

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 3 September 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

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

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on the 23rd July, 2019.

Planning Applications

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

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

3. Land at Capitol Park, Capitol Close, Dodworth - 2019/0286 - For Approval
(*Pages 7 - 28*)

4. Land off Maple Grove/Maple Court Tankersley - 2019/0664 - For Approval
(*Pages 29 - 36*)

5. Darton Park, Church Street, Darton - 2019/0612 - For Approval (*Pages 37 - 44*)

Planning Appeals

6. Planning Appeals - 1st to 31st July, 2019 (*Pages 45 - 48*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), T. Cave, Clarke, Danforth, Eastwood, Frost, Gillis, Gollick, Greenhough, David Griffin, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, McCarthy, Mitchell, Noble, Richardson, Smith, Spence, Stowe and Williams

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Regeneration and Culture
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

Friday, 23 August 2019

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 23 July 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Frost, Gillis, Greenhough, David Griffin, Hayward, Makinson, Mitchell, Noble, Richardson, Smith, Spence, Stowe and Williams

In attendance

17. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest in respect of any of the items on this agenda.

18. Minutes

The minutes of the meeting held on 25th June 2019 were taken as read and signed by the Chair as a correct record.

19. Westfield Farm, Royd Moor Road, Thurlstone - 2018/1445 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2018/1445** [Erection of agricultural workers' dwelling] at Westfield Farm, Royd Moor Road, Thurlstone, Sheffield S36 7RD

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to conditions

20. The Stables, Willow Bank, Wilthorpe, Barnsley - 2019/0732 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0732** [Siting of an additional static caravan, erection of an extension to the amenity building and amendments to the site layout approved under application 2017/0392] at The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to conditions

21. Barnsley Crematorium, Doncaster Road, Barnsley - 2019/0694 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0694** [Erection of a single storey extension to provide memorial display showroom] at Barnsley Crematorium, Doncaster Road, Barnsley, S71 5EH

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to conditions

22. Library at the Lightbox, 1 The Glassworks, Barnsley - 2019/0655 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0655** [Display of illuminated signage above entrance canopy (retrospective)] at Library at the Light Box, 1 The Glass Works, Barnsley, S70 1GW

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to conditions

23. Land off Bismarck Street, Worsbrough - 2019/0342 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0342** [Erection of 5 no. dwellings] at Land off Bismarck Street, Worsborough Common, Barnsley, S70 4NA

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to conditions

24. Planning Appeals - 1st to 30th June 2019

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that 7 appeals were received in June 2019. No appeals were withdrawn in June 2019, however 1 appeal was out of time. One appeal was decided in June 2019.

It was reported that 12 appeals have been decided since 1st April 2019, 8 of which (67%) have been dismissed and 4 of which (33%) have been allowed.

25. Enforcement Update

The Head of Planning and Building Control introduced this item and provided Members with an update on Planning Enforcement service activity covering the Quarter 1 Period of this reporting year 2019/2020 (April-June 2019). The report included a breakdown of the requests for service received; key actions and enforcement case outcomes during the quarter together with a summary of case activity (including issuing Formal Notices, legal action and enforcement appeals).

It was highlighted that the Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for Matters considered under the informal hearing and public inquiry procedure. Work is currently underway within the Planning Inspectorate to improve this performance, which has led to frustration for complainants, the Council and those wishing to appeal enforcement notices.

RESOLVED that the update be noted.

Chair

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Item 3

2019/0286

Applicant: Sterling Capitol

Proposal: Hybrid planning application for an extension to Capitol Park comprising a) development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access; and b) full application for provision of associated earthworks

Site: Land at Capitol Park, Capitol Close, Dodworth, Barnsley

The application is referred to the Board due to the size of the proposed development which classifies it as a large scale major development. 10 objections have been received from local residents.

Site Location and Description

The site is located off Higham Lane, immediately to the north west of the existing Capitol Park business park at Dodworth. It measures 5.58 hectares in size and slopes west to east towards the M1 motorway. The site is approximately 3km from Barnsley town centre which is located to the east and is close proximity to the M1 and the A628 giving it very high accessibility to the strategic highway network.

The site comprises two fields in agricultural use that are divided by a hedge. A single bungalow (Lane Head Farm) is located at the southern corner of the site, adjacent to Higham Lane which is intended to be demolished as part of the scheme.

There are two non-involved residential properties at Lane Side Farm on Higham Lane which lies on the western boundary of the site.

The Higham Lane boundary is lined with trees and there is a further overgrown hedgerow along the eastern boundary. An overhead telecoms line crosses the northern field from the northwest to the east, before continuing to follow the eastern boundary of the southern field. There is also a telecoms transmitter, surrounded by a metal post and chain link fence, in the eastern corner of the site which is intended to remain.

There is an existing track access to the two fields within the site midway along Higham Lane. The bungalow has its own private drive access onto Higham Lane. The site surroundings comprise:

- The northeast boundary is formed by the M1 motorway corridor;
- To the south east, a cluster of hybrid industrial units that form part of the existing Capitol Park business park;
- To the south, Higham Lane, beyond which is an area of woodland;
- To the west, 2 no. dwellings (Lane Side Farm), beyond which is Higham Lane and further woodland.

Each warehouse would comprise 2.5% ancillary office space, a service yard and employee/visitor parking areas. Access would be from the south-eastern corner of the site, extending the existing Capitol Close.

The topography of the site is varied, with a high point of 163m AOD to the east of Lane Side Farm, and the low point of 145m AOD adjacent to the motorway beyond the northern edge of the site.

Planning History

No previous applications have been made on this site itself. However there have been a large number of applications on the adjacent Capitol Park site post the year 2000 during the UDP years and more latterly:- Examples include:-

B/04/1998/DO - Outline employment development proposal comprising Class B1, B2 & B8 Uses. Hotel. Park & Ride site and associated work. Approved 23/02/2005.

B/04/2272/DO - Phase 1 employment development site - Reserved Matters details. Erection of Class B1/B2 hi-tech units, spine road, landscaping and levelling. Approved 11/01/2005.

2016/0713 - Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use. Approved 07/10/2016.

2017/0248 - Proposed 7,225 sq m (gross external area) industrial unit at Plot A for general industrial (B2) and storage and distribution use (B8) with ancillary office (B1) (Reserved Matters pursuant to outline planning permission 2016/0713 - appearance, landscaping. Approved 20/04/2017.

2017/0987 - Erection of 7,200sqm NHS blood centre comprising laboratory and administrative/support functions. Approved 25/10/2017.

2017/1002 - Erection of 15 no. industrial units in 8 blocks (Classes B1, B2 and B8) with associated car parking. Approved 19/07/2017.

Proposed Development

Detailed pre-application advice was sought and provided prior to the submission of the application. There has also been considerable dialogue with the applicant during the consideration of the application and the plans have been through several iterations during this time.

This hybrid planning application seeks:

1. Outline planning permission for an extension to the existing Capitol Park business park, comprising demolition of existing bungalow at Lane Head Farm and development of Class B2 (Industrial) / Class B8 (Storage & Distribution) uses and associated landscaping and infrastructure and;
2. Full planning permission is sought for the means of access and initial ground works comprising cut/fill operations to provide 2 no development platforms.

The outline application seeks permission in principle for 2 no. warehouses (Classes B2 and B8), one of 7,804m² (84,000 sq.ft) gross and one of 9,755m² (105,000 sq.ft). These would be sited on the development platforms and be sited to make best use of the topography on the site and to safeguard the amenity of the occupants of Lane Side Farm. Each warehouse would comprise 2.5% ancillary office space, a service yard and employee/visitor parking areas. In detail the proposal comprises:

- Demolition of the existing Lane Head Farm bungalow;
- Full application to undertake ground works to develop two plateaus for siting the proposed warehouses. This would be undertaken prior to reserved matters submission and is expected to take a maximum of 4 months. The earthworks would comprise the temporary removal of soils (with re-use for landscaping where

possible), and a cut and fill exercise make 2 no level areas of the site in readiness for the erection of commercial premises on securing reserved matters approval;

- Extension of the existing access road that serves Capitol Park Business Park, Capitol Close, into the proposed development;
- Retention of the existing hedgerow that divides the two fields within the site, and retention of significant numbers of the existing trees fronting Higham Lane, although some may be lost through an unrelated highway improvement scheme;
- Provision of significant areas of new landscaping and planting, particularly between Lane Side Farm and the southern warehouse indicative location (Unit 2), in order to safeguard the residential amenity of occupants of the former dwellings;

Appearance would form part of the reserved matters and would be dealt with on a plot by plot basis. The proposal as originally submitted was considered to be unacceptable as despite pre-application advice Unit 2 was proposed to be only 20m away from residential dwellings at Lane Side Farm, and at a higher level. The applicant also met with the residents to understand their concerns following their objections to the original plans. As a result, several iterations of plans have been submitted as the design of the proposal has evolved.

The version of the plans now under consideration proposes Unit 2 to be reduced in eaves height from 14.5m to 12m, and to be moved from a location initially just 20m away from Lane Side Farm to 37m away. The plateau level for Unit 2 is also reduced by approximately 1m to further reduce the impact of the unit on Lane Side Farm. Additionally a bund at least 13m wide is proposed between the unit and the property to be extensively planted with trees for additional screening along the width of the unit. Unit 1 would have 94 space car park with 5 no disabled and 5 no EV charging spaces; Unit 2 would have 100 space car park, including 4 no disabled and 4 no EV charging spaces.

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

The Local Plan

Site ES4 Capitol Park Extension 5.4 ha

The development will be expected to:

- Consider the impact on residential amenity and include appropriate mitigation where necessary;
- Provide on and off site highways infrastructure works and improvements at Junction 37 as necessary;
- Provide off site highway safety enhancements;
- Consider the potential impact on the nearby Hugset Wood Local Wildlife Site and include appropriate mitigation where necessary;
- Retain, buffer and manage the existing hedgerows;

- Ensure that development respects the landscape and wider countryside, and where appropriate mitigation measures are incorporated to address impacts on the adjacent Green Belt and countryside; and
- Provide air quality assessments in accordance with policy Poll 1.

