drive allows access to parking areas for 6 dwellings, albeit plot 32 fronts onto and can be accessed directly from Wortley Avenue as well, therefore this is acceptable. Adequate off street parking is provided with each of the properties having two parking spaces in the form of driveways or parking spaces.

Highways have confirmed no objections, subject to conditions in accordance with Local Plan Policy T4.

Other matters

The application and S106 contributions have been subject to a viability assessment which concluded that the proposed scheme was viable to deliver a policy compliant scheme. This is based on the current SPD requirements as set out below:

Greenspace

The site forms part of the Draft Aldham House Masterplan and is the last remaining phase of that proposal, with two other phases having been completed. It is a normal policy requirement to seek compensation for the loss of any land functioning as green space but this was not seen as required in permission for the previous phase in 2012. It is considered that the 2012 permission set a precedent therefore no compensation is required for the loss of green space in this instance.

The site layout plan provided does not indicate any green space provision on site. However, it is considered that the site affords little opportunity to accommodate a green space of sufficient size. In this instance, it is deemed appropriate to seek an off-site contribution in its entirety. Based on the submitted layout and in accordance with the figures provided in Appendix 2 of Supplementary Planning Document 'Open Space Provision on New Housing Developments', the off-site contribution for this application would be £67,801.66. This is in accordance with Local Plan Policy GS1.

Education

The Wombwell area is one area of the Borough where there is a deficit in future years in relation to primary school places and as such a contribution is required. There is no significant impact on secondary provision.

This development would generate 9 pupils so the primary contribution required would be £123,795 in accordance with Local Plan Policy I1.

Affordable Housing

The proposed includes four, two bed properties which will be affordable housing. This has been agreed with the housing team as acceptable to meet the needs for this area and is in accordance with the 10% requirement under Local Plan Policy H7.

Drainage

It is proposed to connect to the existing network in terms of foul water and conditions have been proposed requiring appropriate investigation of potential Suds in relation to surface water in accordance with Local Plan Policy CC4. There is a sewer crossing the site which has been allowed for in the layout with a condition applied to ensure no future development along the easement of this sewer.

Conclusion

The proposed residential development is in a sustainable location and will deliver 40 good quality new houses in the Principle Town of Wombwell. The scheme is well designed, allowing for the constraints of the site, and includes a good range of housing types and tenures. As such the proposed is recommended for approval.

Recommendation

Grant subject to conditions and the signing of a Section 106 to secure the relevant Education, Affordable housing, and Open Space requirements

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

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:

 18.012.1 Location Plan
 18.012.2 Rev H - Site Plan
 18.007.8.21 HL97
 18.007.6.1 HL94
 18.007.9.2 HL59A
 18.007.4.1 HL70A
 18.007.9.1 HL59
 18.007.2.2 HL89-95-89
 18.007.4.2 HL70A
 18.007.2.1 HL89-95
 18.007.1.1 HL89-95
 18.012.3 Footpath Link Plan and Cross Section

unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC4.
- 4 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority. The scheme shall include the following details:
Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
o A timetable for its implementation; and
o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policies CC3 and CC4
- 5 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
o Provision of 2m adoptable footway on Wortley Avenue to connect to existing;
o Provision of/relocation of street lighting columns as necessary;
o Provision of/relocation of highway drainage as necessary;
o Resurfacing/reconstruction as necessary
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4.

- 6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4.
- 7 Prior to any work commencing the applicant shall submit to the Local Planning Authority, for their approval, a noise and dust management plan detailing how noise and dust will be managed at the site. Once approved the plan shall be strictly adhered to throughout the course of the construction works.
Reason: In the interests of residential amenity and to accord with Local Plan Policy Poll1.
- 8 Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before 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.
- 9 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.

- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 11 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.**
- 12 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4.**
- 14 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
- Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety**
- 15 Construction work and delivery hours shall be limited to Monday to Friday 0800-1800 and Saturday 0900-1300. There shall be no working on Sundays or Bank Holidays at all.
- Reason: In the interests of residential amenity and to accord with Local Plan Policy Poll1.**

- 16 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and ii) the means by which the discharge rate shall be restricted to a maximum rate of 5 (five) litres per second.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan Policy CC4.
- 17 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the water main i .e. a protected strip width of 6 (six) metres, that enters the site. If the required stand -off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 18 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 19 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 20 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway, in the interest of road safety.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety

PA Reference:-

2018/0849



BARNSELY MBC - Regeneration & Property



Scale 1: -----

2018/1360

Applicant: Mr Richard Bell

Description: Variation of condition 2 of application 2015/0461 (Demolition of farm buildings and erection of 9 no. dwellings and access road) to allow changes to plot types and layout alterations (Revised Position for the house erected on plot 4, Retrospective)

Site Address: 18 Low Cudworth Green, Cudworth, Barnsley, S72 8EF

8 objections received

Planning History

2015/0461 Demolition of farm buildings and erection of 9 dwellings and associated access. The scheme had a mixture of houses and bungalows. Four of the bungalows were on the southern part of the site. Works have commenced on this development.

