

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 January 2020
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2019/0722 and 2019/0740

Please meet at the Town Hall for immediate departure at 11.00 a.m.

Plan Number	Site	Approx Time of Arrival
2019/0722 and 2019/0740	Extension and alterations to the south and west wing of the stable building to provide café at ground floor and shop at first floor, with associated porch access route and disabled access lifts at Cannon Hall Museum, Bark House Lane, Cawthorne (Full and Listed Building Applications)	11.20 a.m.

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

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

2. Declarations of Interest

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

MEETING:

3. Minutes (Pages 5 - 6)

To receive the minutes of the meeting held on 17th December 2019.

Planning Applications

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

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

4. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley - 2019/0722 and 2019/0740 - For Approval (*Pages 7 - 26*)
5. Land to the south of Lee Lane, Royston - 2019/0239 - For discussion regarding defence of appeal at the public inquiry (*Pages 27 - 50*)
6. Land south of New Smithy Avenue, Thurlstone - 2019/0689 and 2019/0690 - For Approval (*Pages 51 - 74*)
7. Roughbirchworth Lodge, Roughbirchworth Lane, Oxspring - 2018/1433 - For Approval (*Pages 75 - 90*)
8. Garage site, Martin Croft, Silkstone - 2019/1136 - For Approval (*Pages 91 - 102*)
9. Former Burton Grange Nursery, Abbey Lane, Lundwood - 2019/0637 - For Approval (*Pages 103 - 112*)
10. Cat Hill Livery, Cawthorne View, Firs Lane, Cathill - 2019/0250 - For Approval (*Pages 113 - 120*)

Planning Appeals

11. Planning Appeals - 1st to 31st December 2019 (*Pages 121 - 124*)

Enforcement

12. Enforcement Update report (*Pages 125 - 136*)

To: Chair and Members of Planning Regulatory Board:-

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

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

Parish Councils

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

Monday, 13 January 2020

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 17 December 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, Hand-Davis, Hayward, Higginbottom, Makinson, McCarthy, Noble, Richardson, Smith, Stowe and Wright

55. Declarations of Interest

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

56. Minutes

The minutes of the meeting held on 19th November 2019 were taken as read and signed by the Chair as a correct record.

57. Carrs Lane, Cudworth, Barnsley - 2019/0718 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0718** (Outline application for 10 new dwellings with matters of landscaping, access, layout and scale under consideration) at land at Carrs Lane, Cudworth, Barnsley

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to the completion of a S106 agreement to secure the financial contribution listed in the report towards primary and secondary school places.

58. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT - 2019/0722 and 2019/0740 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0722** and **2019/0740** (Joint Report Full Planning and Listed Building Consent, Cannon Hall Museum/BMBC – Extension and alterations to the south and west wing of the stable building to provide café at ground floor and shop at first floor, with associated porch access route and disabled access lift) at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT

Ms A Nicholson addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred, pending a site visit.

59. Collingwood Hotel, Station Road, Bolton Upon Dearne, Rotherham S63 8JA - 2019/0754 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/0754** (Change of use from former Public House to a restaurant use (A3) and 4 no. residential apartments (C3) at Collingwood Hotel, Station Road, Bolton upon Dearne, Rotherham, S63 8JA).

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

60. Planning Appeals - 1st to 30th November 2019

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

The report indicated that no appeals were received or withdrawn in November 2019. Two appeals were decided in November 2019.

It was reported that 23 appeals have been decided since 1st April 2019, 17 of which (74%) have been dismissed and 6 of which (26%) have been allowed.

Chair

Item 4

2019/0722 & 2019/0740 Joint Report Full Planning + Listed Building Consent

Cannon Hall Museum/BMBC

Extension and alterations to the south and west wing of the stable building to provide cafe at ground floor and shop at first floor, with associated porch access route and disabled access lift.

Cannon Hall Museum, Bark House Lane Cawthorne Barnsley S75 4AT

The application is put to Members as the Council is the applicant. Ten letters of objection have been received from seven separate parties. Cawthorne Parish Council also object.

Update

This report previously went before Members at the Planning Board in December. It was deferred to allow Members the opportunity to visit the site which will take place before the Planning Board sits again on the 21st January 2020.

Description

Cannon Hall Museum sits in 70 acres of historic parkland looking towards the village of Cawthorne, to the west of Barnsley and within the Green Belt. Cannon Hall is a Grade II* Listed Building and the majority of the hall in its current form dates to the early eighteenth-century and has an association with two eminent architects of the time, John Etty and John Carr of York. It is listed at Grade II* in recognition of the high level of architectural and historic interest it possesses.

A home farm complex lies immediately north of the Hall and consists of a range of buildings including stables, a coach house, cottages and a farmhouse of late C18 date (all listed Grade II). The northern and part of the eastern sides of the courtyard are private residential accommodation.

Cannon Hall Museum shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of important undesignated heritage assets. The park boundaries comprise of mature trees to the northwest and south-west. The eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre.

The Hall and Estate were sold to Barnsley Council in 1951 by the last member of the Spencer family, Elizabeth. Since then the Estate has been run by the council as a tourist attraction. It opened as a museum in 1957 and now hosts important collections of glassware, ceramics, paintings and period furniture. The site has approximately 450,000 visitors per year, with 150,000 people each year visiting the Museum itself and participating in a regular programme of visiting exhibitions, workshops and events.

The application relates directly to the Spencer Wing, a two-storey western range of the stable block/coach house located to the north east of the main house. The coach house is listed in its own right (Grade II - ID 334139) and is in a dilapidated condition. The ground floor is currently used for storage and the interior contains many original fittings, including the former tack rooms and stable accommodation, which are in a

substantially intact but poor state of preservation. The eastern elevation of the block features a symmetrical 9-bay façade with eleven muntin bar windows, three carriage doors and two entrance doors all coloured conservation green which all outlook onto a courtyard. The western elevation of the Spencer Wing is set beside a retaining wall which rises to allow access directly by a footpath across the bank to the first floor of the building. A large Holm Oak is set upon the northern extent of the bank beside the vehicular access. The access traverses through a carriageway entrance to the courtyard with a neighbouring residential dwelling (The Gamekeeper's Lodge) situated above at the first floor level to the north. A walkway sits below the western elevation of the Spencer Wing where the retaining wall is positioned – three conical voids are located within the retaining wall.

In terms of appearance, the western elevation of the range also exhibits a number of muntin windows, as well as an external spiral staircase and, at its southernmost aspect, a biomass boiler at the ground floor level which is mostly hidden by the level-difference created by the earthen bank. The western elevation is composed of coursed sandstone with large stone quoins while the eastern elevation has a decorative red-brick façade topped with a pediment where an oculus window is set centrally within. The roof of the western range is hipped and finished with stone tiles. The southern range is similarly finished in red brick with a carriageway entrance that allows access to the kitchen courtyard further south.

Several residential dwellings face onto the stable courtyard and utilise it as their shared amenity space.

Proposed Development

The applications comprise a package of works to convert and facilitate better flexibility and use of spaces (some currently underused or not used at all) within the courtyard and the Spencer Wing.

The works would involve the conversion of the current western stable / carriage range to a café at ground floor level with a café overspill area and shop above this at first floor level with a lift and stair connecting the levels.

The proposals would allow visitors to move through the covered walkway to the north of the kitchen courtyard, via a new glazed porch and into the new café area without visitors entering the larger courtyard to the north. Changes to the existing covered walkway area would include new timber gates to match the existing gate, a wider double door with lowered threshold into the current store room and another new door in its northern wall which would allow access to the new glass porch. Beyond this, access would be gained to the café space via an enlarged window in the corner of the carriage building. Once inside the café, visitors have the option of a visit to the café or, may use the new stairs or platform lift (an unused space adjacent the biomass boiler room) to access the shop on the first floor or the overspill café. The proposal includes a number of interventions to allow all this to work together, the most noteworthy being:

- (i) Changes to the covered walkway area in the southern range including the expansion of an existing doorway and new gates to the coach house.
- (ii) The glazed courtyard porch and new doorways.
- (iii) The Café conversion at ground floor including the addition of glazing within the carriageway windows as well as removal of a number of sections of internal wall and a rear entrance to the passageway beside the retaining wall.
- (iv) The new lift / stairs.

- (v) Café overflow, W.C. and Shop at first floor including the reorientation of a number of internal walls.
- (vi) Regrading and reorientation of path on western bank.

History

The following planning applications and listed building consents have been previously approved by the Planning Board:-

Planning Application 2016/0633 - Works within grounds of Cannon Hall including formation of 6. no. parking spaces, reconfiguration of forecourt, reinstate pond, repair of growing areas and footpaths, change use of Gardener's Cottage, remove cart sheds to form access between museum and walled garden, repair works to Stable Yard Cottage to create holiday let cottages, partly restore and repair North Range Glass House and improvements to cafe settings.

Listed Building Consent 2016/0758 - Works within grounds of Cannon Hall including restoration of Deer Shelter, repairing and access works to Ice House, amendments to forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, removal of cart sheds and wall section, amendment to Stable Yard and Gardener's Cottage, repairs to Pinery, alterations to paths and planting and recreate pond.

Full Planning Application 2017/0213 - Erection of new entrance porch.

Listed Building Consent 2017/0239 – Erection of new entrance porch.

Listed Building Consent 2017/1571 - Minor amendments to internal layouts of gardeners and stable yard cottages, repair works and alterations of stable yard cottage, retention of cart shed and installation of full height brick arched opening at rear.

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 Local Plan is the borough's statutory development plan which is supported by a series of adopted 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 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).

Local Plan policies map designations include:-

- Green Belt
- Cannon Hall Historic Park and Garden
- Deffer Wood TPO

Other relevant Local Plan policies are as follows:-

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.

GB2 – Replacement, Extension and Alterations of Existing Buildings within the Green Belt - Extensions in the Green Belt will be acceptable where the extension or alteration of the building does not exceed the size of the original building.

GB3 – Changes of Use in the Green Belt - The proposed new use is in-keeping with the local character and the appearance of the building while preserving the openness of the Green Belt.

HE1 – The Historic Environment - We will positively encourage developments which will help in the management, conservation, understanding, and enjoyment of Barnsley's historic assets. Including (f) supporting proposals which will help secure a sustainable future for Barnsley's heritage assets, especially those identified as being at greatest risk of loss or decay.

HE2 – Heritage Impact Assessments and General Application Procedures - Submission of Heritage Impact Assessments for development affecting heritage assets.

HE3 – Developments Affecting Historic Buildings - Proposals involving additions or alterations to listed buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance.

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.

POLL1 – Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water, and ground water, noise, smell, dust, vibration, light or other pollution which could unacceptably affect or cause a nuisance to the natural and built environment.

Supplementary Planning Documents

Heritage Impact Assessments

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, which relates 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 124 (general design considerations) and paragraph 130, which state 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'.

The relevant paragraphs within the NPPF will be observed with respect of this application, those being Chapters 13 (Protecting Green Belt Land) and 16 (Conserving and Enhancing the Historic Environment).

Consultations

Cawthorne Parish Council – Object to the design of the erection of the glass porch due to its design not being aesthetically pleasing or acting as an enhancement to the building.

Conservation Officer – No objections subject to conditions. The conservation officer's comments are as follows:

During pre-application discussion I noted that the proposed works to the covered walkway would be required for DDA and that some justification was required (which we have) for these alterations. In terms of the glazed porch I previously suggested the option of a monopitch roof over this structure as there has been one previously (scar on wall). However, I accept in doing this, the roof would likely truncate the string course and cill of the FF window in this area and so is not a viable option. In terms of the café alterations I was at pains to note the degree of preservation and the need for a very light touch, and the important contribution the external appearance will have to the setting here:

'However there is some obvious impact and a degree of minor harm in altering this very original space. This includes original panelling removal and the loss of wall fabric to punch doorways through etc. It is justified but needs proper explanation in the heritage impact statement...'

Overall I would say the proposal is light touch and does take a conservation led approach, with some limited but entirely necessary alterations to cross walls and new doorways (to facilitate access to the lift / stair). The heritage statement details this, however I would still wish that the spaces undergo detailed recording before the works commence. In terms of the new lift and access to the stairs the internal changes to the area immediately adjacent to the biomass raise no concerns. These spaces have undergone multiple historic changes following their use as the billiard room, conversion to toilets during the mid-C20, then the installation of the biomass boiler and hopper (2012/1351). However, the proposed lift enclosure will clearly be visible from the setting of the house to the rear (north). Given the recent installation of the glazed porch to the rear of the house I have voiced concerns over cumulative changes and possible negative impacts in this area. Needless to say, much discussion went into this element, its appearance and other locations or options for the lift. However the proposed location is the only viable option and so the enclosure has been designed to have the most minimal upstand possible, and be clad in

materials to reduce its visual intrusion. Additionally, I have asked if the extended wall which abuts the ballroom be extended further along and at one consistent height along its length, thus shielding views more effectively of the enclosure from the setting at the rear of the house. Lastly, the works to the second floor of the Spencer wing will require changes to the arrangement of the space to accommodate the shop, overspill café and W.C. / Baby Change. Clearly the greatest intrusion here is the need to break through the external wall to allow access to the lift. However, overall I do feel this is justified to facilitate the lift and the better access for all to the space.

Overall, although some intervention into historic fabric (and some minor harm) is undoubtedly required to facilitate the proposal, I feel this is balanced by improved access and better engagement by the public with the heritage at Cannon Hall.

Historic England – No objections on heritage grounds.

Ward Councillors – No responses received.

Pollution Control – No objection subject to conditions.

Forestry Officer – No objection subject to condition.

Highways Drainage – No objections subject to compliance with the building regulations.

Highways DC – No objections:-

Access, parking and servicing are retained from Bark House Lane. Customer trips are expected to be linked to visits to the museum and other parts of the grounds. The four extra staff and additional servicing requirements are not considered to be significant to give rise to road safety issues. Given the number of users and the extent of the works, a construction traffic management plan (CTMP) is appropriate. The CTMP has been agreed with the applicant.

Representations

The application was advertised by way of neighbour notification letters, a site notice and a press advert. The press notice was advertised in the Barnsley Chronicle on the 19th July 2019. Ten letters from seven separate parties have been received which outline the following issues with the development:

- Impact on privacy of the residential courtyard area from the cafe windows that are to be introduced within the carriage door frames, as well as from the existing fenestration, which will negatively affect residential amenity.*
- Significant alterations to the façade of the Spencer Wing will detrimentally impact its appearance therefore negatively affecting the historic fabric of the building.*
- The condition of the private access road known as Bark House Lane would be made worse by construction vehicles.*
- The café will increase the number of deliveries and customers travelling to the site thereby increasing the volume of traffic movements on the narrow private drive accessed from Bark House Lane. The representors cite that the drive is not designed to accommodate a large volume of use as it has only a single vehicle right of way with one passing point. The drive has already borne an increase in use from the*

development of two holiday let dwellings in the southern range, the new pet crematorium as well as the existing use by staff and visitors to the Hall. Access permission on the private drive and the courtyard extends to unloading and right of way for vehicles and pedestrians. However many visitors to the museum park in the courtyard late into the evening when events take place at the museum and disrupt the residents of the nearby dwellings – this is in contravention of the museum's access rights. The representor cites an instance where wedding guests moved their vehicles as late as 11pm at night. Early morning and late evening deliveries to the courtyard are also stated to be disruptive, especially when articulated lorries visit the museum. Inadequate volume of parking at the hall will be made worse by an increase in footfall to the café and consequent increase in parking it will elicit. The current situation leads to blocking of emergency exits as well as people parking in the private courtyard in contravention of the access rights previously mentioned.

- Waste storage is inadequate and the voids beneath the earth bank will be unable to accommodate the volume of waste generated by the café, potentially attracting vermin and creating odours in proximity to a residential dwelling.

- Late evening events, such as weddings, at the museum have caused large noise disturbance for residents with taxis, music and guests all contributing to noise pollution late into the night.

- Lack of a designated smoking area has contributed to unpleasant odours from late evening guests leaking into residential rooms.

- Concerns with regard to the development's impact upon the Holm Oak tree.

- The new store room and staff area will share a single course brick internal wall with the neighbouring dwelling. Concerns were raised in relation to the impact of noise upon the neighbouring residential property.

- Overall an 11pm closing time is considered disruptive to residents, especially when there have been a lack of staff to martial late evening events where anti-social behaviour has occurred.

- One representor states that there are already three café's in close proximity to the Spencer Wing and queries the necessity of another given the current offer nearby.

The above objections will be reviewed in the residential amenity assessment below.

Assessment

Cannon Hall is set within the Green Belt and is a Grade II* listed building within a Grade II registered landscape, with several associated buildings and structures listed at Grade II. The application therefore needs to be assessed in principle against Local Plan Policies GB2, GB3, HE1, HE2 and HE3 which accord with Government advice set out in the NPPF.

Green Belt Tests

The glazed corner porch in the south western corner of the courtyard poses the only increase in footprint to the Spencer Wing. Historic OS mapping indicates that a previous building was sited in this area between 1910 and 1930 until it was removed between 1960 and 1990. The 1960 OS map suggests that it was larger in size than the porch proposed under this application. Irrespectively, the porch's impact upon the

Green Belt is not determined to be inappropriate as its size would not result in disproportionate addition over and above the size of the original building (local plan policy GB2 allows for extensions up to a doubling of the size of the original buildings as they existed in 1948 by way of context). The same interpretation also applies to the lift shaft which would not be raised above the adjacent roof plane and would therefore be viewed within the profile of the Spencer Wing and within the footprint of the original building. Overall the proposal accords with Local Plan Policy GB2 and NPPF para 145 (c).

The change from the historic stable use and contemporary storage space to an A3 café and A1 shop is also found to be in line with Local Plan Policy GB3. This is because the development complies with NPPF para 146 (d) where the re-use of buildings within the Green Belt is not inappropriate when they are composed of a permanent and substantial construction – in this instance being composed of red-brick and ashlar elevations.

Impact upon Heritage Assets and Visual Amenity

The proposal has been assessed in detail by both the Conservation Officer and Historic England who have raised no objections to the proposed change of use and scheme of works. Both representors and Cawthorne Parish Council cite the porch's modern appearance as out-of-keeping with the historic façade of the coach house being that the porch would be entirely glazed in contrast to the palladian red-brick styling of the Spencer Wing. A traditional lean-to porch was considered at the design stage for the café however, as stated within the design and access statement (DAS), a lean-to structure would have sat uncomfortably in the corner of the courtyard where it would have disrupted the sandstone belt course upon the eastern elevation of the coach house. As such, the adoption of a minimalist glazed porch with a flat roof was agreed by the Conservation Officer and the applicant as the least visually disruptive addition to the fabric of the Spencer Wing.

Officers agree with this approach as it is conservation led and light touch when viewed in the context of the southern and western range buildings. Indeed the porch, as well as the introduction of the lift and the removal of some sections of internal wall, shall open up the Wing to the museum's visitors - directly correlating with the intent of Local Plan Policy HE1. This policy requires development affecting the borough's historic assets to aid and secure a sustainable future for those assets. This is especially the case for historic buildings that are at most risk of loss or decay, like the Spencer Wing, by improving the management, viability, conservation, understanding and enjoyment of the asset. When viewed in the context of the other works undertaken to bring Cannon Hall forward as a leisure and educational facility, the café would open up an underutilised and listed building which should elicit greater enjoyment, management and enhancement of a major visitor attraction in the borough.

The Conservation Officer has requested that the building in its current state is recorded for posterity and that the external and internal finishes, including the new stable block and courtyard doors, are to be conditioned in line with conservation specifications. Furthermore, the details relating to the appearance of the lift enclosure are to be submitted prior to commencement of works on site and the same is the case for all internal and external materials that are to be newly introduced.

Residential Amenity

The issues raised by representors are appraised below:

- Impact on privacy of the residential courtyard area from the cafe windows that are to be introduced within the carriage door frames, as well as from the existing fenestration, which will negatively affect residential amenity.

The new windows within the carriage doors of the Coach House shall be conditioned so that their lower glazing panels are obscured to the upper transom. This should prevent new views into the courtyard which would otherwise not have been available prior to the proposed use coming forward. The existing windows shall not be obscure-glazed as these offer existing views into the courtyard through smaller apertures as originally designed. Furthermore the glazing panels within the porch extension are to be obscure-glazed to a height of 1.8m to further protect resident's amenity in this transit area. Based upon the circumstances previously described, the privacy loss incurred by residents' is expected to be within reasonable limits.

- Significant alterations to the façade of the Spencer Wing will detrimentally impact its appearance therefore negatively affecting the historic fabric of the building.

This has been discussed in the section above. The alterations have been reviewed by the conservation officer and Historic England and have been found to be acceptable and in line with Local Plan policies HE1 and HE3.

- The condition of the private access road known as Bark House Lane would be made worse by construction vehicles.

On the whole this would be a civil matter that is outside the scope of the planning application. Nevertheless, a construction traffic management plan can be conditioned requiring the applicant to supply satisfactory details pertaining to routing, volumes and timing of construction vehicles, hours of working, details for the storage of machinery and materials and provision of parking for onsite workers.

- The café will increase the number of deliveries and customers travelling to the site thereby increasing the volume of traffic movements on the narrow private drive accessed from Bark House Lane which has already borne an increase in use from the development of two holiday let dwellings in the southern range, the new pet crematorium as well as the existing use by staff and visitors to the Hall.

The private drive and most of the shared courtyard to the east of the coach house is under the ownership of Cannon Hall Farm with the museum having access rights for crossing and unloading vehicles over both transit points. The case officer notes that no gates are installed to control pedestrian or vehicular traffic at specific times of day at neither the entrance from Bark House Lane or into the Courtyard beside the Holm oak tree. A set of gates is positioned at the entrance to the car park at the rear of Cannon Hall. The main car park for Cannon Hall Museum is beside Bark House Lane opposite the nearby garden centre. It has ample capacity for both visitors and staff and it is expected that most visitors to Cannon Hall will park in this car park and that any increase resulting from the proposal's addition will be absorbed there. Indeed the café and shop's layout has been designed to prevent visitors walking into the stable courtyard with new gates being positioned in the entranceway of the southern range accessed from the kitchen courtyard. Indeed it is expected that those using the café and shop would either entrance via the path on the earthen bank to the west of the Spencer Wing or via the kitchen courtyard and through the new porch. Both approaches would prevent visitors from accessing the resident's shared private courtyard as they progress through the museum and its grounds.

Visitors to the museum park in the courtyard late into the evening when events take place at the museum and disrupt the residents of the nearby dwellings – this is in contravention of the museum's access rights. The representor cites an instance where wedding guests moved their vehicles as late as 11pm at night. Early morning and late evening deliveries to the courtyard are also stated to be disruptive, especially when articulated lorries visit the museum. Inadequate volume of parking at the hall will be made worse by an increase in footfall to the café and the consequent increase in parking it will elicit. The current situation leads to blocking of emergency exits as well as people parking in the private courtyard in contravention of the access rights previously mentioned.

It is acknowledged that there may be instances where visitors may try to park closer to the Hall and utilise the adjacent ancillary car park in front of the hall and that this can lead to congestion or anti-social parking for both Cannon Hall Farm and its residents'. Nevertheless instances such as this are unlikely to increase at anti-social times of day given that the café is to be limited to operating hours of 08:00 to 18:00 Monday to Sunday while delivery times would be similarly conditioned and shall be further restricted to being made only to the aforementioned ancillary car park.

The holiday let dwellings are not permanently let out which infers that the car park adjacent to the main Cannon Hall building are not permanently used by such residents. It is further acknowledged that there may be instances where visitors may try to park closer to the Hall and utilise the adjacent ancillary car park and that this can lead to congestion or anti-social parking. Nevertheless it is understood that instances such as this lie outside the remit of the planning process and that they are the result of existing leisure and educational uses across the site. Controls via condition can only be instituted where they can reasonably be seen to result from the proposed café and shop use. It is felt that the pedestrian and vehicle access arrangements that have been proposed are reasonable and proportionate to the scheme.

- Waste storage is inadequate and the voids beneath the earth bank will be unable to accommodate the volume of waste generated by the café, potentially attracting vermin and creating odours in proximity to a residential dwelling.

A waste strategy has been submitted in support of the café application following a request by the case officer. The voids within the retaining wall are to be used for waste that would be collected daily and moved to the main waste compound near the car park off Bark House Lane. It is determined that the voids, as a whole being 6.3sqm in size, are large enough to cope with the daily needs of a café of the size proposed. Similarly, as the waste is to be collected daily and relocated several hundred metres away, the risk of attracting vermin or other pests will be curtailed with the amenity issues for nearby residents subsequently minimized.

- Late evening events, such as weddings, at the museum have caused large noise disturbance for residents with taxis, music and guests all contributing to noise pollution late into the night.

Events, like the wedding specified, lie beyond the remit of this application owing to the restrictions proposed to be placed on the operating hours and delivery times of the café and shop.

- Lack of a designated smoking area has contributed to unpleasant odours from late evening guests leaking into residential rooms.

Same as above. The case officer has been provided confirmation in correspondence from the applicant dated 2nd September 2019, that no smoking is permitted by visitors or staff on the site.

- Concerns with regard to the development's impact upon the Holm Oak tree.

The application has been reviewed by the Council's arboricultural officer. The works near to the tree in question relate to a build-up and rerouting of the path across the bank adjacent to the tree. These works are partially within the tree's root protection area and the forestry officer has subsequently required a condition for a method statement and protection details to be submitted prior to commencement of works on the path to ensure the health of the Holm oak which lies within the group TPO for the site.

- The new store room and staff area will share a single course brick internal wall with the neighbouring dwelling. Concerns were raised in relation to the impact of noise upon the neighbouring residential property.

Pollution Control have recommended that a noise report in line with BS8233:2014 is required by condition to protect the amenity of neighbouring residents in the attached residential property (Game Keeper's Lodge) which may result from operation of the use in the proposed store/staff room. The condition would not be discharged without satisfactory levels being achieved.

- One representor states that there are already three café's in close proximity to the Spencer Wing and queries the necessity of another given the current offer nearby.

Issues relating to business competition are not a material planning consideration.

Another amenity issue, not raised by residents but addressed by regulatory services, concerns the creation of any means of extraction that could be required for the operation of the café use. The applicant advised that the use on site had not been tendered and therefore the type of food offer, i.e. cold food only or a cold and hot food service, had not been established. Similarly the layout of the kitchen and the details pertaining to any means of fume extraction could not be clarified as a consequence. These issues can impact residents in terms of the outlet of fumes as well as the noise external plant could create. It also has ramifications for the significance of historic asset as well as the setting of the main hall. To practically overcome this issue, the kitchen layout and the method of fume extraction are subsequently conditioned as prior to commencement of the cafe use and shall not be discharged without agreement from pollution control or the heritage officer.

To conclude, the residential amenity of the site is believed to be sufficiently protected via the means outlined above in line with Local Plan Policy GD1 – General Development and POLL1 – Pollution Control and Protection.

Conclusion

The proposals constitute minor external additions and internal alterations to the Spencer Wing. The works are supported by Historic England and the Council's Conservation Officer and should have no significant impact upon the Grade II Listed Building, the setting of the Grade II* Listed Building or the Grade II registered landscape in accordance with the NPPF and Local Plan Policies HE1 and HE3. Likewise, the impact upon the Green Belt from the external additions and the proposed use are not determined to be inappropriate in line with Local Plan policies

GB2 and GB3 which accord with NPPF paras 145 (c) and 146 (f). Residential amenity is expected to be maintained at existing levels in line with Local Plan Policies GD1 General Development and POLL1 – Pollution Control and Protection.

Recommendations:

Grant planning permission and listed building consent subject to the conditions listed below.