Archaeological remains are known/expected to be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.

GD1 General Development – Proposals for development shall be approved if there will be no adverse effect

SD1 Presumption in favour of sustainable development – Planning applications that accord with other relevant policies will be approved without delay.

LG2 Location of Growth – Urban Barnsley is the highest priority location to accommodate growth in accordance with the adopted settlement hierarchy.

Policy E3 (Uses on Employment Land) on allocated employment sites the Council will allow the following uses: research and development (B1b) and light industry (B1c); general industry (B2); or storage or distribution (B8). The supporting text to the policy advises that the provision of well-located employment land is key to the Borough's future economic growth and it is therefore essential that both new employment land and land currently in use or last used for employment purposes, is protected and safeguarded from non-employment uses.

Other relevant policies include:-

CSP 1 – Climate Change
 CSP 8 - Location of growth
 CSP11 – Providing strategic employment locations
 CSP12 – Distribution of new employment sites
 D1 – Design
 EC3 'Uses on Employment land'
 T3 'New Development and Sustainable Travel'
 T4 'New development and Transport Safety'
 D1 'High Quality Design and Place Making'
 CC2 'Sustainable Design and Construction'
 CC3 'Flood Risk'
 CC4 'SUDS'
 HE6 Archaeology
 RE1 'Low Carbon and Renewable Energy'
 CL1 'Contaminated and Unstable Land'
 Poll1 'Pollution Control and Protection'
 I1 'Infrastructure and Planning Obligations'

SPDs/SPGs

SPD – Parking
 SPD – residential amenity and the siting of buildings

NPPF

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

Consultations

Air Quality – No objections subject to a mitigation statement, recommend encouraging vehicle fleet to sign up to eco stars.

Biodiversity Officer – No objections subject to conditions.

Coal Authority – Agrees with submitted Coal Mining Risk Assessment. No objection subject to a condition.

Enterprising Barnsley – Support the application which would secure investment and lead to a potential increase in employment opportunities in the borough

Forestry Officer – No objections to the development from an arboricultural perspective subject to the imposition of conditions.

Highways DC – No objections .

Highway Drainage – No objection subject to condition requiring full foul and surface water drainage details.

Highways England – No objections subject to conditions.

Historic England – No objections have been received.

Major Projects – Proposals accord with Sheffield City Region Investment Fund assumptions and therefore Major Projects Team support the proposals.

Pollution Control – Express potential concerns about different type of noise from Unit 1 service yard, conditions proposed.

Project Manager Housing and Energy – Would like to work with developer to determine suitability of sustainable /renewable energy generation on site.

South Yorkshire Archaeology Service – No objections subject to a condition.

South Yorkshire Police – No objections have been received.

Yorkshire Water – No objections, subject to conditions for foul and surface water drainage.

South Yorkshire Mining Advisory service – No objection subject to a condition.

Superfast Broadband – No objections have been received.

Ward Councillors – Peter Fielding queried matters associated with the proposal at an early stage of the assessment process prior to becoming a Ward Councillor, but no formal objection has been received in writing. The queries related to requesting confirmation that Highways England had been consulted, the relationship between the proposal and the congestion alleviation scheme at the Dodworth Road/Broadway crossroads and a query as to whether access could be prevented to Higham Lane until there is certainty in relation to the provision of a proposed future roundabout onto it from Capitol Close.

Representations

The application was advertised by press notice, by 3 site notice and by neighbour notification and on the Councils website. Although there has been an objection that there was a lack of neighbour notification, the Council has no obligation to contact local residents individually. Despite this, a further two rounds of consultations were undertaken following the receipt of amended plans. Representations were received from 7 addresses on the plans as submitted with one from a resident who did not provide an address and one from a housing and regeneration consultancy. Only one was from close by at Higham and the two dwellings adjoining the site also objected. A further 3 comments were from east of the motorway at Barugh Green, Pogmoor and Gawber. Concerns raised are:-

- The local plan process has resulted in the change in the land use designation from Green Belt to a site allocated for employment development.
- Unnecessary urban sprawl when units on Capitol Park remain unfilled.
- Proximity to and impact on residential properties.
- On-site hedgerow.
- Lack of neighbour consultation
- Loss of view
- Traffic impacts
- timings for the construction of the SCRIF funded roundabout onto Higham Lane referred to in the transport assessment and the construction of the rest of the Claycliffe link road
- It is queried how conditions would be monitored with reducing Council resources.
- Landscape impact
- Incorrect site notice posted prior to it being replaced.
- It is asserted that insufficient information has been provided of the proposed noise mitigation measures.
- Impact of the proposed drainage system on the existing system which serves an existing property
- Impacts of noise and dust etc during construction
- Overbearing impact on historic house built in 1550AD
- One neighbour suggested alternative proposals

Following amended plans submitted in May, neighbours were reconsulted, and one objection was received from one of the two residents immediately adjacent to the site. Comments repeated several issues previously raised and comprised:

- Proximity to existing dwellings
- The height of proposed building would be overbearing
- Modern industrial buildings are not in keeping with historic farm building and surroundings
- Land removed from green belt without residents being aware.
- Impact on existing drainage system
- Potential noise nuisance during construction and operations

- Visual impact of large buildings on countryside
- Outline permission should not be granted, only detailed approval

Following further amended plans submitted in July an additional round of neighbour consultations was undertaken. One objection was received. This was from the occupant at Lane Side Farm. A summary of the objection is as follows:

- The applicants have not made suitable consideration for the impact their proposals would have on the existing residential properties,
- Impact on the adjacent green belt landscape and local wildlife
- The proposals would still have a serious overbearing nature on the immediate adjacent properties
- The proposals do not comply with the guidance, recommendations and policies of the Adopted Local Area Plan or The National Policy Framework
- Proposals should not be granted until full details of the plans can be considered.

Assessment

The principle of development

The site is designated as an employment site in the adopted Local Plan. As such the proposal is acceptable in principle, but consideration needs to be given to the aforementioned policy requirements and material planning considerations. These are discussed in more detail below.

A very small area of the site is located within the Green Belt. This is the area of the site containing the existing bungalow (Lane Head Farm) which is proposed to be demolished and would form part of the access road. Policy GB1 of the Local Plan states that Green Belt will be protected from inappropriate development in line with national policy. Paragraph 143 to 147 set out the national policy on proposals in the Green Belt. Paragraph 143 sets out that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 146 goes on to set out forms of development which are not considered to be inappropriate in the Green Belt *“provided they preserve its openness and do not conflict with the purposes of including land within it.”* These include criteria ‘b’ *“engineering operations”* and criteria ‘c’ *“local transport infrastructure which can demonstrate a requirement for a Green Belt location.* An access in this location is required in order to serve the large employment site and would constitute engineering operations. This small remnant of Green Belt land does not serve a green belt function, sandwiched as it is between two employment sites and covering a piece of land only the size of the bungalow which would be demolished to make way for the access road improving openness. In the circumstances it is considered that the proposed small incursion in to the green belt in this location for engineering operations, is on balance considered to be in accordance with the NPPF and Local Plan Policy GB1 in this instance.

In order to achieve suitable development platforms for the employment uses to progress, significant engineering works in the form of cut and fill activities are required to take place on the land. All activities would be within the application boundary. Without these engineering works the land could not reasonably be utilised efficiently for employment uses due to level changes and the lack of existing access. No materials are proposed to be brought to the site or removed from the site in undertaking these engineering operations. It is likely that there would be temporary impacts whilst the engineering operations take place. However, significant weight must be attached to the consideration of this temporary impact which must be balanced against the benefits of the proposals.

Economic Impacts

The recent successes of Phase I Capitol Park and Enterprise 36 has proven that there is demand for both medium to large size freehold and leasehold industrial and commercial space in the area. The site is in a priority and highly strategic location to accommodate growth of this typology, hence why the site was allocated. This site has the potential to provide two large units that would generate significant numbers of jobs at this strategic site both during construction. Once built out the proposal would lead to significant private sector investment being secured, providing premises for potential inward investors and expanding local companies. There are virtually no industrial units of this size/quality in Barnsley and as such are much needed.

According to The Employment Density Guide 2015, a development of the site for B2 use could create circa 464 jobs and the development of the site for B8 uses would create circa 217 jobs once operational. Construction jobs would be in addition to this. The proposed development would also create business revenue. The proposal therefore accords with the site specific development allocation policy ES4 and others including CSP 8 - Location of growth, CSP11 – Providing strategic employment locations and CSP12 – Distribution of new employment sites.

Design and Visual Amenity

The application is outline with appearance, layout and scale being subject to a future reserved matters application. However, an indicative layout and cross sections have been submitted which shows two industrial units of modern design; Unit 1 in the northern part of the site closest to the M1 motorway of 84,000sqft (7803sqm), and Unit 2 of 105,000sqft (9290sqm) to the south and west of the site. Significant amounts of landscaping would be provided to provide screening and maintain existing vegetation where possible in order to provide a high quality, well designed site with modern layouts which would contribute positively to the growth agenda that Barnsley is seeking to achieve. Access would be achieved by extending the existing Capitol Close access and running up the eastern boundary of the site, before turning west along the existing hedgerow to serve the service yard of Unit 1. The site would be screened from the west by highway trees, but Unit 1 would lie close to the northbound M1 motorway and be visible from it. Unit 2 would lie at a higher level close to Higham Lane A SCRIF funded highway improvements scheme is currently being design to provide improvements to Higham Lane and may result in the loss of some of these trees bounding the highway, but replacement planting could be achieved as part of the highway improvement or as part of a landscape scheme at reserved matters. Overall, the indicative plan proposes the most efficient use of the land whilst mitigating the impacts on the adjacent properties as far as possible. The detailed design of the buildings would be considered at reserved matters stage but given the sensitivity of the site in relation to it's prominence when viewed from the motorway, it will be necessary to ensure precise details of materials are provided at the reserved matters stage. The expectation is that this will be a sensitise and high quality palletete, reflecting recent good examples elsewhere in the country. The proposal is therefore considered to be in accordance with Local Plan Policy D1 and GD1.