Site Description

The site was a former turkey farm located at the end of Low Cudworth Green, a residential cul-de-sac. Work has commenced on planning permission 2015/0461 and as such the site is now a building site. This application relates to the southern part of the site, the northern part is virtually completed. Furthermore one dwelling on the eastern boundary has been built. The road has been formed but is currently unsurfaced.

The southern part of the site is bounded by existing hedges and trees and the land is located adjacent to the rear gardens of houses on Field Drive and Abbey Farm View.

Proposed Development

The application is to amend parts of the previously approved scheme, including to replace some bungalows with houses. The access into the site and road layout are to remain as previously approved. However, the proposals put forward amend the position and types of some of the plots as follows:

Plots 1, 2, 3 in the northern part of the site are unaltered.

Plot 4 on the eastern boundary is subject to a complaint about the position of the blank wall on the side of the house in relation to the rear windows of an existing dwelling overlooking the site. On the original approval the gap was measured off as 12m according to the submitted plans. As the property has been built the applicant has been requested to provide an accurate plan showing the distance and position of this property in relation to the neighbouring dwelling which has been submitted and neighbours have been re-consulted on. Due to the angle and orientation of the neighbouring dwelling this plan shows the distance between the new and existing dwelling as a minimum of 11.4m and maximum of 11.9m

Plot 5 is to remain as a two storey house but is proposed to change to the same house type as built on Plot 1.

Plot 6 is to change from a previously approved bungalow to a two storey house. It will be the same type as proposed on Plot 5 but will be a handed version of plot 5.

Plot 7 was a dormer bungalow and is remaining as a dormer bungalow but is changing to a different design.

Plot 8 is to change from a previously approved bungalow to a two storey house. It will be the same type as proposed on Plot 5.

Plot 9 was a dormer bungalow and is changing to a new house type which consists of a two storey house with use of rooms in the roofspace.

Policy Context

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

The Local Plan

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 Local Plan shows the site as being within Urban Fabric. The relevant policies are:

GD1 – General Development
H6 - Housing Mix and Efficient Use of Land
T4- New Development and Transport Safety
D1 – High Quality Design and Place Making
Poll 1 - Pollution Control and Protection
CL1 - Contaminated and Unstable Land
CC1 Climate Change
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SuDS)

SPDs/SPGs

There is currently a consultation exercise taking place on a number of updated and new Supplementary Planning Documents following the adoption of the Local Plan.. The SPDs of relevance to this application are as follows:

- Designing new housing development
- 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. Sections of relevance to this application are as follows:

Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

Consultations

Highways - No objections given previous approval.

Pollution Control - No objections subject to conditions.

Contaminated Land - No objections subject to condition

YWA - No objections

Highways drainage- No objections subject to re-imposition of conditions

SYMAS - No objections

Representations

8 objections have been received raising the following concerns:

- The houses should not have been granted planning permission in the first place.
- The builder did not seek our permission to chop down conifers. The trees were there to maintain privacy and prevent land erosion and help with air pollution. The trees also had roots which soaked up the rain.
- Need to ensure re-enforcing walls between application site and neighbouring land are adequate. The trees also had roots which soaked up the rain.
- Loss of privacy.
- The views from adjacent properties have already been impacted by the development and allowing further extensions would have an increased negative impact on this. The house on plot 4 is too close to the adjacent occupiers' property.
- Plot 9 has gone from a bungalow to a 3 story house with a 50% bigger footprint.. The proposed houses will block the outlook from nearby properties more than the originally planned bungalows.
- The height and size of the proposed houses will impact greatly on my enjoyment of neighbours' houses and gardens. They will be visually intrusive.
- The proposed building on Plot 9 is not only higher than originally planned, but the ground floor has been extended so it will be closer in proximity to neighbouring houses. The people in the houses will be able to see directly into neighbours' homes and gardens. In addition, the noise level is almost certain to be greater.
- Houses will overshadow and overlook garden and patio areas. The proposed houses will cause a drastic reduction in daylight to primary living areas; my living room/dining room, kitchen and bedroom.
- Concerns over land levels
- Bungalows are sought after and less readily available than houses.

Assessment

Principle of development

Previous planning permission 2015/0461 has established the principle of residential development on this site. This scheme has been commenced and can therefore be built out in accordance with the approved plans.

The main consideration is therefore the acceptability or otherwise of changes made to the previously approved scheme particularly in relation to the introduction of houses where bungalows were proposed and the revised position of the house already constructed on plot 4.

