

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 February 2020
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

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

MEETING:

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 21st January 2020

Planning Applications

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

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

3. St Helens Boulevard, Carlton Road, Barnsley - 2019/0902 - For Approval (*Pages 7 - 22*)

4. Garage Site, Martin Croft, Silkstone, Barnsley - 2019/1136 - For Approval (*Pages 23 - 34*)

5. St Mary Magdelene Church, 254 Pontefract Road, Lundwood, Barnsley - 2019/1494 - For Approval (*Pages 35 - 38*)

6. Land to the South of Lee Lane, Royston - 2019/0239 - For discussion regarding defence of appeal at the public inquiry (*To Follow*)

Planning Appeals

7. Planning Appeals - 1st to 31st January 2020 (*Pages 39 - 42*)

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, 10 February 2020

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

MINUTES

Present Councillors D. Birkinshaw (Chair), Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Green, Greenhough, Hayward, Higginbottom, Makinson, Markham, McCarthy, Mitchell, Richardson, Smith, Spence, Stowe and Wright

In attendance at site visit: Councillors D Birkinshaw (Chair), Danforth, Eastwood, Fielding, Gillis, Greenhough, Smith and Spence.

61. Declarations of Interest

Councillor Spence declared a Non-Pecuniary interest in **Planning Application Nos 2019/0722** and **2019/0740** as he is an employee of Cannon Hall Farm.

62. Minutes

The minutes of the meeting held on 17th December 2019 were taken as read and signed by the Chair as a correct record.

63. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley - 2019/0722 and 2019/0740 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 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])

Ms L Dunning addressed the Board and spoke in favour of the Officer recommendation to approve the application.

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

RESOLVED that the application be deferred to allow the applicant the opportunity to submit a noise and vibration report to assess the impact on the neighbouring property and, if necessary, the type of mitigation measures required to be incorporated.

64. Land to the south of Lee Lane, Royston - 2019/0239 - For discussion regarding defence of appeal at the public inquiry

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0239** (Residential development of 250 dwellings with

associated access, parking, engineering and landscaping and ancillary works) at land to the south of Lee Lane, Royston, (site ref MU5 in the Local Plan), originally submitted in February 2019.

The site-specific policy in 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 advised that the 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.

RESOLVED that Members supported the recommendation that Officers prepare a statement of case based on matters raised in the report in order to defend the appeal at the public inquiry.

65. Land south of New Smithy Avenue, Thurlstone - 2019/0689 and 2019/0690 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No 2019/0689** (Erection of 9 dwellings and associated access, landscaping and infrastructure and **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) at land south of New Smithy Avenue, Thurlstone, S36 9QZ.

RESOLVED that the applications be deferred to allow Officers the opportunity to re-examine this application and application 2019/0690, in particular the impact on highway safety, to see if an alternative comprehensive development could be achieved that would work for the whole site and reduce the demands on the highway network.

66. Roughbirchworth Lodge, Roughbirchworth Lane, Oxspring - 2018/1433 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2018/1433** (Demolition of all buildings within the site and proposed residential development of 22 dwellings [outline, all matters reserved except access and layout] at Roughbirchworth Lodge, Roughbirchworth Lane, Oxspring, Barnsley S36 8YZ).

Mr Duncan Waller addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to signing of S106..

67. Garage site, Martin Croft, Silkstone - 2019/1136 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1136** (Residential development of 4 no. dwellings at Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS

Mr Ian Turner addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred to allow Officers the opportunity to liaise with the applicant to seek a reduction to 3 dwellings, to improve the amenity standards of future residents and reduce traffic generation from the site.

68. Former Burton Grange Nursery, Abbey Lane, Lundwood - 2019/0637 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0637** (Erection of 4 no. dwellings and associated works) at former Burton Grange Nursery, Abbey Lane, Lundwood, Barnsley S71 5QD

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to signing of S106.

69. Cat Hill Livery, Cawthorne View, Firs Lane, Cathill - 2019/0250 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No. 2019/0250** (Siting of log cabin as a temporary rural enterprise dwelling or three years to support an existing business) at Cat Hill Livery, Cawthorne View, Firs Lane, Cathill, Hoylandswaine, S36 7JB

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

70. Planning Appeals - 1st to 31st December 2019

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

The report indicated that 3 appeals were received in December 2019, no appeals were withdrawn and 2 appeals were decided in December 2019.

It was reported that 29 appeals have been decided since 1st April 2019, 22 of which (76%) have been dismissed and 7 of which (24%) have been allowed.

71. Enforcement Update report

Members of the Board were provided with an update on Planning Enforcement activity covering the Quarter 3 period of this reporting year 2019/20 (October-December 2019). The report includes a breakdown of the requests or service received and includes details of key actions and enforcement case outcomes during the quarter. In October 2019, 31 service requests were received, 23 were received in November and 15 received in December 2019, 37 of which were investigated/resolved and 32 of which are under consideration.

RESOLVED that Members note the report.

Chair

Item 3

2019/0902

Applicant: Mr David Lynch, Keepmoat Homes

Description: Residential development of 93 no dwellings with provision of associated access, car parking and landscaping

Site Address: St Helen's Boulevard, Carlton Road, Barnsley

The application is referred to the Planning Regulatory Board as the recommendation is the subject of a S106 agreement. Objections have been received from 4 residents, and Springwell Learning Community School.

