

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 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 - 4*)

To receive the minutes of the meeting held on 3rd September 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. Angel Hotel, High Street, Bolton Upon Dearne - 2019/0037 - For Approval
(*Pages 5 - 16*)

4. Hoyland Town Hall, High Street, Hoyland - 2019/0774 - For Approval (*Pages 17 - 26*)

5. Brunswick Street, Thurnscoe - 2019/0431 - For Approval (*Pages 27 - 38*)

6. Cannon Hall Museum, Bark House Lane, Cawthorne - 2019/0958 - For Approval
(*Pages 39 - 42*)

Planning Appeals

7. Planning Appeals 1st to 31st August 2019 (*Pages 43 - 44*)

To: Chair and Members of Planning Regulatory Board:-

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

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

Monday, 16 September 2019

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

MINUTES

Present

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Frost, Gillis, Greenhough, Hayward, Higginbottom, Leech, Makinson, McCarthy, Mitchell, Phillips, Pickering, Richardson, Smith, Spence, Stowe and Wright

26. Declarations of Interest

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

27. Minutes

The minutes of the meeting held on 23rd July 2019 were taken as read and signed by the Chair as a correct record.

28. Land at Capitol Park, Capitol Close, Dodworth - 2019/0286 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0286** [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] at land at Capitol Park, Capitol Close, Dodworth.

Mr Mark England addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr Gary Hunt addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be approved in accordance with the Officer recommendation subject to amendment to condition 8 (archaeology) and to include reference to a need to carry out a geophysical survey.

29. Land off Maple Grove/Maple Court Tankersley - 2019/0664 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0664** [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) at land off Maple Grove/Maple Court, Tankersley, Barnsley.

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

30. Darton Park, Church Street, Darton - 2019/0612 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0612** [Proposed new car park at Darton Park, Church Street, Darton].

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

31. Planning Appeals - 1st to 31st July, 2019

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

The report indicated that in July 2019 one appeal was received, no appeals were withdrawn and 6 were decided.

It was reported that 18 appeals have been decided since 1st April 2019, 13 of which (72%) have been dismissed and 5 of which (28%) have been allowed.

Chair

Item 3

2019/0037

Applicant: Mr Monfredi

Description: Erection of 1 no. two bedroom bungalow, 1 no. three bedroomed dormer bungalow, 4 no. two-storey, three bed dwellings with associated detached garages and parking facilities. In addition change of use of the angel pub (hotel) from a drinking house to 2no. three bed dwellings.

Site Address: Angel Hotel, High Street, Bolton Upon Dearne Rotherham, S63 8JJ

Site Description

The site is a former public house located in Bolton Upon Dearne, at the junction of Angel Street and High Street. The public house is not listed but a building is shown on the historic maps in this location as far back as 1895. The Grade I Listed St Andrews Church is located opposite on High Street.

The Public House (PH) is an attractive stone building with the main frontage onto High Street and a secondary elevation facing Angel Street. The main building is two storeys with storage in the roof; the roof being low pitched with intersecting gables. There are two single storey extensions, to the rear (stone) and side (brick).

There is a parking area and beer garden to the rear and side.

An outbuilding is located to the side of the site, adjacent no.2 High Street. This appears to be a storage building with limited fenestration and a catslide roof.

Proposed Development

The application has been amended following submission to reduce the overall number of units proposed in order to get a better layout with sufficient circulation and amenity space.

It is proposed to retain and convert the original public house building into two, 3 bedroomed houses. The single storey extensions and outbuilding will be demolished and the remaining site will be developed for housing with 2 bungalows and 4 houses proposed.

Gardens are located to the side or rear of the proposed properties which all (barring one) front onto the two streets. Access is off Angel Street, close to the existing car park access, with driveways off an internal courtyard. The dormer bungalow to the rear of the site is accessed from this courtyard.

The proposed elevations are relatively simply designed with the windows proposed to be leaded with cills and curved heads differentiated from the main walls. The doors all have small pitched canopies over. Material details are not confirmed at this stage.

History

2017/1541 – Demolition of public house and erection of 10 dwellings with associated drainage, highway works and parking – Refused for the following reasons:

- In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the occupiers of the adjacent property to the north, by reason of overlooking and loss of privacy. The proposal would be contrary

to Core Strategy Policy CSP29 Design and the SPD Designing New Housing Development.

- The proposed development, by reason of the demolition of the Angel Hotel and replacement with an unsympathetic development would negatively impact on the setting of the Grade 1 listed St Andrews Church immediately to the south and would be detrimental to the special architectural and/or historic character of the Listed Building, contrary to Core Strategy policy CSP30 The Historic Environment and the paragraph 129 of the National Planning Policy Framework (NPPF)

There have also been various planning applications related to the previous use of the site as a public house which are not considered relevant to the current application.

Policy Context

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

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

Site Allocation: Urban Fabric

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth'

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

H2 'Distribution of New Homes' states 14% of new homes to be built in Dearne

H4 'Residential development on small non-allocated sites'

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure.

HE1 'The Historic Environment'

HE2 'Heritage Statements and general application procedures'

HE3 'Developments affecting Historic Buildings'

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

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

Sections of relevance are as follows:

Section 5 – Delivering a sufficient supply of homes

Section 16 – Conserving and enhancing the historic environment

Consultations

Conservation Officer – Welcomes the retention of the PH, no objections.

Contaminated Land – No comments

CAMRA – No comments received

Drainage – No objections subject to conditions

Pollution Control – No objection subject to conditions

Forestry Officer – No objection subject to conditions, no change following amended layout.

Historic England – No objection

South Yorkshire Police – Various detailed design comments, and welcomes the fact that most of the parking is overlooked.

SYPTTE – No comments received

Waste – No objection and happy to see the bin store included in the amended layout.

Ward Councillors – Councillor Johnson has raised concerns that the site is too small for the amount of development proposed and the impact on highway safety.

