

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 November 2020
TIME:	2.00 pm
VENUE:	THIS MEETING WILL BE HELD VIRTUALLY

AGENDA

1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in relation to the site visits or items on the agenda.

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 20th October 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. Land at Barugh Green Road and Cannon Road Junction, Barugh Green, Barnsley - 2019/1567 (LBC) and 2020/0027 (PP) - For Approval (*Pages 7 - 24*)

4. Land at Higham Common Road, Higham, Barnsley - 2020/0028 - For Approval (*Pages 25 - 40*)

5. Former Belmont Care Home and adjacent farmland between Garden Close and Back Lane, Monk Bretton, Barnsley, S71 2DY - 2019/0991 - For Approval (*Pages 41 - 56*)

Enforcement

6. Enforcement Quarterly Report - July to September 2020 (*Pages 57 - 68*)

Consultations

7. Member Consultations - October 2020 (*Pages 69 - 72*)

Planning Appeals

8. Planning Appeals - 1st to 31st October 2020 (*Pages 73 - 76*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis,

Gollick, Green, Greenhough, David Griffin, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, McCarthy, Mitchell, Noble, Phillips, Smith, Spence, Stowe, Wright and W. Johnson

Matt Gladstone, Executive Director Place

Paul Castle, Service Director Environment and Transport

Joe Jenkinson, Head of Planning and Building Control

Matthew Smith, Group Leader, Development Control

Andrew Burton, Group Leader (Inner Area), Development Management

Bob Power, Senior Legal Officer (Locum)

Parish Councils

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

Monday, 16 November 2020

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 20 October 2020
TIME:	2.00 pm
VENUE:	VIRTUAL VIA CONNECT REMOTE

MINUTES

Present

Councillors Richardson (Chair), T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Green, Greenhough, Hayward, Higginbottom, Leech, Markham, McCarthy, Mitchell, Noble, Phillips, Smith, Spence, Stowe and Wright

7. Declarations of Interest

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

8. Minutes

The minutes of the meeting held on 1st September 2020 were taken as read and signed by the Chair as a correct record.

9. Land to the west of Sheffield Road, Hoyland, Barnsley - 2020/0647 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2020/0647 – Land to the west of Sheffield Road, Hoyland, Barnsley

Messrs David Laughton and Neil Thompson addressed the Board and spoke against the Officer recommendation to approve the application.

Ms Katrina Hulse addressed the Board and spoke in favour of the Officer recommendation to approve the application.

RESOLVED that the application be granted, subject to the amendments to conditions 9 (noise), 13 (roof colour) and 31 (air quality) and the imposition of an additional noise condition as was explained during the meeting. In addition, the resolution to approve is subject to the completion of a S106 Agreement in accordance with the terms set out in the report.

10. Mount Vernon Hospital Mount Vernon Road, Worsborough - 2019/0577 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2019/0577 - Mount Vernon Hospital Mount Vernon Road, Worsborough

RESOLVED that the application be approved in accordance with the Officer recommendation, subject to it becoming a requirement as part of the S106

Agreement for long term management arrangements to be put in place for the group of trees in the southern part of the site and other out of curtilage landscaped areas

11. Proposed Listed Building Enforcement (Repairs) Notice, Worsbrough Hall, Worsbrough Village

The Senior Conservation Officer, Planning Policy, presented a report to the Planning Regulatory Board on 20th October 2020 with regard to a proposed Listed Building Enforcement (Repairs) Notice in respect of Worsbrough Hall, Worsbrough Village. The report made members aware of the long standing and deteriorating condition of Worsbrough Hall and its grounds, which is a listed building; explained the reasons why statutory enforcement action is necessary and to seek authorisation to serve a Listed Building Repair Notice (Repairs Notice)

RESOLVED that

- (i) The Council withdraws the current (in force) Repairs Notice that was served on the 15th of September 2014 that was restricted to numbers 6 and 7 Worsbrough Hall.
- (ii) That, in exercise of statutory powers, the Council serves a new Repairs Notice under Section 48 of the Listed Buildings and Conservation Areas Act 1990 on the whole of Worsbrough Hall. This Notice would include numbers 4, 5, 6 and 7 Worsbrough Hall specifying all repairs and works necessary for the long-term preservation of the listed building.

12. Planning Appeals - August and September 2020

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2020/21.

The report indicated that 6 appeals were received in August and 7 were received in September 2020.

No appeals were withdrawn in August and September 2020. 6 appeals were decided in August and 1 appeal was decided in September 2020. It was reported that 16 appeals have been decided since 1st April 2020, 15 of which (94%) have been dismissed and one of which (6%) has been allowed.

RESOLVED that the report be noted.

13. Member Consultations September 2020

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meeting held on 1st September 2020.

RESOLVED that the report be noted.

Chair

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Item 3

2020/0027 Full Planning and 2019/1567 Listed Building Consent

Applicant: Strata Sterling Barnsley West Limited

Description: Highways infrastructure proposal at Barugh Green Road and Cannon Road including relocation of a Grade II Listed Milepost.

Site Address: Land at Barugh Green Road and Cannon Way Junction

Objections have been received from 13 residents in response to the consultation carried out for 2020/0027. A further 4 comments were received for LBC application 2019/1567.

Background

The Masterplan Framework for Barnsley West (MU1) was adopted in December 2019 and seeks to deliver the Local Plan ambitions on the large strategic allocation which will see the delivery of 1700 new homes, 43 hectares of employment land, a new primary school and supporting community infrastructure. In order to facilitate the delivery of the MU1 site, both the Local Plan and adopted Masterplan Framework require the delivery of highways improvements required to unlock the site and benefits associated with delivering this key development.

In January this year, three planning applications were submitted that will deliver the highways improvements required to unlock the site as follows:

- 2020/0027 which will deliver the 'northern roundabout' on Barugh Green Road and is the subject for this report.
- 2020/0028 which will deliver the 'southern roundabout' on Higham Lane between the M1 motorway bridge and the Hermit Lane entrance.
- 2020/0040 the 'Capitol Close' scheme, which was approved at PRB 1st September 2020 and shall deliver a new roundabout connecting Capitol Close and Higham Common Lane, together with delivering upgrades to Higham Common Land and Capitol Close.

The planning strategy for the MU1 site and link road is yet to be determined, but these applications will come forward separately and be subject to separate reports presented to Planning Regulatory Board. Whilst the planning applications will be considered separately, the technical reports submitted in support of the abovementioned highways schemes have been prepared with the totality of the MU1 development in mind.

Site Description

The site comprises land at Barugh Green Road (A635) at the junction of Cannon Way and is around 0.71 hectares. The land to the South is Local Plan mixed use allocation MU1 Land South of Barugh Green Road and currently comprises agricultural land. To the north the existing junction provides access to Claycliffe Business Park. Immediately to the east of the site is existing residential properties together with Tudor Rose Nurseries. Existing residential properties are located to the west of the site.

The site and immediate surroundings predominantly consist of existing commercial businesses at the adjacent Claycliffe Business Park and the settlements of Higham to the west, Barugh Green to the north and Redbrook to the east.

Proposed Development

The proposal is to construct a new four-armed roundabout junction on Barugh Green Road that connects to the existing junction with Cannon Way and provides a northern access to the MU1 site. The four-armed roundabout will incorporate two lane entry from Barugh Green Road and replace the existing three-way arm priority junction at the intersection.

The scheme will require the re-location of an existing Grade II listed milepost which is covered under a Listed Building Consent application reference 2019/1567 that is also considered within this report.

The primary role of the development is to provide access to the MU1 development site.

Relevant Planning History

The application is related to planning application 2020/0028 for the 'southern roundabout' on Higham Lane between the M1 motorway bridge and the Hermit Lane entrance, which is also on this meeting agenda.

The Capitol Close works section and roundabout (2020/0040) was approved at PRB 1st September 2020 and will deliver a new roundabout connecting Capitol Close and Higham Common Lane, together with delivering upgrades to Higham Common Land and Capitol Close.

Collectively these schemes will deliver the necessary off-site highways improvements to provide access to the MU1 site.

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 statutory development plan for the borough. The Council has also adopted a series of Supplementary Planning Documents which are also material considerations

The MU1 (Barnsley West) Masterplan Framework is also a material consideration and includes requirements to deliver highways improvements to provide access to the site.

Local Plan Allocation – Urban Fabric, Mixed Use Site MU1

Relevant Local Plan Policies are:

SD1 Presumption in favour of Sustainable Development
GD1 General Development
LG2 The Location of Growth
E1 Providing Strategic Employment Locations
E2 The Distribution of New Employment Sites
E7 Promoting Tourism and encouraging Cultural Provision
H1 The Number of New Homes to be Built
H2 The Distribution of New Homes
T1 Accessibility Priorities
T3 New Development and Sustainable Travel
T4 New development and Transport Safety
T5 Reducing the Impact of Road Travel
D1 High Quality Design and Place Making
LC1 Landscape Character
HE1 Historic Environment
HE3 Developments affecting Historic Buildings
HE6 Archaeology
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SUDS)
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
AQ1 Development in Air Quality Management Areas
UT2 Utilities Safeguarding
Site MU1 Land South of Barugh Green Road

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 without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The most relevant paragraphs are as follows:-

8 – The 3 overarching aims of the planning system are economic, social and environmental objectives in order to deliver sustainable development.

11 – The presumption in favour of sustainable development.

12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way.

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible.

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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

102. Transport issues should be considered from the earliest stages of plan-making and development proposals.

108. In assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

124 & 127. Achieving well-designed places

175. Habitats and Biodiversity

178. Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

180. Decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as

the potential sensitivity of the site or the wider area to impacts that could arise from the development.

181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Consultations

Responses have been received from the following consultees:-

Air Quality – Do not object to the application for the reasons explained in the assessment section of the report.

Biodiversity – Does not object to the proposal subject to a condition being imposed to ensure that the mitigation measures set out in the updated ecology report are followed through.

Conservation Officer – No objections to the relocation of the listed milepost (subject to related listed building consent application 2019/1567), subject to the imposition of conditions to agree the conservation works and treatment of the asset.

Coal Authority – No objections subject to a condition requiring intrusive investigation work to inform any mitigation works which would be necessary.

Drainage – No objections subject to a condition requiring approval of a drainage scheme to ensure that surface water run-off is discharged into a local watercourse of the public sewer network at a restricted rate.

Highways – Support the proposal (see assessment section of the report for details of Highways comments in full).

Regulatory Services – Comments on the noise implications of the proposal these comments are covered in the section on residential amenity.

Tree Officer – No objection from an arboricultural perspective subject to condition requiring the submission of detailed landscaping scheme

South Yorkshire Mining Advisory Service – Are content that the Coal Mining Risk Assessment identifies that mining legacy issues are likely to affect the proposals and request a condition requiring an intrusive site investigation

Yorkshire Water – No objections subject to the imposition of a condition requiring approval of a detailed drainage scheme prior to the commencement of development. Information shall need to include evidence that no discharge

to a watercourse is possible prior to them accepting flows into the public sewerage system.

Historic England-Offer no comments and defer to specialist conservation officer.

South Yorkshire Archaeological Service-No objections due to site history and low likelihood of archaeological potential. No archaeological investigation required.

Representations

The application was advertised by neighbour notification letters, press and site notices.

Objections have been received from 13 residents in response to the consultation carried out for 2020/0027. A further 4 comments were received for LBC application 2019/1567 however these in the main relate to planning application 2020/0027 rather than raising concerns around the relocation of the listed milepost.

No supportive responses have been received from residents.

Cllr Fielding wrote to seek clarification on several technical matters and raised concerns around the validity and robustness of technical assessments including noise, air quality impact, traffic assessments, rights of way, contamination, drainage and impact on trees and hedgerows.

Yorkshire Wildlife Trust has written to request the submission of additional information relating to biodiversity net gain and a landscaping plan showing replacement planting to mitigate the impact on hedgerows within the site.

Objections received can be summarised under the following themes:-

Visual impact

- Loss of amenity
- Loss of outlook
- Light pollution

Harm to living conditions of existing properties

- Noise impact and inadequacy of submitted report
- Air Quality impact
- Loss of privacy
- Blight on residential properties
- Loss of amenity
- Impact during construction

Highway safety

- Question why Highways Agency not a consultee on application
- Additional traffic generated from wider MU1 development
- Increased congestion in vicinity including Barugh Green Road, Higham Lane and Chestnut Tree roundabout
- Safety risks to pedestrians
- Long term impact of traffic diversions when link road operational
- Impact on parking for garden centre
- Impact on the egress from The Meadows cul de sac

Overdevelopment/future development concerns/link to the Local Plan

- Principle of MU1 development
- Impact of the MU1 development on existing infrastructure such as GP surgeries

Others:-

- Neighbour notification too localised and timescales for response
- Ground investigation should be undertaken prior to determination
- Length and complexity of documents submitted prohibitive for residents
- Loss of hedgerows/ecological impact
- Drainage concerns
- Concerns SCRIF funding driving timescales for planning applications
- Loss of agricultural land
- Relocation of listed milepost
- Lack of evidence presented in relation to ground contamination
- Potential impacts on PROW

It should be noted that a number of respondents provided a collective response for 2020/0027, 2020/0028 & 2020/0040 and as such there is overlap in the reasons for objection, some of which are not considered applicable to this scheme.