The engineering operations proposed would change the existing landform to produce two level development platforms in readiness for the erection of commercial buildings following reserved matters approval. The operations would comprise cut and fill activities and would entail moving approximately 50,000 cubic metres of material within the site to produce the required levels. Members may recall that the remainder of the Capitol Park site was also prepared in a similar way advance of reserved matters proposals for the erection of commercial units.

Residential amenity

In examining the proposals the relationship between the proposed new development and the adjacent residential properties has been considered in detail. Guidance is found in the adopted SPD Residential amenity and the Design of Buildings. In this case there are two dwellings on the southern boundary of the site would be affected by the proposal. Unit 1 sits below and to the north of Higham Manor which could potentially be affected by the service yard to that Unit. Unit 2 sits to the east of Lane Side Farm. Here the land rises naturally to the east, and although creation of the development platform would lower the level of the land the scale of the industrial unit would affect outlook from the rear of the property. Local Plan Policy POLL1 seeks to protect residents from the impact of new industrial and warehouse development and Regulatory Services have proposed conditions which will protect the amenity of the residents in terms of noise. Whilst there is no right to a view, following discussions with the residents the developer has amended the plans to show the indicative Unit 1 moved further to the west in order to retain the view for residents of Higham Manor. No further objections have been received from this property.

With respect to impact on outlook for Lane Side Farm, the indicative location for Unit 2 was initially located only 20m away from the rear elevation which contains habitable room windows and would have caused a significant loss of outlook. Following discussion with the resident of Lane Side Farm and continued dialogue with the case officer, the developer has proposed further iterations and the resultant plans now under consideration show Unit 2 to be reduced in eaves height from 14.5m to 12m, and to be moved from a location initially just 20m away from Laneside Farm to approximately 37m away. The plateau level for Unit 2 is also reduced by approximately 1m from the original plans. Additionally a bund at least 13m wide is proposed between the unit and the property to be extensively planted with trees for additional screening along the width of the unit, reducing impact on outlook further. Two mock-up images have been prepared by the applicant to demonstrate how planting could screen the building. However, it should be noted that the view shown is from a bedroom window that is normally less used less used than a downstairs habitable room window. The view from a downstairs window to the rear elevation would be impacted upon less due to an intervening 3m high wall between the dwelling and the development site. By way of comparison, a farmer could erect an agricultural building up to 465m floorspace (eg 46.5m x 10m) and up to 12m high in this location under permitted development rights. Whilst much smaller, such a building would have only a slightly less impact on the dwelling if located as close to the dwelling at Lane Side Farm as Unit 2.

Overall, there is no doubt that there is a loss of view to Lane Side Farm. However, there is no legal right to a view and so it is not material to the decision. There would also be an impact on outlook for Lane Side Farm. However, the significant improvements to layout and substantial mitigation proposed are overall considered acceptable when measured against the guidance set out in the adopted SPD "Residential Amenity and the Siting of Buildings", and taking in to account the allocation of the land as an employment site and the number of jobs which could be realised.

In assessing the engineering operations, there will be temporary impacts on the adjacent properties for the duration of the site preparation in terms of noise and dust. However, the duration of these engineering operations is expected to be a maximum of 4 months and the PollutionControl Officer is satisfied that conditions can be attached to the permission to manage and mitigate these noise and dust impacts. As a result the proposal is considered to comply with Local Plan Policies D1 and GD1 on this point.

Landscape Impact

Although representations have raised concerns about the landscape impacts of the proposal, the application is in outline form only. However, a landscape impact assessment has been submitted which shows how the development might look following construction. It would be in context with other medium and large employment units of Capitol Park and the assessment concludes that the proposal would not result in substantially adverse effects on the landscape character of the site or the surrounding study area, as the development would tie into the neighbouring existing Capitol Park business park to the south east and would include landscaped buffer zones and planting. That said the development would be located immediately next to the M1 at the top of the existing embankment. It would therefore be highly visible to the drivers of passing traffic and would assume a level of landscape importance as a local landmark. The units shall be of considerable mass and as such the expectation at reserved matters stage shall be for the buildings to be designed with a high level of place making/good urban design credentials utilising an attractive palette of materials and architectural detailing. In addition a high quality soft landscaping scheme, over and above that shown on the existing plans, will also be expected to further mitigate the visual and landscape impact.

The proposed development would potentially result in adverse visual impacts for Lane Side Farm and Higham Manor, but these impacts would reduce once the planting to the buffer zone between the properties and the development matures. Impacts on other surrounding receptors would not be substantial due to views being limited by intervening vegetation, landform and the units of the existing business park.

Impact on trees

As far as possible trees and hedges are being retained as part of the proposal and as such there are no objections to the development from an arboricultural perspective. Indicative plans show the retention of the central hedgerow which runs in an east-west direction through the site. It lies on a change in slope and will be incorporated along the proposed internal access road. Details have been provided for the proposed bund and the nature of the planting appears to have been well thought out with large growing native and a row of evergreen Holm Oaks which would, when established, provide all year round screening to Unit 2 and would reach a large mature size. Whilst landscaping is not being considered at the outline stage a condition is proposed that proposed plantings at reserved matters adheres closely to the mix proposed to provide a well thought out long term screening solution. The proposal is accords with Local Plan Policy BIO1 on this point.

Biodiversity

The application has been accompanied by a preliminary ecological assessment and a suite of reports regarding protected species. The Hedgerow in the centre of the site is to be retained, and the applicant has confirmed that the species rich hedgerow H1 along Higham Common Lane is to be retained as part of this application. There are no objections subject to conditions at reserved matters stage.

Highway/Transport Considerations

The access route to the site is proposed to be an extension of the existing Capitol Close route, which would follow the eastern edge of the site before turning west to run between the two units. Although objectors raised concerns about impacts on the road network, the review of the Transport Assessment has concluded that the development can be accommodated on the highway network without giving rise to severe residual impacts, which is the test set out in the NPPF.

Members may recall that earlier units on Capitol Park have been restricted in respect of the trips they are allowed to generate due to congestion along Dodworth Road, which in turn affected the roundabouts on and to the immediate west of Junction 37. Since then, planning permission has been granted and funding confirmed for the gyratory proposal at the junction of Dodworth Road, Pogmoor Road and Broadway. All things being equal, given this is an outline application with no identified occupiers, it is anticipated that the gyratory scheme will be completed prior to the units subject to this application being occupied. When completed, the gyratory improvement will ensure that sufficient capacity exists both along Dodworth Road and in turn would relieve the congestion issues at Junction 37 and the roundabouts to the immediate west. It is likely that the gyratory works will be in place and operational before this development is brought into use. However to safeguard the position a condition is proposed to be attached to the permission which requires that a highway assessment/scheme is submitted and approved at the reserved matters stage before the development is brought into use. If the gyratory scheme is operational it follows that there will be no need to restrict vehicular movements from this site.

The Transport Assessment also demonstrates that HGV movements from the site are unlikely to occur along Higham Lane. This information has also been reviewed by colleagues in Highways and deemed to be justifiable given the relation between the site and the motorway. Given the proximity of the site to the M1, Highways England have also been consulted and raised no objections subject to a condition, which is incorporated into the officer recommendation.

In considering the engineering operations, conditions are also suggested to require management and mitigation of both on-site and off site impacts, together with location of site compounds, visitor parking etc during operations.

In order to promote use of sustainable modes of transport a travel plan has been submitted and reviewed. The intention is to appoint a travel plan coordinator for each unit who will ensure that adequate provisions are put in place in relation to the provision of Electric Vehicle charging points, secure cycle parking, shower facilities, car sharing schemes, provide loans in respect of public transport season tickets and prepare and submit monitoring reports.

Taking into account the above, the proposal complies with Local Plan policies T3 'New Development and Sustainable Travel' and T4 'New Development and Transport Safety'.

Air Quality

An operational phase air quality assessment was submitted in support this assessment and EV charging points are proposed in the car parks. Although not located within an Air Quality Management Area, the assessment predicts concentrations within 10% of the air quality objective for year of completion of the proposed development (2024) within AQMA 2A (Dodworth Road) so mitigation is required to assist with emission reduction in AQMA 2A in particular. The Air Quality Officer has no objections on operational phase air quality grounds subject to a condition of an air quality mitigation statement and an informative recommending that all HGV fleets sign up to ECO Stars. The application is therefore considered to be consistent with the aims of Local Plan Policy AQ1.

Pollution Control

The site and the immediate environment surrounding the two dwellings adjacent already experience very high noise levels from the motorway which lies less than 150m away from both dwellings and forms the northeastern boundary of the site. However, during the

operation phase of the development, although Unit 1 may act as a noise barrier to a degree once erected (following reserved matters approval), the noise sources from the service yard to Unit 1 such as reversing alarms may cause some noise impact to Higham Manor, as the type of noise would differ from the drone of motorway noise.

The Pollution Control Officer considers that the main noise impact would be to the upstairs bedrooms at the adjacent residential properties. In addition to the acoustic fence proposed to the boundary with Higham Manor, a planning condition is also to limit noise levels at the facade of any residential properties. Noise and dust impacts during construction and engineering operations can be controlled by condition. As a result the proposal is considered to accord with Local Plan Policy POLL 1.

Drainage and Flood Risk

The Authority's drainage engineer considers the drainage proposals to be satisfactory subject to the imposition of conditions requiring the subsequent agreement of formal details for foul and surface water drainage at reserved matters. Yorkshire Water Authority concurs. As such the application is in compliance with Local Plan Policy CC1.

Archaeology and Historic Environment

One objector has raised concerns about the overbearing impact on a historic house (Lane Side Farm) built in 1550AD and in a detailed objection, suggests that the building is a non-designated heritage asset (NDHA) whose historic interest should be taken into account. Whilst the dwelling at Land Head Farm is clearly of some age, it is not a listed building and has been extensively added to and remodelled over time. The Archaeological Desk Based Assessment submitted in support of the application identifies only one NDHA in the area. Historic England and The South Yorkshire Archaeology Unit have both been consulted, and raised no objections, subject to a condition. As a result, the proposal is considered to be in accordance with Local Plan Policy HE6 and the NPPF.