2019/0722

- 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.
Plan Nos -
 - Location and Block Plan - 2645.11
 - Proposed Ground Floor Plan - 2645.06A
 - Proposed Ground Floor Plan - 2645.10A
 - Proposed First Floor Plan - 2645.07
 - Proposed Elevations - 2465.09B
 - Ramp Plan (Submitted 18th November 2019)**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
- 3 No construction or repair works shall commence until a representative sample of any new internal or external materials to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 4 New or repaired natural sandstone facing stone shall match the existing and historic stone in terms of colour, general grain size, type of face dressing, and method of coursing.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 5 Pointing mix for new or repaired structures or sections of wall to be lime (NHL 3.5) aggregate at a ratio of 1:3. Sand/aggregate should be well graded or river sand. Preparation of the joints will require careful removal of any cement or other perished mortar by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance, aid curing and expose aggregate to a depth of 2 or 3 mm.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 6 Any new doors to the Stable Block and Courtyard to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction, finish (including details of surrounds and furniture), and means of opening shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 7 Generally, any retained (unaltered) doors and windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Any new windows or replacement doors will necessitate details of their design, construction and finish (including details of surrounds and furniture) to be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 8 Full details of the design, construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include elevational plans at 1:20. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 9 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.in line with Local Plan Policy HE6 Archaeology.

- 10 Prior commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, or grilles, ducts, vents or similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 11 The use hereby permitted shall be carried on only between the hours of 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 12 Prior to commencement of the use, a noise report shall be submitted demonstrating that satisfactory internal sound levels within the attached residential dwelling adjacent to the proposed store room can be achieved in line with BS8233:2014. If structural alterations are required to the Listed Building to satisfy sound levels as per BS8233:2014, plans and details shall be submitted and approved in writing by Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection and Policy HE1 The Historic Environment.
- 13 The windows installed within the carriage bays upon the east elevation of the building shall be obscure glazed up to the upper transom as detailed on plan - Proposed Elevations - 2654.09B.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy GD1 General Development.
- 14 Deliveries are to be made into the Cannon Hall forecourt to the west of the Stable wing, and carried into the café kitchen door via the sunken path along the west side of the building, or into the shop via the first floor door upon the western elevation. Deliveries for the café use are to be restricted to 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall be adhered to throughout the construction period (unless otherwise approved in writing by the LPA) and shall include details of (but not limited to):
- Routing, volumes and timing of construction vehicles
 - Hours of working
 - Details for the storage of machinery and materials
 - Provision of parking for onsite workers
- Reason: In the interest of road safety and to mitigate the impact of construction traffic generated by the development upon local residents in line with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**
- 16 Waste is to be stored and collected daily in line with the submitted waste strategy.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

- 17 No works to the redevelopment of the path or regrading of the earth bank shall take place until the following documents, in accordance with British Standard 5837:2012 Trees relating to design, demolition and construction - recommendations, have been submitted to and approved in writing by the Local Planning Authority concerning the Holm Oak beside the Spencer Wing:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The works shall then proceed in accordance with the approved details.
Reason: To ensure the continued wellbeing of the Holm Oak in the interests of the visual amenity of the locality in line with Local Plan Policy D1 High Quality Design and Placemaking.

2019/0740

- 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.
Plan Nos -
- Location and Block Plan - 2645.11
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- Ramp Plan (Submitted 18th November 2019)
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 No construction or repair works shall commence until a representative sample of any new internal or external materials to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 4 New or repaired natural sandstone facing stone shall match the existing and historic stone in terms of colour, general grain size, type of face dressing, and method of coursing.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 5 Pointing mix for new or repaired structures or sections of wall to be lime (NHL 3.5) aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of any cement or other perished mortar by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be

finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance, aid curing and expose aggregate to a depth of 2 or 3 mm.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 6 Any new doors to the Stable Block and Courtyard to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction, finish (including details of surrounds and furniture), and means of opening shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 7 Generally, any retained (unaltered) doors and windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Any new windows or replacement doors will necessitate details of their design, construction and finish (including details of surrounds and furniture) to be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 8 Full details of the design, construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include elevational plans at 1:20. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 9 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
- Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.in line with Local Plan Policy HE6 Archaeology.**
- 10 Prior to commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, or grilles, ducts, vents or similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
- Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 11 The use hereby permitted shall be carried on only between the hours of 08:00 to 18:00 Mondays to Sundays.
- Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 12 Prior to commencement of the use, a noise report shall be submitted demonstrating that satisfactory internal sound levels within the attached residential dwelling adjacent to the proposed store room can be achieved in line with BS8233:2014. If structural alterations are required to the Listed Building to satisfy sound levels as per BS8233:2014, plans and details shall be submitted and approved in writing by Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
- Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection and Policy HE1 The Historic Environment.**
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- Reason: In the interests of residential amenity and in accordance with Local Plan Policy GD1 General Development.**
- 14 Deliveries are to be made into the Cannon Hall forecourt to the west of the Stable wing, and carried into the café kitchen door via the sunken path along the west side of the building, or into the shop via the first floor door upon the western elevation. Deliveries for the café use are to be restricted to 08:00 to 18:00 Mondays to Sundays.
- Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall be adhered to throughout the construction period (unless otherwise approved in writing by the LPA) and shall include details of (but not limited to):

- Routeing, volumes and timing of construction vehicles
- Hours of working
- Details for the storage of machinery and materials
- Provision of parking for onsite workers

Reason: In the interest of road safety and to mitigate the impact of construction traffic generated by the development upon local residents in line with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

- 16 Waste is to be stored and collected daily in line with the submitted waste strategy.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

- 17 No works to the redevelopment of the path or regrading of the earth bank shall take place until the following documents, in accordance with British Standard 5837:2012 Trees relating to design, demolition and construction - recommendations, have been submitted to and approved in writing by the Local Planning Authority concerning the Holm Oak beside the Spencer Wing:

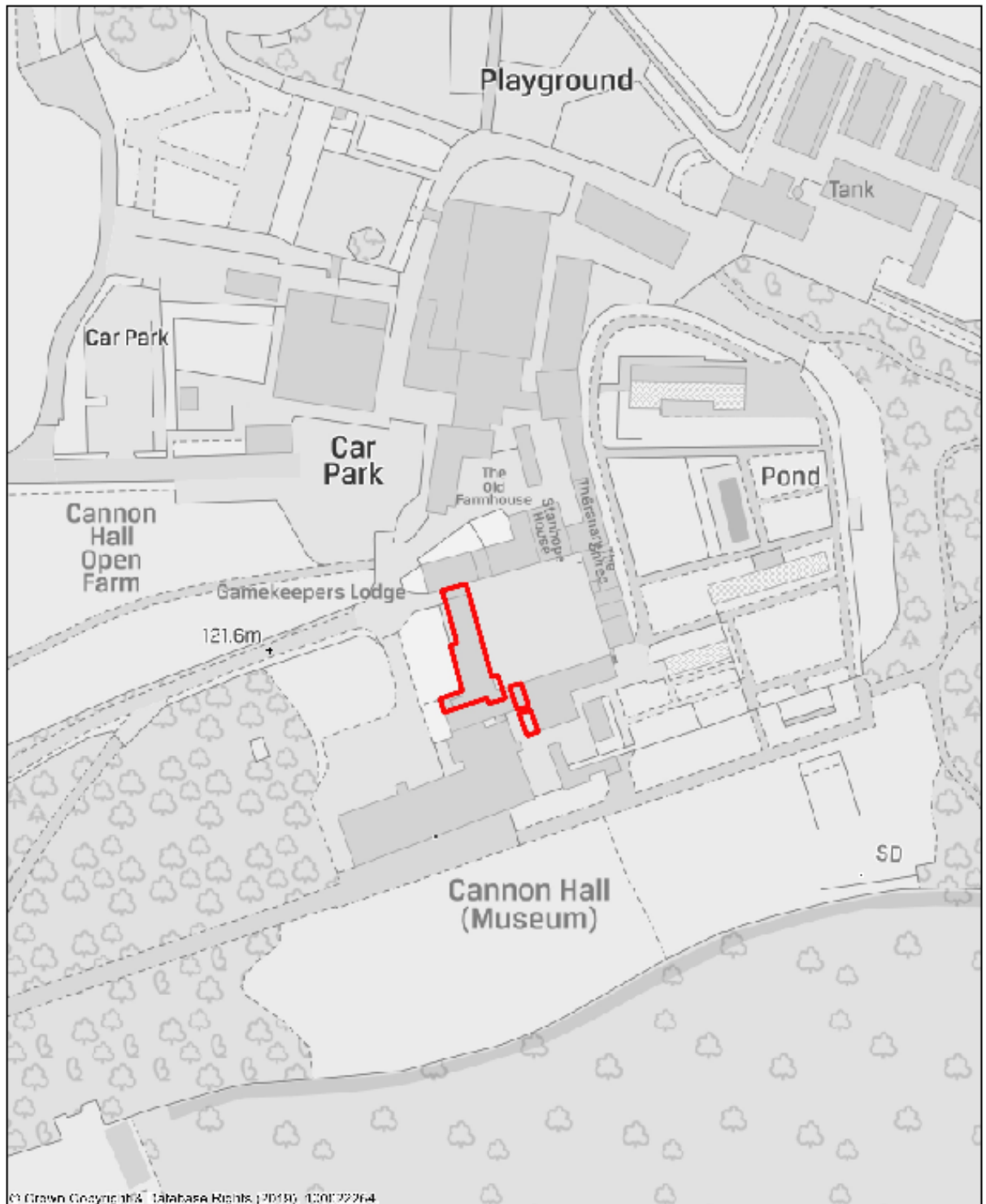
- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

The works shall then proceed in accordance with the approved details.

Reason: To ensure the continued wellbeing of the Holm Oak in the interests of the visual amenity of the locality in line with Local Plan Policy D1 High Quality Design and Placemaking.

PA Reference:-

2019/0722



BARNSELY MBC - Regeneration & Property



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Item 5

2019/0239

Mr P Thornton Bellway Homes Ltd (Yorkshire Division), The Strategic Land Group Ltd., and Stuart, Erica Adele and Stephen Thompson
Residential development of 250 dwellings with associated access, parking, engineering and landscaping and ancillary works.
Land to the south of Lee Lane, Royston

Introduction

This report relates to a planning application that was submitted in February 2019. The application sought planning permission for 250 dwellings on part of a large mixed-use allocation at Lee Lane, Royston (site ref MU5). The site-specific policy in the Local Plan requires the production of a masterplan framework covering the entire site. The Local Plan indicates that such masterplan frameworks shall be subject to public consultation and be approved by the Council prior to determination of any planning applications on the affected sites.

The applicant was therefore advised that their planning application would either have to be withdrawn, refused or held in abeyance pending the adoption of a masterplan framework. On 29th October 2019 the applicant issued a 10-day notice of appeal to the Council and subsequently appealed to the Secretary of State for non-determination. The Planning Inspectorate has since confirmed that the appeal will take the form of a public inquiry, which is due to commence on 24th March 2020. This report therefore seeks the endorsement of Planning & Regulatory Board to resist the proposal at appeal for the reasons set out in the report.

Site Description

The site is located on the western edge of Royston located approximately 4.5 miles north of Barnsley Town Centre. The site would be accessed from Lee Lane (B6428)

The site is roughly L shaped, extending to 8.69 ha with Lee Lane forming the northern boundary, with a farm and commercial premises beyond, together with a residential site under construction (Barratt) which also forms part of this mixed use site allocation. A public bridleway (Footpath number 10) lies on the western boundary. To the east are agricultural fields (allocated as mixed use site MU5), and approximately 500m away are dwellings at West End Avenue. Several small ponds are located close to the site.

The site itself currently comprises gently sloping agricultural fields with boundaries characterised by mature trees and hedgerows.

Proposed Development

Pre-application advice was provided prior to the adoption of the Local Plan. The planning application is for a residential development of 250 dwellings in the following mix:

- 24 no. 2 bed dwellings
- 108 no. 3 bed dwellings
- 118 no 4 bed dwellings

The dwellings would be a mix of semi-detached and detached properties, with a few terraced with all but 10 of the plots of 2 stories in height, the remainder being of 2.5

stories. Parking is provided either to the front or side of the properties, some of the house types have integral garages.

The developer has provided 13 different property types, elevations are very simply designed though some have canted bay windows to ground floor and some have gable elements to front elevations. Twenty five plots are proposed to be affordable (10%). A viability assessment has been submitted.

Planning History

2016/1490 Land to the north of Lee Lane, Residential development of 164 no. dwellings and associated works (Amended Plans) granted 16/2/18
2018/0687 Variation of condition 2 (schedule of approved plans) of planning permission 2016/1490 to allow plan amendments to alter development from 164 to 166 dwellings granted 19/12/18

The above site to the north of Lee Lane is within the MU5 area but were granted prior to the adoption of the Local Plan.

The Appellant's Case

The Appellants case is that the proposals accord with the policies of the Development Plan and that the production of the Masterplan Framework for the wider MU5 site has been delayed.

The Appellants consider that the proposal would not significantly prejudice the future use of the neighbouring land and the rest of MU5 but will advance the delivery of housing within the Local Plan allocation and considers that other than MU5 it is not in conflict with the development plan. The Appellant considers there would be no harm in granting permission and that there is no reason why it should not be approved in advance of the masterplan as was a Barratt/David Wilson Homes application on the opposite side of Lee Lane.

The Appellants case is that infrastructure requirements in terms in terms of affordable housing, education contribution and greenspace contribution comply with adopted SPD's and provides heads of terms within the appeal statement, and considers that other benefits include providing a mix of housing, an appropriate amount of on-site POS, improvements to two no. off site highway junctions which would benefit the whole MU5 area. The Appellant therefore considers that there are no adverse impacts of the development that would outweigh the benefits of the proposal and considers there are no technical issues that cannot be addressed through appropriately worded planning conditions.

Policy Context

The Local Plan was adopted in January 2019. It supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). Along with the Barnsley, Doncaster and Rotherham Joint Waste Plan 2012 it forms the development plan for the borough.

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 Local Plan objectives seek to improve the economic prosperity and quality of life for all residents and those who work here. The spatial strategy seeks to distribute growth in accordance with a settlement hierarchy within which Royston is defined as a Principal Town. Paragraph 5.8 of the Local Plan explains that no matter how much development a settlement can accommodate, it is intended that the local distinctiveness of that place will be retained such that what is good and special about a place is preserved and enhanced and what is not so good can be improved through development as appropriate. Site Allocation: The site is allocated for residential development under reference MU5 in the Local Plan. The policy states:

Site MU5 and off Lee Lane Royston. Indicative Number of dwellings 828

Planning permission has been granted on this site for 166 dwellings. The indicative number of dwellings above relates to the remainder of the site.

The development will be subject to the production of a Masterplan Framework covering the entire site which ensures that development is brought forward in a comprehensive manner.

The development will be expected to;

- *Provide a primary school on site;*
- *Ensure that access is via the construction of a roundabout on Lee Lane which along with the road layouts will allow the development of the entire site.*
- *Provide a small scale convenience retail facility as part of the development that is in compliance with Local Plan policy TC5 small local shops;*
- *Investigate options for improving public transport access to the development and interventions to encourage public transport use by residents; and*
- *Ensure that hedgerows, the trees at the west of the site and the strip adjacent to the discussed railway line at the north of the site are retained buffered and managed.*

Archaeological remains may be present on this site and therefore proposals must be accompanied by an appropriate archaeological assessment (including field evaluation if necessary) that must include the following:

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

The policies and guidance most directly applicable to the application are:

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 43% of new homes to be built in Urban Barnsley

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

Policy H7 'Affordable Housing' seeks 10% affordable housing in this area

T1 Accessibility Priorities

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 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'

I1 'Infrastructure and Planning Obligations'

I2 'Educational, and Community Facilities'

Joint Waste Plan

Policy WCS7 requires a waste management plan for all development proposals (excluding minor developments) which should include design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste.

Adopted SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Planning Obligations
- Financial Contributions For Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity

Other

Adopted Best Practice - South Yorkshire Residential Design Guide

National Planning Policy Framework (NPPF)

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

Sections of relevance would be:

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

57. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available

62. Where a need for affordable housing is identified, planning policies should expect it to be met on-site unless:

- (a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- (b) the agreed approach contributes to the objective of creating mixed and balanced communities.

64. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership

72. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

94. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted

National Planning Policy Guidance (NPPG)

Para 003 states : A plan's vision and objectives can be used to set out the types of place(s) which the plan aims to achieve, how this will contribute to the sustainable development of the area and how this translates into the expectations for development and investment, including design.

Para 006 Masterplans set the vision and implementation strategy for a development. They are distinct from local design guides by focusing on site specific proposals such as the scale and layout of development, mix of uses, transport and green infrastructure. Depending on the level of detail, the masterplan may indicate the intended arrangement of buildings, streets and the public realm. More specific parameters for the site's development may be set out in a design code, which can accompany the overall masterplan.

A range of other plans and technical reports may be needed alongside a masterplan, to provide supporting evidence and set out related proposals, such as a local character study, landscape assessment, transport assessment and proposals for securing biodiversity net gain. An implementation strategy could also be included, especially where development is expected to be brought forward in a number of phases.

Consultations

Affordable Housing – no comments received

Air Quality - no objections in principle, subject to conditions requiring EV charging points

Biodiversity – objects as despite updated ecology information submitted on 29th October, and 26th November insufficient information has been provided to determine if protected species are affected by the proposal.

Civic Trust – no comments received

Conservation – no comments received

Commercial Services – no comments received

Contaminated Land Officer – no comments received

Design – a number of design concerns are raised

Highways Drainage - no objection subject to conditions

Education - education contribution required for secondary places, a new primary school is required in accordance with MU5

Highways DC - serious concerns about on-site highway proposals regarding layout and access from Lee Lane; serious concerns about offsite impacts and proposed mitigation

Forestry Officer –trees generally taken into account though some conflicts with trees, AIA is required

Pollution Control - no objections subject to condition

Public Rights of Way – Any paths linking to existing PROW should be to adoptable standard

Superfast Broadband – Developer should provide gigabit-capable full fibre broadband for dwellings

Sustainability/Energy – Energy/Sustainability statement is required

SYMAS – the site does not lie within a coal mining legacy risk area. Coal Authority standing advice only is proposed

SYAS – no objection subject to a condition

SY Police – advice on construction phase provided

Transportation - seeking S106 monies to provide a 3m wide cycle track

Yorkshire Water – no objection subject to conditions

Waste Management – suitable turning points required for refuse vehicles

Ward Councillors – no comments received

Representations

The application was advertised in the press, by neighbour notification letters and site notices. 3 representations have been received. Objections raised are:

- Object to dwellings built on greenfield site
- Highways safety concerns due to number of vehicles accessing Lee Lane
- More infrastructure needed in terms of schools nurseries, GP surgery
- Queries as to appeal procedure for third parties

Assessment

Principle of Development

The vision and objectives of the Local Plan are set out on page 5. The opening sentence sets out a clear intention to enhance Barnsley as a location to do business and a place that will improve the quality of life for residents. Amongst the Local Plan objectives are a desire to widen the choice of high quality homes, improve the design of development and to achieve net gains in biodiversity. These will be achieved by enabling the delivery of at least 21,546 homes that provide housing for all, including affordable housing, enabling the provision of critical infrastructure and protecting and enhancing the natural built and historic environment.

Chapter 13 of the Local Plan deals with Local Character and identifies the key challenges as being:

- Encouraging the community to expect, demand and appreciate high quality urban environments
- Achieving sustainable development
- Insisting of excellent design
- Protecting local distinctiveness

Identified policy solutions to these challenges include:

- Requiring developers to embrace good design and protect and enhance the historic environment
- Encouraging developers to work in partnership with organisations such as the Barnsley Civic Trust, community and school partnerships and other local relevant organisations funding proposals
- Using the advice of the Design Advisory Panel on major projects to secure improvements to schemes coming forward and achieve the best design solutions
- Building the capacity of the community to appreciate and expect higher standards of design by involving them in decisions and consulting them on proposals and strategies
- Producing local design guidance such as SPDs, village design statements, planning and design briefs and masterplans.

To help deliver development on the largest site allocations consistent with the vision and objectives of the local plan and the identified policy solutions, there is a requirement for such allocations to be subject to masterplan frameworks that are subject to public consultation and need to be adopted by the Council. By adopting a local plan with ambitious objectives, the Council is showing a willingness to accept housing growth over and above minimum demographic requirements. This willingness is not unconditional though, and if it stands a chance of being retained in future years, the residents of the borough need to see proposals coming forward that are policy compliant and in respect of the larger site allocations/urban extension, it is fundamental that they have the chance to get involved at the master planning stage to ensure that the optimal design solutions are delivered (rather than looking at various parcels individually and assessing whether they are bad enough to refuse).

Planning Practice Guidance indicates that masterplans “help to clarify design expectations early in the planning process, set a clear vision for the site, inform infrastructure and viability assessments and identify requirements for developer contributions or other investment”.

It follows that if planning applications are allowed on an ad hoc basis this will be without a full understanding of the cumulative infrastructure requirements. In a scenario where those that obtain planning permission first are not making the required contributions for cumulative infrastructure, the burden will fall on the owners of the remainder of the land. This could mean that either they refuse to release their land or applications come in with requests for policy concessions or requests for public sector funding. This would either stall or slow down delivery undermining the alleged benefits of earlier delivery.

Although it is anticipated that masterplan frameworks for the remainder of the sites will be in place within the next 15 months or so, the fundamental issue in this case is

that the appellant has made no attempt to masterplan the wider allocation in accordance with local plan requirements (including meaningful engagement with stakeholders), presented the scheme to local, independent design review panel or quantify cumulative infrastructure requirements and has instead made an arbitrary offer for off-site highway works. The disbenefits of granting planning permission for piecemeal development ahead of the adoption of a masterplan framework are therefore significant and manifest. A planning permission granted in breach of Local Plan policy would potentially prejudice the comprehensive delivery of the site and may not contribute towards the overarching requirements for infrastructure for the wider site (which have yet to be determined as part of the masterplan). This could result in preferential S106 terms compared to the remainder of the landowners', in particular with respect to potential highway infrastructure which may be required for the whole masterplan site and the provision of a new primary school required by the policy. It may also force other landowners to provide the lower value uses required by the MU5 policy. This would likely encourage others to do likewise in order to maximise land value at the expense of other landowners or the public purse.

Additionally, in advance of the framework, it is not clear if the Bellway site would integrate with the MU5 infrastructure requirements in terms of delivering the full range of green space required to include sport and recreation, which requires the whole area to be comprehensively assessed to ensure the most suitable size, and type of provision will be located in the most appropriate places; other infrastructure such as SUDs and footpaths should be designed comprehensively and not in a piecemeal manner. Connectivity within the site and to the wider area is key and again, should not be piecemeal.

Density is also a key consideration. The appellant is presenting a scheme at 34 dwellings per hectare. This falls short of the Local Plan requirement for a minimum of 40 dwellings per hectare. As the site adjoins agricultural land to the south and west it may well be that there is a case for a lower density towards the periphery but with the allocation, as a whole, achieving the local plan yield by incorporating a higher density towards the centre. This will be established through the masterplan framework but, in the absence of this, we have no way of knowing whether or not there is a justification to depart from the minimum 40 dwellings per hectare.

Having regard to the above and the various technical matters covered within subsequent sections of the report it is considered that the requirements for the MU5 site should be determined as a whole to ensure that all landowners make the appropriate level of contributions and links to the other part of the sites in a comprehensive manner. Allied with the adverse place-making implications and technical matters where the proposal is deficient, this weighs substantially against the proposal and significantly outweighs the alleged benefits of a short-term increase in housing delivery.

The application does not therefore comply with Local Plan Policy MU5 which requires development proposals to be subject to the production of a Masterplan Framework covering the entire MU5 site. As submitted, this residential scheme is considered a form of piecemeal form of development prejudicial to the policy, as it does not provide a primary school, retail facility or other infrastructure required by the MU5 policy or sufficient contributions or methods to secure the infrastructure which is required through Policy MU5, or other contributions required by I1, I2, GS1 or the relevant SPD's.

Comparison with the Barratts David Wilson Scheme

The appellant seeks to argue that the site is little different to the Barratt David Homes site on North Lee Lane currently under construction. However, that scheme was granted in March 2014 before the Local Plan had reached publication stage and at a time when the Council could not demonstrate a five-year housing land supply. The requirement for sites to be subject to a masterplan framework emerged during the Local Plan Examination. As the examination progressed and it became evident that the plan was capable of being found sound, justification for allowing proposals on an ad hoc basis fell away. With the plan now adopted, the circumstances are completely different and accordingly no weight should be given to the alleged similarities between the two sites.

Objectively Assessed Housing Need and Housing Requirement

The Appellants are refraining from a 5 year supply shortfall case given the recently approved status of the Plan. However, they are seeking to argue that delivery against the Local Plan's housing trajectory, particularly in relation to strategic and mixed-use sites allocated in the Local Plan, is predicted to be slower than expected. They consider this provides greater urgency to make positive decisions on allocations where possible in order to meet the housing requirement of the Plan.

When assessing this case, it is important to understand how the housing requirement in the adopted Local Plan was arrived at and the flexibility within the plan to enable housing delivery in a scenario where delivery on allocations does not come forward in the manner anticipated. The Council's performance in respect of the housing delivery test is also highly significant as this will inform whether or not the housing market is overheating.

As explained in the Local Plan Inspector's report, the 2017 Strategic Housing Market Assessment (SHMA), informed by the 2014 based DCLG housing projections, "identifies a baseline requirement of 880 dwellings per year over the 19-year plan period. In accordance with the advice in the PPG, a number of alternative trend scenarios were developed based on different migration and household formation rate assumptions. The use of a 10 year migration trend from 2005/06 to 2014/15 which takes account of fluctuations in economic cycles and unattributable population change is a robust and appropriate approach. A recovery in household formation rates in the younger age groups (15 – 44) also represents an appropriate adjustment and results in an increase in the baseline demographic need to 1088 dwellings per year. Based on the evidence, this represents an appropriate starting point on which to base any further uplift".

Importantly, in respect of market signals, the Inspector accepted that there was limited pressure on the housing market taking account of market signals such as house prices, affordability ratios, vacancy rates and overcrowding. Given that the plan includes an ambitious strategy for jobs creation, demographic forecasts were undertaken for three scenarios with the chosen one producing an objectively assessed housing need figure of 1,134 dwellings per annum, which the housing requirement seeks to meet in full.

The Inspector's report (para 59) also references the first published standard methodology figure for Barnsley of 898 dwellings per year but given that the plan was being examined against the 2012 NPPF and the job growth envisaged within the plan, the Inspector saw no reason to dispute either the OAHN or housing requirement figures on this basis. Nonetheless, for the purposes of assessing the

appellant's case, it is important to note that the Objectively Assessed Housing Need figure in the Local Plan is over 20% above the housing delivery test figure.

Prospects for maintaining a 5-year supply of deliverable sites over the plan period

Whilst the appellant is not pursuing a 5-year housing land supply argument, they are seeking to make a case that a fundamental policy requirement for larger sites to be subject to masterplan frameworks should be set aside to enable short term housing delivery to increase. To establish the weight that can be attributed to this argument it is therefore important to understand the Council's approach and the Local Plan Inspector findings, which are set out in paragraphs 240 to 250 of her report.

Notably, the examined housing trajectory included 566 completions of windfall sites within the supply for the first 5 years of the plan and a further 200 completions within the villages over the entire plan period but made no provision for any other windfalls meaning they account for just 3.6% of anticipated completions throughout the whole plan period. The Inspector concluded that "this represents a cautious approach having regard to evidence in the SHELAA that windfalls contributed an average of 142 dwellings per year from 2006 – 2016 or 15% of total completions".

During the Local Plan examination, the Council argued that there would likely be an inverse relationship between delivery on housing allocations and windfall sites such that there would be less windfalls as delivery increased on allocated sites. Conversely delivery on windfalls would increase if allocated sites were not coming forward in the manner envisaged. Given that the Inspector accepted that policies H4 and H5 will support development on specified unallocated sites and that the approach to windfalls throughout the plan period (as a component of the housing requirement) is cautious, limited weight can be given to the appellant's selective approach of assessing anticipated housing delivery only on the larger allocated sites.