Assessment

The Need for the Proposal

The application proposes a new four-armed roundabout junction on Barugh Green Road that connects to the existing junction with Cannon Way and provides a northern access to the MU1 site. The four-armed roundabout will incorporate two lane entry from Barugh Green Road and replace the existing three-way arm priority junction at the intersection

The case in support of the development is one based around the need to facilitate access into the mixed-use allocation, MU1 (Barnsley West). Together with planning application 2020/0028 which seeks to deliver the southern roundabout to serve the site, the proposals collectively seek to deliver the necessary off site highways infrastructure works to facilitate the access to the development site, taking account of the future growth anticipated relating to site MU1 and wider Local Plan related growth. In

accordance with Local Plan Policy LG1 and the adopted Spatial Strategy, Urban Barnsley is expected to accommodate a significant amount of the borough's growth in relation to employment (22%) and housing (43%). Site MU1 will deliver 43 hectares of the 64.6 hectares allocated in Urban Barnsley together with 1700 of the 9070 homes.

The roundabout schemes, together with the provision of the link road will lead to traffic reassignment when the link road is operational. For residents in the local area this will lead to a welcomed reduction in HGV movement on Higham Lane in the long run.

Highways Assessment

The proposal seeks to construct a four-arm priority roundabout junction at the junction of A635 Barugh Green Road and Cannon Way (Claycliffe Business Park). A fourth arm stub is proposed to enable a future connection into the future development of the allocated Local Plan mixed use development site MU1. To accord with the selected design speed of the proposed roundabout the application seeks to amend the current posted speed limit change (40mph/30mph) located approximately 75m west of the Cannon Way junction.

Transport Assessment

It is accepted that this application does not propose any development and is seeking approval for highways infrastructure only. Nonetheless, to ensure that the roundabout would be for purpose given its future role on the highway network, a Transport Assessment has been provided and assessed by officers in Highways.

The Assessment incorporates appropriate TEMPRO traffic growth figures consistent with those agreed and used in other localised traffic assessments. Committed development also largely reflects what was agreed at the scoping stage with Highway Officers and Highways England.

The trip rates provided in the TA for Phase 1 of MU1 to inform the interim year assessments are consistent with rates agreed at scoping and those used in other applications. The use of the Barnsley Transport model to determine indicative network redistributions as a result of future development/link road construction scenarios is also deemed acceptable.

The selection of scenarios tested the junction proposals for both a worst-case interim year without a link road and a 2033 future year with link road and full growth/development. The results in the TA show that the proposed junction would continue to operate within required capacity limits in the worst-case future year.

Having regard to all of the above, the Transport Assessment is deemed acceptable by Highways. Accordingly, whilst the proposal is for highway infrastructure only, it is considered that a sufficient assessment has been

undertaken to demonstrate that the roundabout will have sufficient capacity given its ultimate intended use.

Highway Safety

The application proposes a roundabout design based around a 30mph Design Speed. The design achieves substantial compliance with the Design Manual for Roads and Bridges as is required by current adopted local policy guidance provided in the sustainable transport SPD. It is noted that the proposed design is subject to a small number of 'relaxations from standard', hence a stage 1 Road Safety Audit (RSA) has been undertaken. A number of items were raised within the RSA and have led the applicant/designer to produce a designer's response statement. The justification and reasoning of proposed relaxations within the design has been carefully considered and are deemed acceptable by the Highways Authority.

Following internal review of the proposals it is felt necessary to recommend an appropriately worded planning condition to ensure that some areas of visibility are protected by means of appropriate surfacing to areas currently identified as highway verge, particularly to the visibility splay to the south from the minor residential arm.

Other Highway Matters

South Yorkshire Passenger Transport Executive have been formally consulted on the planning application and have not returned any objection.

The design proposes a new shared use footway of 3.0m width along the immediate key approaches of the junction where achievable, with appropriate tie-ins to existing infrastructure outside of the main design elements. Pedestrian crossing points are provided either across entry/exit arms or within close proximity to the junction itself.

Highway Assessment Conclusion

The submitted Transport Assessment provides a robust analysis of projected future traffic growth including the completion of the link road and totality of the MU1 development and committed development, together with the expected traffic reassignment expected upon completion of the link road. In addition, the proposal is considered acceptable taking into account highway and pedestrian safety.

Taking into account all of the above in addition to other issues raised in the representations, it is considered that in respect of highway and pedestrian safety, accessibility to public transport and the needs of pedestrians and cyclists, the proposal complies with Local Plan Policies T3 and T4.

Impact on Residential Amenity

Noise

A noise assessment has been submitted and Regulatory Services have confirmed that they are satisfied with the methodology and scenarios used together with the identification of impacts. As the scheme will support access improvements to enable the delivery of site MU1, the submitted report provides an analysis of the future noise impact of both the link road and completed MU1 development.

The scenarios used to test the potential future impacts of the wider development identified a short-term impact on around 30 existing properties within the vicinity of the scheme. This is due to the opening of the link road rather than the proposed roundabout under consideration. In addition, it is possible to mitigate the future short-term impact through appropriate design and layout of the MU1 development in order to ensure that there is no impact in the longer term. This will be considered in the determination of future planning applications on the site.

Whilst the noise report identifies a future noise impact, this is not as a result of the proposed scheme and cannot be mitigated within the current proposal. Future assessments will be required in support of any planning applications for site MU1 and any necessary mitigations secured at that point.

The proposal is therefore considered acceptable and in compliance with Local Plan Policy Poll1.

Air Quality

Whilst the submitted air quality assessments show increase in air pollution concentrations at existing sensitive receptors near to the proposed roundabouts, due to the completion of the roundabouts and link road, the assessments consider this to be not significant. No exceedance of air quality standards is predicted near to the proposed roundabouts as a consequence of their construction. On this basis, Regulatory Services do not object to construction of the roundabout on operational phase air quality grounds, taking into its proposed location and layout. Further assessment will be required in support of future planning applications for MU1 and appropriate mitigation agreed as necessary as part of those schemes.

The proposal is therefore considered acceptable and in compliance with Local Plan Policy Poll1.

Visual Impact

As the submitted scheme will result in the significant realignment/widening of the highway together with the removal of some hedgerow of local ecological significance, there will be a moderate visual impact for existing residents to the east and west of the scheme.

Whilst the submitted planning statement refers to landscaping to mitigate the impact of the removal of existing landscaping, the General Arrangement plan indicates grass verges with no further detail submitted. Furthermore, the Planning Statement states that in order to meet the requirements of Local Plan Policy D1 development should include a comprehensive and high quality scheme for hard and soft landscaping however this is not presented within the application.

In order to soften the appearance of the roundabout and mitigate the visual impacts associated with development, a condition requiring the submission of a landscaping scheme (hard and soft) is required in order to ensure compliance with Policy D1.

Flood Risk and Drainage

The application is supported by a Drainage and Flood Risk Assessment. The site is located in an area of low flood risk. In terms of foul water, it is proposed to discharge into a public foul sewer system in Capitol Close and surface water will discharge to an existing public surface water sewer in Capitol Close at a restricted rate. This will require the necessary approvals from Yorkshire Water.

Consultation responses have been received from the council's Drainage Engineer and Yorkshire Water which require conditions to be imposed requiring a surface water management system so as to prevent an increase in flood risk off the site, together with further details on proposed arrangements for the discharge of foul and surface water.

Subject to the inclusion the suggested conditions, the proposal therefore complies with Local Plan policies CC3 and CC4.

Climate Change

Local Plan policies CC1 and CC2 seek to reduce the causes of and adapt to the future impact of climate change. The proposal is a standalone piece of infrastructure but which is intended to create access to the MU1 site as well as a new multi-user link road. Given highway construction standards it is not considered technically feasible to incorporate different materials, but full provision is made for active travel (pedestrians and cyclists). The proposal is also consistent with the Hoyland West Masterplan Framework which includes site specific strategy for sustainable urban drainage and green infrastructure on a sustainably located site within Urban Barnsley.

Mining Legacy

A coal mining risk assessment has been included in the supporting documentation which identifies the mining legacy issues likely to affect the proposals and makes appropriate recommendations for further Phase II works to investigate ground conditions. It also provides guidance as to what potential mitigation measures will be required to ensure safe development.

The Coal Authority and SYMAS have responded to the consultation confirming that they are satisfied with the approach taken to date but that if planning permission were to be granted, they require the imposition of a condition securing intrusive site investigations. This would inform any mitigation measures which would be necessary to ensure that the development is not affected by any land instability issues. Again, the imposition of this condition would ensure the proposal complies with policy CL1.

Biodiversity

A Preliminary Ecological Assessment has been undertaken to the satisfaction of the council's Biodiversity Officer who has no objections to the proposals subject to the imposition of conditions requiring further details of the biodiversity retention/mitigation/enhancements to be provided in order to ensure compliance with Local Plan Policy BIO1 and SPD's Biodiversity/Geodiversity and Trees/Hedgerows.

Historic Environment/Archaeology

SYAS agree with the desk based archaeological assessment which is that the site has low potential for archaeological remains due to the amount of ground disturbance that has taken place within the site. As such they have confirmed that they do not object to the proposed development and do not require any conditions imposing. In respect of archaeology, the proposal therefore complies with Local Plan policies HE1 and HE6.

The planning application (2020/0027) and LBC application (2019/1567) propose the relocation of a listed milepost. The council's conservation officer is supportive of the proposal and considers that the revised location would physically safeguard the asset more effectively as it is further away from traffic, risk of collisions and salt spray.

There will need to be some mitigation to offset the harm agreed and secured by condition. This includes 2 conditions relating to an agreed set of conservation works by an approved specialist and the treatment of the asset in accordance with the Milestone Society publication Guidance on Conservation of Milestones & Other Waymark Feature in consultation with the local authority Conservation Officer. Subject to the required conditions the proposal is in compliance with Local Plan Policies HE1 and HE6.

Balancing Exercise/Conclusion

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.

Site Policy MU1 of the Local Plan sets out the requirement for the mixed-use allocation including the provision of on and off-site highways infrastructure works.

This assessment has considered the need for the proposal and existing highway conditions alongside other material considerations including residential amenity, visual impact, highway and pedestrian safety, flood risk, climate change and biodiversity.

The proposal seeks the provision of a new roundabout to provide the southern access to the MU1 site. If approved, the scheme, together the proposal for the northern roundabout (2020/0028) and previously approved Capitol Close development (2020/0040), will collectively deliver the necessary off-site highways mitigations required to unlock the MU1 site to help deliver identified development within the Local Plan period (1700 new homes, 43 hectares of employment land, a new primary school and supporting community infrastructure).

In addition to the benefits generated from helping to facilitate the wider benefits of the MU1 development, the proposal when considered as part of a wider package of improvements will also have the added benefits of diverting existing traffic away from existing routes and through MU1 in the long term thus reducing existing issues on the highway network. Given the extent to which the MU1 site will meet identified employment and housing need, the role the roundabout will play in opening it up and facilitating the “Claycliffe Link” attracts substantial weight when balancing the merits of the proposal.

In contrast, the short term negative visual and biodiversity impacts only attract limited weight, particularly given the proposals within the adopted Masterplan Framework which seek to enhance visual amenity and biodiversity, particularly through the creation of green infrastructure corridors within the MU1 site.

It is therefore considered that the proposal complies with Local and National Planning Policy and that the benefits of the proposal clearly outweigh the identified harm.

Recommendation

Grant planning permission and Listed Building Consent subject to the following conditions:

2020/0027 (Planning permission)

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 following plans as approved unless required by any other conditions in this permission:-

- Location Plan- 9014 A1-100-P-004
- 9014-A1-100-P-003-D Engineering layout
- 9014-A1-100-P-001-D General Arrangement

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

3. No development shall take place, 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:

- Working times
- The parking of vehicles of site operatives and visitors
- Routing of and 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
- Measures to control mud and dust being transferred to the public highway
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction
- A Construction Environmental Management Plan (CEMP) to outline the mitigation to be put in place to ensure no impacts to biodiversity occur as a result of construction
- A Construction Traffic Management Plan including details of volumes and types of construction traffic, identification of delivery routes, identification of agreed access point, Contractors method for controlling construction traffic and adherence to routes, construction period, and temporary signage.

