

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 8 June 2021
TIME:	2.00 pm
VENUE:	The Civic, Barnsley

AGENDA

ATTENDING THE MEETING

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 5 - 6*)

To receive the minutes of the meeting held on 13th April 2021.

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 to the south of Halifax Road, Penistone - 2020/0274 - For Approval (*Pages 7 - 34*)

4. Land South of Darton Lane, Darton, Barnsley - 2019/1244 - For Approval (*Pages 35 - 54*)

5. Land off Mount Vernon Road (East), Worsborough - 2021/0142 - For Approval (*Pages 55 - 72*)

Planning Appeals

6. Planning Appeals - April 2021 (*Pages 73 - 74*)

Enforcement

7. Enforcement Report - Quarters 3 and 4 October 2020 to March 2021 (*Pages 75 - 86*)

Member Consultation

8. Member Consultation Report April 21 (*Pages 87 - 88*)

9. Member Consultation Report May 21 (*Pages 89 - 92*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bruff, Cain, Coates, Crisp, Danforth, M. Dyson, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, Hand-Davis, Hayward, D. Higginbottom, Leech, Lofts, Makinson, Markham, McCarthy, Mitchell, Noble, Smith, Spence, Stowe, Tattersall and Wright

Matt Gladstone, Executive Director Place
Paul Castle, Service Director Environment and Transport
Kathy McArdle, Service Director Regeneration and Culture
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

Friday, 28 May 2021

ATTENDING THE MEETING

Please note that in order to ensure that the meeting complies with current Covid-19 restrictions and public health advice, members of the public must pre-register if they wish to attend the meeting.

Numbers may need to be limited to ensure the safe running of the meeting.

If you would like to attend the meeting, please email governance@barnsley.gov.uk, no later than **1200 noon am on Monday 7 June 2021.**

Please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593 for queries in respect of the planning applications or registering to speak at the meeting.

The meeting will not be webcast

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 13 April 2021
TIME:	2.00 pm
VENUE:	VIRTUAL

MINUTES

Present

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

In attendance

16. Declarations of Interest

Councillor Fielding declared a Non-Pecuniary interest in **Planning Application No 2020/1038** [Provision of new foot and cycle bridge over the existing Barnsley to Huddersfield rail line linking Penny Pie Park to Pogmoor recreation ground and associated new footways] as he lives close to the site.

17. Minutes

The minutes of the meeting held on 23rd February 2021 were taken as read and signed by the Chair as a correct record.

18. Land to the South of Hay Green Lane, Birdwell, Barnsley - 2020/0577 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2020/0577** – Residential Development of up to 118 Dwellings and associated works (Outline with all matters reserved apart from means of access), Land south of Hay Green Lane, Birdwell, Barnsley -

RESOLVED that the application be approved in accordance with the Officer recommendation subject to the completion of a S106 Agreement in accordance with the terms set out in the report.

19. Penny Pie Park, Dodworth Road, Barnsley - 2020/1038 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2020/1038** – Provision of new foot and cycle bridge over the existing Barnsley to Huddersfield rail line linking Penny Pie Park to Pogmoor recreation ground together with associated new footways at Penny Pie Park, Dodworth Road, Barnsley.

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

20. Planning Appeals - February 2021 to March 2021

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

The report indicated that 10 appeals were received in February and March 2021.

No appeals were withdrawn, and 8 appeals were determined in February and March 2021.

It was reported that 39 appeals have been decided since 1st April 2021, 34 of which (87%) have been dismissed and 5 of which (13%) have been allowed.

The Chair expressed gratitude and complimented officers on the very high appeal dismissal rate which was indicative of the hard work they had done.

RESOLVED that

- (i) The contents of the report be noted
- (ii) The Development Management team share appeal decisions with Planning Regulatory Board members regarding cases where officer recommendations have been overturned by Councillors at the Planning Regulatory Board.

21. Member Consultations - January 2021

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 meetings scheduled for January 2021.

RESOLVED that the consultation report be noted.

22. Member Consultations - February 2021

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 meetings scheduled for February 2021.

RESOLVED that the consultation report be noted.

Chair

Item 3

2020/0274

Applicant: Barratt Homes & David Wilson Homes and Rebecca Jane Scott

Description: Residential Development, Open Space, Landscaping & Associated Infrastructure.

Land to the south of Halifax Road, Penistone, Barnsley

Site Description

The site is located to the north east of Penistone, bounded by Well House Lane to the east and Halifax Road to the north. The site is steeply sloped, rising broadly south to north. A rail line cuts into the hillside along the north eastern edge of the site where it enters a tunnel under Halifax Road.

The site is agricultural land, most recently used as grazing. The site comprises 4 fields with a mix of hedgerows and dry stone walls used to demark the boundaries.

To the east and south of the site there is residential development on Well House Lane, characterised by detached houses constructed mainly of brick with some render and a scattering of more traditional stone properties. Along the immediate boundary there are a number of bungalows backing onto the site with short rear gardens.

To the south west is Scout Dyke and a fishing lake, set within the valley and surrounded by wooded greenspace. Beyond this is Penistone Grammar, a modern school building constructed of render which sits prominently on the hillside, accessed from Huddersfield Road.

To the north west of the site is Westhorpe Works, a manufacturing site occupied by Clayton and Co. Among other products, the company manufactures early warning signals for the railway industry.

Proposed Development

The proposed is for a residential scheme of 400 dwellings, largely 2 storey houses with a small number of 3 storey properties in the centre of the site and 12 bungalows located around the site edges.

A spine road runs through the site connecting Halifax Road with Well House Lane and providing an opportunity for buses to divert through the site, avoiding the bridge over the rail line on Well House Lane. The housing is laid out around this spine road with new streets to the north and south.

Greenspaces are located along the edge of Halifax Road, in the centre of the site (to the south of the spine road) and to the south of the site adjacent Scout Dyke. In addition, there is an area of undeveloped land to the north west of the site, adjacent Westhorpe Works which is excluded from development as it is within the HSE buffer zone around Clayton and Co.

The residential development ranges in density across the site with the densest development to the south and east of the site and adjacent Westhorpe Works and the least dense to the north and west edges of the site.

The mix of housing is:

12 x 1 beds

80 x 2 beds
139 x 3 beds
169 x 4 beds

Within this mix there is 120 affordable properties, including 4 bed bungalows and 5 x 4 bed houses.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision making process.

The site is located within Penistone which is identified as a principle town in the settlement hierarchy. Penistone is a rural market town which is an important shopping and service centres for the rural hinterland in the west of the borough. It is in an area of attractive countryside, close to the Peak Park and surrounded by Green Belt. Unemployment is lower than other parts of the borough with large numbers of commuters to Sheffield, Huddersfield and Barnsley.

Site Allocation: HS75 Land south of Halifax Road, Penistone Indicative number of dwellings 414

Development is expected to:

- Be designed to provide an appropriate buffer around Westhorpe Works in accordance with HSE standards;
- Provide appropriate off site road safety enhancements;
- Ensure the wider characteristic landscape setting and the setting of the Penistone Conservation Area are protected and enhanced by the use of appropriate site layout and sympathetic design that reflects their setting, scaling, massing, details and materials;
- Provide appropriate acoustic treatment to mitigate against road and railway noise; and
- Evaluate the site's importance as overwintering feeding habitat for golden plovers and provide mitigation or compensation habitat as appropriate.

In addition, appropriate archaeological assessment is required.

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth' sets out the priority given to development by location with the Principle Towns second in the hierarchy after Urban Barnsley.

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

H2 'Distribution of New Homes' states 5% of new homes to be built in Penistone.

HS75 Site Specific Policy - Land south of Halifax Road, Penistone Indicative number of dwellings 414

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected in the Principle Towns.

H7 'Affordable Housing' seeks 30% affordable housing in this area on sites over 15 units.

T3 'New Development and Sustainable Travel'. New development should be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

LC1 'Landscape Character' development is expected to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located.

HE1 'The Historic Environment'

HE2 'Heritage Statements and general application procedures'

HE3 'Development affecting Historic Buildings'

HE6 'Archaeology'

Policy GI1 'Green infrastructure' seeks to protect, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets.

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

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development. where new development is close to a Green Way or PROW it may be required to provide a link and or improve the existing route or contribute to a new route.

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CC5 'Water Resource Management'

RE1 'Low Carbon and Renewable Energy'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

AQ1 'Development in Air Quality Management Areas'

UT1 'Hazardous Substances'

UT2 'Utilities Safeguarding'

I1 'Infrastructure and Planning Obligations'

I2 'Educational and Community Facilities'

SPD's

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

Neighbourhood Plan (NP)

The Penistone NP sets the guidelines for their development of the town to 2033 in accordance with the Vision and 10 Objectives. Policies relevant to this application include:

BE1 – Design of the Built Environment, sets principles for new housing proposals including:

- Housing development should be reflective of local architecture and character with no houses above two storeys on the perimeter of built up areas and the use of external materials that reflect the characteristic of the locality.
- Development should be designed to be sensitive to any existing wildlife habitat and development on the edge of settlements shall incorporate tree planting.
- Development should maintain key views identified in the NP.

BE2 - Protection and enhancement of local heritage assets, including a number of Listed Buildings visible from the site and the Penistone Conservation Area.

BE3 – Public Rights of Way network – accessibility using non-motorised routes will be enhanced wherever practical. New development (and in particular HS70 & HS71) should retain and enhance existing PROW routes and avoid harm to the amenity of existing routes by unreasonable change in their character or outlook. Proposals for development should seek to connect to the existing network.

LE1 – Increase the vitality of Penistone Town Centre, identified the development of Lairds Way to alleviate parking issues as supported to benefit the town centre's businesses and workers.

H1 – Appropriate Housing Development, requires a mix of bungalows, starter homes and smaller (1 & 2 bed) homes and seeks to ensure affordable housing is pepper-potted through development sites.

Other

South Yorkshire Residential Design Guide

NPPF

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

Consultations

Affordable Housing – There is a requirement for 30% affordable housing in the area. Strategic Housing have agreed a 60% affordable rent to 40% shared ownership split based on the following mix: 8 x 1 beds, 60 x 2 beds, 47 x 3 beds, 5 x 4 beds. However, they remain concerned that the affordable housing is in clusters and not dispersed more evenly across the site as required by the SPD.

Air Quality – 1 charging point per unit (dwelling with dedicated parking), or 1 charging point per 10 spaces (unallocated parking)

Barnsley Clinical Commissioning Group (NHS) – No comments received

Biodiversity – Sufficient information on the impact on habitats and species as a result of the development has been provided and recommendations regarding some mitigation for birds can be secured through conditions. However, there is not enough detail to fully assess how the impact on habitats will be mitigated to meet no net loss. It is understood this will be secured through the S106 process with a focus on securing the mitigation in the locality and it has been suggested to the applicant that they approach Yorkshire Water in this regard.

Coal Authority – No objections, material consideration only.

Conservation Officer – The original setting assessment in the Heritage Statement was lacking detail however the LVA as updated has provided sufficient information to judge the heritage impacts of the scheme. No objections as per the detailed assessment later in the report.

Contaminated Land – No comments received

Drainage – No objections subject conditions securing a detailed drainage strategy in accordance with the FRA provided with the application.

Education – There is a requirement for a contribution to address a shortfall in school places at both Primary and Secondary schools. The development as proposed 79 Primary School Places and 56 Secondary school places with a total contribution of £2,160,000. This should be secured through a S106 Agreement.

Enterprising Barnsley – Initial concerns raised regarding the impact on Claytons Group and proposed development within the exclusion zone around this employment site. This issue is covered in more detail later in the report.

Environment Agency – No comments

Forestry Officer – There is limited impact on trees. No objections subject to conditions.

Highways – No objections subject to conditions. The detailed assessment if covered later in the report.

HSE – No comments as the proposed development (amended layout) sits outside the consultation distance for the nearby HSE licensed explosives site.

Network Rail – No objections subject to various conditions.

Penistone Town Council – Concerns regarding the scale of development and lack of one bed houses and bungalows on the site. The access from Halifax Road and onto Wellhouse Lane are also a concern. Traffic lights should be considered for the bad bend on Well House Lane and would prefer no access from the development onto this road. However, confirmed that they welcome the proposed S106 funds relating to education, open space and sustainable travel, particularly as there is a need for investment including in a car park / interchange at the train station

Pollution Control – A noise report has been provided and the layout amended, addressing noise concerns along Halifax Road. As such the proposed is acceptable subject to securing the mitigation recommended by condition.

PROW - There are no recorded public rights of way on or abutting the site. A pedestrian / cycle link is shown connecting to Well House Lane from the southern end of the site. The intended status and specification of this route should be agreed early in the process. As this is an urban link route, it would ideally be 3m wide tarmac with street lighting and included within the Highways adoption agreement for the site. If this is not the case, further information should be provided on the proposed future status and maintenance.

Superfast South Yorkshire – Requesting a condition to secure superfast broadband.

SYAS – No comments received.

SYMAS – According to the records the only apparent issue from a mining legacy aspect is a disused mine shaft in the north-eastern extremity of this land. The rest of the site is not shown to be in a high risk Coal Authority referral area as no workable shallow coal is anticipated. We note the applicant has undertaken a comprehensive geo-environmental study of the site and proposals, ref: 18032/976 as prepared by Groundtech Consulting Ltd dated 28th October 2019. This report adequately considers the mining and geological position for the proposals and we would concur with the recommendations therein.

SY Police Architectural Liaison - Should the Development application be successful 'secured By Design Homes Guide 2019' principles should be adopted going forward.

SYPTTE – The development will include a bus route running through it and stops with shelters are required within the site and on Well House Lane. In addition, funding for a school bus service is recommended.

Trans Pennine Trail – The application provides strong evidence of the developer's commitment to promote and provide sustainable transport links however it is not clear if the site itself will provide these facilities. Pedestrian and cycle links / routes should be a minimum of 3m and there is potential to invest in PROW and the TPT as part of this commitment.

Urban Design Officer – The site layout has been presented to the Design Panel twice with various comments made and amendments taken on board. In addition, the Design Officer has provided detailed comments on the design, layout, materials and landscaping. This is covered in more detail in the assessment below.

Ward Councillors –Councillors Bernard and Kitching have commented as summarised below:

Cllr Bernard – Concerns regarding the volume of traffic the proposed will generate, in particular through the access onto Wellhouse Lane and the resultant traffic flowing through Penistone and,

as it tries to access the motorway network at junctions 36,37 and 38. Of particular concern in that regard is traffic using Renald Lane/Gadding Moor/North Lane and Haigh Lane/South Lane into Cawthorne. We already have issues with traffic using the wholly unsuitable Darton Road through Cawthorne to Kexborough en route to Junction 38 at Haigh. Silkstone is another problem with increased traffic at the Cross being a hazard to people crossing to the shop/garage which is on the opposite side of the A628 to the settlement. We have an acknowledgement that the junction at Bridge End is already over capacity.

I will be interested to see how the applicant intends to address the issues I have raised. In any case with an application of this size and complexity I believe that a site visit by the PRB would be necessary in order that Members can see the site for themselves rather than rely on two-dimensional images.

Councillor Kitching – Pleased to see the revised layout takes account of the HSE zone but continues to have concerns about the impact of the proposed development on the future operation of Claytons Group. It is important to note the safeguarding zone is a minimum requirement and there is no guarantee regulations won't change requiring the exclusion zone to increase which would impact negatively on the business.

Similarly, the reduction in dwellings is welcome but there remain concerns that there are plans to extend the development in the future, into the HSE exclusion zone should this be lifted, or the license lost or forfeited.

Can the S106 money be used to create a footpath to the Grammar School, through the land to the south of the site.

The mix of houses should be improved in accordance with NP Policy H1 to include more bungalows and single bedroom dwellings. The volume and density of dwelling should be reduced and more greenspace and planting provided.

There is insufficient detail on design and materials to fully judge if the development complies with NP policy, the most appropriate material is stone not brick and there is a need to reflect the rural nature of the site and surrounds.

The access of Halifax Road should have a speed reduction to 40mph and consideration should be had for a mini roundabout here. Wellhouse Lane is difficult at certain times of the day because of traffic volume and speed and the additional traffic will impact on existing residents. Consideration should be had on how to mitigate this. There are also concerns about how Bridge End Junction will cope with the additional traffic and many people cut through Old Anna Lane which creates issues.