In terms of reducing the number of bungalows the relevant policy would be H6 Housing Mix and Efficient Use of Land. Whilst this seeks a broad mix mixture of house sizes, types and tenure it does not specifically require so many bungalows compared with houses. In this case the proposed alterations would result in 2 out of the 9 properties being bungalows which is over 20% of the overall development which is still considered acceptable.

Residential Amenity

In terms of surrounding properties the introduction of more houses instead of bungalows could potentially have a greater impact on neighbouring properties. However, the distances to the boundaries on the previous approval were sufficient to have allowed two storey houses on these plots. The applicant has provided a plan which shows the changes to plots 5 to 9 still ensure that the separation distances meet those recommended in the SPD Designing New Housing Development and are therefore acceptable. In addition these properties are to the north of adjacent properties on Abbey Farm View thereby minimising the impact in terms of overshadowing. The separation distances that are recommended in the SPD are subject to revision in some circumstances (i.e. significant level differences) where a higher separation distance may be sought. In this instance the site levels (which have already been agreed) are not significantly changed from the existing ground level and so there is no need to increase the SPD recommended distances in this case.

One of the concerns raised by the residents relates to the position of the house constructed on plot 4 which is not in accordance with the original approval or the recommended separation distance in the SPD Designing New Housing Development. The issue is the difference between the 12m distance that is recommended in the SPD and the actual distance which has been achieved, which is on average 0.4m too close.

Clearly, the main consideration is the impact on the living conditions of the neighbouring occupiers who overlook the site and in this respect the side wall is in line with their rear garden so it does have a significant impact on their outlook. However, the land on which the dwelling is erected is at a lower level and there is a hipped roof that slopes away from the rear windows. There is a potential for shading of the rear garden of the adjacent house in the late afternoon and early evening as the new dwelling is located to the west. Nevertheless the difference between the recommended 12m distance and what has been built is only marginal and as such, it is not considered a significant enough difference to warrant refusal of the application on this ground.

Given the scheme does not propose any additional properties to what has been approved, there would be no increase in activity at the site from the proposed amendments compared to what could be built under application 2015/0461.

Visual Amenity

The scheme provides a mix of houses and a reduced number of dormer bungalows. The surroundings are predominantly two storey detached houses so the proposal would fit in with the general character of the area. The materials can be conditioned to ensure they harmonise with the locality whilst landscaping can also be similarly conditioned to ensure sufficient greenery remains on site.

It is the officer view that the revised proposal, which is still a low density scheme with a mix of dwellings would complement the surrounding buildings and comply with Local Plan policy D1 Design Principles.

Highway Safety

The scheme utilizes the same access and internal road layout as was previously approved. As such there are no highway safety issues from the amendments and no objections are raised.

Ecology

There was a requirement for an ecology report imposed on the previous permission and information has been submitted to discharge this. The Council's Ecology Officer has looked through this and is satisfied it meets the ecology requirements by providing suitable bat and bird boxes as part of the development.

Other matters

Conditions attached to the previous approval 2015/0461 have mostly been discharged so do not need to be re-imposed. Those that still remain mainly relate to highways issues and the need to provide confirmation that the remedial actions agreed on contamination risks have been completed.

Conclusions

This is a revised scheme following the grant of planning permission 2015/0461. The main changes relate to the replacement of bungalows with houses. There was no site specific need to provide bungalows and no Local Plan policy that would require a certain mix of houses and bungalows. The scheme meets the separation distances to neighbouring properties apart from between the blank side elevation of Plot 4 and the neighbouring house. However, the drop in distance is marginal and is not considered to result in a significant impact on the amenities of this neighbouring property. The amendments proposed are not therefore considered to be detrimental to residential amenity, visual amenity or highway safety subject to the imposition of suitable conditions.

Recommendation

Grant subject to conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans 2018-017-09-P02B, RB02/2018-03, RB1/2018-01F, RB1/2018-01e, RB1/2018-04, RBTF-315-2, RBTF-315-4, RBTF-315-13, RBTF-315-14, Eastwoods 41954-001, Whitcher Wildlife Ecology Report, 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.
- 2 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.
- 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 4 With regards to any remedial actions taken in relation to the contamination report submitted under application 2015/0461, there would be the requirement to provide a validation report to certify any works prior to the occupation of any houses.. This report should include the following:
 - Details of who carried out the work.
 - Details and justifications of any changes from the original Remediation Statement.
 - Records of chemical characteristics of any imported capping soils/materials.
 - Confirmation that capping levels have been achieved
 - Laboratory and in situ test results
 - Records of any materials disposed of off site and their disposal locations.
 - Confirmation that remediation objectives have been met.**Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan policy CL1 Contaminated and Unstable Land.**