Site Description

The site is accessed off St Helens Boulevard which includes previous site of the Holy Cross Primary School in the northern part and an agricultural field in the southern part. The site is relatively narrow, running in a north-south direction with trees bounding it to the north, east and west and a belt of trees passing through the centre in an east-west direction. To the north is an unadopted road, St Helens Boulevard with the new Springwell Learning Community School beyond and a woodland area. To the east are agricultural fields with Carlton Industrial Estate beyond. To the west are existing dwellings of St Helens Avenue and Oak Head Close and St Helens Place. The site is relatively flat and is currently used for grazing horses in the northern part. To the south it partly shares a boundary with agricultural land and Rotherham Road recreation ground which includes play facilities. An area of grass in the north east part of the application site is used periodically as an unauthorised car park by visitors to the school. A public right of way crosses the site in the southwestern corner (Path no. 81).

Proposed Development

The plans have been amended on several occasions prior to arriving at those now up for consideration. Those now presented to Members are for a residential development of 93 dwellings comprising:

- 13 x 2-bedroom properties
- 60 x 3-bedroom properties
- 20 x 4-bedroom properties

All the properties have off street parking and gardens and there several areas of informal open space on the site with a surface water attenuation tank located underneath the open space close to the entrance as part of the drainage strategy. The majority of trees are retained within the site with sufficiently large gardens acting as a buffer and a detailed landscaping scheme is proposed.

The applicant proposes to provide the full range of contributions comprising: 10% affordable housing, commuted sums towards providing additional school places, compensation for loss of land from the greenspace register, monies towards off site play provision and formal recreation and a sustainable travel contribution.

History

2019/0196 Residential development of 101 dwellings with provision of associated access, car parking and landscaping – Withdrawn to enable further discussions to take place between the applicant and Officers on changes to the plans.

Policy Context

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

Site Allocation: The site is located within Urban Barnsley

Site specific policy HS 16:

*Site HS16 Site to the east of St Helens Avenue Indicative number of dwellings 96
The development will be expected to retain the woodland at the north-east corner plus the hedgerows in the northern half of the site. These should be buffered and managed. 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.*

Part of the site is also allocated as greenspace as it was previously school grounds Holy Cross Deanery C of E VA Primary School

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 and a density of 40 dwellings per hectare is expected

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

T3 'New Development and Sustainable Travel' The site is located in the Accessibility Improvement Zone

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

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

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Consultations

Affordable Housing – 10% affordable housing required

Air Quality – EV charging points required

Biodiversity – No objections have been received.

Contaminated Land – No elevated levels of contamination on site and so no conditions are required.

Design – Have been involved in the process that has resulted in the plans evolving and changing to the present position.

Highways Drainage – No objection subject to conditions

Education – A contribution towards primary and secondary education is required

Highways DC – No objection subject to conditions

Forestry Officer –No objections subject to conditions.

Pollution Control – no objections

Public Rights of Way - No objection subject to securing link path to Rotherham Road recreation ground through the S106 Agreement.

Superfast Broadband – A standard condition is proposed.

SYMAS – No objections subject to coal authority standing advice

Coal Authority – The site does not fall within a high-risk area so there are no objections subject to an informative with Coal Authority standing advice

South Yorkshire Archaeology Service – No objections and have confirmed that no further investigations required

SY Police – Secured by Design recommended

Yorkshire water- No objections have been received.

Ward Councillors – Cllr Sarah Tattersall is concerned that Springwell School uses part of the site for parking and have erected a sign on the land, both without authority

Representations

The application was advertised by neighbour notification letters, site and press notice. Objections were received from 5 addresses. The following concerns were raised:

- Proximity to existing dwellings and loss of view, impact on outlook
- Lack of publicity
- The area already has many new houses
- Highway concerns including parking and queuing
- Existing infrastructure (poor road condition, water pressure, sewage system and GP) cannot support additional housing development
- Loss of green space and trees will be detrimental to the ecology and wellbeing which will also be affected by noise and light pollution
- Resident previously wanted to purchase land to ensure they were not overlooked but were refused
- Bats use the site
- Existing primary and nursery school are already oversubscribed

- Devaluation of houses
- Impacts of construction

Springwell School objects as the proposal does not address parking issues and congestion at each end of the school day on St Helen's Boulevard which also forms the access to the school.

Assessment

Principle of Development

The site is allocated for residential development in the Local Plan by site specific policy HS16. As such, the principle of residential development on this site is acceptable, subject to assessment against other local plan policies and any material considerations. The application proposes 93 dwellings which compares closely with the indicative number of houses required in the site-specific policy of 96, with a mix of house types. The proposal is considered to comply with site specific policy HS16 and Local Plan Policy H6 Housing mix and efficient use of land.

Visual Amenity

The proposed layout comprises one spine road running approximately north south with small cul de sacs off. This would provide a similar character to St Helens Avenue adjacent to the west. The housing mix comprises detached and semi-detached dwellings of two and two and a half storeys and following detailed discussions with officers the parking of the site has been designed to provide more tandem parking to frontages which enables more soft landscaping to be more prominent to the entrance of the site and along the spine road. Design and materials are simple with a choice of two brick colours of buff and multi red/brown, with grey or red concrete tile roof with white doors windows and rainwater goods.

The application also proposes to retain the majority of existing trees which are located to the boundaries in the northern part of the site and the majority of trees in the east-west tree belt that separates the northern part of the site from the south part. Minimal trees loss is proposed in order to provide access to the south part of the site and would provide an attractive backdrop to the new dwellings. Several more informal areas of open space are provided on the site to the north, centre and in the south east corner of the site that contains the existing public footpath, which could be improved using S106 monies.

In terms of other visual amenity considerations, the majority of the site is relatively open and clear of features. Tree protection details and an arboricultural method statement have been provided. One objector considers that the loss green space and trees will be detrimental to the ecology and wellbeing. However, few trees are being lost as the result of the proposal and ecological mitigation and enhancement shall be provided through a detailed landscape scheme.