The development will bring a considerable increase in the population and impact on services, parking and traffic. The location of the site means it is unlikely residents will access the town on foot. The S106 monies should be used to create a transport interchange near Penistone train station, offering increased town centre and station car parking. I would be supportive of this idea, which would fit well with our Principal Towns plans. I would also like more information on how education funding will be used to ease pressure on schools.

Yorkshire Water – No objection subject to conditions.

Representations

The application has been subject to two rounds of consultation, firstly in April 2020 and again in March 2021 following the submission of an amended layout and supporting statements. The consultation process was advertised in both instances by a press notice, site notice and over 200 neighbour letters. Across the two consultations one letter of support and a total of 128 objections

(of which 44 were issued to the most recent consultation) have been received raising a variety of issues as summarised below:

The timing of the application and the consultation, being during a pandemic and national lockdown on both occasions. – whilst it is accepted that the events of the last year have been difficult the Government has been clear that Planning Authorities must continue to progress with dealing with any planning applications submitted to them without delay.

Over development of the site, several respondents have picked up that the application site does not include the full allocation and that the number of dwellings proposed was initially over the assumed yield for the site of 414 units. In addition, queries have been raised regarding the HSE exclusion zone and the impact of this on housing numbers. – It should be noted that the yield for the site was based on an assessment of the potential capacity of the land as allocated and allowed for the HSE Exclusion zone which is a requirement of the Local Plan Policy. It is also noted that although the application site does not include the full allocation, the land excluded lies almost entirely within the HSE exclusion zone. On this basis, the number of dwellings proposed in the application scheme as amended is in line with Policy HS75.

The development is not in keeping with the character of the area and the immediate surrounds and does not respond positively to the features of the site. – The proposed scheme has been presented to Design Panel twice and a Landscape Visual Assessment has been required to accompany and inform the design and a number of amendments have been made to the layout and design. The assessment of this issue and Council's conclusions are covered in more detail later within the document.

Objections to the loss of a green belt site particularly when development should be on brownfield land first. – The site was allocated for housing as part of the Local Plan, adopted 2019 as part of a large number of sites required to meet the identified need in the borough. Therefore, the site is no longer green belt. In addition, although brownfield sites should be redeveloped, the Local Plan process acknowledged that there are not sufficient brownfield sites available and suitable to meet the housing need.

The impact of the development on residents of Well House Lane, immediately backing onto the site particularly with regards to standoff distances between proposed and existing dwellings and the scale of dwellings proposed. – this is again covered in more detail later in the report and the impact on residents has been carefully considered alongside wider design issues with several amendments requested to the layout to address concerns and sections provided to allow a better understanding of the difference in levels.

Concerns about the access including: the proposed access off Halifax Road being dangerous, the link road though the site becoming a rat run creating a danger to new residents who have to cross it to access greenspace and an overall increase in traffic along Well House Lane which is not suitable, being narrow with sections where there are no pavements and high levels of on street parking. Several residents would prefer no access onto Wellhouse Lane. – Highway Officers have assessed the access arrangements for the site in detail and required amendments to the design along with additional supporting information. This included a safety audit of the junction with Halifax Road. The link to Wellhouse lane has the advantage of creating an alternative bus route, avoiding the bridge over the rail line to the north east of the site, improving highway safety. It also maximises the permeability and sustainability of the site. The inclusion of a designated cycle and waling route through the site encourages the use of active travel and creates the shortest route achievable to the centre of Penistone. Finally, with regards to construction traffic the routing of this can be reviewed and agreed through conditioning a construction method statement.

The impact of the proposed and associated traffic on the highway network. There is already heavy queuing along Barnsley Road and up Wellhouse Lane which backs up from the Bridge End junction which is over capacity. – the highway impact has been assessed by Highway Officers and

funding secured for a feasibility assessment of the Bridge End junction which will identify options to resolve the issues here with a view to securing funding to make improvements early in the development process of the site.

The bus service along Well House Lane is limited because of the width of the road and suitability of the access onto Well House Lane for buses (tracking) – This has been raised by highway officers as an issue, however, buses already route along Well House Lane, including across the rail bridge which is narrow and a tight S bend with the proposed offering an alternative to this route. Further details are in the report.

There isn't enough greenspace on site with areas included being un-useable and the play provision provided insufficient. – It is correct that the POS plan includes areas of verge and narrow buffer strips which is contrary to the Open Space SPD, however, overall the provision on site is good and includes informal spaces attractive to various ages and residents such as the Community Orchard and walking routes through the various greenspaces and linking the site to the wider countryside. The site is unsuitable for sports provision as a result of levels and a contribution will be sought to cover this.

This proposed mix of houses doesn't include bungalows and should comply with the Neighbourhood Plan in terms of the mix proposed. – The development as amended includes 12 bungalows as well as some 1 bed flats and a mix of 2, 3 and 4 bed houses. Within this there is 30% affordable housing split 60% affordable rent and 40% shared ownership. This has been assessed by the Council's Housing Officers and considered acceptable.

Impact on surrounding residents from noise and traffic associated with the development. – It is accepted that there will be an impact on residents as a result of increased traffic accessing the development which cannot be avoided. A condition can be added to require a construction management plan which will identify means to minimise disruption.

Impact on biodiversity, in particular loss of nesting sites for birds which in the case of Curlews cannot be mitigated on site – Nesting Bird Surveys and Wintering Bird Surveys have been provided and although there will be an impact this has been confirmed to be limited with alternative habitats available. In addition, mitigation is proposed and will be secured through conditions and S106 agreement. More detail on this issue is provided within the report.

The impact of surface water on the neighbouring Scout Dyke – surface water will be collected within the site with a large storage tank provided to ensure run off at times of flood remains restricted to the current greenfield rate. This will be agreed in detail with YW and Drainage Officers. Polluting of water ways is controlled by environmental regulation.

Flood Risk and Drainage, the impact of the proposed on existing issues in the area with surface water on the fields and on Barnsley Road. Also concerns about the culvert under Well House Lane and potential increased flooding of Scout Dyke which would impact on residents to the south of the Dyke. Has climate change been properly addressed?. – The application has been supported by a flood risk assessment which includes an allowance for climate change. It is proposed to provide a large storage tank on site to store surface water at times of high rainfall, restricting the release of surface water to a greenfield rate. The Council's Drainage Officers and YW have reviewed this information and agreed it subject to further detail to be secured through conditions. Any discharge of water into the culverted watercourse would need to be agreed as part of this process by Drainage Officers as the Lead Local Flood Authority.

Sustainability of the site and access to the centre and schools, the site is too far from these services to be accessible by foot and parking in the town and around the schools is not sufficient resulting in dangerous parking on the roads. – the development includes a walking cycle route through the site from which it is possible to connect to other footpaths and access the town centre. In addition, the spine road running though the site has been designed to accommodate a bus

route, allowing services to divert away from the rail bridge on Wellhouse Lane; this and the increase population within the site has the potential to lead to an increase in demand for bus services.

The services in the town are not capable of accommodating the additional demand, including schools. – the local NHS has been consulted as part of the Local Plan Process and the current application process so that they are aware of the impending increased demand, however, funding for these services is secured through alternative sources rather than the planning process. The S106 includes over £2million to be invested in securing additional school places and the Local Education Authority is aware of the development so that they can use this funding to plan accordingly.

Potential Impact on Clayton's located as Westhorpe Works and their business long term as a result of the development. – this has been addressed by the amended layout which now allows for the full 125m exclusion zone around the site.

Traffic Surveys were undertaken during lockdown so are unreliable and the junctions of Well House Lane are already over capacity. Traffic counts and speed surveys were undertaken in October and November 2018. The applicants have then applied Temprow growth factors to the traffic surveys to identify the traffic flows at 2033 (inc the proposed development) and concluded that the junctions of Well House Lane will both operate within capacity.

There needs to be sufficient parking on the site for the residents and visitors, garages in modern houses are too small and there isn't enough drive space. – The site layout has been assessed by highway officers and a number of amendments secured to ensure parking provision is sufficient. In addition, the internal road layout has been designed to be wide enough to allow for on street parking for visitors.

A third targeted consultation was also carried out in May regarding specific changes along the southern and eastern boundary with existing properties that back onto Well House Lane. The respondents welcomed the addition of extra bungalows along this boundary and provided comments on the specific boundary treatments. However, they would prefer all bungalows along here and for additional separation between properties. Some respondents raised concerns about land levels which rise behind their houses meaning the bungalows will be on higher ground whilst there is also a concern about security along the boundary with the pocket park. finally, these residents continued to be concerned about the overall impact of the development both during construction and when operational related to disturbance, traffic impact and impact on services.

In addition, objections have been received from:

Miriam Cates MP – raising concerns regarding the safety of the access onto Halifax Road and Well House Lane, the mix and design of houses and need for bungalows, starter homes and smaller (1/2 bed properties) in accordance with the NP, the impact of the development on the future of the adjacent business Clayton Group as a result of the development proposed within the 125m buffer, the need for better public transport links and increased bus services to the town, traffic impacts on Well House Lane and the impact of the proposed on drainage and potential to increase flood risk.

The owners of Clayton Group adjacent the site who have objected to the proposed development and although they welcome the amended layout they have confirmed that they remain concerned about the potential future operation of the business, should the licensing requirements change and / or there be further development applied for in the stand off area. - The Council's position on this remains that the standoff distance as defined by the HSE is protected from development and will continue to be in accordance with Local Plan Policy HS75.

Yorkshire Wildlife Trust have submitted a detailed objection raising concerns regarding the level of detail provided with the application on habitat loss and the impact on birds and bats. In particular, the lack of a detailed assessment of the habitats on site and impact of the development using the Defra Metric alongside concerns regarding the wintering bird survey are highlighted. In addition, they requested further nesting bird surveys and bat surveys. – these comments have been passed in full to the Biodiversity Officer and further assessments provided by the applicant which go some way to address this objection. There is more detail in the report below.

Assessment

Principle of Development

The site is allocated in the Local Plan for housing under site specific policy HS75; as such the development of the site for residential is acceptable in principle.

However, development is expected to deliver an indicative number of 414 dwellings and to:

- Be designed to provide an appropriate buffer around Westhorpe Works in accordance with HSE standards;
- Provide appropriate off site road safety enhancements;
- Ensure the wider characteristic landscape setting and the setting of the Penistone Conservation Area are protected and enhanced by the use of appropriate site layout and sympathetic design that reflects their setting, scaling, massing, details and materials;
- Provide appropriate acoustic treatment to mitigate against road and railway noise; and
- Evaluate the site's importance as overwintering feeding habitat for golden plovers and provide mitigation or compensation habitat as appropriate.
- In addition, archaeological remains may be on the site.

The application originally submitted conflicted with the requirements of this policy, in particular, the requirement to retain an appropriate buffer around Westhorpe Works and as such amendments and further supporting detail has been sought through discussions with Officers and consultees.

The layout now incorporates a buffer zone of 125m around Clayton Works in accordance with the HSE standards and the HSE have responded to the latest consultation to confirm that as no development is proposed in this area, they have no comments to make on the proposed scheme.

A Geophysical Survey has been provided with the application and consulted on with South Yorkshire Archaeological Service who have confirmed that although there are some archaeological implications these can be dealt with through a Written Scheme of Investigation secured through condition.

Therefore, the layout complies with these aspects of Policy HS75.

The amended layout presented to Members is assessed against the remaining requirements of the site-specific policy HS75 and applicable policies contained in the Local Plan and Penistone Neighbourhood Plan below.

Landscape Impact and Visual Amenity

The development site is located at the edges of the existing settlement of Penistone, to the north. Halifax Road provides a strong boundary along the northern edge with open countryside rising beyond it to the north. Well House Lane is also a strong boundary to the east and is residential in character. The landscape to the south and west is more open and rural in character albeit the school and houses along Barnsley Road are visible. The sites location on a hillside means it is visible from several locations within the main urban area of Penistone and from the Conservation Area. It is also visible from footpaths to the north and east and when travelling along Barnsley

Road into the town. This visibility, particularly from the Conservation Area, and the scale of development proposed is acknowledged in the Local Plan Policy HS75 which requires: *the wider characteristic landscape setting and the setting of the Penistone Conservation Area are protected and enhanced by the use of appropriate site layout and sympathetic design that reflects their setting, scaling, massing, details and materials*

The applicant has provided a Landscape Visual Assessment (LVA) as part of the application submission and this has been amended twice during the application process to address concerns raised by Officers with the quality of the assessment and detailed approach. In addition, the application has been presented to Design Panel twice, initially pre-application submission and again prior to the submission on the amended scheme consulted on in March.

In assessing effects on Landscape Character, the LVA assesses effects as ranging from minor negative to moderate adverse with a minor negative impact in the Conservation Area. This is based on a fully developed proposal which is stated to represent the worst case. During construction, it is stated that 'magnitude of landscape effects would be lower as less of the site would be occupied by new homes.' However, this may not be the case as it is arguable that the construction phase is the most disruptive, introducing construction activity and involving large scale earth works and elements out of keeping with the usual character of the landscape such as hoarding and tall equipment. Whilst it is Officers view that the effects on landscape character would increase during construction as these would be temporary the approach to base the assessment on the site as developed is acceptable.

The LVA concludes that: *'the appraisal has concluded that the effects of the proposed development upon the open fields of the site itself would be major/moderate and negative in nature. The effects on the Settled Ingbirchworth Upland Rolling Farmland sub-area, which contains the site, would be moderate and negative when compared with the existing site condition. Other landscape character areas around the site, including the conservation area, would experience moderate/minor or minor effects, and these effects would decline with distance from the site.'*

This is accepted as a largely reasonable conclusion in that it acknowledges that there will be inevitable substantial effects on landscape character. The Site itself (defined as Settled Ingbirchworth Upland Rolling Farmland) will change substantially from open fields to housing development and it is therefore considered that this medium sensitive receptor would experience substantial magnitude of landscape change and therefore major/ moderate negative landscape effects.

With regards to Visual Amenity, the LVA concludes that there is potential for major and major moderate effects on walkers on Halifax Road and Well House Lane, on residents on Well House Lane and on walkers/ cyclists at the southern end of Bridleway 63. These findings are supported by representative viewpoints and photo wirelines. The assessment considers the sensitivity of each receptor type at the representative viewpoint in accordance with guidance. The magnitude of change for each viewpoint is then assessed at three stages. The LVA reports an anticipated 7 year construction programme with mitigation planting commenced at year 1 in order to maximise effects by operation at year 7. Effects are therefore assessed at year 4 in order to represent effects during construction, at year 7 which represents the anticipated first year of operation and again at year 15 to reflect assessment of mitigation proposals i.e. when landscape planting is semi mature. The phasing of landscaping early in the build programme can be secured through a detailed landscaping condition linked to a phasing condition. Soft landscaping can be implemented at the edges of the site very early in the construction programme to mitigate shorter distance views, with internal greenspaces likely to follow later along with tree planting along the new highways which will help to mitigate longer distance views.

The results of the assessment range from minor to major negative. Viewpoints immediately adjacent the site along Halifax Road and Well House Lane are the most adversely affected with

the longer distance views having a more moderate to minor negative impact. The assessment considered the varying sensitivity of the receptors at each viewpoint.

The LVA concludes that:

'The proposed development would be visible by a number of receptors around the site, particularly to the north, east and south. Receptor groups which could be affected include walkers and cyclists, residents and vehicle users.

When compared to existing views, the receptors which are most likely to experience the highest levels of visual effects are walkers on Halifax Road and Well House Lane, residents on Well House Lane, and footpath users and cyclists at the southern end of bridleway 63.

For other viewpoints in the town centre and footpaths in and around the town the proposed development would be visible but would be seen in the context of the existing settlement. In most views, the open hills beyond the development would also be visible. The visual effects for residents and walkers in these locations would therefore be moderate or less, when compared with existing views'.

It is officers view that the fact that the development would form a new built skyline from some of the views experienced from the town to the south should have been specifically acknowledged within the conclusions. This is supported by the wireline views. Furthermore, the assessment of major/ moderate effects on visual amenity implies that mitigation should be considered as part of the iterative design process and there has been concerns that the mitigation proposals haven't fully considered all the options and officers have identified that more mitigation is required, as set out below. Nevertheless, it is acknowledged that a development of this type and scale will inevitably result in adverse effects which are not always mitigated through design.