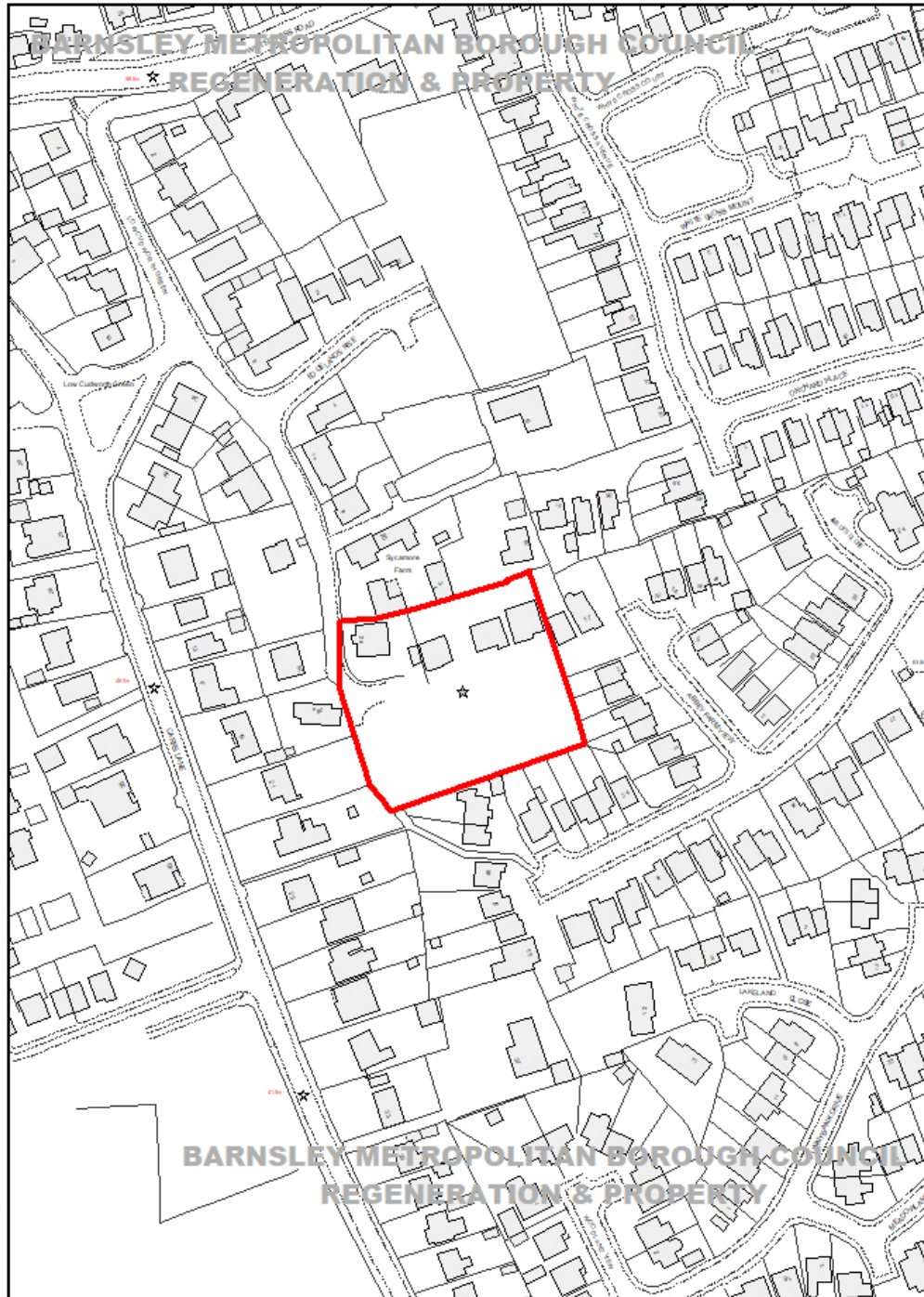
- 5 Within 28 days of this permission, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
 " Provision of a turning head capable of accommodating the manoeuvres of a refuse sized vehicle on Low Cudworth Green;
 " Provision of/ any necessary alterations to street lighting;
 " Provision of/any necessary alterations to highway drainage
 " Any necessary signing/lining.
 The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan policy T4 New Development and Transport Safety.
- 6 On completion of the development a condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan policy T4 New Development and Transport Safety.
- 7 Upon commencement of development on plots 5 to 9 inclusive 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.
- 8 All finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be as approved under planning approval 2015/0461 and as shown on approved plan drawing no. RB1/2018 - 01F. 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 D, High Quality Design and Place Making.

- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 10 The drives shall be a minimum width of 5m and a separate pedestrian access to the front door shall be provided.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic in accordance with Policy T4 New Development and Transport Safety.
- 11 The boundary treatment shall be carried out in accordance with the approved details under application 2015/0461
Reason: In the interests of visual amenity in accordance with Policy D1 - High Quality Design and Place Making.
- 12 No part of the development shall be occupied or brought into use until the drainage scheme approved under application 2015/0461 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.
- 13 The bat and bird boxes to be implemented at the site shall be in accordance with the details agreed as part of application 2015/0461
Reason: In the interests of biodiversity in accordance with Policy BI01

PA Reference:-

2018/1360

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BARNESLEY MBC - Regeneration & Property



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2019/0113

Applicant: BMBC

Description: Erection of 2.4m high security fence

Site Address: Smithies Lane Depot, Smithies Lane, Smithies, Barnsley, S71 1NL

No objections received

Site Description

The application relates to the BMBC depot accessed from Smithies Lane. The site contains a number of outbuildings as well as a household waste recycling centre. To the south of the site is a row of semi-detached dwellings and to the west is a traveller site.

Proposed Development

The applicant is seeking permission for the erection of a 2.4m security fence along the western boundary of the site. The development will include trimming of the existing shrubs/undergrowth and the subsequent erection of the fencing along a 163m stretch of the western boundary. The fence panel and fence posts will be coloured green.

Policy Context

Local Plan Allocation – Urban Fabric

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the recently introduced 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 3rd 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 2000) and the Core Strategy (adopted 2011).

Local Plan Policy GD1 – General Development sets out the principles that development will be assessed against. 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 and that adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes.

Local Plan Policy D1 – High Quality Design and Place Making supersedes Core Strategy Policy CSP 29 and sets out the overarching design principles for the borough. Policy D1 States that development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

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

Consultations

PROW – No objections

Ward Councillors – No comments received

Representations

Notification letters were sent to nearby properties and a site notice was posted at Smithies Lane. No comments or representations were received.

Assessment

Principle of Development

The site is designated as Urban Fabric in the newly adopted Local Plan. As such, development is acceptable in principle provided it is of a satisfactory standard of design and that there is no detrimental effect on residential amenity, highway safety, or the visual character of the local area.

Residential Amenity

The fencing is 2.4m high and is sufficient distance from neighbouring residential accommodation to ensure that the development will not have any impact on the amenity enjoyed by local residents.

Visual Amenity

The fencing will be sited to the western boundary of Smithies Depot and will not be highly visible from public vantage points. Screening is provided from Smithies Lane by the existing dwellings that face the highway. The colour scheme of the fencing is what would be expected for this type of development and so the proposal is considered acceptable.

Highway Safety

The fencing is not close to any accesses and as such would not impede any vehicular movements into and out of the site.

