

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 January 2022
TIME:	2.00 pm
VENUE:	TO BE CONFIRMED

AGENDA

1. Declarations of Interest

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

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 21st December 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 off Windhill Lane, Staincross - 2021/0747 - For approval (*Pages 7 - 28*)

4. Land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley - 2021/1007 - For approval (*Pages 29 - 46*)

Planning Appeals

5. Planning Appeals December 2021 (*Pages 47 - 50*)

Member Consultations

6. Member Consultation report December 2021 (*Pages 51 - 52*)

Enforcement

7. Enforcement Update (Q3) (*Pages 53 - 62*)

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, McCarthy, Mitchell, Noble, Smith, Spence, 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

Monday, 10 January 2022

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 December 2021
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Coates, Danforth, M. Dyson, Eastwood, Fielding, Frost, Gillis, Greenhough, Leech, Lofts, Makinson, McCarthy, Smith, Tattersall and Wright

34. Declarations of interest

There were no declarations of pecuniary or non-pecuniary interest with regard to any of the items on the agenda.

35. Minutes

The minutes of the meeting held on 26th October 2021 were taken as read and signed by the Chair as a correct record.

36. Land south of New Smithy Avenue, Thurlstone - 2021/0939 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0939** - Reserved matters application for 21 dwellings in connection with outline planning permission 2017/0088 with matters of appearance, layout, scale and landscaping under consideration at Land south of New Smithy Avenue, Thurlstone

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

37. Land south of New Smithy Avenue, Thurlstone - 2020/1221 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2020/1221** Residential development of 28 no dwellings and associated works at Land south of New Smithy Avenue, Thurlstone.

A statement from Ms Emma Lancaster was read out at the Board in opposition to the Officer recommendation to refuse the application.

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

38. Land off Cemetery Road, Hemingfield - 2021/0054 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0054** - Reserved matters application for the erection of 14 no.

dwellings and associated works with layout, scale, design and landscaping under consideration (in connection with outline application 2017/0890) at Land off Cemetery Road, Hemingfield

RESOLVED that the application be approved in accordance with the Officer recommendation and subject to the addition of conditions relating to the pond area with regards to the provision of life preservers/lifebuoys, appropriate safety signage, and management responsibilities

39. Land to the west of Sheffield Road, Hoyland, Barnsley - 2021/1159 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1159** - Full Planning Application for the development of 2 No. storage and distribution units (Class B8) with ancillary offices, including creation of access roads, parking, associated landscaping and infrastructure, Plot 2, Land to the west of Sheffield Road, Hoyland, Barnsley

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

40. Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA - 2021/0664 - For Refusal

.The Head of Planning and Building Control submitted a report on **Planning Application 2021/0664** - Variation of conditions 3 (requirement to comply with indicative layout plan ref: 18 5221 SK04), 4 (indicative public open space arrangements), 15 (ecological mitigation) and 19 (requirement to submit archaeological evaluation prior to submission of reserved matters) of planning permission 2017/0753 - Outline planning application for approximately 250 residential dwelling houses (Use class C3), means of access and associated works, Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA

Mr Mark Johnson addressed the Board and spoke against the Officer recommendation to refuse the application.

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

41. Planning Appeals - October and November 2021

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2021/22

The report indicated that 10 appeals were received in October and November 2021.

It was reported that no appeals were withdrawn and 5 appeals were decided in October and November 2021. 22 appeals have been decided since 1st April 2021, 19 of which (86%) of which have been dismissed and 3 of which (14%) have been allowed.

RESOLVED that the update be noted.

42. Member Consultation report October 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 October 2021.

RESOLVED that the consultation report be noted.

43. Member consultation report November 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 November 2021.

RESOLVED that the consultation report be noted.

Chair

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Ref 2021/0747

Applicant: Mr John Sanderson – Pitstop Productions

Description: Demolition of existing buildings and construction of sound design creation centre

Site Address: Land of Windhill Lane, Staincross, Barnsley

Site Description

The application site is an open field to the north of Windhill Lane, Staincross. Measuring 0.92 ha, the land rises northwards from the road towards the fields to the rear which continues to rise.

There are residential properties to the south, on Windhill Lane and an isolated property to the north west. To the east is another field between the site and Warren Lane and beyond this an area of open fields with some larger detached houses and bungalows on Warren Lane. To the north is open agricultural land.

The site is generally green and open with some buildings located centrally within it. These are built from a mix of materials including wood, metal sheets and brick and are not in a good state of repair. Trees are sparse and largely limited to the edges of the site.

Proposed Development

It is proposed to clear the site and erect a sound design creation centre. This would be used to record indoor and outdoor sound effects to be used in the audio design of video games.

The building footprint is 31.2m x 17.8m (internal measurements) with a height to the eaves of 7m. It has a steel-clad pitched roof, and the elevations are proposed to be clad in timber.

Internally the facility will comprise a full height recording hall, 7 mix rooms, a recording room, meeting rooms and storage as well as toilets, showering and kitchen facilities. Externally, there will be 4 sound booths, a hoist and pit as well as a small pond. These are located to the rear and used for external sound recording.

Planning History

2019/1198 - Confirmation that the existing structures on the site are lawful and the site is previously developed land – Refused as insufficient evidence, specifically related to if the site is classed as previously developed land and not agricultural in use. NB the buildings show on aerial images back to 2002.

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.

Local Plan

The site is allocated as Green Belt as identified on the Policies Map.

Local Plan Policy GB1 applies and seeks to protect the Green Belt from inappropriate Development in line with National Planning Policy.

In addition, the following Local Plan policies are relevant to this application:

SD1 Presumption in favour of sustainable development
GD1 General Development
LG2 The Location of Growth
E1 Providing Strategic Employment Locations
E2 The Distribution of New Employment Sites
E6 Rural Economy
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
LC1 Landscape Character
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems
CC5 Water Resource Management
RE1 Low Carbon and Renewable Energy
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection

SPDs

Biodiversity and Geodiversity
Trees and Hedgerows
Sustainable Travel
Residential Amenity and the Siting of Buildings

NPPF

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

Paragraphs of relevance to this application include:

C.6 Building a strong, competitive economy – significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

In supporting a prosperous rural economy, planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

C.9, Promoting Sustainable Transport –

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

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Para.111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

C.13 Protecting the Green Belt – great importance is attached the Green Belts with inappropriate development being by definition harmful and not approved except in very special circumstances. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt

C.15 Conserving and Enhancing the Natural Environment –

Para.174 – planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others)

- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Para.180 – When determining planning applications, local planning authorities should apply the following principles:

- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Barnsley Economic Renewal Action Plan

Identifies that whilst Barnsley is a proud market town encompassing six principal towns and other settlements with a rich industrial heritage. It is also a Borough which has much greater ground to make up than other places in the national transition to a service and knowledge-based economy with significant levelling-up opportunities existing.

The recent COVID Pandemic is acknowledged to have been a particular challenge to Barnsley because of legacy issues such as lower than average levels of economic activity, health inequalities and deprived communities. The Renewal Action Plan aims to provide immediate help for local people, employers and places, and puts us on the road towards social and economic renewal.

Prospects & Issues for People –

Pre -2020, the plan identifies that there are increasing numbers of people entering the work force with basic qualifications but the development, attraction, and retention of people with skills for higher-value work remains a key challenge – the gap in numbers of people with a degree or equivalent is growing between Barnsley and the wider labour market.

During 2020-2021, Barnsley's economic structure means a significantly lower proportion of the workforce has been able to work from home under lockdown compared to other local economies: 34% in Barnsley compared to the national average of 42%, and much higher rates in city economies such as nearby Sheffield (44%) and London (48%). The job market is currently more competitive, requiring applicants to differentiate themselves; it is harder for new entrants lacking the ability to evidence the application of these skills in practice.

After 2021, the final effect of the pandemic will not be known for some time; the Job Retention Scheme is holding back the worst of the impacts. The effect for a 'catching up economy' will be very significant. If every job on furlough at the end of 2020 (10,500) is made redundant in May 2021, it would eliminate all jobs growth since 2014 – even before the effect on self-employment. In communities in Barnsley where access to employment is already a challenge, the post-pandemic economic effects on the experience of deprivation are unfortunately likely to be regressive without targeted support and intervention. The labour market, already starting to hollow out; will widen inequalities, bringing concerns around inclusion and diversity, pushing disadvantaged groups further away from work. In the short term there may be fewer roles, but as companies recover roles will emerge and these will require roles more strategic and professional skills will be needed. Qualifications will become ever more important to differentiate people in the job market. Technical skills will increase in value and evolve as new technologies emerge, occupations will shift, and the nature of activities will change to pair humans with machines as technology augments the workforce.