Reason: In the interests of highway safety, residential amenity, ecology and visual amenity, in accordance with Local Plan policies T4, BIO1, and Poll 1.

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

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

5. Prior to any works commencing on site full detailed highway engineering, drainage, street lighting and signing / lining details shall be submitted to and approved in writing by the LPA. The works shall subsequently be constructed in accordance with the approved details and timescales.
Reason: In interests of highway safety, in accordance with Local Plan Policy T4.
6. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the implementation of a Traffic Regulation Order to cover the proposed change of speed limit as indicated in the approved Transport Assessment. has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.
7. No works shall commence until a programme of works and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.
Reason: In the interest of highway safety, in accordance with Local Plan policy T4.
8. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details
Reason: In the interests of land stability in accordance with Local Plan Policy CL1.
9. Upon commencement of development, full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees; 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.
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.
10. 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. This shall also include details on the following:
 - A scheme for the provision and implementation of a surface water run-off limitation into the watercourse.
 - A scheme showing surface water run-off from hardstanding (equal to r greater than 800 metres and/or communal car parking area(s) of more than 50 spaces to be passed through an oil, petrol, and grit interceptor/separator or another adequate design

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.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC1.

11. Upon commencement of development details of a scheme of biodiversity enhancement measures, 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: In the interests of biodiversity in accordance with BIO1.

12. No development shall commence until an agreed set of conservation works by a professional specialist conservation laboratory / contractor has been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. Treatment of the asset should be in accordance with the Milestone Society publication Guidance on Conservation of Milestones & Other Waymark Feature and in consultation with the local authority Conservation Officer – specifically sections 5 / 6 of the attached guidance.

Reason: To ensure the protection of historic assets in accordance with HE1.

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 others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1.

14. 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, with the exception of any specific works which shall be agreed in advance in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

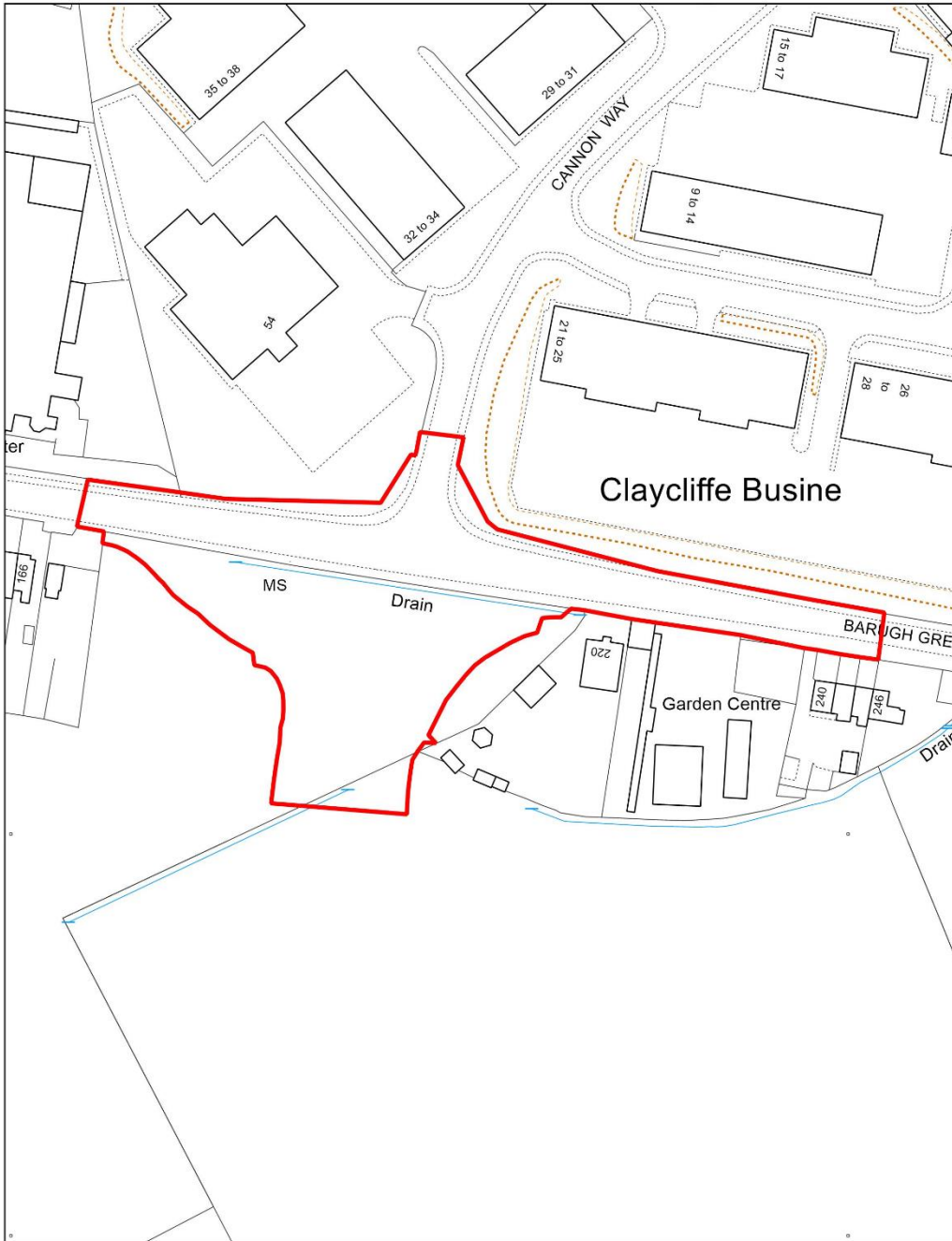
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

2019/1567 (Listed Building Consent)

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In accordance with Section 18 of the Listed Buildings Act 1990, as amended S51(4) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out strictly in accordance with the following plans as approved unless required by any other conditions in this permission:-
 - Location Plan- 9014 A1-100-P-004
 - 9014-A1-100-P-003-D Engineering layout
 - 9014-A1-100-P-001-D General Arrangement**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3. No development shall commence until an agreed set of conservation works by a professional specialist conservation laboratory / contractor has been submitted to and approved in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. Treatment of the asset should be in accordance with the Milestone Society publication Guidance on Conservation of Milestones & Other Waymark Feature and in consultation with the local authority Conservation Officer – specifically sections 5 / 6 of the attached guidance.
Reason: To ensure the protection of historic assets in accordance with HE1.



Item 4

2020/0028

Applicant: Pegasus Group

Description: Highways Infrastructure Proposal at Higham Common Road.

Site Address: Land at Higham Common Road, Higham, Barnsley

50 comments have been received in total for both consultation periods. This included 8 comments and 42 objections.

Site Description

The site is 1.21 hectares in area and proposes a new roundabout junction on Higham Common Road that will provide access into the Local Plan allocation, MU1. Existing residential development is located on Higham Common Road to the west and on Hermit Lane to the north. The existing land use includes highway and agricultural land.

Higham Common Road is a single carriageway road linking Barugh Green crossroad, in the north with Capitol Park and the A628 Whinby Road in the south. The settlement of Higham is located to the north of the site. Where the road runs alongside the south western boundary of the site, the speed limit is 30 mph and a bus turning circle is present.

Proposed Development

The primary role of the development is to help facilitate access to the MU1 development site and deliver highway capacity benefits to serve wider Local Plan growth.

The proposal comprises a five-arm roundabout on Higham Common Road, which provides access to the MU1 site together with an arm dedicated to the properties, west of Higham Common Road. A turning head is proposed to allow refuse vehicles to serve the properties and manoeuvre out safely. Pedestrian crossing locations are provided along each arm of the roundabout, with pedestrian crossing islands located on every approach.

The location and design of the roundabout has been amended from the original submission in order to address concerns from the Council's highways officers. Highway safety concerns were raised with the previous proposal that potentially affected the operation of the roundabout making it less safe for all users. The roundabout is now located further north east of the previous proposals, and this is illustrated on the submitted plan: Red boundary old and new. The revised design was subject to a further 21-day consultation period where all previous consultees were notified. During this time, consultees together with the wider public received the opportunity to submit additional comments on the proposal. This report considers the issues raised by consultees within both consultation periods.

One further current planning application is of relevance; 2020/0027 and listed building consent 2019/1567 which is a proposal for the northern roundabout into the MU1 site from Barugh Green Road, including relocation of a listed milepost. Those are presented to Planning Regulatory Board in a separate report that covers both items.

Relevant Planning History

The only previous planning application of relevance is reference 2020/0040 relating to highways works to create a roundabout connecting Higham Lane and Capitol Close that is part of the off-site highway improvements required to provide satisfactory access to the MU1 site.

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 statutory development plan for the borough. The Council has also adopted a series of Supplementary Planning Documents which are also material considerations together with the adopted MU1/Barnsley West Masterplan Framework.

Local Plan Allocation – Mixed Use Allocation (MU1), Urban Fabric

Relevant Local Plan Policies are:

SD1 Presumption in favour of Sustainable Development
GD1 General Development
LG2 The Location of Growth
GB1 Protection of Green Belt
E1 Providing Strategic Employment Locations
E2 The Distribution of New Employment Sites
E7 Promoting Tourism and encouraging Cultural Provision
H1 The Number of New Homes to be Built
H2 The Distribution of New Homes
T1 Accessibility Priorities
T3 New Development and Sustainable Travel
T4 New development and Transport Safety
T5 Reducing the Impact of Road Travel
D1 High Quality Design and Place Making
LC1 Landscape Character
HE1 Historic Environment
HE3 Developments affecting Historic Buildings
HE6 Archaeology
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC2 Sustainable Design & Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SUDS)
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
AQ1 Development in Air Quality Management Areas
UT2 Utilities Safeguarding
Site MU1 Land South of Barugh Green Road

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 without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The most relevant paragraphs are as follows:-

8 – The 3 overarching aims of the planning system are economic, social and environmental objectives in order to deliver sustainable development.

11 – The presumption in favour of sustainable development.

12 - Presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

38. Local planning authorities should approach decisions on proposed development in a positive and creative way.

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible.

80. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

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

102. Transport issues should be considered from the earliest stages of plan-making and development proposals.

108. In assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

124 & 127. Achieving well-designed places

146. Provides a list of forms of development that are not considered inappropriate in the Green Belt provided they preserve its openness and do not conflict with the

purposes of including land within it. This includes c) local transport infrastructure which can demonstrate a requirement for a Green Belt location.

175. Habitats and Biodiversity

178. Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

180. Decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

181. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Consultations

Responses have been received from the following consultees:

Air Quality – Does not object to the application on operational air quality grounds.

Biodiversity – No objection subject to the imposition of a condition requiring the submission of a landscape plan.

Highways England- No objections

Coal Authority – No objections subject to a condition requiring intrusive investigation work to inform any mitigation works which would be necessary.

Drainage – No objections subject to a condition requiring approval of a drainage scheme to ensure that surface water run-off is discharged into a local watercourse of the public sewer network at a restricted rate.

Highways – Support the proposal subject to the imposition of necessary conditions and informatives.

Regulatory Services – No objection. Comments on the noise implications of the proposal. These comments are covered in the section on residential amenity.

Tree Officer – No objection from an arboricultural perspective subject to condition requiring the submission of detailed landscaping scheme.

South Yorkshire Mining Advisory Service – Are content that the Coal Mining Risk Assessment identifies that mining legacy issues are likely to affect the proposals and request a condition requiring an intrusive site investigation

PROW- No objections have been received.

Yorkshire Water – No objections subject to the imposition of a condition requiring the approval of a detailed drainage scheme prior to the commencement of development. Information shall need to include evidence that no discharge to a watercourse is possible prior to them accepting flows into the public sewerage system.

South Yorkshire Archaeological Service-No objections subject to the imposition of condition requiring the submission of a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and a further condition requiring the demonstration of compliance with the WSI prior to the development being brought into use.

Enterprising Barnsley-Supports the proposal.

Representations

The application was advertised by neighbour notification letters, press and site notices.

Following the submission of a revised red line boundary and design, a further notification was issued providing opportunity for additional comments.

50 comments were received in total for both consultation periods. This included 8 comments and 42 objections.

No supportive responses have been received from residents however one individual did express gratitude in recognition that the revised design and location had taken account of previous concerns raised by residents.