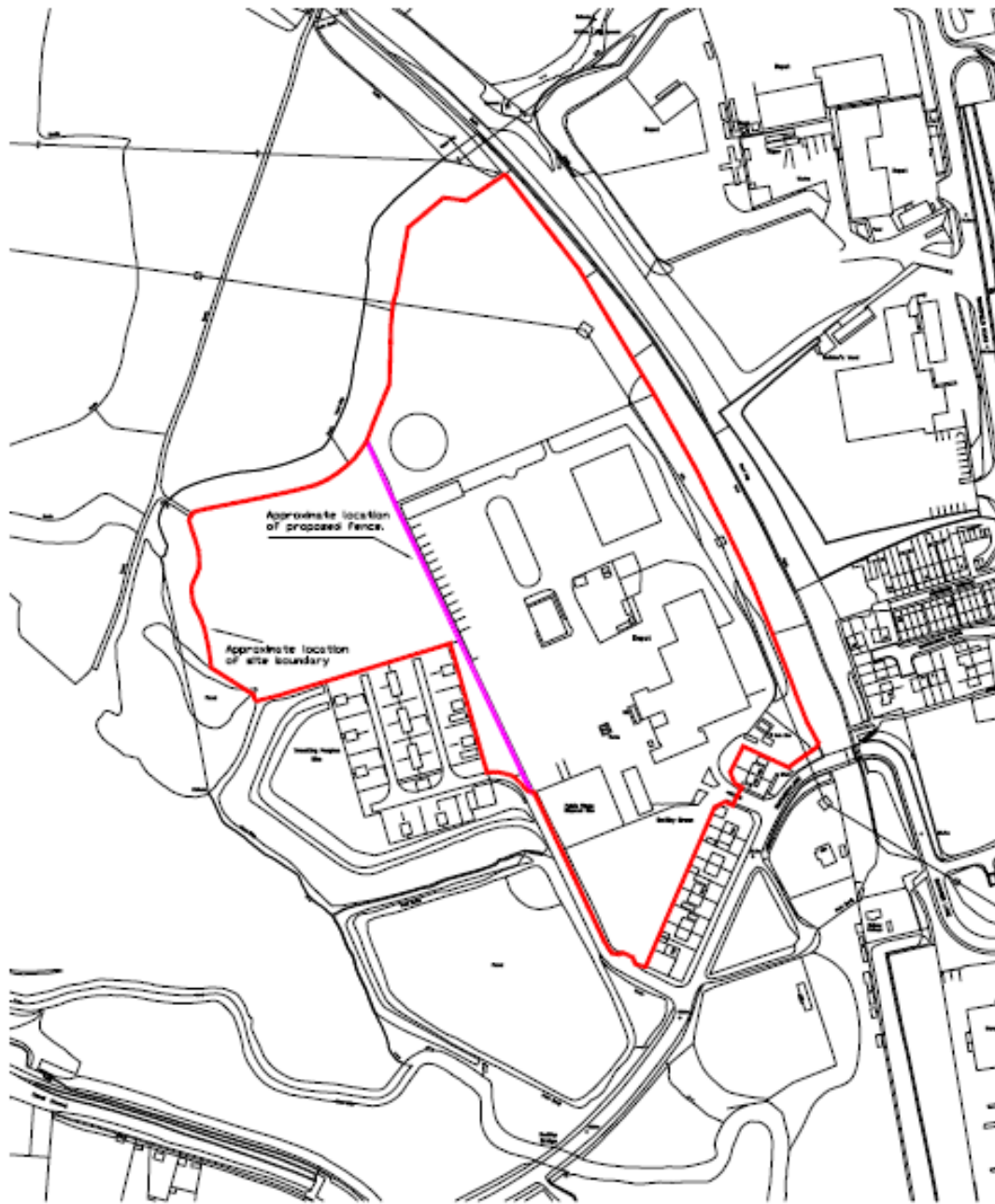
Recommendation

Approve – subject to conditions:

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. NPS-DR-A-(00)-001 Rev. P2) 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.

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BARNSELY MBC - Regeneration & Property



Scale 1: -----

Item 11

BARNSLEY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
19th March 2019

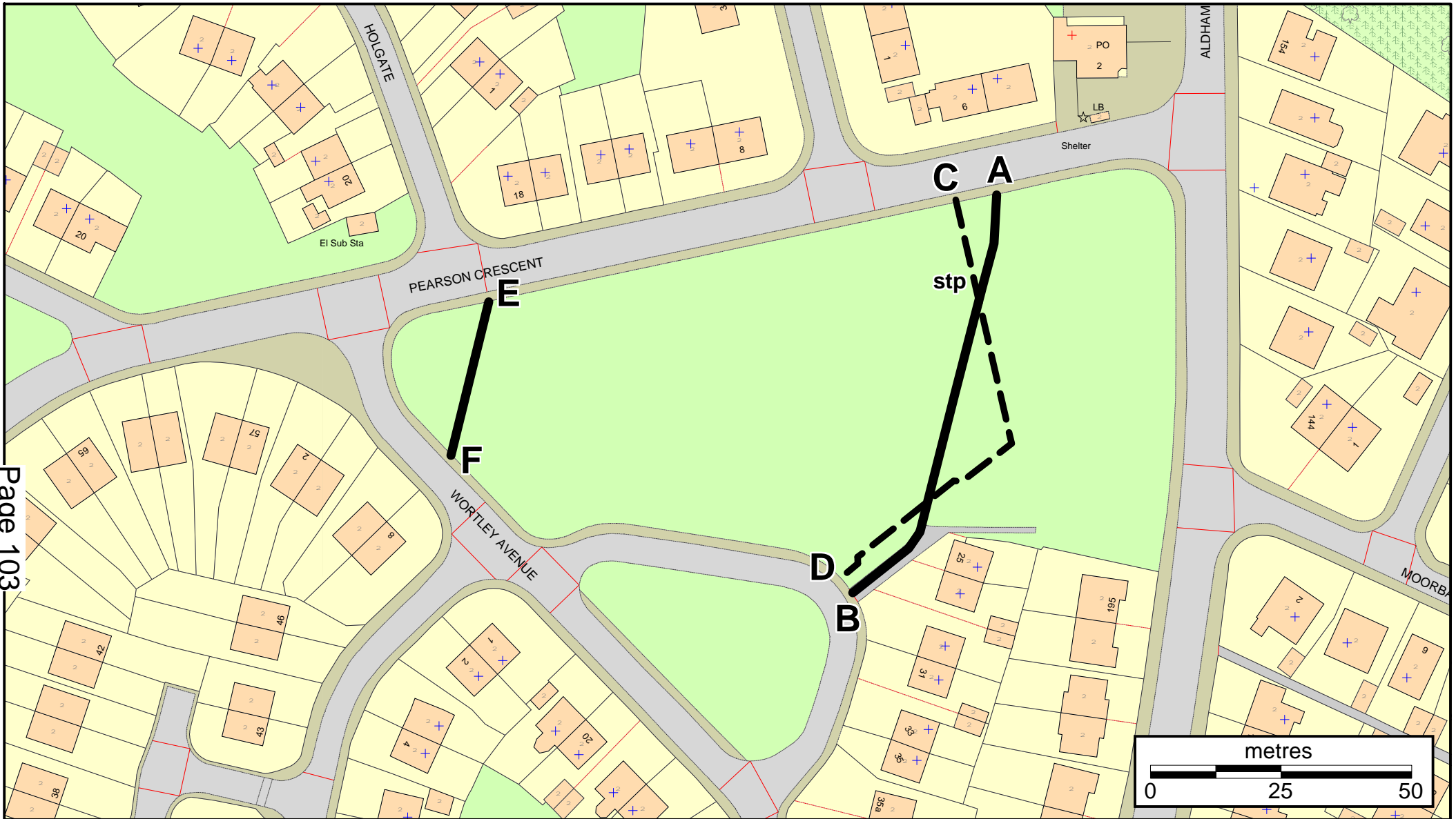
Proposed diversion and stopping up of footpaths at Pearson Crescent, Wombwell