Representations

Consultation on the application was via adverts in the press, by neighbour notification letters and site notices. 10 comments were received from residents raising the following concerns:-

- The accesses off High Street, along with parking associated with the church will cause congestion and be unsafe for residents (particularly older ones).
- The three storey houses will overlook properties and lead to a loss of privacy.
- The buildings will be visually overbearing.
- Overbearing impact and loss of privacy from plot 3.
- There are too many houses on the site, overdevelopment.
- The site does not comply with the spacing standards in the designing new housing SPD and the rear gardens are not large enough.
- The garages are too small and do not comply with the SYRDG.
- There is a need for bungalows and the site should be used for them.
- The access onto Angel Street is not suitable.
- The drive for plot 1 is too close to the bus stop.
- When there are buses at the bus stop it won't be possible to see when exiting the site.
- The drains and sewers are already overloaded.
- The loss of the extension to the PH is unacceptable.
- There is already too much housing in Bolton Upon Dearne.

Assessment

Principle of Development

The proposed site is designated Urban Fabric where development is appropriate in accordance with Local Plan Policies.

However, the site is (or was last used as) a public house and the proposal would therefore result in the loss of a community facility. Policy I2 indicates that *“we will support the provision of schools, educational facilities and other community facilities. Such uses will be protected from development unless it can be demonstrated that the*

sites and premises are no longer required by the existing or an alternative community facility.” The applicants have stated that the PH closed in 2015, due to financial difficulties. It was then marketed as a PH but there was a lack of interest so alternative uses were considered. The applicant has also highlighted that former patrons have two drinking establishments within walking distance.

1. The Collingwood Public House (Walking distance - 152m from the former Angel PH)

2. Bolton upon Dearne Ex-servicemen's Social Club (Walking distance - 268m from the former Angel PH)

Finally, CAMRA have been consulted but raised no objections.

It should also be noted that churches can be classed as community facilities and St Andrew's church is directly opposite the site.

Therefore on balance it is not considered that a refusal on the grounds of I2 could be substantiated.

On this basis, the proposed is acceptable in principle and should be determined in accordance with the Local Plan. An assessment of how the site accords with other policies in the Local Plan is given below:

Visual Amenity

The Angel PH is located opposite the Grade I Listed St Andrews Church and the impact on the setting of this building is a key consideration. A previous application proposing the demolition of the PH was refused because it forms part of a small cluster of buildings including the church, the Angel, the former COOP and Stoneleigh; the last remaining fragments of the historic village of Bolton Upon Dearne. This application retains the original PH building and, with the exception of new build plots 4 and 5, the other new properties will be screened from the Church. Plots 4 and 5 will be in a similar position to the outbuilding and only slightly higher than it. The Church itself is also on a higher level to the application site so the new builds would not dominate the setting of the church. The applicant's Design and Access Statement makes the following assessment in relation to the impact on the setting of the church:

The proposed scheme and in particular the retention of the public house building will maintain the overall character of the setting of the church and cause no harm to the setting or significance of the heritage asset. Even if the Local Authority take the view that there would be some harm, this harm would be less than substantial and would need to be weighed against the benefits of retaining the public house building, preventing the dereliction of the site and providing new housing in an area that is in need of regeneration. This would be in accordance with paragraph 196 of the NPPF.'

The Council's Conservation Officer supports this assessment and welcomes the fact that the value of the PH building (a non-designated heritage asset) has now been recognised and will be retained and converted to a new use. It is agreed that the redevelopment of the site constitutes minor harm to the setting, but that harm is more than offset by other public benefits including the retention of the Angel. As such the proposal is considered to comply with Local Plan Policies HE1 and HE4.

Over and above the retention of the public house, as converted, the scheme was originally for 10 dwellings but has been reduced to 8 for residential amenity reasons. The elevation treatment is relatively simple with cills and heads over the windows to reflect the adjacent Angel PH. The two semidetached houses facing onto High Street are of a similar scale to the adjacent public house. Similarly the two detached houses fronting Angel Street are two storeys, whilst the bungalow to the rear is very similar in scale to the demolished extension. Front gardens are small with a low wall proposed to demark private space from the highway. In this respect the design of the development will not be overbearing or out of keeping with the Public House. Nor will it be out of keeping with the character of the wider area which is predominately residential with mostly two storey dwellings.

A full tree survey and impact assessment has been provided with the application. The trees located on the site are generally of poor quality, the most prominent tree is T3, however despite being of reasonable size it is a poor specimen and as such none of the onsite trees can be considered a constraint to development. There are three trees located just off site and the plans show that these have clearly been considered as they are not directly impacted by the proposal.

The rooting areas of the offsite trees does encroach into the site and as such protective barriers will be required to ensure they remain unaffected by development activity. Likewise as trees are being removed to facilitate the development some replacement planting will be required as part of a landscaping scheme which can be gained through an appropriate condition.

Providing adequate protective measures and replacement planting are provided there are no objections to the proposed scheme from an arboricultural perspective in accordance with Local Plan Policy BIO1.

The scheme provides a mix of housing types being built at a density of 40 dwellings per hectare in line with policies aimed at the efficient use of land.

Based therefore on this assessment and taking account of the benefits associated with redeveloping a disused site and retaining the historic public house, the visual impact is acceptable in this case and the application complies with Local Plan Policy D1 in this regard.

Residential Amenity

The scheme as originally submitted was for 10 dwellings, of which only one was a bungalow. The layout was very tight with gardens well below the standards as set out in the Designing New Residential Development SPD and the distances between dwellings also likely to lead to issues of overlooking and an overbearing impact on existing and new residents.

The applicant has amended the layout in discussion with the Council with the resultant scheme reduced to 8 units. This allows for increased circulation space within the site and increased garden sizes to comply with the standards as set out in the SPD.

In terms of the internal layout the scheme meets all distance requirements apart from between the rear of the converted PH and the garden area to Plot 6. There are some windows in the rear of the Public House which are proposed to be re-used. Given the angle of the proposed bungalow adjacent there would be no direct overlooking into this dwelling but there remains some overlooking of the rear garden of plot 7.