Other matters

- Comments were received from objectors about the Local Plan process which reallocated the site from Green Belt to Employment Land. The adopted Local Plan was subject to public scrutiny and public examination by an Independent Inspector on behalf of the Secretary of State who considered that the reallocation of the site to employment land was acceptable. This cannot now be revisited.
- One objector questioned how planning conditions would be monitored with reducing Council resources – informal monitoring is undertaken by impromptu site visits, and investigation if there are any complaints or obvious breaches of condition.
- Insufficient details are provided of the proposed noise mitigation – This is a matter which will be dealt with by condition and further details at reserved matters stage.
- Concerns were raised about the impact of the proposed drainage system on the existing system which serves an existing property. In this case, the drainage system from the dwelling outflows into the application site. This is a matter between the resident and the landowner and is not a material planning consideration.
- Alternative proposals suggested by a third party cannot be considered by the Local Planning Authority. The applicants have made suitable consideration for the impact their proposals would have on the existing residential properties.
- Impact on the adjacent green belt landscape and local wildlife - The site is separated from the Green Belt by Higham Lane to the west, as an allocated employment site the development for employment uses is considered to be acceptable in principle.
- Proposals should not be granted until full plans details have been provided – The applicant has exercised the right that exists within the English planning system which

allows for applications to be made via the outline and reserved matters route. That is not something that can be prevented in planning law terms.

Conclusion

The proposal is considered to comply with local and national planning policy as it would facilitate economic development to take place on an allocated employment site. Proposals which are in accordance with adopted development plan policies should be approved without delay as required by national policy and planning law. The application has successfully demonstrated that an adequate access can be achieved without compromising highway safety and the link to Capitol Close/Higham Road and without giving rise to severe residual impacts on network capacity taking into account of the planning permission congestion alleviation scheme due to take place at the Dodworth Road/Broadway/Pogmoor Road crossroads, which is regarded as a form of committed development. Nevertheless condition 41 is proposed as a safeguard.

The outline application has adequately demonstrated that the site is of an appropriate size to accommodate the scale of employment development proposed and several design iterations have resulted in an indicative design that is an acceptable compromise between enabling the delivery of much needed commercial units of this size, on a designated employment site, and minimizing the potential impacts on the two residential impacts close by. Its location directly adjacent to the M1 Motorway means that it is ideally located in relation to the strategic highway network. The identified conditions mean that the site would be acceptable from a highways, amenity, drainage, and ecological perspective. The engineering operations to prepare the development platforms would be undertaken over a very short period of time, and conditions are proposed to manage and mitigate any potential impacts on the adjacent residential properties.

Overall it is considered that there are no significant or demonstrable adverse impacts associated with the development which would indicate that a decision should be made at variance from site specific development allocation policy in the adopted Local Plan.

Recommendation - Grant a) Outline planning permission with all matters reserved apart from means of access; and b) full planning permission for provision of associated earthworks, both subject to the conditions listed below:-

Conditions 1-12 relate to the Full Planning Permission for the associated earthworks

- 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 unless required by any other conditions in this permission:
11138-100 Location Plan
11138A-101 REV A Existing Site Plan amended plan rec'd 25/7/19
11138A-103 Existing Site Sections
11138A-110 REV D Proposed Masterplan amended plan rec'd 23/7/19
11138A-113 REV B Proposed Site Sections amended plan rec'd 23/7/19
11138A-111 REV E Proposed Site Plan
4173-JPG-SW-00-DR-C-1200 S2 REV P01 amended plan rec'd 23/7/19 Cut/Fill Analysis
Coal Mining Risk Assessment and Coal Recovery Report dated February 2019 by

JPG

Ecological Phase I Survey Report

Preliminary Ecological Appraisal (update) dated June 2019

Geoenvironmental Desk Study report dated January 2019 by JPG

Arboricultural Constraints and Opportunities by Wardell Armstrong stated February 2019.

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 Prior to the commencement of development, details of the Engineering operations proposed to be undertaken adjacent to the motorway cutting shall be submitted to and approved by the Local Planning Authority (in consultation with Highways England). The details shall demonstrate that the operations will be carried out in accordance with the Design Manual For Roads and Bridges, Vol 4 Section 1 Part 2 HD22/08 Managing Geotechnical Risk and Vol 1 Section 1 Part 1 BD2/12 Technical Approval for Highways Structures and shall include but not be limited to:
- 1) the construction details of the retaining wall along the boundary of the motorway
 - 2) details showing that drainage and surface water run off shall not enter the motorway network
 - 3) how the stability of the cutting slope shall be maintained

Reason: To ensure the development does not impact upon the strategic road network and in accordance with Local Plan Policy T4.

- 4 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.

- 5 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.

- 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 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 period. of the engineering works 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
- The erection and maintenance of security hoarding

- Wheel washing facilities

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.

- 8 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated and in accordance with Local Plan Policy HE6.

- 9 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 Protection plan
 - Tree Protective Barrier Details
 - Arboricultural Method Statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 10 Prior to the commencement of development
- 1) a scheme of intrusive site investigations/gas monitoring shall be undertaken by a suitably qualified person to evaluate ground conditions and determine any mining legacy risks
 - 2) The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings'
 - 3) A report detailing the finding of the investigations/gas monitoring, including a scheme of remedial works/mitigation, and a timescale for the implementation of any remedial works/mitigation, shall be submitted for approval in writing to the Local Planning Authority
 - 4) Where further stabilisation works are required, details of the further works and a timescale for the implementation shall also be submitted for approval.
 - 5) Once the report and any additional details have been approved, the development shall thereafter be carried out in accordance with the approved details

Reason: To address potential stability issues as a result of Historic Mining

Activities, and in accordance with Local Plan Policy CL1 Contaminated and Unstable Lane, and NPPF Para 178a,b,c and 170 e & f.

- 11 Within 3 months of the completion of the engineering operations and providing the remainder of the works have not yet commenced, the site shall be seeded with an appropriate basic wildflower seed mix to create temporary grassland.
Reason: To minimise dust impacts on adjacent residential properties prior to the commencement of construction activities, in accordance with Local Plan Policy POLL1.
- 12 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.

Conditions 13-41 relate to the outline planning permission for the development of 2no warehouses (floorspace of 9,755m² and 7,804m²) for general industrial and storage and distribution purposes (use classes B2 and B8) with provision of ancillary office accommodation - Outline with all matters reserved apart from means of access;

- 13 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.**
- 14 The reserved matters submission shall substantially accord with the approved plans and:
- 1) Unit 2 shall be located no closer than 37m from Lane Side Farm measured from indicative window position as shown on approved plan 11138A-111 REV E
 - 2) Unit 2 shall be no higher than 12m to eaves and 14m to ridge as shown on approved plan V11138A- L01 REV A
 - 3) A planted bund shall be proposed of a location, size, extent and planted with species substantially in accordance with approved landscape plan L11138A-L01 REV E
- Reason: To protect residential amenity and in accordance with Local Plan Policy D1 and GD1.**
- 15 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.

- 16 Prior to the commencement of the development, a scheme shall be submitted for approval in writing to the Local Planning Authority. The scheme shall detail:
1. The route of the proposed construction traffic to and from the site shall be identified on a plan
 2. The daily movement of the construction traffic shall be profiled for each construction phase, identifying the peak level of vehicle movements for each day;
 3. Confirmation that HGV drivers and contractors have been instructed to avoid as far as reasonably possible from accessing/egressing the site during the Strategic Road Network peak hours of 7.15 - 8.15 AM, and 16.45 - 17.45 PM.

Reason: To ensure construction-based traffic do not adversely impact on the operation of the SRN during the construction phase and in the interests of Highways safety in accordance with Local Plan Policy T4.

- 17 Prior to the commencement of the development a noise management plan based on BS 5228-1 2009 Code of Practice For Noise And Vibration Control On Construction And Open Sites shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.

- 18 Prior to the commencement of the development a dust management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the measures in the agreed plan shall be implemented for the duration of the operations.

Reason: In the interests of residential amenity and in accordance with Local Plan Policy Poll1.

- 19 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 Protection plan
- Tree Protective Barrier Details
- Arboricultural Method Statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 20 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

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.

- 21 A 2m wide maintenance strip shall be provided to the northeast boundary and thereafter retained for the duration of the development.
Reason: To enable maintenance of the site boundary and ensure the development does not impact upon the strategic road network in accordance with Local Plan Policy T4.
- 22 No development shall take place until full foul and surface water drainage details, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. 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.
- 23 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.
- 24 Upon commencement of development details of measures to facilitate the provision of high speed full fibre 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 thereafter be carried out in accordance with the approved details.
Reason: In order to ensure compliance with Local Plan Policy I1.
- 25 On commencement of the development, full details of the mitigation and enhancement measures identified in Section 4 of the updated Preliminary Ecological Survey by Wardell Armstrong dated June 2019 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.
- 26 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.

- 27 Prior to occupation of the buildings/commencement of the use, full details of security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing residents and species of ecological interest from glare and/or nuisance light in accordance with Local Plan Policy Poll1 and BIO1.
- 28 During the operational phase of the development, the noise level shall not exceed LAeqt 49 dB, measured at 1 metre from the facade of any residential properties.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1
- 29 Prior to occupation of the building, a Service Yard Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should consider noise generated from deliveries, loading/unloading activities, along with general service yard activities, and consideration of any mitigation measures required. The development shall be carried out in accordance with the approved details, which shall be retained and adhered to at all times.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1, Pollution Control and Protection.
- 30 The framework travel plan hereby approved and the plot travel plans to be implemented in accordance with the timetable contained therein shall continue to be implemented for a five year period post occupation of the development.
Reason: In the interests of sustainable development and in accordance with Local Plan Policy T3.
- 31 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.
- 32 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 the means by which the discharge rate shall be restricted to a maximum rate of 5 litres per second.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.
- 33 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.
- 34 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate

shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2.

