

# Public Document Pack

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

## AGENDA

### 1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the planning application/s on the agenda.

### 2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 24<sup>th</sup> 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](mailto:developmentmanagement@barnsley.gov.uk) or by telephoning (01226) 772593.

3. Land east of Cote Lane, Thurgoland, Barnsley S35 7AB - 2019/0377 - For Approval (*Pages 5 - 20*)
4. Former Goldthorpe Primary School site, High Street, Goldthorpe, Rotherham, S63 9NQ - 2019/0518 - For Approval (*Pages 21 - 32*)
5. Land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley - 2018/0380 - For Approval (*Pages 33 - 46*)
6. The Hawthorns, Keresforth Hall Road, Kingstone, Barnsley S70 6NG - 2019/0712 - For Approval (*Pages 47 - 54*)
7. Garage Site, BMBC Asset Id B0042, Hardwick Crescent, Athersley South, Barnsley, S71 3QX - 2019/0947 - For Approval. (*Pages 55 - 66*)
8. Unit R1, Unit 3, The Glass Works, Barnsley, S70 1GW - 2019/1132 - For Approval (*Pages 67 - 72*)

## Planning Appeals

9. Planning Appeals - 1st to 30th September 2019 (*Pages 73 - 74*)
10. Quarter 2 Planning Enforcement Activity report - July 2019 to September 2019 inclusive (*Pages 75 - 82*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Fielding, 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](mailto:governance@barnsley.gov.uk)

Monday, 14 October 2019

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 24 September 2019
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

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

### In attendance

### 32. Declarations of Interest

Councillor Spence declared a Pecuniary/Non-Pecuniary interest in **Planning Application No 2019/0958** – [Tree removal including remove G13 due to poor condition and amenity value and remove T19 – T23 and T 25 to enhance the amenity of the parkland and the setting of the bridge, within TPO 1/1951] at Cannon Hall Museum, Bark House Lane, Cawthorne S75 4AT due to his employment at Cannon Hall Farm.

### 33. Minutes

The minutes of the meeting held on 3<sup>rd</sup> September were taken as read and signed by the Chair as a correct record.

### 34. Angel Hotel, High Street, Bolton Upon Dearne - 2019/0037 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0037** [Erection of 1 no. two bedroom bungalow, 1 no. three bed roomed 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 2 no. three bed dwellings] at Angel Hotel, High Street, Bolton Upon Dearne, Rotherham, S63 8JJ

Mr John Keele 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.

### 35. Hoyland Town Hall, High Street, Hoyland - 2019/0774 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0774** [Conversion of the first and second floor offices to 21 no. apartments and associated external alterations] at Hoyland Town Hall, High Street, Hoyland, Barnsley S74 9AD.

**RESOLVED** that the application be approved in accordance with the Officer recommendation and subject to signing of Section 106.

**36. Brunswick Street, Thurnscoe - 2019/0431 - For Approval**

The Head of Planning and Building Control submitted s report on **Planning Application 2019/0431** [Residential development of 49 homes comprising two, three and four bed houses and two bed bungalows and associated infrastructure] at Brunswick Street, Thurnscoe, Barnsley.

**RESOLVED** that the application be approved in accordance with the Officer recommendation and subject to signing of Section 106.

**37. Cannon Hall Museum, Bark House Lane, Cawthorne - 2019/0958 - For Approval**

The Head of Planning and Building Control submitted s report on **Planning Application 2019/0958** [Tree removal including remove G13 due to poor condition and amenity value and remove T19 – T23 and T 25 to enhance the amenity of the parkland and the setting of the bridge, within TPO 1/1951] at Cannon Hall Museum, Bark House Lane, Cawthorne S75 4AT.

**RESOLVED** that the application be approved in accordance with the Officer recommendation and subject to additional condition for replacement planting within the grounds of Cannon Hall.

**38. Planning Appeals 1st to 31st August 2019**

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

The report indicated that in August 2019 one appeal was received, no appeals were withdrawn and none were decided.

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

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Chair

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**2019/0377**

**Applicant:** Berkeley DeVeer

**Proposal:** Residential development of 27 units

**Address:** Land to the East of Cote Lane, Thurgoland

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The application is referred to the Planning Regulatory Board as the recommendation is the subject of a S106 agreement. Objections have been received from 6 local residents, Thurgoland Parish Council and Cllr Barnard.

## **Site Description**

Councillors may recall this site from previous applications determined by the Board in recent years, which have to date resulted in planning permission being granted for a development of 24 dwellings.

As a reminder the site comprises a 1ha field that is approximately rectangular in shape on the eastern side of Cote Lane in Thurgoland, although the appearance of the site is already beginning to change as a result of construction works recently commencing on the new housing development.

The surroundings of the site are mixed. To the north of the site is a small housing estate (Springwood Close). To the east the site shares a boundary with an area of woodland. Adjacent the southern boundary is a group of 3 properties. The remaining half of the southern boundary is located adjacent to open land. Open countryside is located to the west of the site on the other side of Cote Lane.

The site is open and grassed and is not in use for any formal agricultural use at present. The site forms part of a hillside and is affected by topographical issues. This has the effect of land on the northern boundary being approximately 8m on average than land on the southern boundary and falls at a steep gradient. The differences are not as significant west to east with difference in levels being approximately 3m.

## **Proposed Development**

The application is for an amended scheme to that approved under planning permission reference 2018/0338, with an increase in the total number of houses proposed from 24 to 27. The mixture of dwellings is proposed to change to as follows:

- 7 x 2 bedroom properties
- 4 x 3 bedroom properties
- 12 x 4 bedroom properties
- 4 x 5 bedroom properties

This is an increase in 4 beds from 4 to 12 and a reduction in 5 beds from 10 to 4. The number of 2 and 3 beds remains the same. The properties are all 2 storeys, whereas previously there had been some split level houses along the southern boundary. The house designs vary across the site with a total of 8 different house types, some detached and some semi-detached as well as a small terrace of 3 two beds. All the properties are proposed to be Artsone with Calderdale Grey flat concrete tiles.

The layout of the site is still largely been driven by the challenging levels on the site, which has dictated the position of the main access road approved to serve the development. This access was originally agreed in 2016 when the first outline application was approved with an additional private drive agreed under application 2018/1195. This amended scheme now proposes 4 dwellings accessed from the private drive whereas previously there were 3.

A number of retaining walls are proposed along the northern site boundary and at various points within the site; the majority being 1-2m in height with some between 2-3m. The configuration of these has changed with this amended scheme but remains broadly similar to that previously approved.

All the properties have off street parking and gardens and there is an open landscaped area to the front of the site with a surface water attenuation tank located underneath as part of the drainage strategy.

## **History**

2016/0340 – Outline application for residential development of up to 24 dwellings to include means of access and public open space – Approved subject to conditions and a S106 Agreement 20/12/2016.

2018/0338 – Residential development of 24 dwellings (Reserved Matters relating to outline application 2016/0340) – Approved 01/05/2019

2018/1195 – Variation of condition 3 (relating to access) of 2016/0340 – Outline application for residential development of up to 24 dwellings to include means of access and public open space – Approved 01/05/2019.

## **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 4% of new homes to be built in various villages including Thurgoland.

H5 Residential Development on Large Non-allocated Sites, proposals will be supported where they are located on previously or part developed land, are within a village, are accessible and have good access to a range of shops and services.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 30 dwellings per hectare is expected in villages.

Policy H7 'Affordable Housing' seeks 30% affordable housing in the Rural West

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.

## **Consultations**

Affordable Housing – Provision should be 30% or 8 units. It has been agreed to accept 7 x 2 beds on site and a commuted sum for a 3 bed off site. The mix is 5 affordable rent and 2 shared ownership. Ordinarily would expect to see affordable housing dispersed throughout the site however in this instance, given the size of the site, design and quality of the proposed affordable housing units are satisfied with the proposed layout.

Biodiversity Officer – No objections subject to conditions

Contaminated Land – The report has concluded there are potential contamination risks to the proposed development. As such it is necessary to impose a condition requiring intrusive site investigations to identify risks and inform any necessary mitigation measures.

Drainage – No objections subject to conditions

Highways – No objections subject to conditions. Required mitigation works include relocation of a lamp column and provision of a 2m wide footway on the site frontage.

Regulatory Services – No objections subject to standard conditions to limit the effects of noise and dust during the construction phase.

Tree Officer – Initial concerns were raised with the levels strategy and impact on trees along the southern edge. However the Arboricultural Impact Assessment now deals with the issues as required. Therefore, there are no objections to the proposal subject to the latest method statement document being conditioned.

SYAS – Do not object subject to compliance with the Written Scheme of Investigation being secured through a condition.

Ward Councillors – Councillor Barnard has raised queries regarding the rationale for the amendments and that sufficient drainage and parking is provided.

Yorkshire Water – No comments received but they did not object previously.



Thurgoland Parish Council – Object based upon the following summary of reasons:-

Concerns are raised that the greater number of journeys associated with more dwellings would increase the number of conflicts with the existing large variety of users of Cote Lane which includes cars, buses, HGV's, cyclists, pedestrians and people on horses.

Excessive vehicular speeds by existing users is raised as a particular concern. As is inappropriate parking for people visiting the nearby Transpennine Trail and the Thurgoland History Trail.

The Parish Council are also concerned about the development having two separate accesses onto Cote Lane, which they state that they were aware had already received planning permission.

They have also referred to the proposed number of dwellings being higher than Local Plan allocation site HS91, which states an indicative yield of 22 dwellings. However this relates to the land which adjoins the site and not the planning application site itself.

## **Representations**

The application was advertised by neighbour notification letters, site and press notice. 6 objections have been received from residents raising the following concerns:-

- Excessive number of properties proposed for the above site, over and above Local Plan Policy and previous planning decisions.
- Frustration that an amended scheme has been submitted after time spent agreeing the last one.
- There needs to be a fence along the boundary with properties on Springwood Grove.
- Lack of information regarding levels on the site.
- Impact on no.2 Springwood Close as a result of increased overlooking of their rear garden.
- Properties are generally too close along the rear of Springwood Close.
- Layout and design is out of character with the area.
- Highway safety regarding proximity of access to proposed development and existing housing.
- Increased traffic congestion on a small country lane, which already has issues with parked vehicles causing obstructions.
- Danger to horse riders who use the lane to access the Trans Pennine Trail due to increased traffic.
- Increased demand on local health services.
- Lack of greenspace on the site.
- Increased demand on an already capacity filled school.
- Impact on light to properties adjacent to development.
- Strain on already scarce public services e.g. bus services.
- Reduction in green space.
- Overdevelopment of a village when brown field sites are available within the Barnsley area.
- Concerns with regard to drainage and increased risk of flooding with the reduction of green areas.

## **Assessment**

### Principle of development

The site already benefits from planning permission for a development of 24 houses. The scope of this application is therefore only to consider the proposed increase from 24 to 27 dwellings.

### Visual amenity

The proposed layout is not substantially different from the previously approved scheme (2018/0338) with a number of the plots unchanged. The main differences are along at the frontage with Cote Lane where there are now two pairs of semis accessed from the private drive (agreed under 2018/1195) rather than 1 pair of semis and a detached house and plots 1 and 2 have now been reoriented to face onto the new access road rather than onto Cote Lane. Whilst it is not ideal to have properties present a side elevation on to Cote Lane, there are windows in this side elevation to avoid a blank elevation and allow for natural surveillance. There are also other examples of properties along Cote Lane which are side on.

The other changes are located within the site with some of the large detached properties located along the northern and southern boundaries switched out for smaller detached houses, allowing for an additional 2 units. In visual amenity terms these changes are minimal. The changes on site also include a change from split level houses along the southern boundary to a more standard two storey property type. This has resulted in a change to the levels strategy along this boundary with an increase in the height of a number of the retaining walls. These are located in the rear gardens of the proposed properties with the gardens split over three tiers. The walls are largely limited to 1-2m in height. There is a small section to the south eastern corner of the site at 2-3m; albeit this was at this height in the previous scheme. The finished floor levels of all the houses remains largely the same as previously approved and the retaining structures along the northern boundary with Springwood Close is the same as previously agreed.

The applicant has provided details of the proposed materials with a high quality artstone proposed along with a grey flat concrete roof tiles and anthracite grey rainwater goods, doors and windows.

In terms of other visual amenity considerations the majority of the site is relatively open and clear of features. Vegetation exists in and immediately outside of the boundaries including the woodland to the east of the site. The tree survey and impact assessment submitted at outline showed that the majority of the trees on site are category C2 with only 2 being B2 (located to the south of the site) and the woodland to the east as A2. The tree officer has questioned the accuracy of this survey. However, as the revised layout shows no additional trees or hedges for removal no objections are raised from an arboricultural perspective (two trees will be removed at the front of the site to facilitate access which was approved under the previous scheme). Tree protection details and an arboricultural method statement have been provided and agreed.

A detailed landscaping plan has been provided and shows replacement trees and the enhancement of the existing hedgerow along the northern boundary of the site and grassed / wildflower areas at the site entrance.

Overall the amendments have a limited impact on visual amenity when viewed against the previously approved scheme and the proposed is acceptable in visual amenity terms, complying with Local Plan Policy D1.

### Residential Amenity

Residential amenity considerations are the most sensitive issue with the application overall given that existing dwellings are orientated to overlook the site at present in its open and green form. In addition the topography has the potential to increase the potential for overlooking and overshadowing. However Councillors will be aware that loss of view is not a material planning consideration. Further this matter was dealt with in detail during the previous application when a number of site visits were undertaken before the scheme was approved.

This amended layout does include changes along this boundary; however, the impact is limited. The seven 2 bed properties and associated parking and gardens remains as approved. Plot 3 is an amended house type but is located in the same position as previously and remains two storeys. One of the larger 5 beds has been replaced by two 4 beds on plots 12 and 13, again the properties remain broadly on the same footprint / building line and are two storeys. The main change is plots 1 and 2 which are orientated to back onto No.2 Springwood Grove. This is as opposed to the previous layout which had these plots side on. A shared double garage is located in the rear gardens of these plots but the impact is reduced due to the levels change here. Plot 1 faces the side of No.2 Springwood and therefore has no impact on privacy or daylight. The rear of Plot 2 is facing the garden of No.2 but is 12m in length so comfortably achieves the spacing standards.

All the properties along this boundary are set between 1-2m lower than the gardens of Springwood Gardens and the applicant has agreed to retain and reinforce the hedgerow along this boundary as well as providing a fence. This is consistent with the previously approved scheme.

There have been some concerns regarding existing areas of raised decking or gardens in the properties along Springwood Gardens which could lead to overlooking. However, as these areas are external and therefore used intermittently the impact is reduced. Further, new residents would be aware of the decking / raised garden areas when purchasing and the proposed fence would provide some screening. Therefore limited weight is afforded to this issue.

The relationship with properties to the south is less challenging as these are orientated side on or at an angle with a number of outbuildings between them and the boundary. In addition, existing screening provided by a large Ash tree would be retained. A section has been provided for this area which shows how the tiered gardens would work and compares this with a section from the previously approved scheme. This demonstrates no additional residential amenity impact associated with this revised application.