| | |
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| 1.0 | <u>Purpose of Report</u> |
| 1.1 | To consider an application to divert a non-definitive footpath running between Pearson Crescent and Wortley Avenue at Wombwell and to stop up a short length of non-definitive footpath at the corner of Pearson Crescent and Wortley Avenue. |
| 2.0 | <u>Recommendations</u> |
| 2.1 | That, in exercise of statutory powers, the Council makes the proposed Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990, as shown on the plan attached to this report. |
| 2.2 | That the Executive Director of Core Services & Solicitor to the Council be authorised to publish the Order and to confirm it himself in the event of there being no objections thereto. |
| 2.3 | In the event objections are received which cannot be resolved, the Executive Director of Core Services & Solicitor to the Council be authorised to submit the Order to the Secretary of State for confirmation and to take all necessary steps to support the Order at any public inquiry, informal hearing or written representation as necessary. |
| 2.4 | That the Executive Director of Core Services & Solicitor to the Council be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area. |
| 3.0 | <u>Background and Proposal</u> |
| 3.1 | Hoover Ltd has applied for planning permission for a new residential development on the land between Aldham House Lane, Pearson Crescent and Wortley Avenue at Wombwell. (Planning reference 2018/0849.) A decision on this application is scheduled to be taken at the |



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| | March Planning Regulatory Board and this report is subject to approval of the planning application. |
| 3.2 | 2 non-definitive footpaths cross the site. An application has been submitted to the Council to formally recognise one of the routes as a public footpath, together with supporting evidence. The developer acknowledges this path as a public right of way. |
| 3.3 | The existing footpath crosses land on which several of the proposed new properties will be constructed. To enable the development to go ahead, the developer has applied to divert this footpath onto a new alignment commencing approximately 9 metres west of the existing path on Pearson Crescent and running south between properties before turning south west and running along the footway of a private driveway and joining Wortley Road adjacent to its current location. The new path will be around 5 metres longer than the existing path and is considered to be the best possible alignment given the proposed development layout. |
| 3.4 | The path was previously flagged with steps at its northern end, though these have since been removed and the path now has a grass surface throughout, including a steep slope at the northern end. |
| 3.5 | The new route will have a tarmac surface and 2 metre width throughout. Steps will be provided with a 150mm height and 1.2m depth, as agreed with Public Rights of Way. The remaining gradients will be no steeper than 1/15. |
| 3.6 | A second non-definitive footpath crosses the western corner of the site, across what will be developed as parking areas for the new properties. This path is not included in the application to be formally recorded as a public footpath. The developer wishes to extinguish this path. No alternative provision is considered necessary. |
| 3.7 | Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received. |
| 4.0 | <u>Statutory Criteria</u> |
| 4.1 | Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished and / or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place. |
| 4.2 | Both of the existing paths run across the proposed development site, directly through proposed new properties and parking areas. It is not considered possible to develop the site with the paths in their current positions, therefore the application meets the statutory criteria. |
| 4.3 | DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to |

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| | public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.' |
| 4.4 | The proposed diversion is considered to provide the best possible link route for local walkers with an improved surface, wider recorded width, drainage and street lighting, which are considered to be at least as good as the existing route. |
| 4.5 | It is not considered that an alternative route is required to replace the proposed extinguishment, as this is a very short link to cut a corner. |
| 5.0 | <u>Options</u> |
| 5.1 | The Council makes the order applied for. Officers are satisfied that the application meets the statutory criteria, that the proposed alternative route is the best available and that no alternative route is necessary to replace the second path. |
| 5.2 | The Council could decline to make the order applied for, but as the relevant statutory criteria have been satisfied and development would not be possible without it, it is not considered reasonable to do so. |
| 6.0 | <u>Local Area Implications</u> |
| 6.1 | There are no implications for the local area beyond minor changes to the rights of way network. |
| 7.0 | <u>Compatibility with European Convention on Human Rights</u> |
| 7.1 | These proposals are considered to be compatible with the Convention. |
| 8.0 | <u>Ensuring Social Inclusion</u> |
| 8.1 | The proposal will have no negative impact on social inclusion. The new path would provide a tarmac through route which would be at least as accessible as the existing footpath. Gradients and steps have been minimised as much as possible. |
| 9.0 | <u>Reduction of Crime and Disorder</u> |
| 9.1 | The proposals are not considered to have any effect on crime and |