- 35 Details of the proposed external facing materials for the development shall accompany the application for the approval of the reserved matters. The details, specifications and colours shall be shown on the elevation plans accompanying the application and any associated imagery that is submitted in support of the application. Thereafter the development shall be carried out in accordance with the details approved by the Local Planning Authority.

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.

- 36 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the street extension and the entrance to Unit 2 hereby approved and to be proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In interests of highway safety.

- 37 Before any industrial unit is first occupied the roads and footways shall be constructed to binder course level from the industrial unit to the adjoining public highway in accordance with details of a completion plan to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory development of the site.

- 38 Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site for pedestrian and bicycle access and egress, for bicycles to park, and motorised vehicles to park, turn and re-enter the highway in a forward gear. This area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

Reason: In interests of satisfactory development and highway safety.

- 39 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use.

Reason: In interests of promoting sustainable travel opportunities.

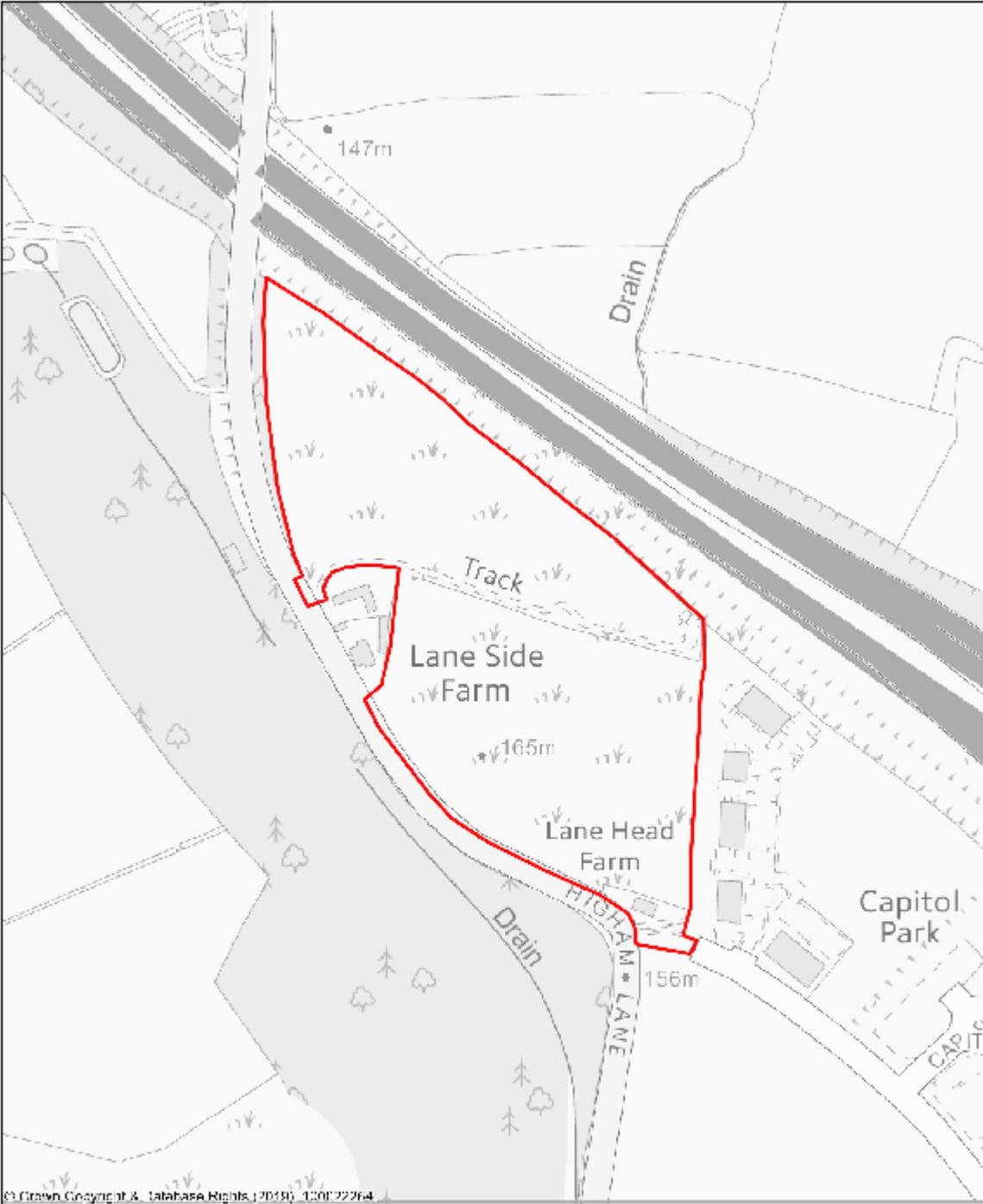
- 40 Upon commencement of development of industrial units a statement detailing air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority as per the recommendations detailed within Wardell Armstrong Air Quality Assessment report 001. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In accordance with Local Plan Policy Poll 1 and site specific allocation policy ES4.

- 41 The development shall not be occupied for the purposes of the permission until an updated assessment of the development on the local highway network has been submitted and approved by the Local Planning Authority, including any highway improvements, or limitations on vehicle movements to and from the development at

peak times, which may be necessary to facilitate the operation of the use/s. Any requirements of the approved assessment shall be completed within the timescales specified.

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



BARNSELEY MBC - Regeneration & Property



Scale: 1:3000

Item 4

2019/0664

Applicant: Company Shop Ltd and Rula Developments Ltd

Description: Erection of Class B8 Storage and distribution warehousing and ancillary Class B1 office space and associated access (Approval of reserved matters relating to the layout, scale, design and external appearance and landscaping of the development approved under outline planning permission 2017/0599)

Site Address: Land Off Maple Grove/Maple Court, Tankersley Barnsley

The application is referred to the Board as it is classed as a large scale major development by virtue of its size. No representations have been received. Tankersley Parish Council have expressed a desire to see additional tree planting.

Site Location and Description

The application site forms part of the larger Wentworth Way Industrial Park located just west of Junction 36 of the M1 motorway and the A61 that connects with north Sheffield. In addition the site is also very close to the A616 which provides a Transpennine crossing to Manchester and the North West of England. Rectangular in shape and of 3.1 hectares, and relatively flat, the site is located on the eastern edge of the estate and borders the Green Belt to which lies to the west. Employment uses lie to the north (Mercedes Benz Truck Depot), east (Pilkingtons) and south (Maple Court B1 business units). The site perimeter to the north beyond the site boundary comprises mature trees, forming an important wildlife corridor and recently included in the Sowell Pond Local Wildlife Site. A belt of mature trees on the western part of the site is protected by a Tree Preservation Order.

The southern boundary of the site is bounded by Maple Court road, which ends at a spur in the south western corner of the site. Furthermore an existing entry point is located south-eastern corner. A small earth bund is runs alongside this boundary in a roadside location. Pilkingtons lies immediately adjacent to the northeast.

The site is generally level but uneven and covered in rough grass and scrub. A public footpath runs just outside the southern and western perimeter.

Planning History

2017/0599 - Erection of Class B8 storage and distribution warehousing and ancillary Class B1 office space and associated access (Outline with all matters reserved apart from means of access) was approved 16/02/2018. The approval included a Section 106 Agreement to secure a commuted sum (£25,000) for off-site mitigation/compensation.

Proposed Development

Outline permission was granted for up to 14,000sqm of B8 storage/distribution use with ancillary offices. One unit is proposed on the site comprising warehouse unit of 119m x 93m (approx. 11095sqm) with L shaped two storey open plan offices of approximately 640 sqm is proposed. There would be 12 no loading bays to the southern elevation. The building would have a shallow pitched roof, 16.3m high at ridge and 12m to eaves.

The reserved matters proposal differs from the indicative outline plan in that only one access is now proposed, to the south east of the site from Maple Court, providing access for both cars and HGV's. Parking for HGVs is to the south (front) of the proposed building, with car parking now proposed to the east of the building whereas the indicative plan at outline stage proposed parking to the west of the building.

Parking for 80 cars is proposed, including 3no. disabled parking spaces and a cycle shelter for 20 bicycles together with parking for a further 23no HGV with a balancing pond to the frontage abutting the highway. Boundary treatment would comprise a 2.4m high Paladin fence. 2 no. EV charging points are proposed with ducting for future electric car charging infrastructure.

Materials proposed are coloured profiled steel cladding to roof and walls with 15% triple skin roof light to roof and translucent polycarbonate wall light panels above dock levellers. Windows, curtain walling and doors to be powder coated window frames. The colour of the building would be slate grey for the most part. The application is accompanied by a detailed landscape scheme and tree protection proposals.

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

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.

Site ES21 Wentworth Industrial Park, Tankersley 4.3 ha

The development will be expected to:

- Consider the potential impact on the adjacent West Wood and Sowell Pond Local Wildlife Sites and include appropriate mitigation where necessary;
- Protect and retain the site's woodlands;
- Consider exclusion of the natural area from the site boundary or provide compensation for its loss; and
- Ensure a wildlife corridor is either retained or created along the northern boundary of the parcel of land north of Maple Court.

Archaeological remains are known/expected to be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;

- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.

SD1 Presumption in favour of sustainable development – planning applications that accord with other relevant policies will be approved without delay.

LG2 Location of Growth – Priority will be given to development in Urban Barnsley.

Policy E3 (Uses on Employment Land) on land allocated for employment purposes the Council will allow the following uses: research and development (B1b) and light industry (B1c); general industry (B2); or storage or distribution (B8). The supporting text to the policy advises that the provision of well-located employment land is key to the Borough's future economic growth and it is therefore essential that both new employment land and land currently in use or last used for employment purposes, is protected and safeguarded from non-employment uses.