The scheme layout for this site is undoubtedly challenging and sensitive to change and whilst the distances between the existing and proposed dwellings are meeting (or exceeding) the minimum requirements in the SPD it is acknowledged that there is an impact, particularly on properties on Springwood Close. However, the amended scheme does not significantly alter the impact and is acceptable in residential amenity terms. Permitted development rights would be removed from plots 3 to 11 ensure any future extensions are fully assessed.

## Highway Safety

The access arrangements were approved under planning application 2016/0340 and 2018/1195 for 24 units and have been reassessed as acceptable under this application for 27 units. Sufficient parking as provided for each of the dwellings along with a visitor space. The Local Highways Authority has not raised any objections. Required mitigation works include relocation of a lamp column and provision of a 2m wide footway on the site frontage.

## **Other considerations**

### Drainage/Flood Risk

The site is located outside of flood zones 2 and 3 and therefore the part of policy CC4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Residents and Councillors have raised concerns about surface water flooding in the area and the potential for the development to contribute towards the problems. The applicant has provided a Flood Risk Assessment and Drainage Strategy which shows surface water draining via a gravity sewer and attenuation tank (to control the rate of discharge) into the existing network on Cote Lane. Yorkshire Water and the Council's drainage officer have confirmed this is acceptable in principle. Overall therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations.

### Biodiversity & Archaeology

The applicant has submitted a Preliminary Ecological Appraisal (July 2019), Badger Survey (11/1/19), Bat Survey-interim Report (11/1/19), Bat Survey (31/5/19) and Biodiversity Management Plan (BMP, December 2018) – all by Brooks Ecological. These have been assessed by the Council's Ecologist and are acceptable in terms of the overall impact and proposed mitigation which includes: wildflower meadows, bird and bat boxes and a hedgehog highways. This is in addition to the wider landscaping proposed which includes a green corridor along the northern boundary, through retaining and reinforcing hedgerows.

### S106 – Affordable housing, public open space, education and community projects

S106 requirements have been adjusted to take into account the revised number of dwellings:-

- 30% affordable housing provision. 7 units on site and a contribution towards an 8<sup>th</sup> unit off-site;
- A contribution of £160,000 towards Primary School Provision;
- A contribution of £43,315.77 towards off site green space;
- £66,000 of unallocated funding made available for community projects.

This represents an increase of £119,000 for education contributions and just over £3,000 for public open space. This package complies with the relevant local plan policies and SPD's.

## **Conclusion**

In summary the proposals are judged acceptable in that the principle of residential development is already established. This application is only to consider a limited increase in the number of dwellings by 3 from 24 to 27. However this is partly offset by a reduction in the number of 5 bedroom dwellings previously approved from 10 to 4. The amount of additional space this has created within the site has meant that the changes can be accommodated without significantly altering the already approved layout. Also the density of the development remains below that allowed in villages by Local Plan Policy H6 Housing Mix and Efficient Use of Land. Based upon that the proposed development still complies with the relevant design standards; most importantly the spacing standards in the Designing New Housing Development SPD. Also the two accesses can accommodate 3 additional dwellings because they meet the required standards of visibility. Also a 2m wide footway would need to be provided across the site frontage for pedestrian safety purposes. Given the absence of any planning policy conflicts or specific problems occurring as a result of the changes compared with the existing approved plans the Officer recommendation is one of approval subject to the terms of an updated S106 Agreement and new conditions.

## **Recommendation**

Grant subject to conditions and a S106 Agreement (Affordable housing, public open space, education and community projects):

- 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:

1018-006 D - Levels Strategy  
AH 030 002 Rev A - Planning Layout  
AH.03.50 Materials Layout  
Materials Schedule 25.09.2019  
A201.01 House Type  
A201.03 House Type  
B301.01 House Type  
B402.01 House Type  
B403.01 House Type  
B404.01 House Type  
B408.01 House Type  
B502.01 House Type  
B503.01 House Type  
B503.02 House Type  
Boundary Treatments 1.8m Timber Fence  
Boundary Treatments 1.8m Wall  
Double Garage G03  
Double Garage G04

Arboricultural Method Statement AR-4099-06.01 AMS  
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 Within 2 months of this permission being issued 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.**
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 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.**
- 5 Within 2 months of this permission being issued 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.**
- 6 The development shall only take place in accordance with the approved Cote Lane Thurgoland Written Scheme of Investigation Version 3 WSI. 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: In accordance with Local Plan Policy HE6 'Archaeology'.**

- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with 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.**
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 10 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.**
- 11 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity.**

- 12 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply 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 during the construction and operation of the development .  
**Reason: In the interest of public health and maintaining the public water supply.**
- 13 Within 2 months of this permission being issued full surface water drainage details, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
**Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4**
- 14 The development shall be carried out in accordance with the mitigation measures identified in the Preliminary Ecological Appraisal (July 2019), the Badger Survey (11/1/19), the Bat Survey-interim Report (11/1/19), the Bat Survey (31/5/19) and the Biodiversity Management Plan (BMP, December 2018).  
**Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1.**
- 15 Within 2 months of this permission being issued a report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
  2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
  3. An appraisal of remedial options, and proposal of the preferred option(s).
  4. A remediation statement summarising the works to be undertaken (if required).
  5. A Validation Report to confirm remediation works have been undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".



- 16 Prior to first occupation of the development hereby permitted the vehicular accesses shall be provided and thereafter retained at the position shown on the approved plan and shall be constructed in accordance with the 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 means of access into the site and avoid the carriage of extraneous material or surface water from or onto the highway.**
- 17 Within 2 months of this permission being issued full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption shall be submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.  
**Reason: In interests of highway safety.**
- 18 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Cote Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA in consultation with the LHA.  
**Reason: To ensure satisfactory development of the site.**
- 19 Prior to the first occupation of the development hereby permitted sufficient space shall be provided within the site for pedestrians to access and egress the site and for motorised vehicles to park, turn and re-enter the highway in a forward gear. These areas shall be levelled, surfaced and drained in accordance with the approved plans and retained thereafter available for that specific use.  
**Reason: In interests of satisfactory development and highway safety.**
- 20 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In interests of the safety of persons using the access and users of the highway.**
- 21 Prior to first occupation of the development hereby permitted, details for the provision of bicycle storage facilities and electric vehicle charging points shall be submitted to and approved in writing by the LPA. These storage and 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.**

- 22 Within 2 months of this permission being issued details of the siting of the sales cabin, and parking for staff and customers visiting the site, shall be submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.  
**Reason: In the interest of road safety.**
- 23 Within 2 months of this permission being issued a Construction Method Statement shall be 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**
- 24 Within 2 months of this permission being issued, 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.**
- 25 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), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out on plots 3 - 11 without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: In the interests of residential amenity in accordance with Local Plan Policy D1.**

- 26 Within 2 months of this permission being issued, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

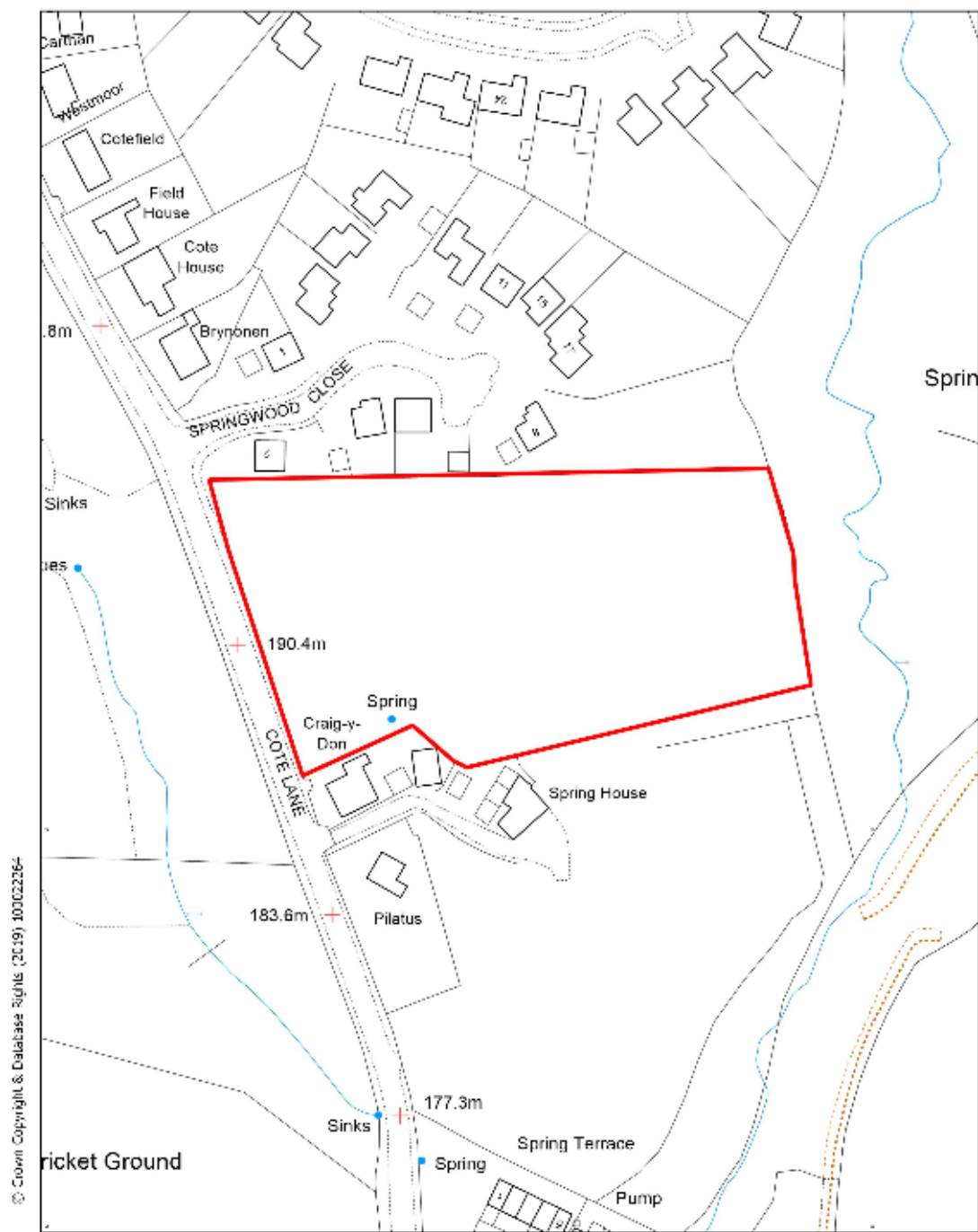
- a) Provision of a 2m wide footway along the site frontage;
- b) Relocation of the street lighting column;
- c) Provision of /any necessary alterations to street lighting;
- d) Provision of/any necessary alterations to highway drainage;
- e) Resurfacing/reconstruction as necessary.

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

**Reason: In the interest of highway safety, in accordance with Local Plan policy T4.**

- 27 Upon commencement of development full design details of the retaining wall structures including materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making**



**BARNSLEY MBC - Regeneration & Property**



Scale: 1:1250

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**2019/0518**

**Applicant:** Mark Warrior – Warrior Developments Ltd

**Proposal:** Erection of a 1,394 sq.m (gross) retail unit (Use Class A1) with access, car parking, hard and soft landscaping, trolley bays, electricity substation and associated works

**Address:** Former Goldthorpe Primary School Site, High Street, Goldthorpe, Rotherham, S63 9NQ

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5 representations have been received from local residents.

## **Site Description**

The application site comprises of a cleared parcel of land that is approximately 1ha in size that is located at the junction of High Street / Doncaster Road in the centre of Goldthorpe. The site was previously occupied by Goldthorpe Primary School. However, following the relocation of the school the buildings were cleared leaving behind a derelict site.

The site lies within Goldthorpe District Centre and there is an ASDA supermarket and residential properties on Market Street to the direct south of the site. The western boundary of the site is formed by High Street beyond which lies a terrace of retail and commercial properties. Goldthorpe Police Station lies on the opposite side of the High Street / Doncaster Road junction. Doncaster Road forms the northern boundary of the site and the retail and commercial properties located along here for the majority of the primary shopping frontage.

The site is broadly flat and the western and northern boundaries fronting High Street and Doncaster Road are formed by a low level red brick wall with pillars and metal railing infills, although this transitions to a solid brick wall towards the south western corner of the site. Vehicular access to the former school was achieved from High Street and there are also pedestrian access points on both High Street and Doncaster Road

There is evidence of more mature tree and shrub planting to the eastern boundary adjoining St Mark's Methodist Church and the southern boundary with residential properties on Market Street and the ASDA Supermarket. There are also 3 No. Ash trees to the northern boundary of the site adjoining Doncaster Road

## **Proposed Development**

The original proposal included 5 smaller retail units along the frontage with Doncaster Road. However, these have since been removed and the proposal is now for a single retail store.

The current application proposals involve the redevelopment of the site to provide a Class A1 retail unit (1,394 sq.m gross) that is intended to be occupied by Home Bargains, a national discount retailer who offers a range of products including: household items, Health & Beauty Products, Toys & Games, Pet Items, Baby / Nursery Products, Homeware, Home Improvement & Garden Products, Food & Drink Items and Seasonal Products.

The proposed retail unit would be located in a central location within the site set in from the Barnsley Road and High Street road frontages and would have a total gross floor area of 1,394 sq.m (15,000 sq.ft). The store is designed with an active frontage facing towards both High Street and Doncaster Road with display windows. Access would be from the High Street side.

The principal elevation of the building would be of a facing brickwork construction to the lower level with horizontal composite cladding panels to the upper parts of the elevation. An anthracite grey composite cladding entrance feature would also be incorporated into the principal elevation to define the customer entrance to the store, which is formed by a pair of automatic sliding doors set within a double height glazing feature.

The external appearance of the side (north) elevation of the building fronting the customer car park and public realm areas to the north eastern corner of the site would reflect the principal elevation of the building, incorporating large display windows, signage and matching materials. The south and eastern elevations fronting the service vehicle access and yard associated with the unit would be of a facing brickwork and built-up profiled cladding construction and would also accommodate a number of service doors.

A large car park is provided for 116 cars with 6 disabled spaces, 4 parent and child spaces and 4 Electric Vehicle Charing Point spaces. Five cycle stands are also provided for customers at the front of the store with 4 additional stands in the secure service area allocated for staff. In addition ducting will be in place for and addition 5 EVCP, which would be installed subject to demand (linked to the Travel Plan).

An area of high quality public realm would be installed along the frontage with Doncaster Road with hard and soft landscaping used to create pedestrian routes into the site from the main shopping street and the 3 Ash Trees retained.

### **Planning History**

2016/0553 – Demolition of existing school (Prior Notification). Prior approval was granted by the Council 25/08/2016.

### **Policy Context**

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

### **Local Plan**

The site is allocated within the District Centre of Goldthorpe as shown on the Local Plan Proposals Map

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

Policy LG2 'Location of Growth' give priority to Urban Barnsley and the Principle Towns which includes Goldthorpe.

Policy T3 'New Development and Sustainable Travel' looks to promote growth in sustainable, accessible locations.

Policy T4 'New development and Transport Safety' expects new development to provide safe, secure and convenient access and movement.

Policy D1 'Design' sets various criteria against which the design of development will be judged.

Policy TC1 'Town Centres' supports maintaining and enhancing the vitality and viability of the hierarchy of centres.