However, a number of these windows are to non-habitable rooms and so can be conditioned to be obscure glazed whilst suitable boundary treatment would screen the ground floor windows from overlooking. This would leave only one small second bedroom window which, in this case, is not deemed to be of significant detriment, taking account of the benefits of retaining the PH, the slightly offset angle and the fact that residents purchasing both properties will be aware of the issue.

The most significant impact of the previous layout was on the residential amenity of existing neighbouring residents, in particular those at 2 Angel Street and 18/20 Annie Senior Gardens. Following the replacement of two houses with a dormer bungalow, which is set at an angle, this impact has been mitigated to an acceptable level. The bungalow remains close to the boundary with No.2 but is set side on with no windows in this elevation. No.2 is similarly set at an oblique angle and therefore does not back directly onto the proposed; it also has an attached double garage to the nearest side and an out building all of which provide additional separation. There will be some shading of the rear garden but this is reduced by the scale of the proposed bungalow, its orientation and roof design.

In all other respects the layout is acceptable in terms of residential amenity and complies with Local Plan Policy D1 and the accompanying Designing New Residential Development SPD.

Highway Safety

A number of amendments have been made to the layout to address highway safety concerns. The existing PH access off Angel Street is retained with no other external driveway access now proposed and the bus stop on Angel Street is to be relocated to the north, away from the access. SYPTE have been consulted and raised no objections.

In addition, the internal site layout is now improved allowing more circulation space and parking. The garages previously proposed were under the recommended sizes in the SYRDG and have mostly been removed. Garages are retained for the two bungalows but can be used as storage with additional parking provided on the drives. The parking requirements for the development are therefore mostly met in accordance with the Parking SPD.

The applicant has provided bin storage adjacent the highway and there is space within the gardens for the residents to erect cycle storage. In addition the site is accessible by public transport and Bolton Upon Dearne local centre is 660m away. Therefore the proposed development is considered to be in a sustainable location.

Highways have no objections in highway safety terms, subject to appropriate conditions being applied.

Recommendation

Grant subject to conditions:-

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

- with the plans (Nos: PL02D, PL03, PL04, PL05A, PL06, PL08, PL07 and PL09A) and specifications as approved unless required by any other conditions in this permission.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
- Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.**
- 4 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 5 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before any dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
- Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making**
- 6 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 be carried out in accordance with the approved details.
- Reason: In order to ensure compliance with Local Plan Policy I1.**
- 7 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.**
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage/car parking space(s) hereby permitted shall be retained as such and shall not be used for any purpose other than the parking/garaging of private motor vehicles associated with the residential occupation of the property and ancillary domestic storage.

Reason: To retain garage space for parking purposes to minimise the potential for on-street parking and thereby safeguard the interest of safety and convenience of road users in accordance with Policy T4.

- 9 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. If discharge to public sewer is proposed the information shall include, but not be limited to:
- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - c) the means of restricting the discharge to public sewer to the existing less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

To ensure the proper drainage of the area in accordance with Policy CC3.

- 10 Prior to the first occupation of the development hereby permitted, the proposed access way, entrances, on-site car parking and turning shall be laid out in accordance with the approved plan, surfaced and drained into the site and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking and manoeuvring area, in the interests of highway safety in accordance with Policy T4.

- 11 Prior to the commencement of construction works, details of Bicycle storage and EVCP's shall be submitted to and approved in writing by the LPA. The storage and works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.

Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3.

- 12 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a noise management plan which details how noise will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the plan.

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.

- 13 Prior to the commencement of the development details of the provision of an onsite water supply or water storage facility along with other dust suppression measures as required shall be submitted to and approved in writing by the LPA. The approved details shall be put in place from the start of the construction period and shall be adhered to for the duration of the construction period.

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.

- 14 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
- The scheme shall then proceed in accordance with the approved details
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.
- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality in accordance with Policy GD1.
- 16 The windows at first and second floor on the northern elevation of Plot 7, apart from the second bedroom window, shall be obscure glazed prior to the occupation of the dwelling and shall be retained as such thereafter.
Reason: In the interests of neighbouring amenities in accordance with Policy GD1.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

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Item 4

2019/0774

Applicant: Dr Lee Jones

Description: Conversion of the first and second floor offices to 21no apartments and associated external alterations.

Site Address: Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD

2 letters of objection received. The application is subject to a S106 agreement for Open Space contribution.

Site Location & Description

The application relates to the first floor and second floor of Hoyland Town Hall. The building has recently undergone an external facelift through render and wood effect cladding. There has also been a number of fenestration changes and the replacement of window/door units. In addition, there have been extensions to the rear (South) of the building to accommodate new retail uses. The alterations to the building form part of an overall regeneration of Hoyland Town Centre.

The town hall itself currently contains a super market on the ground floor which has its main entrance to the North onto High Street. The first and second floors of the building are accessed from the South and are currently vacant. The first and part of the second floor previously accommodated Local Government Offices, including a Council chamber. Part of the second floor accommodated a job centre for a number of years.

The site sits within Hoyland Town Centre and, as such, is surrounded by a number of retail and commercial units including an open market to the East and Health centres to the South and West.

Proposed Development

The applicant seeks permission to convert the first and second floors of the building into residential units. There would be a total of 21 units with a split of 6no. studio apartments, 11no. 1 bed apartments and 4no. 2 bed apartments.

Pedestrian access to the apartments is from the ground floor level, to the West of the building. Adjacent to the access point there are a bin store and secure cycle store proposed for the use of residents.

Limited external alterations are proposed to the building, given that it has recently been externally renovated. The main external changes would be the replacement of a number of existing windows with uPVC units and the installation of vents.

Planning History

2017/0626 – Change of use of part of the former Hoyland Town Hall from part office B1 use to 28 residential apartments (application for prior approval) – Prior Approval refused

2017/0995 – Change of use from Sui Generis office use to B1 offices (Certificate of Lawfulness) – Refused

2017/0994 – Conversion of first and second floors into 27 residential apartments – refused and appeal dismissed

Policy Context

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the

development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

The site is allocated as a District or Local Centre within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H6 Housing Mix and Efficient Use of Land

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's/PAN's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

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

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

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

Consultations

Yorkshire Water – No objections

Pollution Control – No objection subject to conditions

Highways – No objections subject to condition

Affordable Housing Officer – Planning Inspector stated VBC (Vacant Building Credit) relevant on this building

Drainage – No objections.