Cllr Wright submitted comments stating the importance of ensuring that the proposed roundabout position is considered in terms of proximity to existing residents. This follows concerns raised by residents including requests to relocate the roundabout further into the development site. He also raised concern in relation to the noise and air quality impact of the scheme for existing residents.

Cllr Fielding wrote to seek clarification on several technical matters and raised concerns around the validity and robustness of technical assessments including noise, air quality impact, rights of way, contamination, drainage and impact on trees and hedgerows. Furthermore, he considers that insufficient justification has been provided on the rationale for the location of the roundabout and why it cannot be located further from the existing residential properties. In addition, Councillor Fielding initially raised concerns around the proposed access/egress to the terraced properties on Higham Common Road; however feels that this concern has been addressed in the revised design.

Yorkshire Wildlife Trust has written to request a condition relating to a Construction Environmental Management Plan (CEMP) and a Detailed Landscape/Ecological Management Plan (LEMP) should permission be granted. They also raised concerns around potential piecemeal development in terms of separating the highways schemes from wider MU1 proposals.

Objections received can be summarised under the following themes:-

Visual impact

- Loss of amenity
- Loss of outlook

- Light pollution

Harm to living conditions of existing properties

- Noise impact and inadequacy of submitted report
- Air Quality impact
- Loss of privacy
- Blight on residential properties
- Loss of amenity/outlook
- Impact during construction
- Additional traffic through Higham
- Proximity and scale adjacent to residential properties
- Health impact

Highways safety

- Additional traffic generated from wider MU1 development/traffic impact in advance of link road opening.
- Number of roundabouts that HGV's will have to negotiate
- Increased number of HGV's on Higham Lane.
- Southern end of Higham Lane is restricted in terms of space for enlargement-weight restriction is required
- Increased congestion in vicinity including Barugh Green Road, Higham Lane and Chestnut Tree roundabout
- Safety risks to pedestrians
- Long term impact of traffic diversions when link road operational
- Structural Condition of M1 Motorway bridge.
- Structural condition of existing road
- Impact on existing resident parking

Overdevelopment/future development concerns/link to the Local Plan

- Principle of MU1 development
- Impact of the MU1 development on existing infrastructure such as GP surgeries

Others:-

- Neighbour notification too localised and timescales for response too short
- Validity of procedures relating to the reconsult.
- Scale of plans difficult to understand
- More detail required at this stage-unsatisfactory to defer to later stages.
- Loss of privacy
- Climate change impact
- Ground investigation should be undertaken prior to determination
- Length and complexity of documents submitted prohibitive for residents
- Loss of hedgerows/ecological impact
- Drainage concerns
- Concerns SCRIF funding driving timescales for planning applications
- Loss of agricultural land
- Relocation of listed milestone
- Lack of evidence presented in relation to ground contamination
- Potential impacts on PROW
- Considers that political and financial ambitions are dictating the planning agenda
- Unclear function of link road-whether strategic or not.

- Topography
- Lack of detail on phasing/project timescales
- Visual impact of required acoustic fencing
- Disruption to business operation
- Loss of trees
- Inadequate technical reports that do not consider the full impact of site MU1.
- Timings of planning application and transparency of documentation.
- Difficult to understand how earlier objections have been dealt with
- Lack of evidence justifying proposed location of roundabout.
- Availability of part 1 claims to sound-proof.
- No access retained to land at apex of Higham Common Road and Hermit Lane.
- Unclear responsibilities in relation to construction/contract management

It should be noted that a number of respondents provided a collective response for 2020/0027, 2020/0028 & 2020/0040 and as such there is overlap in the reasons for objection, some of which are not considered applicable to this proposal.

In addition to points of objection, one comment was received stating that it is positive to see previous comments about the positioning of roundabouts in relation to existing properties has been acknowledged and addressed. In addition, the representation supported the removal of the bus turning head and considers that improved access is provided for the adjoining properties on Higham Common Road and that the refuse turning area is a good addition.

Assessment

The Need for the Proposal

The application proposes a new five armed roundabout on Higham Common Road, to the South of Hermit Lane.

The case in support of the development is one based around the need to facilitate access into the mixed-use allocation, MU1 (Barnsley West). Together with planning application 2020/0027 which seek to deliver the northern roundabout to serve the site, the schemes collectively seek to deliver the necessary off site highways infrastructure works to facilitate the access to the development site, taking account of the future growth anticipated relating to site MU1 and wider Local Plan related growth. In accordance with Local Plan Policy LG1 and the adopted Spatial Strategy, Urban Barnsley is expected to accommodate a significant amount of the borough's growth in relation to employment (22%) and housing (43%). Site MU1 will deliver 43 hectares of the 64.6 hectares allocated in Urban Barnsley together with 1700 of the 9070 homes.

The roundabout schemes, together with the provision of the link road will lead to traffic reassignment when the link road is operational. For residents in the local area this will lead to a welcomed reduction in HGV movement on Higham Lane in the long run.

Highways Assessment

The proposal seeks to construct a five-arm priority roundabout junction on Higham Common Road. Two stub arms are initially proposed to enable a future connection into the development of the MU1 allocation. This application has been amended

following a change to the original layout. This was in response to previous highways concerns over the proposed vehicular access for the existing adjacent properties that front Higham Common Road. The revised layout now proposes a minor arm to the west that would directly link to a new roundabout junction and provide appropriate access to the nearby properties.

Transport Assessment

It is accepted that this application does not propose any development and is seeking approval for highways infrastructure only. Nonetheless, to ensure that the roundabout would be for purpose given its future role on the highway network, a Transport Assessment has been provided and assessed by officers in Highways.

The Assessment incorporates appropriate TEMPRO traffic growth figures consistent with those agreed and used in other localised traffic assessments. Committed development also largely reflects what was agreed at the scoping stage with Highway Officers and Highways England.

The trip rates provided in the TA for Phase 1 of MU1 to inform the interim year assessments are consistent with rates agreed at scoping and those used in other applications. The use of the Barnsley Transport model to determine indicative network redistributions as a result of future development/link road construction scenarios is also deemed acceptable.

The selection of scenarios tested the junction proposals for both a worst-case interim year without a link road and a 2033 future year with link road and full growth/development. The results in the TA show that the proposed junction would continue to operate within required capacity limits in the worst-case future year.

Having regard to all of the above, the Transport Assessment is deemed acceptable by Highways. Accordingly, whilst the proposal is for highway infrastructure only, it is considered that a sufficient assessment has been undertaken to demonstrate that the roundabout will have sufficient capacity given its ultimate intended use.

Highway Safety

The application proposes a roundabout design based around a 30mph Design Speed. The design achieves substantial compliance with the Design Manual for Roads and Bridges as is required by current adopted local policy guidance provided in the sustainable transport SPD. It is noted that the proposed design is subject to a small number of 'relaxations from standard', hence a stage 1 Road Safety Audit (RSA) has been undertaken. A number of items were raised within the RSA and have led the applicant/designer to produce a designer's response statement. The justification and reasoning of proposed relaxations within the design has been carefully considered and are deemed acceptable by the Highway Authority, who consider this amended proposal to be a significant improvement compared with the original submission.

Following internal review of the proposals it is felt necessary to recommend an appropriately worded planning condition to ensure that some areas of visibility are protected by means of appropriate surfacing to areas currently identified as highway verge, particularly to the visibility splay to the south from the minor residential arm.

Other Highway Matters

The revised layout includes removal of the current bus turning area near Hermit Lane. Given the principles of introducing a roundabout at this location, the future requirements of an area for buses to turn is removed. The removal of the bus turning facility is proposed for reasons of road safety and to facilitate an appropriate geometric alignment of the junction. South Yorkshire Passenger Transport Executive have been formally consulted on the planning application and have not returned any objection.

The design proposes a new shared use footway of 3.0m width along the immediate key approaches of the junction, with appropriate tie-ins to existing infrastructure outside of the main design elements. Pedestrian crossing points are provided either across entry/exit arms or within close proximity to the junction itself. Given expected future desire lines of pedestrian and cycle traffic, the proposals are considered acceptable in principle subject to a planning condition to reflect the need for additional shared use provision (3.0m min width) along the southern kerblineline of the north west arm, passing the proposed bus layby.

Highway Assessment Conclusion

The submitted Transport Assessment provides a robust analysis of projected future traffic growth including the completion of the link road and totality of the MU1 development and committed development, together with the expected traffic reassignment expected upon completion of the link road. In addition, the proposal is considered acceptable taking into account highway and pedestrian safety.

Taking into account all of the above in addition to other issues raised in the representations, it is considered that in respect of highway and pedestrian safety, accessibility to public transport and the needs of pedestrians and cyclists, the proposal complies with Local Plan Policies T3 and T4.

Impact on Residential Amenity

Noise

A noise assessment has been submitted and Regulatory Services have confirmed that they are satisfied with the methodology and scenarios used together with the identification of impacts. As the scheme will support access improvements to enable the delivery of site MU1, the submitted report provides an analysis of the future noise impact of both the link road and completed MU1 development.

The assessment identifies a moderate short-term change at 29 Hermit Lane that results in a significant effect on this property in accordance with DMRB standards. Whilst it is acknowledged that this impact is a result of the anticipated delivery of the link road rather than the roundabout schemes submitted, as a Local Planning Authority we need to ensure that any future anticipated impacts are adequately mitigated and provide elected members and residents with the reassurance that residential amenity will be protected. Whilst outside of the scope of the current application, additional plans and supporting information were requested including a plan showing the proposed alignment of the link road together with a cross section showing the proposed noise mitigations that would be sufficient to reduce the noise impact by 1Db in accordance with the requirements. A cross section was submitted showing a 1 metre high stone wall and landscaping to the

satisfaction of officers. This can be secured as part of a future planning application relating to site MU1 and the link road.

Regulatory Services confirmed that they had no further comments following the consult and were satisfied that the revised location did not result in additional impacts over and above what was raised in the initial report submission.

Whilst the report identifies a future noise impact, this is not as a result of the proposed scheme and cannot be mitigated within the current proposal. Future assessments will be required in support of any planning applications for site MU1 and any necessary mitigations secured at that point.

The proposal is therefore considered acceptable and in compliance with Local Plan Policy Poll1.

Air Quality

No exceedance of air quality standards is predicted as a consequence of the scheme. On this basis, Regulatory Services do not object to construction of the roundabout on operational phase air quality grounds, taking into its proposed location and layout. The proposal therefore complies with Local Plan Policy Poll1.

Visual Impact

The proposal incorporates the construction of a new roundabout connecting the existing highway and providing access to the MU1 allocation. It is expected that there will be a moderate visual impact on the residents of Higham Common Road and Hermit Lane which overlooks the scheme, however the benefits of the scheme are considered to outweigh the impact. A condition is proposed to request the submission of a landscaping scheme that could assist in improving the visual impact of the proposal.

It is acknowledged that whilst the scheme will lead to the removal of a small area of trees and hedgerow, mitigation will be secured through a proposed condition requiring the submission of a detailed landscaping scheme that secures the necessary mitigation to offset this loss. The Tree Officer is satisfied that with this approach and has suggested an appropriate condition to satisfy the requirement to mitigate.

Flood Risk and Drainage

The application is supported by a Drainage and Flood Risk Assessment.

Consultation responses have been received from the council's Drainage Engineer and Yorkshire Water which require conditions to be imposed requiring a surface water management system so as to prevent an increase in flood risk off the site, together with further details on proposed arrangements for the discharge of foul and surface water.

Subject to the inclusion the suggested conditions, the proposal therefore complies with Local Plan policies CC3 and CC4.

Climate Change

Local Plan policies CC1 and CC2 seek to reduce the causes of and adapt to the future impact of climate change. The proposal is a standalone piece of infrastructure, but which is intended to create access to the MU1 site as well as a new multi-user link road. Given highway construction standards it is not considered technically feasible to incorporate different materials, but full provision is made for active travel (pedestrians and cyclists). The proposal is also consistent with the Hoyland West Masterplan Framework which includes site specific strategy for sustainable urban drainage and green infrastructure on a sustainably located site within Urban Barnsley.

Mining Legacy

A coal mining risk assessment has been included in the supporting documentation which identifies the mining legacy issues likely to affect the proposals and makes appropriate recommendations for further Phase II works to investigate ground conditions. It also provides guidance as to what potential mitigation measures will be required to ensure safe development. The Coal Authority and SYMAS have responded to the consultation confirming that they are satisfied with the approach taken to date but that if planning permission were to be granted they require the imposition of a condition securing intrusive site investigations. This would inform any mitigation measures which would be necessary to ensure that the development is not affected by any land instability issues. Again, the imposition of this condition would ensure the proposal complies with policy CL1.