Other relevant policies include:

Policy TC2 'Primary and Secondary Shopping Frontages'

BIO1 'Biodiversity and Geodiversity'

Policy CC1 'Climate Change'

Policy CC2 'Sustainable Design and Construction'

Policy CC3 'Flood Risk'

Policy CC4 'Sustainable Drainage Systems'

Policy 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.

## **Consultations**

Air Quality – Request electric vehicle charging points

Biodiversity – No objections subject to conditions

Drainage – No objections subject to a suitable condition requiring drainage details

Enterprising Barnsley – Support the proposal

Highways – Support subject to conditions including a car park maximum stay to encourage linked trips.

Regulatory Services – Initial concerns were expressed regarding the location of the servicing area. However, a detailed management plan has been provided and subject to it being conditioned no objections are raised.

Yorkshire Water – No objections subject to conditions.

South Yorkshire Police – Various designing out crime comments.

Ward Councillors – Councillor Noble is supportive of the proposal. She raised concerns with the initial set of plans based upon the development turning its back on Barnsley Road. However the 5no smaller retail units that generated the concern no longer forms part of the application.

## **Representations**

The application has been advertised by neighbour notifications, site notices and a press advert. In total 5 comments have been received raising the following concerns:

- Concerns regarding the access from High Street and existing congestion issues and residents parking on the road;
- General concerns regarding congestion following the closure of Straight Lane Bridge;
- The layout should flow into the existing town centre and not create a separate shopping outlet;
- The substation and refuse area at the corner of High Street and Doncaster Road is unsightly;
- The landscaping should encourage links to the existing shops not act as a barrier;
- The layout should focus activity to the Doncaster Road frontage where existing retail is located, albeit it is accepted that the home bargains unit is located in a realistic position;

Two letters of support have also been received, welcoming the investment into Goldthorpe and redevelopment of the empty school site.

A second round of consultation was undertaken following the submission of amended plans, however, no comments were received in response to this.



## **Assessment**

### Principle of Development

National and local retail planning policies are based around a town centre first approach with regards to the location of new developments. This is order to prevent the vitality and viability of existing centres from being undermined by out of centre developments. Because of this the proposal does not require either a sequential test, or a retail impact assessment.

The Goldthorpe Masterplan has not been adopted as an SPD so can be given only limited weight. However, it includes a vision for this former school site to be redeveloped with a 20,000sq ft (equivalent to 1,858 sq.m) supermarket, to help reduce trade leakage, together with 200 parking spaces, a new public square and a potential outdoor market area. The original scheme as proposed sought to deliver this floorspace in full but, following comments on the layout and ongoing discussions with the developer and anchor occupier, these smaller units were removed from the application. As a result the proposed now falls short, delivering 1,394 sq.m of retail floorspace. Nevertheless, it represents a significant investment in Goldthorpe and the layout which includes public realm and 154 car parking spaces can be said to be broadly in compliance with the aspirations of the masterplan. Therefore the proposed retail development is appropriate to the scale role, function and character of Goldthorpe District Centre and would enhance the vitality and viability in accordance with Local Plan Policy TC1.

The car parking provision proposed exceeds the maximum as set in the adopted Parking SPD, being almost double the standard set for a store of this scale. However, Government policy has changed since this SPD was adopted and a revised Parking SPD is currently being consulted on which no longer sets a maximum, in line with paragraph 106 of the NPPF. Furthermore, the applicant has agreed to allow for 2 hours car parking, supporting linked trips between the site and the wider shopping area of Goldthorpe. This can be seen as a benefit of the scheme particularly as other car parks in the area have been lost to development or are limited to 1 hour.

The site was last used as a primary school. Policy I2 indicates that educational and community facilities would be protected from development unless it can be demonstrated that the site is no longer required by the existing or an alternative community facility. The school has been relocated as part of the Goldthorpe Masterplan which promotes a retail redevelopment on this site. The proposed retail development will secure local shops which are included in the list of community facilities which it is desirable to locate centrally to the communities they serve. Therefore the proposed complies with Policy I2.

Taking account of all the above the proposed development is acceptable in land use planning policy terms.

### Residential Amenity

There are a number of residential properties to the south and eastern boundaries of the site which would be impacted by the proposed development. In particular the servicing area for the Home Bargains store is located in the part of the site and therefore closest to the residential dwellings. This was raised early in the application process and although an alternative layout was sought, the applicant has demonstrated that this would be difficult to achieve with the site constraints. Nevertheless the applicant has provided, in consultation with Regulatory Services, a detailed servicing management plan which sets out how noise disturbance can be sufficiently mitigated. This has been agreed and a suitable condition applied to secure it in perpetuity. In addition a 2.5m high acoustic barrier is proposed.

The scale of the store is also a factor, being 43.2m in width along this elevation with a height of 8.4m to the ridge. The applicant has sought to address the requirements of the Residential Amenity and the Siting of Buildings SPD by providing a section on the layout plan which confirms that the building is 19.9m from the rear elevations of properties on Market Street but does achieve the 25 degree rule in terms of access to daylight.

In terms of outlook, it is pertinent to note that along this boundary there is an existing high wall which the applicant is retaining and mature planting which is either being retained or will be replaced and reinforced by the planting of heavy standard trees and a hedgerow. This would soften the appearance of the proposed store and the acoustic barrier for residents. The 2.5m high acoustic fence would also screen against much of the building being visible from those properties.

Therefore, the proposed is acceptable in residential amenity terms and accords with Local Plan Policies Poll1, Pollution Control and Protection and D1, Design and the accompanying SPD's.

### Visual Amenity

The proposed store design is consistent with modern retail development incorporating a glazed entrance and grey composite cladding. An additional area of glazing has been incorporated to the side elevation, facing Doncaster Road, creating a frontage along this key elevation. However, the main visual impact of the proposed development can be said to be associated with the large expanse of car parking. The applicant has provided a detailed landscaping plan which includes areas of soft landscaping to all the boundaries. This soft landscaping is a good mix of standard and heavy standard trees, native hedgerows, grassed areas and shrubs. Along the northern boundary, with Doncaster Road, a large landscape area is set aside with the 3 existing Ash Trees retained and clearly defined pedestrian routes into the site. This would extend the existing public realm improvement works undertaken to footpaths along this route and further details have been conditioned to ensure that this area ties in well. To the western boundary, the landscaping is less substantial but remains a strong belt of trees, hedgerows and ground cover which creates an attractive entrance into the site.

Some of the comments on the application raised concerns about the waste store and substation located close to the junction of High Street and Doncaster Road. The waste store has been removed and although the substation remains, a hedgerow along here would serve to screen it.

Overall, the landscaping proposed would create an attractive development the Goldthorpe District Centre, where there is currently an empty and unsightly brownfield site. It is therefore, in compliance with Local Plan Policy D1, Design.

### Sustainability

The site is previously developed land and is located within the existing District Centre of Goldthorpe. It is therefore located in a sustainable location and complies with the first aspect of Local Plan Policy CC1. The applicant has not provided any specific information with regards to the sustainability of the building but it is accepted that it would comply with the minimum requirements of building regulations in accordance with RE1. Also a condition would be required achieve a minimum standard of BREEAM 'Very Good' as per Local Plan policy CC2 Sustainable Design and Construction. In addition, the applicant has agreed to provide electric vehicle charging points for 4 car parking spaces along with appropriate infrastructure to install 5 more, should demand require it. In addition cycle parking is provided for both staff and customers.

The drainage strategy and flood risk assessment provided confirm that the site is not located in an area at high risk of flooding in compliance with Policy CC3. However, further detail is required to demonstrate the SUDs are not suitable in this location. This will be conditioned and wherever possible SUDS would be employed in accordance with Local Plan Policy CC1 and CC4.

The proposed scale and mix of landscaping on site can also be said to comply with Local plan Policy BIO1 and further details have been conditioned to ensure the impact on biodiversity is fully mitigated and enhancements secured.

### Highways

The planning application has been accompanied by a Transport Assessment which has been assessed by Aecom and the Local Highway Authority. Omissions within the original report were identified and corrected through the provision of a revised report. Capacity assessments have been undertaken for site access as well as the Doncaster Road / Barnsley Road / High Street and Barnsley Road / B6098 junctions. The modelling results indicate that the junctions do, and would continue to, operate within theoretical capacity with the addition of vehicle trips, associated with the development proposals. Based upon that Highways do not object to the proposal.

### Conclusion

The proposed development, located within Goldthorpe District Centre would bring a currently vacant site back into use and secure a national retailer as an anchor store for the center. The additional car parking with a maximum stay time of 2 hours would encourage linked trips enhancing the vitality and viability of the centre in accordance with Local Plan Policy TC1. The landscaping scheme would also create an attractive edge to the development which would contribute to place making and transform the character of the physical environment in this location. The Officer recommendation is for approval subject to conditions and a S106 Agreement to secure the 2 hour parking limit in the car park.

## Recommendation

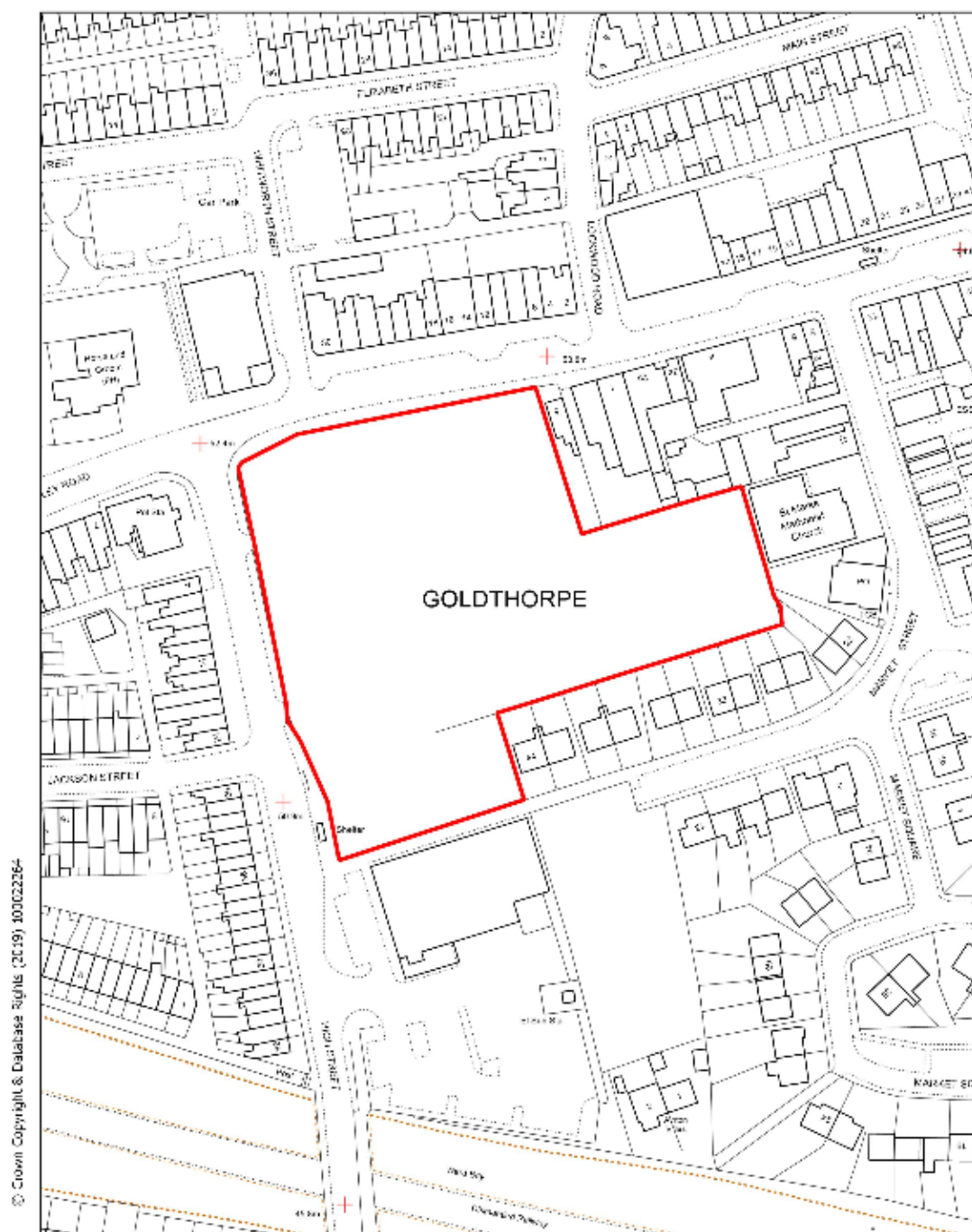
**Grant** – Subject to conditions and a S106 Agreement (to secure 2 hour parking limit for the car park):

- 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  
1526-103(P) Rev B Floor and Roof Plan  
1526-104(P) Rev B Elevations  
1526-101(P) Rev P Site Plan  
3509/1 Rev D Landscape Plan  
ARB/CP/2046 Arboricultural Method Statement  
Goldthorpe Retail Scheme Travel Plan October 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 D, High Quality Design and Place Making.**
- 4 No development shall take place unless and until full surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
**Reason: To ensure the proper drainage of the area**
- 5 Surface water run -off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil , petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .  
**Reason: To prevent pollution of the aquatic environment and protect the public sewer network**

- 6 The use hereby permitted shall be carried out in accordance with the Servicing Delivery Management Plan V3 19-09-19.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**
- 7 Deliveries shall be only take place between the hours of 9am to 5pm Mondays to Fridays, 9am to 1pm 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 The use hereby permitted shall be carried on only between the hours of 08.00 to 20.00 Mondays to Saturdays and 10.00 to 16.00 on Sundays and Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**
- 9 Prior to the occupation of the development hereby permitted a vehicular access shall be provided and thereafter retained in the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.  
**Reason: In the interests of highway safety**
- 10 Prior to occupation of the development hereby permitted vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the accesses shown on drawing no. 1526-101 (P) only. Any other access(es) or egress(es) shall be permanently closed and the footway and/or verge reinstated to full height kerb in a manner to be approved the LPA.  
**Reason: In the interests of highway safety**
- 11 No building (or use) hereby permitted shall be occupied or commenced until a car park management plan setting out how the car park will be managed has been prepared, submitted and approved in writing by the LPA. These measures shall thereafter be implemented in accordance with the approved car park management plan for the lifetime of the development.  
**Reason: To ensure the satisfactory operation of the approved car park.**
- 12 The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation, evidence of the implementation or measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the LPA.  
**Reason: To support sustainable transport objectives.**

- 13 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.**
- 14 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.**
- 15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 16 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.**
- 17 The acoustic fence shall be erected in accordance with the approved details prior to occupation and retained in situ for the lifetime of the development.  
**Reason: In the interests of residential amenity in accordance with Local Plan Policy Poll1.**

- 18 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**
- 19 Upon commencement of development full details of the mitigation measures identified in the Ecological Survey by Delta-Simons (19-1849.01, 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**



**BARNSELY MBC - Regeneration & Property**



Scale: 1:1250



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**2019/0380**

**Applicant:** Mr Steven Warsop

**Proposal:** Erection of 1 residential dwelling and associated infrastructure

**Address:** Land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley

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Two rounds of consultation have been undertaken, one in May 2018 when 12 objections and 10 letters of support were received. A second consultation was undertaken in August 2019 when amended plans were received; this resulted in 6 letters of objection. High Hoyland Parish Council objects.