Design Response / Mitigation

With regards to mitigation, the LVA lists a number of design responses which are consistent with the recommendations made by the Design Panel and include maintaining views of the town centre and St John the Baptists Church from within the development, albeit the landscape impact is more concerned with views of the development than views from it. In terms of mitigating the landscape and visual impact, the applicant has provided a landscape buffer along Halifax Road to soften the development edge here and graded the density of development across the site with lower density housing to the northern and western edges which are more rural and a higher density in the southern and eastern edges.

In assessing the mitigation proposed, Officers have sought to secure further improvements. This includes additional tree planting and detailed landscaping across the site as well as a reduced pallet of materials with a focus on grey roof tiles, natural stone and a more muted red brick which will blend with the characteristics of the developments in the locality when viewed from the Conservation Area. Along Well House Lane the impact is mitigated to a degree by the proposed streetscape which includes detached houses, set back from the road with some softer landscaping and tree planting. In addition, a number of existing stone walls will be retained with additional stone walls provided at key viewpoints along the site edges and within the site. Within the site, the density of development to the south has been reduced to break up the impact here and allow for additional tree planting and soft landscaping. A number of bungalows have also been provided and some additional green buffer areas adjacent to existing properties. Finally, levels across the site are varied resulting retaining walls across the site of various heights with some between 2 and 3m. These are largely located within the gardens and parking courts between plots but will nevertheless be significant features and the design and materials to be used will need to be agreed through conditions. The applicant has agreed these walls can be built from masonry with planters incorporated within the higher walls to soften the appearance.

In conclusion, it is acknowledged that the landscape and visual impact of the development is likely to be adverse (to varying degrees). However, the applicant has taken on board a number of recommendations made by the Design Panel and made various changes requested by Officers to further mitigate the development impact. It would have been preferred to secure more detail on these, particularly the detailed landscape approach but it is accepted that this can be conditioned. Subject to this, the proposed is judged to have moderate adverse impact on landscape and visual amenity accordance with Site Specific Policy HS75, Local Plan Policy D1 and the accompanying SPD Guidance and Local Plan Policies HE1 and HE3 with respect to the impact on the Conservation Area.

Residential Amenity

The development site is located at the edge of the existing settlement of Penistone and is currently a large area of agricultural land. There are a limited number of residential properties which directly border the site. These are located on Well House Lane with 8 directly backing on to the site along the eastern and southern boundary and a further 5 houses located on the opposite side of Well House Lane overlooking the site and proposed access point. Beyond this there are several residential properties along Well House Lane which will be affected as a result of additional traffic from the development and disturbance during construction.

There have been several changes to the layout along the boundary with the most affected properties. These back onto the site and are mostly bungalows with short rear gardens and low boundary walls. The applicant initially proposed all two storey houses on the boundaries and although a buffer strip was being provided, the standoff distances as set out in the Design of Housing Development SPD were not being achieved.

The revised layout now includes 12 bungalows which are located along the boundary with existing properties, in addition there remains a buffer zone which is 2m behind no's 21-25 Well House Lane and widens to between 4-12m behind no's 15-19. The standoff distances are largely met as a result of the change. An exception is the rear of no.21 where the proposed plots are 12m from the boundary of this property (back to back), however, plots 15-18 are all bungalows with windows screened by the proposed boundary treatment. In addition, plots 38 and 22 are less than 12m (side to back) from the rear of numbers 15 and 17 Well House Lane, but they are bungalows and orientated side on and located so that they are opposite the garages of the existing properties. As such the buffer zone and rear gardens will form the main boundary with the existing houses reducing any overbearing or overshadowing impact.

Along the southern boundary, houses have been relocated within the layout and a small pocket park created which ensures appropriate separation distances are achieved.

As well as the standoff distances, boundary treatments along this boundary have been consulted on with the applicant proposing a paladin fence with hedge planted to grow up the fence and in the buffer zone immediately adjacent boundaries. However, residents have expressed a preference for a more traditional close boarded fence along the boundaries of the plots and some hedgerow between this and their properties. This affords privacy whilst also reducing any overbearing impact associated with a high fence here and the boundary treatment plan has been amended to reflect this request from residents.

A slightly different approach is proposed along the southern boundary with a paladin fence and hedgerow along the boundaries with no.11 and 13A. Again, this is considered the best solution in these locations, offering privacy and security without creating an overbearing feature.

The proposed housetypes include some individual rooms which do not comply with the internal space standards, albeit the overall internal floor area of all the house types does meet the standards. Gardens are sufficient to meet the external amenity space requirements as set out in the Design of Housing Development SPD and the South Yorkshire Residential Design Guide.

Taking account of the above the impact on residential amenity is accepted to comply with Local Plan Policies D1 and Poll1.

Highways

The proposed access arrangements and internal layout have been assessed by Highway Officers with various amendments requested alongside additional assessment through the Transport Assessment and Road Safety Audits.

The layout is now acceptable in terms of highway safety. Issues remain regarding the length of some private drives which exceed 20m with no turning head, this is a requirement for fire appliance turning but can often be resolved through the building regulations process. Visitor parking is proposed on street with the roads all being 6m wide to accommodate this. Finally, there is a requirement for bus stops within the site. SYPTE have provided suggested locations adjacent the park, however, there is limited scope along the northern side of the spine road because of proposed driveways along here. This may result in buses hindering access for residents.

The Well House Lane access for the site is constrained because of the width of the existing road and on street parking along it. As a result, buses turning left into and right out of the site will cross the carriageway. This is most prevalent with the right-out maneuver. Various options were considered to avoid this occurrence but there is no obvious solution given on street parking along Well House Lane. The introduction of the new junction will enable buses to avoid using the full extent of Well House Lane including via the rail bridge to the north which is narrow in width and forms a tight S-Bend with poor visibility. The proposed development provides an alternative route avoiding this bridge and on balance, the benefits of this are deemed to outweigh the unavoidable crossing of the centre line at the junction. The traffic modeling in the Transport Assessment provided in support of the application has also confirmed that both junctions of Well House Lane will continue to operate well within capacity with minimal queueing in 2033, allowing for development traffic and general growth.

The Halifax Road access is designed as a t-junction with a right turn filter lane on Halifax Road. The junction has been subject to a safety audit and the Highways Authority have fully assessed it concluding that although it is broadly acceptable there remains an issue with vertical visibility which currently does not fully meet DMRB standards. The applicant has proposed a condition is applied to any approval which requires them to reprofile Halifax Road which will then enable this visibility to be achieved. At this stage it is not clear if any utilities would need to be moved to enable the reprofiling works. However, the applicant is aware of this and is comfortable that they can cover these costs and that the condition can require these works to be undertaken pre-commencement of development.

In terms of traffic impacts on the wider network the Transport Assessment confirms that the development traffic, and general growth to 2033, can be accommodated through the junctions assessed; the exception being the Bridge End Junction. The results of the assessment in the TA determine Bridge End junction operates above capacity threshold in the existing assessment scenario (2018). The application of background traffic growth and development traffic generation exacerbates this situation. BMBC Transportation are currently preparing updates to the strategic traffic modelling around Penistone and this will place the Council in a stronger position under which to not only develop appropriate highways mitigation for the junction for all road users but to also appraise how any potential works could impact/benefit wider traffic movements across this part of the highway network and therefore remove the need to consider the junction in isolation. The applicant has agreed to pay £200,000 to the Council through the S106 to cover the initial costs associated with a detailed feasibility study to fully assess the issues and identify and scope a solution. These funds can be made available on commencement of development allowing the Council to immediately progress with the study and seek to secure funding for improvements as

the development progresses. Given the construction period is estimated to be 7 years there is time for the Council to address the issues with Bridge End before the development is fully occupied.

In addition, the applicant has agreed to provide land at Lairds Way for use as a car park associated with the train station. This will be secured through the S106 in lieu of part of the Sustainable Travel Contribution and is a substantial benefit of the scheme as it will help to address parking issues in and around the town as identified in the Neighbourhood Plan (Policy LE1) and a modal shift from private cars to the more sustainable train in accordance with the Barnsley Rail Vision and Sheffield City Region Integrated Rail Plan (SCRIP) July 2019 both of which target improvements to rail services between Sheffield, Barnsley and Huddersfield. This, alongside the £200k for the feasibility study into improvements to Bridge End, will support the Council in mitigating the traffic impact of the development and in providing meaningful benefits to Penistone resulting from the proposed development.

Climate Change and Sustainability Considerations, including Biodiversity

Biodiversity

With regards to Biodiversity, there is a requirement under Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD to demonstrate no net loss of biodiversity on the site. In addition, Site Specific Policy HS75 requires the site's importance as overwintering feeding habitat for golden plovers to be evaluated and mitigation or compensation habitat provided as appropriate.

The applicant has provided a wintering bird survey (2019) which draws on surveys undertaken in 2017, 2018 as well as 2019, none of which recorded any Golden Plover. Although some notable species were identified foraging on the site, including lapwing, black headed gulls and starlings, the wintering bird assemblage was concluded to be mostly common and widespread species. The assessment concluded that there was an abundance of arable habitats in the surrounding landscape and the mobility of these birds means their presence is not a constraint to development.

Breeding bird surveys are also being undertaken (2021) with initial survey findings confirming that the assemblage of birds on site is typical of the habitats found in the area and habitats found on the site. None of the birds recorded were considered likely to nest within the boundary of the site or be dependent on the site as habitat. A final survey will be undertaken early in June and findings provided as an update to Member at the meeting. Recommendations are made regarding mitigation including specific nest boxes and terraces as well as planting of hedgerows. These can be secured through conditions.

In addition, the applicant has provided a calculation of the habitats lost on site as a result of the proposed development in accordance with the latest guidance in the Defra Metric 2.0, concluding a loss of 11.64 units (circa 38%) which is largely grassland habitat. There is an uplift in hedgerow habitats on the site as a result of the proposed landscape scheme, calculated to be 9.47 units which is a benefit but doesn't offset the lost grassland. This loss of habitat will need to be addressed through on and off-site mitigation. The applicant has therefore entered into discussions with Yorkshire Water regarding some enhancements on the nearby reservoirs and has offered to enter into a S106 agreement on this basis. The Biodiversity Officer would prefer the detail of the mitigation is scoped and agreed before a decision is issued, however, the S106 would take a staged approach requiring the applicant to maximize mitigation on site first, then seek to secure agreement for offsite mitigation which would need to be fully scoped with the Local Planning Authority as well as landowners and subject to further assessment utilizing the Defra Metric. Mitigation would need to be funded for 30 years by the developer. The S106 would include a fallback position which allows a tariff style payment of £12k per unit to the Council.

Finally, the applicant has also provided a bat activity survey, which identified limited foraging activity on the site only and largely limited to common pipistrelle bats, and eDNA testing of two offsite ponds which were negative meaning the great Crested Newts DNA was not detected.

Given the proposed mitigation, the overall impact on biodiversity is cautiously assessed as neutral, with loss of habitat and biodiversity inevitable as a result of any development but subject to the detailed landscaping scheme and biodiversity mitigation being secured through appropriate conditions and the S106, the requirements of Local Plan Policy BIO1 for no net loss can be met.

Trees

Initial concerns regarding the levels for the site not being dealt with in the AIA have been addressed and the AIA now categorically states that at no point during the development works will level changes or excavations be required in close proximity to any trees or hedges, or be requested subsequently to any approval.

The site is generally unconstrained by trees and the proposed development does not result in any tree removals. A separate Hedgerows Regulation Assessment has been submitted and notes that the hedges are also located to the edges of the site and to be retained. The hedges are not mentioned in the tree survey or arboricultural impact assessment as would usually be the case and will need to be protected. This information can be conditioned as part of the protection for the trees and the hedges on the site.

A landscape masterplan has also been provided which gives an indication of where planting is proposed, however no details are included and as such a landscaping scheme will be required to detail what is proposed in order for its suitability to be determined. It should be noted that large growing native species should be included wherever possible given the relatively rural location and likewise use of native hedging will be required where possible to connect with that which is already present.

Given the limited number of trees and hedgerows on site, all of which are retained, and the proposed enhancements secured through the landscaping requirements and biodiversity mitigation, the impacts on trees will be positive with substantial additional trees and hedges planted. Therefore, the proposed complies with BIO1 and the accompanying Trees and Hedgerows SPD.

Sustainable Travel

As detailed earlier in the report the developer has agreed to transfer land at Lairds Way to the Council in lieu of part of the Sustainable Travel package which, alongside initiatives in the Barnsley Rail Vision and Sheffield City Region Integrated Rail Plan (SCRIP) July 2019 which target improvements to rail services between Sheffield, Barnsley and Huddersfield will support a wider modal shift from private cars to rail travel within Penistone.

The link road through the development has also been designed to support buses routing through the site and consultation with SYPTTE has confirmed there is a willingness to diver existing routes through the site with new bus stops to be located along the new spine road and on Well House Lane. The Travel Plan (TP) confirms bus routes and timetable information will also be provided to new residents to aid with journey planning.

The developer has also provided a new pedestrian / cycle route through the site which connects to public rights of way to the north offering opportunities for recreation as well as to Well House Lane to the south and the wider road and PROW network to the south, giving access to the secondary school and town centre. The TP provided with the application confirms secure cycle parking will be

provided at all dwellings and that residents will be provided with information about walking and cycle routes.

Finally, the development will provide electric vehicle charging points for all dwellings with a designated car parking space and 1 for every 10 spaces located in parking courts.

Taking all these measures into account the development complies with Local Plan Policy T4 New Development and Sustainable Transport.

Sustainable Construction and Drainage

The application is supported by a flood risk assessment which sets out the approach to drainage for the site. Foul water flows will be to the exiting sewer network which Yorkshire Water have agreed can be accommodated. With regards to surface water, the underlying ground conditions do not support infiltration therefore in accordance with the sustainable hierarchy in the NPPF and Local Plan Policy CC4, surface water will be stored on site and discharged to Scout Dyke at a restricted flow rate which is equivalent to the natural flow rate for the catchment. Allowances are also be made for climate change in agreeing this flow rate.

Finally, all new housing developments must comply with Part L of the Building Regulations, meeting national standards relating to conserving fuel and power in dwellings. This is in accordance with Local Plan Policy CC2.

S106 Agreement

Based on the current layout and mix of dwellings, assessed against the formulae in the published SPD's the following contributions would be required: -

Affordable Housing – 30% is being delivered which equates to 120 units. These will split 60% affordable rent and 40% shared ownership (unless gov issues details on DMS/first homes during build out)

The mix of dwellings is:

- 8 x 1 beds
- 60 x 2 beds
- 47 x 3 beds
- 5 x 4 beds

Education – There is an identified shortfall in secondary and primary school places within the area and as such a contribution is required to address this. The single bedroom homes and bungalows have been excluded from the calculation in accordance with the SPD. On this basis, the development will generate 79 Primary School Places and 56 Secondary school places with a total contribution of £2,160,000

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Using the formulae in Appendix C of the SPD the figure required is £400,000. The applicant has agreed to provide land off Lairds Way in lieu of part of this payment. This land can be used to provide a car park and interchange facility adjacent to the Train Station. In addition to providing the land, the applicant has agreed to pay £100,000 which can be used for other sustainable transport improvements or towards the works required to deliver the car park.

In addition, EV charging points would need to be conditioned for each dwelling as would cycle storage.

Greenspace – the site layout as proposed broadly meets the requirement for informal greenspace onsite. The applicant has provided a POS plan showing the breakdown of Public Open Space with the total area being slightly over the 15%, however, as it includes areas of verge and buffer strips this is an overestimation. Nevertheless, there is substantial greenspace on site and the plans include a LEAP in the centre of the site plus 6 smaller areas of play (LAP) located across the site on smaller greenspaces.

As with all new developments, stewardship of the greenspace will be passed to a management company. In this case the developer has been in discussions with The Land Trust, a national land management charity who operate on a not for profit basis. This is the preferred approach by the Council.