Trends & Issues for Employers and Business –

Pre 2020 The structural economic legacy of widespread employment in state-owned industry and large-scale manufacturing firms, has left Barnsley catching up in terms of the size and diversity of its business base. There are almost 40% fewer businesses per head in Barnsley than across England. But, pre-pandemic, great strides were being made to close the gap. Growth in the number of businesses outstripped local, regional and national averages between 2016 and 2020. In recent years, businesses in Barnsley have also been more likely to survive the first three years of operation than across the wider economy. Historically, our structural legacy led to low levels of enterprise, with extra efforts and support required to encourage private business development. The culture of enterprise in Barnsley has been developing well in recent years with the support of the successful Launchpad programme. Prior to the pandemic, the business start-up rate improved for three consecutive years.

During 2020-2021 Barnsley has continued to secure and deliver large-scale private sector investment in new economic activity throughout the pandemic. This includes a £40m expansion of a PLC headquarters and manufacturing facility at Grimethorpe and a £60m investment in new parcel distribution hub at M1 Junction 36. But the enforced closure of certain sectors, together with Brexit uncertainty slowed investment decisions and resulted in a 50% reduction in enquiry levels. The pandemic also slowed completion of speculative commercial property developments, which has limited the number of new premises being available to the market. The corporate target for inward investment successes was reduced from 45 to 24 companies, to reflect the challenges of 2020.

After 2021- The post-COVID business landscape will vary across sectors, depending on the specific effects of Covid-related business interruption and levels of demand. Whilst many businesses are likely to see some contraction – or at least consolidation – some employers in Barnsley, such as in engineering and manufacturing report increasing orders and turnover. We will create the right conditions for people to start new businesses in Barnsley, targeted at growing sectors.

The Plan includes recovery objectives, one being to support employers and businesses to adapt consolidate and thrive. In addition, upskilling the work force and the Young Peoples Pledge to support young people to progress are identified as key actions.

Consultations

Air Quality – The planning statement refers to a fleet of electric cars, therefore, electric vehicle charging points (EVCP) should be provided for the 11 spaces (or a portion of them). This can be secured by condition and the EVCP should be mode 3.

Biodiversity – No objections to the PEA and biodiversity metric as submitted. The applicant will need to provide an Ecological Management Plan detailing how they will protect, enhance and create habitats for at least 30 years post construction; this can be secured by condition. No objections.

Coal Authority (CAA) – Initially objected to the scheme and the proposed location of the building which was over a known mineshaft. However, the amended site plan now details the mine shaft and its respective zone of influence with those built aspects of the proposals repositioned to avoid them. Consequently, having considered the accompanying Outline Landscape Plan & Specification drawing, the

detail of which, if implemented, would incur those parts of the site potentially affected by the mine entry sterile and not publicly accessible, CAA concerns have been addressed subject to appropriate conditions to ensure the investigation/remediation of potential shallow mine workings and a condition to ensure the implementation of the landscaping scheme, which should remain in perpetuity

Drainage - There are no drainage details shown on the plans submitted, with the application form describing foul to discharge to "Unknown" and surface water to "soakaway". There is a limited availability to public sewers in this area so foul may be a problem, and we need to be sure that soakaways will work in this area, so it is recommended that conditions are attached to any approval.

SYMAS – The applicant has submitted a coal mining risk assessment by RB Geotechnical which confirms the site is at risk from mining legacy issues. The report identifies the site may be affected by shallow coal mine workings and that a mine shaft may be present centrally in the site. Consequently, the risk assessment makes recommendations for site investigations to confirm ground conditions and check for the presence/condition of the mineshaft. It should be noted that the Coal Authority do not recommend building over mine shafts unless unavoidable and it is best practice to locate mineshafts prior to designing the site layout. It is noted however that the Coal Authority have been consulted and do not object subject to conditions. It is recommended that, in the event planning permission is granted the Coal Authorities conditions are applied.

Yorkshire Water – No objections subject to conditions. Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed. The nearest mapped public foul sewer is approximately 66 meters away in Kerswick Road.

Ward Councillors

- Councillor Hunt has provided comments confirming that whilst there are some benefits to the proposed and he is supportive of the business and jobs growth, very special circumstances must be demonstrated. The loss of green belt land in an area already subject to so much development is a concern and the uniqueness of the site appears to be largely related to the business being in the same ownership. Could Enterprising Barnsley work with the applicant to find another location? If the application is approved biodiversity and landscaping are required to mitigate its impact.
- Councillor Hunt has commented on the 2nd consultation, having reviewed the amended plans and supporting information and is concerned that the case for not locating to other sites is largely based on viability with the fact that this site is owned by the applicant heavily relied upon. The potential to set a precedent for other industrial development in the area is also of concern. In addition, issues regarding highway safety and the speed of Windhill Lane are raised and the recent petition to reduce speed limits on the road to 30mph which was rejected by the Council's Highway Service.
- Councillor Spence has objected to the application on the basis that the site is not suitable and there are no special circumstances to allow this project to go ahead on green belt land. The site should be used for its intended purpose, grazing horses.

Representations

The application has been consulted on twice, in both cases it was advertised by neighbour letters, site notices and a press advert. 23 comments were received in relation to the original consultation and an additional 26 to the amended scheme.

Below is a summary of the concerns raised in relation to both consultations. These have been split into sections with a brief initial response included, full details of the assessment of the application, taking account of concerns raised, is remains under the Assessment section of the report:

Loss of Greenbelt / Economic Case

The land is green belt and should not be built on under Local Plan Policy and the application acknowledges that the development is inappropriate, being commercial development.

Previous applications to build on the land were refused.

If permission is granted will the applicant apply for a change of use?

The application is designed to inflate the value of the land for resale only.

The negative impact far outweighs any economic benefit.

Because the site is green belt there will be a need to install additional utilities which will add to the impact and disruption.

The site is next to a noisy road and there is clay pigeon shooting nearby, how does this work with recording outside?

The applicant's companies are in fact registered to Silkwood Park in Wakefield and the Pitstop company was awarded a grant in December 2020 from the Leeds Enterprise Partnership. I am concerned regarding the inference in the way the application is worded in respect that the applicant may move his business elsewhere should permission not be granted.

Why can't the development be located on another site, for business and in a brownfield location? There are other sites available for development in the borough: Midland Rd, Royston 4 acres of prime development, rear rural views. Stocksbridge - Pothouse Lane, Windmill Terrace – tucked away position, open views 4 acres of land A61, former brick yard near Woolley 13.79 acres of land for sale, Smithywood Lane, Dodworth 9 acres High Royd Lane, Hoyland, Barnsley 16 Acres Wombwell Lane, Barnsley (Barnsley Council may consider employment use) Ashroyd business park plot 3 Gateway 36 Dodworth Business Park

The proposed will set a precedent for other schemes and lead to the loss of more green belt.

Response – The applicant has submitted an economic case for the development which is assessed in detail below and includes locational benefits associated with the existing units occupied by the applicant in the borough. In addition, Enterprising Barnsley have worked with the applicant to provide a list of alternative and potentially suitable sites in the borough.

Where very special circumstances are demonstrated, there is a unique case for a development which cannot be carried over to justify alternative development. In addition, a condition has been applied tying the scheme to the proposed use and applicant with a requirement to remove all development if/when the use ceases. The applicant has provided a response to questions regarding noise from the road and wider area stating this is acceptable for the development proposed.

Visual and Residential Amenity

The building design is not in keeping with the area, it looks like a warehouse, is two storey and will be highly visible, detracting from the area and spoiling views of the area as a whole.

The existing buildings on the site are not ramshackle and are single storey and agricultural in nature so are not offensive to view.

Lighting and security fencing isn't taken into account.

The proposed trees and screening will take years to mature.

Loss of privacy to residents located near to and opposite the development. The building is two storeys and overlooks existing houses to the detriment of their privacy.

Car parking areas also overlook existing houses.

Noise intrusion from the proposed recording work, especially when outside and using the hoist to drop items. No evidence is provided to confirm that the development won't impact on the area or residents.

More information is needed about the use of the site and noise from it including times of day. No information is provided about working hours in the application.

Noise and disturbance during construction is not mentioned. This will be exacerbated by the number of people now working from home.

Loss of views to residents.

Advertisements and signage will add to the visual clutter.

The application does not comply with the Barnsley Public Health Strategy 2018-2021 as it doesn't protect communities from harm, major incidents and other preventable health threats in this case visual and mental health harm. Greenspace is good for mental health and the nearer the better especially in an area where elderly residents are housebound. Noise from the site will also impact on mental health and children's development.

Response – Visual and residential amenity is covered in more detail in the report below, however it should be noted that the site is not accessible greenspace. Details of boundary treatments and lighting will be secured through condition and advertisements will require formal consent through an Advertisement Consent Application so are not covered in this proposal.

Highway/Traffic Concerns

Windhill Lane is a very, very busy road, it is acknowledged as a feeder route to junction 38 of the M1, and as a means of heading towards Wakefield and West Yorkshire from the north of Barnsley.