South Yorkshire Police Architectural Liaison Officer – No objections

Superfast Broadband – No Comments

Ward Councillors – No written comments

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. 2 letters of objection have been received as a result. The main points of concern are:

- Inappropriate use of building
- Lack of parking

Assessment

Principle of Development

Policy LG2 of the Local Plan identifies Hoyland as one of the Principal Towns which are expected to accommodate significantly more growth than the villages. Policy H5 refers to residential development on large non-allocated sites and states that residential development on these sites will be supported where they are located on previously or part previously developed land, are located within Urban Barnsley, Principal Towns and Villages, are accessible by public transport

and have good access to a range of shops and services. The principle of the development would therefore comply with Policies LG2 and H5.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

Planning application 2017/0994 was refused for the conversion of the first and second floors of the town hall into 27 apartments for the following reason;

The development would provide substandard levels of amenity for occupants, provide an insufficient mix of unit types, including no "affordable housing" in accordance with policy requirements and would provide no other contributions to local infrastructure. As such, substantial weight is given to the harm identified which would significantly and demonstrably outweigh the benefits, due to the development being contrary to CSP 14 'Housing Mix and Efficient Use of Land', CSP 15 'Affordable Housing', CSP 40 'Pollution Control and Protection', SPD 'Designing New Housing Development, SPD 'Parking', SPD 'Open Space on New Housing Developments' and the South Yorkshire Residential Design Guide.

The applicant appealed the decision but the appeal was subsequently dismissed. It should be noted that application 2017/0994 was determined under the Core Strategy and saved UDP policies, however, the planning Inspector had regard to Local Plan policies as the appeal was determined post Local Plan adoption. As such, the current application for 21 units should have addressed the previous reason for refusal; this will be discussed under the following headings;

Housing Mix

Policy H6 'Housing Mix and Efficient Use of Land' of the Local Plan states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities.

The reason for refusal of application 2017/0994 refers to an 'insufficient mix of unit types'. That application was made up of 18no. studio apartments, 8no. 1 bed apartments and 1no. 2 bed units. In the inspectors report she stated that :

'I have had regard to the fact that the proposed development seeks to convert an existing building and is therefore somewhat constrained by the size of the building itself which could restrict a more varied size and type of property... consider that although the development does not fully comply with the policy intention in this regard, the town centre nature and constraints of the building would outweigh this conflict.'

However, despite the Planning Inspectors comments the applicants have decided to take the Councils advice on board and improve the mix in this application. They are now proposing 6no. studios, 11no. 1 bed apartments and 4no. 2 bed apartments, as such, the current scheme meets the requirements of Policy H6.

Residential Amenity

The previous application was partially refused in that it would 'provide substandard levels of amenity for occupants'. This was a result of a number of units failing to meet the internal spacing standards set out in the South Yorkshire Residential Design Guide. However, every unit in the current proposal exceeds the total floorspace requirement and the individual rooms meet or exceed the requirements. The applicant has also introduced a storage area into each unit which was lacking previously. As such, the proposal now meets and exceeds the requirements set out in the South Yorkshire Residential Design Guide and Local Plan Policy GD1.

The amenity levels of the future occupants of a number of the apartments on the previous scheme were also compromised where they were positioned on the internal angle of the North and North East elevations. This was due to compromised levels of light and privacy. These units at both first and second floors have since been redesigned to be dual aspect which allows more light into the units and avoids the windows of neighbouring units directly facing each other, as such, again, the current scheme partially addresses the previous reason for refusal and meet the requirements of Local Plan Policy GD1 and SPD 'Design of Housing Development'.

In all other aspects the proposed apartments are considered to provide acceptable levels of residential amenity for future occupants, as well as maintaining amenity levels for adjacent residents and building users, in accordance with SPD 'Design of Housing Development' and Local Plan Policy GD1.

Noise

The application has been accompanied by a Noise Survey. The Survey concludes that adequate internal levels could be achieved with sound reducing windows, doors, walling and ventilation.

During the previous application the Regulatory Services Officer raised concerns with the initial noise survey as no measurements were recorded from the rear of the building which accommodates the service yard to the recently built commercial units. However, a revised survey has since been submitted and Regulatory Services have raised no objections subject to the mitigation measure set out in the report being conditioned.

Design & Visual Amenity

The upgrade of the envelope of the building, including cladding and fenestration amendments was approved under the applications relating to the regeneration of Hoyland Town Centre.

The only external alterations proposed as part of this application relate to the mitigation measures set out in the Noise report, including the upgrading of the windows that have not already been replaced and the installation of ventilation grills to serve the apartments. In addition mirror film is proposed on the windows on the western elevation due to its proximity to the Hoyland Centre which will allow light and privacy to be maintained to an acceptable standard. Details of this mirror film are conditioned. These alterations are illustrated on the submitted elevation drawings and would maintain the visual amenity of the streetscene, in accordance with Local Plan Policy D1.

Affordable Housing

Local Plan Policy H7 'Affordable Housing' states that Housing developments of 15 or more dwellings will be expected to provide affordable housing. Within Hoyland a percentage of 10% of the development is expected to be affordable.

Affordable housing was discussed at length through the appeal process for the previous application where 27 units were proposed. The applicant stated that they believed Vacant Building Credits were applicable for this development.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

With regards to the application of the Vacant Building Credits, the Planning Inspector had the following comments

'The property is currently vacant at the first and second floors. It is evident that the building was not vacated purely for the purposes of the VBC and it has not been abandoned nor is subject to an extant or recently expired planning permission. As the proposed development would involve the refurbishment of the existing building and not result in an increase in floorspace, the PPG advises that a 100% credit should therefore apply...I have therefore given this substantial weight and find that it outweighs the policy conflict in this instance'.

Given that the current proposal is for fewer apartments than the previous scheme and that there is still no new floorspace to be created, then Vacant Building Credits are still relevant for this application and, as such, there is no affordable housing provision required.