Further evidence to counter the appellants argument that greater urgency is needed is contained within paragraphs 244 and 245 where the Inspector concluded that a shortfall in delivery (against the annualised average) during the early years of the plan period "has not translated to acute problems of affordability, suggesting that there is no significant 'pent up' demand that needs to be addressed in the short term". On this basis the Inspector concluded that the shortfall in delivery could be made up over the remainder of the plan period (i.e. the Liverpool approach).

As set out in paragraph 248 of the Local Plan Inspector's report, "assessing the precise level of 5 year supply and anticipated rates of delivery is not an exact science. It involves making assumptions about a large number of sites and various factors including likely start rates and annual rates of building which could be subject to change". The Council recognises that the 5-year requirement as set out in the housing trajectory is challenging given that annual figures for the next 4 years all exceed 1400. However, these figures need to be seen within the context on an annualised average figure of 1,134 and a housing delivery test figure of around 900. Given that housing delivery is exceeding the published housing delivery test figure and that housing delivery is broadly on a positive trajectory since the beginning of the plan period, even accounting for some delays to delivery on larger sites such as MU5 in the coming year or two, the prospects for delivering the local plan requirement of 21,546 homes by the end of the plan period remain strong.

The Council's Approach to Delivering the Spatial Strategy

Following the adoption of the Local Plan the Council recognised that there were a number of matters that needed to be prioritised in order to facilitate the delivery of the spatial strategy. The first of these was to get in place a new suite of Supplementary Planning Documents (SPDs). This has included updating previous SPDs and creating new ones. By the end of 2019 (i.e. less than 12 months following adoption of the Local Plan), 26 Supplementary Planning Documents have been adopted, underpinned by an updated viability study.

At the same time, it was necessary to restructure the service by reducing the resources devoted to plan making and to create new project manager roles as well as boosting the capacity to deal with technical matters to support the master-planning and development management functions. Financial resources also needed to be identified to ensure that masterplan frameworks could be progressed where they were not going to be developer-led.

Within the Local Plan there are seven areas that are required to be covered by masterplan frameworks. The table below identifies these areas and the progress made to date:

Masterplan Framework	Local Plan Allocation(s)	Uses	Progress to Date
Barnsley West	MU1	Employment, Residential, School, Small Scale retail/community uses	Developer-led Masterplan Framework adopted December 2019
Hoyland North	ES14, ES17, HS56, HS64, HS66	Employment, Residential, Formal Recreation	Developer-led Masterplan Framework adopted December 2019
Royston	MU5	Residential, School, small scale retail	Technical studies undertaken 2019, OVE ARUP commissioned by the Council to complete masterplan framework, anticipated adoption Autumn 2020
Hoyland South	HS58, HS61, HS65, HS68	Residential	OVE ARUP commissioned by the Council to complete masterplan framework, anticipated adoption Autumn 2020
Goldthorpe	ES10	Employment	Technical Studies undertaken 2018, Edward Architecture commissioned by the Council to complete masterplan framework, anticipated adoption Autumn 2020
Hoyland West	ES13, HS57	Employment, Residential	Developer-led Masterplan, anticipated to be adopted by Autumn 2020
Carlton	MU2 & MU3	Residential, School expansion, small scale retail/community uses	Finances earmarked to procure consultants in Spring 2020, anticipated adoption winter 2020/21

For the first two (MU1 and Hoyland North) developers came forward with offers to work in partnership by funding technical studies and master-planning working in partnership with the Council with a view to getting masterplan frameworks adopted by the end of 2019. More recently, the Council has received a similar approach for Hoyland West but for the remaining 4, no such approaches have been forthcoming despite there being a submitted planning application on part of the Royston site (i.e. this appeal) and pre-application advice for a substantial part of the Carlton allocation.

Officers therefore contend that with the resources available at our disposal we have made substantial progress since the adoption of the Local Plan, including the adoption of two masterplan frameworks and have a clear plan in place to ensure the remaining masterplan frameworks are adopted within the next 12-15 months.

Royston Masterplan Preparation

Whilst the Masterplan for this site has not yet been adopted, governance arrangements have been established including a project board formed, comprising agents and interested house builders, including representatives of Bellway. Technical surveys have been undertaken including highways, drainage, topographical and utilities surveys as well as early informal consultations undertaken with landowners.

In addition, the council have appointed Ove Arup as the master planning consultant for site MU5 (together with Hoyland South) with progress on the Masterplan Framework now underway. This is following a two stage procurement exercise that commenced in September 2019 utilising the Homes England Framework. The anticipated programme for adoption of the Masterplan Framework is Autumn 2020 following a 6 week public consultation exercise on the Draft Masterplan Framework in May/June 2020.

Contributions and Viability

A viability assessment was submitted by the applicants in support of their application which states that the proposal would be marginally viable if 10% affordable housing was provided, but did not appear to include any other contribution. However, the Statement of Case lodged with the appeal offers to provide 10% affordable housing and contributions towards education, public open space and off site highways works.

With respect to submitted details, the plan legend on the latest amended layout plan 1867.01 REV L identifies Farrier and Wainwright as 3 bed house types when the house type plans show they are 4 bed dwellings, although this error was previously on 8th November 2019 on a previous layout (REV H). It is questionable whether the viability assessment submitted has therefore identified the correct costs values and contributions rates associated with these house types. The required contributions for 250 proposed dwellings of the latest layout are set out below:

Education

There is a severe shortage school places in the locality and if contributions were required to provide additional spaces at existing schools then the sum as calculated in the adopted SPD would be £1,456,000, calculated as follows:
Primary yield is 53 pupils at £16,000 per pupil totalling £848,000;
Secondary yield is 38 pupils at £16,000 per pupil totalling £608,000.

However, in this case the site specific policy MU5 requires that a new primary school is built as part of the development of the MU5 area, the costs of which may be different to the calculation above. This is supported by Policy I2 which states that the Council will support the provision of schools, educational facilities and other community facilities. In addition to developers of the MU5 site providing a primary school, the contribution towards secondary school places would still be required.

Para 4.3 of the adopted SPD states that “ when there are concurrent applications in the same area we will need to consider the full impact on schools from all those applications together (rather than considering applications individually), and Para 6.4 of the adopted spd states “This is the calculation (of £16,000 per pupil) that will apply in the majority of cases. However, there may be cases where a different approach is needed, depending on what factors are affecting the capacity of the school. If a whole new school is needed and the developer does not want to build this directly, then the contributions required may be different from the figure arrived at using this calculation”.

This stance is supported by the Government Department for Education document entitled “Securing Developer Contributions for Education” dated April 2019 which specifically mentions in the purpose of the document that developer contributions towards new school places should provide both funding for construction and land where applicable, subject to viability assessment when strategic plans are prepared and using up-to-date cost information;

Para 5 further states that “There should be an initial assumption that both land and funding for construction will be provided for new schools planned within housing developments”.

Sustainable Travel

Local Plan Policy T3 discusses new development and sustainable travel and the adopted supplementary planning document “Sustainable Travel” identifies contributions which are required to deliver the infrastructure priorities for the Local Plan. Royston lies within the Local Plan Accessibility Improvement Zone and therefore attracts a 25% reduction. For 250 dwellings, the total sustainable travel contribution would be £187,500. The masterplan framework will help to establish how the contribution could be best utilised but this requirement is not referred to in the applicants Statement of Case.

Open space contributions

A LEAP is proposed on site which may satisfy local informal play. The pre-application advice in 2017/ENQ/00508 stated “A preliminary assessment indicates it is likely in this instance that the requirement will be met through a mix of on- and off-site provision. The advice continued that “It is likely that the informal open space element and children’s play area will be required on site and formal recreation provision is likely to be required by means of an off-site contribution”. As a masterplan has not yet been prepared, the location and type of formal sports facility within the wider MU5 area has not yet been determined. Nevertheless the off-site contribution for formal recreation as set out in the adopted SPD, based on the size and type of dwellings proposed in the latest layout plan and house types would be £262,888.92. This is a larger sum than proposed in the Appeal Statement which appears to have been calculated on a previous layout plan.

Affordable Housing

25 no. affordable dwellings are proposed on the layout which complies with the Local Plan requirement of 10%. This is also reflected in Para 64 of the NPPF. However, the viability assessment addendum dated 2nd December 2019 states in para 1.5 that the project with 10% affordable housing becomes marginal.

Local Plan Policy PI1 Infrastructure and Planning Obligations states that development must be supported by appropriate physical, social, economic and communications infrastructure, and that development must contribute as necessary to meet all on and off-site infrastructure requirements to enable development to take place satisfactorily. This policy is clarified by adopted SPD "Planning Obligations" which states that an obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- A. necessary to make the development acceptable in planning terms
- B. directly related to the development
- C. Fairly and reasonable related in scale and kind to the development.

The SPD goes on to state in par 4.2 that where contributions are required for school places or sustainable travel, these will take precedence.

The applicant offers no contributions towards sustainable travel, and insufficient contributions towards formal open space to mitigate the effects of this development of 250 dwellings. The viability assessment submitted also states that the proposal would be of "marginal" viability to provide the 10% affordable housing required by the NPPF and Local Plan Policy H7.

Based on the above, the appellant's position appears to have changed since the appeal was lodged in that they are now offering more in the way of planning contributions. This casts doubt on the reliability of their development appraisal, which has not yet been independently assessed. Officers have commissioned an assessment to inform the Council's position at appeal. Until that work is complete it will not be possible to say one way or the other the extent to which viability is an issue. However, the failure of the developer to provide a policy compliant scheme significantly weighs against their argument that the scheme should be allowed in advance of the masterplan framework.

In view of the above, the proposal is considered to be contrary to Local Plan Policies PI1 Planning Obligations, Policy T3 Sustainable Travel, and contrary to the adopted SPD's on Financial Contributions for Schools.

Design

A number of iterations of the layout plan and house types have been submitted. The Senior Urban Design Officer has assessed the latest layout REV L and considers that there are concerns relating to car parking, boundary treatments, refuse facilities, detailed design and location of garages. Of particular concern is the insufficient buffer proposed between the open space LEAP and the proposed dwellings, which may need plots to be moved or omitted.

Additionally, although the Appeal Statement lists the appeal application as including peripheral landscaping to the edges to the site, and soft landscaping through the site, no details have ever been provided. Neither have any plans been submitted relating to the proposed substation, water attenuation areas or foul water pumping station.

In terms of external private amenity space, the plots in the main meet the minimum requirements, further comments are set out below under residential amenity.

The developer has provided 13 different property types, elevations are very simply designed though some have canted bay windows to ground floor and some have gable elements to front elevations. No materials are specified.

As the development site lies within a mixed use site which will be subject to a masterplan framework, there is uncertainty about any design codes which may be agreed as part of that framework. There is also uncertainty about the suitability, size and location of infrastructure requirements relating to highways, education, drainage and sport and recreation in advance of the masterplan framework, which could affect the layout of this site within the wider masterplan area. In the absence of this it is not possible to conclude that the proposal represents the optimal solution for the site in respect of design and layout in order to ensure that the site and the allocation as a whole will be consistent with Local Plan policy D1 and associated supporting text.

Taking all the above into account the proposal does not accord with Local Plan Policy GD1 and D1 and the ten characteristics set out in the National Design Guide and the adopted SPDs Design of New Housing Development and Open Space on new Housing Developments.

Visual Amenity

A series of street scenes have been provided with the initial layout, although not updated to show most recent housetypes. There are a mix of 13 house types of detached, semi-detached and a few terraced. All dwellings are proposed to be of 2 stories apart from 10 dwellings at 2.5 stories. Elevations are very simple with limited differentiation between the house types, some having a canted bay window to front elevation and some with a gable element to front. Some of the house types have an integral garage.

Parking is proposed to be a mix of front of house and side of house parking. A central area of open space containing a LEAP is proposed, with an annotation which may be a MUGA towards the eastern boundary set within a larger area of open space. Materials have not been specified.

Local Plan Policy GD1 requires, amongst other things, that developments include landscaping to provide a high quality setting for buildings. Local Plan Policy D1 requires developments to provide landscaping and to provide a high quality public realm, promote safe, secure environments and access routes with priority for pedestrians and cyclists however, no landscaping is proposed, and little effort appears to have been made to produce an interesting or attractive design. This is also contrary to Local Plan Policy D1 in that it is not of high quality design which respects, takes advantage of and reinforces the distinctive local character and features of Barnsley.

Residential Amenity

The proposed layout comprises a series of streets and cul de sacs. For the most part the minimum external private amenity space standards are met, although there are a number that fall well below, for example 2 bedroom plots 36,37, 153 to 156 , 202 and 205 which have between 35sqm and 45sqm instead of the minimum 50sqm; and 3 bed plots 16,17 68,69 and 147 which have between 40 and 50sqm instead of the minimum required 60sqm.

A number of the plots are also proposed to be located very close to existing trees and hedgerows which may lead to overshadowing, leaf litter and pressure for

repeated pruning works (see the tree section below), particularly at plots 153 to 156 where a footpath accessing the rear is shown to be in the same position of T16 (ash), H3 and H4 hawthorn hedgerows, all of which are proposed to be retained.

Internally, the majority of the house types meet the minimum room sizes for the majority of rooms when judged against the adopted Best Practice in the South Yorkshire Residential Design Guide. However, of the 250 dwellings proposed, the following do not meet the minimum criteria:

97/250 have kitchens that are substantially below minimum required sizes for example 6.6sqm for the Potter instead of the required 11sqm, and 8sqm instead of the required 13sqm for the Wainwright;

27/250 have bedroom 1 that is substantially below minimum required sizes - en suites are discounted in the calculation as they do not form bedroom space for example 7.6sqm instead of 12sqm for the Tailor house type;

54/250 have bedroom 1 marginally below minimum required sizes - en suites are discounted - the Turner House Type;

46/250 have living rooms marginally below minimum required sizes for example the Thespian and Sawyer house types;

250/250 have insufficient designated storage space, although Farrier, Philosopher, Goldsmith and Lorimer have utility rooms which provide additional storage;

No garage meet Lifetime Homes Standard 3m x 6.5m internal space (SYRDG p 136);

25 no. (Farrier) garages do not meet minimum size for standard parking space (5 x 2.5m).

In terms of Design and Residential Amenity therefore, although the Appellant considers that technical aspects could be dealt with by condition, officers consider that a new layout would be required.

Means of Access and Site Layout

Amongst other things, the masterplan framework will include sustainable and vehicle movement frameworks aimed at prioritising pedestrians, cyclists and public transport. It will therefore identify a hierarchy of streets, including a bus route through the site and will clarify points of access into the various parcels taking into account pedestrian and road safety considerations. As the appellant is seeking permission in advance of the masterplan framework there is a fundamental issue in respect of whether or not their proposals represent the optimum highway solution for the whole of the allocation and their site itself. Moreover, the Highway Authority have considerable concerns about the onsite layout and proposed access.

This site forms part of the larger mixed use site MU5 contained within the adopted Local Plan. Whilst planning permission has been granted for 166 dwellings within the wider MU5 site, the plan is clear in that development will be subject to the production of a Masterplan Framework covering the entire site which ensures that development is brought forward in a comprehensive manner. Within this context the plan specifically states that the development is expected to ensure that access is via the construction of a roundabout on Lee Lane which along with the road layouts will allow development of the entire site. Furthermore, the development is expected to

investigate options for improving public transport access and interventions to encourage public transport use by residents.

The Appeal application proposes site access from Lee Lane is via a simple priority junction which has been previously objected to by former Highways Development Control Officers and South Yorkshire Police due to road safety concerns. This was due to speeding traffic on Lee Lane (in such a scenario a roundabout is considered to be safer than a priority junction hence the requirement for a roundabout to serve the entire MU5 site and develop the site in a cohesive manner as set out within the local plan).

However, notwithstanding the fundamental issue regarding the site access, non-compliance with the local plan and objection on road safety grounds, for completeness, the layout has been assessed as presented including the priority junction which is not acceptable in its present form for numerous reasons including:

- The priority junction proposals are not in accordance with the latest design parameters contained within the Design Manual for Roads and Bridges. Furthermore the swept path analysis for the access junction demonstrates that the refuse vehicle encroaches into the opposing lane when carrying out the left out manoeuvre. This is clearly a road safety issue and would no doubt have been picked up as part of a Stage 1 Road Safety Audit, however no such audit has been presented with the application.
- There is a distinct lack of speed restraint within the site. In accordance with the South Yorkshire Residential Design Guide (SYRGD) speed reducing features are generally required at 70 metre intervals for streets with a design speed of 20mph and 40 metre intervals for streets with a design speed of less than 20mph.
- There is a distinct lack of defined visitor parking spaces across the site. Due to the proposed width of carriageways, defined visitor parking bays will be required in accordance with the visitor parking standards contained within the Councils recently adopted Parking SPD.
- It is not clear whether the layout can accommodate bus services. Swept path analysis is required to ensure the layout does not compromise the ability of bus services to penetrate the site and in accordance with the requirements laid down in the South Yorkshire Residential Design Guide, there is a need to ensure that along the proposed bus route, running carriageways are to be kept free from parked cars by providing visitor parking within defined bays. Additional swept path analysis is also required to demonstrate that two cars can pass on curves and that the refuse vehicle can manoeuvre throughout the site using the entire carriageway.

Off Site Highway Works

The allocation represents a substantial urban extension to Royston. Whilst the starting point for the Council is to minimise private vehicle usage as far as possible, it is inevitable that key junctions within the vicinity of the site will experience increased usage, particularly during peak times. When dealing with previous planning applications on the former Royston High School site and the Barratts David Wilson proposal to the north of Lee Lane, assessments were undertaken to understand the impact on the crossroads in the centre of Royston (junction of High Street, Station

Road, Midland Road, The Wells). Locally there has been concerns regarding the capacity of this junction and these had been raised in representations to previous applications and the local plan.

The concerns regarding the capacity of the crossroads comes as no surprise. As explained in paragraphs 12.10 to 12.12 of the Local Plan:

12.10 “Barnsley’s existing transport infrastructure is a consequence of both the historical coal economy with more recent adjustments as part of the economic restructuring following the ending of coal mining in the 1990’s”.

12.11 “Because the coal mining communities were self-contained and coal was transported by rail, there was very little demand for travel of transport infrastructure linking the coalfield townships (the Principal Towns). The bus network serving the townships was a traditional hub and spoke pattern with services solely to Barnsley town centre. Alongside the closure of many of our railways in the 1960’s, which reflected little commuter use at that time, this pattern has resulted in a legacy of poor public transport, walking and cycling routes particularly between the Principal Towns”.

Paragraph 12.13 of the Local Plan explain that since the demise of the coal industry there have been a number of improvements to the highway pattern, public transport and active travel routes and for some settlements this has included by-pass schemes/relief roads (e.g. Cudworth and West Green by-pass). These have contrasted significantly with the appellant’s proposal to allow more traffic into the centre of Royston.

Barnsley has become a significant net exporter of labour such that our commuting ratio is one of the highest in the region (1.25). The local plan seeks to increase job creation in the borough but, when calculating objectively assessed housing need, it is assumed the commuting ratio will remain unchanged in part because of anticipated growth elsewhere. Work is ongoing to improve public transport and active travel networks but Local Plan policy T4 is clear that developers will need to mitigate additional traffic generation. This is also replicated in policy I1 and the supporting text to that policy, including paragraph 25.4, which deals with cumulative effects.

Mitigation required to facilitate residential development on the High School site included the installation of MOVA and pedestrian detectors to maximise the operational efficiency of the crossroad junction in the centre of Royston. Subsequent modelling work identified that it would not be possible to further increase the capacity/efficiency of the junction without utilising third party land. Officers have therefore been clear with the appellant and other parties that the masterplan will need to include a robust solution to the address capacity issues in the centre of Royston. Such a solution would need to work in respect of capacity, safety and urban design/place making considerations (after all, settlements such as Royston ought to benefit from additional development as per local plan objectives).

Despite the above, the Appellant has put forward a proposal to reconfigure the crossroad junction so that more of the traffic from their site and the allocation as a whole will be directed to the centre of the settlement. It will ultimately be for the masterplan framework to come up with a solution for the whole allocation but the Highway Authority has assessed the Appellant’s proposal and identified significant concerns regarding road safety, network operation and junction modelling. In particular, there is concern about the Appellant’s theoretical assessment of current and predicted highway capacity, which was based around a series of inaccurate

critical model settings that could substantially overestimate the current levels of available highway capacity.

Further information was therefore submitted on 5th December 2019 by the Appellant's highways consultant as follows:

- For the Station Road/Midland Road Traffic Signal controlled crossroads, no additional proposals but retained the issues under review.
- For the A61/Lee Lane/Shaw Lane staggered junction, minor updates had been provided, however, no evidence of appropriate validation is provided

For Station Road/Midland Road, all of issues of concern covering road safety, network operation and the appropriateness of junction modelling have yet to be addressed for this junction. There remains further concern over the viability of this proposed traffic improvement scheme, specifically with the overall geometry of the junction, it's compliance to national design standards and how any non-compliance could change the current transport modelling results and proposed improvements.

Accordingly, up to December 2019, there remain a number of outstanding and significant highways concerns over the traffic assessment and level of supporting information provided for off-site highway impacts.

Taking all the above into account, the Local Planning Authority does not agree with the appellant that there is a layout which is highways terms is compliant with relevant policies, nor that the proposed off-site highway works would provide acceptable improvements for this site or for the wider MU5 area. Nor is a roundabout proposed as required by the MU5 policy. As such the appeal proposal is considered to be contrary to Local Plan policies MU5, Local Plan Policy T3 Sustainable Travel, and Local Plan Policy T4 New development and Transport Safety and Local Plan policy I1 Infrastructure & Planning Obligations.

Trees

Whilst the Forestry Officer is satisfied that the tree survey has been taken into account overall in the layout of the proposals, with the proposed retention of the majority of trees and hedgerows to the boundaries of the site, a number of the plots are proposed to be located very close to existing tree and hedgerows. This may lead to overshadowing, leaf litter and pressure for repeated pruning works or removal of the trees/hedgerows. Despite a request for an Arboricultural Impact assessment from the Forestry Officer in April 2019 to determine how the development would impact on trees/hedgerows and take necessary precautions to avoid damage during construction and in the future, none has been submitted.

Ecology/Biodiversity

An updated Ecology Report was submitted on 29th October 2019 and Ecological Impact Assessment on 26th November 2019. The Biodiversity Officer has several objections which include: insufficient information on methodology has been provided for survey of protected species (bats and great crested newts) to assess magnitude of impacts; no ecological evaluation of the trees to be removed appears to have been undertaken including bat roost status; the ephemeral ponds have incorrectly been assumed to be unattractive to Great Crested Newts and should be surveyed; insufficient mitigation is proposed, the adopted SPD Biodiversity and Geodiversity requires a net gain in biodiversity, and habitat mitigation and compensation should be

provided on site. The proposal is therefore considered to be contrary to Local Plan Policy BIO1. The LPA cannot agree that the Appeal submission complies with Local Plan Policy BIO1 as insufficient information has been submitted.

Drainage/Flood Risk

No objections from Highways drainage or Yorkshire Water subject to the imposition of several conditions.

Pollution Control

There are no objections in principle. However a robust Construction method statement would be required to ensure that noise and dust measures are implemented during the construction period. A planning condition is proposed.

Air Quality

There are no objections in principle. However, EV charging points should be provided for each dwelling as set out in the adopted SPD Sustainable Travel. A planning condition is proposed.

Summary and Conclusions

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 disbenefits of granting planning permission for piecemeal development ahead of the adoption of a masterplan framework are significant and manifest. A planning permission granted in breach of Local Plan policy would potentially prejudice the comprehensive delivery of the site and may not contribute towards the overarching requirements for infrastructure for the wider site (which have yet to be determined as part of the masterplan). This could result in preferential S106 terms compared to the remainder of the landowners', in particular with respect to potential highway infrastructure which may be required for the whole masterplan site and the provision of a new primary school required by the policy. It would also force other landowners to provide the lower value uses such as the retail facility required by the MU5 policy.

Additionally, in advance of the framework, it is not clear if the Bellway site would integrate with the MU5 infrastructure requirements in terms of delivering the full range of green space required to include sport and recreation, which requires the whole area to be comprehensively assessed to ensure the most suitable size, and type of provision will be located in the most appropriate places; other infrastructure such as SUDs and footpaths should be designed comprehensively and not in a piecemeal manner. Connectivity within the site and to the wider area is key and again, should not be piecemeal. The requirements for the MU5 site should be determined as a whole to ensure that all landowners make the appropriate level of contributions and links to the other part of the sites in a comprehensive manner.

It falls upon the LPA to consider the benefits and disbenefits of the proposal in more detail

The application proposes 250 dwellings on part of a larger mixed use allocation which, amongst other uses, is expected to provide 828 dwellings. This weighs in favour of the proposal.

Also weighing in favour of the proposal are that the majority of the proposed house types and plots meet minimum internal and external space standards as set out in adopted spd and adopted best practice guidance

10% affordable housing is proposed, this carries weight in favour of the proposal

Informal open space is proposed and a Local Equipped Area of Play (LEAP) is proposed – this carries some weight in favour of the proposal

The majority of the trees and hedgerows surrounding the site are proposed to be retained, this too carries some weight in favour of the proposal

However, the following all weigh against the proposal:

Policy MU5 requires that development will be subject to the production of a masterplan framework covering the entire site which will ensure that development is brought forward in a comprehensive manner in terms of uses and infrastructure. As no masterplan framework is yet in place, the application is not in accordance with Policy MU5. This carries significant weight against the proposal.

Notwithstanding the acceptability in principle of housing within the MU5 site, Policy MU5 also requires a primary school, roundabout and retail facility. The proposal does not provide or sufficiently contribute to any of the above which carries significant weight against the proposal.

Local Plan Policy P11 Infrastructure and Planning Obligations states that development must be supported by appropriate physical, social, economic and communications infrastructure, and that development must contribute as necessary to meet all on and off-site infrastructure requirements to enable development to take place satisfactorily. The application for 250 dwellings will require significant contribution towards education, formal open space, and sustainable transport, totalling some £1,900,570.27 in order to make it acceptable in planning terms. However, the proposal fails to meet these requirements in full such that the negative impact on existing infrastructure would be significant, which carries significant weight against the proposal.

The site is to be considered to be piecemeal development which does not form part of a comprehensive development for the MU5 allocation and which may prejudice development of the wider MU5 site. This carries substantial weight against the proposal.

Highways impacts – the Local Highways Authority considers that the residual cumulative impacts on the road networks would be severe as a result of the development and that the means of access and internal road layout do not accord with required standards. These concerns substantially weigh against the proposal

Design Considerations – The scheme fails to adhere to a various design expectations/standards with the proposed density also failing to ensure efficient use of land. Conflict with policies D1 and H6 both attract significant weight against the proposal.