The road is known to be dangerous and used to have a speed camera on it. Since the camera was removed speeds have increased and residents and Councillors have signed a petition to get the speed lowered.

The plan also fails to show the proposed entrance/exits proximity to the crossroads of Windhill Lane, Sackup Lane, Warren Lane and Staincross Common. This is a busy junction and there have been many accidents including very recently.

There is a blind summit uphill from the access and a curve in the road which are not addressed.

It is also a bus route and the No. 1 bus exits slowly from the Keswick Road junction, there is approximately a total of 50 buses a day on this route. There is also a bus stop close to the site access.

The amendments include a new location for the site entrance to the building. The new entrance is situated opposite driveways, which will have a negative impact on existing properties particularly due to the amount of traffic on Windhill Lane.

There are only 11 parking spaces for near to 100 staff which will mean staff will park on the surrounding roads.

There is already too much traffic in the area and too many new developments proposed making it worse.

Employees would potentially access the place of work via the motorway from Haigh and that is already a dangerous busy junction. The junction at the top of Haigh Hill is already an accident hotspot.

The road is already busy and an air quality hotspot, this will make it worse

Response – Highway safety is covered in the report and has been assessed by the Highways Development Control Officer.

In terms of sustainable travel, the applicant has proposed the use of a fleet of electric cars with EVCP installed on site. In addition, showers are included within the building, and cycle parking will be conditioned along with improved pedestrian access linking the site to the nearby bus stop. A full Travel Plan will also be required.

Biodiversity and Climate Impact

The land should not be built on for climate change reasons and lost biodiversity.

There are always rabbits on the site and bats, hares and birds of prey have been seen. These will be lost if the development goes ahead.

What about noise disturbance to the horses in the adjacent field, will they be scared.

The local community has been refused using the land for the use it is intended repeatedly.

Also, noise disturbance to animals such as bats and the impact on habitats?

Increased flood risk through loss of the fields and their infiltration of water.

Response – An ecological assessment of the site has been provided alongside a detailed landscape plan and biodiversity habitat assessment using the Defra Metric. this concludes a 9.72% net gain can be achieved in biodiversity habitats. With regards flood risk, the site is not at high risk of flooding and the proposals will not increase the overall area of hardstanding on site. A detailed drainage strategy can be secured through condition, including a SUDS first approach to surface water management which will be required to be limited to an equivalent greenfield rate.

Other

More residents should have been notified by letter.

The parliamentary labour party is currently looking into individual developers exploiting local communities for personal profit.

The applicant mentions future expansion. It is known that the applicant and the owner of the adjacent field have previously tried to build on this land. The owner of the adjacent field previously put in an application to build houses on the field junction with Warren Lane which was refused. Should this site be developed what is to stop the future expansion of the site onto further green belt land.

The building will attract anti-social behaviour.

It is disputed that the existing site attracts antisocial behaviour or thefts.

Response – The approach to consultation letters is consistent with other applications, focusing on those immediately adjacent or opposite the development. In addition, site notices and a press advert were issued to notify residents in the wider area. A previous application on the site was refused, this was a lawful development certificate which sought to demonstrate the existing buildings are lawful and not in agricultural use. It was accepted that the buildings had been in situ more than 4 years and are outside of development control but insufficient evidence was provided to demonstrate the site is not agricultural. This application is assessed on this basis. Issues of antisocial behaviour are unconfirmed and as such have been given limited weight.

Assessment

The proposed development is for a sound design creation studio, located to the west of the site and accessed from Windhill Lane. As the site is located in the Green Belt as designated in the adopted Local Plan the starting point for the proposed is that it is inappropriate development which is by definition harmful to the Green Belt and should only be approved in very special circumstances. National Planning Policy is clear at paragraph 148 of the NPPF that:

“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

The assessment below covers the benefits of the scheme and the harm, including other harm before concluding if very special circumstances can be said to have been demonstrated.

Economic Case

The applicant's case is based on the economic benefits of their business, including the unique nature of the business and facility proposed.

The applicant's business, PitStop Productions, provides a range of services for video games. Initially set up in 1997, the business focused on voiceover services with recording studios in London, New York and Los Angeles as well as a local studio at Capital Park in Barnsley. PitStop's base is in Barnsley at Capital Park and the nearby Brook House with a recently developed studio in Croyden. Sound engineers, project management, editing teams, music creation and a visual department are all based across these existing sites.

The company has identified sound effects as a key area for expansion of the business with 12 of the 34 staff currently employed (plus 26 freelancers) focused in this area. An aspect of this is the ability to create unique sounds, rather than rely on a library of sound effects, to meet a growing demand for video game audio and 3D sound. This is similar to surround sound and is a growing requirement as video game technology expands and the demand for more realistic sound effects grows to provide a more immersive experience. The proposed Sound Design Creation Centre (SDCC) will provide a facility for this, with indoor and outdoor recording areas and mixing rooms.

The SDCC is stated to be unique, with no other comparable facilities in the UK designed specifically for the creation of sound effects for video games. The ability to record indoors and outdoors and immediately test and implement sounds into games on a single, purpose-built site is a key benefit of the scheme. The applicant states that the facility will help attract clients and the best sound design talent to the business.

The uniqueness of the facility and the increased role of audio in video game development is backed up by letters from number of firms within the games industry, including Sony and the trade association for the video games industry (UKIE, UK Interactive Entertainment Association Ltd) which confirms Pitstop Production as a respected supplier of services in the games industry and that the Sound Design Creation Centre could be a landmark for the UK games industry. They also stated that, their research backs up the benefits of the scheme being threefold:

1. Support for industry growth, the global games market has grown steadily by circa 8% year on year until 2020 when it grew by 20% due to lockdown. With the UK globally recognised as one of the best places in the world to make and sell games.
2. Satisfy unique demand from the industry. This is linked to growth in 'triple A' games where production levels exceed those of feature films. Authentic sound is a vital component of this.
3. Provide local economic benefits. The UK games industry is a national sector with 55% of game development outside of London.

The applicant has provided recent accounts and a letter from their accountant which evidences the strong growth of the business since 2018 and investment in assets. This also shows the businesses resilience through the recent pandemic.

In addition to the economic benefits, the business is part of the high-tech sector with most of the staff holding degree level qualifications or above. The applicant has provided a letter from Barnsley college confirming strong links with PitStop Productions and supporting the proposed development as providing opportunities for students to learn and gain work experience. The letter also confirms that there is ongoing collaboration on designing the curriculum and a long-term collaborative learning partnership between the college and PitStop.

The economic benefits of the business as set out above are, therefore, clear in that this is a growing, high tech business located within Barnsley providing degree level skilled employment. It contributes both to economic growth and Barnsley's economic recovery in accordance with the Local Plan Economic Policies and Barnsley Economic Renewal Action Plan. In addition, the business is already contributing to upskilling through its relationship with Barnsley college, with the unique facility proposed providing a increased opportunity to expand on this with further details secured by condition.

Therefore, the socio-economic benefits of the development are afforded substantial weight as a benefit of the scheme.

Alternative Sites Assessment

In terms of justification for the proposed to be in this location, the applicant has provided an assessment of currently available sites within Barnsley and their suitability for the proposed. This was updated during the application assessment process with the list of sites and reasons for discounting sites expanded on. The full list of available sites was provided by Enterprising Barnsley who support businesses looking to locate or expand within the borough.

In total 19 sites have been assessed based on: tenure, size of building, suitability of the building, availability and suitability of outside space and size of the site. Viability has been stressed by the applicant and, although it is accepted that this is a factor, the argument that purchasing land alone would make the scheme unviable has not been given weight. Issues regarding demolition or specific higher land values as a result of other planning permissions are considered alongside other constraints.

Of the 19 sites, only 5 were land only with one no longer available in the 2nd review, one has residential planning permission making its value unviable, a third is only 0.5 acres and deemed too small. Two others are substantial plots of land at 16 and 11 acres respectively which is much larger than required; the 16 acre plot is also in the green belt with planning permission as a burial ground and the 11 acre plot is currently the subject of a planning application for 19,147m² of mixed employment space.

Other existing sites all had buildings on, given the bespoke nature of the proposed none of the existing buildings have been assessed as suitable by the applicant and would need to be demolished. Some were only available for rent so have been discounted for this reason. A number are on existing business parks with surrounding business uses making them unsuitable due to noise or other disturbance. Others did not have sufficient space to accommodate the proposed development in its entirety (building and outside recording space) and one is located close to a railway and busy road.

Finally, some alternative sites have been suggested by residents but these are discounted as either outside of the borough, also on green belt land or unsuitable as being located within existing business parks.

Based on the assessment of available sites provided by Enterprising Barnsley, it is accepted that there are currently no alternative sites available for the proposed in the borough.