Other relevant policies include:-

GD1 – General Development

D1 – Design

T3 -New Development and Sustainable Travel

T4 -New development and Transport Safety'-

D1 -High Quality Design and Place Making

CC2 -Sustainable Design and Construction

CL1 -Contaminated and Unstable Land

SPDs/SPGs

Parking

Consultations

Enterprising Barnsley – Support the application as it would help to provide accommodation for expanding local companies and future inward investors.

Yorkshire Water – No objections subject to conditions (attached at outline).

Air Quality – HGV fleet should be encourage to join eco stars scheme, EV charging points requested in accordance with best practice guidance

Highways England - No objections subject to conditions

South Yorkshire Archaeology Service – Confirmed there is no archaeological interest

Pollution Control– No objections

Highways DC – No objections subject to a planning condition

SYMAS – No objection subject to intrusive site investigations, condition added at outline stage.

Coal Authority – Have expressed a concern that intrusive site investigations have not yet been undertaken.

Forestry Officer – No objection.

Biodiversity Officer – No objections.

Public Rights of Way – No objections.

Tankersley Paris Council – Request that consideration be afforded to the planting of additional trees.

Highway Drainage – No objections.

Representations

The application has been advertised by way of a press and site notice. In addition commercial properties close by have been consulted in writing. No comments have been received.

Assessment

Principle of Development

The principle of development was established at outline stage and the scale of the development was approved under previous reserved matters approval under 2017/0599. This application therefore only seeks to approve details of the remaining reserved Matters (appearance, landscaping, layout and scale) and consideration of a revised access, previously approved at the outline stage. It is these matters that are the sole consideration for the application. Accordingly there are no land uses planning policy considerations with this application.

Design, Scale and Layout

The proposed buildings are of a modern design and of high quality materials and appropriate for the proposed use. The building is of approximately the same size and location as the indicative plan submitted for the outline application and the site is capable of accommodating a unit of this size.

The unit is slightly smaller and the layout has been amended since the outline to accommodate parking to the east of the building instead of to the west. This has had the benefit of moving development away from the belt of trees which form the western boundary of the site, some of which are protected trees, and the sensitive northern boundary, providing a better interface between the building and landscaping in accordance with Policy ES21.

The layout also proposes only one access from Maple court, resulting in more efficient use of the site and keeps HGV's separate from cars.

The building is proposed to be set back from the site frontage and the elevations would be broken up by the use of different horizontal and vertical cladding. A balancing is proposed to the front of the site with additional plating to soften the edge.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver a high quality building of modern design and layout appropriate for an employment use. The scale reflects that in the indicative plan at outline stage and the surrounding buildings and is considered acceptable. It is therefore, considered that the proposal adheres to the objectives of Local Plan policies D1 and GD1 which stress the importance of achieving high quality design.

Residential Amenity

The site lies with an existing well established industrial site well away from any residential properties. The outline planning permission includes a condition requiring a construction method statement which requires noise and dust suppression measures to be submitted to and approved by the Council.

Highway Safety

Details of the access location were approved as part of the detail submitted with the outline application which included a draft Transport Assessment. The reserved matters application proposes an amended access arrangement, reduced to one shared access for both HGV and non-HGV traffic, together with a revised Framework Travel Plan. The Highways Officer and Highways England are satisfied that additional traffic as a result of this proposal can be accommodated on the network. With regard to parking arrangements the car parking layout and scale is considered appropriate and complies with the adopted SPD Parking. There are therefore no objections to the proposed development in a highway context. Overall the proposal is considered to comply with Local Plan Policies T3 and T4.

Trees and Ecology

The site benefits from a belt of mature trees in the western part, some of which are protected by Tree Preservation Orders and together with the northern site boundary, forms an important wildlife corridor and recently included in the Sowell Pond Local Wildlife Site. The location and size of the building within the site is considered to retain the ecological and biodiversity interest of these sensitive areas. In addition the relocation of the car park to the east of the building has resulted in there being less impact on the western tree belt and sufficient tree protection methods proposed. Whilst Tankersley Parish Council would like to see more trees planted on the site, both the Biodiversity Officer and Forestry Officer consider that taking into account the maturity of the western tree belt, additional planting within the tree belt would disrupt the course of the natural succession. However, additional native species tree planting and meadow grassland areas are proposed elsewhere on the site, together with hibernaculum for biodiversity mitigation and enhancement in addition to the compensatory payment via a S106 legal agreement related to the outline permission. Overall the proposal is considered to conserve and enhance the biodiversity interest and important treescape on the site in accordance with Local Plan Policy BIO1.

Mining Legacy

The site lies within a Coal Authority High Risk Development area as a result of historic coal mining in the area. A condition was attached to the outline permission requiring intrusive site investigations and subsequent mitigation proposals and reporting, prior to the commencement of development. Whilst the Coal Authority have expressed concerns that intrusive investigations have not yet been undertaken, the South Yorkshire Mining Advisory Service who has more local and detailed mining information is satisfied that the above mentioned planning condition already attached, would be sufficient to ensure that any mining legacy issues will be fully addressed prior to the construction of the proposed building.

Archaeology

The outline planning permission was granted prior to the adoption of the Local Plan and the introduction of the ES21 site specific policy which requires development proposals to be accompanied by an archaeological assessment. The South Yorkshire Mining Advisory Service have been consulted on the reserved matters proposals and have confirmed that

Although the Local Plan scoping work carried out identified this site as having potential archaeological concerns in the form of ironstone pits shown on historic maps. However, more detailed assessment demonstrates that there was a later phase of opencast mining which is likely to have removed much of the earlier mining evidence that would have been of archaeological interest. The western tree belt was excluded from the opencast mining, but as this is being retained, there is no requirement for investigation. The South Yorkshire Archaeology Service have confirmed there are no archaeological concerns and no conditions are proposed.

Conclusion

In summary, this application seeks approval for the details of the layout, scale, appearance and landscaping of the proposed unit. The details differ only slightly from the indicative plan at outline stage but serves to protect the sensitive boundaries to the west and north of the building. The principle of allowing the site to be development for employment purposes, and the location of the means of access have already been established by the decision to grant outline planning permission on application 2017/0599, however, the reserved matters submission proposes to amend the previously approved access, reduced from two to one.

The development would be set within a well establish industrial park at Tankersley with the unit being of high quality modern design and materials and fit into the quantum of development anticipated at outline stage. Overall sustainable objectives can additionally be achieved through the design of the buildings and ecological enhancement.

It is considered that there are no other material considerations to indicate that a decision should be made at variance to the above policies. There are no significant or demonstrable adverse impacts associated with the development and the application has successfully demonstrated that the Reserved Matters have been successfully addressed. Therefore it is recommended that the application is granted Reserved Matters approval subject to the identified conditions.

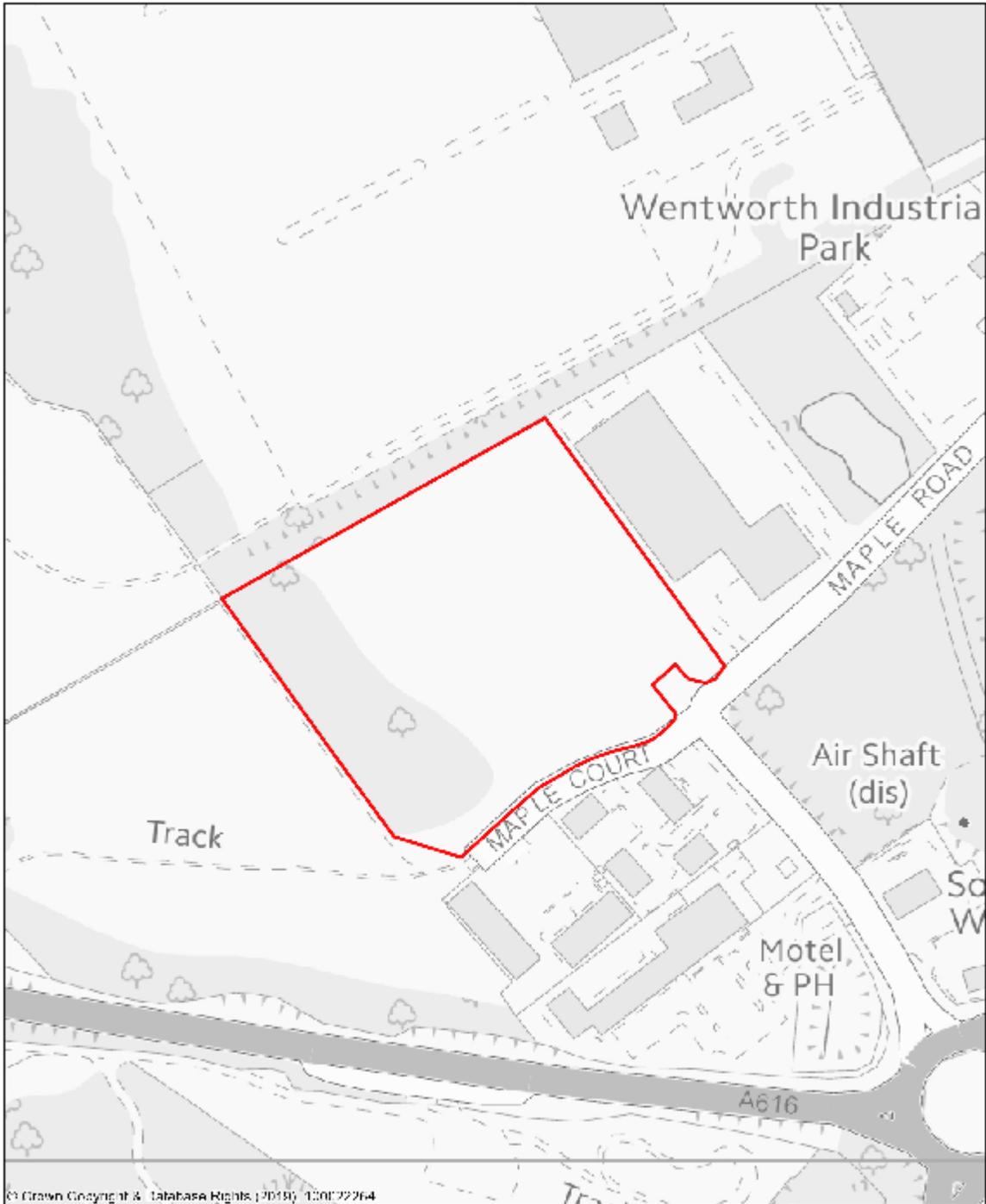
Recommendation

Grant Reserved Matters approval subject to conditions:-

- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of this reserved matters approval.
Reason: In order to comply with the provision of Section 92 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:
 - 6157-081 Site Location Plan
 - 6157-093 Proposed Elevations and Section
 - 6157-079 Proposed Elevations 2
 - 6157-085 Proposed Office Plans
 - 6157-094 Proposed Building Plans
 - 6157-095 Proposed Site sections
 - 6157-096 Proposed Roof Plan
 - MRT-BWB-DGT-XX-DR-D-600 S1 REV P3 Proposed Levels
 - MRT-BWB-DGT-XX-DR-D-630 S1 REV P3 Proposed Earthworks and Isopachyte Heights