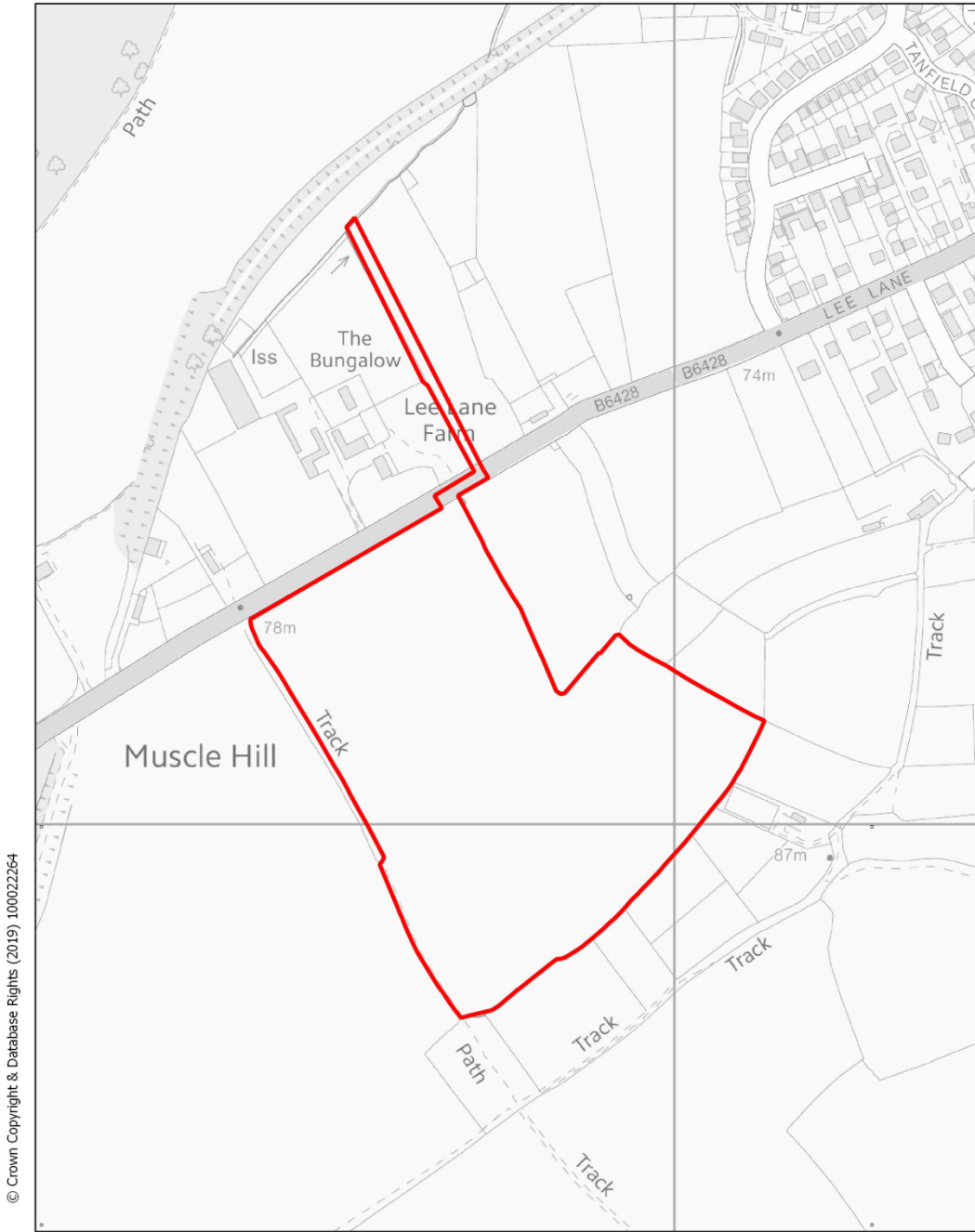
Impacts on trees – although trees and hedgerows are proposed to be retained, some plots are proposed to be located in very close proximity. Despite a request for an AIA, It has not been demonstrated through an Arboricultural Impact Assessment that hedgerows and trees can be retained, buffered and managed, or ensure that future residents would not need to remove trees too close to dwellings, contrary to Local Plan Policy MU5 and the adopted SPD trees and hedgerows. This carries some weight against the proposal.

Impacts on ecology – insufficient information has been provided in relation to protected species to determine impacts and insufficient mitigation/compensation has been proposed. This also weighs against the proposals.

Based on the above, the proposal clearly and demonstrably fails to comply with the development plan and Members are therefore requested to endorse the Officer recommendation to defend the appeal in accordance with the recommendation below.

Recommendation

That Officers prepare a statement of case based on matters raised in this report in order to defend the appeal at the public inquiry.



BARNSELY MBC - Regeneration & Property



Scale: 1:3919

Item 6

2019/0689 and 2019/0690

Mr Will Newett

2019/0689 Erection of 9 dwellings and associated access, landscaping and infrastructure.

2018/0690 Application for the approval of reserved matters for 21 dwellings pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping. Land south of New Smithy Avenue, Thurlstone, S36 9QZ

32 Objections have been received to the applications. A second consultation was undertaken in October 2019 when amended plans were received for application 2019/0689 which involved an amended layout and house types and this resulted in a further 6 letters of comment/objection. Penistone Town Council and Councillor Kitching also object to the applications.

Introduction

This report covers two applications by the same applicant which, together, occupy the same red edge area that was granted outline planning permission at appeal for residential development under planning permission 2017/0088. The outline planning permission was conditioned for 21 dwellings but the applicant is now seeking to increase that number to 30 dwellings on the site. They have chosen to do this by submitting two planning applications, one for reserved matters for 21 dwellings (2018/0690) and the other as a full planning application for 9 dwellings (2019/0689). Given both applications utilise the same access and relate to residential development on the site that was granted outline planning permission, the majority of comments and issues related to both applications are the same. As such it is considered that the assessment of both applications can be dealt with through this one report. However, Members would ultimately need to have two separate votes, one for each application, as each application will need to be determined separately.

Site Description

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thulstone Conservation area runs along the eastern boundary of the site. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

Proposed Development

An outline application under application reference 2017/0088 for a residential development of 21 properties was refused in 2017 but was later allowed at appeal in August 2018, reference APP/R4408/W/17/3188501. A condition of the outline approval allowed a maximum of 21 properties. The two applications presented within this report are located on this same site area however provide a development of 30 units in total. The applications are submitted by the same applicant and share the same access off New Smithy Drive; however they have been submitted as two separate planning

applications due to the condition on the appeal decision restricting the number of properties allowed to be applied for at the reserved matters stage being 21. The applications consist of a separate full application for the additional 9 units, which is set on the north western portion of the site and a reserved matters application of 21 units following the outline application 2017/0088, for the remainder of the site.

The proposed 21 dwelling scheme 2019/0690 provides a mix of detached and semi-detached dwellings, consisting of the following:-

2 x 2 bedroom, 8 x 3 bedroom, 8 x 4 bedroom, 3 x 5 bedroom.

The proposed 9 dwelling application 2019/0689 provides a mix of detached and semi-detached two storey dwellings, consisting of the following:-

2 x 2 bedroom, 2 x 3 bedroom, 4 x 4 bedroom, 1 x 5 bedroom.

In total, the application proposes 4 x 2 bedroom, 10 x 3 bedroom, 12 x 4 bedroom and 4 x 5 bedroom as a mix of detached and semi detached dwellings. 8 of the dwellings over the whole site are to be affordable.

The properties are 2 storeys, with 4 split level 2/3 storey house towards the south eastern boundary, plot numbers 17- 20. The house designs vary across the site with a total of 10 different house types, some detached and some semi-detached with detached or integral garages. All of the dwellings would be faced with reconstituted stone.

The proposed layout is designed around a linear access road with properties set at either side. An access through to the adjacent safeguarded land is shown as required by the appeal decision. All of the properties have off street parking and private gardens.

Site History

2017/0088 - Residential development of 21 dwellings (Outline including means of access) – Refused but allowed at appeal 13/08/2018.

Policy Context

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

Local Plan

The new Local Plan was adopted at the full Council meeting held 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 site is allocated as Safeguarded Land SL23 within the Local Plan and is set adjacent to the Thurlstone Conservation Area.
The following policies are therefore of relevance:-

SD1 'Presumption in Favour of Sustainable Development'
 GD1 'General Development'
 LG2 'Location of Growth'
 H1 'The number of New Homes to be Built'
 H2 'Distribution of New Homes'
 H6 'Housing Mix and Efficient Use of Land'
 H7 'Affordable Housing'
 T1 'Accessibility Priorities'
 T3 'New Development and Sustainable Travel'
 T4 'New Development and Transport Safety'
 D1 'High Quality Design and Place Making'
 LC1 'Landscape Character'
 HE1 'The Historic Environment'
 HE2 'Heritage Statements and General Application Procedures'
 HE3 'Developments Affecting Historic Buildings'
 HE6 'Archaeology'
 GI1 'Green Infrastructure'
 GB6 'Safeguarded Land'
 BIO 'Biodiversity and Geodiversity'
 CC1 'Climate Change'
 CC2 'Sustainable Design and Construction'
 CC3 'Flood Risk'
 CC4 'Sustainable Drainage Systems (SuDs)'
 RE1 'Low Carbon and Renewable Energy'
 CL1 'Contaminated and Unstable Land'
 Poll1 'Pollution Control and Protection'
 I1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Open Space Provision on New Housing Developments
- Planning obligations
- Affordable Housing
- Trees and Hedgerows
- Financial contributions to Schools
- Parking
- Sustainable Travel

Penistone Neighbourhood Plan

Penistone Neighbourhood Plan August 2019 – The plan sets out the vision and objectives for the future of Penistone and development proposed in it. A key component of the vision is to '*offer a range of housing that provides for all sectors of the community, as well as attracting new residents to the area's unique blend of town and country.*' In addition, the 10 objectives support development whilst protecting the town's rural and historic character.

The following policies of the Neighbourhood plan are of relevance:-

BE1: Design of the built environment

All new housing proposals should adhere to the following principles, where it is appropriate:

a) Where new housing developments are proposed, homes should be reflective of local architecture and in keeping with the surrounding area. In particular, the following design principles should be adhered to:

- To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.

- New developments should use external building materials that reflect the characteristic of development in the locality.

b) All residential developments will be expected to be designed so as to be sensitive to any existing wildlife habitat and corridor and should be appropriately landscaped and in particular development on the edge of the existing settlements shall incorporate tree planting so as to soften the built-up edge of the settlement as viewed from the countryside. Any residential development of 20 or more units will be expected to make provision for the appropriate amount of open space, in accordance with Barnsley MBC standards.

c) Development proposals should respect and maintain key views as identified on maps 2 and 3, in order to maintain the character and appearance of the town and villages.

BE2: Protection and enhancement of local heritage assets

New developments must respect the rural setting of the community by protecting valuable conservation and heritage sites. The parish is notable as having significant heritage assets, partly protected by Conservation Areas, although these currently have no formal management plans. It is a key concern that protection of the built environment has been neglected and consequently character of the towns and villages has been eroded.

H1: Appropriate housing development

Proposals for new housing development of 10 or more units should:

a) Include an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available.

b) Ensure that affordable housing provided in accordance with the requirements of Policy H7 of the adopted Barnsley Local Plan is 'pepper-potted' through the development site to ensure full integration of communities.

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. Paragraphs of relevance would be:

Para 11 – presumption in favour of sustainable development

Para 59 – important that a sufficient amount and variety of land comes forward meeting the required needs

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

Para 190 - Local planning authorities should assess the impact of a proposal on a heritage asset.

Consultations

Affordable Housing – The original outline appeal decision confirms acceptance of 25% affordable housing (as per the policy ask at that time). The new separate full application for 9 units falls beneath the affordable housing threshold of 15 units but cumulatively the scheme delivers 30 units. The affordable housing provision on the 9 unit site should reflect current policy requirements at 30%.

Biodiversity Officer – No comments received but they did not object previously.

Contaminated Land – The site investigation report has shown there are no elevated levels of contamination on the site. No further information or conditions regarding contamination issues will be required.

Conservation Officer – No objections

Drainage – No objections raised to the applications subject to conditions

Education – Secondary places within this area are significantly under pressure (Penistone Grammar) so we would require a contribution of £16,000 (1 secondary pupil) for the 9 unit proposal. There would be no requirement for a primary contribution.

Highways – No objections subject to conditions

Penistone Town Council – 2019/0689 is contrary to the Penistone Neighbourhood Development Plan and the examiners recommendation also further development is unsuitable due to the substandard highway access to the village.

2019/0690 the Parish Council object to the inclusion of 3 storey houses.

Public Rights of Way – The footpath should remain safely open and accessible throughout works. Appropriate steps should be taken to protect pedestrians using the right of way, including appropriate fencing.

Regulatory Services – Due to the site being surrounded by existing residential developments the service would require some conditions to ensure the residents are not adversely affected by noise and dust issues during the development works.

Tree Officer – No objection subject to conditions

Ward Councillors – Cllr Kitching raises the following concerns

- The site is overcrowded
- Parking issues within Thurlstone
- Car parking must be more than statutory minimum
- 3 storey properties on the edge of the Conservation Area which does not comply with the Neighbourhood Plan
- Natural stone should be used
- Concerns regarding soakaway drainage
- Section 106 payments for Public Open Space should be used locally
- An appropriate contribution to Thurlstone Primary School should be sought

- This proposal under-delivers on the expected 30% of affordable housing as required by the Local Plan. This application is for two 2 beds, eight 3 beds, eight 4 beds and three 5 beds. No bungalows, no 1 beds, only two 2 beds. This does not meet the requirements of the NDP.

Yorkshire Water – No objections subject to conditions

Representations

32 Objections have been received to the applications. A second consultation was undertaken in October 2019 when amended plans were received for application 2019/0689 which involved an amended layout and house types and this resulted in a further 6 letters of comment/objection.

The following concerns have been raised:-

- Object to the additional dwellings as the appeal decision only allows for 21 properties
- The development should be submitted as one application
- Increase in the number of dwellings by 42%
- Increase in the number of cars on the site
- The development will be cramped
- The proposed layby on New Smithy Avenue is inadequate
- Sec 106 monies should be used for Thurlstone children's play park and for better equipment
- The Planning Statement is inaccurate
- 4 and 5 bed roomed houses is against the character of Thurlstone
- As the Local Plan has been adopted there is more than a 5 year supply of homes so any increase should not be permitted
- Concerns regarding drainage and use of soakaways
- Impact on the sewerage system
- Use of brick adjacent to the Conservation Area
- Access via Towngate and New Smithy Avenue is unsafe
- The pedestrian access is not sufficient or practical
- Increased traffic due to additional dwellings
- Noise impact and pollution from additional traffic
- Poor weather and impact of the development on highway safety
- Impact on highway safety and possible road traffic accidents
- Safety of the site and topography
- Neighbourhood plan states development on the fringes should be no more than 2 storeys
- Lack of trees and green space
- Impact on the Conservation Area
- Three storey houses not acceptable
- No allowance for single storey dwellings
- The properties are not in keeping with the adjacent dwellings
- The local amenities are not sufficient to provide for further families
- Overlooking to adjacent dwellings
- Loss of privacy due to three storey homes
- Loss of light to adjacent dwellings
- Impact of additional car on New Smithy Avenue
- Access for property maintenance & fire escape route to properties on High Bank
- Impact on the retaining wall to High Bank

- Impact on wildlife and ecology
- Concerns regarding the impact of construction works and vehicles on the neighbouring residents including a number of older residents and children
- Impact upon the mental health of existing residents
- Loss of view
- Objections raised with regard to the proposed vehicular access to the site to the west
- Ownership of dry stone wall adjacent to New Smithy Avenue
- Concerns regarding stability of land
- Significant build-up of existing ground level under-build for proposed four 3 storey split-level dwellings
- Finished elevation heights should be given
- Inadequate separation distances to adjacent dwellings

Assessment

Principle of Development

The site is designated within the Local Plan as Safeguarded Land. In 2017 an outline application reference 2017/0088 was submitted for a residential development of the site for 21 dwellings. The application was refused and the decision was later subject to an appeal hearing. On the 13th June 2018 the appeal was allowed. At the time, the Council could not demonstrate a 5 year housing land supply, therefore the principle of the development was considered to be acceptable by the Planning Inspector. Other reasons for refusal such as the impact of the development upon highway safety and parking and the impact on the wider safeguarded land were also dismissed by the Inspector:-

'The site is in an accessible location and I have found that the proposed development would not have a harmful effect on highway safety or the efficient operation of the highway network. Furthermore it would not prejudice the future development of adjoining safeguarded land.'

Despite the sites Local Plan allocation as Safeguarded Land, the principle of a residential development of the site has already been accepted by the appeal decision. These submitted applications are proposed increase from 21 to 30 dwellings and the impact of the additional 9 units is therefore been assessed below, along with other material considerations.

Highway Safety

A number of objections have been received from residents with regard to the impact of additional traffic and activity created from the additional 9 units upon the highway network. Thurlstone is a traditional village which has developed over the years, resulting in narrow roads and a lack of off street parking. The village is accessed from the main Manchester Road which runs to Penistone to the east and Millhouse Green to the west.

The proposed access arrangements to the site were allowed at appeal under planning application 2017/0088 for 21 units, in addition to a proposed parking layby on New Smithy Avenue conditioned within the appeal decision. The Inspector made a detailed highways assessment when assessing the appeal and stated the following::

“I conclude that the proposed development would not have a harmful effect on highway safety and the efficient operation of the highway network”

The applicant has submitted a Highways Supporting Statement which has reviewed the personal injury collision data for the five year period to end 2018 and found very few recorded incidents suggesting no inherent road safety issue. Local network efficiency is to be improved on provision of a parking layby to partially address width restrictions due to on-street parking and lack of forward visibility for drivers travelling westwards. In terms of the additional units, the Council’s Highways Section have assessed the submitted assessment and scheme and commented as follows:

“The submitted Transport Statement reviews the local highway network and conditions and summaries the changes on development illustrating that parking for the development will be contained therein and that a waste collection vehicle can access and egress the development in a forward gear. No safety or efficiency reasons are given to suggest material harm would arise from the development and the additional nine units do not generate significant amounts of traffic. Between five and six vehicles in each peak hour are forecast to arise in addition to the predicted number of about 12 vehicles for the 21 dwellings. This quantity would not be expected to materially affect the existing network operation which is improved in the immediate vicinity by the proposed layby”

Objections have been raised with regard to parking issues within the area, however a total of 40 car parking spaces to serve both applications are to be provided across the entire site which accords with the BMBC Parking SPD at a ratio of one space per two bedroomed unit and two spaces per three and four bedroomed dwellings. Sufficient parking is provided for each of the dwellings along with a visitor space. The proposed garages are of sufficient size to count as parking spaces and storage of bicycles. Where there are no separate garages, covered and secure bicycle storage is proposed.

The site is accessed via a residential cul de sac off New Smithy Avenue where on street parking occurs. As agreed at outline stage and conditioned as part of the appeal, a parking layby for three vehicles is planned at the triangular shaped piece of land between no’s 20 and 30 New Smithy Avenue. This is expected to improve visibility and help with access and passing subject to the submission of details for a separate technical approval and agreement under S278 of the Highways Act 1980 and its eventual installation. The Council’s Highways Section have therefore raised no objections to either application subject to conditions. The proposed developments are therefore considered to be acceptable in terms of highway safety and in accordance Policy T4 of the Local Plan.

Public Rights of Way

There is a public footpath running alongside the western boundary of this site. It is proposed to link the residential development to this PROW to allow for improved pedestrian access. Details of the link, including boundary treatment and its adoption, can be secured via condition.

Residential Amenity

Objections have been raised with regard to the impact of the proposal upon the residential amenity of the adjacent dwellings. Residential amenity considerations are a sensitive issue with the applications given existing dwellings surround the site on three sides. The site plan to application 2019/0689 has been amended during the course of the application to allow for greater separation distances to the surrounding dwellings

and meets the required standards set within the SPD. Section plans have been submitted due to the difference in levels between the existing and proposed dwellings. These show that, due to the difference in land levels, the properties on the southern section of the site will only look onto the roofs and above the roofs of properties on High Bank Lane. The relationships between existing and new properties shown on the site plan and sections are satisfactory in relation to the spacing standards required by the Designing New Housing Development SPD. As a result, the proposal does not give rise to any unacceptable overshadowing or overlooking impacts in relation to the residential amenity of existing residents.

With regard to the proposed residents, the internal room dimensions and external amenity spaces provided by the proposed house types and plots meets the standards as set out in the SYRDG. The proposed is acceptable in residential amenity terms and complies with Local Plan Policy D1 and the Designing Residential Housing SPD.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works in accordance with Policy Poll1 Pollution Control and Protection.

Concerns raised by residents of High Bank regarding the future maintenance of their property in view of its position adjoining the appeal site and concerns have been raised with regard to the ownership of a boundary wall. Unfortunately these are private legal interests which are not material considerations as noted by the Planning Inspector's appeal decision.

Visual Amenity

The site layout shows a linear development with a main access road and properties set at each side. There are a mixture of detached and semi detached properties, which reflects the pattern of development within the Thurlstone Village. The additional units do not create a cramped appearance when viewed against the existing developments surrounding the site. The overall layout of both applications together allows for sufficient space between each property, sufficient garden and landscaped areas and off street parking. Soft landscaping is also proposed to the front which will soften the appearance along the street and break up the parking areas.

The properties are modern but have traditional elements, such as stone heads and cills to the front elevation and are to be constructed in facing stonework, in order to complement the adjacent Conservation Area. The Conservation Officer has no objections to the scheme subject to the submission of material samples and it is felt that the scheme would preserve and enhance the appearance of the adjacent Conservation Area in accordance with policy HE1 of the Local Plan and Policy BE2 of the Penistone Neighbourhood Plan.

In terms of the house types proposed, objections have been received in relation to the split level properties proposed to plots 17-20 to the southern end of the site, adjacent to high bank. These properties are proposed due to the sloping nature of the site. Policy BE1 of the Penistone Neighbourhood Plan states that in order to protect visual amenity that 'To have no houses above two storeys on the perimeter of built up areas where it adjoins open countryside, where they have a greater impact upon the surrounding area in order to preserve and enhance the character of the area, in particular allocation sites HS70, HS71, HS74, HS75 as shown in Barnsley Local Plan.' These split level properties are two storeys to the front and three storeys to the rear due to the sloping nature of the site. Due to the linear nature of the development all properties on the site

would be set on the edge of the development. These plots do not adjoin open countryside. There are other three storey properties within the area due to the topography of Thurlstone and previous developments taking advantage of the sloping hillside. It is felt that these properties are appropriate as they will appear as two storeys from the front and would not have any significant overbearing or overlooking impact due to the slope of the land.

The design of the scheme is such that it will fit within the surrounding residential area, the scale of houses is appropriate. There are no objections to the scheme from a visual amenity perspective in accordance with policy D1 of the Local Plan.

Density and Mix of Housing

Policy H6 of the Local Plan, Housing Mix and Efficient Use of Land states that a density of 30 dwellings per hectare would be expected within the villages. The proposed increase in dwellings will result in a more efficient use of land. The proposals would result in 30 dwellings being delivered on an area of approximately 0.99ha, which equates to approximately 30 dwellings per hectare.

In terms of housing mix, Policy H1 of the Penistone Neighbourhood Plan states that proposals for new housing development of 10 or more units should:

- a) Include an appropriate mix of bungalows, starter homes and smaller homes (one and two bedroom) as determined by the most contemporary housing needs and market assessments available.
- b) Ensure that affordable housing provided in accordance with the requirements of Policy H7 of the adopted Barnsley Local Plan is 'pepper-potted' through the development site to ensure full integration of communities.

The site has a good mix of 10 different house types, ranging from 2 to 5 bedroom dwellings, detached and semi-detached of 2 storeys with 4 split level 2/3 storey dwellings. There are no other one storey properties within the area therefore it is felt that the mix of dwellings is appropriate for the character of the area and would comply with policy H1 of the Neighbourhood Plan.

With regard to the design and layout of the affordable units, the units are grouped in a row, however this is a relatively small scheme with limited options for disbursement. The run is broken up by having the three beds located centrally in between the two bed units. Both the 2 and 3 bed houses exceed the South Yorkshire Residential Design Guide standards.

Impact on Future Development

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans show an access through to the remaining safeguarded land, therefore there should not be any access issues through to the adjacent land in compliance with policy GB6 of the Local Plan.

Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts.

Contamination

The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

Biodiversity/Trees

The Ecological Report demonstrates that most of the site is of low ecological value. The appraisal recommends the retention of hedgerows on the western boundary, bird and bat boxes, hedges as opposed to walls separating plots and hedge planting. No objections are raised on biodiversity grounds subject to conditions requiring the recommendations within the Ecological Report to be followed, together with locations necessary bird and bat boxes to be submitted and a landscaping scheme.

In terms of landscaping and trees, the proposal requires the removal of a section of hedgerow as well as the remaining trees on the site; however the trees to be removed are not noteworthy specimens. There are off site trees which will require protecting during the development and as such an arboricultural method statement will be required which can be conditioned.

Given that trees will require removal along with a section of lapsed hedgerow/group of Hawthorns, significant replacement tree and hedgerow planting will be required as part of a landscaping scheme for the development. The proposal is therefore considered acceptable when measured against policy BIO1 of the Local Plan.

Archaeology

The Archaeology Assessment states that there is low potential for evidence from the Prehistoric, Romano-British and post medieval periods, however confirmed a moderate potential for archaeological evidence from medieval periods. A archaeology condition will be required in accordance with policy HE6 of the Local Plan.

S106 – Affordable housing, public open space, education, sustainable travel

Policy I1 Infrastructure and Planning Obligations of the Local Plan states that 'Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.'

The two applications propose 30 dwellings in total and there is a requirement for the developer to provide contributions towards, additional school places, affordable housing and green space. As the previous outline application was allowed at appeal on the basis of the old Core Strategy and SPD requirements and were agreed via a section 106 agreement, these figures must be used for the reserved matters application for 21 units. The 9 unit application has been assessed on the basis of the current Local Plan and SPD requirements and would need to be secured by way of a separate section 106 agreement, the following figures are therefore of relevance:-

Affordable Housing – Policy H7 Affordable Housing states that housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and Rural West.'

The original outline appeal decision for 21 units confirms acceptance of 25% affordable housing, as per the policy ask at that time. The new separate full application for 9 units falls beneath the affordable housing threshold of 15 units but cumulatively the scheme delivers 30 units.

The previous policy requirements of 25% affordable housing (5.2 units) are required for the 21 units allowed at outline and the current policy requirements of 30% affordable housing (2.7 units) are required for the 9 unit scheme.

The applicant is proposing to provide 6 affordable units on site for the 21 dwelling reserved matters scheme and 2 affordable units on site for the 9 dwelling scheme, and a financial contribution is proposed to “top up” the provision to a policy-compliant level, as providing an additional affordable unit on-site as part of the development would be equivalent to 33.3% provision. This is considered to be acceptable and would result in the equivalent of 30% provision/contribution across the site as a whole.

The proposal allows for 4 x 2 bed houses and 4 x 3 bed houses. The data suggests greatest demand for two and three beds in this area.

In terms of the tenure split and taking into the new Affordable Housing SPD, the ask should remain 67% affordable rent and 33% affordable home ownership. Therefore in this case the following would be required:-

- 67% affordable rent – 3 x 2 bed houses and 3 x 3 bed houses
- 33% affordable home ownership – 1 x 2 bed and 1 x 3 bed houses

It should be noted that the affordable housing provision on the reserved matters part of the site is reflective of the appeal decision and not the current 30% affordable housing requirements and would not set a precedent for other developments.

Education – The SPD ‘Financial contributions towards schools’ states that a financial contribution will be needed for planning applications for housing developments where;

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

The outline application for 21 dwellings would have generated the need for an additional 3 secondary school places. At the time of the appeal, there were sufficient primary school places in the local area but there was a shortage of secondary places. A S106 contribution based on the previous PAN guidance was required for the 3 additional secondary pupils generated by the development at £14,102 per pupil, which equates to a total contribution of £42,306.

The additional 9 dwellings has been considered based on the current Financial Contributions to schools SPD. Secondary places within this area are still significantly under pressure (Penistone Grammar) so a contribution of £16,000 (1 secondary pupil) is required. There are currently sufficient primary school places therefore there would be no requirement for a primary contribution.

The total Education Contribution for the whole site (cumulatively for both applications) is £58,306.

Public open space – There is no green space provision on site. It is considered that the site affords little opportunity to accommodate a green space of sufficient size; therefore

an off-site contribution is sought in entirety. The SPD 'Open Space provision on new housing developments' states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 'contributions per dwelling for off-site provision of green space' outlines the contribution per unit based on the number of bedrooms.