Suitability of the existing site

The applicant's case for the suitability of the current site is in part based on its rural location and scale, allowing for a new build bespoke facility with outside recording areas. Questions have been raised regarding the proximity to Windhill Lane which, although a minor road, is subject to reasonable levels of traffic in peak periods. The applicant has clarified that the proposed does not need complete silence but does need to be located away from serious noise polluters i.e. busy motorways, heavy plant / equipment and schools. It is also stated that the building would provide some shielding from road noise as the outside recording areas are to the rear.

In addition, the site is stated to be well located in relation to their other sites within the borough. Access between these, which are both in Dodworth including a unit at Capital Park close to the M1, will be achieved using company owned electric vehicles.

The applicant has stated that 5 staff would be permanently located at the SDCC with the main team remaining at Capital Park. Visitors to the facility are envisioned to be from across the country and international, largely travelling by train. This is consistent with current patterns, with international clients accommodated in the Holiday Inn adjacent Capital Park. PitStop propose to use a fleet of electric vehicles to transport visitors between the various sites and public transport hubs. No cycle parking is proposed but showers are provided in the building and cycle parking can be secured by condition. In addition, the highways conditions will include improved pedestrian facilities to encourage safe access to the nearby bus stop.

On this basis it is accepted that the site is suitable for the proposed development.

Visual and Openness Impact

The site is located at the edge of the settlement adjacent Windhill Lane with residential development opposite and along Warren Lane to the south east. It is currently largely open, however, there are some low-level buildings located relatively centrally with a farm track / gate access and agricultural appearance. There is no planning history relating to these buildings, albeit they have been in place since 2002 and are assumed to be agricultural in use.

National Planning Policy Guidance provides examples of impact on openness including, but not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- the degree of activity likely to be generated, such as traffic generation.

The proposed will see the existing buildings on site removed and the SDCC erected to the west of them. The new building is larger, being two storeys but will have a similar footprint to the buildings removed and the height at 7m is not significantly different to the height of 2 storey houses which are located opposite it. The design of the new building is consistent with a modern barn, with limited windows, timber cladding to the sides and a steel roof. Overall this mitigates the visual impact and the impact on openness, albeit it does not remove any impact.

The building will be permanent and will increase activity on the site. This impact is partly mitigated by the limited number of permanent staff (5 only on site) and the fact that the majority of activity will be internal to the building with significant sound insulation and limited windows.

A detailed landscaping plan has been provided with the scheme which includes tree planting across the site with native woodland species as well as a hedgerow around the site edges. This will soften views of the building and wider site. In addition, the access and parking areas will be grasscrete which will reduce the overall visual impact.

Overall, the proposed will have an increased impact on openness of the green belt and visual amenity. However, this is mitigated in part by the site's location, the landscaping proposed, the design of the building which is similar to a modern agricultural barn and the low level and nature of activity proposed. On this basis, this impact is accepted to be moderate harm in accordance with Local Plan Policy D1 and the accompanying guidance in the Residential Amenity and the Siting of Buildings SPD.

Residential Amenity

A number of comments and objections have raised specific concerns regarding residential amenity. These include: the loss of a view, overlooking and overshadowing impacts and noise from the development.

The proposed building is orientated to face onto Windhill Lane with an entrance foyer and glazed entrance to the front. However, no other windows are proposed in the front elevation, instead the small number of windows that are proposed are to the sides which causes no overlooking issues. In addition, although parking and the entrance foyer are to the front, these areas will be screened by the proposed landscaping. On this basis, overlooking is not assessed as having a significant impact.

Similarly, overshadowing is limited as the building is located circa 30m from the nearest boundary with any residential property.

Potential issues of the proposed disturbing nearby residents, particularly relating to the proposed outside sound booths has been queried. The applicant has confirmed that the building will be highly insulated with double layered acoustic plaster board and rockwool acoustic insulation. The external recording booths will also be insulated with acoustic fencing and, in some cases, they are partly buried. The details have been assessed by Regulatory Services and no objections have been raised. Any future issues could be controlled through Environmental Health powers and a condition can be added limited the hours of operation including the use of outside recording facilities.

Therefore, the proposed will not have an unacceptable impact on residential amenity and is in accordance with Local Plan Policy D1 and the accompanying guidance in the Residential Amenity and the Siting of Buildings SPD.

Biodiversity

The application is supported by a preliminary Ecological Assessment (PEA) with accompanying detailed landscaping proposals and has been subject to assessment of the biodiversity net gain achieved using the Defra Metric.

The existing site has been assessed as having relatively low ecological value being largely poor-quality neutral grassland. Existing trees are at the site edges and will be retained or replaced where these are required to be removed to ensure appropriate highway visibility splays.

The proposed landscaping scheme includes a native hedgerow around the site edge and substantial tree planting across the site and to its perimeter. Native, species rich scrub and grassland will be planted, and the site access and parking will be grasscrete reducing the overall hardstanding on the site. The metric calculation as a result has demonstrated a 9.72% increase in biodiversity on the site.

This has been reviewed by the Council's Biodiversity Officer and no objections raised subject to a condition securing a detailed management plan for the landscaping covering 30 years.

Therefore, the proposed will have a positive impact on biodiversity and exceeds the requirements of Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD. This is afforded significant weight.

Climate Change

The site is located at the edge of the existing settlement, is well connected to the existing road network and on a bus route. In addition, the applicant is proposing to install electric vehicle charge points and to use electric cars as part of the company's fleet when transferring staff and clients between this site and its other existing locations. Showers are also provided, and cycle parking can be conditioned. This complies with Local Plan Policy T3, Sustainable Travel and details can be secured through a condition requiring a detailed Travel Plan.

There is existing hardstanding and buildings on site with the proposed having a similar footprint and the new access and parking stated to be grasscrete. This will mitigate the impact on surface water runoff. In addition, conditions will be added to ensure appropriate drainage is designed to endure no actual increase in surface water runoff and that a SUDs first approach is adopted as required by Local Plan Policy CC4.

The applicant has also agreed to a condition requiring BREEAM Very Good in accordance with Local Plan Policy CC2.

Although located in the greenbelt the site is immediately adjacent the existing settlement with access to the highway network and local bus services. The applicant's positive approach to sustainable travel is also noted and the building will be designed to achieve a high standard of sustainability. However, as these

requirements are largely in accordance with Local Plan Policy and would be required on other sites, they are afforded limited weight.

Highways

This proposal seeks to demolish the existing buildings on site and construct a new sound design creation centre. To serve this, the application also provides for a new direct access onto Windhill Lane toward the south eastern corner of the site. Windhill Lane at this point is subject to a 40mph speed limit and visibility splays of 2.4m x 120m are to be provided in accordance with DMRB. The internal access road into the site includes for a turning area to accommodate a refuse vehicle and 11 car parking spaces are to be provided including 2 disabled spaces together with onsite electric vehicle charging provision.

The applicant has confirmed that the full time staffing levels occupying the site will be 5 people and that staff will travel from the company's other sites for bespoke recording sessions. It is intended that the additional staff will travel in groups as and when required with a maximum of 25 people on site at any one time. As such, the development proposal is not considered to be a significant generator of traffic. Working hours are to be 09.30 – 18:00.

Following a review of the latest information, I can confirm that there are no objections to the development proposal from a highways perspective subject to appropriate conditions.

The Planning Balance

A sliding scale has been used in assessing the scheme, attaching limited, moderate, significant or substantial weight to the harm and benefits.

The development is inappropriate in the green belt and as such substantial weight is given to any harm to the Green Belt and any other harm resulting from the proposal. Very Special Circumstances will only exist if this harm is clearly outweighed by other considerations.

The proposed scheme will deliver a unique facility in sound design, attracting continued investment and growth in an existing and established hi-tech business and securing quality, degree level job opportunities. In addition, the business already works with Barnsley College and there is continued commitment to do so with the proposed facility providing opportunities for students to gain experience. This socio-economic benefit is afforded substantial weight and is supported by the Barnsley Economic Renewal Plan which is targeting improved qualifications, degree level jobs and increased resilience of businesses as a result of the ongoing pandemic.

In terms of harm, the site is not classed as previously developed land having agricultural uses on it. Therefore, the proposed building will impact on openness and is in larger than the existing buildings on the site. This impact is in part mitigated by the removal of existing buildings, the proposed design and materials, which are similar in appearance to a barn, and the landscaping which will provide substantial screening. In addition, there will be a low level of activity on the site. As such the harm to openness is assessed as moderate.

The landscaping scheme has been designed to deliver substantial biodiversity gains with a 9.72% increase in biodiversity habitats on site. This is a benefit of the scheme and afforded significant weight.

Finally, the highways impacts have been assessed as acceptable and trips to the site are not expected to be significant with only 5 staff located here permanently. Further, sustainable travel measures are proposed and will be secured through condition.

Therefore, it is accepted that the benefits of the proposed, taking account of the lack of alternative suitable sites in the borough and unique case of the applicant, clearly outweighs the harm to the green belt and any other harm and the proposed is recommended for approval subject to conditions.