50104-DR-ARB-101 Existing Trees on Site
 50104-DR-ARB-105 REV E amended plan rec'd 5/8/19 Detailed landscape proposals
 50104-DR-ARB-102 Tree Constraints plan
 50104-DR-ARB-104 REV F Tree Removal Plan
 50104-SK-LAN-101 REV C rec'd 5/8/19 comparison of effect of outline and proposed layout on existing trees
 50104-DR-LAN-106 REV B amended plan rec'd 5/8/19 Landscape Cross Sections
 6157-SKD-012 rec'd 5/8/19 Developed site layout plan - with outline approved building and yard overlaid
 MRT-BWB-DGT-XX-DR-TR-112 S2 REV P5 Swept Path Analysis - Fire Tender and HGV
 MRT-BWB-DGT-XX-DR-TR-110 S2 REV P8 Swept Path Analysis - 16.5m Max Legal Articulated Vehicle
 MRT-BWB-DDG-XX-DR-D-500 S1 REV P6 Drainage Layout
 MRT-BWB-VTO-XX-DR-D-001 S1 REV P1 Topographical Survey
 NT0626-AG-EX-XX-DR-E-2401 S2 REV P02 External Lighting
 NT0626-AG-EX-XX-DR-E-2402 S2 REV P02 External Lighting Lux Levels
 A4 plan Paladin fencing system
 Amended Framework Travel Plan by BWB rec'd 5th August 2019
 Arboricultural Impact Assessment (revised July 2019) by Surface, received 5th August 2019
 Revised Arboricultural Method Statement by Surface dated 5th August 2019
 NT0626-AG-EX-XX-DR-ME-4001 rec'd 5th August 2019 EV Charging Points
 Landscape Statement dated 5th August 2019
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 Prior to the first use of the development hereby permitted, the proposed on-site parking, servicing, loading and unloading, turning and waiting areas shall be laid out, levelled, surfaced, drained and demarcated in accordance with the approved plan and retained thereafter available for that specific use.
- Reason: to ensure the permanent availability of the parking and manoeuvring areas in the interests of highway safety in accordance with Local Plan Policy T4**



BARNSELY MBC - Regeneration & Property



Scale: 1:2500

Item 5

2019/0612

Applicant: BMBC Stronger Communities

Description: Proposed New Car Park

Site Address: Darton Park, Church Street, Darton, Barnsley

This application is presented to Members as the Council is the applicant. 6 letters of objection have been received from local residents. One of the letters is signed by 11 residents who live in the flats on Church Close. In addition a petition set up by local residents against the proposal has been signed by 29 people.

Site Location and Description

Darton Park is a large park located to the south of Darton and east of the main A637 Barnsley Road. It includes a bowling green, tennis courts, play area and skate park surrounded by open greenspace. Access into the park is from Barnsley Road and Church Street.

The site is located in the northern part of Darton Park, to the rear (east) of All Saints Church. To the east is the River Dearne, beyond which is Darton Business Park. To the north there is a block of flats on Church Close and the Darby and Joan Club. To the north east is the Co-op with car parking and a residential property. As well as the Church to the west is a commercial property.

The park narrows here and there is an existing access from Church Street, via the Co-op car park. The land is relatively flat and grassed with trees around the boundaries.

Proposed Development

It is proposed to create a car park to service the park with access along the existing access from Church Street. The car park is rectangular in shape and would provide 33 spaces along with circulation areas. It would be hard surfaced in tarmac to highway specifications with drainage provided as required. In addition the access road surface would be improved with appropriate road markings to allow for pedestrian access. Amended plans have been submitted during the course of the application being considered. For this reason second consultation process was undertaken.

Planning History

N/A

Policy Context

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

Local Plan Policies

The site is allocated is located in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy. It is also allocated as green space where Local Plan Policy GS1 applies.

Other relevant policies include:

SD1 – Sustainable Development
GD1 – General Development
LG2 – The Location of Growth
T3 – New Development and Sustainable Travel
T4 – New Development and Transport Safety
D1 – High Quality Design and Place Making
BIO1 – Biodiversity and Geodiversity
GB3 – Changes of use in the Green Belt
CC1 – Climate Change
CC2 – Sustainable Design and Construction
CC3 – Flood Risk
CC4 – Sustainable Drainage Systems (SuDs)
RE1 – Low Carbon and Renewable Energy
Poll1 – Pollution Control and Protection

NPPF

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

Paragraph 143 is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whilst paragraph 144 states that: *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations”*.

Paragraph 145 includes various exceptions to what is inappropriate development and includes: *‘the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it’*

Consultations

Biodiversity Officer – No objections subject to a condition being imposed requiring the implementation of the mitigation measures proposed in the ecology survey.

Drainage – The site is in flood zone 2 and a flood risk assessment has been provided. No objections subject to conditions and consultation with Yorkshire Water.

Trees – No trees require removal or pruning to facilitate this proposal and any incursions into the rooting areas are minor enough as to not require any specialist methodologies. As such there is no objection to the proposal subject to compliance with the arboricultural method statement provided.

Highways – No objections, subject to conditions

Parks – Have already been consulted on the proposal by the applicant and have no issues or concerns.

Pollution – No objection.

PROW – No objection.

Yorkshire Water – No objections subject to a condition.

Representations

The application has been advertised by way of a press advert, site notice and properties within the vicinity have been consulted directly in writing. 6 objections, including a letter signed by 11 of the residents of Church Close and a petition with 29 signatures have been received. In summary the main concerns are as follows:-

- It is asserted that the proposal is not necessary.
- The access is used by pedestrians and children and the increased traffic will be dangerous.
- There is already too much traffic in the village.
- Location – The proposal is considered to be too close to the children's play area.
- The access, though the Co-op and past existing houses and the Darby and Joan club is unsuitable.
- The access is not wide enough and two cars cannot pass, increasing the risk to pedestrians.
- Loss of trees and hedges.
- Impact on biodiversity.
- Concerns that the car park would encourage antisocial behaviour.
- Impact on nearby residents from traffic, noise and possible anti-social behaviour.
- Encourages car use which is not sustainable, would impact on air quality and is in conflict with the Councils policy to encourage healthy lifestyles and reduce obesity.

Assessment

Principle of Development

The applicant has provided a planning statement setting out the rationale for the proposed car park. It forms the first step in a wider investment strategy for Darton Park which has been identified through the BMBC Principal Towns Project consultation which identified that the park does not fulfill its potential or offer enough facilities to attract people to the area. In addition to the car park proposed, a masterplan for the park has been produced with improvements including: picnic areas, covered seating, improved play and youth facilities and better paths.

A review of other potential sites available within the vicinity of the park has been undertaken in accordance with green belt policy and the requirements for a sequential assessment in relation to flood risk. The park is accessible from Church Street (via the Co-Op car park) and from the main Barnsley Road (A637). However, the A637 is unsuitable due to traffic levels and speeds along this route. In addition the levels here are such that access and any car park would be on a slope. All the potential sites identified are either in use / unavailable or are too far from the park to act as a car park associated with it. It is important to also note that all other available sites within the immediate area are located in the green belt and within flood zone 2. It has therefore been demonstrated by the applicant that there are no suitable alternative locations for the proposed car park.

With regards to the need for the car park, the applicant has stated in their planning statement that the park is one of 24 key parks within the Barnsley Borough and is therefore a priority for improvement. The car park is necessary to maximise access to facilities in the park for older people, disabled people and families. This has been identified through the consultation process

which included local residents, businesses and Ward Members. The car park would serve the park as well as the adjacent All Saints Church and Bowling Club. In addition, it is expected that linked trips to shops located on the high street will occur. The formation of car parks to serve local parks is not unusual and there are various examples in the borough. Whilst sustainable travel modes are encouraged there remains a need to provide facilities for private motor vehicles and increasing access to the park in this way would encourage residents less able to walk and cycle to access the facilities here.

Therefore, it is accepted that the proposed would create a car park for use by people accessing the park and is an exception under paragraph 145 of the NPPF and Local Plan Policy GS1 being a small scale facility provided in connection with the existing use of the site. The level of development proposed is limited to the creation an area of hard standing with a knee rail around the perimeter and two lighting columns. As such the openness of the Green Belt is largely preserved and there is no conflict with the purposes of including land within it. The proposed is acceptable in principle on the basis of all the above.

Residential and Visual Amenity

There are some residential properties located close to the site, the nearest being the flats off Church Close which back onto the proposed car park. Residents have raised concerns about the impact of the proposed on their amenity both in relation to the outlook from their garden and associated with noise and disturbance from the car park itself. However, there is a buffer around the car park and the existing trees are retained. This would screen much of the view of the car park, mitigating the impact.

The use of the car park is expected to be linked directly to the use of the park and as such is likely to be mostly during daylight hours. In this respect noise disturbance is also not anticipated to have a significant impact.

The potential for anti-social behaviour in this location exists already and the proposed includes new lighting to ensure maximum visibility.