The 21 unit reserved matters scheme proposes 2 x 2 bed, 8 x 3 bed and 11 x 4+ bed, therefore based on the previous SPD a total of £38,807.27 is required in line with the Section 106 Agreement. The obligation provides a financial contribution towards off-site public open space improvements with two kilometres of the boundaries of the Site.

The 9 unit scheme consists of 2 x 2 bed, 2 x 3 bed, 5 x 4+ bed, therefore based on the current SPD, a total of £17,384.55 is required.

The total Public Open Space requirement for the whole site (cumulatively for both applications) is £56,191.82

Sustainable Travel – The SPD 'Sustainable Travel' states that 'contributions will be sought on developments of 10 dwellings or more.' Whilst a contribution cannot be requested for the 21 unit scheme, a contribution should be requested for the 9 unit scheme. Based on the formula set within the SPD a total of £9,000 would be required.

Conclusion

In summary the proposals are considered acceptable. The principle of a residential development of the site is already established by the appeal allowed in 2018. These applications in total propose an increase in the number of dwellings by 9 from 21 to 30.

The proposed development complies with the design standards and the spacing standards in the Designing New Housing Development SPD. The Highways section have no objection to the additional 9 units as it is felt that the number of additional vehicle movements would not be significant and as the site allows for sufficient parking and turning within the site.

As the proposals meet the standards set out within planning policy and in particular that there are no objections raised in terms of highway safety or residential amenity, it is felt that the additional 9 units proposed and the two schemes as a whole would be acceptable when measured against the previously approved 21 unit scheme. The officer recommendation is to approve subject to conditions for each application and a Section 106 agreement.

Recommendation

Approve applications 2019/0689 and 2019/0690 subject to the following conditions and Section 106 Agreement.

2019/0689

- 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 (Nos P001, P002 Rev G, P003 Rev C, P004 Rev B, P005, P007 Rev A, P006 Rev A, P101 Rev B, P103 Rev A, P104 Rev D, P105 Rev A, P106 Rev A, AMA/20366/SK001, 1986/001, Ecological Appraisal by Brooks Ecological Ltd dated May 2019, Tree Survey and Arboricultural Impact Assessment by Brooks Ecological Ltd dated September 2019, Desk Based Assessment by Ls Archaeology dated December 2016, Desktop geotechnical and geo-environmental site investigation by Eastwood and Partners, Drainage Statement by Eastwood and Partners, Design and Access Statement by Edward Architecture, Planning Statement by QUOD, Highways Supporting Statement by Andrew Moseley Associates) and specifications as approved 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 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 details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In interests of providing appropriate infrastructure in accord with Policy I1 of the Local Plan.
- 5 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan policy BIO1 'Biodiversity and Geodiversity'.
- 6 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.
- 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 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 in accordance with Local Plan Policy BIO1.
- 10 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.
- 11 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a dust management plan which details how dust will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the dust management plan. Prior to work commencing the applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 12 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the LPA. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use. Reason: In interests of promoting sustainable travel opportunities.
Reason: In interests of promoting sustainable travel opportunities in accord with Policy I1 of the Local Plan.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 14 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Reason: In interests of retaining highway efficiency and safety in accordance with Local Plan Policy T4.**
- 15 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been 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 in accordance with Local Plan Policy T4.**
- 16 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 New Smithy Avenue in accordance with details of a completion plan to be submitted and approved in writing by the LPA in consultation with the LHA.
- Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 17 Prior to the first occupation of the development the proposed driveway and associated crossings, car and cycle parking, servicing, turning shall be laid out, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- Reason: To ensure the permanent availability of areas for accessing the dwelling units, parking and manoeuvring areas, in the interest of highway safety in accordance with Local Plan Policy T4.**

- 18 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
Reason: To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety in accordance with Local Plan Policy T4.
- 19 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such. Reason: To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 20 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking shall not be used other than for the parking of private motor vehicles belonging to the occupants and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained on site, in the interests of highway safety in accordance with Local Plan Policy T4.
- 21 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 22 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 23 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at current greenfield run off rates, or less, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

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

- 24 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- Reason: To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 25 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

- 1 The development hereby permitted shall be begun before the expiration of 2 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 and the associated outline app 2017/0088.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos P001, P002 Rev G, P003 Rev C, P004 Rev B, P005, P006 Rev A, P101 Rev B, P102 Rev B, P103, P104, P105, P106, P107, P108 Rev D, P109, AMA/20366/SK001, 1986/001, Ecological Appraisal by Brooks Ecological Ltd dated May 2019, Tree Survey and Arboricultural Impact Assessment by Brooks Ecological Ltd dated September 2019, Desk Based Assessment by Ls Archaeology dated December 2016, Desktop geotechnical and geo-environmental site investigation by Eastwood and Partners, Drainage Statement by Eastwood and Partners, Design and Access Statement by Edward Architecture, Planning Statement by QUOD, Highways Supporting Statement by Andrew Moseley Associates) 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 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 details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In interests of providing appropriate infrastructure in accord with Policy I1 of the Local Plan.

Reason: In order to ensure compliance with Local Plan Policy I1.
- 5 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan policy BIO1 'Biodiversity and Geodiversity'.
- 6 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.

- 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 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 in accordance with Local Plan Policy BIO1.
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 10 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a dust management plan which details how dust will be controlled during the construction stage of the site. Once approved the applicant shall strictly adhere to the dust management plan. Prior to work commencing the applicant shall ensure that there is an adequate supply of water at the site and shall provide the LPA of details of this.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 11 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the LPA. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use. Reason: In interests of promoting sustainable travel opportunities.
Reason: In interests of promoting sustainable travel opportunities in accord with Policy I1 of the Local Plan.
- 12 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been 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 in accordance with Local Plan Policy T4.

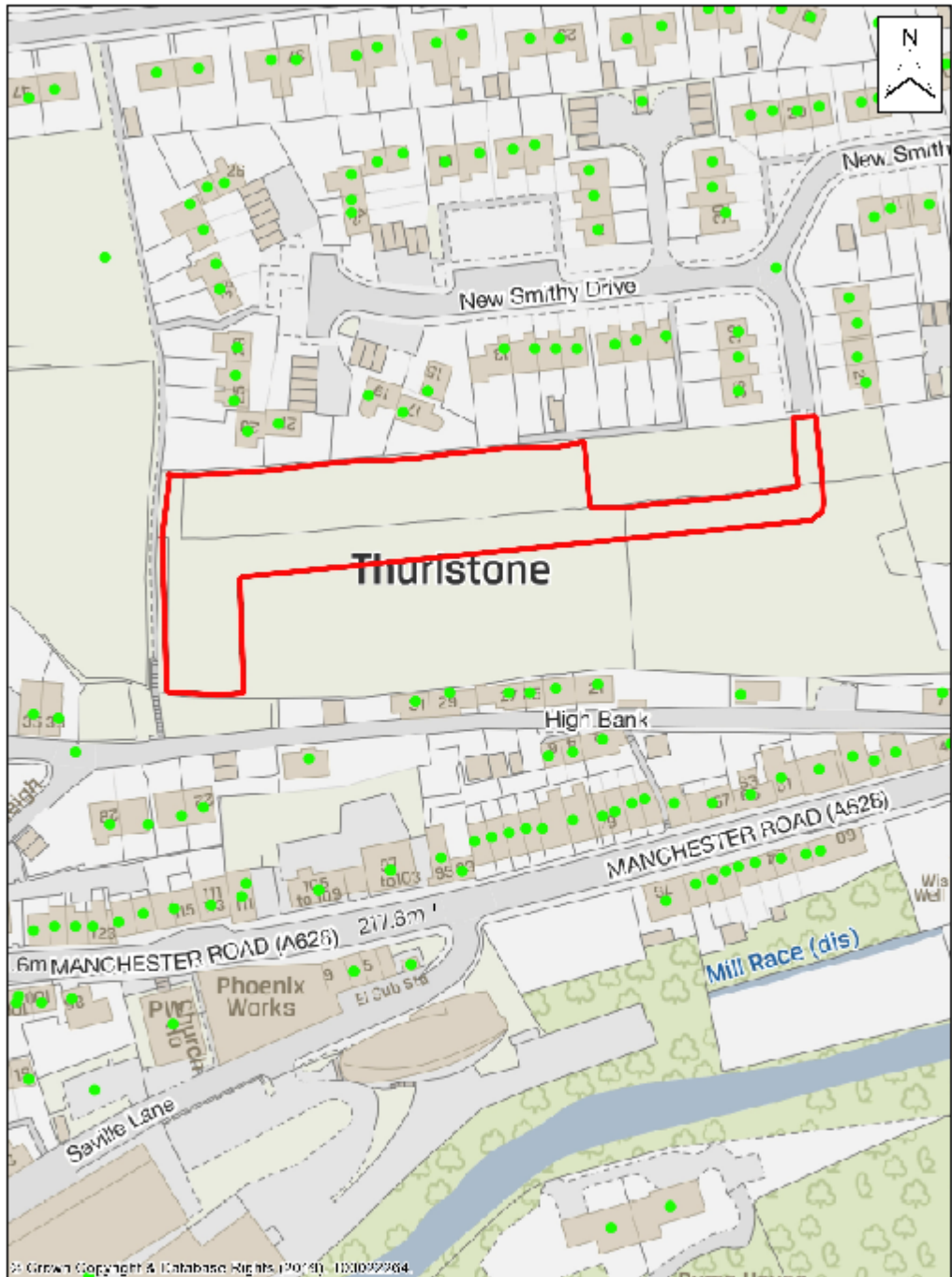
- 13 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at New Smithy Avenue in accordance with details of a completion plan to be submitted and approved in writing by the LPA in consultation with the LHA.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 14 Prior to the first occupation of the development the proposed driveway and associated crossings, car and cycle parking, servicing, turning shall be laid out, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
Reason: To ensure the permanent availability of areas for accessing the dwelling units, parking and manoeuvring areas, in the interest of highway safety in accordance with Local Plan Policy T4.
- 15 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced, drained and where necessary marked out in a manner to be approved in writing by the local planning authority.
Reason: To ensure adequate provision for the disposal of surface water and ensure that the use of the land will not give rise to mud hazards at entrance/exit points in the interests of public safety in accordance with Local Plan Policy T4.
- 16 The vehicle turning space as shown on the approved plans shall be constructed before the development is brought into use and shall thereafter be maintained as such. Reason: To avoid the necessity of vehicles reversing on to or from the highway and creating a highway hazard.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 17 Before the development hereby permitted is brought into use, the parking as shown on the approved plans shall be provided. The parking shall not be used other than for the parking of private motor vehicles belonging to the occupants and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained on site, in the interests of highway safety in accordance with Local Plan Policy T4.
- 18 Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13. They should be constructed to withstand a minimum carrying capacity of 26 Tonnes without deflection.
Reason: In interests of highway safety in accordance with Local Plan Policy T4.
- 19 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.

- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

- 20 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason:To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.



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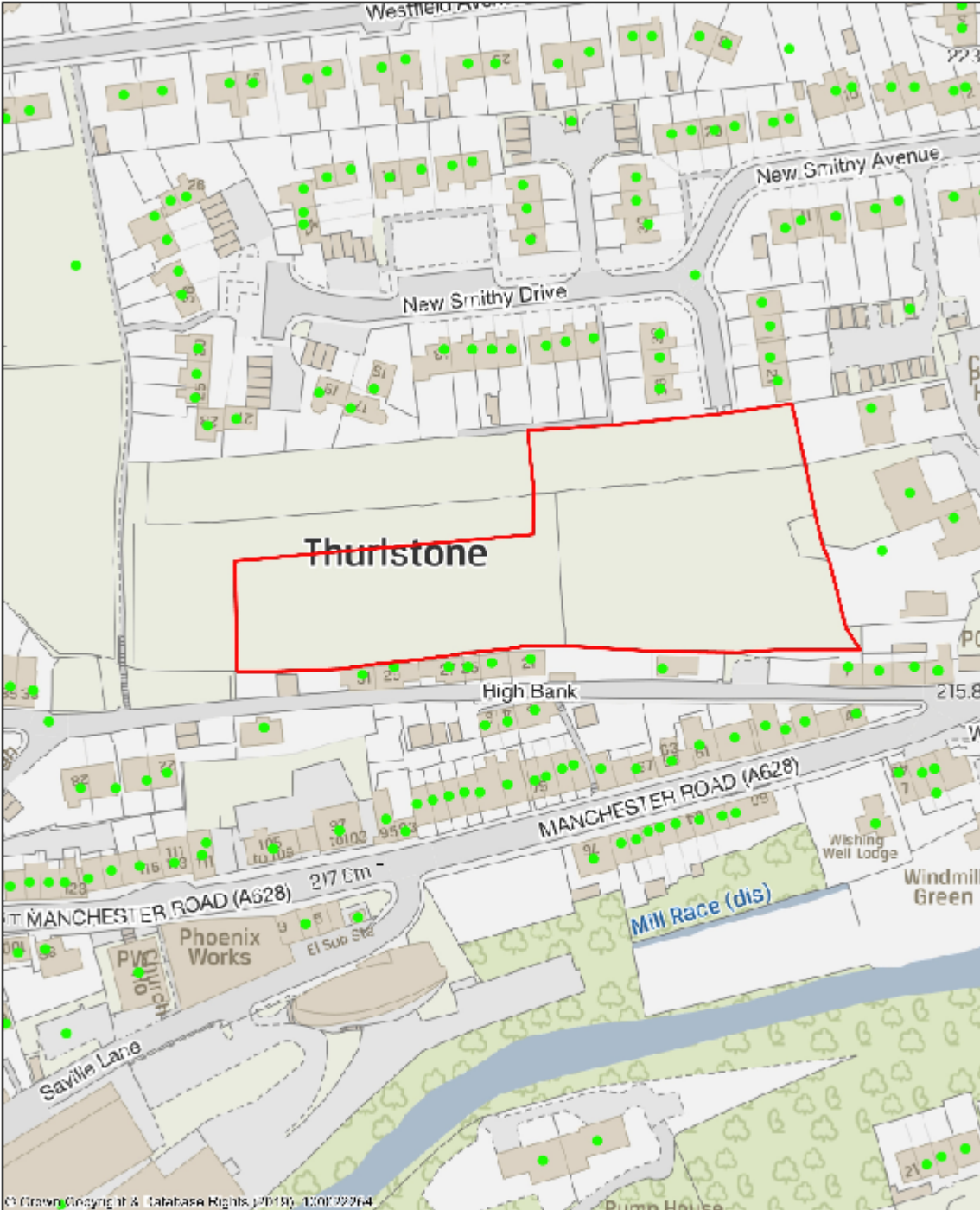
Drawn by: Hodgson, Andrea
 Date: 10 January 2020
 Drawing No: 20190289
 Scale: 1:1250

Title: 6 Lines Maximum!



PA Reference:-

2019/0690



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 6

2018/1433

Mr Phil Faxon

Demolition of all buildings within the site and proposed residential development of 22 dwellings (Outline - all matters reserved except access and layout).

Roughbirchworth Lodge, Roughbirchworth Lane, Oxspring, Barnsley, S36 8YZ

15 Representations have been received from local residents which include 10 objections and 5 letters of support/comment. Representations have also been received from Oxspring Parish Council and Cllr Barnard.

Description

The site is located within the village of Oxspring positioned between existing housing and the countryside. The site currently comprises the main farm dwelling known as Roughbirchworth Lodge, dilapidated cottages and a number of outbuildings and farm sheds. The buildings occupy the central part of the site and are associated to a former agricultural use that has been vacant for some time. Roughbirchworth Lodge is the only habitable building on the site and is occupied by the applicant.

Access to the site is via the existing drive that enters directly off Roughbirchworth Lane, immediately to the south west of the road bridge adjacent to the Trans Pennine Trail. The Trans Pennine Trail runs along the north eastern boundary of the site and there are a number of mature trees within the site. The site itself is generally flat; however the Trans Pennine Trail that is located adjacent to the site is set at a significantly lower level in a deep cutting.

The site lies adjacent to traditional two storey terraced housing to the south west and bungalows on the opposite side of Roughbirchworth Lane. Land beyond the north western boundary is Green Belt and to the south west is an area of Safeguarded Land as allocated within the Barnsley Local Plan.

Proposed Development

The application is in outline form and proposes the demolition of the buildings on site and erection of 22 dwellings. All matters of detail are reserved apart from means of access and layout. The plans have been amended a number of times since the application was submitted including a proposal for 23 properties, however this has been revised back to 22 units in order to provide a habitat zone as required by the submitted Ecological Report. The plans have also been amended in order to retain mature trees and improve the internal layout.

The application is accompanied by a layout plan showing a mixture of detached, semi-detached and terraced houses. The properties are arranged around a single cul-de-sac road accessed from Roughbirchworth Lane to the east with properties located at either side of the road. A habitat zone is proposed to the north western corner of the site. The site layout is dictated by the location of mature trees which are to be retained mainly to the north eastern portion of the site.

The layout proposes an indicative number of bedrooms with 7 affordable units of terrace and semi-detached dwellings of 2-3 beds, and a further 15 units of generally 4 bed detached dwellings.

The main vehicular access would be via a new access road constructed to adoptable standards, including the junction design with Roughbirchworth Lane. The existing access is to be closed and the site accessed via the amended access point from Roughbirchworth Lane set adjacent to Vale View.

To support the application, the following documents have been submitted:-

- Preliminary Ecological Appraisal dated July 2019 by Witcher Wildlife Ltd,
- Drainage Report dated May 2018 by Shaun Tonge Engineering,
- Arboricultural Report and Impact Assessment dated November 2018 by AWA Consultants,
- Archaeological Assessment and Building Recording Report dated March 2019 by CFA Archaeology Ltd

Planning History

No planning history.

Policy Context

Local Plan

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 site is an allocated Housing Site HS89 (indicative yield of 22 dwellings) within the Local Plan Policies Map -

The development will be expected to:

- Fully evaluate existing woodland trees for their biodiversity value and retain mature trees;
- Retain or create a buffer of trees/woody vegetation adjacent to the Trans Pennine Trail (to the north-east) to reinforce the wildlife corridor;
- Evaluate existing farm buildings for their bat roost and nesting bird value;
- Evaluate the site's importance as overwintering feeding habitat for golden plovers and provide mitigation or compensation habitat as appropriate; and
- Ensure the impacts/effects on the landscape are appropriately minimised and mitigated.
- There is a further protected species issue which affects the northern portion of this site.

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

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

The following policies are also of relevance:-

SD1 'Presumption in Favour of Sustainable Development'

GD1 'General Development'

LG2 'Location of Growth'

H1 'The number of New Homes to be Built'

H2 'Distribution of New Homes'

H6 'Housing Mix and Efficient Use of Land'

H7 'Affordable Housing'

T1 'Accessibility Priorities'

T3 'New Development and Sustainable Travel'

T4 'New Development and Transport Safety'
D1 'High Quality Design and Place Making'
LC1 'Landscape Character'
HE1 'The Historic Environment'
HE2 'Heritage Statements and General Application Procedures'
HE3 'Developments Affecting Historic Buildings'
HE6 'Archaeology'
GI1 'Green Infrastructure'
BIO 'Biodiversity and Geodiversity'
CC1 'Climate Change'
CC2 'Sustainable Design and Construction'
CC3 'Flood Risk'
CC4 'Sustainable Drainage Systems (SuDs)'
RE1 'Low Carbon and Renewable Energy'
CL1 'Contaminated and Unstable Land'
Poll1 'Pollution Control and Protection'
I1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Open Space Provision on New Housing Developments
- Planning obligations
- Affordable Housing
- Trees and Hedgerows
- Financial contributions to Schools
- Parking
- Sustainable Travel

Oxspring Neighbourhood Plan

Policy OH1 Meeting Local Housing Needs
Policy OEN1 Protecting and Enhancing Natural Biodiversity Assets and Green Infrastructure
Policy OEN3 Planning for Climate Change
Policy OEN4 Landscape and Building Design Guidelines for New Development

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 – The layout plan shows 7 (30%) affordable properties comprising 2 and 3 beds. The proposed mix and layout is acceptable.

Biodiversity – No objection subject to conditions

Contaminated Land – No objection subject to condition

Conservation Officer – No objection subject to conditions

Drainage – No objections subject to conditions

Education – The development is required to make a contribution towards secondary school places in the locality. The development would result in 3 secondary places required at £16,000 totalling £48,000. A contribution is not required for primary provision.

Highways – No objections subject to conditions

Oxspring Parish Council – In summary they consider that the version of the plans now under consideration do not cause any major concerns and complies with 6.1 of the Oxspring NDP Objective 1 to support the provision of fair and accessible housing for local needs and local people (Policy OH1 Meeting Local Housing Needs). Notwithstanding they still wish to raise the following issues:-

- Trees - The tree report is dated March 2018 and covers only the land that was planned to be utilised in the first submission, bullet point 4.1 – 13 residential dwellings. They request that it is updated. {An updated report has been provided}
- Highway safety – They retain a concern that traffic generated by the development and the position of the access to the development would create conflicts particularly at school starting and finishing times.
- Affordable housing – Express the view that it is imperative that the addition of 'affordable houses' does not drop off the plan and that these homes are not relocated elsewhere in the Borough.
- Biodiversity – Ask that existing habitat is protected.
- Dry stone wall - Wish to see the retention of the dry stone wall on the site which fronts on to Roughbirchworth Lane.
- Drainage - Wish to avoid surface water from the development discharging onto the TPT via the existing culvert.
- Access to the TPT – Request that the development leads to the creation of an access to the TPT that is suitable for wheelchair users, cyclists and people with prams and pushchairs as per Objective 2 of Oxspring Neighbourhood Development Plan.
- Query whether habitat value of the site for Golden Plovers would be diminished.
- Archaeology – It is queried whether any remains worth retaining exist within the site, including an old walled garden.

Regulatory Services – No objections subject to conditions

South Yorkshire Archaeology Service – No objections subject to conditions

Tree Officer – No objection subject to conditions

Ward Councillors – Cllr Barnard raises concerns due to the additional volume of traffic which the proposed development would generate and which can only access the site from Roughbichworth Lane, in close proximity to the bridge over the TPT and the school. Has also commented that residents have expressed concerns about the impact on wildlife.

Yorkshire Water – No objection subject to conditions

Representations

15 representations have been made to the application made up of the following:-

10 objections have been received:-

- Roughbitchworth Lane is not suitable to accommodate potentially 50+ more extra vehicles.
- Concerns over scale of development
- Concerns raised that the bridge may not be strong enough to support heavy vehicles
- The bridge is on a bad bend and cars drive too fast
- The existing buildings should be retained
- The spring on site should not be allowed to run onto the TPT
- More housing impacts on the limited facilities and infrastructure in Oxspring
- Highway safety concerns for pedestrians/school children and vehicles.
- Poor visibility between the parked cars from school and residents.
- Impact on wildlife.
- Concerns regarding impact on wildlife from loss of trees
- Impact on mature trees
- Congestion and impact on bus services
- Wrong location for housing
- Concerns regarding construction works and disturbance
- Concerns raised that the current proposals seek to demolish some of the most historic buildings in Oxspring with no consideration given to the heritage value of the site

1 comment which states:-

- Plans look ok as long as houses are going to be two storeys. Three storey or those with attic rooms looking over neighbouring properties should be avoided including properties on the other side of Trans Pennine Trail

4 letters of support:-

- Supports the application due to further housing needed in Oxspring and affordable homes
- Development supports aims of neighbourhood plan and a cross section of housing
- Retaining general character of the site and use of reclaimed stone would be welcomed

Assessment

Principle of Development

The Barnsley Local Plan was adopted on the 3rd January 2019. The site is allocated in the Local Plan for housing under site reference HS89, Land off Roughbitchworth Lane. As such, subject to the detailed requirements of this policy being met and any additional policy requirements as identified in the assessment of the application, the proposed development is acceptable in principle subject to the material considerations outlined below.

Density

Local Plan Policy H6 Housing Mix and Efficient Use of Land states a minimum density of 30 dwellings per hectare net will be expected in villages. Based on the proposed site area of 0.84 Ha, a development of 22 dwellings would give the proposal a density of 29.1 dwellings per hectare, which is regarded as acceptable. This is in line with the indicative number of dwellings set out in site policy HS89, which has taken account of an area of significant ecological value identified in the ecological assessment produced for the Local Plan.

Residential Amenity

The proposed layout is under consideration and the other matters such as appearance remain a reserved matter. The relationships between existing and new properties shown on the submitted site plan are in compliance with the Councils spacing standards and should not cause any significant overlooking, overbearing or overshadowing impact.

More detailed information would be required within the reserved matters application including elevational details of the proposed dwellings, including positions of windows and doors and section plans between the existing and proposed dwellings, however the relationships between existing and new properties shown on the site plan would be satisfactory in relation to the spacing standards required by the Design of Housing Development SPD.

The site layout also allows for the retention of mature trees, with consideration given to adequate separation between the trees and the new dwellings, therefore they should not cause excessive overshadowing in accordance with policy Local Plan GD1. The layout proposed would provide a good standard of living space and includes adequate sized gardens. The detailed internal room sizes would be assessed at reserved matters stage in accordance with the South Yorkshire Residential Design Guide.

In terms of any impact during construction, the Pollution Control Officer has no objection, however as the site is located close to existing residential properties, conditions are required to ensure the residents are not adversely affected by noise and dust issues during the development works in accordance with Policy Poll1 Pollution Control and Protection.

Visual Amenity

The layout plan has been submitted which shows a mixture of detached, semi-detached and terraced properties which could be designed and built to fit in with the adjacent dwellings and to comply with policy D1 of the Local Plan and policy OEN4 of the Neighbourhood Plan 'Landscape and Building Design Guidelines for New Development'.

The submitted Design and Access Statement anticipates that the dwellings will be 2 storeys in height with possible rooms within the roofspace, however detailed house types and designs are to be submitted as a reserved matter. Landscaping would also be provided within the reserved matters application; however the site plan shows that the mature trees are to be retained on the site which would benefit visual amenity and further planting will be proposed.

The layout shows that the proposed dwellings would be orientated in a traditional layout, arranged with a cul-de-sac with the properties fronting the road and having parking to the front/sides with front gardens between the road and the front elevations and all have private gardens to the rear.

The site borders onto the Green Belt to the north west boundary, however the dwellings can be designed so that it does not have an adverse impact upon openness, such as restricting the height of the properties immediately adjacent to the Green Belt boundary. In addition, the layout does not prejudice the future development of the adjacent safeguarded Land.

Trees/Biodiversity

Concerns have been raised by residents with regard to the impact of the proposal upon wildlife and biodiversity. The applicant has submitted an ecology report which has fully assessed the site and the impact of the proposed development. The report confirms that there are no statutory or locally designated sites close to the site and that there are no watercourses on or near the site. The buildings have been inspected for bats and no bat roosts have been found. The report also assessed the impact on Golden Plover and states that the loss of this small site would have "a negligible effect on Golden Plovers with abundant habitat around the site". The Biodiversity Officer

is satisfied with the applicant's Ecological report and no objections are raised on biodiversity grounds. The report recommends a number of biodiversity mitigation and enhancement measures that include the retention of the mature trees in the north west section of the site, the addition of more tree and hedge planting around the site, the creation of a habitat zone, and the provision of bird and bat boxes. The submitted layout shows the trees to be retained and the proposed habitat zone to the north-western corner of the site and how the houses have been laid out to complement these features.. These biodiversity measures proposed as part of the scheme, and the management of them, can be secured via suitable conditions. The proposal is therefore considered to be in accordance with policy BIO1 of the Local Plan and Policy OEN1 of the Neighbourhood Plan.