Biodiversity

A preliminary ecological survey has been undertaken to support the submission and provides recommendations for ecological mitigations and enhancements that can be secured through the imposition of a condition to the satisfaction of the council's Biodiversity Officer. The proposal is therefore in accordance with Local Plan Policy BIO1 Biodiversity.

Historic Environment/Archaeology

South Yorkshire Archaeology have been consulted on the scheme and do not object to the proposal subject to the imposition of a condition requiring the submission of a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and a further condition requiring the demonstration of compliance with the WSI prior to the development being brought into use. The required condition will ensure that the scheme is in compliance with Local Plan Policy HE6 Archaeology.

Balancing Exercise/Conclusion

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.

Site Policy MU1 of the Local Plan sets out the requirement for the mixed-use allocation including the provision of on and off-site highways infrastructure works.

This assessment has considered the need for the proposal and existing highway conditions alongside other material considerations including residential amenity,

visual impact, highway and pedestrian safety, flood risk, climate change and biodiversity.

The proposal seeks the provision of a new roundabout to provide the southern access to the MU1 site. If approved, the scheme, together the proposal for the northern roundabout (2020/0027) and previously approved Capitol Close scheme (2020/0040), will collectively deliver the necessary off-site highways mitigations required to unlock the MU1 site to help deliver identified development within the Local Plan period (1700 new homes, 43 hectares of employment land, a new primary school and supporting community infrastructure).

In addition to the benefits generated from helping to facilitate the wider benefits of the MU1 development, the proposal when considered as part of a wider package of improvements will also have the added benefits of diverting existing traffic away from existing routes and through MU1 in the long term thus reducing existing issues on the highway network. Given the extent to which the MU1 site will meet identified employment and housing need, the role the roundabout will play in opening it up and facilitating the "Claycliffe Link" attracts substantial weight when balancing the merits of the proposal.

In contrast, the short term negative visual and biodiversity impacts only attract limited weight, particularly given the proposals within the adopted Masterplan Framework which seek to enhance visual amenity and biodiversity, particularly through the creation of green infrastructure corridors within the MU1 site.

It is therefore considered that the proposal complies with Local and National Planning Policy and that the benefits of the proposal clearly outweigh the identified harm.

Recommendation

Grant planning permission subject to the following 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 following plans and specifications as approved unless required by any other conditions in this permission:
 - Location Plan- 9014 A2-100-P-004 D
 - Engineering layout- 9014 A2-100-P-003 E
 - General Arrangement- 9014 A2-100-P-001 D
 - Cut and Fill- 4848 - JPG - SW - 00 - DR - C - 1602 P02**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**
3. No development shall take place, 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:
 - Working times
 - The parking of vehicles of site operatives and visitors

- Routing of and 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
- Measures to control mud and dust being transferred to the public highway
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction
- A Construction Environmental Management Plan (CEMP) to outline the mitigation to be put in place to ensure no impacts to biodiversity occur as a result of construction
- A Construction Traffic Management Plan including details of volumes and types of construction traffic, identification of delivery routes, identification of agreed access point, Contractors method for controlling construction traffic and adherence to routes, construction period, and temporary signage.

Reason: In the interests of highway safety, residential amenity, ecology and visual amenity, in accordance with Local Plan policies T4, BIO1, and Poll 1.

4. 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 submitted to and agreed in writing by the Local Planning Authority.

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

5. Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the implementation of a Traffic Regulation Order to cover the proposed restrictions as indicated in the approved Transport Assessment. has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.

6. No works shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

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

7. Notwithstanding submitted details, prior to any works commencing on-site revised design details shall include for the installation/continuation of a 3m wide shared user footway/cycleway along the southern side of the north west (Higham Common Road) arm, details shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall

be implemented in accordance with the approved details and the phasing scheme as set out in the relevant condition above.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

8. Prior to any works commencing on site full detailed highway engineering, drainage, street lighting and signing / lining details shall be submitted to and approved in writing by the Local Planning Authority. The works shall subsequently be constructed in accordance with the approved details.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

9. Upon commencement of development details of a scheme of biodiversity enhancement measures, 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: In the interests of biodiversity in accordance with BIO1.

10. No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Where the findings of the intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to and approved in writing by the Local Planning Authority and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason: In the interests of land stability in accordance with Local Plan Policy CL1.

11. 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.

12. Upon commencement of development, full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees; 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.

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.

13. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken. The development shall be carried out in accordance with the approved details.

Reason: In the interest of public health and maintaining the public water supply in accordance with Local Plan Policy CC1.

14. 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. This shall also include details on the following:
- A scheme for the provision and implementation of a surface water run-off limitation into the watercourse.
 - A scheme showing surface water run-off from hardstanding (equal to or greater than 800 metres and/or communal car parking area(s) of more than 50 spaces to be passed through an oil, petrol, and grit interceptor/separator or another adequate design

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.

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC1.

15. 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 completion of the development; 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 others of similar size and species.

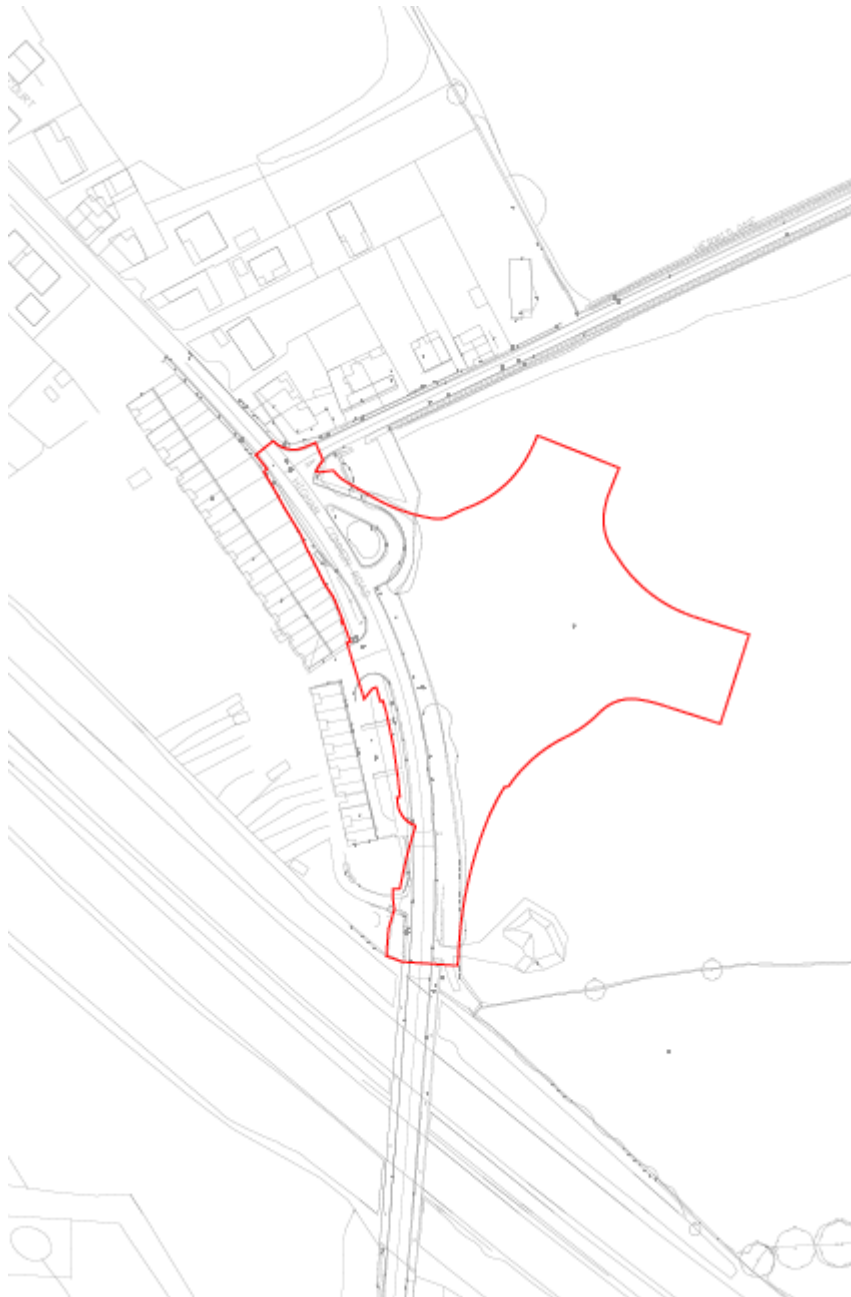
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1.

16. 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, with the exception of any specific works which shall be agreed in advance in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

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.

PA Reference:-

2020/0028



2019/0991

Applicant: Mr Anthony Lidster

Description: Demolition of former care home, existing farmhouse and farm buildings and erection of residential development of up to 82no. dwellings (outline with all matters reserved apart from means of access)

Site Address: Former Belmont Care Home and adjacent farmland between Garden Close and Back Lane, Monk Bretton, Barnsley, S71 2DY.

14no. objections received from local residents. The recommendation is the subject of a proposed S106 Agreement.

Site Description

The site measures approximately 1.81 hectares and is divided into two distinct parts, the former Belmont Care Home to the West and Garden House Farm to the East. The two are separated by an unadopted road between Back Lane and Garden House Close. This road serves Walker Terrace, a row of 6no. terrace properties located centrally in the site. The site is a Housing Allocation in the Local Plan (site ref HS14).

Belmont Care home consists of a main 2 storey pitched roof building with single storey, flat roofed extensions. It has been vacant for a number of years and has been subject to vandalism and fire damage.

Garden House farm consists of a stone farm building and a number of outbuildings. There are large areas of land mainly laid to grass to the East of the farm and hedges around the boundary of the site.

The site has boundaries with the highway on Garden House Close to the North West and Back Lane to the South West. Back Lane becomes a footpath and continues to the East where it returns to a highway, connecting to Well Lane.

Existing housing borders the site on all four sides. There is an area of Green Space (allotment land) to the North East of the site to the rear of dwellings on Well Lane. The local housing stock predominantly consists of bungalows and 2 storey semi detached and terraced dwellings of differing sizes, styles and ages.

Proposed Development

The applicant seeks Outline permission, with all matters except access reserved, for a residential development of upto 82no dwellings. An indicative plan has been provided alongside the application demonstrating a possible layout, however, it is the intention to consider the appearance, layout, scale and landscaping of the development at reserved matters stage.

The indicative plan is for illustration purposes only and would not form part of any approval.

A separate plan has been supplied showing the proposed 2no. access points which are under consideration as part of this application.

History

The former Belmont Care Home has been vacant for a number of years and has been subject to vandalism and numerous fires. Given the state of the building and safety concerns and Enforcement notice has been served on the owners to demolish the building. Part of this application relates to the demolition in order to comply with the enforcement notice.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents.

The site is allocated as a Housing Allocation (HS14) within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H6 Housing Mix and Efficient Use of Land

Policy HS14 Garden House Farm, Garden House

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 GS1 Green Space

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's/PAN's

The SPD's/PAN's are currently being updated due to the adoption of the Local Plan with some already out to consultation. Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Financial Contributions for Schools
- Tree & Hedgerows
- Open space provision on new Housing Developments
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations
- Sustainable travel SPD

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

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

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

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

Consultations

Yorkshire Water – No objections

Regulatory Services – No objection subject to conditions.

Highways – No objections subject to conditions including one that requires the minimum visibility standards to be achieved.

Education – Require contributions for primary and secondary school places.

SYMAS – No objections

Contaminated Land Officer – No objections subject to condition

Affordable Housing Officer – Request provision of 10% affordable housing.

Forestry Officer – No objections subject to conditions requiring the provision of additional arboricultural information at the reserved matters stage.

Biodiversity Officer – No objections subject to a condition requiring details of the proposed mitigation and enhancement measures being provided at the more detailed reserved matters stage.

Conservation Officer – No objections at the outline stage. Requested a Heritage Statement which was subsequently submitted. Would need consulting at the reserved matters stage.

Drainage – No objection subject to condition

Waste Management – No objections at this stage will comment further on reserved matters.

Broadband – No objections subject to conditions

Demolition – No objections subject to a condition requiring a method statement.

Representations

The application was advertised by individual notification letters and by press and site notices. As a result of the consultation process 14no. objections have been received. The main grounds of concern can be summarised as follows:-

- Increased pressure on highway network
- Reduced Highway Safety
- Increased on street parking
- Limited facilities within the immediate area for future residents
- Increased noise and disturbance
- Loss of privacy
- Impact on drainage system
- Impact on Monk Bretton as a whole

Assessment

Principle of Development

The site is allocated in the Local Plan for housing (HS14) with an indicative number of dwellings of 70. Sites are allocated for housing in accordance with policy H1 'The Number of New Homes to be Built' of the Local Plan. As such, residential development on the site is acceptable in principle subject to compliance with policies and guidelines.