## **Site Location and Description**

The application site is located to the south of High Hoyland, off High Hoyland Lane. There is a row of cottages to the front (west), Greenland Cottages, and The Mount lies to the east, with the garden to this property wrapping around the site. To the rear of the site there is The Perch and Hoyland Hills Cottage.

The application site is approximately 0.14 hectares in size and presently consists of a redundant back filled quarry that is in private ownership. The site has also historically contained buildings within it as shown on the OS plans from 1960 and earlier.

The site's topography is sloping from north to south, with a cliff face (associated with the former quarry use) that is located approximately 15m from the proposed site access. The land plateaus from the cliff face to the proposed site access on High Hoyland Lane. There is a second plateau at the top of the cliff face.

## **Proposed Development**

It is proposed to erect a single dwelling cut into a rock face on the site. Set over three storeys the property has 6 bedrooms, integral garage and workshop with open plan living space on the top floor.

The building is designed to step in, over three terraces with various elements at single or two storeys. The proposed building will sit within an excavated former quarry, resulting in the lower floors being essentially below ground. The principal elevation facing High Hoyland Lane will be visible beyond the site boundaries.

Although rectangular in footprint, the building is designed to minimise the visual impact of the lower floors with the upper floor level being more transparent and a 'lighter' structure. The upper 'pavilion' is 'linear' in form. The block plan indicates how the proportions of the 'above ground' building elements integrate into the built fabric of the wider settlement.

A substantial reduction of approximately 50% has been made to the size of the footprint of the upper floor. The original proposal had a footprint of 253 sq. m. The revised proposal reduces this figure down to 127 sq. m.

The garden areas are at a higher level, on the top of the cliff face, behind the dwelling.

The height of the building would be considerably lower than 'The Mount', the adjacent dwelling to the north.

A landscape architect has been involved in the preparation of a landscaping scheme to enhance the building and ensure it is successfully integrated and respects the surrounding landscape. Man-made external features are kept to an absolute minimum with the regrading of the landscape designed to minimise the need for retaining walls or steps, and quarried stone used to give the appearance of the building emerging from the quarry face.

## **Planning History**

2008/0541 – Erection of a domestic detached garage – Withdrawn

2014/0078 – Erection of a single storey detached annexe building – Approved with conditions 30/04/2014.

2017/0333 – Erection of a single storey detached annexe building – Approved with conditions 27/04/2017.

## **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.

Other relevant policies include:

SD1 – Sustainable Development  
GD1 – General Development  
LG2 – The Location of Growth  
H1 – The Number of New Homes to be Built  
H2 – The Distribution of New Homes  
H5 – Residential Development on Large Non-allocated Sites  
H6 – Housing Mix and the Efficient Use of Land  
T3 – New Development and Sustainable Travel  
T4 – New Development and Transport Safety  
D1 – High Quality Design and Place Making  
LC1 – Landscape Character  
HE1 – The Historic Environment  
HE2 – Heritage Statements and general application procedures  
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)  
CC5 – Water Resource Management  
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 clarifies that new buildings are inappropriate development with few exceptions.

Paragraph 79 relates to isolated homes in the countryside, allowing them only under specific circumstances including where the design is of exceptional quality in that:

*"it is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*

*would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area"*.

Paragraph 131 requires, in determining applications, *'great weight to be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'*.

## **Consultations**

Biodiversity – Requires a landscape strip of 5m in the north-eastern corner to protect bluebells present on the site. In addition, tree planting should be hedgerow species to enhance the bluebell habitat.

Coal Authority – Material consideration, the site is in a High Risk Area

Drainage – No objections

Design Officer – Supports the proposal to as an outstanding design in the greenbelt.

Highways – No objections subject to conditions.

Regulatory Services – No objections.

SYMAS – The site is in a Coal Authority referral area and the Coal Mining Risk Assessment recommends further intrusive investigation. This can be secured by condition therefore, no objections subject to this being carried out and a report detailing the findings provided prior to commencement.

Trees – The updated report deals with the arboricultural issues satisfactorily and only one category C tree requires removal to facilitate the development. I concur that T2 and T3 will be relatively unaffected due to the presence of the rock layer, however protection measures will still be required as part of an arboricultural method statement. There is no objection to the proposed development subject to a suitable condition.

Ward Councillors – Councillor Bernard and Councillor Wilson have objected to the proposal and requested the application be presented to PRB and that a site visit be undertaken by Members.

YW – No objections subject to conditions.

## **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. Two rounds of consultation have been undertaken, one in May 2018 when 12 objections and 10 letters of support were received<sup>1</sup>. A second consultation was undertaken in August 2019 when amended plans were received; this resulted in 6 letters of objection.

The objections received raise concerns regarding:

- Insufficient parking for a large property where there is already a parking issue. This is likely to lead to parking on High Hoyland Lane which is a through route to Cannon Hall and Cawthorne.
- The site is in the green belt and similar applications have been refused.
- Loss of privacy for residents of Greenland Cottages.
- Not in keeping with the historic context of the surrounds
- This is over development, alongside the approved annex (2017/0333)
- Noise disturbance
- Increased pressure on the existing poor drainage in the area, no provision for a septic tank
- The house is too large
- The applicant has already cleared the land, removing trees and impacting on wildlife
- The village is in the green belt and highly visible, the proposed would undermine the planning policy for the whole village
- The access is also a public right of way

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<sup>1</sup> These numbers exclude 2 letters of support which were subsequently withdrawn and two support letters from the owners of 1/2 Greenlands as they are related to the applicant.

In addition, the Parish Council (PC) has objected on the grounds that the proposed is located in the Green Belt, is too large and the design is out of keeping with the existing settlement character and form, the impact on drainage and issues over access during construction and occupation. The PC has referred to previous applications and appeals within the village that have been refused as well as a previous application for a garage on this site which was withdrawn. The PC have also stated that they believe the applicant has undertaken landscaping works on the site and that a retaining wall has collapsed leading to the site being seen as it is today.

Some concerns have also been raised regarding land ownership and right of access disputes; however, this is outside of the planning process.

## **Assessment**

### Principle of Development

The site is located in the Green Belt whereby the construction of dwellings (with the exception of dwellings for agricultural and forestry workers) is classed to be an inappropriate form of development under paragraph 145 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Any harm to the Green Belt should be given substantial weight. Very special circumstances shall not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The applicant has sought to argue that the proposed is limited infilling in a village and therefore an exception under paragraph 145 of the NPPF and they have referred to an appeal decision in Huthwaite (2014/1240) which was allowed. However, the village of High Hoyland, unlike Huthwaite, is not entirely located in the green belt. The main settlement is defined as that part of the village located in Urban Fabric, as shown on the Local Plan Policies Map (and previous UDP). The proposed development sits outside of this area weakening the case that the proposed could be described as limited infilling in a village. It should also be noted at an appeal decision related to an application for 2 houses on a site nearby in High Hoyland, similarly located outside of the main village as defined on the Policies Map (2014/0520) was dismissed with the Inspector finding that it would not qualify as limited infilling. I have therefore concluded that the proposed is inappropriate development in the green belt and does not qualify as an exception under NPPF paragraph 145. Similarly, the site is not considered suitable as a rural exceptions site under Local Plan Policy H7 which allows limited affordable housing to meet community needs in or on the edge of a village; because its location is outside of the main village and physically separate from it. On this basis substantial weight is afforded to the harm to the green belt.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The development site is surrounded by residential development and associated curtilages. Planning history for it shows it as being within the ownership of 1-2 Greenland Cottages since 2008 at least. It is also apparent that buildings have previously been located here as shown on the historic mapping back to 1865 and as recently as 1960. Finally the site has been quarried, as evidenced in the Coal Mining Risk Assessment which states it shows as a quarry on the 1815 OS; this has also been confirmed by records held by the Council. Whilst the previous quarrying of the site does not make it previously developed land (as defined in the NPPF) nor would it being part of the domestic curtilage of No.1/2 Greenland Cottages (if this were to be proved) the character of the site is defined by the cliff

face and the various parked vehicles and storage structures located on it. The visibility of the site, with public views limited to those available from High Hoyland Lane and a PROW to the south, is also a factor in relation to the impact on openness.

The high quality, bespoke design and eco credentials of the proposal does weigh in its favour. Paragraph 131 of the NPPF states that *'great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help to raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings'*. The application is assessed on this basis, taking account of Green Belt Policy (GB1), Design Policy (D1) and Landscape Character Policy (LC1) as well as Low Carbon and Renewable Energy (RE1) and Climate Change (CC1) and any other relevant policies as quoted.

The proposed plans were considered by the Barnsley Design Review Panel, who in assessing the site concluded it had characteristics capable of supporting an innovative and outstanding designed building. The panel made a number of recommendations regarding the design approach including the use of a Landscape Architect, which the applicant has taken on board in redesigning the proposed. Following this, the plans have been carefully scrutinised by the Council's Senior Urban Design Officer who attended the original Design Review Panel meeting and has sought to assess the plans taking on board the comments that were made by the members of the panel. In arriving at the conclusion that the proposed design is of an outstanding and innovative nature the Senior Urban Design Officer has afforded weight to a number of aspects of the design including:

The building is bold and confident in its architectural expression but firmly rooted in the narrative of the site as a former quarry and the character of its surroundings. There is an assurance in the composition of its elements, in its architectural arrangement and proportions, in its solid to void relationship and in the attention to detail in the appearance of the natural stone.

The single external facing material would be natural stone (including some from the quarry face), clearly showing a direct narrative with the former use of the site as a quarry and with the predominant facing material of buildings in the vicinity. The main face of the building will be crafted to appear as dry stone walling and the front projection, which relies on a flatter profile to enable its architectural expression, would be in smooth facing ashlar. Clearly there is a commitment to making the best use of high quality, sustainable materials. In addition large rocks (from the quarry face) will be used on the retaining bank on either side of the front elevation, further extending the narrative of the former use of the site.

There is a clear hierarchy of windows shown in the front elevation, with a strong contrast between two main expanses of glazing, (these being located on the top floor of the main building and in the picture window of the projection), and the more playful arrangement of the smaller windows. Combined with the very large expanses of natural stone on the elevations, this solid to void arrangement adds to the rugged appearance of the building and again the connection back to the former use of the site as a quarry. This ruggedness is further emphasised by the depth of the windows - they are considerably setback from the face of the stone adding further shadow and relief. Depth is also strongly expressed with the overhanging picture window and its 'frame'.

The front elevation of the building has a forward projection to break down the massing of the building. This projection forms a visual bookend to Greenland cottages, wrapping around the long and thin form of Greenland cottages.

The overhanging flat roof of the proposed building has been designed to appear as light and floating as possible and gives a strong horizontal emphasis to the building, matching the long horizontals of the roof of Greenland Cottages.

The bulk of the volume of the building will be set back into the quarry face, following excavation; with a sunken courtyard at the rear, bringing light into the middle of the house and allowing direct access from the bedrooms to outside.

The applicants have provided a photomontage of how the building would look from the public footpath in the field down from the site. This shows the building in the context of Greenfield Cottages, the Mount and the single storey dwelling located next to the Mount. From this view the building appears nestled in the tall tree canopies behind it. The existing dwellings appear much more dominant in this montage.

With regards to landscape character, the Barnsley Landscape Character Assessment places the site in E1: West Barnsley Settled Wooded Farmland and assesses the landscape as strong and in good condition. It has a high sensitivity to, and low capacity for, change. Local Plan Policy LC1 expects development to retain and enhance the landscape character area in which it is located. One of the recommendations of the design review panel was to involve a landscape architect in the scheme which the applicant has taken on board. A number of changes have been made including the use of the stone taken from the cliff face in the external elevations and landscaping and the careful regrading of land rather than utilising retaining structures. The building is now more closely tied to its location and landscape.

As stated, the previous use of the site as a quarry, does not qualify it as brownfield or previously developed land under the definitions as set out in Annex 2 of the NPPF and it is also accepted that this use is historic. Nevertheless, a review of ariel photos shows that the site was densely vegetated in 2002 but that by 2009 a significant amount of trees had been removed and the various porta cabins and vehicles currently present on the site had appeared. It is therefore evident that it has been in its current state (or thereabouts) for circa 10 years. The tidying up of the site and addition of a well-designed building, which has taken its design cues from the site and surrounding landscape will enhance the current site. In addition, the proposed landscaping scheme adds to this through the use of quarried stone and appropriate planting. In this respect the proposed is an outstanding, innovative design and its overall form and layout is clearly tied to its surroundings in compliance with paragraph 131. In addition it complies with Local Plan Policy LC1 in that it retains and enhances the character and distinctiveness of the individual landscape character of the site and wider area.

In terms of the sustainability of the building, the applicant has employed Award Energy Consultancy and provided a designers response following the design panel, which confirms the following:

- Stone from the quarry face would be excavated and re-used as walling material and in the formation of the retaining embankments. This approach is highly sustainable.

In terms of a fabric first approach high levels of air tightness would be achieved throughout and potential thermal bridging details would be avoided.

- The building would utilise a fully externally insulated reinforced raft slab, preventing cold bridging issues and the walls would be constructed in a 350mm Neopor Block system, which provides a U value of 0.14W/m<sup>2</sup>K which supersedes Pasiv Haus requirements. It has a core of 150mm concrete with 150mm external sleeve of insulation and a 50mm internal sleeve. Plastic hard ties eliminate any thermal bridging. Upper floors would be constructed in an insulated 'Op- Dek' system using profiled metal sheet and concrete, achieving high levels of insulation.
- The roof which is designed to have a minimum thickness with a 'floating thin edge' projecting overhang beyond the glass and stone walls would be constructed in timber and steel and incorporate an insulated 'cut to falls' warm roof with an 'Armourplan' single layer pvc membrane roof finish.
- The main windows are located on the south and south-western elevations, where the advantages of passive solar design would come into play. The windows would achieve high U value standards. Roof overhangs would be created over most of these windows to allow shading in the height of summer.

A number of sustainable technologies are also proposed:

- A mechanically vented heat recovery system would be introduced as part of a comprehensive programme of energy saving measures.
- Heating and hot water would be provided by a specialist designed system incorporating an air source heat pump and bio-mass boiler.
- 'Grey water' and rainwater would be recovered and harvested.
- A ground based photovoltaic array would take advantage of the wider screened garden area and this would be discretely located remote from the building. The site is large enough and the topography such that the panels can be successfully screened from view without reducing their efficiency.

In this respect the proposed promotes a high level of sustainability in accordance with paragraph 131 of the NPPF and Local Plan Policies CC1, CC2, CC5 and RE1.