A full Tree Report for the entire site has been submitted in support of the application. The site contains a number of large mature trees, and the changes to the scheme have allowed for the retention of more of the prominent trees. The site's most significant tree. a Beech tree T3, which forms part of the avenue of trees along the driveway, would be retained. Although some trees would be removed, the core of the large mature trees would be retained as part of the scheme. Most of the trees that require removal are low or moderate value, retention category 'C'. Concerns have been raised with regard to the loss of T4 due to its use as a main nesting tree, however the Tree Report states that several of the relatively large Sycamore trees (including T4) have significant defects such as cavities with decay, significant deadwood and previously snapped out branches. If these trees were to be retained, they would need significant ongoing maintenance works to ensure their suitability.

The Tree Officer has not raised any objections subject to conditions. Tree protection measures would be required as part of the scheme as will significant mitigation planting to maintain the woodland feel of the site. The works will retain a buffer of trees and vegetation adjacent to the Trans Pennine Trail to reinforce the wildlife corridor in line with the site specific policy and in compliance with BIO1 of the Local Plan and Policy OEN1 of the Neighbourhood Plan.

Heritage/Archaeology

A combined Heritage Impact Assessment and Archaeological Assessment has been submitted in line with Local Plan Policies HS89, HE1, HE2 and HE6. Roughbirchworth Lodge is unlisted but it is historic and was known to pre-date 1850. The application proposes the demolition of Roughbirchworth Lodge and its outbuildings to the rear. As a consequence, a desk based assessment and a building appraisal was requested to better understand the nature of the heritage within the site. The document describes the values that contribute and summarises that:

'The value of the site to yield evidence of past human activity will be limited by the building of a deep railway cutting in the mid-19th century to the side of the lodge. The open field to the rear of the property was used during the early part of the 20th century as allotments, causing further disturbance of potential archaeological deposits. However, the surrounding area has been under occupation from the early medieval period and the precise location of the centre for the Manor of Roughbirchworth is unknown and elements of this may be sealed in deposit below the current buildings.

The historic value of the site lies in how the buildings have been adapted and reused to reflect changes in need of the local community and the wider changes brought about in agricultural practice. The aesthetic value of the buildings lie in the same changes; in that the outbuildings are neither agricultural nor domestic, but somehow an uneasy mix of both. The community that once occupied these outbuildings have now gone and the cottages to the rear of the lodge have been uninhabited since the 1960s, so their value to the local community and the lack of a view of the building from the public realm means that the communal value of the site is limited'

The Historic value preserved within the fabric of the outbuildings expresses how, during the 19th and 20th centuries, the process of change within farming manifested in the adaptive reuse of the

buildings. However, despite a relative aesthetic value due to a symmetry of design, vernacular building styles and the use of local materials, later stylistic changes have eroded this somewhat. Due to the position of the buildings centrally within the site and the potential impact to mature trees, retaining part of the buildings to the rear of the Lodge would not allow access to the rear of the site and would in any event remove proper historic context. As this is a non-designated heritage asset, with relatively low heritage significance, it is felt that its loss cannot be objected to. The Conservation Officer does not raise any objections to the application. South Yorkshire Archaeology Service have also been consulted and have raised no objections. However, a condition will be required in order to ensure archaeological recording will be carried out to a high level to ensure a proper understanding of the phases of construction and why these took place to allow a decent archival record to be made. The proposal is considered to be acceptable in terms of HE1 and HE2 of the Local Plan subject to an archaeology condition.

Drainage

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts in accordance with Local Plan Policy CC4 and POLL1.

Contamination

The application has been supported with a desk study to assess the potential contamination risks. The Contaminated Land Officer states that the Desk Study indicated that the only way to assess the degree of contamination is through undertaking an intrusive site investigation and considers that this can be adequately dealt with as a condition as sufficient consideration of the contamination risks has been undertaken in compliance with Local Plan Policy CL1.

Highways

Existing access to the site is via the drive that enters directly off Roughbitchworth Lane, immediately to the south west of the road bridge adjacent to the Trans Pennine Trail. The existing access is to be closed and the site accessed via an amended access point from Roughbitchworth Lane set adjacent to Vale View which would be constructed to adoptable standards including the junction design with Roughbitchworth Lane. The amended access is considered to be an improvement and the Highways Officer has no objections to the proposed access.

Whilst concerns have been raised by residents with regard to the additional traffic and access issues, the proposal is relatively small and proposes 22 dwellings. The yield is in line with the number put forward as part of the housing allocation for this site. The road includes a turning head and individual parking areas serving the dwellings. The proposed scheme includes sufficient off street parking, meeting the parking standards as set out in the SPD.

Whilst there would be an increase in vehicular movements from the site, this has level of activity been assessed by the highways as acceptable in terms of highway safety. Consequently, there are no objections to the proposed development in a highway context, subject conditions in compliance with policy T4 of the Local Plan.

S106 Contributions

Policy I1 Infrastructure and Planning Obligations of the Local Plan states that 'Development must be supported by appropriate physical, social, economic and communications infrastructure, including provision for broadband.

Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

As the development proposes 22 dwellings, there is a requirement for the developer to provide contribution or on site provision towards, additional school places, affordable housing, sustainable travel and public open space. A S106 Agreement is proposed in order to secure the required provisions:-

- Additional School Places – The SPD ‘Financial contributions towards schools’ states that a financial contribution will be needed for planning applications for housing developments where;

The scheme provides 10 or more homes; and

There is insufficient capacity in schools; or

There is a need for contributions to ensure schools are in an appropriate condition

The development would result in 3 secondary places required at £16,000 totalling £48,000. No primary places are required.

- Public Open Space - The SPD ‘Open Space provision on new housing developments’ states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 ‘contributions per dwelling for off-site provision of green space’ outlines the contribution formula per unit based on the number of bedrooms. This formula can be incorporated into the S106 to enable the final contribution to be calculated based upon the mixture of dwellings agreed at the reserved matters stage.
- Affordable Housing – Policy H7 Affordable Housing states that housing developments of 15 or more dwellings will be expected to provide affordable housing. 30% affordable housing will be expected in Penistone and Rural West.’ The layout plan shows 7 (30%) affordable properties comprising 2 and 3 beds. Policy OH1 of the Oxspring Neighbourhood states that the affordable housing must be fully integrated with the market housing. The proposed layout plan identifies the affordable properties as plots 1-7. The affordable properties are clustered in one location, however given the size of the site and the fact that there are market properties directly opposite (to the south-west of the access road), it is considered that this layout is considered acceptable. The proposed mix and layout is acceptable to the Affordable Housing Officer.
- Sustainable Travel – The SPD ‘Sustainable Travel’ states that ‘contributions will be sought on developments of 10 dwellings or more.’ Based on the formula set within the SPD a total of £22,000 would be required.

Access to the Trans Pennine Trail (TPT)

The Parish Council have requested that an access to the TPT is provided. The current access at the opposite side of the TPT is not suitable for wheelchair users, cyclists and people with prams and pushchairs due to the steep nature of the steps. The Oxspring Neighbourhood Plan Policy OM1 states that ‘improving the accessibility to the Trans Pennine Trail and other route states that ‘Proposals which provide safe, level, ramped access onto the Trans Pennine Trail (TPT) will be supported. In particular, proposals for access improvements will be encouraged at the Roughbirchworth Lane access point (T2 on Map 2 above) and if possible, from the sports field.’

The applicant has been consulted with regard to the possible connection of the site to the TPT along the northern boundary of the site. The agent considers that a connection would not be possible and has stated that ‘due to the topography of the site the TPT is some 7m lower, in order to construct an access ramp to disabled standards at a maximum of 1:12 gradient, allowing for landings etc., the ramp would be at least 100 m in length. It would need a number of switchbacks,

potential retaining walls and of course it could involve the loss of a number of trees.' Officers who are part of the TPT team have acknowledged that they have looked at whether they could ramp the existing footpath access but they have encountered similar difficulties due to the steep gradients, lack of space, and impact on the trees which does back up the applicant's statement especially given that there is a greater land level difference between the applicant's land and the TPT than there is on the opposite side of the TPT where the current access is. Therefore, due to the difference in levels between the site and the TPT below, and as significant engineering works would be required, it is therefore felt the development of a disabled access to the TPT in this location would be difficult, and potentially could be detrimental to wildlife and mature trees.

Conclusion

The site is allocated as a housing site reference HS89, Land off Roughburchworth Lane within the Adopted Local Plan. The application is in outline with all matters reserved except access and layout. The access and layout is considered to be acceptable and subject to a reserved matters application providing details of landscaping, appearance and scale, the proposal complies with Local Plan Policies. As such it is recommended that the application be approved subject to conditions and a S106 Agreement to secure the required education, greenspace and affordable housing provision explained in this report.

Recommendation: Grant subject to conditions and S106 Agreement (education, greenspace, affordable housing provision and sustainable travel)

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) scale
 - (c) the design and external appearance of the proposed development.
 - (e) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 The layout and access hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 2017/28/03 Rev B, Preliminary Ecological Appraisal dated July 2019 by Whitcher Wildlife Ltd, Drainage Report dated May 2018 by Shaun Tonge Engineering, Arboricultural Report and Impact Assessment dated November 2018 by AWA Consultants, Archaeological Assessment and Building Recording Report dated March 2019 by CFA Archaeology Ltd) and specifications as approved 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.

- 4 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

- 5 The development shall be carried out in accordance with the recommendations detailed within the Preliminary Ecological Appraisal dated July 2019 by Whitcher Wildlife Ltd. A biodiversity mitigation and enhancement strategy should be submitted with the Reserved Matters application and all post-construction mitigation should be maintained for a minimum of 5 years from completion.
- Reason: In the interests of Biodiversity, in accordance with Local Plan Policy BIO1.**

- 6 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
- Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

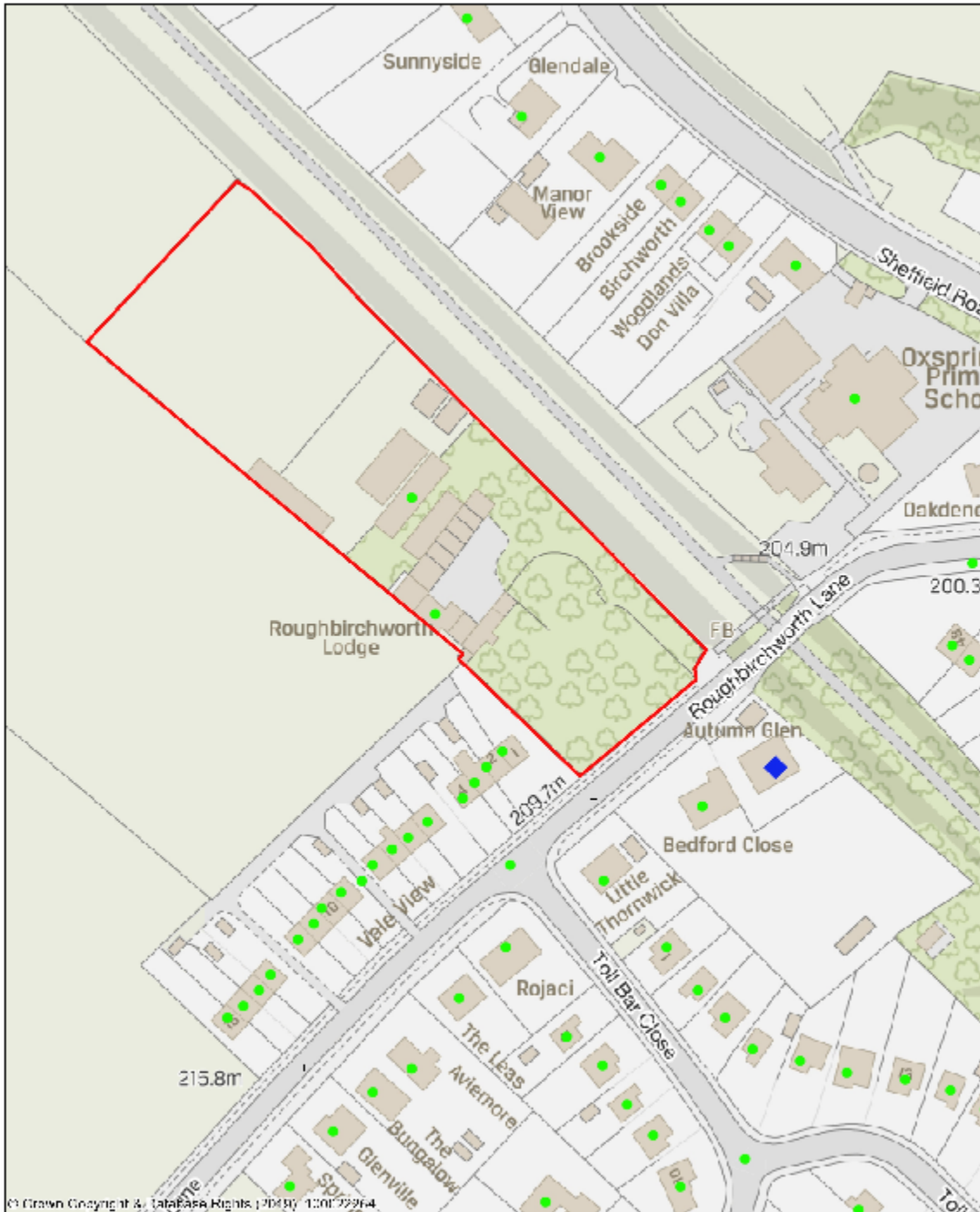
- 7 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 8 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- Reason: In order to ensure compliance with Local Plan Policy I1.**

- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 10 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.
- 11 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
- The scheme shall then proceed in accordance with the approved details.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.
- 12 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.
- 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.
- 14 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.

- 15 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 16 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.**
- 17 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
- Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 18 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.**
- 19 No development shall take place until:
- (a) Full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- (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.
- (d) A hydrogeological report should be carried out to confirm that any water from soakaways would not percolate into the disused railway cutting.
- Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

- 20 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 21 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 building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 22 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been 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"
- Reason: In accordance with Policy CL1 Contaminated and Unstable Land.**



BARNSELY MBC - Regeneration & Property



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Item 8

2019/1136

Ms Stephanie Dunlavey

Residential development of 4 no. dwellings

Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS

The application is referred to the Board for determination by Cllr Barnard who objects to the application. 5 representations have been received from neighbouring residents. Silkstone Parish Council and Councillor Wilson have objected to the application.

Description

The application site is a former Council garage site set off Martin Croft, Silkstone. The site is set within a predominately residential area, with the closest property being number 17 Martin Croft which is set to the eastern boundary. The site has been cleared, with areas of hardstanding remaining.

There is a public footpath running adjacent to the southern boundary of the site and an area of open space set to the west. To the north are allotment gardens. The site is accessed via an existing access off Martin Croft. There are a number of trees/shrubs located around the boundaries of the site, mainly set along the eastern and southern boundaries of the site.

The immediate area consists of a variety of residential properties, with semi-detached and a detached properties to the east, bungalows to the south east along Martin Croft and more modern two storey dwellings along Broad Gates to the south. The surrounding properties are constructed of a variety of materials including stone and various shades of brick.

Proposed Development

The application is a full application for the erection of 4 dwellings. Plot 1 is a detached 3 bedroom bungalow with rooms within the roofspace and an attached garage. Plots 2, 3 and 4 are detached two storey 4 bedroom dwellings with integral garages.

Plots 2,3, and 4 have single storey rear elements to allow for additional floor area at ground floor. This aspect has been reduced in size during the processing of the application. The dwellings are designed with a fairly traditional appearance with modern glazed elements, to be constructed of natural stone with a slate roof.

The site is accessed via an existing access previously used for the garage site. The two storey dwellings are set to the west of the site, with the bungalow set adjacent to number 17 Martin Croft. Each property has front and rear gardens and access to the rear. New screen fencing is proposed to the boundaries of the site.

Background

There have been no planning applications within the last 20 years at this site.

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).

Local Plan

The site is set within an area of Urban Fabric as allocated within the Adopted Local Plan.

The following policies are of relevance:-

GD1 General Development
H1 The Number of New Homes to be Built
H4 Residential Development on Small Non-allocated Sites
LG2 The Location of Growth
T3 New Development and Sustainable Travel
T4 New development and Transport Safety
Policy SD1 Presumption in Favour of Sustainable Development
Policy CC1 Climate Change
Policy CC4 Sustainable Drainage Systems (SuDS)
Policy RE1 Renewables
Policy D1 High Quality Design and Place Making
Poll1 Pollution Control and Protection
BIO1 Biodiversity and Geodiversity

SPDs

The proposals have been considered in relation to the following SPD's:-

- Design of housing development
- Parking

Other Guidance

South Yorkshire Residential Design Guidance
Silkstone Parish Council are in the process of preparing a Neighbourhood Plan but it is at the early stages of development at this stage.

NPPF

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

Consultations

Silkstone Parish Council have raised the following concerns:-

- We are extremely concerned that road safety will be severely compromised by this development. The road leading to the site is the only access to many residential properties and currently caters for substantial residential traffic flow. This road includes a children's play area, a childcare nursery/crèche and elderly residents in social housing. Visibility for any motor vehicle exiting the site will be limited and potentially dangerous.
- The Allotment Site adjacent to the proposed development is of course protected by legislation and there are concerns that the integrity of the allotments will be adversely effected, including but not limited to, loss of light and overshadowing, the natural ecosystem of the allotment site and also access to and egress from, the allotments for holders may be compromised.
- The development as presented does not seem to make provision for adequate parking of potential resident's motor vehicles, nor visitors or contractors et cetera especially given the density and number of proposed properties on the small site. The Parish Council are concerned that substantial traffic will be generated by the development for several years at least during the proposed works and thereafter a substantial traffic nuisance leading to road safety issues.
- The site is parallel to a public footpath used by all members of the community; it also leads to a Barnsley Council owned children's football pitch so there are concerns about vulnerable persons and road safety.
- We would respectfully ask if the 'Barnsley Local Plan' is being considered in relation to this application.

Ward Councillors – Cllr Barnard raised the following concerns:-

- Concerns regarding the access on a bend on a busy road
- Insufficient car parking and impact upon highway and emergency services
- Intensity of Development, by squeezing four dwellings into the plot the applicant has allowed very little room between them and the boundaries
- Concerns regarding for access to allotments
- The proposal would have a detrimental impact on the visual amenity of the area
- Does this application conform to the recently adopted Local Plan which did not envisage a development in Silkstone

Cllr Wilson has raised the following concerns:-

- Concerns regarding the access on a bend on a busy road
- Close proximity to the boundary of 4 properties
- No consideration for access to allotments
- The fencing to the side of the footpath should be installed

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections subject to conditions

SYMAS – No objections

Tree Officer – Concerns raised regarding future management of hedgerow adjacent to footpath

Public Rights of Way Officer - There is a public footpath running adjacent to the southern boundary of the site. Comments have been made regarding fencing adjacent to the footpath

Yorkshire Water – No objections subject to conditions

Representations

5 separate representations have been received from neighbouring residents which raise the following objections:-

- Proposal is an overdevelopment of the site
- The developer paid too much for the land
- An electric cable runs through the site
- The site is accessed via a bad bend
- Impact on highway safety with additional cars/traffic
- The gardens will be overshadowed
- The distances between paths and driveways do not work
- House types do not comply with the South Yorkshire Design Guide
- Cutting down trees not belonging to them
- Removal of Holly tree
- Impact on allotments due to overlooking and overshadowing
- Impact upon neighbouring residents during construction
- Boundary and land ownership issues

Assessment

Principle of Development

The site is located within an area of Urban Fabric where Local Plan Policy GD1 applies. This states that development should be compatible with its surroundings, In this case the street is predominantly residential and as such the use of this previously developed site for residential uses would be in keeping with the locality. The principle of residential development of the site is therefore acceptable in principle subject to other material considerations discussed below.

Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens.

The site is set within a predominately residential area, with the closet property being number 17 Martin Croft which is set to the eastern boundary. To the north, south and western boundaries the site does not bound any other residential properties. The

submitted layout plan shows that the four new dwellings are sited comfortably on this plot and meet the minimum separation distances required within the SPD in order to prevent significant overlooking or overshadowing impact of adjacent properties. In terms of number 17, the proposed dwelling which would be set adjacent to this property would be single storey with no windows directly looking onto the neighboring dwelling. Due to its limited height and position of the proposed windows, it would not cause any significant overshadowing, loss of outlook or overlooking impact.

The plans have been amended during the course of the application and plots 2, 3 and 4 have been reduced in size at ground floor in order to allow for additional garden space and a greater separation from the trees along the western boundary to avoid any significant overshadowing which is an overall improvement and is acceptable. The properties themselves have been designed with adequate gardens which exceed the requirements of the Supplementary Planning Document Design of Housing Development, and the room sizes meet the requirements of the South Yorkshire Residential Design Guide.

Concerns have been raised with regard to the construction period and impact on the adjacent dwellings, whilst this is not a material consideration, this can be controlled by conditions to ensure the residents are not adversely affected by noise and dust issues during the development works in accordance with Local Plan Policy Poll1 Pollution Control and Protection.

Concerns have been raised with regard to the position of boundaries and land ownership issues. The agent has confirmed that they believe the site boundaries are correct; however in any case these are private legal interests which are not material considerations.

Overall the proposal is considered to be acceptable when measured against the guidelines set within the SPD Design of Housing Development in terms of residential amenity and the proposal complies with Local Plan Policy GD1 of the Local Plan.

Visual Amenity

The immediate area consists of a variety of residential properties, with semi-detached and a detached property to the east, bungalows to the south east along Martin Croft and more modern two storey dwellings along Broad Gates to the south. The surrounding properties are constructed of a variety of materials including stone and various shades of brick.

The dwellings proposed would be constructed of natural stone with a slate roof, details of which are to be agreed. In terms of design, the properties are of a traditional style with pitched rooflines and stone heads and cills. The windows are of a more modern design with larger areas of glazing to the entrance areas, however this is considered to be acceptable given the variety of styles and design of dwellings within the area.

Objections have been received with regard to scale and amount of dwellings put forward. As stated previously, the submitted layout plan shows that the four new dwellings are sited comfortably on the plot and meet all the amenity requirements set within the SPD. There are no objections to scale of the properties and layout put forward given the overall size of the site and the pattern of development adjacent to the site. The proposal put forward is considered to be acceptable in terms of visual amenity in accordance with the Supplementary Planning Document Design of Housing Development and Local Plan Policy D1.

Highway Safety

The highways section has no objections to the proposal or the visibility of the access, subject to conditions. The site has been previously used as a 10 plot garage and as such would have generated a certain amount of vehicular activity. It is not therefore considered that its use for 4 dwellings would result in any significant increase in vehicular movement, over and above its previous use, to result in detriment to highway safety. The properties have 2 parking spaces per unit in accordance with the Parking SPD and the internal layout allows for adequate turning facilities are provided within the site. An area for refuse bin collection has also been provided to the front of the site. There are no objections to the proposal from a highway safety perspective in accordance with Policy T4 of the Local Plan.

Concerns have been raised with regard to the access to the allotments to the north. However, there has never been any formal legal agreement for access to the allotments to be gained via the former garage site. The Council's Asset Management Section have confirmed that there was therefore no requirement to allow for access through the site in the sale of the land given that the allotments can be accessed from Bull Haw Lane and adjacent land.

The proposal borders onto the Public Right of Way (PROW) but should not affect or obstruct it in any way. The Council's PROW officer has raised no objections subject to the provision of suitable boundary treatment. The agent has shown that this would consist of a 1.8m timber fence which would drop down to 900mm towards the highway to ensure adequate visibility for pedestrians and vehicular traffic is maintained. As such, there should be no significant impact upon the adjacent Public Right of Way.

Impact on Trees

The most significant trees are situated along the western boundary of the site. These early mature Lime, Maple and Willow trees are visually prominent from within the site and from the residential properties to the west and provide a good level of amenity value. These trees should not be affected by the development and conditions are recommended to ensure that they are not affected by any proposed construction works.

The hedgerow group along the southern boundary (G2) has been heavily pruned leaving a sparse collection of poorly established Hawthorns; however these are of a low value and are to be cut back to the boundary. The Tree Officer has been consulted and considers that the hedgerow group would need managing but as this is outside the boundaries of the site this would need to be a private agreement between the owners on either side of the boundary. An informative is recommended to bring this to the attention of the developer.

Concerns have been raised with regard to the ownership and removal of Holly Tree T13 set adjacent to number 17 Martin Croft. The Tree Report states that this tree is to be coppiced close to the ground level. The works are acceptable as it is a category C tree, of little value to amenity and has been shown to be within the site boundary on the submitted site plan. However in view of these works, and to provide biodiversity enhancements, a condition is recommended for details of landscaping works, to include measures such as the introduction of bat and bird boxes, to be submitted to the Local planning Authority for approval.

The proposals put forward allow for the retention of the most prominent trees and the development should not cause any significant harm to these trees subject to protection measures.

Conclusion

The proposal meets the standards set within the SPD Designing New Housing Development in terms of residential amenity, parking and highway safety. The scheme is also considered to comply with the relevant and as such is recommended for approval subject to conditions. The

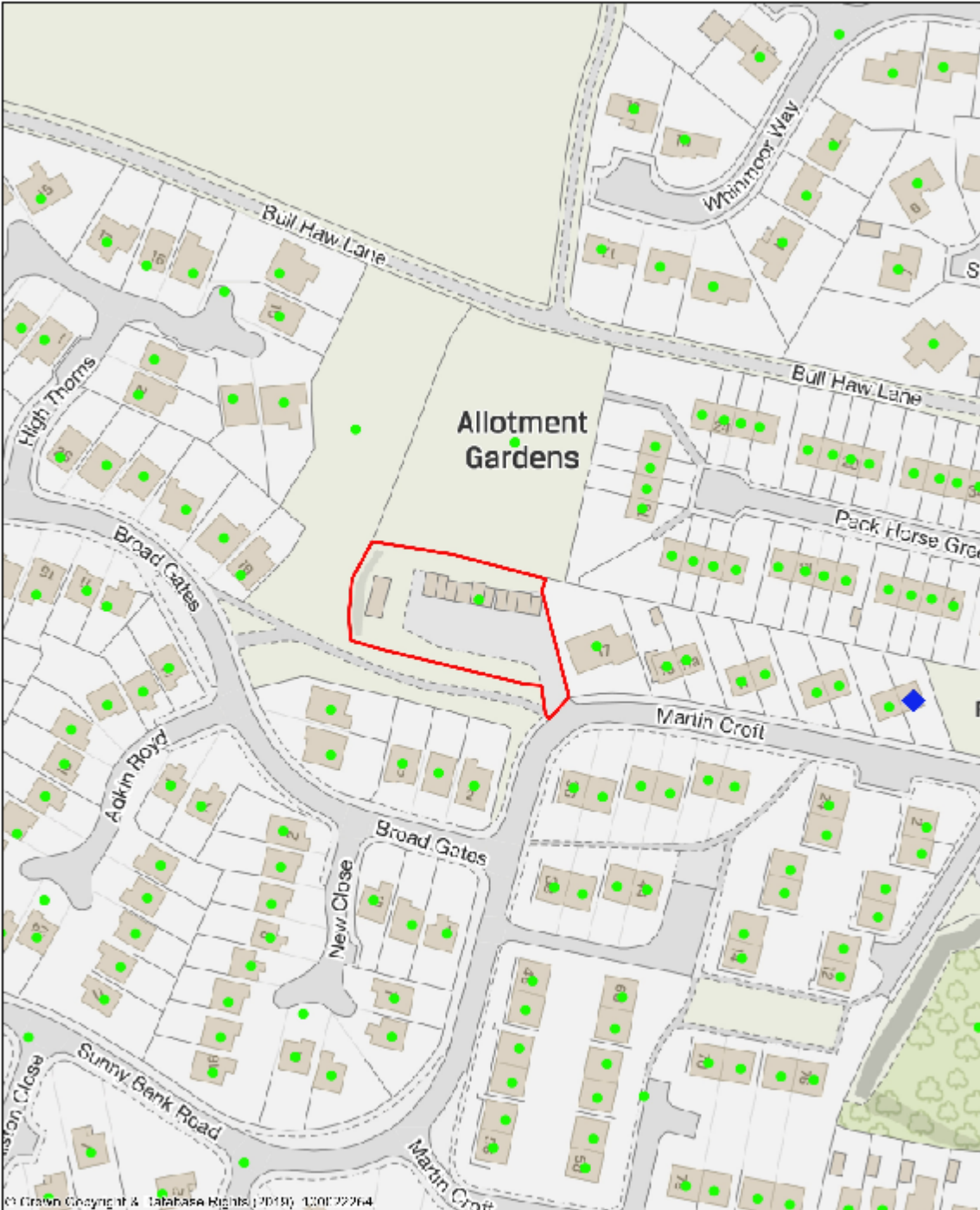
Recommendation

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 amended plans (Nos. 01 Rev B, 02, 03 Rev A) and specifications (including Construction Method Statement detailed on Drawing 01 Rev B) as approved 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 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 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 future occupants and the neighbouring trees in accordance with Local Plan Policies GD1 and BIO1.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: 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.

- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 7 No development shall take place until:
- (a) No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- (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.
Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 8 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.
- 9 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The scheme shall then proceed in accordance with the approved details.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.
- 10 Upon commencement of development, a written scheme detailing 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. In addition the scheme shall also provide details of biodiversity enhancements to ensure a net gain in biodiversity which can include the provision of bat and bird boxes. The approved hard landscaping details and biodiversity enhancements 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.

- 11 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.
- 12 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
13. The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 for the first 5m into the site as measured from the edge of adjacent carriageway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
14. Access arrangements including shared private drives should conform to Approved Document B Volume 1 Part B5 Sect. 13 relating to fire safety.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
15. Visibility splays, having the dimensions 2.4 m x43m, shall be safeguarded at the junction of the access with the Martin Croft such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.



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2019/0637

Mr W Hague

Erection of 4 no. dwellings and associated works

Former Burton Grange Nursery, Abbey Lane, Lundwood, Barnsley, S71 5QD

Site Location and Description

The application relates to a vacant plot adjacent to the Grade I Listed Monk Bretton Priory. The site was previously used as a nursery school, which has since been demolished and remains undeveloped. The plot sits at a lower level to the highway and is bordered by palisade fencing and overgrown hedges. To the eastern boundary is a public footpath that runs behind the dwellings on Land Crescent.

The southwestern part of the site lies within the Scheduled Ancient Monument Area, and the Listed Buildings comprising the Gatehouse to the Priory (Grade I) and the Priory Administrative Building (Grade I) lie approximately 16m from the southern boundary of the site.

The area around the site is predominantly residential; characterised by detached bungalows, some of which have dormers within the roof plane. To the north of the site are two storey semi-detached properties.

Background

2017/1702 – Erection of 1 no. detached dwelling house with provision of integral garage, parking area and access approved 30/4/18

2018/0741 – Erection of detached dormer bungalow with associated integral garage – approved 21/8/18

2018/0980 - Detached dormer bungalow with provision of integral garage – approved 19/10/18

Proposed Development

The application has been amended several times since its original submission which originally was for 5 no dwellings comprising 4 no two storey and 1 no bungalow.

Following objections from Historic England extended negotiations have been undertaken and this full application has been reduced in scale and redesigned. The applicant now seeks permission to erect 4 no. dwellings, comprising 1 pair of two storey semis (each with 3 bedrooms) fronting Lang Avenue, and two no detached bungalows, each with two bedrooms. A double garage provides for one parking space for each bungalow. The application differs from previous approvals in that it is for several dwellings and extends beyond the hardstanding area of the ex-nursery into the playing field area. For plots 1 and 2 the Materials are proposed to be of brick to match existing dwellings to Lang Avenue with artificial riven slate to roof, whilst for plots 3 and 4 the materials are proposed to be coarse grit sandstone to match traditional walling to Monk Bretton Priory with artificial riven slate to the roof, with windows set in reveal.

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).

Policy H1 The Number of New Homes to be Built

Policy H4 Residential development on Small non-allocated sites

Policy T3 New Development and Sustainable Travel
Policy T4 New development and Transport Safety
Policy SD1 Presumption in favour of Sustainable Development
Policy LG2 The Location of Growth
Policy GD1 General Development
Policy D1 High Quality Design and Place Making.
Policy Poll1 Pollution Control and Protection
Policy GS1 Green Space
Policy HE1 The Historic Environment
Policy HE6 Archaeology
Policy BIO1 Biodiversity and Geodiversity
Policy CC1 Climate Change
Policy CC4 Sustainable Drainage System (SuDS)
Policy RE1 Low Carbon and Renewable Energy
Policy I1 Infrastructure and Planning Obligations

The site is allocated as Urban Fabric and School Grounds (Greenspace)
The site lies within the Dearne Valley Green Heart Nature Improvement

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

Section 16 – Conserving and Enhancing the Historic Environment - states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected; the level of detail should be proportionate to the assets' importance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Substantial harm to or loss of a Grade I listed building should be exceptional.

Paragraph 192 states that, in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

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

Consultations

Biodiversity – no comments received

Conservation – following the deletion of the plot closest to Monk Bretton Priory there are no objections subject to conditions

Contaminated Land – no objections

Highways Drainage – no objection subject to conditions

Highways DC – no objection subject to conditions

Forestry Officer – no objections

Pollution Control – no objections

Public Rights of Way – no objection subject to informatives

Historic England - Following the deletion of the plot closest to Monk Bretton Priory there are no objections

South Yorkshire Archaeology Service – there may be archaeological implications, a condition is proposed

Yorkshire Water – no comments received

Ward Councillors – Councillor Ken Richardson has inquired about what S106 payments there will be for loss of greenspace and where it will be spent., Councillor Victoria Felton has no objections but considers that archaeological investigation should be undertaken to determine if there are archaeological remains within the site.

Representations

The application was advertised in the local press, by site notice and by neighbour letter. Following several iterations and improvements to the proposal, a second full consultation was undertaken in November following the receipt of the latest amended plans. In total two letters of representation were received from the same resident. Concerns raised include traffic congestion, impacts of traffic on parking and access to existing dwellings, detriment of the landscape.

Assessment

Principle of Development

The site is allocated as Urban Fabric in the Local Plan and part of the site is also allocated as green space on the Green Space Register. Planning permission has been recently granted for 2 dwellings on the majority of the site which has established that residential development is acceptable in principle.

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

The site is situated adjacent to the Grade I Listed Monk Bretton Priory; as such the proposal must preserve/enhance the appearance and character of Monk Bretton Priory as well as not have a detrimental effect upon the amenity of nearby properties

Impact on Heritage Assets

Monk Bretton Priory contains two Grade I Listed Buildings, the Administration Building and the Gatehouse; which are both located close to the southern edge of the site. Both these buildings and the wider site as a whole are of historic importance. This site is Medieval and nationally significant due to its heritage of undoubted high value both above and below ground.

The main issue to be considered from a heritage perspective in the determination of this Planning Permission application is: -

- Whether or not the proposal would harm the heritage significance or impact on the setting of a designated asset or other asset of demonstrable heritage significance

In terms of the impact on the special character and appearance of a Listed Building, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Paragraphs 190, 193, and 194 of the NPPF also comment on the need to give weight to the impact of the proposal on the setting of any historic assets. This advice is also re-iterated as part of Local Plan Policies HE1 and HE3.

In terms of assessing the impact on the Priory and its historic assets both Historic England and the Council's Conservation Officer have been involved in the development of the scheme as it has progressed through the planning system.

Initially both Historic England and the Conservation Officer objected to the proposal which when submitted was a larger scheme and included a fifth dwelling situated much closer to the boundary of Monk Bretton Priory. This, it was felt, increased the impact on the setting of the Scheduled Monument and the Grade I Listed Administration Building to the Priory. As a result, Historic England considered this would reduce the openness to the north of the Priory site and unit 5 would result in housing development encroaching further towards the boundary of the scheduled monument. A reduced scheme was subsequently submitted which omitted unit 5, effectively moving the development away from the historic buildings, and reduced unit 4 to a bungalow to create a more modest scene when viewed from the Priory and its grounds. As a result both the Conservation Officer and Historic England withdrew their objections and the proposal is considered to be in accordance with the NPPF and Local Plan Policy HE1, HE3 and HE6.

In terms of archaeology, the South Yorkshire Archaeology Service considers that there will be archaeological implications as a result of the proposal. However, no objection is raised, subject to a condition requiring a detailed scheme of archaeological investigation. This addresses the concerns of Councillor Victoria Felton. The proposal is therefore considered to conform to Local Plan Policy HE6

Design / Visual Amenity

There are a mix of property styles and ages within the immediate area, including single and two storey semi-detached and detached properties, as such, there is no particular architectural style to follow.

The proposed dwellings are relatively simple in design and respect the character of the surrounding dwellings. Plots 1 and 2 (a pair of semis) face Lang Avenue and have a simple pitched roof design and frontage with modest dormers to rear. The walls are proposed to be facing brick to match existing dwellings in the area. The size, orientation and character of these two plots

are similar to the surrounding properties and are therefore considered to be suitable in this location.

The two single storey detached dwellings of plots 3 and 4 are equally modest, but with a front porch and two bedrooms each. External materials are proposed to be of coarse gritstone to match traditional walling to Monk Bretton Priory and pitched roofs to be in artificial riven slate. These two dwellings lie closest to the abbey boundary but are modest and set well back from the boundary to minimise impact on the setting of the Listed buildings and the Priory.

Parking is within plots, with one visitor parking space provided, the access road and parking being screened from the Priory by plot 4. A double garage in gritstone is proposed to provide one garage space each for plots 3 and 4.

The driveways and bin and recycling containers are to be stored away from public vantage points. The plot as a whole is set back from the highway and would not be readily visible within the street scene and would have no greater impact when viewed from the Priory than the previous nursery school.

Overall the modest scale and simple design, with carefully thought out orientations, layout and good quality materials present an acceptable scheme in design terms on this plot close to these historic assets.

Green Space

Part of the site is allocated as school grounds (green space) and policy GS1 will, therefore, apply. In accordance with Policy GS1 we will only allow development proposals that result in the loss of green space where there is a surplus or compensation is provided. As the site is still considered to perform a Natural Area green space function it is afforded a degree of protection and a presumption against development.

Given the above, and in line with policy GS1, compensation for the loss of the area of green space would be required which could include off site replacement or a financial contribution. As there is no surplus greenspace in the area, the adopted Supplementary Planning Document (SPD) Open Space Provision on New Housing Developments calculates the contribution to be made for loss of Green space which is calculated as £125,640 per hectare of green space that will be lost to development. The application site which lies within this green space is 0.092ha and as such the pro rata contribution would be £11,558.88. This would be payable through a S106 legal agreement. The applicant is agreeable to this.

Residential Amenity

Following the submission of amended plans the internal space standards generally accords with the South Yorkshire Residential Design Guide. Although the bathrooms in plots 1 and 2 are small this is countered by an en-suite and an additional toilet downstairs.

Externally, the gardens are generous in size to plots 3 and 4. Although plot 3 does not meet the minimum 10m to rear boundary, there are no residential dwellings to the rear, being separated from the highway by the access road to the Priory, and screened by an existing stone wall. Plots 1 and 2 have rear gardens which modestly exceed the minimum requirement for private amenity space.

The distance to the southern boundary and boundary treatment of 1.8m timber fence will protect residential amenity of existing residents and maintain residential amenity for both proposed residents and existing residents on Lang Avenue.

Overall the residential amenity levels of existing and proposed residents would be maintained to a reasonable degree, in accordance with the adopted SPD and Local Plan policy GD1.

Housing Mix

Although only a small development of 4 dwellings, a mix of house types is proposed comprising, a pair of three bed, two storey semidetached and 2 no 2 bed detached bungalows. Overall the proposal is considered to comply with Local Plan policy H6

Highways Safety

The amended layout has responded to initial concerns raised by the Highways Officer who is now satisfied that the scheme provides a suitable access and parking facilities. Whilst the shared private drive is slightly narrower than ideal when perpendicular parking is proposed, the driveways are widened in order to provide additional manoeuvring space. The addition of four dwellings is not considered to have a significant impact on the surrounding highway network and, despite concerns raised by the objector, the Highways Officer has no objections subject to conditions. As such the proposal is considered to be in accordance with Local Plan Policy T4 New development and transport safety.

Trees

An updated arboricultural impact assessment has been submitted to reflect current proposals, which shows that there are no substantial or good quality trees on the site that would be impacted by the development, and the boundaries in the main comprise overgrown hedgerows. The Forestry Officer has inspected the plans and raised no objections and no conditions are proposed, the proposal is therefore considered to be in accordance with Local Plan Policy BIO1.

Ecology

The site lies within the Dearne Valley Green Heart Nature Improvement Area and a biodiversity net gain is required. Implications for biodiversity are considered to be low as there are no significant trees affected and much of the site is already hardstanding. In this case it is considered appropriate to attach a condition that gains biodiversity gains through incorporating the use of bat boxes, bird boxes and improving accessibility for hedgehogs.

Conclusions

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the proposal which provides a small scheme of mixed dwellings within a sustainable location. Whilst the site lies in a sensitive location adjacent to the historic Monk Bretton Priory Scheduled Monument, with its Grade I Listed gatehouse and administrative building, the proposal is considered to be of sensitive design, high quality materials and of minor impact on the historic landscape in this location. There are no objections from Historic England, the South Yorkshire Archaeology Service, Conservation Officer or Highways, subject to conditions in some cases. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

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

Recommendation: Approve subject to conditions and subject to a S106 legal agreement for the payment of £11,558.88 compensation for loss of Green Space.

- 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:
19012-002 REV C Schematic Site Layout Plan REV C amended plan rec'd 29/10/19
19012-004 REV C Schematic Proposals Plots 1 and 2 amended plan rec'd 29/10/19
19012-005 REV A Schematic Proposals Plots 3 & 4 amended plan rec'd 29/10/19
19012-006 Schematic Proposals Garages amended plan received 23/8/19
Phase 2 Arboricultural Report by Wharnccliffe Trees and Woodland Consultancy, dated 9 December 2019

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

- 3 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- 1 The programme and method of site investigation and recording.
- 2 The requirement to seek preservation in situ of identified features of importance.
- 3 The programme for post-investigation assessment.
- 4 The provision to be made for analysis and reporting.
- 5 The provision to be made for publication and dissemination of the results.
- 6 The provision to be made for deposition of the archive created.
- 7 Nomination of a competent person/persons or organisation to undertake the works.
- 8 The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: In the interests of archaeology in accordance with Local Plan Policy HE6.

- 4 No development shall take place until

(a) 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.

(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.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC4.

5 Upon commencement of development details of the proposed external materials for all plots shall have been submitted to and approved in writing by the Local Planning Authority. For plots 3 and 4 and the garages the following design specifications shall be adhered to:

- The facing stone shall be coarse grit sandstone, matching traditional walling in the vicinity and similar to that of the adjacent Monk Bretton priory in terms of colour, general grain size, type of face dressing, and method of coursing.
- The roof will be covered by good quality artificial riven slates laid in courses with matching ridges bed in mortar.
- Pointing shall be recessed 2-3mm to a gently concave joint (not strap pointed).
- Gutters to be ogee section on brackets with circular rainwater pipes and downpipes all in black
- Windows, doors, and frames shall be decorated anthracite grey and mounted at least 75mm in the reveal
- Rooflights to be genuine conservation style rooflights, vertically emphasised with black framing, a single vertical divider, and low in profile

Reason: In the interests of the historic environment and in accordance with Local Plan Policy HE3 and HE4

6 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.

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 On commencement of development, ecological mitigation and enhancement measures, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall include measures to provide a "hedgehog highway", bird and bat boxes, and shall thereafter be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

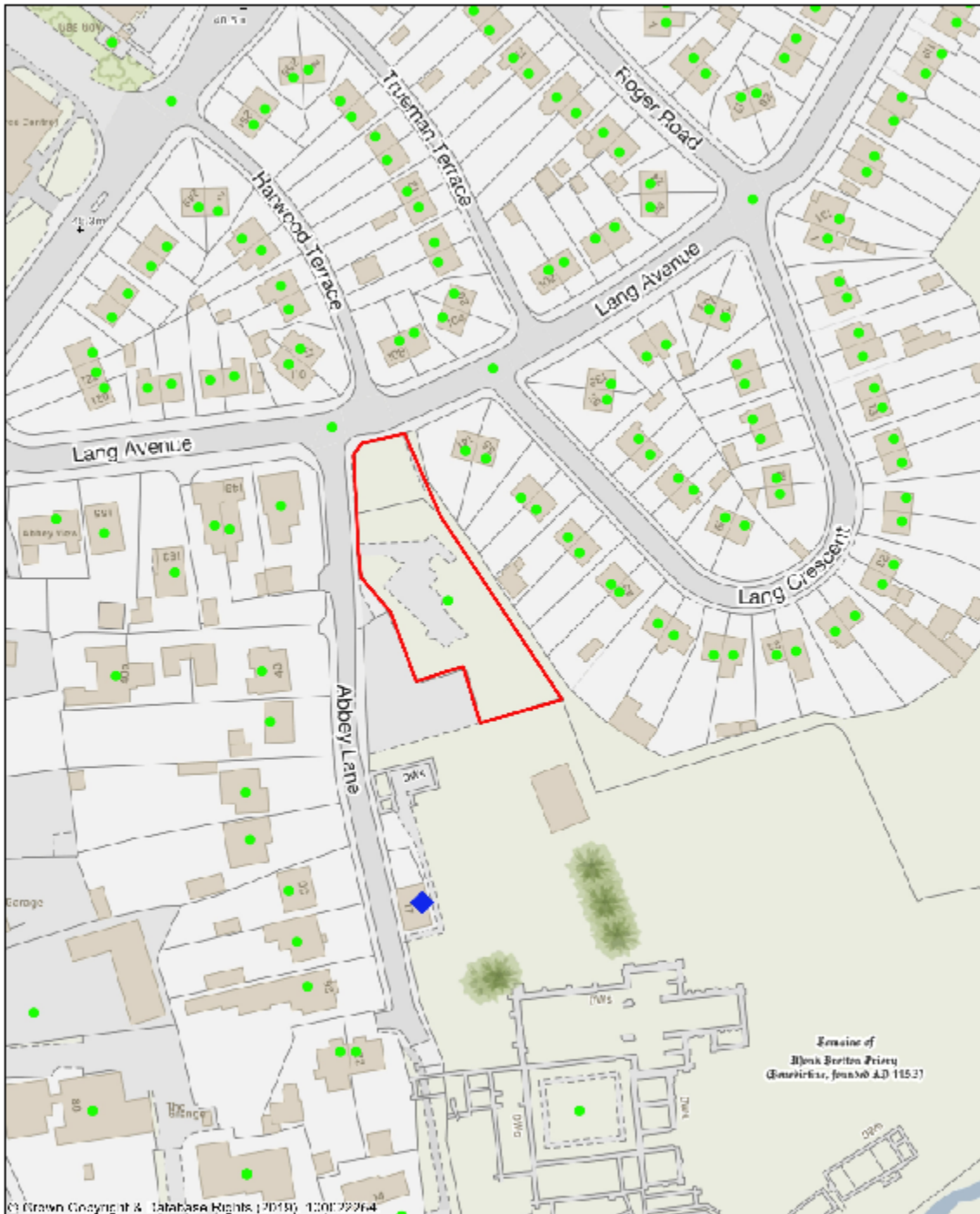
9 Prior to the occupation of the development hereby approved a written scheme shall be submitted to the Local Planning Authority detailing the design and construction of the crossing over the footpath/verge. The scheme will need to be approved in writing by the Local Planning Authority and shall thereafter be implemented in full prior to the occupation.

Reason: In the interests of new development and transport safety in accordance with Local Plan Policy T4.

- 10 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.
- 11 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.
- 12 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.
- 13 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.
- 14 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

PA Reference:-

2019/0637



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 10

2019/0250

Ms Kelly Oxtoby

Siting of log cabin as a temporary rural enterprise dwelling for three years to support an existing business

Cat Hill Livery, Cawthorne View, Firs Lane, Cathill, Hoylandswaine, S36 7JB

No representations have been received

Description

The site, known as Cat Hill Livery, is situated approximately 1.5 miles from the village of Hoylandswaine within the open Green Belt countryside. The local area is characterised by small equestrian sites with stabling and ancillary facilities and agricultural land. The site is owned by the applicant and is currently run as a full livery yard with rehabilitation livery.

The site comprises approximately 10 acres (4 hectares) of pastureland enclosed by post and rail fencing, stock fencing, trees and hedging. The buildings and structures on site consist of a barn of block and steel construction with corrugated roof, an open fronted barn of block construction, a block of 5 stables and a caravan used for non-residential purposes. The structures are set within a courtyard that is well screened from the highway by hedges and trees. There are no residential properties immediately adjacent to the site.

Proposed Development

The application proposes the siting of a temporary dwelling for occupation by a rural worker, Ms Kelly Oxtoby at Cat Hill Livery. The temporary dwelling is required to fulfil the essential need for 24 hour supervision specifically generated by the livery and rehabilitation livery.

The log cabin is modest in size with the two bedrooms, a living room, kitchen, and bathroom. The floorspace of the cabin is approximately 75 square metres. The existing caravan is to be removed and the cabin is to be sited in place of the caravan. The siting of the temporary dwelling is intended to be as close as possible to the stabling to enable it can fulfil its purpose of supervising the horses 24 hours a day.

Planning statements have been submitted during the course of the application outlining the need for Ms Oxtoby to live on the site. The applicant has also submitted confidential financial information and a future business plan outlining the projected forecasts based on the increase in the number of horses kept and rehabilitated at the site. Letters of support have been submitted with the application from the Veterinary Practice that refers the horses to the rehabilitation livery and from the owners of the horses stabled/to be stabled at the site.

The applicant wishes to increase the number of boxes from 5 to 10 at the site to allow for further expansion of the livery and rehabilitation livery. The existing equestrian barn on the site would be fitted internally with adjustable stable partitioning that will enable a total of 10 horses to be stabled on site and a plan has been provided to show the proposed internal works. No external alterations are required.

Planning History

2018/0638 – Temporary rural enterprise dwelling in the form of a log cabin (Withdrawn).

2018/0949 – Certificate of lawfulness for existing use of site as a livery including associated land, stabling, barn and use of caravan for non-residential purposes ancillary to the livery use (Approved).

2018/1420 - Retrospective application for open-fronted hay/storage barn (Approved with conditions).

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 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).

Local Plan Policies

The site is allocated as in the Green Belt in the Local Plan where GB1 applies, protecting the Green Belt in accordance with National Planning Policy.

Policy GB5 allows for temporary agricultural and forestry workers dwellings provided that:

- There is clear evidence of a firm intention and ability to develop the enterprise concerned;
- A functional need can be demonstrated;
- There is clear evidence that the proposed enterprise has been planned on a sound financial basis; and
- The functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

Development will be expected to:

- Be of a size commensurate with the established functional need;
- Be sited directly adjacent to existing buildings wherever possible;
- Be of a high standard of design and respect the character of its surroundings, in its footprint, scale and massing, elevation design and materials; and have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.
- Where permission is granted this will be for a specified temporary period.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development
GD1 General Development
H4 Residential development on small non-allocated sites
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
BIO1 Biodiversity and Geodiversity
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.

Paragraphs of relevance to this application would be:

Para 79: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

Para 143: Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Para 145: A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Consultations

Penistone Town Council – No comments received

Highways – Raised initial queries on the existing access, any increase in staff, and current parking facilities at the site. The applicant has provided confirmation that the existing access would be used, that only one new worker would be required to facilitate the expansion of the business, and that there is space for up to 11 vehicles on the existing site.

Yorkshire Water – No comments

Drainage – No comments received

SYMAS – No objections

Representations

The application has been advertised by way of a site notice and properties within the vicinity have been consulted directly in writing. No comments have been received.

Assessment

Principle of Development

The site is within an area designated as Green Belt where the erection of new residential development is classed as inappropriate development which, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

The NPPF also states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Policy GB5 of the Local Plan relates to agricultural and forestry workers dwellings however the NPPF considers the needs of any rural worker to live at or near their place of work, and is not restricted to agriculture or forestry. Notwithstanding this, the principles within the policy can still be applied to any rural worker. Policy GB5 requires, clear evidence of a firm intention and ability to develop the enterprise concerned, that a functional need can be demonstrated, that there is clear evidence that the proposed enterprise has been planned on a sound financial basis and that the functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned.

In considering functional need, it is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement may arise where workers are needed on site in case animals require essential care at short notice, or to deal with emergencies that could otherwise result in a serious loss of animals if not dealt with quickly. In addition the security of the enterprise must be considered as part of the functional need.

The application documents state that the applicant, Ms Kelly Oxtoby is a highly skilled and experienced equestrian having been in the industry for the last twenty years. She has a long established association with Gunthwaite Dressage, a leading dressage training and competition yard and Bramley Stud which breeds and trains young dressage horses. The 10 acre application site was purchased five years ago, having initially being rented the previous year and traded successfully since that time. On purchase of the site, significant improvements were made to the buildings and stabling as well as fencing, to create a safe and suitable environment for horses. A full livery yard was established with the applicant working full time at the site, providing care of clients horses. Clients do not visit the site regularly as Ms Oxtoby provides all the care of the horses. The applicant also provides a rehabilitation livery to horses referred by a Veterinary Practice. Evidence of this has been submitted with a supporting letter from the practice. The Veterinary Practice currently send horses to the livery due to the 24 hour care the applicant is able to provide due to the applicant staying in the existing caravan on site when the horses are sent for rehabilitation. The caravan on site is lawful, however not for a residential use.

The applicant considers that living permanently on the site would improve security and would allow for surveillance at the site as the horses kept on the site are primarily dressage horses and have significant value. The rehabilitation livery also requires 24 hour supervision due to the condition of the horses and that they may require urgent medical attention and creating an essential need for a worker to live on site, which constitutes very special circumstances. The rehabilitation livery and the requirement for 24 hour supervision and the type and projected number of high value livery horses that will be on site is sufficient to fulfil the functional test. As the applicant Ms Kelly Oxtoby is the sole owner of the business and will be responsible for all aspects of the business and would be the occupant of the proposed temporary dwelling, it is considered that any permission should be personal to the applicant and any dependents.

An assessment must be made of properties available within the area, and if the need for the dwelling could alternatively be met in the locality by purchasing or renting a property in the immediate area. There are no properties nearby, due to the isolated location of the site, which would allow close supervision of the horses and equipment. There are no houses available in the immediate proximity and those that are for sale in the wider area are priced above what would be affordable for a rural worker on the wage being paid by the business.

In terms of the future development of the site, the applicant wishes secure the future of the business and to expand in order to optimise the site and increase the level of profitability. In order to do this Ms Oxtoby needs to live on site at the stables to be able to provide additional rehabilitation services and essential supervision. The applicant also wishes to increase the number of boxes from 5 to 10 at the site to allow for further expansion of the livery and rehabilitation livery. The current barn which has an equestrian use, would be fitted with adjustable internal stable partitioning which will enable a total of 10 horses to be stabled on site. It is anticipated that there

will be a 50:50 split between livery and rehabilitation. The infrastructure required to accommodate the horses is already in place and no additional barns are required. The forecasts have been conservatively prepared at 85% occupancy of 9 boxes. Evidence has also been submitted from clients who have confirmed that they will send their horses once 24-hour supervision is in place. The applicant is agreeable to a pre-commencement condition to install the stable partitioning, to create the additional 5 boxes, prior to living on site.

In terms of the financial test, the applicant has submitted confidential financial information which shows that the business is currently financially viable. The current business is profitable however the 24 hour supervision will enable the level of profitability to be increased substantially by the number of vet referrals and dressage horses being stabled at the site. The applicant has submitted a 'Business Plan and Forecasts'. This sets out the way in which the enterprise will be able to develop over the next three years outlining the projected forecasts based on the increase in the number of horses kept and rehabilitated at the site. The provision of on site accommodation for the applicant would enable the business to become more profitable and sustainable in the long term and it is felt that the financial test is met.