Recommendation

Approve subject to the following conditions:

1.The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

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

Site Plan Ref: 102-35, Dwg.08 Rev D

Access Proposals ref: 2044-101, Paragon Highways, 04.01.2022

Landscape Plan Ref: PWP.530.001 Rev 05

Preliminary Landscape Assessment (Middleton Bell Ecology, 19th May 2021).

Biodiversity Metric 2.0, Windhill Lane

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 commencement of development, the applicant shall provide a scheme for approval by the Council in writing, setting out their ongoing commitment to working with Barnsley College. The scheme shall include, but not be limited to: guest lectures, opportunities for students to visit and utilise facilities at the Sound Design Creation Centre and work experience or apprenticeship support and shall be supported by Barnsley College as partner with an agreed timescale for delivery.

Reason: To maximise the socio-economic benefits of the development in accordance with NPPF paragraphs 8 and 81 and Local Plan Policy GB1.

4. 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 D1, High Quality Design and Place Making.

5.Notwithstanding the approved details, an amended landscaping plan shall be submitted with the visibility splay as shown on approved site plan (ref: 2044-101, Paragon Highways, 04.01.2022) included and not obstructed. The revised plan shall carry forward the principles of the original (PWP.530.001 Rev 05) with regards to ecological enhancements as set out in the approved PEA and include a timetable for implementation which identifies features required to screen the development and provides them early in the construction process.

The amended plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The approved landscaping shall be implemented in accordance with the agreed scheme and timetable and retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the locality, biodiversity and highway safety in accordance with Local Plan Policies D1, T4 and BIO1.

6.A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas in accordance with the approved details and the PEA, 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 and ecological 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.

7.The development hereby approved shall be limited to the specified use as a Sound Design Creation Centre only and operated by PitStop Productions for the lifetime of the development. Should this use cease the site shall be cleared of all operational development and restored in accordance with a landscape plan to be agreed in writing by the Local Planning Authority within 1 year.

Reason: To reflect the very special circumstances of the development proposed and protect the openness of the green belt in accordance with Local Plan Policy GB1.

8.Any works connected to the approved use that takes place outside the main building shall only be carried out between the hours of 9.00 to 18.00 Mondays to Fridays and at no time on Saturdays, Sundays or Bank Holidays

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Pol1.

9.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 Local Plan Policy T3 - New Development and Sustainable Travel.

10.The proposed building shall be constructed to meet Breeam Very Good standards as a minimum and appropriate accreditation sought and provided to the Council prior to occupation.

Reason: To ensure sustainable design and construction best practice is secured in accordance with Local Plan Policy CC2.

11.The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

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

12.Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and

shall thereafter be retained.

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

13. Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound 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.

14. Prior to the first occupation of the development hereby permitted a vehicular access shall be provided in accordance with a detailed scheme to be agreed in writing with the LPA constructed in accordance with BMBC highway specification and thereafter retained in at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Reason: To ensure satisfactory 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.

15. Prior to the first occupation of the development hereby permitted the visibility splays of 2.4m x 120m shall be provided in full accordance with the details indicated on the approved plan. The splays 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.

16. 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. 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.

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

Provision of any necessary signing/ lining

Provision of/any necessary alterations to street lighting

Provision of a 2m wide footway to adequately serve the site with informal crossing points and tactile paving

Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

When the proposed access has been constructed the existing access shall be permanently closed in a manner to be approved by the LPA.

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

18. 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 in accordance with Local Plan Policy T3.

19.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 (but not be limited to):

- 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 in accordance with Local Plan Policy T4.

20.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.

21.Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage sustainable transport and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.

Reason: In the interest of promoting use of public transport, in accordance with Local Plan Policy T3.

22.Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

22.Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private

vehicles for personal transport).

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

23. Prior to occupation, a detailed external lighting plan shall be provided which includes measures such as an assessment of the spread of artificial lighting and reduced or no lighting when the site is not in use, to mitigate the impacts of light pollution, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity in accordance with Local Plan Policies D1 and BIO1.

24. 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.

25. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To accord with Local Plan Policy CL1 Contaminated and Unstable Land and Land stability NPPF sections 183 a,b,c and 184

26. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason: To accord with Local Plan Policy CL1 Contaminated and Unstable Land and Land stability NPPF sections 183 a,b,c and 184

27. 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. The scheme shall include:

" Porosity tests carried out in accordance with BRE 365, to demonstrate if the subsoil is suitable for soakaways

" and

" Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways, or

" Alternative measures to ensure surface water runoff is adequately mitigated.

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 Policies CC3 and CC4.

PA Reference:-

2021/0747



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

2021/1007

Harworth Estates

Erection of 3no. buildings for industrial (class E(g)(iii)/B2) or storage and distribution (class B8) use with associated spur road, yards, parking, landscaping and drainage infrastructure (Reserved matters of outline planning permission 2019/1573 for Phase 2A.1 seeking approval of appearance, landscaping, layout and scale)

Land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley

No comments have been received from any members of the public.

Site Location

The application site comprises part of a large employment site in the Local Plan and includes land to the south of the Dearne Valley Parkway (DVP) - Barnsley Local Plan site ES17 in Hoyland, Barnsley. The site lies close to Junction 36 of the M1. The proposal represents part of the second phase of Gateway 36, the first phase having been completed to the west closer to the junction of the M1. Significant engineering works to create development platforms and accesses to the employment sites are currently underway as part of the existing hybrid planning permission that this reserved matters application relates to.

The wider locality is a mix of industrial development (Gateway 36 Phase 1 and Shortwood Business Park) and land which forms part of the Hoyland North Masterplan area that is in the process of being engineered to accommodate future development. The Hoyland West (employment and residential) and Hoyland South (residential) Masterplan areas lie to the west.

There are no local, nor international level statutory designations on the site but there are three non-statutory designations in the area, Shortwood and Hay Green Local Wildlife Site; Barrow Colliery Site Local Wildlife Site to the north of Dearne Valley Parkway. In addition, the Dearne Valley wetland has been designated as SSSI this year. The site also lies within the Dearne Valley Green Heart- Nature Improvement Area.

To the South East is Hoyland, the Grade II Listed Hoyland Lowe Stand is to the east approximately 600m away, while Grade II Listed St Peters Church is nearby in the same general direction.

Site description

The area of land included within this reserved matters application is 13.8ha in size (compared with 38.49ha for the overall hybrid planning permission site 2019/1573) and is located south of the Dearne Valley Parkway on a newly formed development platform. It is positioned on the lowest level of the wider ES17 allocation site and is separated from the DVP by an embankment that has been created as parts of the works already approved. The area for the 3 no. buildings, internal access road and service yards and car parking is approximately rectangular in shape, parallel to and set back from the DVP and is in the eastern part of the allocation site, adjacent to the new access arm leading from the Shortwood roundabout and lies on the opposite side of the DVP from the Shortwood Business Park. The remainder of the site comprises broad belts for landscaping running parallel to and at right angles to the DVP, with retained vegetation predominantly lies to the west of the site and land set aside for 2no wetland surface water drainage attenuation basins. A public right of way lies near the west boundary of the site.

Planning History

As has been mentioned in the sections of the report above the site already benefits from hybrid planning permission 2019/1573 for a development up to 102,193sqm of employment uses (use classes B1/B2 and B8) and associated works including provision of internal access roads, drainage and landscaping. This is made up of a) Outline with all matters reserved apart from means of access; and b) full application for associated earthworks and creation of access points including new roundabout to access Local Plan allocation site ES15. This permission was issued on 10th August 2020 and is the subject of a wide variety of conditions and a S106 Agreement. The works given full planning permission under part b of the hybrid planning permission to create the future development platforms and roads, including the provision of a new arm to the Shortwood roundabout are in the process of being undertaken on site and have been progressing for some time.

Condition 19 of the outline permission specified maximum building heights for the buildings in this location on the approved outline indicative masterplan. This was 10m to eaves on the future buildings apart from on plot 2 where the eaves height limitation was set at 12.5m. However related condition 20 set out circumstances where, should it be proposed that these maximum height parameters be exceeded, the reserved matters submission should be accompanied by a landscape and visual impact assessment and photomontages to demonstrate that there would be no harm to the wider landscape or sensitive receptors.

Proposed Development

This application seeks approval of the reserved matters (namely the layout, scale, appearance, and landscaping) for the detailed form of development that is proposed to take place on areas 2A and 2B of overall hybrid planning permission site 2019/1573. This part of the overall site is named by the applicant as Phase 2A.1.

The proposal is to erect 3 no. buildings that are intended speculative employment uses, industrial E(g) iii/B2, storage and distribution (B8 use) and would also include 10% office space. Total floorspace would be 10,312sqm across 3 no. buildings (measured internally). Soft landscape planting is proposed outside the plots around the southwest and northwest boundaries of the wider Phase 2 site

The development would be accessed off a newly formed road constructed from the existing Shortwood roundabout to the north that is intended to become adopted. The proposed 'estate' road would have an adoptable turning head to enable the future development of the South Western part of the site and through access to the adjacent part of the Hoyland North Masterplan framework area.