Overall the amendments to the submitted plan would result in an attractive open layout with plentiful soft landscaping to frontages, green areas to the entrance to St Helens Boulevard and on entering the spine road, with simple semi-detached and detached dwellings set against a well treed backdrop. As such the proposal acceptable in visual amenity terms, complying with local Plan Policy D1.

Residential Amenity

Residential amenity considerations are the most sensitive issue with the application overall given that existing dwellings are orientated to overlook the site at present in its open and green form. Objectors have raised proximity to existing dwellings and loss of view, impact on outlook as a concern. Councillors will be aware that loss of view is not a material planning consideration. In this case, the presence of the existing boundary trees in the northern half of the site, provide substantial screening and the applicant has proposed large rear gardens to provide a buffer to the trees. This has resulted in rear gardens which are substantially greater than required and distances between existing and proposed dwellings to be very generous.

In the southern part of the site there are few boundary trees to provide screening. However, the minimum 10m distance to rear garden boundary is achieved, as is the minimum amount of private external amenity space. In addition the spacing distances between the existing and proposed dwellings satisfy the minimum requirements in the SPD and are acceptable in residential amenity terms.

Overall Officers are satisfied that residential amenity of existing dwellings is maintained to a satisfactory level, in accordance with Local Plan Policy D1 and in accordance with adopted SPD Design of housing development.

Internally, following protracted negotiations and substitution of house types, the house types proposals now meet with the minimum room sizes set out in the South Yorkshire Residential Design Guide in the majority of cases with only a small percentage of 2 bed dwellings not meeting the minimum.

Overall the proposal is considered acceptable in accordance with Local Plan Policy D1 and the adopted guidance in the South Yorkshire Residential Design Guide.

Highway Safety

There is an existing access to the site from St Helens' Boulevard which serves the site that would need to become adopted. Highway concerns have been received regarding congestion and Highway Safety and Springwell School has objected due to potential congestion due to parking issues. However, the parking that currently takes place at the northwest corner of the site close to the school lies within Council owned land and is unauthorised parking. It is not for a matter for a private developer to provide additional parking to visitors to the school as part of this planning application. Instead is for the school to provide alternative parking arrangements for its staff and visitors. Whilst the school also has concern about congestion during school drop-off and pick up times, the Local Highways Authority has not raised any objections, subject to conditions. Similarly, the Highways Authority has not raised concerns about parking or congestion as a result of the proposal which proposes to have adequate parking in accordance with the adopted SPD and relevant local plan policies. Additionally, one EV charging point is proposed for each dwelling and covered cycle storage will be provided for each dwelling without a garage. Whilst one objector has raised the condition of existing highways as a concern, this is not a material planning consideration in the determination of the application. A condition requiring a highway condition survey to mitigate against the effects of construction traffic is however, proposed. The application is considered to accord with Local Plan policy T4 New Development and Transport Safety and T3 New Development and Sustainable Travel.

Drainage/Flood Risk

The site is located within Flood Zone 1 (low risk). Surface water drainage is proposed to be via an underground attenuation tank located at the north of the site. No objections have been raised from highways drainage, subject to conditions. Overall therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations.

Trees and Ecology

The Forestry Officer has no objections in principle and considers that the proposal is a significant improvement over the previous application and confirms that the latest revision (REV U) addresses previous concerns in relation to impacts on trees. There would be some minor impacts on the trees due to works. However, the Forestry Officer considers this could be addressed through an arboricultural method statement required by planning condition. Plot 90 is located sufficiently close to trees to raise concerns regarding the over shading at the rear as it is in close proximity to the retained woodland. On checking Plot 90, this is a Brantwood house type which is a 2 bed flat over a garage. The rear elevation has only 2 small windows which comprise a landing and bathroom rather than habitable rooms. On balance therefore, it is considered that the amenity of future residents would not be compromised by the proximity of the plot to the adjacent trees and the proposal is acceptable on this point. In terms of landscaping, the Forestry Officer considers that the level of new tree planting proposed in the landscaping scheme exceeds the number of trees to be removed and increases the species diversity. It is also noted that where practical large growing natives such as Oak, Beech and Lime have been incorporated into the scheme. Overall the proposal is considered to be acceptable on this point. The applicant has also submitted a Preliminary Ecological Appraisal and Knotweed report. One objector has also suggested that bats use the site. However, no objection has been received from the Council Ecologist. Ecology enhancements proposed are 10 no bird boxes, 9 no bat boxes, and gaps fences will be created to allow hedgehogs to move throughout the site. Overall the proposal is considered to accord with Local Plan policy BIO1.

S106 – Affordable housing, off-site public open space, greenspace compensation, education and sustainable travel

The application proposes to provide the full suite of provisions required on major housing developments by Local Plan policies and the relevant adopted Supplementary Planning Documents. The agreed provisions are summarised as follows:-

- Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 10% affordable housing provision expected in the Carlton area. These will be provided on site
- Education contributions - This development would have a pupil yield of 20 primary and 14 secondary pupils and a S106 contribution would be required as follows:

Primary – 20 pupils at £16,000 =	£320,000
Secondary = 14 pupils at £16,000 =	<u>£224,000</u>
Total	£528,000

- Compensation for loss of greenspace, calculated. £125,640 per hectare of green space that will be lost to development. The contribution has been calculated using the Council's current land valuation for amenity land which equates to £29,640 per hectare, and the cost of providing 1 hectare of informal open space including 15 years maintenance which equates £96,000. In this case, the area of loss greenspace land comprises 2.07 ha equating to a Contribution of £260,451.72
- Contribution towards off site open space Based on the unit split shown on the submitted planning layout plan, and in accordance with the figures in Appendix 2 of the SPD the total off-site contribution for this application would be **£151,409.68** which is calculated as follows:

Equipped children's play

2 bed dwellings x 14 x £503.51 = £ 7049.14
 3 bed dwellings x 60 x £604.48 = £36268.80
 4 bed dwellings x 20 x £705.47 = £14109.4
 Subtotal £ 57427.34

Formal recreation

2 bed dwellings x 14 x £824.41 = £11541.74
 3 bed dwellings x 60 x £989.01 = £59340.6
 4 bed dwellings x 20 x £1155.00=£23100.00
 Subtotal £93982.34

- Sustainable Travel
 93 units x daily person trip rate (10) x £ per trip (100) x 25% reduction =
 Contribution of £69,750.00

Total contributions = £1,009,611.40 plus 10% affordable housing

An EV charging point will be provided for each dwelling as would cycle storage for each dwelling without a garage. Overall the proposal is wholly compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribution as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Other Matters

Concerns were raised by objectors about the following:

- Lack of publicity –The application was advertised by press notice, by several site notices, and by notification letters to 62 individual properties, the application was also available to view on the Councils website. The Council considers that ample publicity was undertaken for the proposal which exceeds statutory requirements
- The area already has many new houses – the application site has been allocated for housing in the adopted Local Plan and therefore housing is an appropriate use in this location as Barnsley needs over 21,000 new houses by 2033
- Existing infrastructure (water pressure, sewage system and GP) cannot support additional housing development – these are not material planning considerations

- Ecology and wellbeing will be affected by noise and light pollution and impacts of construction– no objections have been raised by the Pollution Control officer with respect to noise and construction
- Resident previously wanted to purchase land to ensure they were not overlooked but were refused – this is not a material planning consideration
- Devaluation of houses – this is not a material planning consideration

Conclusion

In summary the proposals are judged acceptable in that the principle of residential development is established through the site-specific policy H16 that allocates the site specifically for this purpose.

The indicative number of dwellings in the policy is 96 and the application is close to this at 93, but importantly, retains several small areas of open space and the majority of trees existing on the site. The layout is attractive with large rear gardens which provide a buffer to the trees and a large amount of parking to front of dwellings is proposed to be tandem parking rather than side bay side which allows a greener frontage. A detailed landscaping scheme is proposed.

The layout house types provide an appropriate mix of house types and a small but appropriate mix of materials. One EV charging point would be provided to each dwelling and cycle storage provided where there is not garage. The applicant also proposes to provide the full suite of contributions required by Local Plan policies and adopted SPD's resulting in 10% affordable housing and over £1million worth of commuted sums which would be used to compensate and mitigate the effects of the proposal and provide for appropriate infrastructure in line with the requirements of the various Local Plan policies and Supplementary Planning Documents. Proposals which accord with an up to date Development Plan should be approved without delay taking into account the statement within paragraph 11 of the NPPF and accordingly the Officer recommendation is one of approval subject to completion of a S106 Agreement covering the matters explained in this report and the accompanying conditions.

Recommendation

Grant subject to conditions and a S106 Agreement (Affordable housing, public open space, compensation for loss of green space, sustainable travel and education contributions).

- 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:
P1931.01 Rev U - Planning Layout
1931.01 Rev U - Planning Layout (Colour)
1931.03 Rev E - Materials Layout
1931.06 Rev F - Boundary Plan

KMH-TURTON-SHEET-201
KMH-ABBEY-END-AS-ISSUE 1-SHEET-201
KMH-BANBURGH-END-AS-ISSUE 1-SHEET-201
KMH-CADDINGTON-END-AS-ISSUE 1-SHEET-201
KMH-CAMBRIDGE-DET-AS-ISSUE 1-SHEET-201
KMH-EATON-DET-AS-ISSUE 1-SHEET-201
KMH-HARDWICK-DET-AS-ISSUE 1-SHEET-201
KMT-CADDINGTON-S-END-AS-ISSUE 1-SHEET-201
KMT-BRANTWOOD-END-AS-ISSUE 1-PLOT 70
KMT-BRANTWOOD-END-AS-ISSUE 1-PLOTS 71 & 90

44_12501429_C020_P11_PLOT DRAINAGE SHEET 1 OF 4
44_12501429_C020_P12_PLOT DRAINAGE SHEET 2 OF 4
44_12501429_C020_P13_PLOT DRAINAGE SHEET 3 OF 4
44_12501429_C020_P13_PLOT DRAINAGE SHEET 4 OF 4

101-LD-01-REV K
101-LD-02-REV K
101-LD-03-REV K
101-LD-04-REV K
101-LD-05-REV J
101-LD-06-REV E

Noise Survey
Transport Assessment
Travel Plan
Ecology Survey
Arboricultural Method Statement
Archaeology Survey
Knotweed Report
Flood Risk Assessment

Pre commencement Highway Condition Survey

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 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 4 All planting, seeding or turfing and ecological enhancement provisions 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.

- 5 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 6 Prior to the first occupation of the development hereby permitted the vehicular and pedestrian routes shall be provided and thereafter retained in at the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety.
- 7 The gradient of the vehicular access shall not exceed 1 in 12 throughout the site.
Reason: In the interests of the safety of persons using the access and users of the highway.
- 8 Notwithstanding submitted details 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 erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1.
- 9 Prior to first occupation of the development hereby permitted, details for the provision of electric vehicle charging points (EVPC's) shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy I1 of the Local Plan.