Over and above this a contribution is required toward formal greenspace off site as the levels do not easily allow this to be accommodated within the layout. This contribution totals £405,342.80.

Conclusions

The proposed is for sustainable development, located at the edges of the Principle Town of Penistone on a site allocated for housing in the Local Plan. The layout as amended delivers a mix of housing types and tenures with appropriate greenspace and associated infrastructure, including access through the site suitable for a bus route which links Halifax Road and Well House Lane whilst avoiding the rail bridge. The layout has been presented to Design Panel twice with the amended layout reflecting recommendations made by the Panel.

There remains an acknowledged minor adverse impact on landscape and visual character and an adverse impact on the over-capacity Bridge End junction. . However, the harm associated with these impacts is clearly outweighed by the benefits associated with delivering housing development, including 30% affordable housing, securing land for additional car parking at the train station as well as the funding of a feasibility study and business case aimed at securing a comprehensive improvement to Bridge End junction that could not be secured as a result of this development in isolation. The proposals will also ensure a neutral impact on biodiversity through a combination of on and off site mitigation and incorporates a range of measures to ensure the development is resilient to climate change.

The application is recommended for approval subject to various conditions and the agreed package of S106 contributions.

Recommendation

Approve – Subject to a S106 Agreement and conditions:

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

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:

2001.01 Rev Q - Planning Layout
2001.02 Rev A- Location Plan
20005/GA/01 Rev B - Halifax Road Site Access Arrangement
20005/GA/02 Rev D - Well House Lane Site Access Arrangement
2001.03 Rev H - Materials Layout
2001.06 Rev L - Boundary Treatment Plan
Landscape Masterplan (May 2021)

2001.B.01 Boundaries
2001.B.02 Boundaries
2001.B.03 Boundaries
2001.B.04 Boundaries
2001.B.05 Boundaries
2001.DG.01 - Garages
2001.SG.01 - Garages
2001.TG.01 - Garages
2001.TG.02 - Garages
2001.SG.02 - Garages
2001.ALD.01 - Alderney
2001.ALD.02.A - Alderney
2001.BRE.02.A - Brentford
2001.DENB.01 - Denby
2001.DENB.02.A - Denby
2001.DENF.01 - Denford
2001.ELL.01 - Ellerton
2001.ELL.02.A - Ellerton
2001.H403.01 - Imgleby
2001.H403.02 A - Imgleby
2001.H417.01 - Bradgate
2001.H417.02.A - Bradgate
2001.H421.01 - Winstone
2001.H421.02.A - Winstone
2001.H433.02.A - Cornell
2001.H433.01 - Cornell
2001.H442.01 - Kirkdale
2001.H442.02.A - Kirkdale
2001.H456.01 - Avondale
2001.H456.02.A - Avondale
2001.H469.01 - Holden
2001.H469.02.A - Holden
2001.H497.01 - Chetworth
2001.H497.02.A - Chetworth
2001.KINL.01 - Kinglsey
2001.KINL.02.A - Kinglsey
2001.KINV.02.A - Kingsville
2001.MAI.01 - Maidstone
2001.MAI.02.A - Maidstone
2001.MAR-1.01 - Marsham
2001.MAR-2.01 - Marsham
2001.MOR.01 - Moresby
2001.MOR.02 - Moresby
2001.MOR.03.A - Moresby
2001.MOR.04.A - Moresby
2001.P341.01 - Hadley
2001.P341.02 - Hadley
2001.P382.01 - Archford
2001.P382.02 - Archford
2001.SEBI.01 - Severn/Birtley
2001.SH50.02 - SH50
2001.T67.01 - Type 67
2001.T67.01.A - Type 67
2001.T69.01 - Type 69
2001.WIN.01 - Windermere
2001.WIN.02.A - Windermere

unless required by any other conditions in this permission.

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

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Where retaining walls are required, full details of the location, height, design and materials will be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.

- 4 Notwithstanding the details indicated on the submitted drawings no works whatsoever shall commence on site until a detailed scheme for the off-site highway works to support access to the site from Halifax Road, has been submitted to and approved in writing by the LPA. These works and the access shall be implemented in full before development commences.

Reason: To ensure that the highway works are designed and constructed to an appropriate standard in the interest of highway safety in accordance with Local Plan Policy T4.

- 5 Plots 187-195, 104 and 397-402 shall be fitted with thermal double glazing, such as a configuration of 4mm pane / 12mm airgap / 4mm pane, to provide a minimum $R_w + C_{tr}$ of 27 dB and Tickle ventilators, which achieve a minimum performance of $D_{n,e,w} + C_{tr}$ 32 dB.

Reason: In the interests of residential amenity and to accord with Local Plan Policy Pol1.

- 6 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy D1.

- 7 Prior to 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, along with a timetable for implementation which identifies features required to screen the development and provides them early in the construction process, shall be submitted to

and approved in writing by the Local Planning Authority. The landscaping shall be implemented on accordance with the agreed scheme and timetable.

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

- 8 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping 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'.

- 9 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.

- 10 Upon commencement of construction works, details of electric vehicle electric vehicle charge points shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.

Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 11 Upon commencement of development, details of a scheme for secure and covered parking for bicycles for every dwelling shall be submitted to and agreed in writing by the LPA. The scheme as agreed shall be fully implemented before each dwelling is first occupied (or brought into use).

Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.

- 12 Prior to commencement of development, details of proposals to mitigate the air quality impact of the development (mitigation strategy) shall be submitted to and approved in writing by the Local Planning Authority, taking into account the mitigation proposals submitted by the applicant's air quality consultant within their assessment dated November 2018, reference LDP2246-001, along with the requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Local Plan Policy Poll1.

- 13 Prior to development commencing on the superstructure of any dwelling hereby approved 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.

- 14 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC3.

- 15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Local Plan Policy CC3.

- 16 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3.

- 17 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation into the watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an approved programme and details.

Reason: To prevent increased risk of flooding in accordance with Local Plan Policy CC3.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres of the Culverted Watercourse crossing the site.

Reason: To prevent damage to the existing Culverted Watercourse in accordance with Local Plan Policy CC3.

- 19 Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority in terms of measures to protect the rail network. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the rail network in accordance with Local Plan Policy GD1.

- 20 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey(s) - Bat Activity Survey (Brooks Ecological, 10/06/2020) and Interim Breeding Bird Survey (Brooks Ecological, 12/05/2021) - including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall be implemented in accordance with the approved details.

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

21 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.

22 No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety in accordance with Local Plan Policy T4.

- 23 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway in accordance with details of a completion plan to be submitted and approved in writing by the LPA.

Reason: To ensure streets are completed prior to occupation and satisfactory development of the site in accordance with Local Plan Policy T4

- 24 Prior to the first occupation of the development hereby permitted vehicular access and pedestrian/cyclist access shall be provided and thereafter retained in at the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety in accordance with Local Plan Policy T4.

- 25 Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway works to support access to the site from Well House Lane, has been submitted to and approved in writing by the LPA with timescales for implementation to be agreed.

Reason: To ensure that the highway works are designed and constructed to an appropriate standard in the interest of highway safety in accordance with Local Plan Policy T4

- 26 The gradient of the vehicular access shall not exceed 1 in 12 for the first 5m into the site as measured from edge of the adjacent carriageway.

Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4

27. The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway. Reason: In the interests of the safety of persons using the access and users of the highway.

Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.

- 28 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:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access and routing for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

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

- 29 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing

by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety in accordance with Local Plan Policy T4.

- 30 No building or use hereby permitted shall be occupied until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety in accordance with Local Plan Policy T4.

- 31 Prior to the first occupation of the development hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan. The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.

Reason: In interests of highway safety in accordance with Local Plan Policy t4.

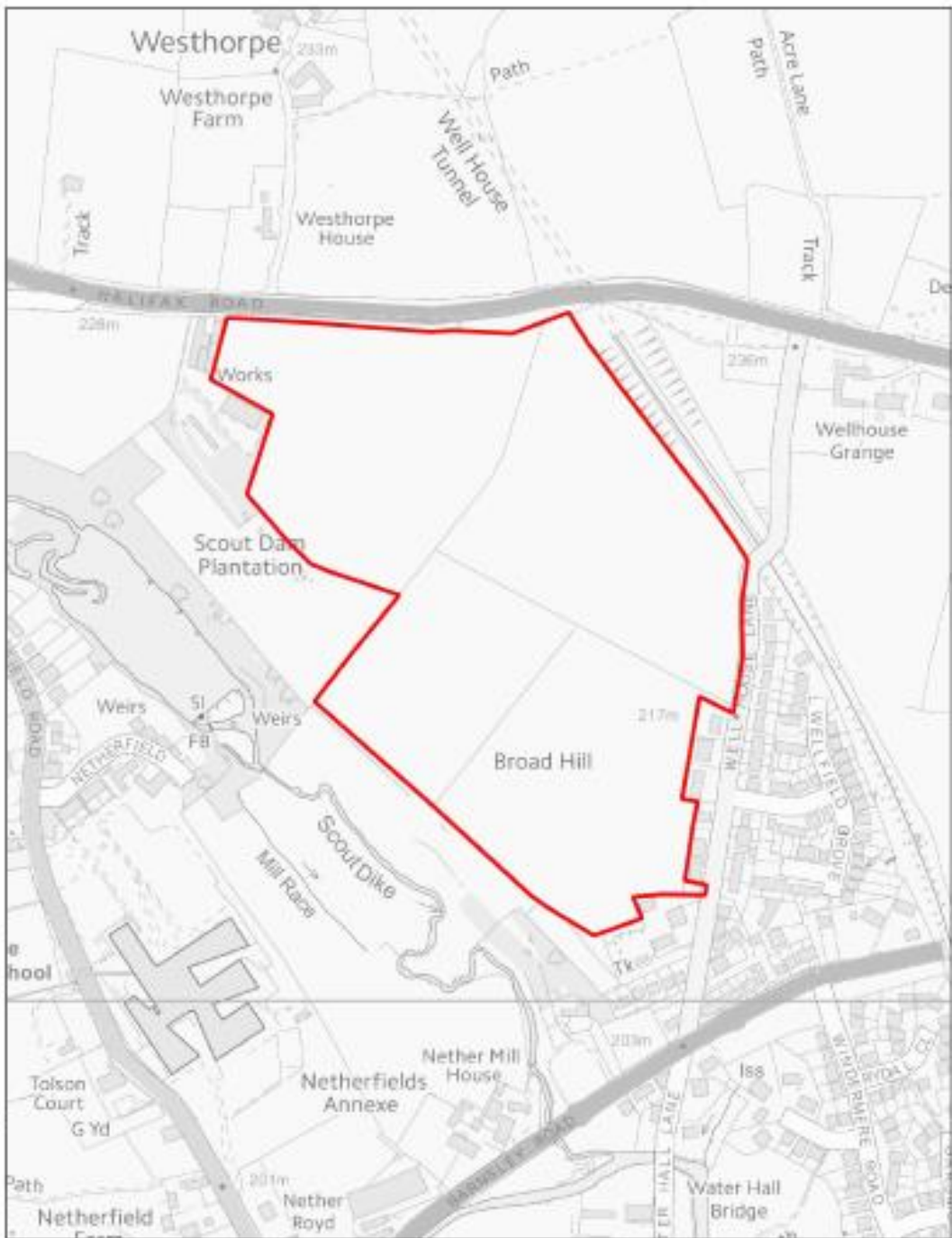
- 32 Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.

- 33 No building or use hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users in accordance with Local Plan policy T4.

- 34 The development hereby permitted shall not be commenced until an updated detailed Travel Plan has been submitted, approved and signed off by the LPA.
Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.
35. Upon commencement of development full details of the play equipment to be provided on site in accordance with the Types and Green Space Table (Dec 2020) shall be provided and agreed in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
Reason: In accordance with Local Plan Policy GS1 and the accompanying Open Space Provision on New Housing Developments SPD



BARNSELY MBC - Regeneration & Property



Scale: 1:4127

Item 4

Ref: 2019/1244

Applicant: CC Projects

Description: Outline planning permission for residential development (Use Class C3) of up to 73 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access.

Land South of Darton Lane, Darton, Barnsley

The application is presented to members as a major residential development. The application has been through two rounds of consultation with 188 letters of objection issued to the first round and 165 letters of objection to the second. In addition, Councillor Hunt has objected as has Dan Jarvis MP in his capacity as Member of Parliament for Barnsley Central

Site Description

The Site is circa 3.7 hectares of greenfield land located in Darton. Darton Lane runs along the northern boundary. The Site comprises agricultural land and is currently used for grazing horses. The Site has not been previously developed. As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the site is characterised as Grade 3 Agricultural Land. An existing farm track runs through the centre of the Site and links Darton Lane with the disused railway and countryside to the south.

Darton Primary School is to the west of the Site and the area to the north and east is residential. To the south-west is Darton Business Park, separated from the Site by the rail line. The land to the south is more rural with a dismantled rail spur along the southern boundary and beyond this, agricultural fields. The Site is part of an allocation for housing in the Barnsley Local Plan.

There are no recorded public rights of way across the Site but there are two informal footpaths which run along the dismantled rail line to the south and to the western boundary, accessing the school.

The Site is generally flat, sloping slightly from north to south. The highest part of the Site lies at approximately 76m above Ordnance Datum (AOD) in the eastern portion of the Site. The Site has a gradual south-eastern aspect with the lowest part lying at approximately 60m AOD in the south-eastern corner. The Site sits lower than Darton Road, with a dry stone wall currently used to divide the changes in level.

Proposed Development

The application is in outline with all matters reserved except access. The applicant has provided an illustrative layout showing how 68 dwellings could be accommodated on the Site along with greenspace, retained for its biodiversity value and access to the remaining part of the housing allocation.

The main vehicular access is to the west of the Site and shown as a T-junction with Darton Lane. In addition, 3 private drives are also shown off Darton Lane to the east of the Site, where it narrows. The existing field access is also retained through the site to the agricultural land at the south.

A sustainable drainage feature is located to the south west and a number of easements are retained through the 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 development Plan for the borough is the Barnsley Local Plan which was adopted on the 3rd January 2019.

Site Allocation: Housing Proposal

Site HS2:-

Land south of Darton Lane. Indicative number of dwellings 86. The development will be expected to retain species-rich grassland meadows at the west of the site. A buffer strip of vegetation should also be retained adjacent to the disused railway line at the south. Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary).

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth'

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

H2 'Distribution of New Homes' states 43% of new homes to be built in Urban Barnsley.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected

H7 'Affordable Housing' seeks 20% affordable housing in this area

T3 'New Development and Sustainable Travel'. The site is located in Urban Barnsley

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

HE6 'Archaeology'

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

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

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

Consultations

Air Quality: No objections to the development on operational phase air quality grounds. Recommends the installation of electric vehicle charge points in accordance with the Barnsley MBC air quality and planning good practice guidance.

Affordable Housing Officer: Given the outline nature of the application we would just request that the 20% affordable housing is conditioned. The applicant will need to agree the size, type and tenure split of the affordable housing at the reserved matters stage.

Biodiversity Officer: Objects to the partial loss of higher value grassland on the site. Further detail is provided within the report.

Broadband: No objection subject to a condition securing superfast broadband.

Coal Authority: Material consideration. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to the reserved matter stage.

Conservation and Design: No Objections

Contaminated Land: The Phase 1 Desk Study (ref Wardell Armstrong H12190) has been submitted to support this application. The report has identified potential contamination risks to the

proposed development and recommends that an Intrusive Site investigation will be required to fully assess these risks. This approach is agreed and can be secured through an appropriate condition.

Drainage: The application is supported by a Flood Risk Assessment which describes the outline proposals for drainage of this site. Unfortunately, the plan doesn't show the two culverted watercourses which cross this site and will require easements. The proposals include for a new connection on to one of the existing watercourses crossing the site for which the continuation pipework will require a CCTV inspection to ascertain its condition and location. Whilst there is no objection in principle to the proposals, due to the size of the development and potential impact on the watercourse, full drainage details should be sought early on in any a reserved matters application. This can be secured through an appropriately worded condition.

EA: No comments

Education: Due to the high level of ongoing development within this area (Low Barugh and other developments within the immediate and surrounding areas) a S106 for secondary education is required.