In conclusion regarding the matter of principle, the proposal is inappropriate development in the Green Belt which is by definition harmful and substantial weight is given to this harm in the planning balance. The character, location and visibility of the site, alongside the design of the proposed dwelling are such that the impact on openness is limited. Further, the outstanding and innovative design alongside the high levels of sustainability which the proposed house can be said to achieve is afforded considerable weight. It has taken into account the land form and history of the site and its surrounds, being cut into the rock face and utilising local stone it blends with and is grounded to, the previous quarrying that occurred in this area. In this respect it fits with the form and layout of its surrounds. The residential character in the area is mixed with no set style or specific standard of design and the introduction of the proposed would bring a modern design form that would add interest and could be said to raise standards. Finally, the proposed would improve the landscape of the site (as it currently stands) and make a positive contribution to landscape character in the area. Officers also take the view that it would be perverse to allow new isolated dwellings in the countryside which satisfy the outstanding or innovative design test under paragraph 79 of the NPPF, where the potential for harm



to openness is much greater, but not proposals that satisfy this test on less isolated sites, as the case here taking into account that the site is positioned between existing dwellings. Taken as a whole these positive considerations can be said to constitute very special circumstances in favour of the proposed which are considered sufficient to outweigh the limited harm that would occur to the green belt in this particular case.

### Visual Amenity

The Landscape Statement provided by with the applicant identifies the visual impact of the development as being limited to local views only from two public rights of way running through the field opposite the site from Margery Wood to the east and as pedestrians or vehicles travel along High Hoyland Lane. Other views would be from the adjacent cottages, albeit these are to the side with no windows looking directly at the site. The visual impact is therefore limited by this reduced visibility of the site itself. The visuals provided give an impression of what the building would look like when viewed up close (from the road) and the photomontage provides a distant view from the footpath; demonstrating how the existing landscape and trees will soften and screen the building.

The location, scale and design of the house would also have a limited impact on visual amenity being screened from view by the landform that surrounds it and existing trees; as well as the wider topography in terms of long distance views. It is also worth noting that permission has been granted for an annex to 1-2 Greenland which would be located in front of the proposed and further screen it.

Finally, the proposed is a well-designed scheme with a strong relationship to the landscape in which it is sited. In this respect, and taking account of the current status of the site, it will have a positive impact on visual amenity in accordance with Local Plan Policy D1 and LC1.

### Residential Amenity

There are a number of residential properties around the site albeit there is very little in the way of visual connectivity between the various properties and therefore no real impact on amenity.

The proposed is located to the rear of Greenlands Cottages; however, it is set to one side and does not directly face any of the properties in this terrace. The scheme as amended initially had a terrace to the front which was removed from the plans in part because it would have overlooked the rear gardens of Greenland Cottages.

The glazed top floor is the main living space for the proposed property and does have a large area of glazing around the rear, side and front which has the potential to give rise to issues of privacy or overlooking. This is mitigated in part by the retention of existing trees to the side of the proposed and the angle of the building which is such that views would be mostly over the garden to the side of 1-2 Greenland Cottages which is in the same ownership and is in any case not private amenity space, being open to the road. The approved annex to the front has habitable room windows to the rear, but these are secondary windows with the main aspect facing forwards. They are also at a lower level and would look at the garage of the proposed rather than any windows and are set at an angle.

There are two smaller bedroom windows in the side elevation of the lower pavilion, however, the level changes, landscaping and the angle at which the property is set minimises any overlooking resulting from these.

The proposed dwelling is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the accompanying Designing New Housing Development SPD in this regard.

### Highways

The proposed property is to be served by a private driveway with a gated entrance to hide the appearance of cars on the site's frontage. The approach to the access is from the existing access on High Hoyland Lane. Parking provision includes an integral garage with a driveway in front to park 2 vehicles. This level of provision satisfies the existing and draft SPD and so there are no grounds to raise concern with the proposal on those grounds. Highways have confirmed no objections.

### Conclusion

In conclusion, the proposal is inappropriate development in the Green Belt which is by definition harmful and substantial weight is given to this harm in the planning balance. Nevertheless it is accepted that very special circumstances have been demonstrated by virtue of the outstanding design and high levels of sustainability achieved, alongside the uniqueness of the development site. The Officer recommendation is therefore one of approval.

### **Recommendation**

Approve subject to conditions:

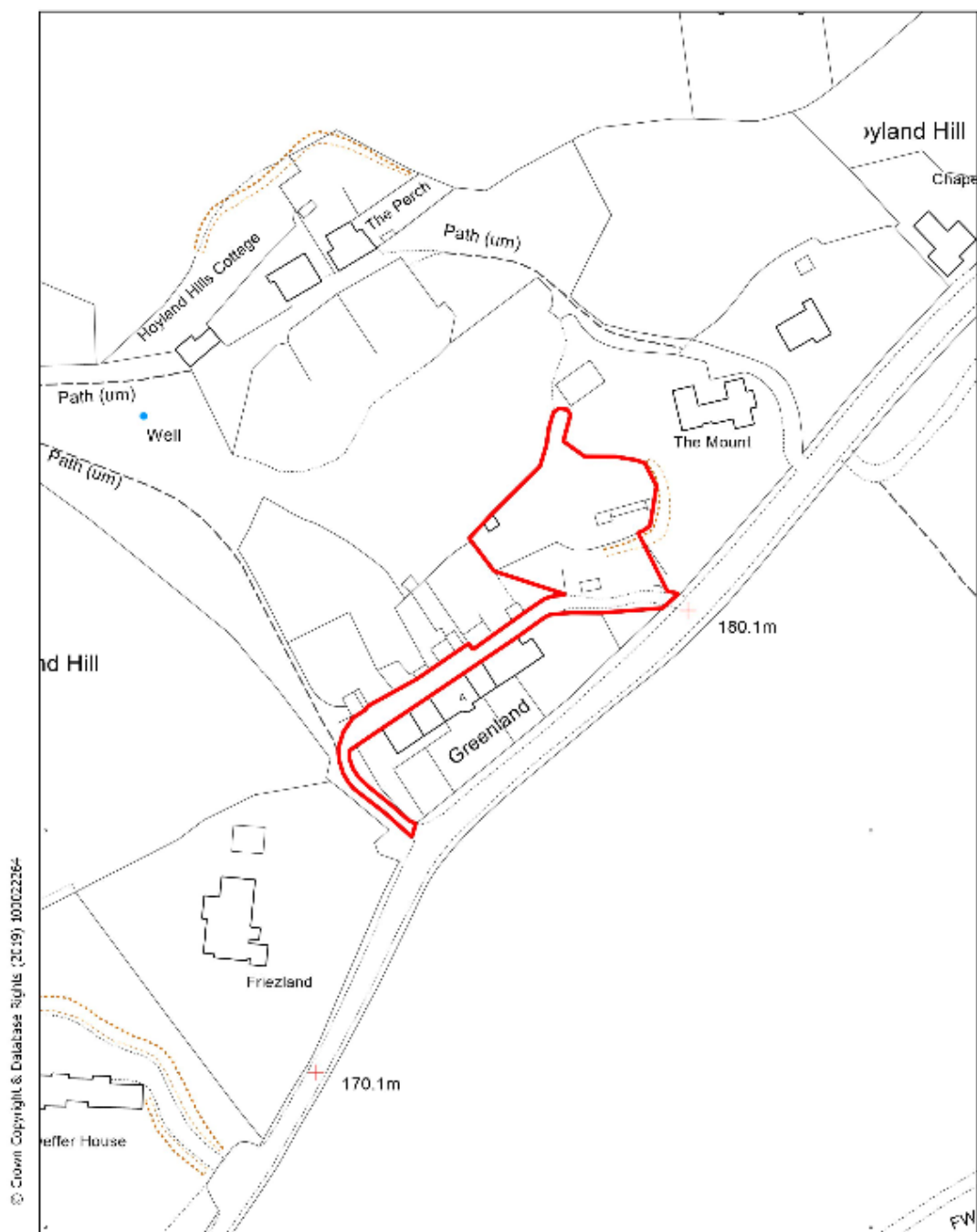
- 1        The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
          **Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
  
- 2        The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved:  
  
          2016/07/02 - Rev B Site Layout  
          2016/07/03 - Rev B Floor Layouts  
          2016/07/04 - Rev C/1 Elevations  
          2016/07/05 - Rev A Sections  
          R/2259/1A - Landscape Masterplan  
  
          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, Design.**
  
- 3        Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
          **Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 4        Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making**
- 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        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), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.**
- 7        A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 8        Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with**

**Local Plan Policy T4 New Development and Transport Safety.**

- 9 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.**
- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.  
**Reason: In the interest of satisfactory and sustainable drainage**
- 11 No trees or other landscape features shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 metres that crosses the site. If the required stand-off distance is to be 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 order to allow sufficient access for maintenance and repair work at all times.**
- 12 The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual mining legacy risks. The site investigation should also consider the risk of the development spanning a former quarry 'high wall' in the northern extremity of the proposed footprint. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.  
**Reasons: NPPF 120/121 Land stability**
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**

- 14 Prior to commencement of development full details of the sustainable design credentials set out within the Design Statement submitted with the application, including the proposed photovoltaic array, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.  
**Reason: The proposed development in a Green Belt location is only regarded to be acceptable due to the exceptional and innovative nature of the design in accordance with Local Plan Policy GB1 and NPPF Paragraph 131.**
- 15 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details  
Tree protection plan  
Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 16 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.**



**BARNSLEY MBC - Regeneration & Property**



Scale: 1:1250

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**2019/0712**

**Applicant:** Miss Karen Neville

**Proposal:** Change of use of dwelling (use class C3) to a mixture of a dwelling and a venue for wedding/civil ceremonies, seasonal events and afternoon teas (use classes C3, A3 and Sui Generis)

**Address:** The Hawthorns, Keresforth Hall Road, Kingstone, Barnsley, S70 6NG

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16 representations have been received from local residents. 15 objections and 1 in support.

## **Site Description**

The application relates to a Victorian property, the Hawthorns, Keresforth Hall Road and its curtilage adjacent to the residential street formed by Beech Grove and the southernmost aspect of Locke Park in Kingstone, Barnsley. The property is accessed from Keresforth Hall Road to the west and has a secondary access onto Beech Grove shared with the nearest property 8 Orchard Close. The next nearest neighbours are 5 Beech Grove to the north and 3 Beech Grove further to the north east. A wooded entrance to Locke Park borders the site to the south and east that emulates the topographical gradient of the application site by extending uphill from south west to north east. The dwelling itself is a four storey structure formed of a basement, ground floor, first floor and second floor with the application relating to the entrance hall, lounge, dining room, kitchen, W.C. on the ground floor and a section of the cellar. With respect to the curtilage, the main areas affected by the proposal relate to the walled garden beside the south eastern side elevation and the western section of curtilage between the principle elevation and Keresforth Hall Road. This latter area of the garden features a large number of mature trees and a turning circle for vehicles.

## **Proposed Development**

The applicant seeks permission to change the use of certain areas of the dwellinghouse and its curtilage from a C3 to a mixed, C3, A3 and Sui Generis use. The Sui Generis aspect of the proposal relates to the use of the dwelling and its curtilage as a civil ceremony and wedding reception venue between the hours of 10am to 7pm Monday to Sunday. This use would also allow for private parties and functions on the site while the A3 Food and Drink use would allow afternoon teas and other functions, similar to that of a café, to occur on the site. The events would be by appointment and invitation only at set times and durations which are to be expected mostly during the day. A residential C3 use would be maintained across the entire site.

The area of curtilage forward of the principle elevation would be used for vehicular access and parking for visitors to the venue. A provisional car park plan has been submitted presenting nine standard visitor parking spaces, one disabled space and two staff parking spaces to be created above a 'no-dig solution' cellular containment system (CCS). This is to prevent impacts upon the trees in this area. Two bicycle spaces have also been included.

The walled garden and the internal areas on the ground floor and basement, those being – the entrance hall, lounge, dining room, kitchen, W.C. and the cellar room with

external access - would be used for the C3, A3 and Sui Generis uses proposed. The 1<sup>st</sup> and 2<sup>nd</sup> floors of the property would be unaffected.

## **Policy Context**

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

### Local Plan

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

Relevant Local Plan policies include:

GD1 – General Development

D1 – High Quality Design and Place Making

POLL1 – Pollution Control and Protection

T4 – New Development and Transport Safety

### NPPF

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

In respect of this application, the policies above are considered to reflect the NPPF relating to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

### SPD

- Parking



- Trees and Hedgerows

## **Consultations**

*Highways DC* – No objections subject to three conditions including, provision of parking and servicing areas, bicycle parking and a car park management plan.

*Pollution Control* – No objections subject to conditioning of adherence to management plan submitted in support of the application.

*Commercial Services* – The waste management section have provided an informative for the decision notice.

*Civic Trust* – Largely support the application but draw attention to potential highway impacts.

*Ward Councillors* – Cllr Kevin Williams has expressed concerns associated with the highways implications of the proposed use.

## **Representations**

The application was advertised by way of a site notice and consultation letters which were sent to properties adjacent to the proposal site. Objections have been received from 15 neighbouring households. In summary the main grounds of concern are summarised as follows:-

- Creation of on-street parking in the area, specifically upon Keresforth Hall Road and Beech Grove, as well as the use of Beech Grove as a turning point. This is further aggravated by events held at Locke Park.
- Volume of parking proposed on site inadequate.
- Outdoor music, both from musical instruments and amplified speakers, is likely to create amenity issues despite the 7pm close down time proposed.
- Cumulative impact of noise and traffic upon the area which is quiet.
- The proposal would add to increased noise levels from activities taking place in Locke Park.
- Proposed operating hours of 10am to 7pm are unacceptable.
- Lack of trust in self-regulation of complaints.
- Fear of strangers being welcomed into the area.
- Use of venue for events will increase noise from shouting from alcohol intoxication leading to anti-social behaviour.
- Wedding venues should not be located in residential areas.
- Impact of new car park upon residents. Queries relating to how it will be managed to prevent a nuisance to residents.
- Access and egress to the site is unsafe on a blind corner for both pedestrians and vehicle users.
- The proposed use will create an oppressive and overbearing environment within the area which will impact its character.

One letter of support has been received which sets out the conditions by which the proposal would be acceptable and where it would not be acceptable to residents. The representation backs the proposals set out in the management plan.

It should be noted the properties located closest to the property, those being 8 Orchard Close and 5 Beech Grove to the north of the site have not submitted formal representations. The occupier of 8 Orchard Close has queried the red-line boundary

of the application site in relation to ownership and land registry details, but did not cite any residential amenity impacts likely to emanate from the proposal. They overtly stated that their comments were not in respect of the application.

## **Assessment**

### Principle of development

Despite the proposed A3 use, a sequential test has not been requested due to the invitation only nature of the premises and it therefore not being generally open to the public. Similarly, the A3 use is to be only one component of a larger events offer for the premises which is defined as Sui Generis.

The site is allocated as Urban Fabric within the Local Plan Policies map owing to the property being located within the established urban fabric of the Borough. This potentially allows for a home based business of this nature subject to the proposal being judged acceptable against the relevant criteria. The assessment of the proposal against the policy GD1 criteria is summarised in the forthcoming sections of the report.

### Residential Amenity

The surrounding residential area is characterized by large detached properties separated significant distances from the areas affected by the proposal. A large number of representations have been received relating to the proposal's impact upon the area but none have been provided by the neighbours' in closest proximity to the applicant's dwelling, those being 8 Orchard Close and 5 Beech Grove, and who are most likely to be affected by issues arising from the proposal. This is not to say that the issues stated by representors are unfounded or that they may not arise, but the key concern is the factor and degree to which they would be likely to create a nuisance in the locality.