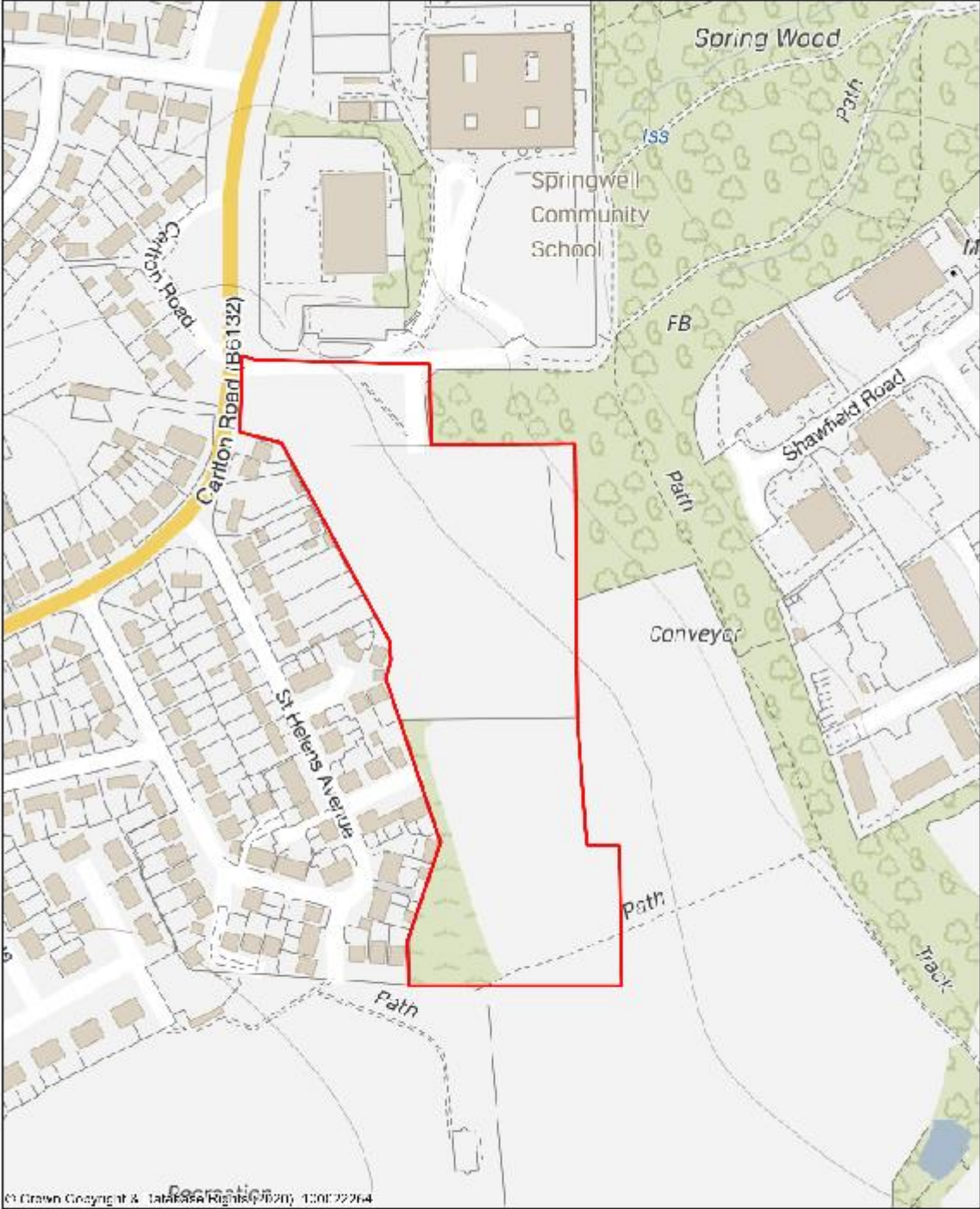
- 10 The boundary treatment shown on approved plan 1931.06 Rev F - Boundary Plan shall be completed before each plot is occupied and shall be retained thereafter.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.
- 11 No development 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.**
- 12 The measures, monitoring and evaluation strategy detailed within the approved Travel plan shall be implemented in full in accordance with the timescales laid out within the document immediately following occupation of the development and shall be continued thereafter for the lifetime of the development.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy I1 of the Local Plan.
- 13 The site shall be developed with separate systems of drainage for foul and surface water on and off site. The foul water pump rate shall not exceed 4.75 l/s (four point seven five) litres per second and the surface water discharge rate shall not exceed 25 l/s (twenty five) litres a second.
Reason: In the interest of satisfactory and sustainable drainage
- 14 All in curtilage planting, seeding or turfing or ecological mitigation measures comprised in the approved details of landscaping (plan refs) shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

- 15 All out of curtilage planting, seeding or turfing or ecological mitigation measures comprised in the approved details of landscaping (plan refs) shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales. Any which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
- 16 Prior to commencement of use hereby permitted the vehicular access shall be upgraded / widened and constructed in accordance with the BMBC construction specification and to have a visibility splay to the east of 2.4 x 23m. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
Reason: In the interest of highway safety and traffic movement.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any Order revoking and / or re-enacting that Order), the garage / car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the Local Planning Authority.
Reason: To retain the garage / car spaces for parking purposes.
- 18 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at St Helens Boulevard in accordance with details of a phasing and completion plan to be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 19 No building or use hereby permitted shall be occupied until pedestrian visibility splays of 2 x 2m to the back edge of the footway shall be provided at the proposed drive. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety.
- 20 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.
Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.

- 21 Prior to the first occupation of each dwelling hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.
- 22 On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.
- 23 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.
- 24 Upon commencement of development details of the siting of the sales cabin, and parking for staff and customers visiting the site, shall be submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.
Reason: In the interest of new development and transport safety, highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.