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

Visual Amenity

Appearance, layout and scale are all reserved matters and not under consideration as part of this application. An indicative layout has been provided but that is purely for illustration purposes as the applicant does not intend to develop the site themselves, instead, they plan to demolish the buildings on the site and then sell it on to a developer, who would devise their own layout and design for consideration at the reserved matters stage. The indicative layout plan does at least demonstrate in a notional way that the anticipated yield of 70 dwellings could be feasibly delivered on the site as per the Local Plan site allocation policy.

Residential Amenity

As explained above, the application is at outline stage with only access under consideration, as such, the layout and scale of the scheme would be considered in detail under the reserved matters application.

However, the indicative plan does demonstrate that a scheme could be accommodated on the site while maintaining the separation distances requires as set out in SPD 'Design of Housing Development'.

Highway Safety

In accordance with Local Plan policy T4 new development is expected to be designed and built to provide safe, secure and convenient access for all road users, including undertaking any necessary off site mitigation or improvement works.

It is acknowledged that the majority of the objections relate to the increased number of vehicles and the current concerns with the highway network around the site. Access is to be considered under this outline application and as such the applicant has submitted a Transport Assessment and Travel plan alongside the application. It should also be noted that access was also taken into consideration at the Local Plan Stage when the site was proposed as a Housing Allocation. Furthermore, the site previously accommodated a residential care home and a farm as well as the 6no. terraced houses on Walkers Terrace.

The Transport Assessment has considered the predicted trips from the proposed development and assessed the junction capacities within the immediate area, the assessment concludes that the cumulative impact of the development is not severe and therefore should be supported, in accordance with NPPF guidance. Highways have been consulted on the application and have raised no objections subject to achieving minimum visibility requirements. The applicants have supplied plans demonstrating that the required visibility can be achieved. Highways also support the extension of the existing footway on Garden House Close along the whole frontage of the site and to the West of Lamb Lane up the point that it joins the footway on Cross Street, both of which would improve pedestrian safety in the area.

In addition the application is accompanied by a draft travel plan which explains how plan co-ordinator would be appointed in order to supply future residents with information on walking, cycling, bus, rail and promoting car sharing with a target set on reducing the number of single occupant journeys. That would need to be conditioned. Furthermore, the development would yield a sustainable travel contribution which is explained in the section of the report covering the proposed contents of the S106 Agreement.

Ecology

Site HS14 requires the development to '*retain and manage the scrub/grassland in the South-Eastern section of the site apart from the buildings part*'. However, the Biodiversity Officer has stated that the scrub/grassland in that part of the site is of low ecological value and also if a strip was retained in that section of the site it would be 'sandwiched' between the existing dwellings and proposed dwellings. Therefore, it would have limited value and would be difficult to maintain and could become a trap for rubbish and a dumping ground. As such, the applicant has agreed to the retention of a buffer strip of retained habitat on one of the edges of the site adjacent to the footpaths where it can be more accessible and easily maintained. This would need a suitable condition imposing to ensure that the proposals are shown as part of the future reserved matters.

Trees

The outline application is accompanied by an Arboricultural Impact Assessment dealing with the whole site, rather than just the access points applied for. This document is more relevant at reserved matters stage where it will influence the layout and scale of development.

The proposed access point from Garden House Close is in a similar position as the existing access point, as such, there are no trees in that location. The second proposed access point into the site from Page 45 is over an existing grass verge

where there are no significant trees. As such, the outline proposal in terms of the access points would not have a detrimental impact on the trees on the site and the overall layout and potential impact on existing trees will be considered at reserved matters stage.

Heritage

The site policy for HS14 states that future development proposals shall need to *'respect the historic setting of the Listed Buildings associated with Manor Farm immediately to the South West'* it goes on to state that *'archaeological remains are known/expected to be present on this site'*. Manor Farm includes 4no. grade II Listed Buildings and is separated from the application site by Cross Street.

A heritage statement has been prepared and submitted alongside the application. With regards to the designated assets it concludes *'The proposed development would sustain the significance of all identified designated heritage assets in the vicinity of the site, including Manor Farmhouse and its associated buildings. The demolition of Garden House Farm, parts of which are considered to be of local significance, is outweighed by the public benefits of the scheme including the provision of new housing and the redevelopment of Belmont care home'*.

With regards to archaeology the statement concludes *'The overall archaeological potential of the site is considered to be low, particularly for the prehistoric, Roman and medieval periods. There is likely to be some evidence of post-medieval and modern activity within the site, though it is expected to be of low significance. A programme of non-intrusive survey (followed by trial trenching if necessary) should be organised as a planning condition in the event of approval'*.

It should be noted that the site already accommodates development in the form of the care home, a row of terraced properties and Garden House Farm. The care home is located the closest to the heritage assets and is arguably detrimental to the visual amenity of the area, especially in its current state. Even if the care home was still operational and in a good state of repair, its design is of its time.

A well-designed scheme could be of benefit to the visual amenity of the area and maintain or improve the settings of the heritage assets. This will be assessed in detail at the reserved matters stage.

It should also be considered that the site has been allocated for housing under the Local Plan process. As such, the principle of the demolition of the existing buildings and development of a residential scheme is acceptable, subject to conditions regarding archaeology as recommended in the Heritage Statement.

The Council's Conservation Officer has stated *'The setting is of medium sensitivity mainly due to extremely close proximity (to Manor Farm). This site is very close to Manor Farm and its various other listed assets. However as existing, development on the proposal site does not contribute positively to the setting of the listed buildings. As a result, there is an opportunity for enhancement of the setting'*.

Other considerations

S106 policy provision requirements/viability

The applicant submitted a Viability Assessment by Bielby Associates which concluded that the development would be unviable if financial contributions were required. However, the Council had an independent Viability Assessor (CPV) interrogate the figures. In short, their conclusion was that the scheme could not provide the affordable housing provision, but could sustain all other required contributions. These will be explored below: -

Education

In accordance with SPD 'Financial Contributions to Schools' this development would generate a pupil yield of 17 primary and 12 secondary pupils. Both primary and secondary provision are now extremely stretched in this area; we have a number of 'bulge' year groups already working through primary schools and so accommodation is already at full capacity and there is a high level of development planned within this area already.

Secondary provision has already been assessed for future years with possible bulge groups being needed to alleviate pressures across this and the surrounding areas. Both this application and the high level of proposed development in the area, (taking into account ongoing development/applications 2019/0902 and 2019/0906) will have a significant impact on the educational provision within the area.

This development would, as it stands, therefore, generate the requirement for a contribution as follows:

Primary – 17 primary pupils totalling £272,000 (17x £16000)

Secondary – 12 pupils totalling £192,000 (12 x £16000)

A total contribution of £464,000 would be required.

However, as the application is at outline stage and is for up to 82 units, the contribution amount may change given the final numbers at reserved matters stage, as such, at this point the development will be subject to a S106 agreement requiring the development to comply with SPD 'Financial Contributions to Schools' on a formula basis.

Open Space

A minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses, in accordance with Local Plan Policy GS1 and SPD 'Open Space Provision on New Housing Developments. Where it is impossible to make such provision on land either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.

In this case there are already a large number of existing greenspaces located near to the site. Therefore, an off-site contribution to enhance one of those spaces is preferred in this case. The figure will need to be calculated at the reserved matters stage based upon the final number and mix of dwellings approved and using the formula in the relevant SPD. The S106 shall need to be worded accordingly.

Sustainable Travel

In accordance with the calculation set out in the Sustainable Travel SPD:-

(Number of residential units x person trip rate x £figure to be determined x reduction factor)

The development as it stands would be liable for a £61,500 contribution (82 x 10 x £100 -25% = £61,500). Again, as the application is at outline stage and the figure could be subject to change at reserved matters stage. Within the S106 agreement the development would be required to proceed in accordance with the calculations set out in SPD 'Sustainable Travel'.

Also, in accordance with the SPD, 1no. electric vehicle charging point will be required per dwelling, this again will be required through the S106 agreement and condition.

Affordable Housing

Policy H7 of the Local Plan seeks the provision of 10% affordable housing on developments of 15 or more dwellings in Monk Bretton. The policy goes on to state *'these percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable'*.

As explained at the start of this section, the applicants Viability Assessment has been independently assessed with the conclusion that the scheme cannot support affordable housing provision as it would render the scheme unviable. This position is reluctantly accepted taking into account that this is a previously developed site with increased costs due to demolition and remediation needs. Furthermore, the applicant was arguing the case for the National policy on vacant building credit to be applied which potentially allows for a financial credit to be applied that is equivalent to the existing gross floorspace of existing vacant buildings. This was shaping up to be something where both sides would have needed to have put forward their respective case to a Planning Inspector. However, the viability issue assumes greater weight due to policy H7 being worded to allow for a relaxation of the provision aims where the Council can establish that an applicant has a legitimate case. Our other S106 policy requirements are non-negotiable within the wording of the text and so there is no scope to look at a relaxation of any of the others. Housing delivery is another important material consideration, as is the re-development of the brownfield parts of the site. In the circumstances therefore Officers still feel able to support the application as the end result still falls within the parameters of the policy.

Conclusion

In summary the assessment has considered each of the various material planning considerations. The most important consideration is the Local Plan, which allocates the site for this form of development. Furthermore Paragraph 11 of the NPPF requires that applications which accord with an up to date development plan should be approved without delay.

The officer report has explained how the various individual considerations have been assessed including residential and visual amenity and highway safety. Due to this being an outline application with all matters reserved apart from means of access the future plans for the detailed design (layout and elevations) will be an assessment issue for the reserved matters stage. However indicative layout plan does at least demonstrate in a notional way that the anticipated yield of 70 dwellings, or possibly an even larger number could be feasibly delivered on the site as per the Local Plan site allocation policy and to meet the required separation standards.

Means of access has been assessed and is judged acceptable subject to conditions being in place to safeguard the required visibility splays and the footpath improvement works on Garden House Lane and Lamb Lane.

The assessment has also determined that the full policy contributions are required and can be supported in relation to primary and secondary school places, greenspace and sustainable travel. However, the independent assessment of the viability appraisal has regrettably determined that no affordable housing provision is viable. Housing delivery is another important material consideration, as is the re-development of the brownfield parts of the site. In the circumstances therefore Officers still feel able to support the application as the end result still falls within the parameters of the policy. As such the outline proposal is considered to accord with policies and guidelines and is recommended for approval accordingly.

Recommendation

Grant outline planning permission, subject to conditions and a S106 Agreement (Provision of commuted sums towards Primary and Secondary Places, off site Greenspace and Sustainable Travel in accordance with the relevant SPD's.

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 (with the exception of demolition, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) the layout of the proposed development.

(b) scale of building(s)

(c) the design and external appearance of the proposed development.

(d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3. The means of access arrangements for the development hereby approved shall be carried out strictly in accordance with the plans (Nos 17-D15-09-A & 17-D15-11) and specifications as approved unless required by any other conditions in this permission.

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

4. 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.

5. 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.

6. 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.

7. 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.
8. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
9. No development shall take place (with the exception of demolition, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) 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.**
10. 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.
11. 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.

12. 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.
13. No development shall take place (with the exception of demolition, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- 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.
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.
15. Prior to the construction of any of the dwellings approved by this permission above ground level, details for the provision of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. These EVCP's shall be installed in accordance with the approved details prior to first occupation of the development and retained thereafter available for that specific use in accordance with the approved details.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy T3 New Development and Sustainable Travel and Policy I1 Infrastructure and Planning Obligations of the Local Plan.
16. Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.

17. Prior to commencement of development (with the exception of demolition, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.
18. No development shall take place (with the exception of demolition, provision of construction facilities i.e.access onto the site, welfare facilities, car parking areas, vehicle turning, materials storage areas, compound set up, securing the site) until details of the maintenance and management plan of the sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- A timetable for its implementation, and
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- Reason: To ensure proper, sustainable drainage of the area.**
19. 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.
20. Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
21. Plans accompanying the reserved matters shall retain a 5m wide buffer strip of retained habitats on the northern and eastern boundary in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall be provided in full prior to completion of the development in accordance with the approved details and shall be retained thereafter.
Reason: In the interests of biodiversity and ecology, in accordance with Local Plan Policy BIO1.

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. All in curtilage planting, seeding or turfing 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'.

24. All out of curtilage planting, seeding or turfing 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.

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'.

25. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Provision of 2m wide footway to entire site frontage on Garden House Lane.