The detail for each plot is as follows:-

Total Internal Gross Internal Area (including 10% office space)

Unit 1 would be 2136.8sqm comprising 4no. smaller units with a building 8.2m to eaves, 9.9m to parapet and 10.13m to ridge with combined service yards and car parks.

Unit 2 would be 4598.7sqm – a larger single unit of 11.0m to eaves and 12.5m to ridge with separate parking and service yard

Unit 3 would be 3576.8sqm – Another single unit with separate parking and service yards. The building height would be 10m to eaves and 11.3m to ridge.

Overall, the development proposed would deliver approximately 2768sqm less floorspace on areas 2A and 2B than was indicated on the indicative masterplan at outline stage (approximately 21%).

All 3 units are proposed to be of neutral greens and grey cladding with feature panels of mixed greens and a darker green roof. Rooflights and up to 15% solar PV for each building are included. In addition, the proposals involve 20 EV charging points, 30 covered cycle spaces together with disabled parking and parking/manoeuvring yards for HGV's.

Soft landscaping plans have been submitted for each plot, along with a maintenance and management plan for the first 5 years. In addition, planting is proposed on the land positioned around the plots within the surrounding embankments consisting of a woodland tree planting and scrub mix, attenuation ponds with formal and native mix hedgerows and mature tree planting located at the side of the access road from Shortwood roundabout. The proposals also include biodiversity mitigation and enhancement measures including special seed mixes to the western pond area, meadow mix, bird and bat boxes and hibernacula. Footpath signage and furniture are also included for the new and improved footpaths running along the DVP.

The initial BREEAM pre- assessment of the proposed buildings indicates that they would achieve a standard of "very good". EV charging points are proposed in compliance with the adopted SPD Sustainable Travel and rooflights and PV cells are proposed to maximise natural light and provide renewable energy. Other BREEAM credits are achieved through (*inter alia*) sustainable construction techniques, ecological provisions and reducing construction waste.

An extensive suite of amended plans was submitted on 29th November which responded to consultee comments and proposed the following amendments to the proposals:

1. A minor alteration to the siting and form of Unit 3. The unit has been moved approximately 13m to the southwest resulting in changes to the car park. The north elevation now closely resembles unit 2. The shape of unit 3 has also changed slightly but overall floorspace remains the same.
2. Minor alterations are proposed to the external appearance of units 2 and 3 in terms of the materials, finishes and colours on some elevations. Within plot landscaping now includes a greater number of trees and native mixed shrub species with less low maintenance grass to reflect comments from officers and the Design Review Panel.
3. Revisions have been made to the Landscape and Ecological Management Plan in response to officers comments regarding ecology and paths/signage.
4. A minor alteration has been made to the landscape drawings showing paths and signage in response to comments from officers.

Further amended plans were submitted on 22nd and 23rd December following agreement of materials specification with the Urban Design Officer and minor adjustments have been made to plot accesses to satisfy highways design requirements.

Additionally, a biodiversity impact and offsetting scheme for this phase of reserved matters has been provided.

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 which in Barnsley is the adopted Local Plan and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Local Plan

There is a site-specific allocation policy and the site lies within the Hoyland North Masterplan area.

Site ES17 Land South of Dearne Valley Parkway 28.2 ha and in Hoyland North Masterplan Area.

The development will be subject to the production of a Masterplan Framework covering a number of sites including housing site references: HS64; HS66; HS56; and employment site references: ES14 and ES17. The development will be expected to:

- Provide appropriate access to housing site references HS64, HS66 and HS56.
- Protect and retain the areas of woodland, species-rich neutral grassland, pond and stretches of older hedgerow. The site has potential as a habitat for newts, so it is recommended that this possibility is investigated prior to any development.
- Consider and minimise the impact on the setting of listed buildings through appropriate design and landscaping.
- Ensure that development respects the landscape and wider countryside, and where appropriate mitigation measures are incorporated to address impacts on the adjacent Green Belt and countryside; and
- Protect and retain the Green way, Public Footpaths and Bridleways, cutting through and along the periphery of the site, and make provision for them in the design of the layout

GD1 General Development – Proposals for development shall be approved if there will be no adverse effect.

SD1 Presumption in favour of sustainable development – Planning applications that accord with other relevant policies will be approved without delay.

LG2 Location of Growth – Urban Barnsley is the highest priority location to accommodate growth in accordance with the adopted settlement hierarchy.

Policy E3 Uses on Employment Land - On allocated employment sites the Council will allow the following uses: research and development (B1b) and light industry (B1c); general industry (B2); or storage or distribution (B8). The supporting text to the policy advises that the provision of well-located employment land is key to the Borough's future economic growth and it is therefore essential that both new employment land and land currently in use or last used for employment purposes, is protected, and safeguarded from non-employment uses.

Other relevant policies include: -

CC2 - Sustainable design and Construction

D1 - Design

- T3 - New Development and Sustainable Travel
- T4 - New development and Transport Safety
- T5 - Reducing the Impact of Road Travel
- D1 - High Quality Design and Place Making
- CC1 - Climate change
- CC2 - Sustainable Design and Construction
- CC3 - Flood Risk
- CC4 - SUDS
- GI 1- Green Infrastructure
- GS2 - Green ways and Public Rights of way
- Bio1 - Biodiversity and Geodiversity
- HE1 – The Historic Environment
- HE6 - Archaeology
- RE1 - Low Carbon and Renewable Energy
- SD - Presumption in favour of Sustainable development

Hoyland North Masterplan Framework

The Hoyland North Masterplan Framework is relevant to that part of the planning application which lies to the south of DVP (site allocation ES17).

The Masterplan Framework was adopted on 19th December 2019. It is intended to facilitate the creation of a mixed-use community comprising around 765 new homes and 37 hectares of employment land, with associated infrastructure to the north of Hoyland's urban area set within a greenspace network that supports multi-functions and activities. A golden thread running through the Masterplan Framework process is health and well-being principles and sustainability initiatives with green infrastructure. For the employment area ES17, the masterplan set out the expected future land uses.

Other detailed requirements of the masterplan include 10% biodiversity net gain, a colour palette, scale and massing limitations to minimise harm to wider landscape, expectations concerning the location of service yards, consideration of green roofs, pedestrian and cycle routes, new woodland areas within high wall zones, high value wetland swamp grass land retention areas and management and maintenance requirements.

Hybrid planning permission 2019/1573 was the subject of a wide variety of conditions and a S106 Agreement to secure the requirements of the masterplan and relevant Local Plan Policies.

Relevant Supplementary Planning Documents

- Parking
- Biodiversity and Geodiversity
- Residential Amenity and the Siting of Buildings
- Sustainable Travel
- Trees and Hedgerows
- Planning Obligations

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 an up to date development plan should be approved without delay.

Consultations

Comments have been received from the following consultees:-

Biodiversity – No objections
Coal Authority – No objections
Enterprising Barnsley – Support the application
Forestry – No objections
Highways Drainage – No objection subject to conditions as per outline application
Highways DC - No objections subject to conditions
Pollution Control – No objections
Public Rights of Way – No objections
South Yorkshire Mining Advisory Service – No objection
Superfast South Yorkshire – No objection subject to planning condition (a similar condition was also required at the outline stage condition 38).
Urban Design Officer – No objections
Yorkshire Water – No objection

Representations

The application was advertised by press notice, by 3no. site notices and by 31 individual letters to neighbours and on the Councils website. No comments have been received.

Assessment

The Principle of Development

The development of the site for employment purposes was established through hybrid planning permission 2019/1573 and is in accordance with Local Plan Policy ES17 and the Hoyland North Masterplan in land use planning policy terms.

The relevant assessment considerations for this reserved matters application therefore only relate to layout, scale, appearance and landscaping details of the plans with means of access already approved at the outline stage. Consideration of reserved matters is set out below:-

Layout

The layout comprises 3 buildings instead of the 4 envisaged in the indicative masterplan. The access, attenuation ponds and footpaths are closely in line with the indicative masterplan, although unit 1 is closer to the access road, with its service yard to the rear (south west). The Design Panel supported the slight relocation of Unit 1 and had no concerns about visual impacts of there being 3 rather than 4 units.

The development will be accessed off a newly formed arm off the existing Shortwood roundabout to the north. This will have an adoptable turning head which will enable future access to be created to the remainder of the Hoyland North Masterplan Framework area to the south. Although the future occupants are not yet known, the applicant states that the layout has been designed to accommodate operational requirements for typical occupiers for these size units; Unit 1 comprising small units has a combined service yard and car park to the west of the building and units 2 and 3 have dedicated car parks and service yards to the west of each building. All are considered of appropriate dimensions and locations for modern employment units.