PA Reference:-

2019/0902



BARNSELY MBC - Regeneration & Property



Scale: 1:2500

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Item 4

2019/1136

Applicant: Ms Stephanie Dunlavey

Description: Residential development of 4 no. dwellings

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

The application was deferred from the January Planning Board to allow Officers the opportunity to liaise with the applicant to seek a reduction to 3 dwellings, to improve the amenity standards of future residents and reduce traffic generation from site. The applicant does not wish to reduce the number of units on the site but has amended the proposal to show a slight reduction in the width of plots 2, 3 and 4 to provide a greater separation between the dwellings and from the southern boundary. In addition the applicant has supplied information explaining that the future residents would inherit a shared legal responsibility for maintaining the shared private driveway and have updated the site layout plan to include a bin store adjacent to the access.

The application was 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 also objected.

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 chalet 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.

From the January Planning Board, the following amendments have been made to the scheme:-

- The width of the proposed dwellings to Plots 2, 3 & 4 has been reduced by approximately 100mm. As a result the minimum distance between plot 2 to the southern boundary will be 1200mm.
- A bin collection point has been included adjacent to the access.

- In terms of the private driveway, a draft title document has been submitted which includes a clause that explicitly states that future residents would inherit a shared responsibility for maintaining the shared private drive that would be used by the properties.
- A further site layout plan has also been provided to illustrate the visibility splay at the exit from the driveway required by Highways is achieved.

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 chalet 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
 SD1 Presumption in Favour of Sustainable Development
 CC1 Climate Change
 CC4 Sustainable Drainage Systems (SuDS)
 RE1 Low Carbon and Renewable Energy
 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
- Trees and Hedgerows

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
- 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 Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' both apply. These require 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 neighbouring 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 and in width in order to allow for additional garden space and a greater separation from the trees along the southern and western boundary to avoid any significant overshadowing, which is an overall improvement. 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 a construction method statement and restrictions on working times 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 matters which are not material planning 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.

In terms of the private driveway, a draft title document has been submitted which includes a clause that explicitly states that future residents would inherit a shared responsibility for maintaining the shared private drive that would be used by the properties. A further site layout plan has also been provided to illustrate the visibility splay at the exit from the driveway required by Highways is achieved.

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/Pack Horse Green 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 provided.

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

Whilst the number of units has not been reduced, the plans meet the spacing and parking standards required by the Designing New Housing Development and Parking SPD's and are therefore considered acceptable in residential amenity, parking and highway safety. In such circumstances residential development on small unallocated sites is acceptable under Local Plan Policy H4. In addition the proposals would involve the recycling of previously developed land making it a sustainable form of development that is advocated by both local and national planning policies. The

Officer recommendation therefore remains one of approval subject to the conditions listed.