Green Space

SPD 'Open Space provision on new housing developments' states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 'contributions per dwelling for off-site provision of green space' outlines the contribution per unit based on the number of bedrooms. There are 17 studio and 1 bed units which require a contribution of £693.01 each and 4no. 2 bedroom units which requires a contribution of £1524.32 each, therefore, the total contribution required for the development is £17,878.45.

The applicant has agreed to pay the full amount which will be secured through a legal agreement.

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where;

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

However, the SPD goes on to state that when assessing the need for a contribution will consider how many pupils a development will generate. Given that the majority of the units are 1 bedroom, the scheme is unlikely to generate a significant number of pupils as the development will not be focused towards families, as such, a financial contribution towards school places is not required in this instance.

Highway Safety

SPD 'Parking' requires 1 space per residential unit of 2 bedrooms or less. However, the building is located within a highly sustainable location in the heart of a district centre. There are a number of shops and facilities within walking distance and both to the front and rear of the building are bus stops which host a regular bus service. Furthermore, Elsecar Train station is also within walking distance of the building providing direct access to Leeds, Huddersfield, Barnsley, Sheffield and beyond.

There are public car parks within close proximity of the site and the applicant has proposed a secure cycle store area for residents.

Highways have been consulted on the application, and given the accessible nature of the site, have raised no objections to the scheme.

Conclusion

The occupation of the building for residential use, is something which would afford significant weight as a benefit of the scheme given the sustainable location of the site and the fact it would make efficient use of land and contribute towards housing requirements.

The revised scheme would now provide acceptable levels of amenity for occupants, which exceed the requirements of the South Yorkshire Residential Design Guide. The scheme would also provide a sufficient mix of unit types, in accordance with Local Plan Policy H6.

It is acknowledged that no affordable housing would be provided as part of the scheme but it has been established that Vacant Building Credits are applicable, which were introduced to encourage vacant building being brought back into use. The applicant would, however, provide a contribution which would aid to improve the quantity, quality and value of green space within the area.

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

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

Recommendation

Grant subject to conditions and S106 Agreement:-

- 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 external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 053-101, 053-102 & 053-103) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 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 be carried out in accordance with the approved details.
Reason: In order to ensure compliance with Local Plan Policy I1.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 7 Upon commencement of the development details of the mirror finish glazing shall be submitted to, and approved by, the Local Planning Authority prior to the occupation of the development. The approved glazing shall be retained as such thereafter.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining buildings and the future residents of the development in accordance with Local Plan Policy GD1 'General Development'.**
- 8 The development shall be carried out in accordance with the mitigation measures set out in the Noise Assessment Report by Noise Survey Ltd, dated 5th November 2018 (Ref: 210TOWNHALL). The measures shall be implemented prior to the occupation of the building and retained as such thereafter.
- Reason: In the interest of the residential amenity of the future residents of the development and in accordance with Local Plan Policy GD1 General Development'.**

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Item 5

2019/0431

Applicant: Keepmoat

Description: Residential development of 49 homes comprising two, three and four bed houses and two bed bungalows, and associated infrastructure.

Site Address: Brunswick Street, Thurnscoe, Barnsley

The scheme is presented to Members as the application is subject to a S106.

Site Description

The site is located to the north east of Thurnscoe and is a cleared site following the demolition of former housing stock. It is relatively flat and split into 3 parcels, fronting onto Cromwell Street to the south-west, Lancaster Street to the south-east and Brunswick Street which runs through the middle. The whole site is completely surrounded by houses, with access easily achieved from the existing street network. The site is split on Brunswick Street by an existing house (no.48) which was not demolished and an electric substation.

The surrounding area is characterised by a mix of terraced and semi-detached housing, sat within generous plots with front and rear gardens.

The site is predominantly open and covered with grass. There are a few trees on the site, but these are located around the boundaries.

Thurnscoe has good Public Transport links with a Train Station and local buses running to and from Barnsley and Doncaster. In addition the centre of Thurnscoe is 0.8m from the site (walking) with access to shops and services here.

Proposed Development

The planning application is for a residential development of 49 affordable dwellings which are split into the following mix:

- 23 x two bedroomed houses
- 13 x three bedroomed houses
- 4 x four bedroomed houses
- 9 x two bedroomed bungalows

These are laid out to front onto Brunswick Street and Cromwell Street and are a mix of terraced, semi-detached and detached properties. Parking is provided either to the front or side of the properties.

The developer has provided 4 different property types, albeit with the exception of the bungalows there is little to differentiate between the external appearance which is very simply designed. All the properties are proposed to be red brick with grey roof tiles.

History

None Relevant to this application

Policy Context

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

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

Site Allocation: HS50 Site at Brunswick Street indicative number of dwellings 45

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth'

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

H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne towns

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure

Policy H7 'Affordable Housing' seeks 10% affordable housing in Thurnscoe

Policy H8 'Housing Regeneration Areas' a range of housing market regeneration programmes will be supported aimed at the renewal of poor housing.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

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

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments

Other

South Yorkshire Residential Design Guide

NPPF

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

Sections of relevant would be:

Consultations

Affordable Housing – Initial concerns over the number of new affordable units being delivered however as the overall number is now closer to the 45 anticipated under the Local Plan Policy, no objections.

Biodiversity Officer – No comments received

Commercial Services – No comments received

Contaminated Land – No comments received

Drainage – No objections subject to conditions

Education – The proposed will generate a need for 13 primary school places and 9 secondary school places. There is sufficient capacity for the primary school places; however a contribution towards secondary places is required. The equates to £144,000

Highways – No objection subject to conditions

HS2 – No comments

Regulatory Services – No objection subject to conditions to control noise and

RMBC – No objections

South Yorkshire Police – No objections, detailed design comments only.

Trees – No objections to the removal of all trees on site, subject to a detailed landscaping scheme including replacement planting.

Waste – No objections, detailed design comments only

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised in the press, by neighbour notification letters and site notices. No letters or comments have been received.