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| | disorder. |
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| 10.0 | <u>Financial Implications</u> |
| | |
| 10.1 | If the Order is made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry. |
| | |
| 11.0 | <u>Risk Assessment</u> |
| | |
| 11.1 | The Council has powers under the Town and Country Planning Act 1990 to make the order applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State. |
| 11.2 | Objections may be received to the order. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative route has been identified for the proposed diversion. |
| | |
| 12.0 | <u>Consultations</u> |
| | |
| 12.1 | User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application. |
| 12.2 | No objections have been received. |
| | |
| 13.0 | <u>Proposal</u> |
| | |
| 13.1 | Councillors approve the recommendations in section 2. |
| | |
| 14.0 | <u>Glossary</u> |
| | |
| 15.0 | Appendices Appendix A – Map 1 Proposed footpath diversion and extinguishment |
| | |
| | Officer Contact: Rik Catling Tel: ext 6650 |
| | Date: 19 th March 2019 |



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|--|----------------|
| Proposed footpath diversion and extinguishment: Pearson Crescent to Wortley Avenue, Wombwell | |
| Drawn by BMBC | Scale 1 : 1000 |
| Map 1 | - |

Footpath to be created

 Footpaths to be stopped up




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BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 February to 28 February 2019

APPEALS RECEIVED

6 appeals were received in February 2019:

| <u>Reference</u> | <u>Details</u> | <u>Method of Appeal</u> | <u>Committee/ Delegated</u> |
|------------------|--|-------------------------|-----------------------------|
| 2018/0819 | Erection of 1no. detached dwelling Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield | Written representation | Delegated |
| 2018/0946 | Change of use of existing ground floor shop unit (Use class A1) and first and second floor office accommodation (Use class B1) to 8 bedroom house of multiple occupation (Sui Generis Use Class) 12 - 14 Eldon Street North, Barnsley, S71 1LG | Written representation | Delegated |
| 2018/1080 | Erection of 2 detached bungalows Land to the Rear of 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN | Written representation | Delegated |
| 2018/1209 | Extensions and alterations to building including addition of a hipped roof to create additional kitchen and storage space for A5 retail unit and a one bedroom flat located above 79 Huddersfield Road, Barnsley, S75 1AA | Written representation | Delegated |
| 2018/1478 | Extensions and alterations to building including provision of pitched gable roof and new and replacement windows to enable conversion into 2no apartments Land adj. 1 Broad Street, Hoyland, Barnsley, S74 9DY | Written representation | Delegated |
| 2018/1486 | Removal of condition 13 (Scheme of highway mitigation works) from outline planning permission 2018/0665 - Development of approximately 5 dwellings and associated infrastructure (all matters reserved apart from means of access) Land North of Keresforth Road, Dodworth, Barnsley | Written representation | Delegated |

APPEALS WITHDRAWN

0 appeals were withdrawn in February 2019

APPEALS DECIDED

0 appeals were decided in February 2019

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

| Audit | Details | Decision | Committee/ Delegated |
|--------------|--|-----------------|-----------------------------|
| 2018/0524 | Formation of new driveway and vehicular access. 131 Goldthorpe Green, Goldthorpe, Rotherham, S63 9EL | Dismissed | Delegated |
| 2017/1342 | Erection of detached double garage to dwelling. Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX. | Allowed | Delegated |
| 2017/0245 | Erection of 1 no. detached dwellinghouse. Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE | Dismissed | Delegated |
| 2017/1054 | Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) Land at Wentworth Street, Birdwell, Barnsley, S70 5UN | Allowed | Delegated |
| 2017/0721 | Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley | Dismissed | Delegated |
| 2017/0088 | Residential development of 21 dwellings (Outline including means of access) Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ | Allowed | Committee |
| 2017/0118 | Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation 29-31 New Street, Barnsley, S70 1RZ | Dismissed | Delegated |
| 2017/1196 | Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE | Allowed | Committee |
| 2017/1285 | Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) Land Bmbc Asset ID E00045, Milton Road, Hoyland, Barnsley, S74 9BN | Dismissed | Delegated |
| 2017/0800 | Erection of 1 no. holiday villa Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ | Dismissed | Delegated |
| 2017/0898 | Formation of car park and associated access/egress Land to the north of Old Mill Lane, Old Mill Lane, | Dismissed | Delegated |

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

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