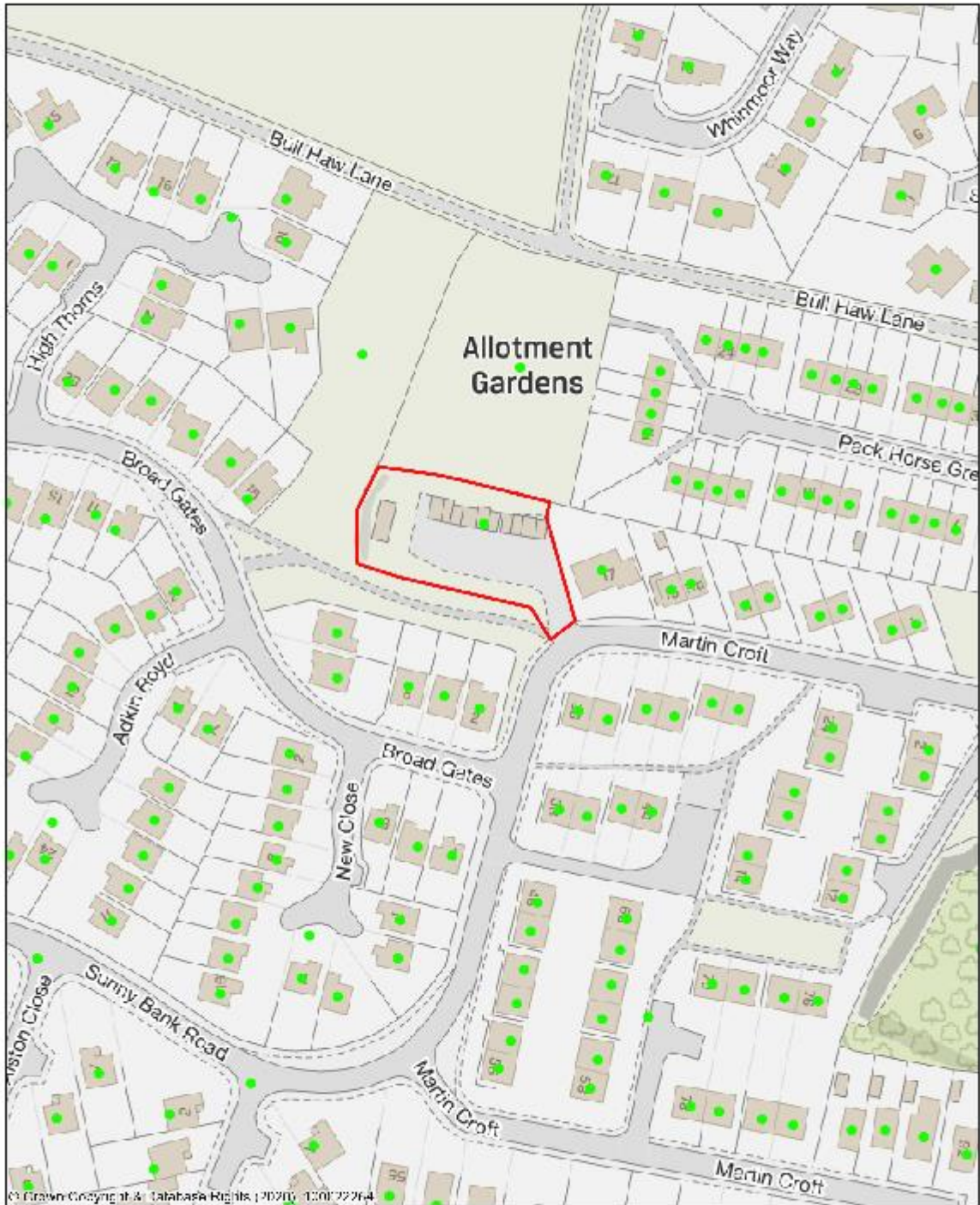
Recommendation

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 C, 02, 03 Rev B) 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 x 43 m, 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.



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 5

2019/1494

Applicant: BMBC

Proposal: Erection of free-standing pole mounted notice board for display of notices by the local community

Location: St Mary Magdelene Church, 254 Pontefract Road, Lundwood, Barnsley, S71 5HR

No representations have been received from local residents.

Site Description

The application relates to St Mary Magdelene Church, located on the edge of the main commercial centre of Lundwood, on the western side of Pontefract Road close to the junction with Lund Lane. The church functions as both a place of religious worship and as a community centre serving the local community in Lundwood. Adjacent to the site entrance is an existing notice board sign.

Proposed Development

The applicant is seeking permission for the erection of a freestanding, pole mounted notice board at the Pontefract Rd facing site frontage.

The sign would measure 1.52m (H) by 1.5m (W) and be mounted on 2.5m high pole. The design of the notice board would be reflective of the existing notice board that is located on the other side of the site entrance to the location of the proposed new one.

Planning History

B/93/1018/BA - Alterations and improvements to Church Hall. Approved with conditions 07/10/1993.

2012/0610 – Erection of single storey detached activity room to replace previously demolished church hall – St Mary Magdelene Church, 254 Pontefract Road, Lundwood, Barnsley, S71 5HR. Approved 02/07/2012.

Policy Context

Local Plan Allocation – Urban Fabric & District/Local Centre

Planning decisions should be made in accordance with the current development plan policies 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 2000) and the Core Strategy (adopted 2011).

Adopted Local Plan

Local Plan Policy GD1 – General Development sets out the principles that development will be assessed against. Proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and that adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes.

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

Local Plan Policy TC1 – Town Centres states that Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres: Town, District Local. Athersley is identified as a Local Centre in the adopted Local Plan. These serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

Local Plan Policy T4 – New Development and Transport Safety states that 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.

Supplementary Planning Documents (SPD's)

SPD – Advertisements states that the council is unlikely to grant consent for: Advertising Hoardings, including poster panels, signs on shops above fascia level, signs on business premises above fascia level, signs which appear out of scale or character with the building or locality.

The SPD also states that excessive illumination causes light pollution and is therefore a waste of energy [...] the light source should be designed so that it is not directly visible to drivers on adjacent roads or likely to cause nuisance to nearby residential properties.

NPPF

NPPF Paragraph 132 states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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

Highways DC – No objections.

Representations

Notification letters were sent to surrounding properties. No comments or representations were received.

Assessment

Principle of Development

Applications for signage must only be assessed with regards to their effect on amenity and public safety. The assessment of the proposal against those considerations is set out below.

Visual Amenity

The Council's SPD on advertisements states that '*signs should be limited to that which is necessary. Advertisements should have regard for the design, scale and proportions of the building or site on which they are displayed. The over provision or poor design of signs can give rise to a cluttered and aggressively commercial appearance which will usually have a damaging impact upon the visual character of an area*'.

It is considered that an additional notice board can be accommodated along the site frontage without leading to the appearance of the site frontage appearing too cluttered. Its size would be comparable with the existing sign board and there is ample soft landscaping on the site frontage to ensure that it would easily be absorbed in the street scene without giving rise to visual amenity concerns.

Residential Amenity

The sign board would not be a large structure and is located a considerable distance away from the nearest dwellings. It would not be illuminated and as such it would not give rise to any harm affecting residential amenity.

Highway Safety

The location of the sign is positioned away from the site entrance so as to not affect drivers visibility in relation to vehicle journeys to and from the site. Accordingly there is no objection from Highways.