Scale

The applicant has put forward a case that 3 larger buildings of the sizes proposed would be a better fit with the market requirements than the 4 smaller ones indicated within the existing hybrid planning permission and this is supported by comments from Enterprising Barnsley. This does also mean that the amount of development is slightly less than envisaged at outline stage for this part of the site (anticipated 13,081sqm in 4 units compared to proposed 10,312 in 3 no units).

Building Heights -The proposed eaves heights of Units 1 and 3 remain at or below the maximum (10m) as set out in the approved outline permission. Both units also remain within the approved overall height parameters (12m).

The finished floor level (FFL) of Unit 3 at 147.5m is set slightly above the 147.0m indicated on the Parameters Plan. However the overall ridge level of 158.86m AOD is within maximum parameter height applicable to that unit (159.0m AOD).

The eaves height of Unit 2 at 11.05m is slightly above the 10m height allowed by Condition 19 of the outline permission and therefore triggers consideration under Condition 20. The ridge height at 12.595m also exceeds the maximum height of 12m as set out on approved parameters plan 12006-1-106 REV C. However overall, the buildings ridge level of 160.295m AOD is within maximum parameter height applicable to that unit (160.5m AOD).

Due to the parameters being exceeded, albeit only slightly, in accordance with conditions 19 and 20 of the outline permission, a Landscape and Visual Impact Assessment (LVIA) has been submitted. The LVIA finds that as unit 1 is located closer to the access road and unit 2 is larger and slightly higher than the condition allowed, the visual impact on Shortwood is significant compared to pre-existing character of woodland and pasture on the reclaimed colliery land. However, in assessing the proposal in context with existing built development, the character of the immediate area of the Shortwood roundabout is already one of large commercial units and the removal of trees to create development platforms have already made the landscape more open and the buildings more obvious. Despite the slight increase in height over parameters, on balance, considering the overall change to impact on landscape from those expected at outline stage are not considered to be significant, nor substantial. This is supported by comments from the Design Review Panel (see below). Enterprising Barnsley have confirmed that the size of the units will help to fill a clear gap in the development market and will help to support a number of enquiries that are currently being turned away due to lack of stock of these sizes and types of unit within Barnsley.

Appearance

The buildings are proposed to have shallow apex roofs with rooflights and solar PV panels covering up to 15% of the roof area. Colours are proposed to be goosewing grey with large areas of khaki green and olive green with feature panels in horizontal bands of four neutral/earthy colours. Roofs are proposed to be olive green to blend in with the surrounding landscaping and minimise impacts on the wider landscape. The colours are all close to the neutral palette as set out in the adopted Masterplan framework and reflect the comments of the Design Review Panel and have been agreed with the Urban Design Officer. Glazed elements to offices and to the elevation facing Dearne Valley Parkway will provide additional interest. Within plot landscaping will provide biodiversity interest and screening, with mature trees and ornamental shrubs providing instant impact and year round interest.

Design Panel

The Masterplan Framework states on Page 72 - Developers will be required to present future planning applications to the Barnsley Urban Renaissance Design Advisory Panel. The hybrid (outline and engineering operations) proposal 2019/1573 was presented to the Design Panel on 28th May 2020 and the current reserved matters application was considered by the Design Panel on 7th September 2021. The Panel commented that:

- Further consideration of colour was required– *Applicant response is that the colour panels have been enhanced as per Design Panel comments and agreed with the Urban Design officer.*
- There should be a continuity of experience for people using the Parkway for people not travelling by motorised vehicles. The footpath and cycleway links north and south of the Parkway need to match to prevent ambiguity – *The Applicant's response is that the footpaths and cycleways and specifications have been agreed with Public Rights of Way officer*
- On the south side of the Parkway there needs to be more detail on how the gradient works and how the planting margin works- not to create 'separation' from the Parkway, but to ensure that these routes are not intimidating or isolating at night – *The applicant's response is that cross sections have been provided to demonstrate the relative position of the footpaths running parallel to DVP.*
- If sustainable drainage schemes are being used these need to look integrated into the landscape rather than being overly engineered – *The applicant's response is that the attenuation basin's to be adopted by Yorkshire Water should be a maximum 1m deep and of grass cover and not subject to silt build up.*

The Panel considered that the colours, design, and materials provide a clear visual indicator of where the main user entrance and the offices are via the use of high-quality aluminium cladding with feature panel in various shades of green to provide a prominence and hierarchy on the building's elevation.

The entrances to each of the units have been accentuated via the use of double height glazing. Some wrap round the return elevations further emphasizing the main entrances and enables the users to easily identify the entrances to the units from the proposed car parks and access roads. To break up the main elevations, composite cladding panel has been introduced in different shades matching at least two of the colours on the feature panel. This creates a level of continuity between the two materials and enables the materials to transition from areas that are in public view to materials that will be using in areas that are out of public view. These contrasting panels have been enhanced following comments from the Urban Design Officer so that a grey background is less dominant. Proposed fencing and gates have also been changed to green to blend in with the landscape more.

Overall, despite the minor exceedance of height of unit 2 above outline expectations and the reduction in the expected number of units from 4 to 3 the LVIA has demonstrated that the impacts did not result in concerns being raised by the Design Panel who were reassured with the layout and colour palette, which has since been refined with the Urban Design Officer. The proposal now comprises a high-quality product with modest roof heights and high-quality design and elevational treatment within a landscaped setting. The proposal is considered to comply with Local Plan Policy D1 and GD1 on this point.

Landscaping

The Hoyland Masterplan framework states that at least 10% biodiversity net gain is required and that new woodland areas within high wall zones and high value wetland swamp grass

land area to be retained, as is management and maintenance, governance, and stewardship of green infrastructure:-

Within plot landscaping – This is proposed to consist of trees, specimen shrubs, ornamental planting with formal hedge planting and species rich eco flowering lawn to integrate the development within its context of commercial buildings, service yards and car parks, and the wider landscape setting.

Shrub and feature tree planting are proposed to define the entrance points to each plot and hedge planting is proposed to define plot boundaries and break up the areas of hard landscaping and service yards.

Species rich flowering lawn seeding to grassland areas will increase ecological value and enhance the sites biodiversity.

Amended plans have provided additional tree planting (20 no. trees, up from 9 no. (extra heavy standard size). The Forestry Officer considers that that the proposed large ornamentals and cultivars of native trees is acceptable within the plots to place greater emphasis on the aesthetics and seasonal impacts of the trees to enhance the enjoyment of the landscaping for visitors and users of the site.

Outside of plot structural landscaping

The proposed landscape to the access road and out of plot areas has been designed in consideration with the wider site landscape masterplan with structural tree planting along the main access road, which will introduce immediate structure and height to the landscape. These areas fall within the wider site boundary but outside the individual plots, and will be delivered, managed, and maintained by the landowner through the planning conditions and S106 agreement forming part of the existing hybrid planning permission.

The landscape proposals include retained and enhanced landscapes, large areas of woodland, scrub, and meadow. These will be supplemented with mature tree planting and lengths of both informal native hedgerows to provide wildlife corridors and long-term site wide biodiversity interest as well as formal clipped hedging. Woodland will be created on the top of the newly created slopes to break down massing of the proposed built development and provide screening, with scrub planting to support a range of wildlife. Some mature trees will be planted to provide instant impact. Extra heavy standards will be planted along the access road leading from Shortwood roundabout.

The attenuation basin towards the southwest boundary of the site will be ephemeral in nature, with retained water in wet seasons. A wetland meadow seed mix is proposed. Permanent wet areas will be planted as a reed bed.

Pedestrian routes will be flanked by mown strips to maintain openness and minimise maintenance, with more naturalistic planting set back from these routes.

Footpaths/cycle routes will be provided to link to existing network and surfaces with self-binding gravel/aggregate. Street furniture and signage is also proposed away from the buildings. Existing footpaths within the site will be enhanced with fencing and gates where appropriate. The existing PROW to the west of the pond in the southwest of the site is to be retained, as is the existing right of way, running SW-NE in the southwest of the site. New footpaths/cycleways are proposed through the landscape buffer along the Dearne Valley Parkway (DVP) and running from the DVP running to the east of the pond to link up with existing footpaths to the south of the wider ES17 site. The Public Rights of Way Officer is

satisfied with the proposed route and specifications of footpaths (including public rights of Way), signs and linkages.

All of these measures were required as part of the existing hybrid planning permission and will be managed long term according to a maintenance schedule.

The Forestry Officer welcomes native evergreens of Holly and Scots Pine, comprising 15% of the total planting but notes that they will provide only limited additional screening over the long term. However, a higher inclusion would harm the biodiversity value and amenity of the mix. Older larger sized trees in the woodland scrub areas will provide initial impact which is welcomed to provide initial impact and to get a head start on providing a visual barrier to the site.

The tree planting proposed for the attenuation basin includes pioneer tree species such as Birch trees along with occasional Oak and the inclusion of some Willow and is in keeping with the reed beds proposed in that area.