Highways: Initial concerns regarding the access have been addressed and there is no objection in highway safety terms, subject to conditions.

Pollution Control: A satisfactory noise survey has been undertaken as part of the above application. Further details of the mitigation proposed should be conditioned for submission with the reserved matters application. No objection.

Public Rights of Way: The Dearne Way runs along the disused railway line to the south of the site, with 2 connecting branches to Darton Lane; one through the centre of the site which also provides vehicular access and is stated 'to be retained', and 1 outside the eastern boundary of the site which appears to be unaffected. This section of the Dearne Way is a permissive bridleway: i.e. access is provided via a formal agreement with the landowner. The landowner should confirm how they wish to resolve the status of the path and provide details of any works or proposals on this link route as part of any detailed planning application, including how access is to be managed during development. An informative can be added to the Decision Notice.

South Yorkshire Archaeology Service: The applicant has provided a Heritage Desk Based Assessment with the application which concludes the potential for currently unrecorded archaeological remains to occur is limited. On the basis of current information there are no constraints to the proposed development and it does not conflict with national and local planning policy relating to the historic environment. SYAS have confirmed their agreement with this evaluation.

South Yorkshire Police: No objections, detailed design comments only which have been passed to the developer for consideration at the Reserved Matters Stage.

South Yorkshire Passenger Transport Executive: No comments.

South Yorkshire Mining Advisory Service: The applicant has provided a coal mining risk assessment and phase 1 geo-environmental desk top study report by Wardell Armstrong. The reports indicate the land is potentially at risk from coal mining legacy risks such as ground instability if shallow mine workings are present within a critical depth of the surface. If planning permission is granted, it is recommended that a condition is included within the decision notice to ensure the mining legacy risks are adequately investigated and, where appropriate, remediated.

Tree Officer: No issues with the development of the site in principle but the current arboricultural information appears to be attempting to clear the developable area, which is not appropriate. The

removal of some trees will inevitably be required but emphasis should be put on the retention of larger specimens along with the higher retention category trees and groups and removals must be fully justified. It is accepted however, that the accesses can be achieved as affected trees here are not of any real merit, therefore, no objections at this stage. A further tree survey and Arboricultural Impact Assessment is required at the reserved matters stage and appropriate conditions should be applied.

Ward Councillors: Councillor Hunt has objected to the proposal on a number of grounds including highway safety and the proposed location and number of accesses to the site, existing volume of traffic within the area and along Darton Road in particular and the impact of this and other developments, the loss of biodiversity on the site and small area of retained habitat as well as issues ensuring this is suitably protected, the impact on trees and archaeology. Overall there is too much development proposed in the area and this site in particular is unsuitable for the housing as allocated.

Yorkshire Water: Based on the information submitted, Yorkshire Water has no objection in principle to the proposed building stand-off from public sewer centre-line (of four metres) submitted on drawing 0708-SK10 (revision C) dated 23/06/20 prepared by Edward Architecture.

Representations

The application has been subject to two rounds of public consultation as a result of amended plans being submitted. In both cases the consultation was advertised by neighbour letters, site notices and a press advert.

Dan Jarvis MP has submitted a formal objection to both rounds of consultation raising the following concerns:

- Loss of Greenspace and impact on Biodiversity and ecology;
- Increased risk of flooding.
- Traffic safety and the ability of the highway infrastructure to absorb the increased traffic.
- The impact on infrastructure and amenities in the area.
- The erosion of the boundary between Darton and Mapplewell.

188 letters of objection were received in relation to the first consultation, this includes 2 requests for additional time to comment and 1 request to speak at Planning Board and 1 letter from the neighbouring landowner. The objections raised covered the following issues:

Highways:

- The road infrastructure should be improved before allowing more houses.
- Traffic along Darton Lane is already bad and this will exacerbate the issues.
- Getting out of Darton Village at the Church Street / Huddersfield Rd junction is ridiculous. Traffic is backed up from this junction, all the way up to Darton Lane. Extra traffic will make this situation worse and gridlock Darton in rush hour.
- When the motorway is shut the village becomes gridlocked.
- Increased traffic will impact on safety especially at the junction of Darton Lane and Station Road
- The site entrance, opposite Oaks Farm Drive is dangerous; it is already extremely hard to turn onto Darton Lane because of the blind spot on the right and heavy traffic to the left.
- The existing junction at Oaks Farm Drive is already dangerous as the sightlines are poor and cars travel too fast – needs a roundabout to slow traffic down.
- There was an accident at Pye Avenue / Darton Lane several years ago and this will increase the risk of another.

- Existing queuing from the church right back to Bridge Street at 8am - 8.20am, the street cannot cope with any more traffic
- The road infrastructure was built when Darton and Mapplewell were villages and cannot cope with the increased traffic now they have grown. Junctions in Mapplewell are not fit for purpose and getting out of Darton can be the longest part of people's commutes.
- Pavements are too narrow and more traffic will make it dangerous
- When there are problems on the M1 and they have to divert traffic off at Haigh, we then have nose to tail lorries down Huddersfield/Wakefield road which makes it virtually impossible to get out of the village
- Cars drive along the road too fast already more traffic and housing will increase the risk of collisions
- Crossing Darton Lane is already very difficult
- Speed calming measures are required
- The Dearne Way passes just behind the outer perimeter and should be respected for the significance this implies. The infrastructure does not appear to be considered in the application. For many years now the surrounding area has been growing in terms of housing with no thought to the infrastructure
- The increased traffic will impact on air quality, especially as traffic at peak times is already over capacity with long queues.
- The use of the route through Darton by lorries carrying building materials for the construction of the new homes at the proposed development, is likely to cause absolute havoc.
- Poor air quality impacts on school children the most, walking to school.
- Noise pollution from traffic will be a statutory nuisance

Loss of greenspace:

- Loss of valued greenspace, trees and horse grazing land
- This area holds special interest in terms of heritage of Darton. Horses and ponies have grazed there for at least 15 years and I am aware that pit ponies did the same when the site was a railway sidings for collieries.
- This is the only greenspace for residents in this area
- Currently children in the area have to travel up to Mapplewell Park or down to Darton park to find a play area, football area, tennis court; maybe a few less houses and more green space with a play area?
- Loss of green belt, the council has release too much green belt in this area already
- Brownfield sites should be developed first

Ecology:

- It will be a travesty of failure to appreciate the ecology of this area if the development goes ahead. The current tenant of the area sympathetically grazes the area to encourage nature, flora, fauna, birds, small mammals and reptiles
- Loss of trees and impact on trees around the site
- Impact on sparrow hawks, foxes, kestrels and buzzards which have made this area their home
- The removal of this natural land would endanger the whole ecosystem of the wildlife to which it sustains
- The loss of habitat for wildlife is also an unacceptable cost. There are a significant number of bats, birds and other living creatures whose presence is not only welcomed but required to keep a natural balance of biodiversity
- The pond to the north of the site (which is fed by a natural spring) is home to common toads which migrate up to said pond around September / October to go into semi-Hibernation.
- This is one of the few places locally that children can connect with nature.

Flood risk:

- This site floods regularly, what will be done to address this and where will the excess water drain to
- Impact on flood risk and surface water run off – the streets already flood and this loss of greenspace will just make it worse.
- Darton Road floods when there is high rainfall
- The even numbered houses on Oaks Farm drive have an old stream which runs behind them. This stream became blocked with debris from the trees, which are protected by TPO. The stream was placed underground and the run off is on to the proposed development site. Building on the site would cause potential flooding to already existing homes
- The cellars of neighbouring properties already flood, what assurance is there that this will not be made worse by the development. The flood risk assessment does not address this.
- The planning application states that existing sewage pipes will be used which needs to be addressed in light of the recent issues Darton Lane has had with drainage/sewerage
- Risk of generalised and flash flooding. Flash flooding episodes in particular have increased over the last 2 years

Impact on services:

- Pressure on services, GP's already have long waiting list
- Increased pressure on local schools and impact on education quality
- Mapplewell and Darton Schools are already oversubscribed
- Social housing impact on crime and antisocial behaviour
- Impact on local businesses as a result of all the congestion

Overdevelopment:

- Already too much development in Mapplewell and more proposed, the area has already had its share
- Too much urban sprawl
- The communities will merge losing their identity

Construction impact:

- Negative impact on residents during construction from noise, site traffic
- Increased rat activity as a result of construction displacing rat populations

Application detail:

- The application is unclear, is it 73 or 86 houses?
- How will residents be encouraged to walk/cycle to work, shops etc it is unrealistic to expect people to cycle to Aldi / Co-Op
- 1 space for two bed dwellings is not adequate
- Where is the visitor parking? The area can't cope with on street parking.
- Transport Assessment document section 3.3.3 also states that there have not been any fatalities on Darton Lane. On 23rd March 2012, there was been a motorcycle fatality on Darton Lane.
- The Transport assessment included in the application was done back in 2017 and has therefore not taken account of the Carr Green development which has impacted greatly on the Mapplewell, Staincross and Darton areas.
- The travel assessment has no mention of the traffic that will use Spark Lane that has a Grade 2 single track bridge. This road has recently had increased traffic from the new estate in Mapplewell and access to Huddersfield Road is difficult between 7 and 9am.

- The house plots are too small compared to the wider area, there should be a reduction in numbers and increased housing plots.
- There is no evidence an assessment been made of the impact of turning right off Darton Lane eastbound on to the new estate.
- The report provided with the application states that the location is “well connected” for cycling with the TPT being in close proximity. This is absolutely false. “The site is therefore considered to be accessible by bike and is within an acceptable walking distance of key destinations across the local area” is nothing but offensive. My children cannot cycle to school in safety despite living 400m away. Perhaps the author would be happy for his/her six year old to ride their bike along Darton Lane with speeding SUV’s, and articulated vehicles thundering up and down it, but I am not

Other:

- Why haven’t the whole of Oaks Farm Drive been notified.
- The views of the community are rarely acted upon and this in turn makes us feel like we are not being listened to and that consultations are merely a paper exercise
- The land was sold during the liquidation of British Coal’s assets. British Coal policy at the time was to sell land with extensive “no build” covenants and clauses. My first objection is to why these covenants and clauses have been abolished.
- The site was previously part of a small colliery and is likely to have been mined leading to possible subsidence.
- Loss of a view
- Loss of value to properties which have an open aspect now and will lose this.

The second round of consultation resulted in a further 165 letters of objection. These repeated a number of the concerns summarised above and raised the following additional points:

- The revised plans don’t address any of the concerns raised previously by residents.
- The blocks of housing shown on the revised plans are out of keeping with the area which is mostly detached and semi detached.
- There are now 4 accesses onto an already dangerous road.
- Reduced vehicular traffic during lockdown has resulted in improvements for asthma sufferers therefore the increased traffic associated with this development is worrying.
- The increased number of accesses onto Darton Lane are of concern because of highway safety.
- The value of greenspaces and footpaths has been highlighted during lockdown and we shouldn’t be building on these.
- The reduction from 73 to 68 will make little to no difference to issues raised previously with this application.
- One of the new entrances is where a resident was knocked down and killed in 2012. There have been 3 accidents in this area with the most recent in August 2020.
- There are a number of sites already with planning approval or where houses are planned and the overall impact of these on the area is unacceptable.
- How has this site been removed from the Green Belt so easily?
- The south of Barnsley is crying out for regeneration with lots of brownfield land that should have been used for housing. Why are BMBC allowing so much housing in this area and on greenfield sites instead?
- Why have the supporting documents not been updated with the amended proposals?
- The TA includes the proposed roundabout at the Sackville Road junction, this has not been built and the planning application for this is not approved.
- No play facilities are included and there is already a lack of these in the area.
- There should be a hold on development given the current pandemic and time allowed to see how the world will change as a result i.e. more home working.

- Covid 19 has made it harder to get an appointment with the GP and the staggered starts at the school are increasing the parking issues associated with drop off and pickup.
- The impact on wildlife is unacceptable particularly with the current climate emergency and extinction issues.
- There are lots of empty houses in Darton and Woolley Village
- Concerns about the retained area of biodiversity being too small, having no access to residents and the management plan being inadequate.

Assessment

The site is located in Darton, within Urban Barnsley where Policy H1, the distribution of new homes, confirms 43% of the boroughs overall housing supply will be delivered. It is part of a wider allocated site for housing in the Local Plan, as such the principle of residential development is established as acceptable.

Site Specific Policy HS2 sets the number of dwellings to be achieved at 86 dwellings and states that development will be expected to:

- retain species-rich grassland meadows at the west of the site and a buffer strip of vegetation adjacent the disused railway line to the south; and
- archaeological remains may be present therefore proposals must be accompanied by an appropriate archaeological assessment.

The application has been accompanied by a Heritage Desk-Based Assessment which found the site has been in agricultural use since the medieval times with no records of archaeological finds previously and limited landscape features of historical significance. It concludes the likelihood of archaeological remains being present on the site is low. This has been reviewed and accepted by South Yorkshire Archaeology Service and no further investigation is required. In this aspect the second requirement of policy HS2 is met.

The applicant provided a parameters plan and indicative layout which sought to demonstrate that the site can be developed in accordance with policy HS2. However, through the application process it has been established that it is not possible to retain the species-rich meadow to the west of the site in its entirety and secure the anticipated yield of 86 dwellings. This is due to the constraints on site including sewers, the levels which fall sharply from Darton Lane and the shape of the site which is linear and narrows substantially from west to east. The species-rich grassland comprises 1.8ha and is in the wider, western portion of the site. Running north - south, it cuts the site in two with the area beyond it to the west not accessible from Darton Lane. To the east the site narrows with largely only single-sided development possible.

The application site does not include the full allocation with an area to the west excluded because it is under different ownership. Access to this part of the site is only possible through the development and will be secured through condition to ensure the future development of this part of the site. The applicant initially sought to deliver houses with only a small area of the grassland retained and a portion relocated within the site. This was unacceptable, in part because of the lost grassland and because relocation is often not successful. However, it was also demonstrated that retaining the species rich grassland in its entirety and meeting other policy requirements on the site would reduce the housing numbers to circa 29. Therefore, the proposed approach has been progressed. This retains 0.68ha of the species-rich grassland in its current location, the linear habitat to the south of the site with a buffer within the site and achieves circa 68 houses. This approach, and specifically the area of grassland to be retained, can be secured through conditioning the parameters plan provided and is accepted as the right balance in seeking to comply with the requirements of HS2.

To mitigate the onsite loss of grassland, the applicant has provided a detailed ecological assessment in accordance with the Defra Guidance on calculating biodiversity loss and net gain. This has established the total loss of habitat units on site and has been agreed by the Council's Biodiversity Officer. In addition, discussions have been progressed with Yorkshire Wildlife Trust and the Council's Parks Team regarding the funding of habitat enhancements on land at Wilthorpe Canal and Smithies Marsh. The final detail of this mitigation will be agreed prior to commencement of development and funded for 30 years. This is being secured through the S106. The Biodiversity Officer has raised concerns that the detail of this off-site mitigation should be secured before permission is issued in accordance with best practice. However, as there is a likely delay between when planning permission is granted and development commences, particularly with outline applications, there is uncertainty about what the most appropriate mitigation would be on these sites. Therefore, securing this through a S106 to be agreed at the time development starts on site is considered the best solution in this case. On this basis no net loss in habitat can be secured and the proposed is in compliance with Local Plan Policy BIO1.

Visual Amenity

As the application is in outline with all matters reserved, there is no detailed design information at this stage, limiting any assessment of the impact on visual amenity. Nevertheless, there will undoubtedly be an impact, given the green and open nature of the site currently. This can be mitigated in part through the detailed design and landscaping to be agreed at reserved matters stage. The retention of a large portion of the grassland to west of the site will also mitigate the visual impact.

In terms of other visual amenity considerations, the Tree Officer has confirmed that the proposed accesses can be achieved without impacting on existing trees. A tree survey has been provided with the outline, however, although the removal of some trees is accepted as being likely it is not accepted that it is appropriate at this stage to seek to agree the detail of these. A further tree survey is conditioned with the reserved matters and should be used to inform the final layout.

As such the proposal acceptable in visual amenity terms, complying with Local Plan Policy D1.