Highways

The layout shows a proposed new car park with the existing approach lane widened to approximately 5.0m and reconstructed to the east of the day centre for distance of approximately 70m to facilitate two-way vehicle access to the proposed car park. Included, also, are additional drainage, lighting, markings, signage and new landscaping features.

There would be an increase in movements with additional conflicting movements, notably at the north towards Church Street where there are number of commercial and residential uses and within Church Street, but this is unlikely to be materially significant. The additional movements are more controllable on event days and it is expected that there could be a reduction in the search time and direction of travel to find a parking space.

Provision of bicycle parking and seating areas is recommended to encourage sustainable travel. However, whilst not part of this proposal it is acknowledged that these can be provided as part of the wider improvements to the park. Therefore there are no objections on highway safety grounds.

Conclusion

The proposed is to improve the facilities in relation to an existing outdoor recreation use and as part of a wide investment programme to encourage use of the park. Therefore the proposed is acceptable in accordance with NPPF para 145 and Local Plan policy GB1 and GS1 and the wider aims of the Local Plan.

Recommendation

Grant subject to conditions:-

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications:
 - Darton Car Park - Red Line Boundary
 - Darton Car Park - Proposed Works
 - Arboricultural Method Statement AWA2564AMSas approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 No development shall take place until:
 - (a) Full foul and surface water drainage details and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

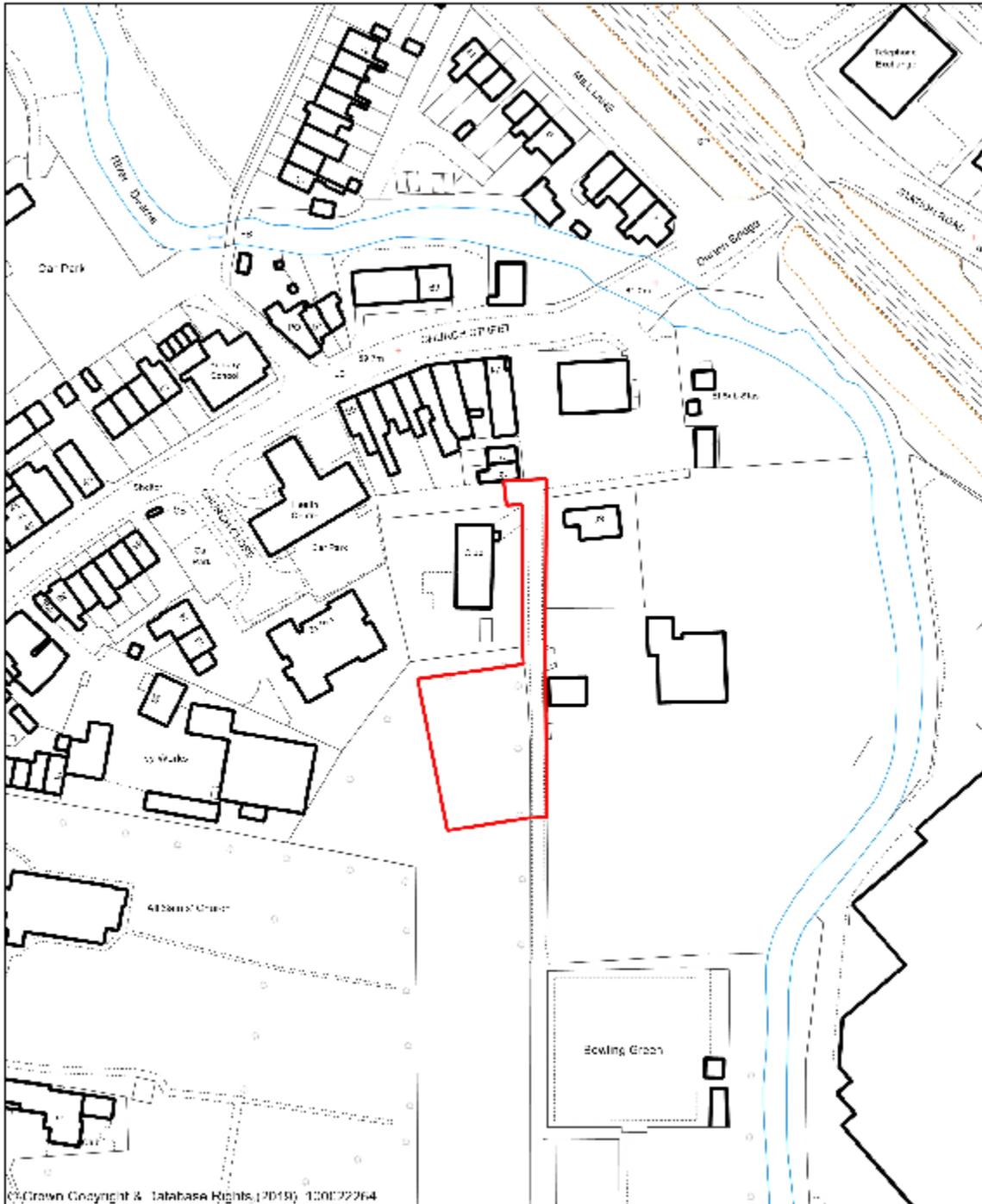
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

 - (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.

- 4 No construction works in the relevant area (s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority .
The details shall include but not be exclusive to the means of ensuring that access to the sewer (s) for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times .
Reason: In the interest of public health and maintaining the public sewerage.

- 5 Prior to the commencement of the use hereby permitted, the approach and on-site parking shall be laid out, surfaced, and drained in accordance with the approved plans and retained thereafter available for that specific use.
Reason: To ensure the permanent availability of the approach and parking in the interests of public safety.

- 6 Upon commencement of development full details of the mitigation measures identified in the Ecological Survey (Ref:MBE/ECO2019/20), 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.
- 7 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.
- 8 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.



BARNSELY MBC - Regeneration & Property



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Item 6

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 July to 31 July 2019

APPEALS RECEIVED

1 appeal was received in July 2019

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2019/0043	Erection of 2 no detached dormer bungalow and associated access, parking and garden facilities South Grove House, South Grove Drive, Hoyland, Barnsley, S74 9DY	WR	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in July 2019

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>

APPEALS DECIDED

6 appeals were decided in July 2019

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2018/0071	Conversion of redundant farm buildings into 4 no. dwellings and erection of 3 no. additional new build dwelling houses and associated garage blocks Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY	Dismissed	Delegated
2018/0819	Erection of 1no. detached dwelling Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield	Dismissed	Delegated
2018/0831	Change of use of café to hot food takeaway 14 High Street, Hoyland, Barnsley, S74 9AB	Allowed	Committee
2018/1101	Erection of 2no detached bungalows (Outline with all matters reserved) 8 Scar Lane, Ardsley, Barnsley, S71 5BB	Dismissed	Delegated
2019/0070	Two storey side extension to dwelling. 20 Gilder Way, Shafton, Barnsley, S72 8WP	Dismissed	Delegated
2019/0168	Erection of agricultural storage building Muscle Hill Farm, Lee Lane, Royston, Barnsley, S71 4RT	Allowed	Delegated

2019/2020 Cumulative Appeal Totals

- 18 appeals have been decided since 01 April 2019
- 13 appeals (72%) have been dismissed since 01 April 2019
- 5 appeals (28%) have been allowed since 01 April 2019

	Audit	Details	Decision	Committee/ Delegated
1	2017/0994	Conversion of first and second floors in 27 residential apartments Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD	Dismissed	Delegated
2	2017/1463	Removal of condition 4 (Highway Improvement Works) of previously approved application 2014/1573 - Change of use from working mens club (D2) to a church (D1) Seventh Day Adventist Church, Doncaster Road, Kendray, Barnsley, S70 3HA	Allowed	Delegated
3	2018/0245	Erection of detached garage with store above and erection of boundary fencing and demolition of existing garage. 7 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ	Allowed	Delegated
4	2018/0481	Erection of 1 no. detached dormer bungalow with side attached garage Land adjacent 1 Woodland View, Silkstone Common, Barnsley, S75 4SA	Dismissed	Delegated
5	2018/1374	Erection of brick outbuilding to the rear of dwelling (retrospective) 21 Kings Court, Wombwell, Barnsley, S73 0FB	Dismissed	Delegated
6	2017/1675	Erection of 8 field shelters/stables (Retrospective) Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley	Allowed	Delegated
7	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	Dismissed	Delegated
8	2018/1046	Erection of detached dwelling Land at Broomhill View, Bolton Upon Dearne, S63 8LB	Dismissed	Delegated
9	2018/1080	Erection of 2 detached bungalows Land to the Rear of 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN	Dismissed	Delegated
10	2018/1208	Erection of a timber single storey granny annexe for ancillary residential use associated with the dwelling 8 Orchard Close, Keresforth Hall Road, Kingstone, Barnsley, S70 6NF	Dismissed	Delegated
11	2018/1337	Erection of stone built detached summer house to side of dwelling. Black Moor Farm, Black Moor, Snowden Hill, Barnsley, S36 8YR	Dismissed	Delegated
12	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 *Record decision as dismissed for the reason shown in next column.	Allowed *Although this appeal was allowed the planning condition was upheld, but varied by the Inspector.	Delegated
13	2018/0071	Conversion of redundant farm buildings into 4 no. dwellings and erection of 3 no. additional new build dwelling houses and associated garage blocks Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY	Dismissed	Delegated

14	2018/0819	Erection of 1no. detached dwelling Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield	Dismissed	Delegated
15	2018/0831	Change of use of café to hot food takeaway 14 High Street, Hoyland, Barnsley, S74 9AB	Allowed	Committee
16	2018/1101	Erection of 2no detached bungalows (Outline with all matters reserved) 8 Scar Lane, Ardsley, Barnsley, S71 5BB	Dismissed	Delegated
17	2019/0070	Two storey side extension to dwelling. 20 Gilder Way, Shafton, Barnsley, S72 8WP	Dismissed	Delegated
18	2019/0168	Erection of agricultural storage building Muscle Hill Farm, Lee Lane, Royston, Barnsley, S71 4RT	Allowed	Delegated

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