The proposed management plan states that functions and events would strictly by appointment/invitation only at set times and durations. Maximum opening times would be 10am to 7pm on any given day. Weddings would be for numbers between 8 to 30 people and would be daytime only and would not include the evening celebration. The intention is for the business to operate on Sundays and Mondays, but they would like to retain that option for one off events. On balance it is considered that with those operating restrictions being put in place the proposal would not give rise to noise and disturbance levels that would warrant the proposal being refused. This would require the imposition of suitably worded conditions. In this regard the proposal bares similarities to recent planning permissions granted by the Council to the Twisted Teapot (243 Park Road) and Georgies Yard (233 Park Road). In addition the proposal would require a premises license.

Indeed the majority of activities would take place inside the property and in the walled garden to the south east. The walled garden is located a significant distance from surrounding properties and is lined with the dwellinghouse and walls across three sides which would disrupt noise travel that may emanate from this area when events are occurring.

The management plan indicates that bottles would be collected during the day and that music and noise would be continually monitored so as not to cause a nuisance to residents. Likewise smoking is to be restricted to the walled garden and the measures proposed are reasonable to ensure the concordant running of the business

in a residential area. Indeed there is no evidence to suggest that event venues such as the one proposed cannot take place in a residential area when suitable mitigation measures are introduced and reasonable operating times are adhered to.

When considering the noise impacts of the proposal in the context of the events which take place in Locke Park, it is determined that the size of events taking place at the Hawthorns would be far smaller and far less likely to generate a similar level of noise than those taking place in Locke Park.

It is possible that some noise would be incurred from alcohol consumption on the premises but, due to the size of the events proposed, this is no more likely to occur than if a residential party or event was to take place. Indeed the same determination can be made in relation to anti-social behaviour as the proposal is by prior arrangement only and this type of event service decreases the chances of anti-social behaviour occurring than if the events were open to the general public.

Overall the position and location of the Hawthorn's proposed event spaces are in locations that are significant distances from residential properties and well-shielded by walls and trees which can attenuate for noise creation that may take place during events. The management plan sets out how the applicant's intend to mitigate any potential threats to residential amenity and Pollution Control have recommended the management plan to be conditioned as a part of any approval.

On the basis of the above assessment the proposal is considered to be in line with Local Plan Policy GD1 in relation to residential amenity.

#### Visual Amenity

The building is an attractive Victorian property which is in the process of being renovated. The applicants have stated verbally to the case officer that the proposed use would help fund the renovation works. The proposed use, through the incorporation of the Cellular Containment System and other minor alterations such as repair of the walled garden, are unlikely to detrimentally affect the appearance of the dwelling or the wider streetscene.

Overall the proposal is considered to be beneficial to the streetscene and wider town centre and is consequently determined to be in line with Local Plan Policy D1 High Quality Design and Placemaking.

#### Highway Safety

Undoubtedly, the existing access is in a sensitive location on a bend and representors are correct in drawing attention to the potential problems that may arise from an intensification of movements from this point on the highway. Similarly, parking problems on Beech Grove and Keresforth Hall Road could occur if the site is not utilised fully and visitors do not realise the venue hosts a car park.

Irrespective of the above, Highways DC have confirmed that they have no objections to the proposal where their recommended conditions are implemented as a part of a decision. Indeed access to the site is gained via a gate fronting Keresforth Hall Road and the applicants have set the gate back within their curtilage to prevent cars backing onto the road upon entry to the site. In contrast, exiting the site onto the corner of Keresforth Hall Road will be more difficult. Nevertheless this can be managed safely through the submission of a car park management plan that would primarily require a member of staff to direct vehicles safely from the entrance when

the road is clear. This latter point would be a key feature of the car park management plan that shall be required as a pre-commencement condition as a part of an approval.

The proposed on-site parking area originally accommodated more than 20no. parking places. This far exceeded the maximum required under the SPD Parking and would also have resulted in a large number of trees being removed which would have required a tree survey. To avoid an excessive number of vehicles at the site, the number of parking spaces has been reduced to 10no. including 1no. disabled space. Two further staff parking spaces have been accommodated near to the retained residential spaces to the north of the dwelling while two bicycle storage spaces have also been included following highway comments. It is also reasonable to assume that many visitors would utilise the nearby bus route on Keresforth Hall Road

Overall the suitability of the access raises some concerns especially for weddings when larger number of visitors can be expected to arrive and depart in a short space of time, but this could and should be managed to reduce risks of queuing on the highway on arrival and under direction to ease departures. Significant overspill parking is not foreseen as such the proposal is considered in line with the requirements of Local Plan Policy T4 New Development and Transport Safety.

#### Other Considerations

To prevent an impact on the trees on site the details of the no-dig solution to the car-parking area will be required prior to commencement of the use.

#### Summary

The proposal is clearly sensitive given the amount of public interest that it has generated. In the main however the proposals represent a part time home based business that would still result in the main use of the site being a use class C3 dwellinghouse

The proposed business operations would have the potential to result in noise and disturbance and generate traffic. However this is a substantial property that is located in spacious grounds. In addition the management plan which amongst other things sets out that the use would not be carried out any later than 7pm in the evening and would be restricted to a maximum of 30 people without including the celebration part of the wedding are such that it is considered that the effects of the business could be absorbed without giving rise to noise and disturbance levels that would be harmful to neighbouring residents. In this regard the proposal is considered to comply with Local Plan policy GD1. It also worth noting that the proposal shall require a premises license to allow the sale of alcohol and the playing of music, which would provide further controls. In addition Highways have not objected to the proposal. On balance therefore the recommendation is one of approval subject to the conditions proposed.

#### **Officer 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 as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 The wedding and event use hereby permitted shall be limited to being carried out between the hours of 10am to 7pm on any given day. There shall be a limit of a maximum of 12 events per calendar month with no more than 2 events to be held on Sundays during any given month. The maximum number of people allowed to attend any event shall be 30.  
**Reason: In the interests of local amenity and highway safety and to accord with Local Plan Policies GD1, D1 and T4.**
- 4 Prior to the commencement of the uses hereby permitted the 'no-dig solution' parking area on the site shall be installed and laid out in accordance with the approved plans. Evidence of the installation are to be submitted to the Local Planning Authority and thereafter retained in line with the approved details.  
**Reason: To ensure the permanent availability of the parking and manoeuvring area in conjunction with the protection of trees in the interests of highway safety and visual amenity in line with Local Plan Policies T4 and D1**
- 5 The 2no. bicycle parking spaces are to be installed in the locations specified within the car park plan. The scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.  
**Reason: In the interests of encouraging the use of sustainable modes of travel in line with Local Plan Policy T3**
- 6 No use shall be commenced until a car park management plan has been prepared, submitted to and approved in writing by the LPA. The management plan will outline the measures necessary to provide safe access and egress from the site as well as details to prevent on-street parking. The measures thereafter shall be implemented in accordance with the approved car park management plan for the lifetime of the use.  
**Reason: To ensure safe operation of the car park and reduce the risk of parking on the highway in line with Local Plan Policy T4**
- 7 The approved use is to be managed in accordance with the venue management plan submitted in support of the application. The plan includes, but is not limited to, the following measures:
- Waste disposal, particularly bottle collection, is to be undertaken during day time hours - 9am to 5pm.
  - All functions and events to be invite only.
  - Regular boundary checks undertaken by staff to assess noise levels and appropriate action taken to reduce noise levels so as to prevent a nuisance to residents.



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**2019/0947**

**Applicant:** ABS Ltd

**Proposal:** Residential development comprising 2no detached bungalows and associated works

**Address:** Former garage site, land to the rear of 1-5 Hardwick Crescent, Athersley South, Barnsley

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The application is referred to the Board as the Officer recommendation is the subject of a S106 Agreement. 2 representations have been received.

## **Site Location & Description**

The site comprises a former Council garage court that is surrounded by existing dwellings within the housing estates located in Athersley South.

It is predominately rectangular in shape with a slight fall north west to south east, mainly laid to grass and measures circa 0.06 Hectares. It is bounded by residential properties which front onto Hardwick Crescent, Derwent Road and Chatsworth Road.

The immediate area is predominantly residential in nature surrounded by single storey dwellings with the exception of 3no pairs of semi-detached dwellings (Nos 5-15) which front onto Hardwick Crescent.

Historical mapping indicated that the site was previously accommodated by a garage site and one of the bases remains. However it is now grassed over for the most part which is an indication that the garaging use ceased sometime ago.

The site topography is relatively flat with access being taken between 3 and 5 Hardwick Crescent. It appears that some of the surrounding properties have taken advantage of this access to obtain vehicular access to the rear of their properties with some caravans being stationed within them and a garage built elsewhere fronting the land.

## **Proposed Development**

The applicant seeks permission for the erection of 2no detached bungalows that would be of a matching appearance.

The dwellings are gabled fronted with a forward projection and consist of 2no bedroomed properties. Each would front directly onto the private drive with parking for each dwelling and a visitor space to the south of the drive.

## **Policy Context**

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

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

### **Local Plan**

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

#### **Policy GS1 Green Space**

Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

#### **Policy H4 Residential Development on Small Non-allocated Sites**

Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

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

Proposals for development will be approved if:

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



- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

The supporting text to Policy GD1 states:

We want to make sure that the living conditions and residential amenity of people are protected, that development is set within high quality landscaping and that land is used efficiently by making sure that new development does not reduce development opportunities on neighbouring land.

We will assess impact on living conditions and residential amenity in relation to:

- Noise, smell, dust, vibration, light, air, surface water, groundwater or other pollution and disturbance from any proposed activity, including traffic related noise and the comings and goings of visitors to premises particularly when late evening activity is involved.
- Planning conditions will be used to control the construction process;
- Overlooking and privacy;
- Outlook from dwellings including consideration of whether structures in close proximity to windows are considered visually over dominant. However, consideration does not extend to the protection of a person's particular view from a property as this is not a material planning consideration;
- Daylight/sunlight and overshadowing; and
- Landscaping and boundary treatments.

### **Policy D1 High Quality Design and Place Making**

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;

- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

The supporting text to Policy D1 states:

Development should take account of the following design standards and guidance (and any future updates of these) which will be used (but not exclusively) to help assess the quality of design:

- Building for Life 12 (for residential developments of 10 or more dwellings).
- Secured By Design/ Safer Places- the Planning System and Crime Prevention.
- Manual for Streets (for residential developments).
- Manual for Streets 2- Wider Application of the Principles (which takes this guidance beyond just residential developments).
- The South Yorkshire Residential Design Guide.

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

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

If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

#### **SPDs/SPGs**

Of main relevance is the Open Space Provision on New Developments SPD which states:-

When we receive a planning application to redevelop green space for an alternative use we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.

In addition the following SPD's are also of relevance:-

Supplementary Planning Document – Design New Housing Development

Supplementary Planning Document – Parking

The South Yorkshire Residential Design Guide (SYRDG)

### **National Planning Policy Framework**

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

Chapter 12, Paragraph 127 states that:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Consultations**

Highways DC – No objections

Drainage – No objections

Yorkshire Water – No comments

Ward Councillors – Cllr Tattersall is supportive of the proposals provided that the rights of access issue affecting existing residents can be resolved.

### **Representations**

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. Two letters of objection have been received from neighbouring dwellings in relation to blocking of the access to the rear of properties. However private rights of access are not something that can be taken into account of as a material planning consideration.

## **Assessment**

### Principle of Development

The site is designated Urban Fabric in the Local Plan and is within Urban Barnsley which is the main focus for housing growth. Policy H4 - Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan. The proposal would be a form of infill development within a very established housing estate in the main Urban Barnsley Sub Regional town which is the priority to accommodate new housing growth.

In addition the site is also Greenspace on the Local Plan proposals maps. However it is of very limited value, being a landlocked site, not visible from outside the site and not having any formal or informal recreational use, or vegetation on it other than amenity grass. In this instance therefore it is considered that its loss would be outweighed by the benefits of a compensation payment that has been calculated at £8,166.60 using the formula in the recently updated Open Space Provision on New Developments SPD.

Taking the above considerations into account the principle of development is considered acceptable where the proposal complies with the terms of policies GD1 General Development, Policy D1 High Quality Design and Place Making and the Designing New Housing Development SPD, subject to a compensation payment for loss of Greenspace.

### Visual Amenity

Local Plan Policy D1 emphasises the importance of retaining the character of the area and protecting the street scene when considering proposals for new dwellings on small infill plots.

The dwellings would not be located in a highly prominent location and is not highly visible from public vantage points. In any case the proposal is for bungalows which would be in keeping with the majority of surrounding dwellings. Also the properties are proposed to be constructed of brick to match the surrounding area.

Each dwelling would incorporate 1no. off street parking spaces, with additional. These would be to the side of the dwelling so as not to create a car dominated streetscene/frontage. It also allows the amount of hardstanding to the front of the dwellings to be reduced and provides space for soft landscaping. In addition, the driveways to the side allow for bin and recycling containers to be stored away from the streetscene and public vantage points.

### Residential Amenity

The SPD Design of New Housing Development states that *'in order to ensure adequate levels of privacy are provided/ maintained, to ensure residential development does not result in unacceptable levels of overshadowing or loss of outlook and in order to provide adequate amenity, development will be expected to comply with external spacing standards'*.

The shape of the plot and the orientation of the proposed dwellings ensures that the necessary separation distances are maintained between facing habitable room windows, gable walls and boundaries with adjacent gardens. The main habitable room windows are to be located on the front and rear elevations of the proposed dwellings facing north and south, therefore the habitable room windows of the properties on Derwent Road are separated from the habitable room windows of the proposed dwellings in excess of 21m as stated in the Supplementary Planning Documents.

It is acknowledged that the dwellings do not meet the required separation distance of 10m to the rear boundary, however the dwellings are single storey and a 1.8m timber fence is to be provided around the boundary of each plot, which would limit increasing levels of overlooking of the neighbouring dwellings to the rear. In addition SPD – Design of Housing Development states that a minimum of 10m should be retained from the first floor habitable room windows and private gardens and the a reduced distance maybe acceptable for bungalows provided they meet garden size standards. The 2no bed detached dwellings would have a private amenity space in excess of 50m<sup>2</sup>, therefore in accordance with SYRDG and SPD ‘Designing New Housing Development’.

The orientation of the dwellings in relation to the path of the sun and the surrounding properties would not result in an increase in overshadowing. In addition the dwellings have been designed to ensure massing is kept to a minimum to reduce any negative impact on the surrounding dwellings by means of loss of outlook and overbearing impact.

The level of activity of vehicles visiting and leaving the site is considered to be acceptable and would not result in any undue disturbance to residents of adjacent properties above what could occur if the garage site was to be re-instated.

Policy D1 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The South Yorkshire Residential Design Guide (SYRDG), although not part of the development plan, has been adopted as a good practice guide and provides assistance when interpreting the requirements of Local Plan Policy D1.

With regards to the residential amenity of the future occupants of the proposed dwellings, the units are modestly proportioned with the rooms provided, meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide.

It is in this regard the proposed development complies with SPD Designing New Housing Development, Local Plan Policy H4 Residential Development on Small Non-allocated Sites and Local Plan Policy GD1 General Development.