- Provision of 2m wide footway to entire site frontage on Lamb Lane

- Provision of/any necessary alterations to street lighting;

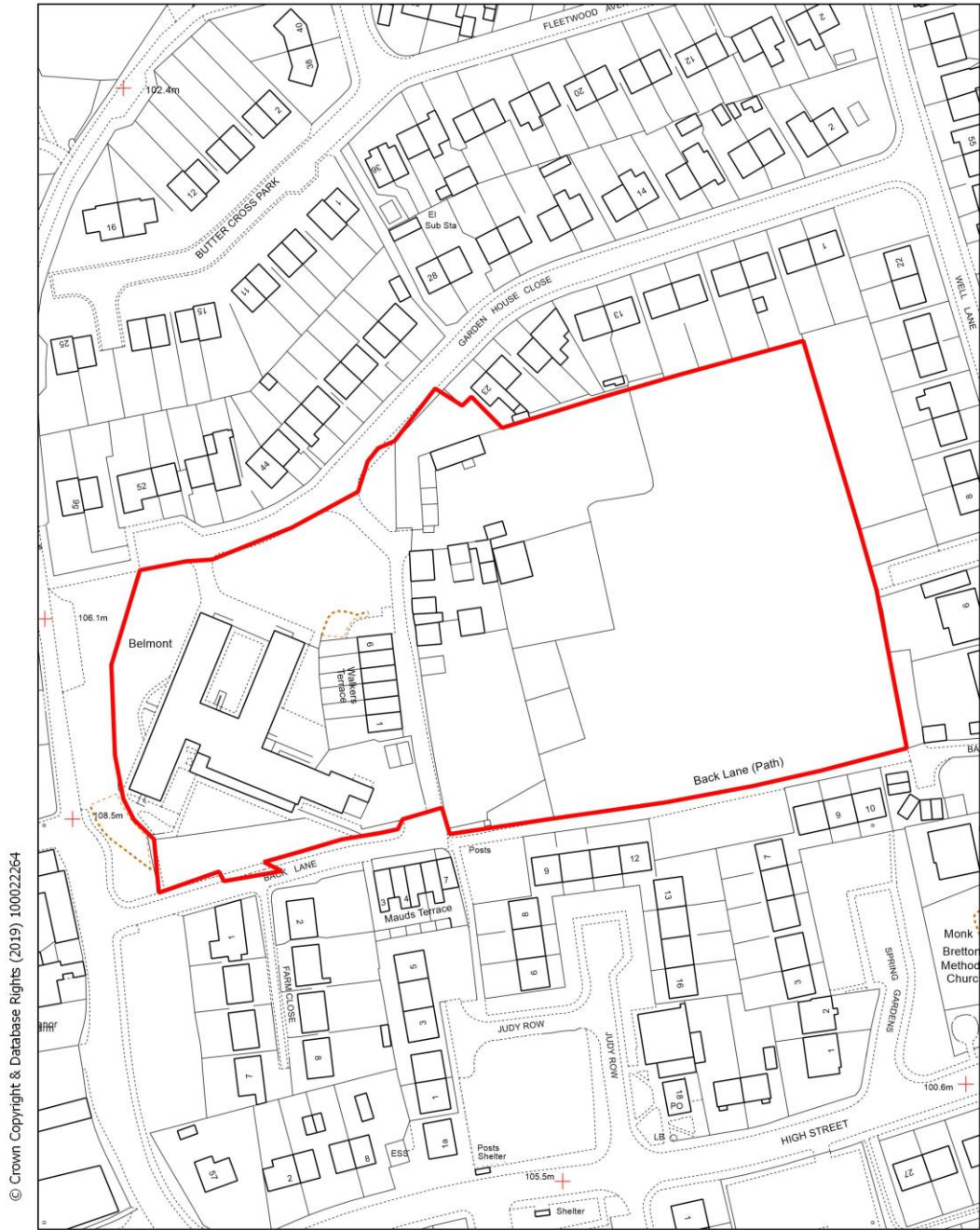
- Provision of/any necessary alterations to highway drainage;

- Construction/reconstruction/resurfacing of highway as necessary.
- Any necessary signing/lining.

The development shall be carried out in accordance with the approved details in accordance with a timetable agreed in writing by the Local Planning Authority prior to the commencement of development.

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

26. Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport.
27. The minimum driveway lengths to the front of garages shall be 6m or 5.5m for a garage with roller shutter door.
Reason: In order to provide adequate in curtilage parking and in accordance with Local Plan Policy T4, SPD 'Parking' and the South Yorkshire Residential Design Guide.
28. Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.



BARNSELY MBC - Regeneration & Property



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Item 6

Planning Enforcement Report to Planning Regulatory Board

Quarter 2 July 2020 – September 2020 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 2 Period of this reporting year 2020/2021 (July 2020 – September 2020). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

Overall number of Planning Enforcement service requests Quarter 2:

July 2020 74

August 2020 85

September 2020 89

Total number of requests for service Quarter 2 2020/21 **248**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 2 2020/2021	248	144	104

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.

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

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

Summary of Case Activity

(a) Issuing of Formal Notices (displayed in order of date issued)

Case Reference & Location	Breach of Planning Control	Details of Service/Appeal
2020\ENQ\00408 Land South West of The Walk, Hoyland, Barnsley, S70 6PN	Unauthorised undertaking of engineering operations including excavations by heavy plant and machinery and the formation of an access road	Temporary Stop Notice issued 12 th June 2020 (i) Cease the unauthorised works Effective 12 th June 2020 Status: Enforcement Notice under preparation to seek reinstatement of land to its previous condition.
2020\ENQ\00076 315 - 317 Dodworth Road (land to Rear of) Barnsley, S70 6PN	Unauthorised Development carried out within the last 10 years: The material change of use of land for the siting of caravans, motorhomes and a Mobile Home for human habitation, storage of associated vehicles, plant equipment and machinery, the use of outbuildings as ablutions to facilitate the habitants of the caravans	Enforcement Notice & Stop Notice issued 13 th July 2020 requiring: (i) Cease the residential occupation of the caravans and motorhomes for human habitation purposes and remove the caravans and motorhomes from the land; (ii) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land: (iii) Remove the associated equipment stored on the land, all vehicles, plant, equipment, machinery stored on the land Stop Notice Effective 16 th July 2020 Enforcement Notice Effective 14 th August 2020 Time Period for Compliance: Two Months (14 th October 2020) Status: The use has ceased, and all Caravans/motorhomes

		have been removed – Case Resolved.
2020\ENQ\00024 2 Derby Street, Barnsley, S70 6ER	Without planning permission: The change of use of land, including residential dwelling (C3), to a Guest House (C1) for the purposes of operating a 24 Hours Self Check in Boarding House Business.	Enforcement Notice issued 10 th August 2020 requiring: (i) Cease the commercial use of the residential dwelling and revert in its entirety to a C3 Larger Dwelling. Effective: 7 th September 2020. Time period for compliance One Month (7 th October 2020) Status: Site being monitored and officers working with Housing Licencing regarding the property
2020\ENQ\00473 Land at 2 - 44 Pleasant View Street, Smithies, Barnsley, S71 1QW	Without Planning: The material change of use of land for the siting of a static mobile home for human habitation and the carrying out of operational development comprising of the construction of hardstanding, walls to provide bays for the Mobile Home.	Enforcement Notice issued 10 th August 2020. (i) Cease the residential occupation of the Mobile Home for human habitation purposes and remove the Mobile Home from the land; (ii) Cease the residential occupation of the mobile home for human habitation purposes and remove the mobile home from the land: (iii) Remove all boundary walls, fencing and hardstanding to restore the land to its previous condition prior to the breach described in Paragraph 4 of the above. Effective: 8 th September 2020 Time Period for Compliance: One Month (8 th October 2020) Appeal Submitted

<p>2019\ENQ\00730</p> <p>31 Croft Close, Mapplewell, Barnsley, S75 6FN</p>	<p>Without planning permission; the erection of a single storey rear extension with a flat roof</p>	<p>Enforcement Notice issued 11th August 2020 Requiring:</p> <p>(i) Demolish the unauthorised breezeblock structure in its entirety, ensuring that the remaining land is restored to its original condition before the breach of planning control took place</p> <p>OR</p> <p>(ii) Modify the specification of the existing building ensuring that the height is not in excess of 2.5 metres and that the external walls are cladded with brick slips.</p> <p>Effective: 11th September 2020</p> <p>Time Period for Compliance: Two Months (11th November 2020)</p> <p>Status: No appeal received, given until end of November to comply.</p>
<p>2020\ENQ\00699</p> <p>GoLocalExtra, 220 Summer Lane, Wombwell, Barnsley, S73 8QH</p>	<p>Breach of Conditions 4 & 6 of planning permission 2019/0815</p> <p>(Deliveries and Access)</p>	<p>Breach of Condition Notice issued 21st August 2020</p> <p>(i) Ensure that the business co-ordinates its commercial deliveries strictly in accordance with the timings laid out in the Conditions of Planning documentation.</p> <p>(ii) Ensure that there are no vehicles parked on the Wombwell UD Path No2 – Public Right of Way at any time whatsoever</p> <p>Time period for compliance: 28 days</p> <p>Status: Notice Complied with – Case Resolved</p>

<p>2020\ENQ\00044</p> <p>4 Willow Bank, Barnsley, S75 1BN</p>	<p>Without planning permission: The change of use of land, including residential dwelling (C3), to a Sui Generis Commercial Holiday Let for the purposes of operating a 24 Hours Self Check in Boarding House Business</p>	<p>Enforcement Notice issued 25th August 2020 requiring:</p> <p>(i) Cease the commercial use of the residential dwelling and revert in its entirety to a C3 Larger Dwelling.</p> <p>Effective: 23rd September 2020.</p> <p>Time period for compliance One Month (23rd October 2020)</p> <p>Status: Investigations continuing as notice may have been breached, no appeal received.</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
<p>2019\ENQ\00077</p> <p>Land at, Former Belmont Centre, Cross Street. Monk Bretton. Barnsley. S71 2DY</p>	<p>i. Demolish any existing building on the land, disposing of all consequential demolition materials in an environmentally responsible manner.</p> <p>ii. Make safe any hazardous inspection chambers by replacing covers on the land.</p> <p>iii. Repair any existing boundary walls within the curtilage of the land and maintain any vegetation growth.</p>	<p>S215 Notice issued 18th February 2020</p> <p>Effective: 11th March 2020</p> <p>Time period for compliance two months. (11th May 2020).</p> <p>Status: Notice not complied with to date, a planning application is under consideration for the redevelopment of the site, which is for consideration at PRB November 2020.</p> <p>Landowner has been asked to provide a schedule and timescale of works for demolition</p>

<p>2019\ENQ\00611</p> <p>2,4,6,8 New Street Darfield, Barnsley, S73</p>	<p>Demolish the derelict buildings from the land and dispose of all materials</p>	<p>S215 Notice Served: 31st July 2019</p> <p>Effective: 31st August 2019</p> <p>Time Period for Compliance 3 months:</p> <p>Buildings now demolished flowing proposed Legal Action</p>
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(c) Legal action

Case Reference & Location	Case Details	Prosecution Status
<p>2020\ENQ\00202</p> <p>Worsbrough Wood, Worsbrough Road, Barnsley, S70</p>	<p>Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.</p>	<p>Further enforcement notices served in March 2020 in relation to the unauthorised use as site for storing a caravan for human habitation and associated development</p> <p>Start Letter received for joint Planning and Enforcement Appeal: 27th October 2020</p> <p>Injunctive action and works in default being actively pursued due to breach of the Stop Notice.</p>
<p>2018\ENQ\00689</p> <p>Land Off Sandybridge Lane, Shafton</p>	<p>Change of use of land for residential occupation of caravans and base for recovery business</p>	<p>Use now ceased due to proposed Legal Action</p>