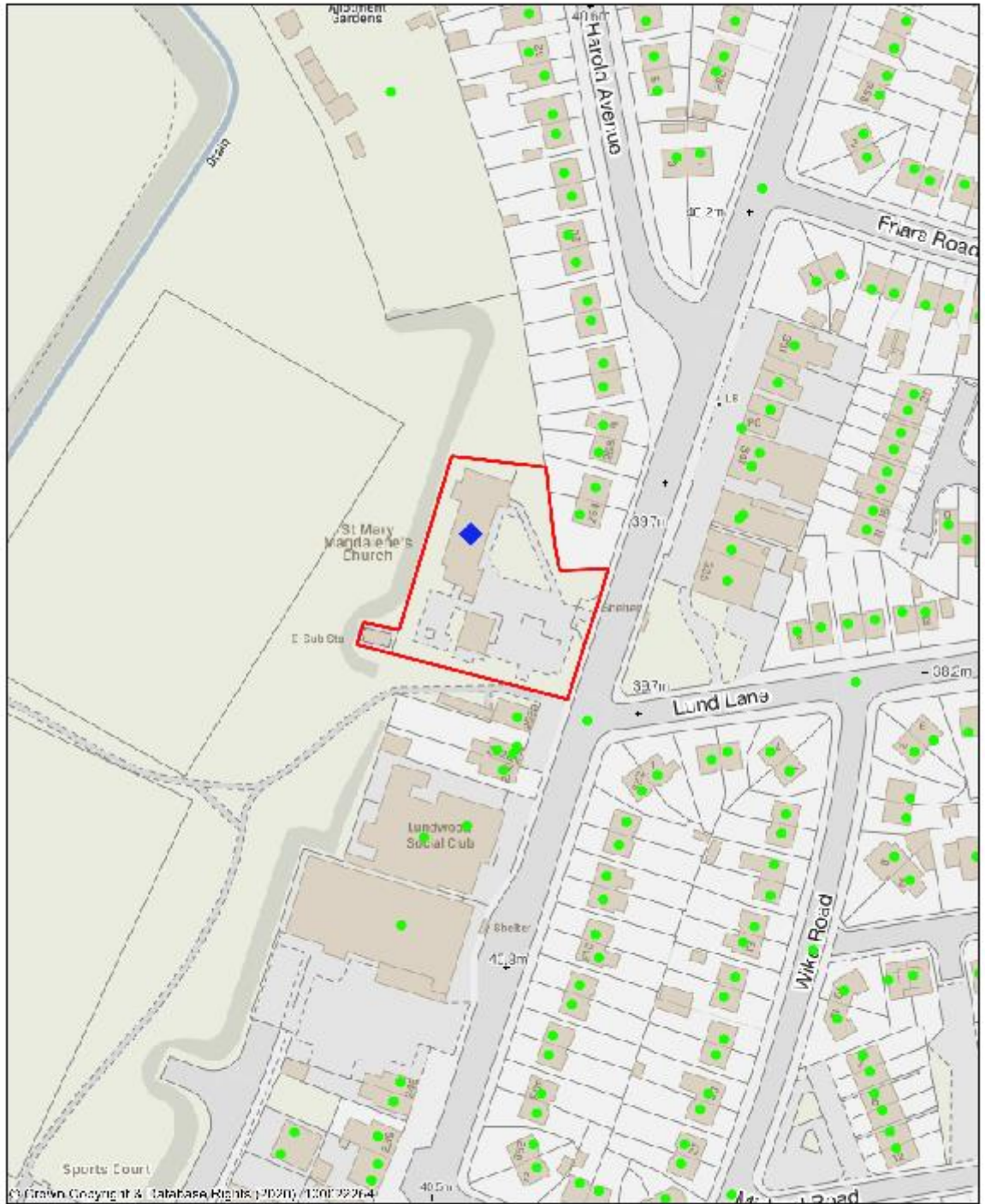
Conclusion

The proposed sign raises no concerns in amenity and public safety terms and as such is recommended for approval accordingly.

Recommendation

Approve – Subject to conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Location Plan and 'Lundwood Church - Freestanding Sign') and specifications is 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.



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 7

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 to 31 January 2020

APPEALS RECEIVED

6 appeals were received in January 2019

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2019/0888	Two storey side and single storey rear extension and new porch to dwelling. Proposed timber cladding and render to the rear of the existing dwelling. 6 The Nook, Hoylandswaine, Sheffield, S36 7JW	Written Reps	Delegated
2019/1156	Removal of existing conservatory and erection of a single storey rear extension with a rearwards projection of 6m, a height to eaves of 3m and a maximum overall height of 4m (Prior Notification - Householder) 50 Guest Street, Hoyland, Barnsley, S74 9SP	Written Reps	Delegated
2019/1253	Single storey rear extension to dwelling with provision balcony above and associated glass balustrades (Part Retrospective) 7 Warner Place, Pogmoor, Barnsley, S75 2EJ	Written Reps	Delegated
2019/1221	Erection of detached double garage. Martins Nest Farm, Grime Lane, Whitley Common, Barnsley, HD9 7TG	Written Reps	Delegated
2019/0967	Two storey side and single storey front extensions to dwelling. 20 Oakdale, Worsbrough Bridge, Barnsley, S70 4AD	Written Reps	Delegated
2019/0597	Erection of raised decking (Retrospective) 33 Paddock Road, Staincross, Barnsley, S75 6LF	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in January 2020

APPEALS DECIDED

2 appeals were decided in January 2020

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/1388	Erection of detached dwellinghouse with provision of detached double garage. 8 Upper Hoyland Road, Hoyland, Barnsley, S74 9NJ	Dismissed	Delegated
2019/0230	Residential development of 14no dwellings (Outline with all matters reserved apart from means of access) 210 Carlton Road, Athersley South, Barnsley, S71 2AP	Dismissed	Delegated

2019/2020 Cumulative Appeal Totals

- 31 appeals have been decided since 01 April 2019
- 24 appeals (77%) have been dismissed since 01 April 2019
- 7 appeals (23%) have been allowed since 01 April 2019

	Audit	Details	Decision	Committee / Delegated
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 Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY	Dismissed 16.07.2019	Delegated
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, Thurstone, Sheffield, S36 9QL	Dismissed 11.12.2019	Delegated
31	2019/0230	Residential development of 14no dwellings (Outline with all matters reserved apart from means of access) 210 Carlton Road, Athersley South, Barnsley, S71 2AP	Dismissed 13.01.2020	Delegated
30	2017/1388	Erection of detached dwellinghouse with provision of detached double garage. 8 Upper Hoyland Road, Hoyland, Barnsley, S74 9NJ	Dismissed 30.01.2020	Delegated

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