Residential Amenity

The application is in outline and there has been a significant number of objections, including loss of a valued open space. Several existing dwellings on Darton Lane are orientated to overlook the site and it is clearly valued by residents generally in its open and green form. The site is not, however, currently publicly accessible and is used as grazing land for horses. There is a footpath through the site which accesses a path running along its southern boundary, both are promissory and not formal PROW. This route is shown as retained on the parameters plan which will be conditioned. Further mitigation is provided through the retention of some of the grassland on site which will become publicly accessible. Therefore, whilst there is an undoubted impact on residential amenity, this is balanced with the benefits of providing housing and the mitigation.

The detailed housing layout will need to accord with the separation distances as set out in the Design of Housing Development SPD and South Yorkshire Residential Design Guidance and this can be assessed in full at the reserved matters stage with residents offered another opportunity to comment.

On this basis, the impact on residential amenity is neutral as assessed in accordance with Local Plan Policy D1 and the Site-Specific Policy HS2.

Highways

The application is in outline, however, access is under consideration. There have been several objections relating to highway safety and the impact on traffic in the area from local residents, the Ward Member and MP. The highway officer has been made aware of these concerns.

The proposal includes an adopted access from Darton Lane with three private drives. The Highway Officer initially raised concerns regarding the accesses and more details have been provided confirming the levels at access points, visibility along Darton Lane and distance to existing accesses on Darton Lane. This has demonstrated that the proposed site can be safely accessed with the required vertical and horizontal visibility achieved. The applicant has also provided a robust Transport Assessment which is over and above what is required for a site of this scale. The Highway Officer has agreed the traffic impact is acceptable on this basis with no mitigation required. Therefore, the proposed has been judged to be acceptable in accordance with Local Plan Policy T4.

With regards to Policy T3, sustainable transport. The application is in a sustainable area with a primary school directly to the west and the Local Centres of Darton and Mapplewell both within 800m. In addition, Darton Lane is on a bus route and Darton train station is circa 1km to the west. Finally, a condition has been added requiring details of EVCP and cycle parking to be agreed at reserved matter stage and the S106 includes a requirement to pay the Sustainable Travel SPD payment which will be calculated based on the final layout agreed.

PROW

The Dearne Way runs along the disused railway line to the south of the site, with 2 connecting branches to Darton Lane; one through the centre of the site which also provides vehicular access and is stated 'to be retained', and 1 outside the eastern boundary of the site which appears to be unaffected. This section of the Dearne Way is a permissive bridleway: i.e. access is provided via a formal agreement with the landowner. The landowner should confirm how they wish to resolve the status of the path and provide details of any works or proposals on this link route as part of any detailed planning application, including how access is to be managed during development. The parameters plan shows the path through the site as retained and an informative has been applied confirming the need for further details at reserved matters stage.

In addition, the parameters plan shows a new link from the site to a path running along the western boundary. This would provide an alternative walking route to the Primary School with further details to be agreed at reserved matters.

Based on the illustrative layout, the development will improve existing public rights of way, in accordance with Local Plan Policy GS2 Greenways and Public Rights of Way and T3 Sustainable Travel.

Drainage

The site is located within Flood Zone 1 (low risk), however, several the objections have raised issues with flooding on the site at times of heavy rainfall. The flood risk assessment (FRA) provided by the applicant confirms surface water routes from the residential areas to the north enter the site and appear to be partially blocked by the railway embankment to the south. This results in a build-up of water on site at times of heavy rainfall. In addition, the FRA confirms the site has underlying mudstone bedrock affecting ground infiltration.

The proposed drainage strategy is to use a combination of a Suds pond located on site to store water at times of heavy rainfall with connections to the existing sewer system. This approach and the run off rate has been agreed in principle by Yorkshire Water and the Council's Drainage team with further detailed design to be secured at reserved matters stage.

The proposed is therefore acceptable with regards to flood risk and drainage considerations in accordance with Local Plan Policies CC3 and CC4. This includes the requirement to not increase flood risk elsewhere in the catchment.

S106 Agreement

A S106 agreement is required with this Outline application to secure the off site biodiversity mitigation in accordance with BIO1 and the accompanying SPD which requires no net loss of biodiversity.

Furthermore, as this is an outline application provisions and contributions towards specific infrastructure requirements would need to be based upon the final number of dwellings allowed at the detailed reserved matters stage. The S106 can be written using suitable formulas that are based on the contents of the SPD covering the following topics:-

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 20% affordable housing provision expected in the Darton area.

Education – There is a requirement for an education contribution towards secondary school provision only, based on the proposed number of houses and current capacity within the schools.

Greenspace – The illustrative masterplan meets the 15% onsite greenspace but this is informal only. Therefore there is a requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. The site is located in the Accessibility Improvement Zone therefore this contribution is required. EV charging points would need to be conditioned for each dwelling as would cycle storage.

Subject to these S106 obligations and conditions, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusions

The proposed application is in outline with all matters reserved except access. The site is heavily constrained by sewers, power lines, levels and the location of species-rich grassland. In addition, the linear nature of the site creates challenges. The proposed approach is considered to deliver the best solution taking account of the various requirements of Local Plan Policy HS2 and the wider local plan.

Highways Safety and drainage concerns have been addressed sufficiently at this stage for the application to be supported in this regard and conditions added to secure further detailed design. In addition, the applicant has agreed to enter into a S106 Agreement to secure no net loss in biodiversity and obligations to ensure a policy compliant development with regards to necessary provisions in relation to greenspace, education, affordable housing and sustainable travel. The proposed is therefore recommended to Members for approval.

Recommendation

Grant subject to conditions and S106 Agreement:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) 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 detailed design submitted with the reserved matters application(s) shall be in accordance with the parameters plan (ref:0708-EA-A-S20201130D) with access to the remaining parcel of the site allocation (HS2) provided.
Reason: To ensure the development is in compliant with Local Plan Policies HS2 and BIO1.
- 4 Detailed plans shall accompany the reserved matters submission(s) 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 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.
- 6 Upon commencement of construction works, details of electric vehicle charge points shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.
Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 7 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
 5. A Validation Report to confirm remediation works have been undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land.

- 8 The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal. As detailed in the Wardell Armstrong coal mining risk assessment and Phase one geo-environmental desk top study reports, the land could therefore be at risk from mining legacy risks such as ground instability if shallow coal mine workings are present. Prior to the commencement of development, and as advised by a suitably qualified engineer, site investigations must be undertaken to confirm ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land and NPPF sections 178 a,b,c. 179 and 170 e & f.

- 9 No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i .e. a protected strip width of 8 (eight) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policies CC3 and CC4.

- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Local Plan Policies CC3 and CC4.

- 11 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason: To ensure that the site is properly drained and in order to prevent overloading in accordance with Local Plan Policy CC3 and CC4.
- 12 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4.
- 13 The Reserved Matters Application(s) shall be accompanied by a scheme for the provision and implementation of a surface water run-off limitation into the culverted watercourse. Once approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with an approved programme and details.
Reason: To prevent the increased risk of flooding in accordance with Local Plan Policy CC3.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.
Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan policy CC3.
- 15 Full details of the structural condition, including CCTV survey, and exact route of the watercourse shall be submitted with the Reserved Matters Application and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.
Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Local Plan Policy CC3.
- 16 The reserved matters application(s) shall include a lighting design strategy for light-sensitive biodiversity in the Darton Lane development. The strategy shall show how external lighting in the Darton Lane development will be installed. Through the provision of external lighting contour plans and technical specifications, it must be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such. Any luminaries used should be of the LED type which provides a lower intensity of light. Lighting in the warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm. The lighting plan should also take into consideration the light spill from internal areas of the properties and measures to reduce this light spill such as low light transmission glazing.
Reason: In accordance with Local Plan Policy BIO1.

- 17 The reserved matters application(s) shall be accompanied by the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree Survey
Tree protective barrier details
Tree protection plan
Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with policies BIO1 and D1.**
- 18 Prior to the first occupation of the development hereby permitted a vehicular access (and / or pedestrian / cyclist) shall be provided and thereafter retained in at the position shown on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety n accordance with Local Plan Policy T4.**
- 19 The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.
- Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.**
- 20 Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay shall be provided in full accordance with the details indicated on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.
- Reason: In interests of highway safety in accordance with Local Plan Policy T4.**
- 21 No building or use hereby permitted shall be occupied (or use commenced) until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
- Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety in accordance with Local Plan Policy T4.**
- 22 Prior to the first occupation of the development hereby permitted, parking provision will be in accordance with the standards set out within Barnsley's Parking SPD November 2019 (or its successor). Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
- Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.**

- 23 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety. In accordance with Local Plan policy T4.
- 24 The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.
Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.
- 25 The reserved matters application(s) shall include details of secure and covered parking for bicycles for every dwelling to be agreed in writing by the LPA. The agreed scheme shall be implemented, and secure cycle parking provided before individual dwellings are occupied.
Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.
- 26 No development shall be commenced until full engineering, drainage and street lighting and construction details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.
Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.
- 27 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Darton Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 28 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety and to accord with Local Plan Policy T4.**

- 29 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- i. A plan to a scale of 1:1250 showing the location of all defects identified
 - ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety in accordance with Local Plan policy T4.

- 30 The development hereby permitted shall not be commenced until a Travel Plan has been submitted, approved and signed off by the LPA. The scheme shall then proceed in accordance with the approved details.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.

PA Reference:-

2019/1244



BARNSELY MBC - Regeneration & Property



Scale: 1:4893

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Item 5

2021/0142

Applicant: L Foxon, Duchy Homes Ltd

Description: Residential development of 42 no. dwellings and associated works including provision of on-site open space

Site Address: Land of Mount Vernon Road (East), Worsborough, Barnsley S70 4DN

Representations were received from 28 addresses following the initial consultation comprising 3 in support of the application and 25 objectors. Following reconsultation 10 representations were received comprising 5 objections and a further 5 letters of support. Councillor Lodge objects.

Site Description

The site is located on the east side of Mount Vernon Road linking to Sheffield Road and Barnsley Town centre to the north. The former Mount Vernon hospital site lies on the opposite side of the road nearby to the south west. This was recently granted planning permission for a development of 70 dwellings by the Planning Regulatory Board in October last year (reference 2019/0577).

The application site is 1.32 ha in size and falls to the north and east downhill from a stone wall fronting Mt Vernon Rd. The site is bounded mainly by residential properties comprising a mix of semi-detached and detached dwellings to the north. To the eastern boundary are long rear gardens from properties on the A61. To the south and the south east are agricultural fields that lie within the Green Belt. The site is currently pasture, with a number of boundary trees and a stone field wall along the southern boundary in a dilapidated state located just outside the site boundary.

Grade II Listed Elmhirst Farm and cottage lies to the south just over 100m away and Darley Cliffe Hall (Grade II*) and various separately listed buildings and structures in the grounds approximately 350m to the southeast.

Proposed Development

Pre-application advice was sought, and the developer undertook community consultation prior to the submission of the application. Initially the proposal comprised 4 x 2 bed dwellings, 27 x 3 bed dwellings and 11 x 4 bed dwellings.

Following a number of concerns relating to internal space standards, a revised scheme was submitted and remains at 42 dwellings but with amended house types and an amended mix as follows: 12 x 2 bed dwellings, 19 x 3 bed dwellings, 11 x 4 bed dwellings.

The dwellings would be a mix of semi-detached and detached properties. Parking is provided either to the front or side of the properties, some of the house types have integral garages and some with detached garages.

The developer has provided 7 different property types, of which 6 are of 2 storeys with one house type of 2 and a half storeys. Elevations are simply designed though front elevation provide architectural interest and variation with canted bay windows to ground floor and some have gable elements to front elevations, porches and timber framing and small upper windows to reflect the character of properties in the local area. Access will be from Mt Vernon Road.

All properties are proposed to have EV charging points. Informal open space for play is proposed at the entrance to the site and in the area to the southeast of the site where an attenuation tank is required for drainage. This to have informal child play equipment.

The site will comprise a central access road with dwellings to either side, the majority of trees are to remain with additional landscaping proposed. The existing dilapidated stone wall lies just outside the southern boundary of the site, the proposed boundary will therefore comprise estate fencing and a hedgerow.

Materials proposed are reddish brick with grey or red plain concrete roof tile, or reconstituted stone and grey concrete roof tile.

A draft S106 has been submitted which proposes to provide the full range of contributions and 10% affordable housing required by Local Plan Policies.

History

No previous planning history.

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.

Site Allocation: The site is allocated for residential development under reference HS24 in the Local Plan, with an indicative number of dwellings of 42

Site HS24 Land between Mount Vernon Road and Upper Sheffield Road Indicative number of dwellings 42

The development will be expected to:

- *Protect the historic setting of the Listed Darley Cliffe Hall, its ancillary listed buildings and Elmhirst Farm and cottage. Development shall be limited to the area shown on the Policies Map. Development shall respect the historic setting of these listed buildings by the use of appropriate site layout, sympathetic design that reflects the setting, appropriate scaling, massing, details and materials; and*
- *Retain and enhance the boundary wall fronting Mount Vernon Road or rebuild at the back of wider footway.*
- *Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:*
- *Information identifying the likely location and extent of the remains, and the nature of the remains;*
- *An assessment of the significance of the remains; and*
- *Consideration of how the remains would be affected by the proposed development.*

SD1 'Presumption in Favour of Sustainable Development'

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

LG2 'The Location of Growth'

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

H2 'Distribution of New Homes' states 43% of new homes to be built in Urban Barnsley

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

HE2 Heritage Statement and general application procedure

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

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

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

- Biodiversity and Geodiversity

Other

South Yorkshire Residential Design Guide

NPPF

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

Sections of relevance would be:

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

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

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

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

Consultations

Responses have been received from the following consultees:-

Affordable Housing – 10% affordable housing required

Air Quality – No objections subject to condition

Biodiversity Officer – No objections subject to the no net loss biodiversity measures being secured by condition.

Conservation Officer – No objections.

Education – Require a contribution towards primary school places.

Forestry Officer - requests more substantial size trees in southwest area

Highways – No objections sub

Highway Drainage no objection subject to a planning condition

Pollution Control – no objection subject to condition
South Yorkshire Mining Advisory Service – no objections subject of coal authority standing advice being added as an informative
South Yorkshire Archaeology Service – no objection subject to a planning condition
Sustainability – no comments received
Yorkshire Water – no objections
Ward Members – Councillor Lodge objects on the grounds of impacts on heritage, planned design is not in keeping, impact on community infrastructure, cost of properties does not reflect the income of wider community.

Representations

The initial application was advertised in the press, by neighbour notification letters to 51 individual properties and by site notice.

Following the initial consultation period, 27 representations were received. Of these, 3 were in support of the proposal and 24 objected. The main issues raised by objectors were as follows:

- Traffic/congestion
- Loss of greenspace/greenbelt
- Loss of wildlife/trees
- Lack of local infrastructure (schools, GP's dentists etc)
- Drainage issues
- Air and noise pollution, including noise from play area and disruption during construction
- Too much development cumulatively with hospital development site close by
- Impacts on health and wellbeing
- Impact on privacy, overlooking, loss of outlook, loss of enjoyment of property, loss of sunlight and daylight
- Brownfield sites should be used instead of greenfield
- Design not in keeping due to scale, massing, character, materials,
- Impact on heritage including setting of listed Elmhirst Farm and Darley Cliffe Hall and boundary walls to site
- Not a sustainable site
- Hazardous materials and smells
- Insufficient landscaping proposed
- Inconsistency with national policy
- Level of support from residents

The following non material planning considerations were raised

- Community consultation undertaken by the developer was poor and comments not taken into account
- Issues with accuracy and content of submitted documents
- Loss of view – there is no legal right to a view
- Assumptions of the number of homes required should be reconsidered following the pandemic and Brexit
- Applicants want to maximise profit
- Reduction in property value

One objector made reference to 300 objections but this referred to proposed allocation of the site at Local Plan stage and not to this planning application.

Three letters of support were received. All suggested that the developer be requested to install an equine or other sculpture related to a seamstress on the frontage green areas to reflect the historic use or person of local interest at the site. The applicant has indicated agreement to a representation of a cotton reel to commemorate Ida Harrison, a Hospital Seamstress at the entrance to the site.