Assessment

Principle of Development

The site is allocated in the local plan for housing under an allocation HS50 with an indicative number of dwellings of 45. The initial scheme was for 60 units which were deemed to be too high as it would have potentially unbalanced the housing market, contrary to Local Plan Policy H8 and led to a poorly designed scheme contrary to Local Plan Policy D1. The applicant has submitted a revised layout with the overall numbers reduced to 49 and an improved housing mix with bungalows and some 4 bed houses. This will be a 100% affordable housing scheme and the revised layout and mix has been agreed with the Affordable Housing team. Therefore the proposed is now in accordance with HS50 and H8 and is acceptable in principle.

The development should therefore be determined in accordance with the Local Plan. An assessment of how the site accords with other policies is below.

Visual Amenity

The proposed scheme is for residential development on a cleared site which was formally in residential use. It is surrounded by residential properties and the development is set out along the existing street pattern. In this respect there is a visual benefit in bringing a disused site back into use.

The design of the scheme is such that it will fit within the surrounding residential area, the scale of houses is appropriate and the introduction of 9 bungalows will add some interest to the street scene. There is limited differentiation between the three house types and their elevations which are all very simply designed, however this is a relatively small scheme and the development itself will bring some variation in the house styles when viewed in the wider context of this residential area. Therefore in this instance the limited variation in elevational treatments and the uniform approach to materials is accepted.

The wider area does have a relatively set building line which the proposed does not conform to; however, this is to accommodate parking which is to the side or front. There is very limited off street parking for existing properties in the area, therefore,

the change in building line is acceptable on this basis. Soft landscaping is also proposed to the front which will soften the appearance along the street and break up the tarmac areas.

There are a number of trees on the site which are largely located around the perimeter. These have been assessed as being relatively poor quality and removal recommended. The tree officer has agreed this approach subject to a detailed landscaping scheme including some replanting. This can be secured through condition.

Based on this assessment and taking account the benefits associated with bringing the site back into use and delivering housing to meet local needs, the visual impact is acceptable in this case and the application complies with Local Plan Policy D1.

Residential Amenity

The proposed layout is along the existing street pattern and provides more than the minimum external spacing requirements as set out in the Designing New Housing Development SPD. It does not give rise to any unacceptable overshadowing or overlooking impacts in relation to the residential amenity of existing residents.

The internal space provided by the proposed house types has been checked against the standards as set out in the SYRDG. The bungalows (Elton) are small and only just meet the standards which are a minimum; however, as this is a small scheme and as there is a wider lack of bungalows in the area they can be accepted in this case. Similarly, the Turton house type also only just meets the spacing standards and only provides 1 double bedroom. Ideally these would be larger but given there are only 4 proposed on the site it is not considered that the application could be refused on this basis alone.

No.48 Brunswick Street is the only remaining house on the plot following the clearance and is clearly affected by the proposed scheme, with new houses on both sides and opposite. The layout does allow for a good amount of space between this property and the proposed new houses to either side. There will be some shading from the plots (4-7) to the east which project further back to the rear but this is mitigated by the distance. Further it will only affect part of the garden and then only in the early morning. Impacts during construction will be mitigated through appropriate conditions.

The proposed is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the Designing Residential Housing SPD.

Highway Safety

No objections have been raised in highways safety grounds. The proposed utilises the existing highway network with various dropped crossings to access drives. Improvements to the footway along Brunswick Street (east side) are likely to be required and the plan shows this as a 2m width which is welcomed. There may be a need to relocation various lamp columns and utility services apparatus which can be agreed at the technical design stage.

Separate cycle parking is to be provided to each unit in a covered and secure shed to rear which is acceptable. In addition, electric vehicle charging points are considered necessary to meet changes to vehicle technologies. These can be secured through condition.

Drainage/Flood Risk

The preferred drainage strategy as set out by the applicant is the disposal of surface and foul water flows into the existing combined sewers on site. As this is a cleared site there are a number of existing sewers which will need to be diverted or stopped up. This will need agreement from YW. The applicant is progressing with this already and it is accepted that this can be dealt with through the discharge of a suitable condition.

S106 – Contributions

Green Space

SPD 'Open Space provision on new housing developments' states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 'contributions per dwelling for off-site provision of green space' outlines the contribution per unit based on the number of bedrooms. Taking this calculation into account a contribution of £81,093.35 is required which can be secured via a Section 106 agreement.

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where;

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

As can be seen from the comments from Education, a contribution of £144,000 is required which can be secured via a Section 106 agreement.

The following has been agreed:

- A contribution of £144,000 towards Education Provision; and
- A contribution of £81,093.35 towards off site green space.

These meet the relevant policy requirements to ensure adequate mitigation has been agreed.

Recommendation

Grant subject conditions and subject to S106 Agreement:-

- 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:

KM2018-004 Rev K Layout

- 2018 - ELT - 002 - Elton Detached
 2018 - ELT - 001 - Elton Semi Detached
 5010 Rev 1 2001 - Elton Working Drawings
 2010 Rev 1 201 - Lawton Working Drawing
 2030 Rev 1 201 Marlow Working Drawing
 2018 - LAW - 001 Lawton House Type
 2018 - LAW - 004 Lawton House Type
 2018 - LAW - 002 Lawton House Type
 2018 - MAR - 001 Marlow House Type
 2018 - MAR - 003 Marlow House Type
 2018 - TUR - 002 Turton House Type
 2018 - TUR - 001 Turton House Type
 Flood Risk Assessment and Drainage Strategy AB-112 (August 2019)
 Preliminary Ecological Appraisal (Ecus, August 2019)
 unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.
- 4 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before any dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 6 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a dust management plan which details how dust will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the dust management plan. Prior to work commencing the applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.
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 Prior to first occupation of the development hereby permitted, the vehicular crossing over the footway to each dwelling shall be provided and thereafter retained at the positions shown on the approved plan and constructed in a bound material in accordance with BMBC's highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.
Reason: To ensure satisfactory access to each dwelling and avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy T4.
- 8 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the each group of driveway entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety in accordance with Policy T4.
- 9 Prior to first occupation of the development hereby permitted the on-site car parking and paths shall be laid out in accordance with the approved plan, surfaced in a bound material that is permeable or drained into the site and retained thereafter available for that specific use.
Reason: To ensure the permanent availability of the parking and pedestrian areas in interests of highway safety in accordance with Policy T4.
- 10 Prior to first occupation of the development hereby permitted the on-site bicycle parking shall be installed in accordance with the approved plan, and retained thereafter available for that specific use.
Reason: In interests of encouraging the use of sustainable modes of travel in accordance with Policy T3.
- 11 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 LPA. 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 in accordance with Policy T3.
- 12 No development shall take place including any works of demolition until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors.
 - Means of access for construction traffic.
 - Loading and unloading of plant and materials.
 - Storage of plant and materials used in constructing the development.
 - Measures to prevent mud/debris from being deposited on the public highway.
- Reason: In the interests of retaining highway efficiency and safety in accordance with Policy T4.**
- 13 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and

approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

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

Reason: In interests of retaining highway efficiency and safety in accordance with Policy T4.

- 15 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 be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

- 16 No development shall take place until:

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

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

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

(d) Details of how the existing sewers that run through the site will be accounted for e.g whether they are proposed to be diverted or abandoned.

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.

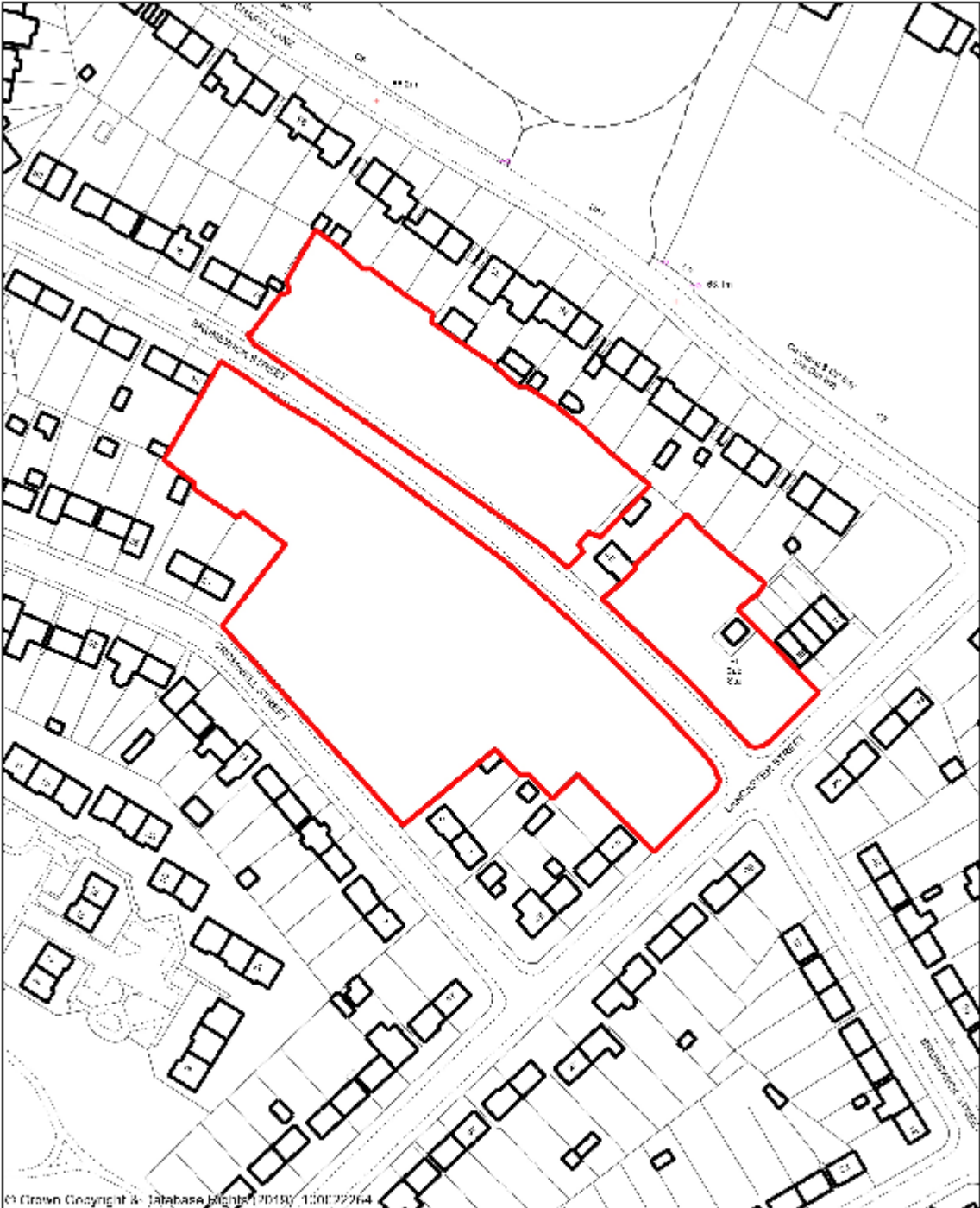
Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

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

Reason: In the interests of the visual amenities of the locality and in

accordance with Local Plan Policy BIO1 Biodiversity.

- 18 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 pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times . If the required protection measures are to achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In the interest of public health and maintaining the public sewer network in accordance with Policy CC3



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Item 6

2019/0958

Applicant: BMBC Cannon Hall Museum

Proposal: Tree removal including Remove G13 due to poor condition and amenity value and remove T19 - T23 and T25 to enhance the amenity of the parkland and the setting of the bridge, within TPO 1/1951.

Address: Cannon Hall Museum, Bark House Lane, Cawthorne, S75 4AT

This application is before Members as the Council is the applicant.
No objections have been received from any members of the public or consultees.

Description

The trees are set within an area TPO 1/1957 which covers the south side of the lakes at Cannon Hall. The trees are a mixture of, Willow, Oak, Birch and Cherry.

Proposed Development

The proposal forms part of the Parks for People Project. Cannon Hall Museum, Park and Gardens have been awarded £3.4 million by the Heritage Lottery Fund to renovate the parkland and gardens, restoring them to their former Georgian glory. As part of the programme of work, the views and vistas of the parkland will be transformed, creating new paths, removing overgrown areas and allowing visitors to discover the hidden glory of Cannon Hall.