As this is a relatively new business, it is more difficult to apply the financial test fully therefore a temporary dwelling is appropriate in this case and will enable the business to further prove its viability and eventually apply for a permanent dwelling if the need can be met. If this cannot be met then the temporary building on site can be dismantled and the land returned to its original state after 3 years.

Whilst not the main argument for justification in this case, it is also noted that the site has an established use as a livery, through the granted Certificate of Lawfulness, which would mean the site could be classed as previously developed land. Paragraph 145 of the NPPF allows for limited infilling and partial re-development of brownfield land within the Green Belt provided it does not have a greater impact on the openness of the Green Belt. In this case the proposed cabin would be partially taking the place of an existing caravan at the site and would be placed in close proximity to the existing barns. To the south of the site the views from the nearest road are screened by existing substantial tree planting. As such there would be very limited impact on the openness of the Green Belt compared to the current situation

Notwithstanding the issue of previously developed land, it is considered that the applicant has provided sufficient evidence and very special circumstances to show that there is a firm intention and ability to develop the enterprise concerned, that a functional need can be demonstrated, that there is clear evidence that the proposed enterprise has been planned on a sound financial basis and that the functional need could not be fulfilled by another existing dwelling on the unit or in the area which is suitable and available for occupation by the workers concerned, in compliance with policy GB5 of the Local Plan and the NPPF.

Visual Amenity

The size of the dwelling is considered acceptable at approximately 75sqm. As a general rule, agricultural workers dwellings approved in the Barnsley area range between 100sqm and 150sqm, depending on the functional requirements of the holding. The temporary dwelling would therefore provide suitable living accommodation for the applicant without being excessive in size.

The proposed cabin is small in scale, would replace an existing lawful caravan which would improve the appearance of the site. The cabin is sited within the existing livery yard, close to other buildings and shares the same access. The dwelling is a simple portable structure which can be easily removed and dismantled. The dwelling would have a limited curtilage and parking area and as the building is single storey it would have a limited impact upon the openness of the Green Belt. If after 3 years, the business cannot prove that a more permanent dwelling is needed, then the temporary building can be removed and the land returned to its original state. The proposal is

therefore considered acceptable in terms of visual amenity and impact upon openness of the Green Belt when measured against policies D1 and GB5 of the Local Plan.

Residential Amenity

There are no existing properties within close proximity of the proposed dwelling. As such the proposal would not be detrimental to neighbouring amenities.

Highway Safety

In terms of highway safety, the addition of this small cabin for the applicant is not considered to generate any significant traffic movements. Parking is provided next to the dwelling and the proposal will be able to utilise the existing access.

Given the nature of the business and proposal put forward, it is not necessary to make any alterations to the current access arrangements. There is already a substantial parking and turning area for both cars and horseboxes. Clients do not visit the site regularly as Ms Oxtoby provides all the care of the horses. The applicant has indicated that it is likely that only one additional worker may be needed at the site but this is unlikely to generate any significant increase in traffic movements. The expansion of the enterprise and proposed log cabin is not expected to lead to a significant increase in vehicle movements in accordance with Local Plan Policy T4.

Conclusion

The proposal is to provide a temporary rural workers dwelling for the applicant and has been assessed against relevant policies of the Local Plan and the NPPF. Sufficient information has been provided to demonstrate that the temporary dwelling is required to support the rural enterprise. No other dwellings are available in the immediate area and the siting, scale and design of the dwelling is commensurate with the need. The applicant has also provided evidence to show that the business is planned on a sound financial basis.

As the applicant Ms Kelly Oxtoby is the sole owner of the business and will be responsible for all aspects of the business, and would be the occupant of the proposed temporary dwelling, it is considered that any permission should be personal to the applicant and any dependents in accordance with Local Plan Policy GB5. The proposal is therefore considered to meet relevant local and national planning policies and as such is recommended for approval.

Recommendation

Grant for a temporary period of 3 years subject to conditions:-

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Received 28th February 2019) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 2 The occupation of the temporary dwelling hereby permitted shall be limited to Kelly Oxtoby and any dependants.
Reason: Owing to the special circumstances of the applicant.

3 Prior to the occupation of the temporary dwelling, the stable partitioning should be installed within the existing barn in line with the proposed stable layout plan submitted on the 11th November 2019.

Reason: To ensure that the additional facilities are provided in line with the submitted business plan and in order to show an intention to expand the business in accordance with Local Plan Policy GB5.

4 The building hereby permitted shall be removed from the site and the land restored to its original state within 3 years of the date of this permission.

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

5 Prior to the log cabin being placed on the site the existing caravan shall be totally removed from the site and not replaced elsewhere within the site.

Reason: In the interests of the open character of the Green Belt in accordance with Local Plan Policy GB1 and GB5



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 11

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 to 31 December 2019

APPEALS RECEIVED

3 appeals were received in December 2019

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2019/0239	Residential development of 250 dwellings with associated access, parking, engineering, landscaping and ancillary works. Land to the south of Lee Lane, Royston, Barnsley	Public Inquiry	Non determination
2019/0906	Removal of existing outbuildings and erection of two storey detached dwelling and associated works including provision of new private drive. 119 Cross Lane, Royston, Barnsley, S71 4AR	Written Reps	Delegated
2019/0800	Erection of 4 storey detached building to house 8 no. apartments (Outline seeking approval over layout, scale, access and appearance). Land adjacent Victor House, 45 Locke Avenue, Barnsley, S70 1QH	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in December 2019

APPEALS DECIDED

2 appeals were decided in December 2019

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2018/0941	Demolition of existing dwelling and erection of 7no detached dwellings (Outline with all matters reserved) 46 Foundry Street, Elsecar, Barnsley, S74 8EQ	Dismissed	Delegated
2019/0743	Change of use of agricultural barn to dwellinghouse (Prior Notification) Barn, Land at Hornthwaite Hill Road/ Cross Lane Junction, Thurlstone, Sheffield, S36 9QL	Dismissed	Delegated

2019/2020 Cumulative Appeal Totals

- 29 appeals have been decided since 01 April 2019
- 22 appeals (76%) have been dismissed since 01 April 2019
- 7 appeals (24%) have been allowed since 01 April 2019

	<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
1	2018/0245	Erection of detached garage with store above and erection of boundary fencing and demolition of existing garage. 7 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ	Allowed 02.04.2019	Delegated

2	2017/0994	Conversion of first and second floors in 27 residential apartments Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD	Dismissed 03.04.2019	Delegated
3	2018/1374	Erection of brick outbuilding to the rear of dwelling (retrospective) 21 Kings Court, Wombwell, Barnsley, S73 0FB	Dismissed 05.04.2019	Delegated
4	2018/0481	Erection of 1 no. detached dormer bungalow with side attached garage Land adjacent 1 Woodland View, Silkstone Common, Barnsley, S75 4SA	Dismissed 08.04.2019	Delegated
5	2017/1463	Removal of condition 4 (Highway Improvement Works) of previously approved application 2014/1573 - Change of use from working men's club (D2) to a church (D1) Seventh Day Adventist Church, Doncaster Road, Kendray, Barnsley, S70 3HA	Allowed 18.04.2019	Delegated
6	2017/1675	Erection of 8 field shelters/stables (Retrospective) Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley	Dismissed 07.05.2019	Delegated
7	2018/1046	Erection of detached dwelling Land at Broomhill View, Bolton Upon Dearne, S63 8LB	Dismissed 14.05.2019	Delegated
8	2018/0946	Change of use of existing ground floor shop unit (Use class A1) and first and second floor office accommodation (Use class B1) to 8 bedroom house of multiple occupation (Sui Generis Use Class) 12 - 14 Eldon Street North, Barnsley, S71 1LG	Dismissed 17.05.2019	Delegated
9	2018/1208	Erection of a timber single storey granny annexe for ancillary residential use associated with the dwelling 8 Orchard Close, Keresforth Hall Road, Kingstone, Barnsley, S70 6NF	Dismissed 03.05.2019	Delegated
10	2018/1209	Extensions and alterations to building including addition of a hipped roof to create additional kitchen and storage space for A5 retail unit and a one bedroom flat located above. 79 Huddersfield Road, Barnsley, S75 1AA	Allowed 09.05.2019	Delegated
11	2018/1080	Erection of 2 detached bungalows Land to the Rear of 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN	Dismissed 17.05.2019	Delegated
12	2018/1337	Erection of stone built detached summer house to side of dwelling. Black Moor Farm, Black Moor, Snowden Hill, Barnsley, S36 8YR	Dismissed 29.05.2019	Delegated
13	2018/1486	Removal of condition 13 (Scheme of highway mitigation works) from outline planning permission 2018/0665 - Development of approximately 5 dwellings and associated infrastructure (all matters reserved apart from means of access) Land North of Keresforth Road, Dodworth, Barnsley *Record decision as dismissed for the reason shown in next column.	Dismissed *Although this appeal was allowed the planning condition was upheld, but varied by the Inspector. 26.06.2019	Delegated
14	2018/1379	Erection of detached double garage. 32 Honeywell Place, Barnsley, S71 1QB	Dismissed 02.07.2019	Delegated
15	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	Dismissed 16.07.2019	Delegated

		Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY		
16	2018/1101	Erection of 2no detached bungalows (Outline with all matters reserved) 8 Scar Lane, Ardsley, Barnsley, S71 5BB	Dismissed 16/07/2019	Delegated
17	2018/0819	Erection of 1no. detached dwelling Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield	Dismissed 19.07.2019	Delegated
18	2019/0070	Two storey side extension to dwelling. 20 Gilder Way, Shafton, Barnsley, S72 8WP	Dismissed 23.07.2019	Delegated
19	2018/0831	Change of use of café to hot food takeaway 14 High Street, Hoyland, Barnsley, S74 9AB	Allowed 24.07.2019	Committee
20	2019/0168	Erection of agricultural storage building Muscle Hill Farm, Lee Lane, Royston, Barnsley, S71 4RT	Allowed 31.07.2019	Delegated
21	2019/0059	Detached garage to front garden. 48A Wakefield Road, Staincross, Barnsley, S75 6JY	Allowed 13.09.2019	Delegated
22	2019/0467	Removal of Condition 4 (relating to permitted development rights) on planning application 2012/0144 (Erection of 1 no. Farm Workers dwelling and formation of 2 no. associated car parking spaces). Martins Nest Farm, Grime Lane, Whitley Common, Barnsley, HD9 7TG	Dismissed 24.09.2019	Delegated
23	2018/1308	Erection of café/restaurant with drive through facility (Use Classes A3/A5) and associated alterations to site layout Peel Centre, Harborough Hill Road, Barnsley, S71 1JE	Allowed 08.10.2019	Delegated
24	2018/1359	Change of use of domestic swimming pool to private hire swimming pool and associated car parking provision 433 Rotherham Road, Monk Bretton, Barnsley, S71 1UX	Dismissed 09.10.2019	Delegated
25	2019/0043	Erection of 2 no detached dormer bungalow and associated access, parking and garden facilities South Grove House, South Grove Drive, Hoyland, Barnsley. S74 9DY	Dismissed 22.10.2019	Delegated
26	2019/0314	Extension to garage roof height and provision of associated roof lights to create first floor accommodation to be used as games room. 27 Spruce Avenue, Royston, Barnsley, South Yorkshire, S71 4JL	Dismissed 11.11.2019	Delegated
27	2019/0242	Change of use of agricultural land into domestic curtilage and formation of new vehicular access and associated parking area 4 Church View Cottages, Sheffield Road, Wortley, Sheffield, S35 7DB	Dismissed 21.11.2019	Delegated
28	2018/0941	Demolition of existing dwelling and erection of 7no detached dwellings (Outline with all matters reserved) 46 Foundry Street, Elsecar, Barnsley, S74 8EQ	Dismissed 03.12.2019	Delegated
29	2019/0743	Change of use of agricultural barn to dwellinghouse (Prior Notification) Barn, Land at Hornthwaite Hill Road/ Cross Lane Junction, Thurlstone, Sheffield, S36 9QL	Dismissed 11.12.2019	Delegated

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Item 12

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October 2019 – December 2019 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 Period of this reporting year 2019/2020 (October – December 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:

October 2019 31

November 2019 23

December 2019 15

Total number of requests for service Quarter 3 2019/2020 **69**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 2019/2020	69	37	32

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.

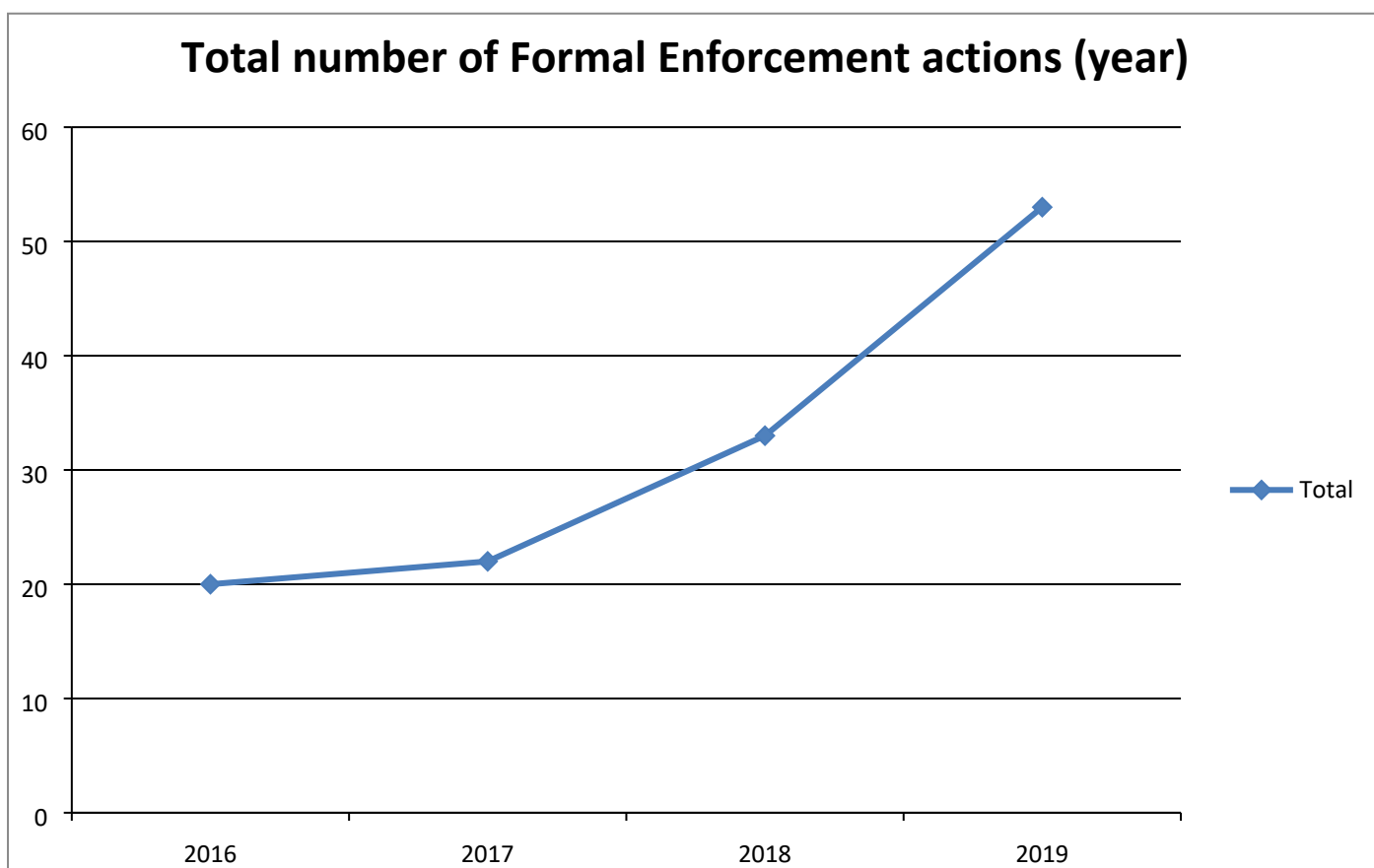
The majority of cases received by the service are resolved through negotiation and contact with the parties concerned as per our service policy and some cases are low level or considered technical breaches of planning control where formal action would not be appropriate. Other cases can take several 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.

Neighbouring Local Authority Enforcement Comparison.

The enforcement service has continued to build on the number of formal enforcement actions and interventions with an ambition to be a leading local authority in terms of the amount of formal enforcement actions which are undertaken. By challenging inappropriate development, breaches of planning control and untidy land and buildings this approach helps to positively regulate development within the borough and maintains public trust in the confidence and integrity of the planning system.

The data below, in the form of a line graph shows the number of formal enforcement interventions has increased over time. The increase is particularly notable since the Planning Enforcement Service returned to the Regeneration and Culture business unit from April 2018. With the support of the Planning Service and a more robust and targeted approach to enforcement, the data shows a year on year increase in formal enforcement actions. Barnsley therefore performs well in comparison to a number of neighbouring planning authorities in terms of formal enforcement interventions.



Total formal enforcement actions by year (including all notice types)

2016: 20

2017: 22

2018: 33

2019: 53

Summary of Case Activity

(a) Issuing of Formal Notices

Case Reference & Location	Breach of Planning Control	Details of Service/Appeal
<p>2019\ENQ\00758</p> <p>30 Huddersfield Road, Barnsley, S75 1DL</p>	<p>Without planning permission, The creation of a vehicular crossing onto a classified road.</p>	<p>Enforcement Notice issued 11th October 2019 requiring:</p> <ul style="list-style-type: none"> (i) Reinstate a permanent boundary wall in materials similar to those that were in situ at a similar height, prior to the development which will prevent motor vehicle access over the verge to the front garden of the property. (ii) Remove any related building materials from the Land, including those that are obstructing the public footpath. <p>Effective: 13th November 2019</p> <p>Time period for compliance two months (13th January 2019).</p> <p>Appeal Submitted</p>
<p>Article 4 Direction (removal of permitted development rights)</p> <p>West Wood, Tankersley, Barnsley, S75 3DL</p>	<p>Clay pigeon shooting & off road motorcycle activities</p>	<p>Article 4 direction confirmed on 10th January 2020</p> <p>Permitted development rights have been removed. No activities relating to off road motorcycles or clay pigeon shooting can take place without first applying for planning permission.</p>

(b) S215 Untidy Land and Buildings Action

Case Reference & Location	S215 Notice Details	Details of Service/Appeal
2019\ENQ\00228 Land known as 35 Guest Road, Barnsley, S75 2SR	<ol style="list-style-type: none">1. Clear the land of any self-setting shrubs, weeds and brambles2. Rebuild and reinstate a permanent boundary such as a brick wall similar to what was in situ previously as per photographs A, B & C3. Remove all rubbish from the garden & to suitably store building material in a tidy manner or in an appropriate storage facility4. Remove the orange barriers from the curtilage of the dwelling	<p>S215 Notice issued 2nd September 2019.</p> <p>Effective: 2nd October 2019</p> <p>Time period for compliance two months.</p> <p>S215 Notice complied with and walls rebuilt, case resolved.</p>
2019\ENQ\00611 Land at 2,4,6,8 2 New Street, Darfield, Barnsley, S73 9LN	<ol style="list-style-type: none">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>OR</p> <ol style="list-style-type: none">2. Demolish the buildings and remove from the Land any rubble and materials arising from the demolition	<p>S215 Notice issued 31st July 2019.</p> <p>Effective: 31st August 2019</p> <p>Time period for compliance two months (31st October 2019).</p> <p>Planning application submitted ref:2019/1542 for the erection of one pair of semi-detached dwellings. Application currently under consideration.</p> <p>The Council have obtained quotations to undertake works in default and are looking at options for undertaking this work</p>
2019\ENQ\00682 52 Gawber Road, Barnsley, S75 2AP	<ol style="list-style-type: none">1. Felling of all trees (including self-setters) from the gardens2. Removal of ivy from the external walls3. Cutting back or poisoning of all overgrown vegetation in the gardens	<p>S215 Notice issued 24th September 2019.</p> <p>Effective: 24th October 2019</p> <p>Notice complied with, case resolved.</p>

<p>2019\ENQ\00716</p> <p>27 Ashbourne Road, Barnsley,S71 3QD</p>	<p>Clear the front and rear garden of the property and remove from the site, to an authorised place of disposal, all externally stored plant and machinery, vehicles and associated parts, building materials and equipment from the land as shown in attached photograph A.</p> <p>Materials to be removed will include bricks, timber, plastics, metal and fabrics.</p>	<p>S215 Notice issued 4th October 2019.</p> <p>Effective: 8th November 2019</p> <p>Time period for compliance 28 days (6th December 2019).</p> <p>Appeal at Magistrates court lodged – awaiting court date.</p>
<p>2019\ENQ\00720</p> <p>8 Princess Street, Barnsley, S70 1PJ</p>	<p>1. Undertake a comprehensive schedule of works for repair and refurbishment including, but not limited to: replacing fencing, guttering and downpipes, roof tiles, windows and doors, clearance of waste materials.</p>	<p>S215 Notice issued 8th October 2019.</p> <p>Effective: 9th November 2019</p> <p>Time period for compliance three months (9th February 2020).</p>
<p>2019\ENQ\00775</p> <p>35 Queens Drive, Shafton, S72 8PB</p>	<p>1. Felling of all trees (including self-setters) from the gardens</p> <p>2. Removal of all detritus from the gardens</p> <p>3. Cutting back of all overgrown vegetation in the gardens to a height not greater than 3 inches above ground level</p> <p>4. Removal of associated green waste.</p>	<p>S215 Notice issued 9th October 2019.</p> <p>Effective: 11th November 2019</p> <p>Time period for compliance 28 days (9th December 2019).</p> <p>Empty Homes team have obtained quotations to clear the garden</p>

(c) Legal action

Case Reference & Location	Case Details	Prosecution Status
2019\ENQ\00125 Land and buildings on the South side of Tankersley Lane, Hoyland Common, Barnsley, S74 0DT,	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	Enforcement Notice issued 26 th June 2019 requiring: (i) Remove the unauthorised platform restoring the area over the beck to its previous condition before development started (ii) Cease all unauthorised tree works Effective: 28 th July 2019 Time period for compliance one month (28 th August 2019). Prosecution file prepared for consideration, initial meetings have taken place to progress case.
2019\ENQ\000518 36 Southfield Crescent, Thurnscoe, Barnsley, S63 0RR	Without planning permission, the erection of a balcony to the first floor rear elevation of the property	Enforcement Notice issued 30 th August 2019 requiring: (i) Remove the unauthorised balcony OR (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 Effective 30 th September 2019 Time period for compliance: Two months (30 th November 2019). Meeting scheduled to discuss next steps with legal officers

<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 new planning breaches including the erection of walls and gates, storage of equipment and vehicles and hardstanding.</p> <p>Enforcement Notices to be issued before end of January 2020</p>
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(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
<p>2018/ENQ/00526 Cliffe Lane, Brierley, Barnsley, S72 9HR</p>	<p>Laying of Hardstanding's, walls and block paving for the formation of caravan bays.</p> <p>Enforcement Notice and Stop Notice issued 25th January 2019</p>	<p>Awaiting start letter from the Planning Inspectorate.</p>
<p>2018/ENQ/00689 Sandybridge Lane, Shafton, Barnsley, S72</p>	<p>Change of use of land for residential occupation of caravans and base for recovery business</p> <p>Enforcement Notice and Stop Notice issued 25th January 2019</p>	<p>Appeal Decision received 19th November 2019 Dismissed. Time period for compliance amended from 1 month to 3 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 19th February 2020.</p>

<p>Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE</p>	<p>Change of use of vacant land to base for a highway contractor, road and maintenance depot.</p> <p>Enforcement Notice issued 20th April 2018</p>	<p>Appeal Decision received 7th November 2019. Appeal Dismissed.</p> <p>Time period for compliance amended from 1 month to 6 months by Planning Inspector.</p> <p>Enforcement Notice compliance required by 7th May 2020.</p>
<p>2019\ENQ\000492</p> <p>35 George Street, Goldthorpe, Rotherham, S63 9AY</p>	<p>Development not in accordance with the approved plans and conditions granted by the Council.</p> <p>Enforcement Notice issued 7th June 2019</p>	<p>Awaiting determination of appeal, all statements of case submitted</p>
<p>2018\ENQ\00558</p> <p>37 Armroyd Lane, Elsecar, Barnsley, S74 8ET</p>	<p>The unauthorised vehicular access over the verge without a dropped kerb onto the Land.</p> <p>Enforcement Notice issued 20th June 2019.</p>	<p>Awaiting determination of appeal, all statements of case submitted</p>
<p>2018\ENQ\00556</p> <p>Heritage Court, North side of School Street, Hemingfield, Barnsley, S73 0HZ</p>	<p>The unauthorised vehicular access over the verge without a dropped kerb onto the Land.</p> <p>Enforcement Notice issued 20th June 2019.</p>	<p>Appeal under consideration. Planning Inspectorate Site Visit 21st January 2020 to determine appeal.</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>Appeal under consideration Awaiting Appeal Decision</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</p>	<p>Planning Inspectorate Site visit to determine appeal 3rd February 2020.</p>

	<p>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.</p>	
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(e) Previous reported cases Now resolved

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Case & Resolution</u>
<p>2018\ENQ\00348</p> <p>24 Gawber Road, Barnsley, S75 2HY</p>	<p>The insertion of a clear glazed, opening window on the first floor side elevation of the property</p>	<p>Enforcement Notice issued 15th August 2019.</p> <p>Effective: 18th September 2019</p> <p>Time period for compliance one month (18th October 2019)</p> <p>Confirmation of compliance October 2019 – case now closed as resolved.</p>
<p>2018\ENQ\00552</p> <p>Land off Midland Road, Royston, Barnsley, S71 4RT</p>	<p>(i) The operation of a crane hire business and;</p> <p>(ii) The outside storage of vehicles (including motorised cranes) plant and equipment and;</p> <p>(iii) The storage and processing of waste including the burning of plastics and dismantling of Upvc windows and other waste materials.</p>	<p>Enforcement Notice and Stop Notice issued 3rd September 2019.</p> <p>Effective: 7th September (Stop Notice)</p> <p>Effective: 4th October 2019 (Enforcement Notice)</p> <p>Time period for compliance one month (4th November 2019).</p> <p>Site has been vacated by crane operator and tenant. No activity or equipment on site at time of last visit December 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 28th June 2019</p> <p>Effective: 28th July 2019</p> <p>Time period for compliance one month (28th August 2019)</p> <p>Works in default undertaken to remove the structure. Case Closed.</p>
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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. The information above shows the number of appeals working through the system has increased and we are expecting a number of appeal decisions to be issued by the inspectorate in the near future.

Enforcement Resource

Following the Council's application for funds to support the planning enforcement service in late 2019, the application has been successful and funding from the Ministry of Housing Communities and Local Government Planning Enforcement Fund has been granted to the Council. This funding has been utilised to create an additional Planning Enforcement post initially for 18 months but with a view to extending the post if fee income exceeds our current projections. Following a round of recruitment the officer has been in post from December 2019. This additional resource will assist the service to focus on specific projects including S215 untidy land and building issues, and more robust and proactive enforcement work alongside our ambition to increase the number of formal enforcement interventions taken by the Council.

Website and customer contact improvements

Recent improvements have been made to the council's website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables the service to identify specifics of the complaint more easily and includes the ability for customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>

Elected Member Planning Enforcement Training

A training session for elected members is planned to take place before the end of February. The session is intended to provide elected members with an overview of the planning enforcement function and the tools and powers available to address breaches of planning control. The session will be informative and discussion based to assist elected members with the queries they may get from their constituents on a variety of matters. Further details will be circulated to elected members once arranged.

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

Customer Services 01226 773555

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