#### Highways considerations

Highways have raised no objections to the development and the required number of parking spaces can be provided in accordance with the requirements of Supplementary Planning Document, Parking. In addition Highways are satisfied that the development can be absorbed on the local highway network without giving rise to any problems and as such complies with Local Plan policy T4.

## Other Issues

### Existing rear accesses

Concerns have been raised by surrounding residents who currently access over the application site in order to park vehicles in their rear gardens. The agent acting on behalf of the applicant has been notified, who has informed the authority that the required notice has been served. There are no public rights of way over the land and any issues in relation to the access would be a civil matter rather than a material planning consideration.

### Conclusion

In summary the proposals are considered acceptable in principle as it would comprise an infill form of development within a highly established housing estate that is in the main priority area to accommodate new housing growth (Urban Barnsley) and is Local Plan Urban Fabric Land. The site is also designated Greenspace. However it is of very limited value, being a landlocked site, not visible from outside the site and not having any recreational or vegetation on it other than amenity grass. In this instance therefore it is considered that its loss would be outweighed by the benefits of a compensation payment in line with the recently updated Open Space Provision on New Developments SPD.

In addition the proposed plans have been judged acceptable with regards to visual amenity, residential amenity and highways considerations. This position takes into account that existing rights of accesses are not a planning consideration and would be a separate legal matter. The recommendation is therefore one of approval subject to conditions and a S106 Agreement (compensation for loss of Greenspace).

### **Recommendation**

Grant planning permission subject to conditions and a S106 Agreement (compensation for loss of Greenspace):

- 1        The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
  
- 2        The development hereby approved shall be carried out strictly in accordance with the Plans and Elevations ref 19-071 2 Rev A 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 No development shall take place unless and until:
- (a) No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all 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.**
- 4 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.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 5 The external materials shall match those specified on Plans and Elevations ref 19-071 2 Rev A
- 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.**
- 6 The boundary treatments indicated on the approved Plans and Elevations ref 19-071 2 Rev A shall be completed before the dwellings are 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**

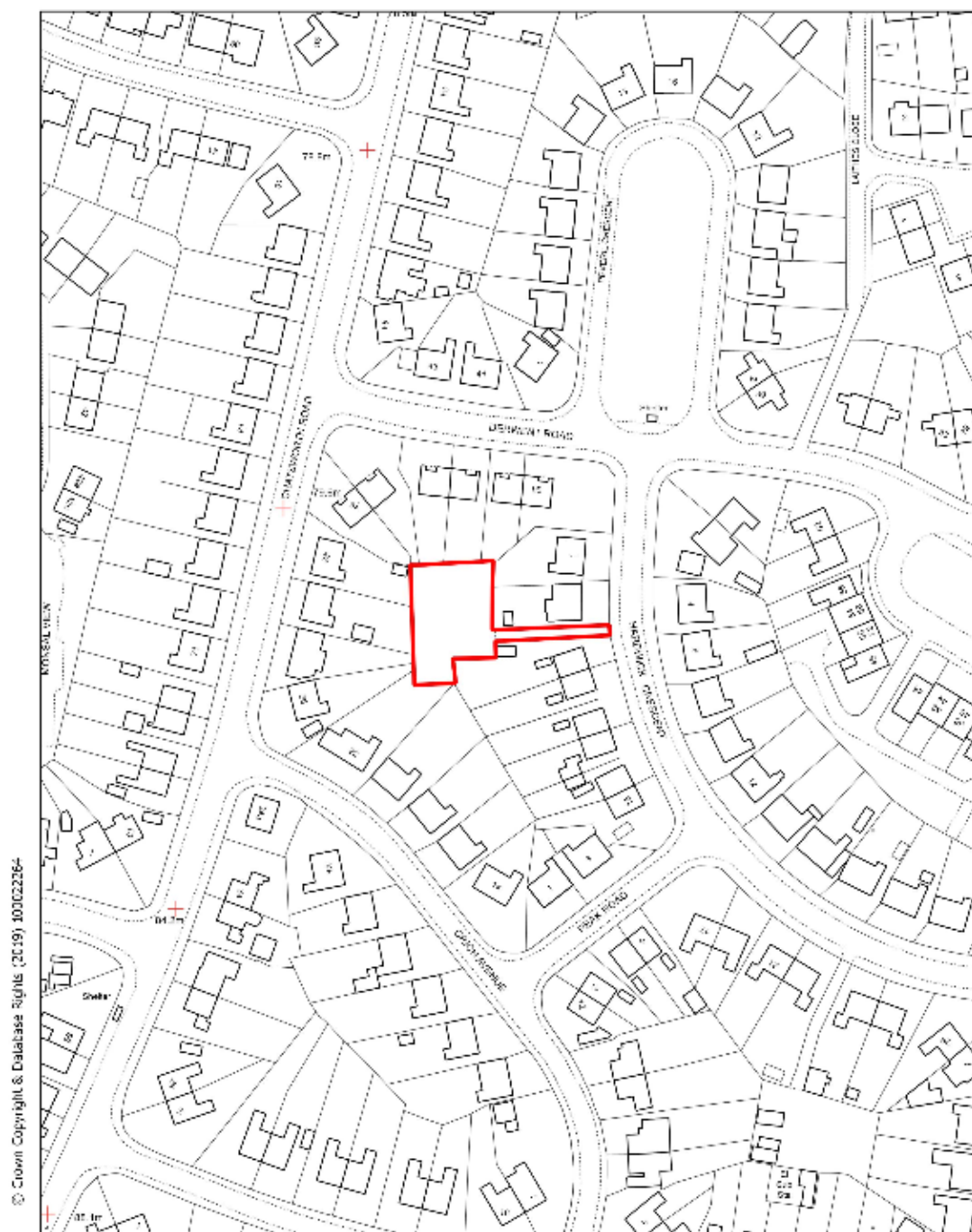
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the amenities of surrounding residents in accordance with Local Plan Policy GD1 General Development.**
- 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 Policy Poll1 Pollution Control and Protection.**
- 9 The parking/manoeuvring facilities indicated on the submitted plan shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic, and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 10 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive 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 and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: to ensure that satisfactory off-street parking/manoeuvring are provided in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**



- 12 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.  
**Reason: to ensure that satisfactory off-street parking/manoeuvring are provided in the interests of highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity and Geodiversity.**

PA Reference:-

2019/0947



**BARNSLEY MBC - Regeneration & Property**



Scale: 1:1250

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**2019/1132**

**Applicant:** BMBC – Regeneration and Culture

**Proposal:** Change of use from ancillary café associated with new library to separated restaurant/café unit (Use Class A3) (Retrospective)

**Address:** Falco Lounge, Unit R1, Unit 3, The Glass Works, Barnsley, S70 1GW

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The application is referred to the Board as the Council is the applicant. No representations have been received.

## **Site Location & Description**

The application relates to the restaurant/café unit within the Library@ the Lightbox building, a part of the Barnsley Town Centre Glass Works redevelopment, which is operating as the Falco Lounge. The unit is positioned on the southernmost aspect of the Lightbox where it faces May Day Green which is to become the new public square for the Markets District Area of the Town Centre. The building itself is formed predominantly of vertically orientated glazing framed by champagne coloured aluminium heads and jambs. The building has two entranceways on its eastern elevation with the one located in the northernmost position endowed with a canopy. A further entrance is provided internally which offers access to and from the new library as a component of its ancillary use.

## **Proposed Development**

The application has been submitted to formally alter restaurant/café part of the building from it being ancillary to the library (which was the original intention) to it being a standalone planning unit. The main use of the unit as an A3 café/restaurant will be unchanged should the application be approved. The application has been submitted to ensure compliance with leasing conditions so that the unit has a dedicated A3 use class consent.

## **Background**

Owing to the nature of the site there have been a larger number of applications in this location in the last few years, the most relevant of these to this application are:

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

2016/0924 -Reserved matters application including details of access, appearance, landscaping, layout and scale in relation to the construction of a new public library (Phase 1) of outline application 2015/0549. Granted planning permission with conditions 27/10/2016.

2016/1504 - Variation of condition 2 of previously approved 2016/0924 to allow refinements to design of the public library and change the mezzanine into a full floor. Granted planning permission with conditions 22/02/2017.

2017/0135 – Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping) – Planning Permission granted with conditions 20/04/2017.

2018/0279 - Erection of permanent structures and associated public realm works. Granted planning permission with conditions 25/07/2018.

2019/0469 – Installation of 1 no. internally illuminated fascia sign, 1 no. internally illuminated & positioned light box sign and 1 no. internally illuminated menu board. The application was submitted by Lounges Ltd/Falco Lounge who occupy the A3 unit neighbouring the library within the Lightbox building and therefore was decided under delegated authority. Advertisement consent granted with conditions 28/06/2019.

### **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 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). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

### Local Plan

Relevant Local Plan policies include:

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

T4 – New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

TC1 – Town Centres - All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

TC2 – Primary and Secondary Shopping Frontages - Proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre and the District Centres.

BTC1 – The Daytime and Evening Economies - We will work with developers and operators to diversify the daytime and evening economies (particularly early evening)

Preference will be given to pubs, clubs, restaurants, cafés and night time entertainment uses.

BTC12 – The Markets Area District - We will allow shops, offices, leisure developments, and food and drink uses within the Markets District.

### 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**

*Ward Councillors* – No comments have been received.

*Highways Development Control* – No objections.

*Pollution Control* – No objections received.

### **Representations**

The application was publicised by neighbour notification letters and a site notice. No comments have been received.

### **Assessment**

#### Principle of Development

The site is located within the Markets Area of the Town Centre. The current and proposed use as an A3 Class café/restaurant upon a secondary shopping frontage is in line with the requirements of Local Plan Policies TC1, TC2, BTC1 and BTC12 as the unit appropriately caters for the daytime and early evening uses that will ensure the vibrancy, vitality and viability of the town centre.

The change of Unit R1 from an ancillary use complimentary of the library to that of a standalone A3 unit is largely a legal interpretation established in case law. Materially the change will not alter the use of the library or the Falco Lounge as they are currently experienced and the standalone A3 consent will continue to benefit the library into the future. Indeed the applicant has confirmed that the internal door shared between Unit R1 and the library will remain intact and in use to this effect. Consequently, the principle of the change from ancillary to a standalone planning unit is recommended as acceptable to board as it will allow the use to continue to contribute to the viability and vitality of Barnsley Town Centre.

### Residential Amenity

The site is located within an established commercial town centre area, with no residential properties in close proximity of the building. Indeed the ancillary use has been established for approximately four months without incident from a planning perspective and will continue in the same format as an independent planning unit. As such, it is anticipated that there will be no detrimental effect from the proposed change for local residents than what is currently experienced and it will not be prejudicial to the amenity of surrounding units in line with the requirements of Local Plan policies GD1 and D1.

### Visual Amenity

The building is of a high quality appearance which has been enhanced by the fit-out and signage installed by the occupier of the unit (Loungers Ltd). It is not expected that the change from ancillary to independent will alter the aesthetic quality or appearance of the building. As such the use is considered to be in line with Local Plan Policies GD1 and D1 as it is appropriate to the scale, role, function and character of the Lightbox and the surrounding area.

### Conclusion

The proposal raises very few issues in that it solely consists of a technical exercise to mean that the existing A3 café/restaurant (use class A3) becomes classified as a separate planning unit, instead of the original intention of it being ancillary within the library. There are no concerns with this proposal from a planning policy perspective as the café/restaurant use is in line with the requirements of Local Plan Policies TC1, TC2, BTC1 and BTC12 in terms of being an acceptable use in this part of the town centre. In addition the proposal does not generate any issues from a residential amenity or highways perspective. No other material considerations have been identified against the proposal which means that the Officer recommendation is to grant planning permission.

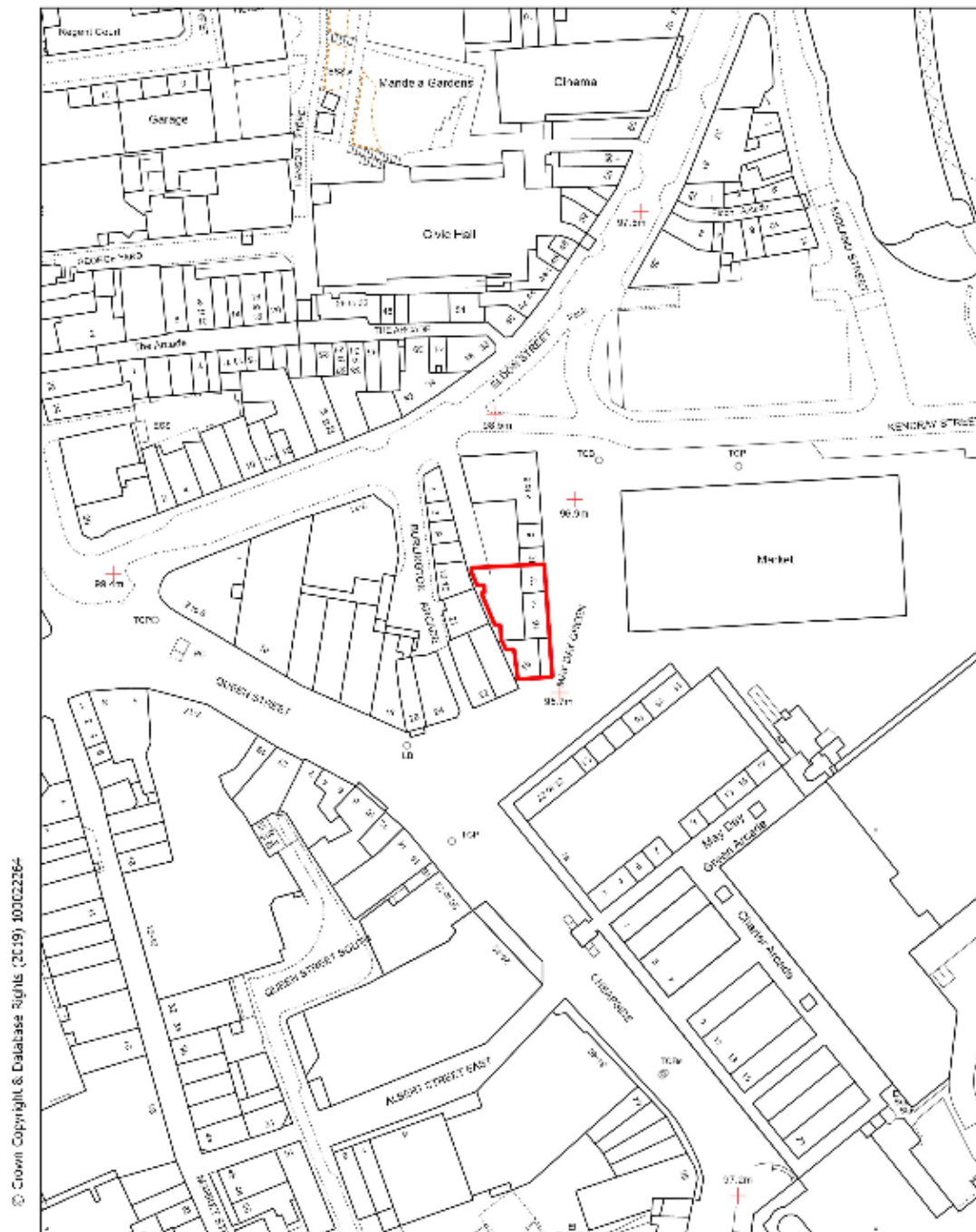
### **Recommendation**

**Grant** subject to conditions:

- 1        The development hereby approved shall be carried out strictly in accordance with the plans (20191132 Site Plan and Location Plan) 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.**