The scheme before Members today involves the removal of G13 (Cherry Trees) due to poor condition and amenity value and to remove T19 (Birch), T20, T21, T23, T25 (Willow) and T22 (Oak) to open up the original vistas to enhance the amenity of the parkland and the setting of the bridge, within the area TPO 1/1951.

The trees highlighted for removal are all protected by virtue of being in the wider area which the TPO covers. All works to the trees are to be carried out the current British Standards.

Policy Context

The statute law on Tree Protection Orders can be found within the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for the "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – No objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding residents and a site notice posted. No comments have been received as a result.

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The Tree Officer has been consulted and has no objection to the proposal. The trees highlighted for removal are all protected by a wider area TPO. T19 (Birch), T20, T21, T23, T25 (Willow) and T22 (Oak) are to be removed. The majority of these trees are relatively young, with a number being fast growing Willow which are a relatively recent addition. The value of these individual trees must be balanced against the objectives of the Parks for People project works. The project aims to open up the views to and from the bridge over the lakes and the historic parkland. The benefits offered by the completed works are felt to outweigh the limited amenity value of these young trees.

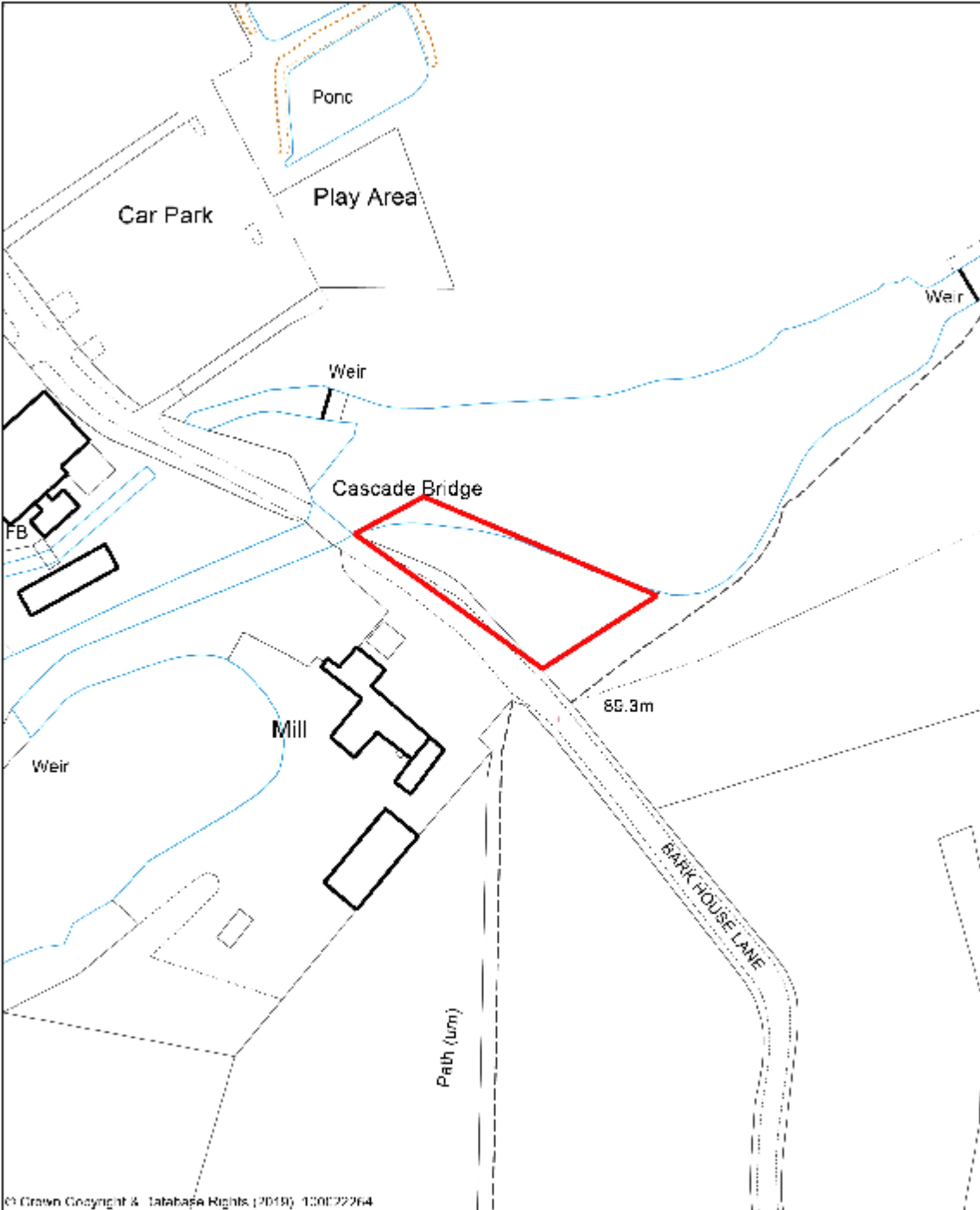
G13 consists of a group of poor specimen multi-stemmed Cherry trees which would not be worthy of a TPO in their own right. Given the condition of these trees, their loss would not be significant in terms of visual amenity and there is no objection to their removal in the context of improving the vistas of the listed parkland.

Mature trees are to be retained in the Park to maintain the presence of trees in this area. Given the nature of the landscape around the bridge and the aims of the Parks for People project replacement planting is not required in this instance.

Recommendation

Approve with conditions:-

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.



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Item 7

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 Aug to 31 Aug 2019

APPEALS RECEIVED

1 appeal was received in August 2019

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2019/0513	First floor front extension to dwelling 66 Dove Road, Wombwell, Barnsley, S73 0TE	WR	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in August 2019

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

APPEALS DECIDED

0 appeals were decided in August 2019

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

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

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

		(retrospective) 21 Kings Court, Wombwell, Barnsley, S73 0FB		
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.	Dismissed *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