Following the submission of amended plans, a further reconsultation exercise was undertaken. 10 further representations were received. These comprised 5 who had made previous representations (3 objections and 2 support) and 5 new comments, comprising 2 objections and 3 of support. These representations did not raise any additional issues to those listed above.

Assessment

Principle of development

The site is allocated in the local plan for housing under an allocation HS24 with an indicative number of dwellings of 42. The application is therefore acceptable in principle. The development should therefore be determined in accordance with the Local Plan. An assessment of how the site accords with other policies is below.

Housing density and Mix

Several objectors consider that the scheme is too dense, and the developer is trying to fit in the maximum number of dwellings possible. However, the site-specific policy for this site gives an indicative number of dwellings at 42. The proposal is for 42 no dwellings which meets the site-specific Local Plan Policy.

House types would provide a suitable mix of properties of 2, 3 and 4 bedrooms in accordance with policy H6 (detached, semi-detached houses). As such the proposal is in accordance with Local Plan Policy H6 Housing Mix and Efficient use of Land.

Appearance

The design of the scheme is such that it will fit within the surrounding residential area, the scale of houses is appropriate and the introduction of a mix of house types will add some interest to the street scene although the site is set at right angles to Mt Vernon Road and the majority of the site will not be visible from the highway.

There will be a mix of detached and semi-detached dwellings with 7 house types, of which 6 are 2 storey and one of 2 and a half storeys with pitched roof dormers. This reflects the local character of the area and the house types are of a scale and style appropriate to the area. Elevational detailing including porches, a mix of hipped and pitched roofs, gable element with timber frame detailing and small upper windows to sash like windows, bay windows to elevation with hipped roofs

Overall the scale, type and elevational treatments are considered in character to the surrounding area, with a range of materials and detailing that further reflect local details. An increased number of plots with a stone finish on the southern plots (1-16) are appropriate to the setting of the Listed Buildings.

Evergreen hedging and estate railing around the informal open space to the east of the site will provide security for children playing and provide a visual and physical separation from manoeuvring cars. The green space and those to the frontage will be softened with trees and shrub mixes. The southern boundary of the site is

proposed to comprise estate railing with native hedgerow inside as an appropriate soft edge to the Green Belt.

On-plot parking is proposed to be a mix of front and side of dwellings, with a mix of integral and detached garages. A number of plots with green frontages with no more than 4 parking spaces between soft landscaped frontage. A detailed landscaping scheme is also proposed to include trees and hedgerows and shrubs both ornamental and native including some extra heavy standard trees.

Comments from one objector considered that the design not in keeping due to scale, massing, character, materials. However, taking in to account all the above details, it is considered that the proposal is in scale and character with the local area and will provide a mixed high-quality suitable material and detailing reflecting local character, in accordance with Local Lan Policy D1.

Impact on Historic Environment

Whilst objections were raised regarding the impact on Heritage and the listed buildings including from Councillor Lodge, the allocation of the site for housing in the Local Plan suggests that a proposal for residential development can be accepted on the site without undue impact. A Built Heritage Statement and Archaeological desk based study has been submitted with the application which recommends geophysical survey which may need to be supplemented by evaluation trenching. The South Yorkshire Archaeology Service considers this is appropriate and requests a planning condition to secure these works.

The Conservation Officer is comfortable with the house types proposed including the range and types of materials but initial comments on the first submitted plans suggested that in order to fully protect the setting of the listed buildings a greater number of houses on the south side of the street (1-16) should use Cromwell buff tumbled stone and grey tiles. He also suggested the number of houses with red tiles to the roofs of number 1-16 should be reduced overall as this would also better respect the setting. He had concerns about the 1.8m timber fence inside the boundary wall on the southern part of the site.

The amended plans being considered today omits all red roof dwellings from the southern row, replacing them with grey, and the stone dwellings from 4 in number to 11 with the remainder of brick with grey roof as requested by the Conservation Officer.

The amended plans also clarified that the existing dilapidated stone wall lies outside the site and estate railings and a hedgerow is proposed to the southern boundary. The Conservation officer considers this more in keeping and the amended scheme preserves the setting of the listed buildings and historic environment.

One objector raised concern about impact on the boundary walls of the site. The Conservation Officer has not raised any objection to the proposals on this point and apart from the access from Mt Vernon Road, the existing boundary walls are to be retained/replaced as required by the site specific planning policy.

Overall the proposal is considered to protect the historic environment and setting of the Listed Buildings. The proposal is therefore considered to be in accordance with Local Plan Policy HE1, HE6 and HS24 on this point.

Contributions and Viability

Planning law requires that application for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (para 2 NPPF).

Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan (para 34 NPPF).

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available (para 57 NPPF).

A viability assessment has been submitted by the applicants both for the initial submitted layout and the amended layout in support of their assertion that the proposal would not be sufficiently viable to provide all the contributions plus 10% affordable housing requirements generated by the proposal and as set out in Local Plan policies and adopted supplementary planning guidance.

However, both reports have been assessed by an independent value who has concluded that the scheme being considered is sufficiently viable to make all necessary Local Plan contributions and provide the 10% affordable housing on site.

The applicant has accepted the independent findings and has agreed the following contributions:-

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 10% affordable housing provision expected in the Urban Barnsley area. The Affordable Housing SPD sets out a split of 80% affordable rented and 20% affordable home ownership for applications in 10% affordable housing policy areas.

Education contributions - This development would have a pupil yield of 9 primary pupils at £16,000 per pupil = £144,000.

Contribution towards off site open space

Based on the unit split shown on the submitted planning layout plan, and in accordance with the figures in Appendix 2 of the SPD the **total off-site contribution** for this application would be **£66,676.52**.

Informal – sufficient informal play space is provided on site, so no contribution is required for informal play.

Equipped children's play

2 bed dwellings x 12 x £503.51 =	£ 6,042.12
3 bed dwellings x 19 x £604.48 =	£11,485.12
4 bed dwellings x 11 x £705.47 =	<u>£ 7,760.17</u>
Subtotal	£25,287.41

Formal recreation

2 bed dwellings x 12 x £824.41 =	£ 9,892.92
3 bed dwellings x 19 x £989.01 =	£18,791.19
4 bed dwellings x 11 x £1155.00 =	<u>£12,705.00</u>
Subtotal	£41,389.11

Sustainable Travel Contribution:

42 units @£1000 =£42,000 x 25% reduction as site is located in the Accessibility Improvement Area = **£ 31,500**

Total contributions: 10% affordable housing plus £242,176.52

Residential Amenity

The proposed layout provides more than the minimum external spacing requirements as set out in the Designing New Housing Development SPD in terms of external amenity space for future residents and the distance to the rear boundary meets or exceeds 10m. In all instances, the distances to existing dwellings exceeds the 21m minimum. All the dwellings on Mt Vernon Crescent backing onto the site have long rear gardens exceeding 25m length apart from no 27 which has a garden 23m long but has substantial vegetation screening it from the site, as do many of the other dwellings. As such, although objectors raised concerns over the potential impact on privacy, overlooking, loss of enjoyment of property, loss of sunlight and daylight, the distances between the rear elevations of existing and proposed dwellings will not give rise to any unacceptable overshadowing or overlooking impacts or loss of light. Privacy will be retained to a substantial degree so there will be no significant loss of enjoyment of the gardens or property.

The internal space provided by the proposed house types has been checked against the standards as set out in the SYRDG and meet the minimum requirements. Some of the house types are generous in size.

Concern has been raised by existing residents about impacts on outlook and loss of view. Without doubt, there will be a change in the view from the existing dwellings as the existing view is of pasture beyond a stone wall. However, there is no legal right to a view substantial existing vegetation and the existing stone wall and mature vegetation will provide substantial screening of the proposed dwellings.

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

Trees

The Forestry Officer has no objections subject to conditions but requested larger trees in the south west part of the site. Amended plans have been submitted proposing medium growing native trees due to tree planting in that part of the site being constrained by the location of the attenuation tank and the need to access it. Conditions are proposed.

Taking the above comments in to account there are no objections to the proposed scheme from an arboricultural perspective.

Highways

Although concerns were raised by objectors about highways safety due to the number of vehicles which will be using Sheffield Road, a Transport Assessment has been undertaken that demonstrates that the access has the capacity to support the development and no objections have been raised from the Highways Development Control on highways safety grounds, subject to the imposition of planning conditions .

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

Taking the above into account the proposal accords with Local Plan Policy T3 (new development and sustainable travel) and T4 (new development and transport safety).

Pollution Control and Air Quality Impacts

Concerns have been raised by objectors about the noise and dust impacts during demolition and construction operations. A construction Management Plan has been submitted with the application. The Pollution Control Officer assessment is that it is of a good standard in relation to measures to control dust and noise. There are therefore no objections providing the CMP is adhered to. This will be controlled by planning condition.

An air quality assessment has been submitted with the application. The AQ officer is satisfied that there will be no impacts on air quality subject to the proposed EV charging points meeting a minimum specification. A condition is proposed. The application therefore complies with Local Plan Policy POLL1

Biodiversity

A Preliminary ecological appraisal has been provided, together with a bat survey and proposal for bird and bat boxes to ensure no net loss this low value biodiversity habitat. Detailed landscaping proposals have been submitted proposing planting of native trees and shrubs, which will add to the Biodiversity interest, as well as native hedgerows. Whilst comments from local residents were received regarding the loss of wildlife/trees, only one tree is proposed for removal with a significant number of trees to be planted in replacement. The site is currently pasture and the substantial landscaping proposed will provide considerably more ecological interest for wildlife than the existing. Overall it is considered that there will be an increase in biodiversity and will satisfy Local Plan Policy BIO1.

Other matters

- Loss of greenspace/greenbelt – the site is allocated for housing within the adopted Local Plan. Whilst there was considerable objection at the Local Plan stage to the designation, the Inspector at the Local Plan Examination in Public agreed to the allocation.
- Lack of local infrastructure (schools, GP's dentists etc) – contributions will be made as set out above towards infrastructure for school and affordable housing.

- Drainage issues – whilst one objector raised drainage as an issue, the Council drainage officer has no objections subject to a condition relating to surface and foul water drainage.
- Too much development cumulatively with hospital development site close by – the site is allocated for housing in the adopted Local Plan and the principle is therefore established.
- Impacts on health and wellbeing – the proposal is unlikely to result in any such impacts as there will be no significant loss of residential amenity.
- Brownfield sites should be used instead of greenfield – The Hospital site across Mt Vernon Road is a brownfield site, with a recent permission 2019/0577, however, there is insufficient brownfield sites in sustainable locations in the borough for housing.
- Not a sustainable site – the site is a sustainable location close to local amenities and on a good bus route.
- Hazardous materials and smells - it is unlikely that such impacts will occur.
- Inconsistency with national policy – the application is in compliance with national policy in that it is proposed on a site for residential development and complies with policies in the adopted Local Plan.
- Level of support from residents – the site was allocated for housing in the Local Plan following an Examination in Public by an Independent Inspector acting on behalf of the Secretary of State. The application is therefore acceptable in principle subject to it being assessed against relevant policies and guidance, taking into account any material planning concerns raised by residents.

Planning Balance and Conclusion

The proposal is an allocated housing site in the Local Plan and is in a sustainable location. The design and layout of the dwellings meet internal and external space standards in relation to the adopted Local Plan policies and SPD's and does not impact significantly on the amenity of existing dwellings that are located adjacent, meeting separation distances as set out in adopted guidance.

Highways are satisfied that a suitable access and street layout is proposed subject to conditions and informatives.

All contributions have been agreed which meet all Local Plan requirements, including 10% affordable housing, contributions towards primary school places, off public open space enhancements and sustainable travel. The proposals would not result in any significant harm to biodiversity taking into account the low value assigned to the habitats on site, the absence of any harm to protected species, the vegetation retention proposals together with a detailed landscape scheme incorporating planting of ornamental and native trees, shrubs and hedgerows and the provision of bird and bat nesting boxes within the development.

The setting of the Listed Buildings is protected by dwellings of suitable design and materials which respect local character and scale and will deliver a soft edge to the Green Belt.

The development would result in temporary impacts on local residents during the construction period. These impacts could, however, be limited by planning conditions requiring noise and dust suppression measures.

Overall the proposal meets all relevant Local Plan policies, requirements and contributions. The application is therefore considered acceptable and is recommended for approval accordingly.

Recommendation

Grant planning permissions subject to conditions and a S106 Agreement (Education, Greenspace, Sustainable Travel and Affordable Housing):

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:
The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved:

2040.01 REV V 2021 - Planning Layout received 24/05/21
2040.02 Location Plan
2040.03 REV Q - Boundary and Finishes Plan received 24/05/21
2040.09 - POS Area Plan
Mount Vernon Housetype Portfolio - Issue 05 - rec'd 09/04/21
R-2416-1 REV H - Landscape Masterplan rec'd 25/05/21
R-2416-2D Landscape Details 1 of 2 rec 25/05/21
R-2416-3C Landscape Details inc LAP 2 of 2 rec 25/05/21
45521_118D - External Works - Sheet 1 received 24/05/21
45521_119D - External Works - Sheet 2 received 24/05/21
45521_100 REV C Engineering Layout received 24/04/21
45521_103C S38 layout received 24/05/21
45521_107C surfaces and kerbing layout rec 24/05/21
45521_002 REV B Drainage Appraisal
SL20-51 Street Lighting Plan
SI-5129-01 - Climbed Endoscope Tree Inspection
P-5129-01 - Ecological Report
Arboricultural Impact Assessment and Tree Survey AR-5129-02.01 by Brooks Ecological received 24/05/21
Bird and Bat Box Plan by Brooks Ecological
GeoEnvironmental Appraisal by Lithos
Transport Statement by SCP
Existing Housing Stock Dormer Analysis
Construction Management Plan dated 21/10/20
Heritage Statement by MB Heritage
DH-SD-701 rev B Entrance Feature received 24/05/21

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

- 3 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for

archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

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

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.

- 4 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4.

- 5 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 6 No development shall commence until full construction, engineering, drainage and street lighting details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter be constructed in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

- 7 No development shall take place unless and until full surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

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

- 8 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:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

- 9 No works shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In interests of encouraging use of sustainable modes of transport.

- 10 Upon commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.
- 11 Upon commencement of development details of measures to facilitate the provision of gigabit-capable 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 thereafter be carried out in accordance with the approved details.
Reason: In order to ensure compliance with Local Plan Policy I1 and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 12 Prior to the first occupation of the development, one EVCP's shall be installed at each dwelling to a minimum specification of "mode 3", minimum 7 kW (32 AMP) and retained thereafter available for that specific use.
Reason: In interests of promoting sustainable travel opportunities in accordance with Policy I1 of the Local Plan. and in accordance with Local Plan Policy T3 New Development and Sustainable Travel.
- 13 Prior to the occupation of any dwelling hereby approved the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway (Mount Vernon Road) in accordance with details submitted to and subsequently approved in writing by the LPA.
Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.
- 14 Prior to the first occupation of the development hereby permitted a visibility splay having dimensions of 2.4m x 43m shall be provided at the junction with Mount Vernon Road. The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.
Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.
- 15 Prior to the completion of the development the approved scheme of ecological mitigation, enhancement and maintenance as set out in the Bird and Bat Box Plan shall be implemented in full. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of biodiversity and in accordance with Local Plan Policy POLL1.
- 16 Construction and deliveries shall only take place between Monday to Friday 0800-1800 and Saturday 0900-1300. There shall be no work or deliveries on Sundays or Bank Holidays.
Reason: For the protection of the residential amenity of existing residents in accordance with Local Plan Policy Poll 1.

- 17 All in curtilage planting, seeding, turfing or landscape mitigation measures comprised in the approved details of landscaping 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'.
- 18 All out of curtilage planting, seeding, turfing or ecological mitigation measures comprised in the approved details of landscaping 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'.
- 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 The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.
Reason: In interests of the safety of persons using the access and users of the highway.
- 21 Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at the drive entrance/exit. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

22 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.

23 All redundant vehicular accesses shall be reinstated as kerb (and footway) prior to the development being brought into use.

Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

PA Reference:-

2021/0142



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BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

April 2021

APPEALS RECEIVED

3 appeals were received in April 2021.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2020/1465	Erection of 1no detached dwelling (Outline seeking approval over means of access and layout). Land to the rear of 25 Robert Avenue, Cundy Cross, Barnsley, S71 5RB	Written Reps	Delegated
2020/1150	Erection of live/work dwelling Windmill Boarding Kennels, Royd Lane, Millhouse Green, Sheffield, S36 9NY	Written Reps	Delegated
2020/0698	Outline application for detached bungalow with access and layout considered at this stage. 15 Garden Cottages, Pontefract Road, Cudworth, Barnsley, S72 8AY	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in April 2021.

APPEALS DECIDED

4 appeals were determined in April 2021.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2019/1340	Erection of 2 storey detached dwelling with off-street parking and ancillary works Land adjacent 4 Mount Crescent, Hoyland, Barnsley, S74 0HG	Dismissed	Delegated
2020/1170	Erection of single storey rear extension projecting out 8m from rear of dwellinghouse, with a height to eaves of 2.4m and 4.0m overall height (Prior Notification Householder) The Stables, Hey Slack Farm, Hey Slack Lane, Whitley Common, Huddersfield, HD8 8YD	Dismissed	Delegated
2020/0697	Erection of detached outbuilding including double garage to rear/side of dwelling 1 Hunters Cottage, Pogmoor Lane, Pogmoor, Barnsley, S75 2JS	Dismissed	Delegated
2020/1177	Update of existing 48-sheet advertising display to a 48-sheet digital advertising display. 20B Racecommon Road, Barnsley, S70 1BH	Dismissed	Delegated

2020/2021 Cumulative Appeal Totals

4 appeals have been decided since 01 April 2021

4 appeals (100%) have been dismissed since 01 April 2021

0 appeals (0%) have been allowed since 01 April 2021

	Audit	Details	Decision	Committee/ Delegated
1	2019/1340	Erection of 2 storey detached dwelling with off-street parking and ancillary works Land adjacent 4 Mount Crescent, Hoyland, Barnsley, S74 0HG	Dismissed 06/04/2021	Delegated
2	2020/1170	Erection of single storey rear extension projecting out 8m from rear of dwellinghouse, with a height to eaves of 2.4m and 4.0m overall height (Prior Notification Householder) The Stables, Hey Slack Farm, Hey Slack Lane, Whitley Common, Huddersfield, HD8 8YD	Dismissed 15/04/2021	Delegated
3	2020/0697	Erection of detached outbuilding including double garage to rear/side of dwelling 1 Hunters Cottage, Pogmoor Lane, Pogmoor, Barnsley, S75 2JS	Dismissed 26/04/2021	Delegated
4	2020/1177	Update of existing 48-sheet advertising display to a 48-sheet digital advertising display. 20B Racecommon Road, Barnsley, S70 1BH	Dismissed 29/04/2021	Delegated

Item 7

Planning Enforcement Report to Planning Regulatory Board

Quarters 3&4 October 2020 – March 2021 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarters 3&4 Period of the last reporting year 2020/2021 (October 2020 – March 2021). 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 3&4:

October	2020	69	January	2021	52
November	2020	66	February	2021	63
December	2020	60	March	2021	78

Total number of requests for service Quarters 3/4 2020/21 **388**

	Cases Received	Investigated/Resolved	Under Consideration
Quarters 3&4 2020/2021	388	229	159

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
<p>2020\ENQ\00293</p> <p>Cat Hill Farm, Hoylandswaine, Barnsley, S36 7DG</p>	<ol style="list-style-type: none"> 1. Without planning permission; the material change of use of the land for the purposes of stationing a storage container 2. Without planning permission; the carrying out of operational development under S55 Of the Town and Country Planning Act; namely engineering operations including excavations to alter the profile of the land and laying aggregate material. 	<p>Two enforcement notices served 19th October 2020 requiring:</p> <ol style="list-style-type: none"> 1.The removal of the container 2. Remove all unauthorised materials in their entirety, ensuring that the land is restored to its original condition before the breach of planning control took place. <p>Effective 18th November 2020.</p> <p>Time period for compliance one Month</p> <p>The container has been removed, complying with Notice No.1</p> <p>Appeal received against notice No.2. Informal Hearing took place 25th May 2021. Awaiting Appeal decision from the Planning Inspectorate.</p>
<p>2020\ENQ\00736</p> <p>Land on the South Side of Intake Lane, Cudworth, Barnsley, S72 8DN</p>	<p>Without planning permission, the material change of use of the land to a base for an enclosed pet exercise and play area</p>	<p>Enforcement Notice issued 23rd October 2020 requiring:</p> <p>Cease the unauthorised change of use relating to the enclosed Paw Park at the Land and ensure that the only dogs present at the site are those registered to the landowners and their respective tenants. No further dogs should attend the site for any other purposes.</p> <p>Remove the associated equipment stored on the land,</p>

		<p>all vehicles, plant, equipment, machinery stored on the land</p> <p>Enforcement Notice Effective 22nd November 2020.</p> <p>Time Period for Compliance: One Month (22nd December 2020)</p> <p>Status: Appeal submitted and dismissed (decision 1st March 2021). The use has ceased – Case Resolved.</p>
<p>2020\ENQ\000762</p> <p>Land at Willow Bank/Bleachcroft, Barnsley, S75 1BN</p>	<p>The breach of planning control is the undertaking of excavations and engineering works to land adjacent to Willow Bank and 'Bleachcroft' Barnsley S71 1PF and the immediate locality as outlined on the attached plan, including excavations, and land clearance works to alter the profile of the land ('The Unauthorised Works').</p>	<p>Temporary Stop Notice issued 26th October 2020 requiring all works to cease for 28 days.</p> <p>Injunction obtained preventing/instructing works for taking place at the land 20th December 2020 and confirmed by the courts in April 2021.</p> <p>Some works have continued, and litigation is taking place to deal with the breaches identified.</p>
<p>2020\ENQ\00415</p> <p>286A Sackup Lane, Darton, Barnsley, S75 5BA</p>	<p>Breach of condition 6 of planning permission 2018/1007 (Demolition of existing dwelling and erection of new dwelling and retail unit (A1) with associated parking) to allow change in design to new building including alterations to roof style.</p>	<p>Breach of Condition Notice served 27th October 2020 requiring Modify the boundary wall to a height of no more than 1 metre, so that the development has sufficient pedestrian inter-visibility splays having the dimensions of 2m by 2m at the drive entrance/exit.</p> <p>Time period for compliance 28 days.</p> <p>Status: Enforcement notice to be served as other breaches identified.</p>

<p>2020\ENQ\00045</p> <p>Land east of Lundhill Road, Wombwell, Barnsley, S73 0RL</p>	<p>Breach of Condition 4 Planning Permission ref: (2017/1001) for Residential development of 150 no. dwellings with associated access, car parking, landscaping, public open space and infrastructure.</p>	<p>Breach of Condition Notice served 3rd December 2020</p> <p>Condition 4:</p> <p>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</p> <p>Ensure that all employees working on behalf of Persimmon undertaking Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials operate only within the set timescales laid out in the Condition 4 as specified above.</p> <p>Notice complied with – Case Resolved.</p>
<p>2020\ENQ\00356</p> <p>343 Darton Lane, Mapplewell, Barnsley, S75 6AA</p>	<p>Without planning permission; the erection of a detached garage which is materially different to that on the approved plans (2017/0372)</p>	<p>Enforcement Notice issued 1st March 2021 Requiring:</p> <p>Demolish the unauthorised structure</p> <p>OR</p> <p>Rebuild the garage strictly in accordance with approved planning permission 2017/0372 i.e. in accordance with amended plans (Nos. Plan & Elevations Oct.12 Rev A (as approval 2012/1231); Site Plan & Section Oct.12 Rev A (As approval 2012/1231); Location Plan) and specifications as approved 5th June 2017.</p> <p>Effective: 1st April 2021</p> <p>Time Period for Compliance: Two Months (1st June 2021)</p>

		Status: monitoring site
2020\ENQ\00819 450 Carlton Road, Smithies, Barnsley, S71 3HY	Without Planning Permission unauthorised extensions and alterations to the roof	Enforcement Notice issued 10 th March 2021 Requiring: Remove or amend the unauthorised structure to comply with permitted development heights Effective 8 th April 2021 Time period for compliance: 2 months (8 th June 2021) Status: planning application received for amended development
2020\ENQ\000762 Land at Willow Bank, Barnsley, S75 1BN	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	Enforcement Notice issued 25 th August 2020 requiring: (i) Cease the commercial use of the residential dwelling and revert in its entirety to a C3 Larger Dwelling. Effective: 23 rd September 2020. Time period for compliance One Month (23 rd October 2020) Status: Case resolved

(b) S215 Untidy Land and Buildings Action

Case Reference & Location	S215 Notice Details	Details of Service/Appeal
<p>2019\ENQ\00077</p> <p>Land at, Former Belmont Centre, Cross Street. Monk Bretton. Barnsley. S71 2DY</p>	<ul style="list-style-type: none"> i. Demolish any existing building on the land, disposing of all consequential demolition materials in an environmentally responsible manner. ii. Make safe any hazardous inspection chambers by replacing covers on the land. iii. Repair any existing boundary walls within the curtilage of the land and maintain any vegetation growth. 	<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: Building Demolished following pending legal action.</p>
<p>2020\ENQ\00903</p> <p>The land known as 8 Gaitskell Close, Goldthorpe, Rotherham, S63 9PX</p>	<ul style="list-style-type: none"> i. Replace the current windows & doors with modern UVPC ones including the associated glazing. ii. 'Make safe' the outbuilding OR remove it in its entirety along with the associated waste. iii. Felling of all trees (including self-setters) from the gardens. iv. Cutting back of all overgrown vegetation in the gardens to a height not greater than 3 inches above ground level and removal of all associated green waste 	<p>S215 Notice issued 24th March 2021</p> <p>Effective 22nd April 2021</p> <p>Time period for compliance Three Months (22nd July 2021)</p> <p>Status: monitoring for compliance</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 Worsbrough Wood, Worsbrough Road, Barnsley, S70	Non-compliance with enforcement notice relating to formation of unauthorised access points into woodland.	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 Planning Hearing took place on 5 th May 2021, awaiting decision from Planning Inspectorate. Application made by the Council for an award of costs.
2018\ENQ\00689 Land Off Sandybridge Lane, Shafton	Change of use of land for residential occupation of caravans and base for recovery business	Use now ceased due to proposed Legal Action

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
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. Further contact has been made with the Planning Inspectorate after the proposed May hearing was cancelled, now likely a hearing will take place around September 2021.

		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 2020 Awaiting hearing date to be fixed by the Planning Inspectorate to hear the case. 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

<p>2019\ENQ\000547</p> <p>South Grove House, Broad Street, Hoyland, Barnsley, S74 9DY</p>	<p>(i) Development has taken place pursuant to planning permission ref: 2018/0157 (Erection of detached double garage)</p> <p>(ii) Siting of storage container</p> <p>(iii) Erection of Hangar</p> <p>Enforcement Notices issued 29th May 2020</p>	<p>Three Enforcement Notices issued requiring:</p> <p>(i) Demolition of building or compliance with approved plans</p> <p>(ii) Removal of storage container</p> <p>(iii) Removal of Hanger Building</p> <p>Status: Appeals dismissed (decisions dated 18th November 2020 for 2 appeals).</p>
<p>2020\ENQ\00202</p> <p>Land off Worsbrough Road (Wood), Worsbrough Barnsley, S70 5LN</p>	<p>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').</p>	<p>Start Letter received for joint Planning and Enforcement Appeal: 27th October 2020</p> <p>The Enforcement Notice seeks the use to cease and removal of the items described on the Notice</p> <p>Planning Hearing took place on 5th May 2021, awaiting decision from Planning Inspectorate. Application made by the Council for an award of costs</p>
<p>2019\ENQ\00472</p> <p>7 Spa Well Grove, Brierley, Barnsley, S72 9LS</p>	<p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Appeal Dismissed Decision Issued 16th March 2020</p> <p>Time period for compliance One Month (16th April 2020)</p> <p>Requirements of Notice:</p> <p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in Appendix 1 to panels which are a maximum of 1 metre.</p> <p>(ii) Reduce the height of the</p>

		<p>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: Judicial review submitted on the case by the appellant, awaiting decision from the courts.</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> <ul style="list-style-type: none"> (i) Reinststate a permanent boundary wall in materials similar to those that were in situ at a similar height prior to the development which will prevent motor vehicle access over the verge to the front garden of the property and; (ii) Remove any related building materials from the land, including those that are obstructing the public footpath. <p>Status: Works not yet undertaken, time period has now expired, pre-prosecution correspondence issued.</p>

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. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress

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/>

Staffing

Presently only one of the two enforcement officer posts are occupied due to a resignation. The service is currently undergoing a minor restructure to make the second enforcement officer role full time permanent. Initially, the second enforcement officer post was fixed term. A recruitment exercise will take place in the coming weeks in order to fill the vacant post and give the service more resources and resilience to deal with high service demand.

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 8

BARNSLEY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE APRIL 2021 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2020/1038	<p>Provision of new foot and cycle bridge over the existing Barnsley to Huddersfield rail line linking Penny Pie Park to Pogmoor recreation ground and associated new footways Penny Pie Park, Dodworth Road, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p> <p>2. One comment received requesting it goes to Planning Board as it is a high profile application and concerns over:</p> <ul style="list-style-type: none">- lighting of footpath- impact on football pitches- vehicular congestion on Glendale Close <p>Officer response – recommend it goes to Planning Board so these issues can be fully discussed at the Board.</p>	To proceed to the Virtual Planning Board for determination.

Signed:



Joe Jenkinson
Head of Planning and Building Control

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Item 9

BARNSELY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE MAY 2021 PLANNING REGULATORY BOARD MEETING

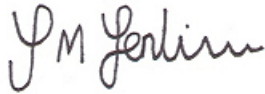
LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2021/0103	<p>Change of use of building from office back to residential use with external changes including installation of cladding to front elevation. 1 Upton Close, Wombwell</p> <p>Summary of consultation comments received:-</p> <p>1. Three comments received raising no objections to, or indicating support of, the 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 the conditions set out in the officer report
2021/0130	<p>Change of use to mixed use bar, vinyl record shop and art gallery and sales 26-32 The Arcade, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. Two comments received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p> <p>2. One comment received raising concern that the use is not suitable.</p> <p>Officer response – The proposal is for a town centre use and is located within the town centre. In addition the site is within an area where Local Plan Policy BTC20 states that proposals for food and drink are supported.</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report
2021/0159	<p>Installation of defibrillator on external wall (Listed Building Consent) St Marys Church School Room, Worsbrough Road, Worsbrough Village</p> <p>Summary of consultation comments received:-</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report

	<p>1. Two comments received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	
2020/1414 and 2020/1447	<p>Conversion of rear brick section of North Range Glass House into day training room. Installation of two storage containers and oil tank in Slip Garden and the installation of external lighting (full planning permission and listed building consent)</p> <p>Cannon Hall Museum, Bark House Lane, Cawthorne of defibrillator on external wall (Listed Building Consent)</p> <p>Summary of consultation comments received:-</p> <p>1. Two comments received raising no objections to, or indicating support of, the 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 the conditions set out in the officer report
2021/0294	<p>Rear single storey extension including pitched roof over conservatory</p> <p>11 Dartree Close, Darfield</p> <p>Summary of consultation comments received:-</p> <p>1. Two comments received raising no objections to, or indicating support of, the 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 the conditions set out in the officer report
2021/0186	<p>Change of use from hairdressers to micro bar</p> <p>35 The Arcade, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. Two comments received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p> <p>2. One comment received raising concern that the use is not suitable.</p> <p>Officer response – The proposal is for a town centre use and is located within the town centre. In addition the site is within an area where Local Plan Policy BTC20 states that proposals for food and drink are supported.</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report
2020/1269	<p>Development of a rural exception site including three affordable homes and two market properties with landscaping and associated infrastructure</p> <p>Land west of Millstones, Oxspring,</p>	To support the recommendation to refuse and fight the appeal on the reasons

	<p>Summary of consultation comments received:-</p> <p>1. Three comments received raising no objections to, or indicating support of, the recommendation</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>for refusal given in the officer report.</p>
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Signed:



Joe Jenkinson
Head of Planning and Building Control

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