PA Reference:-

2019/1132



**BARNSELY MBC - Regeneration & Property**



Scale: 1:1250

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 to 30 September 2019

#### APPEALS RECEIVED

0 appeals were received in September 2019

#### APPEALS WITHDRAWN

0 appeals were withdrawn in September 2019

#### APPEALS DECIDED

0 appeals were decided in September 2019

#### 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 <b>Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD</b>	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) <b>Seventh Day Adventist Church, Doncaster Road, Kendray, Barnsley, S70 3HA</b>	Allowed	Delegated
3	2018/0245	Erection of detached garage with store above and erection of boundary fencing and demolition of existing garage. <b>7 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ</b>	Allowed	Delegated
4	2018/0481	Erection of 1 no. detached dormer bungalow with side attached garage <b>Land adjacent 1 Woodland View, Silkstone Common, Barnsley, S75 4SA</b>	Dismissed	Delegated
5	2018/1374	Erection of brick outbuilding to the rear of dwelling (retrospective) <b>21 Kings Court, Wombwell, Barnsley, S73 0FB</b>	Dismissed	Delegated
6	2017/1675	Erection of 8 field shelters/stables (Retrospective) <b>Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley</b>	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) <b>12 - 14 Eldon Street North, Barnsley, S71 1LG</b>	Dismissed	Delegated
8	2018/1046	Erection of detached dwelling	Dismissed	Delegated

		<b>Land at Broomhill View, Bolton Upon Dearne, S63 8LB</b>		
9	2018/1080	Erection of 2 detached bungalows <b>Land to the Rear of 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN</b>	Dismissed	Delegated
10	2018/1208	Erection of a timber single storey granny annexe for ancillary residential use associated with the dwelling <b>8 Orchard Close, Keresforth Hall Road, Kingstone, Barnsley, S70 6NF</b>	Dismissed	Delegated
11	2018/1337	Erection of stone built detached summer house to side of dwelling. <b>Black Moor Farm, Black Moor, Snowden Hill, Barnsley, S36 8YR</b>	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) <b>Land North of Keresforth Road, Dodworth, Barnsley</b>  <b>*Record decision as dismissed for the reason shown in next column.</b>	<b>Dismissed</b> *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 <b>Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY</b>	Dismissed	Delegated
14	2018/0819	Erection of 1no. detached dwelling <b>Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield</b>	Dismissed	Delegated
15	2018/0831	Change of use of café to hot food takeaway <b>14 High Street, Hoyland, Barnsley, S74 9AB</b>	Allowed	Committee
16	2018/1101	Erection of 2no detached bungalows (Outline with all matters reserved) <b>8 Scar Lane, Ardsley, Barnsley, S71 5BB</b>	Dismissed	Delegated
17	2019/0070	Two storey side extension to dwelling. <b>20 Gilder Way, Shafton, Barnsley, S72 8WP</b>	Dismissed	Delegated
18	2019/0168	Erection of agricultural storage building <b>Muscle Hill Farm, Lee Lane, Royston, Barnsley, S71 4RT</b>	Allowed	Delegated

# Item 10

## Planning Enforcement Report to Planning Regulatory Board

### Quarter 2 July 2019 – September 2019 Inclusive

#### Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 2 Period of this reporting year 2019/2020 (July – September 2019). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

#### Overall number of Planning Enforcement service requests Quarter 2:

July 2019 42

August 2019 48

September 2019 40

Total number of requests for service Quarter 2 2019/2020 **130**

	<b>Cases Received</b>	<b>Investigated/Resolved</b>	<b>Under Consideration</b>
Quarter 2 2019/2020	130	54	76

#### Introduction

The service has a triage system to assess and prioritise complaints in order of the seriousness of the harm being caused so that the resources of the service can be deployed in the most effective way. This approach has included filtering out low priority cases at an early stage to allow officers to invest time and resources resolving more difficult or complex cases. It has also enabled complaints where no breach of planning control has been identified (i.e. neighbour disputes or civil matters) to be resolved at the earliest point of contact.

The majority of cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other cases can take several weeks to resolve as they may require interventions by the Council and work with a variety of stakeholders including the submission of retrospective planning applications to be considered.

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

## **Summary of Case Activity**

### **(a) Issuing of Formal Notices**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Details of Service/Appeal</u></b>
2018\ENQ\00348  24 Gawber Road, Barnsley, S75 2HY	The insertion of a clear glazed, opening window on the first floor side elevation of the property	Enforcement Notice issued 15 <sup>th</sup> August 2019.  Effective: 18 <sup>th</sup> September 2019  Time period for compliance one month (18 <sup>th</sup> October 2019)
2018\ENQ\00552  Land off Midland Road, Royston, Barnsley, S71 4RT	(i) The operation of a crane hire business and;  (ii) The outside storage of vehicles (including motorised cranes) plant and equipment and;  (iii) The storage and processing of waste including the burning of plastics and dismantling of Upvc windows and other waste materials.	Enforcement Notice and Stop Notice issued 3 <sup>rd</sup> September 2019.  Effective: 7 <sup>th</sup> September (Stop Notice)  Effective: 4 <sup>th</sup> October 2019 (Enforcement Notice)  Time period for compliance one month (4 <sup>th</sup> November 2019).
2018\ENQ\00556  Heritage Court, North side of School Street, Hemingfield, Barnsley, S73 0HZ	Without planning permission, the contravention of Condition 7 of the Grant of Planning Permission in respect of application 2006/0102 (Hours of operation).	Enforcement Notice issued 16 <sup>th</sup> July 2019 requiring to cease the commercial use of the office and warehouse outside of the hours of 08.00 to 17.30 Mondays to Fridays, 09.00 to 13.00 on Saturdays and at no time on Sundays or Bank Holidays  Effective: 16 <sup>th</sup> August 2019  Time period for compliance one month (16 <sup>th</sup> September 2019).  Appeal Submitted.

<p>2019\ENQ\00125</p> <p>Land and buildings on the South side of Tankersley Lane, Hoyland Common, Barnsley, S74 0DT,</p>	<p>Without planning permission, the material change of use of land for the storage onto Green Belt land along with the accumulation of glass and rubbish, including fuel containers</p>	<p>Enforcement Notice issued 26<sup>th</sup> June 2019 requiring:</p> <p>(i) Remove the unauthorised platform restoring the area over the beck to its previous condition before development started</p> <p>(ii) Cease all unauthorised tree works</p> <p>Effective: 28<sup>th</sup> July 2019</p> <p>Time period for compliance one month (28<sup>th</sup> August 2019).</p>
<p>2019\ENQ\00412</p> <p>Cawthorne Club, Tivy Dale, Cawthorne, Barnsley S75 4EY</p>	<p>The installation of a raised platform over the beck to create an external drinking and seating area.</p>	<p>Enforcement Notice issued 28<sup>th</sup> June 2019</p> <p>Effective: 28<sup>th</sup> July 2019</p> <p>Time period for compliance one month (28<sup>th</sup> August 2019)</p> <p>Works in default undertaken to remove the structure.</p>
<p>2019\ENQ\00472</p> <p>7 Spa Well Grove, Brierley, Barnsley, S72 9LS</p>	<p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Enforcement Notice issued 19<sup>th</sup> July 2019 requiring:</p> <p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>(ii) Reduce the height of the existing fence panels (including gravel boards and pillars) that are affecting the neighbouring properties visibility as marked in Appendix 1 to panels which are a maximum of 1 metre</p> <p>Effective: 22<sup>nd</sup> August 2019</p>

		<p>Time period for compliance: One month (22<sup>nd</sup> September 2019).</p> <p>Appeal Submitted</p>
<p>2019\ENQ\00505</p> <p>44 High Street, Bolton Upon Dearne, Barnsley S63 8LJ.</p>	<p>Development has taken place pursuant to planning permission ref: 2018/0581 (Demolition of existing garage and erection of detached annexe/garage to rear of dwelling), granted by the Council on 15th August 2018.</p> <p>However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and therefore does not have planning permission.</p>	<p>Enforcement Notice issued Notice issued 4<sup>th</sup> July 2019.</p> <p>Effective: 6<sup>th</sup> August 2019</p> <p>Time period for compliance: Two Months (6<sup>th</sup> October 2019).</p> <p>Appeal Submitted</p>
<p>2019\ENQ\000518</p> <p>36 Southfield Crescent, Thurnscoe, Barnsley, S63 0RR</p>	<p>Without planning permission, the erection of a balcony to the first floor rear elevation of the property</p>	<p>Enforcement Notice issued 30<sup>th</sup> August 2019 requiring:</p> <p>(i) Remove the unauthorised balcony</p> <p><b>OR</b></p> <p>(ii) Install a Juliet balcony by removing the external area outside the balcony doors. Install restraining railings covering the door to prevent external access at a height of at least one metre</p> <p>Effective 30<sup>th</sup> September 2019</p> <p>Time period for compliance: Two months (30<sup>th</sup> November 2019).</p>

<p>2019\ENQ\000546</p> <p>204 Darton Lane, Mapplewell, Barnsley, S75 6AH</p>	<p>Without planning permission;</p> <ol style="list-style-type: none"> <li>1. The erection of a detached building and;</li> <li>2. The unauthorised change of use of the land to a base for a vehicle recovery business and storage and parking of recovery vehicles</li> </ol>	<p>Enforcement Notice issued 18<sup>th</sup> September 2019 requiring:</p> <ol style="list-style-type: none"> <li>(i) Demolish the unauthorised breezeblock structure in its entirety, ensuring that the remaining land is restored to its original condition before the breach of planning control took place.</li> <li>(ii) Removal all vehicles and equipment associated with the operation of a vehicle recovery business from the site.</li> </ol> <p>Effective 19<sup>th</sup> October 2019</p> <p>Time period for compliance: Two months (19<sup>th</sup> December 2019).</p>
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**(b) S215 Untidy Land and Buildings Action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>S215 Notice Details</u></b>	<b><u>Details of Service/Appeal</u></b>
<p>2019\ENQ\00228</p> <p>Land known as 35 Guest Road, Barnsley, S75 2SR</p>	<ol style="list-style-type: none"> <li>1. Clear the land of any self-setting shrubs, weeds and brambles</li> <li>2. Rebuild and reinstate a permanent boundary such as a brick wall similar to what was in situ previously as per photographs A, B &amp; C</li> <li>3. Remove all rubbish from the garden &amp; to suitably store building material in a tidy manner or in an appropriate storage facility</li> <li>4. Remove the orange barriers from the curtilage of the dwelling</li> </ol>	<p>S215 Notice issued 2<sup>nd</sup> September 2019.</p> <p>Effective: 2<sup>nd</sup> October 2019</p> <p>Time period for compliance two months 2<sup>nd</sup> November.</p>

<p>2019\ENQ\00611</p> <p>Land at 2,4,6,8 2 New Street, Darfield, Barnsley, S73 9LN</p>	<p>1.The acquisition of a condition survey from a suitably Qualified Surveyor with the intention of executing a comprehensive schedule of works for repair and refurbishment</p> <p>OR</p> <p>2.Demolish the buildings and remove from the Land any rubble and materials arising from the demolition</p>	<p>S215 Notice issued 31<sup>st</sup> July 2019.</p> <p>Effective: 31<sup>st</sup> August 2019</p> <p>Time period for compliance two months (31<sup>st</sup> October 2019).</p>
<p>2019\ENQ\00682</p> <p>52 Gawber Road, Barnsley, S75 2AP</p>	<p>1.Felling of all trees (including self-setters) from the gardens</p> <p>2.Removal of ivy from the external walls</p> <p>3.Cutting back or poisoning of all overgrown vegetation in the gardens</p>	<p>S215 Notice issued 24<sup>th</sup> September 2019.</p> <p>Effective: 24<sup>th</sup> October 2019</p> <p>Time period for compliance two weeks (8<sup>th</sup> October 2019).</p>

**(c) Legal action**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Case Details</u></b>	<b><u>Prosecution Status</u></b>
<p>2019\ENQ\00412</p> <p>Cawthorne Club, Tivy Dale, Cawthorne, Barnsley S75 4EY</p>	<p>Failure to comply with Enforcement Notice dated 28<sup>th</sup> June 2019</p> <p>Works undertaken in default by contractor to remove the unauthorised platform structure due to non-compliance with the enforcement notice. Costs being recovered from owner.</p>	<p>N/A – works undertaken in default</p>
<p>Worsbrough Wood, Worsbrough Road, Barnsley, S70</p>	<p>Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.</p>	<p>Further enforcement notices under preparation to tackle further planning breaches including the erection of walls and gates, storage of equipment and vehicles and hardstanding.</p>



**(d) Enforcement Appeals**

<b><u>Case Reference &amp; Location</u></b>	<b><u>Breach of Planning Control</u></b>	<b><u>Appeal Decision</u></b>
2018/ENQ/00526  Cliffe Lane, Brierley, Barnsley, S72 9HR	Laying of Hardstanding's, walls and block paving for the formation of caravan bays.  Enforcement Notice and Stop Notice issued 25 <sup>th</sup> January 2019	Awaiting start letter from the Planning Inspectorate.
2018/ENQ/00689  Sandybridge Lane, Shafton, Barnsley, S72	Change of use of land for residential occupation of caravans and base for recovery business  Enforcement Notice and Stop Notice issued 25 <sup>th</sup> January 2019	Awaiting decision from Planning Inspectorate.
Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE	Change of use of vacant land to base for a highway contractor, road and maintenance depot.  Enforcement Notice issued 20 <sup>th</sup> April 2018	Awaiting Decision from Planning Inspectorate following site visit undertaken on 4 <sup>th</sup> October 2019
2019\ENQ\000492  35 George Street, Goldthorpe, Rotherham, S63 9AY	Development not in accordance with the approved plans and conditions granted by the Council.  Enforcement Notice issued 7 <sup>th</sup> June 2019	Appeal notification received, awaiting start letter from the Planning Inspectorate.

2018\ENQ\00558  37 Armroyd Lane, Elsecar, Barnsley, S74 8ET	The unauthorised vehicular access over the verge without a dropped kerb onto the Land.  Enforcement Notice issued 20th June 2019.	Appeal notification received, awaiting start letter from the Planning Inspectorate.
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### **Timescales for Determination of Appeals**

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. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals.

### **Enforcement Resource**

The Council has successfully secured funding from the Ministry of Housing Communities and Local Government Planning Enforcement Fund, which will be utilised to create an additional Planning Enforcement post initially for 18 months but with a view to extending if fee income exceeds our current projections. This is particularly timely given the additional development envisaged to come forward as a result of the Local Plan being adopted but will also help us in respect of more robust monitoring and pro-active work. We are hopeful that there will be an additional officer in post by December.

### **Conclusion**

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

**Email:** [Planningenforcement@barnsley.gov.uk](mailto:Planningenforcement@barnsley.gov.uk)

**Customer Services 01226 773555**