(d) Enforcement Appeals

Case Reference & Location	Breach of Planning Control	Appeal Decision
2018\ENQ\00526 Cliffe Lane, Brierley, Barnsley, S72 9HR	Laying of Hardstanding's, walls and block paving for the formation of caravan bays. Enforcement Notice and Stop Notice issued 25 th January 2019	Start letter received 6 th May 2020 for the appeals process to begin. Appeal now at final comments stage, councils' statement of case and application for costs has been submitted. The procedure for this appeal is a Hearing with a future date to be arranged. The enforcement notice seeks the removal of the caravan bays, fencing, hardstanding and associated development seeking reinstatement of the land.
2020\ENQ\00143 Stairfoot Steel/Metals, Wombwell Lane, Stairfoot, Barnsley, S70 3NT	Without planning permission, the material change of use of land to a scrap metal storage and processing facility (Sui Generis). Enforcement Notice issued 27 th July 2020	Start Letter Received: 22 nd September Appeal statements submitted with Final Comments due by end of November The Enforcement Notice seeks the use to cease and all scrap/material removed from the site.
Land adjacent Junction 38 of M1/A637 Huddersfield Road, Haigh, Barnsley, S75 4DE	Change of use of vacant land to base for a highway contractor, road and maintenance depot. Enforcement Notice issued 20 th April 2018	Appeal Decision received 7 th November 2019. Appeal Dismissed. Time period for compliance amended from 1 month to 6 months by Planning Inspector. Enforcement Notice compliance required by 7 th May 2020. Status: 2-month extension

		requested to arrange removal of equipment and material on site due to Covid situation. Use has ceased and all items removed. Notice complied with
2019\ENQ\000547 South Grove House, Broad Street, Hoyland, Barnsley, S74 9DY	(i)Development has taken place pursuant to planning permission ref: 2018/0157 (Erection of detached double garage) (ii) Siting of storage container (iii) Erection of Hangar Enforcement Notices issued 29 th May 2020	Three Enforcement Notices issued requiring: (i)Demolition of building or compliance with approved plans (ii) Removal of storage container (iii) Removal of Hanger Building Status: Final comments stage end of October 2020, awaiting Appeal decisions to be issued.
2020\ENQ\00202 Land off Worsbrough Road (Wood), Worsbrough Barnsley, S70 5LN	Without planning permission: The material change of use of land for the siting of a caravan for human habitation, storage of horseboxes, vehicles, plant, equipment, machinery, the laying of hardstanding and erection of walls, fencing and boundary gates to facilitate the unauthorised use over a number of unauthorised vehicular crossings on woodland which is covered by Tree Preservation Orders. ('The Unauthorised Works').	Start Letter received for joint Planning and Enforcement Appeal: 27 th October 2020 The Enforcement Notice seeks the use to cease and removal of the items described on the Notice Status: Appeal Progressing
2019\ENQ\00472 7 Spa Well Grove, Brierley, Barnsley, S72 9LS	Without planning permission, the erection of a fence adjacent to the highway	Appeal Dismissed Decision Issued 16 th March 2020 Time period for compliance One Month (16 th April 2020) Requirements of Notice:

		<p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>(ii) Reduce the height of the existing fence panels (including gravel boards and pillars) that are affecting the neighbouring properties visibility as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>Period of compliance extended to 31st August 2020 due to Covid.</p> <p>Status: Pre-prosecution stage</p>
<p>2019\ENQ\00699</p> <p>69 Briton Street, Thurnscoe, Rotherham, S63 0HR</p>	<p>Without planning permission, the material change of use of the land to a mixed use as residential dwelling house and base for pet grooming, dog sitting & dog walking</p>	<p>Appeal Dismissed Decision Issued 15th September 2020</p> <p>Requirements of Notice:</p> <p>(i) Cease the unauthorised change of use relating to pet grooming, dog sitting & dog walking at the property and ensure that the only dogs present at the property are those registered to the occupants of the dwelling house. No further dogs should attend the premises for any grooming, sitting or dog walking purposes.</p> <p>Status: Notice complied with Case Resolved</p>
<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>Appeal Dismissed. Decision Issued 2nd April 2020.</p> <p>Time period for compliance 2 Months (2nd June 2020)</p> <p>Steps to be taken are:</p> <p>(i) Reinstate a</p>

		<p>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 and;</p> <p>(ii) Remove any related building materials from the land, including those that are obstructing the public footpath.</p> <p>Status: Works not yet undertaken, time period has now expired, pre-prosecution correspondence issued.</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 that increasing numbers of appeals have been moving through the system with several appeal decisions now received.

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 us to identify the 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/>

Conclusion

The ongoing Covid crisis has not had a material impact on the demand for the service which remains high despite disruption to building activities and development sites particularly in the first lockdown earlier in the year. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

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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Item 7

BARNSELY METROPOLITAN BOROUGH COUNCIL

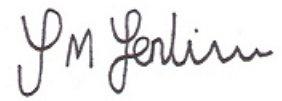
SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE PLANNING REGULATORY BOARD MEETING HELD ON 20th OCTOBER 2020

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2019/1392	<p>Removal of existing changing rooms building and storage shed and provision of replacement changing rooms building and new storage shed Higham Cricket Club, Royd Lane, Higham</p> <p>Summary of consultation comments received:-</p> <p>1. Comment supporting recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>To proceed delegated for approval in accordance with the officer recommendation and subject to the conditions set out in the officer report.</p>
2019/0577	<p>Demolition of vacant former hospital buildings and residential development of 70 no dwellings and associated works Mount Vernon Hospital, Mount Vernon Road, Worsborough</p> <p>Summary of consultation comments received:-</p> <p>1. Two comments received about the level of affordable housing and why it formed a monetary contribution and not on site provision</p> <p>Officer response – The scheme was subject to a viability assessment that was independently assessed. In order to pay the required education, public open space and sustainable travel contributions there would only be enough left for 3 affordable homes to ensure the scheme remained viable. Given the small number of affordable homes a monetary contribution in lieu of them being on site was agreed as acceptable in this instance.</p> <p>2. Comment received about ensuring any significant stones on the hospital building, e.g. date stones, would be able to be retrieved from demolished building and re-used where possible</p> <p>Officer response – The majority of the former hospital building materials (including any date stones) were removed from the site in 2019 when they were demolished as a form of permitted development. Officers made contact with the applicants to ask if any of the date stones had been saved back. Unfortunately the response was negative, but the plans do propose the retention of</p>	<p>To proceed to Virtual PRB for determination on 20th October 2020</p>

	<p>the historic high level stone wall on the roadside boundary with Mount Vernon Road.</p> <p>3. Comment received relating to a discrepancy in the number and type of homes quoted in the report</p> <p>Officer response – Error acknowledged and the number and type clarified in amended report that was sent out.</p>	
2020/0769	<p>Demolition of side extension and rear conservatory and erection of two-storey side extension, single-storey rear extension and formation of parking area 1 Eastfield Cottages, Hollin Moor Lane, Thurgoland</p> <p>Summary of consultation comments received:-</p> <p>1. Comment supporting recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and subject to the conditions set out in the officer report
2019/1537	<p>Redesign of existing car park and amenity area at Dunford Bridge Dunford Bridge Car Park, Brook Hill Lane, Dunford Bridge, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. Comment supporting recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p> <p>2. Comment raising no objections to the application</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and subject to the conditions set out in the officer report.
2020/0475	<p>Erection of 3no. commercial Units - Use Classes E(a) (Retail), E(b) (Professional Services) and E(g) (Offices) Land off Milton Road, Hoyland, Barnsley</p> <p>1. Comment supporting recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p> <p>2. Comment raising no objections to the application</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and subject to the conditions set out in the officer report.

Signed:

A handwritten signature in black ink, appearing to read 'J M Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control

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Item 8

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 to October to 31 October 2020

APPEALS RECEIVED

3 appeals were received in October 2020

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2020/0573	Erection of outbuilding for use as a Dog Grooming Parlour in rear garden 157 Wilthorpe Road, Redbrook, Barnsley, S75 1JQ	Written Reps	Delegated
2020/0354	Single storey extension to front and first floor extension to side 9 Haldane Close, Brierley, Barnsley, S72 9LL.	Written Reps	Delegated
2020/0382	Erection of dwelling with attached garage and formation of access. White House Farm, 2 Towngate, Thurlstone, Barnsley, S36 9RH	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in October 2020

APPEALS DECIDED

5 appeals were decided in October 2020

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2020/0270	Erection of detached garage/workshop (re-submission) 39 Mayfield, Oxspring, Barnsley, S36 8YN	Allowed 07/10/2020	Delegated
2020/0487	Erection of two storey extension to rear of dwelling 26 Harry Road, Gawber, Barnsley, S75 2PA	Dismissed 12/10/2020	Delegated
2020/0464	Attachment of insulation boarding to front of property, including front and sides of porch, and rendered an off white colour. 9 Windermere Road, Penistone, Barnsley, S36 8HL	Dismissed 13/10/2020	Delegated
2019/1136	Residential development of 4 no. dwellings Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed 13/10/2020	Committee
2019/1072	Demolition of existing public house and the erection of a new apartment building comprising 14 no. residential units together with the erection of 2 no. town houses Fitzwilliam Inn, 24 Sackville Street, Barnsley, S70 2DB	Dismissed 21/10/2020	Delegated

2020/2021 Cumulative Appeal Totals

- 21 appeals have been decided since 01 April 2020
- 18 appeals (86%) have been dismissed since 01 April 2020
- 3 appeals (14%) have been allowed since 01 April 2020

	Audit	Details	Decision	Committee/ Delegated
1	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	Dismissed 06/04/2020	Delegated
2	2019/1221	Erection of detached double garage Martins Nest Farm, Grime Lane, Whitley Common, Barnsley, HD9 7TG	Dismissed 09/04/2020	Delegated
3	2019/0864	Erection of detached 1 ½ storey building to be used as motorcycle garage at ground floor and storage within attic space South Grove House, South Grove Drive, Hoyland, Barnsley, S74 9DY	Dismissed 06/05/2020	Delegated
4	2019/1106	Erection of double garage Middle Farm, Edderthorpe Lane, Darfield, Barnsley, S71 5EY	Dismissed 01/06/2020	Delegated
5	2019/1102	Erection of detached triple garage 54 Jebb Lane, Haigh, Barnsley, S75 4BU	Dismissed 02/06/2020	Delegated
6	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	Dismissed 17/06/2020	None Determination
7	2019/0712	Change of use of dwelling (use class C3) to a mixture of a dwelling and a venue for wedding/civil ceremonies, seasonal events and afternoon teas (use classes C3, A3 and Sui Generis) The Hawthorns, Keresforth Hall Road, Kingstone, Barnsley, S70 6NG	Dismissed 01/07/2020	Delegated
8	2019/0769	Extension of garage to enable conversion into residential annex associated with No.7 Hall Close (Listed Building Consent) 7 Hall Close, Worsbrough Village, Barnsley, S70 5LN	Dismissed 13/07/2020	Delegated
9	2018/0380	Erection of 1 residential dwelling and associated infrastructure (Amended Plans) Land to rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley	Dismissed 31/07/2020	Delegated
10	2019/0203	Demolition of existing building and erection of 19 no. dwellings and associated access and landscaping A and E White Bakers Ltd., Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Dismissed 03/08/2020	Delegated
11	2019/1322	Single storey rear extension with a flat roof (Part Retrospective) 31 Croft Close, Mapplewell, Barnsley, S75 6FN	Dismissed 05/08/2020	Delegated
12	2019/1411	Two storey side extension including provision of integral garage 6 Fearnley Road, Hoyland Common, Barnsley, S74 0AU	Allowed 05/08/2020	Delegated
13	2019/1479	Erection of wooden fence (Retrospective) 2 Inglewood, Darton, Barnsley, S75 5NY	Dismissed 05/08/2020	Delegated
14	2020/0213	Erection of digital advertisement board on gable wall FG Tyres and Garage, Race Street, Barnsley, S70 1BY	Dismissed 11/08/2020	Delegated
15	2020/0012	Extension to existing building to create a third storey to allow the formation of 2 no. additional flats and alterations to access and parking provision Land at 21 to 24 Wentworth View, Wentworth View, Wombwell, Barnsley, S73 0LA	Dismissed 12/08/2020	Delegated
16	2019/1453	Erection of two storey dwellinghouse and associated works Land at Station Road, Lundwood, Barnsley, S71 5LD	Dismissed 22/09/2020	Delegated
17	2020/0270	Erection of detached garage/workshop (re-submission) 39 Mayfield, Oxspring, Barnsley, S36 8YN	Allowed 07/10/2020	Delegated

18	2020/0487	Erection of two storey extension to rear of dwelling 26 Harry Road, Gawber, Barnsley, S75 2PA	Dismissed 12/10/2020	Delegated
19	2020/0464	Attachment of insulation boarding to front of property, including front and sides of porch, and rendered an off white colour. 9 Windermere Road, Penistone, Barnsley, S36 8HL	Dismissed 13/10/2020	Delegated
20	2019/1136	Residential development of 4 no. dwellings Garage Site, Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed 13/10/2020	Committee
21	2019/1072	Demolition of existing public house and the erection of a new apartment building comprising 14 no. residential units together with the erection of 2 no. town houses Fitzwilliam Inn, 24 Sackville Street, Barnsley, S70 2DB	Dismissed 21/10/2020	Delegated

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