The inclusion of species such as Red Oak, Fastigate Hornbeam and Sugar Maple in high usage areas will add colour and texture to the scheme during the various seasons. The planting specifications and landscape management plan are considered acceptable.

Overall, the landscaping proposals are acceptable and accord with Local Plan Policy BIO1 and GD1 and GS2.

Biodiversity

As the site lies within the Hoyland North Masterplan area, the existing S106 Agreement requires 10% biodiversity net gain for the whole hybrid planning permission area, which can be secured through both on-site and off-site mitigation and enhancement. The hybrid permission did however require detailed plans to be submitted with each Reserved Matters application indicating biodiversity mitigation and enhancement measures, including long term management, for each plot. There are several elements to the biodiversity proposals for this application:

Out of plot - Existing habitat to be retained and enhanced includes grassland, woodland, scrub, a pond and a ditch. Woodland habitats totalling 0.86ha will be enhanced to create good condition woodlands. In addition, selective thinning of existing woodlands shall be undertaken to create more openings woodland to encourage tree regeneration and understorey establishment

Habitat creation - Green infrastructure proposals include the creation of a range of habitats throughout the site that will be managed for their biodiversity value, including woodland, scrub, species rich grassland and attenuation features with marginal planting. Within plot biodiversity enhancements will include ornamental planting and amenity grassland turfs which will be managed primarily for their amenity value. Grassland will be seeded with a diverse flowering lawn mix managed to prioritise their amenity character and provide some botanical interest, particularly during the spring/summer months. Overall outside of plot planting will include 150 extra heavy standards, over 3000sqm of native woodland mix, 440m of formal hedgerow, over 1km native hedgerow, almost 28,000 sqm native shrub mix and over 450sqm reedbed mix.

Additional biodiversity enhancements – Provisions would include a bat hop-over across the site access road, the inclusion of baffles/louvres to reduce light spill onto sensitive habitats, bat boxes, bird nesting boxes and hibernacula features.

The assessment of the proposals demonstrate that this reserved matters (phase 2a.1) will lead to an overall gain of biodiversity compared with the baseline values for habitats (+25.95%) and hedgerows (61.62%), but there is a loss of both grassland areas and woodland habitats compared to baseline. Despite this, as more than 10% net gain will be secured, no additional off-site habitat creation will be required to compensate for this phase and no offsetting scheme is required.

Members should note that to comply with the Section 106 agreement (schedule 4), calculations for the remainder of phase 2 and phase 3 of the development should utilise the data provided within this report to track the site wide net gain and inform offsite habitat creation requirements. The Biodiversity Officer has assessed the proposals and has no objections as the site will deliver greater than 10% net gain. The proposal is therefore in accordance with Local Plan Policy BIO1 and the Hoyland North Masterplan Framework on this point.

Highways Layout

An assessment of the effects of the overall development on the highway network was carried out when the previous application was considered (2019/1573). That was accompanied by a Transport Assessment and a framework Travel Plan was agreed in order to ensure the site maximises sustainable travel opportunities. The site is also bound by the requirements of the Hoyland North Masterplan Framework.

This reserved matters application is for the development of 10,312m² for a range of employment uses. As the proposal is speculative the specific occupiers and end users are not known at the present time. Notwithstanding this it is noted that the planning statement confirms that the layout has been designed to accommodate the operational requirements of a typical occupier of any those uses (classes B2, B8 and E(g) (iii)).

In terms of the servicing of each plot, the service yard for units 1A – 1D is a combined yard / car park and designed to enable an HGV to manoeuvre through the yard to the service doors whilst cars are parked. Units 2 and 3 have dedicated car parks and service yards which have been designed to have a depth of 40m which is consistent with industry standards enabling a full lock HGV 360-degree manoeuvre to be undertaken. In terms of pedestrian and cycle access the site benefits from a 3m shared footway / cycleway to the northern side of the access road and 2m footway to the southern side. It is noted that a temporary turning head is to be provided to the front / west of unit 3 as the access road will ultimately continue beyond this point to serve further development to the west of this application site.

The existing Framework Travel Plan is applicable for this reserved matters application and a detailed Travel Plan (or Tenant Travel Plan) for each building requires approval by the Council prior to occupation under the obligations contained within the existing S106 agreement. In view of the above and after consideration of the submitted information and amendments there are no objections to the proposal from a highways perspective subject to conditions. The application is therefore in compliance with Local Plan Policies T3 and T4

Residential Amenity

The relationship between the proposed new development and the adjacent existing residential properties has been considered in detail. Local Plan Policy POLL1 seeks to protect residents from the impact of new industrial and warehouse development and adopted SPD 'Residential Amenity and the Siting of Buildings' sets out minimum thresholds for spacing distances and scale to be applied to non-residential buildings to ensure residential amenity is not affected.

In this case, the nearest residential dwellings are over 170m to the north east on Upper Hoyland Road, separated from the site by the new access from the DVP and a substantial vegetation belt. To the south the distance is approximately 480m from Hoyland Road, to the southwest over 480m from the dwellings on Tinker Lane, and it is over 800m from the dwellings on Lynham Avenue where they are separated by the DVP and Gateway Phase 1.

Dwellings at High Royd Farm and Shortwood Villas are both over 300m away and lie beyond the Dearne Valley Parkway.

Overall, the intervening distances between the units and the residential dwellings, the differences in height and intervening vegetation and the existing and proposed landscaping, will safeguard privacy and outlook and far exceed the thresholds required in the adopted SPD "Residential Amenity and the Siting of Buildings.

Additionally, the Pollution Control officer has not raised any issues about impact on residential amenity in terms of dust or noise either during the construction phase or the operational phase of the development, nor has he raised issues about lighting impacts on residential amenity.

Overall, the proposal is considered to be in accordance with Local Plan Policy GD1 and D1 on this point, POLL1 and the adopted SPD.

Summary and Conclusion

The assessment considers the first reserved matters of the outline planning permission element of hybrid planning permission 2019/1573 relating to one of the phases (2A.1). The reserved matters relate to layout, scale, appearance and landscaping with means of access already approved.

In terms of layout the proposal differs from the approved indicative plan granted at outline stage in that 3 units are proposed instead of 4 previously envisaged and the service yard for unit 1 is located to the west of the proposed building, instead of by the new access road. The reduction in the number of units has been proposed due to marketability but takes into account the quantity of development proposed and the amount of B8 use allowed by condition 21 which still accords with the outline permission. Overall it is considered 3 units are acceptable. The Design Panel were very supportive of moving Building 1 closer to the service road, rather than the service yard and considered it to be a positive move.

On the matter of scale the proposal is for 3 units rather than the 4 that was anticipated at the outline stage. Whilst units 1 and 3 lie within the size thresholds set out in the outline permission, unit 2 exceeds them by a small amount. However Enterprising Barnsley confirm there is a need for units of this size and a Landscape and Visual Impact Assessment has been submitted which demonstrates that the slight increase in size over permitted parameters would not cause a significantly greater impact on landscape and visual amenity as a result and both internal Officers and the Design Review Panel were also supportive on this point.

In relation to appearance the plans adhere to the specific requirements of the masterplan concerning the external facing materials and meet with the blessing of the officers including the Senior Urban Design Officer and the Design panel. This is especially in respect of the proposed colour scheme, using neutral colours with highlights and the darker green shade for the roof.

With regards to landscaping a large proportion of the outside of plot structural landscaping required for phase 2 at outline stage is proposed in this reserved matters application, together with new and improved footpath routes, fencing signage and biodiversity mitigation and enhancement, together with a long-term management plan. It is considered that the landscaping proposals are acceptable and accord with Local Plan Policy BIO1 and GD1 and GS2.

Overall then the proposal is of appropriate and high quality design that is accompanied by a detailed landscape and maintenance scheme which will also provide the required 10% net gain in biodiversity. The proposal therefore complies with the Local Plan (including site specific allocation policy ES17), the Hoyland North Masterplan, and the advice set out in the NPPF for the reasons explained in the assessment section of this report. Paragraph 11 of the NPPF applications is that which accord with an up to date development plan should be approved without delay. The officer recommendation to members is therefore one of approval.

Recommendation

Approve subject to conditions

Conditions:-

1. The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

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:

Plans:

Location Plan ref. 12006-2 (P)100C
Block Plan ref. 12006-2 (P)101C
Masterplan ref. 12006-2 (P)110J
Proposed site plan ref. 12006-2 (P)111J
Detailed site plan-Plot 1 ref. 12006-2 (P)112G
Detailed site plan-Plot 2 ref. 12006-2 (P)113F
Detailed site plan-Plot 3 ref. 12006-2 (P)114G
Section 1 ref. 12006-2 (P)115B
Section 2 ref. 12006-2 (P)116C
Section 3 ref. 12006-2 (P)117C
Section 5 ref. 12006-2 (P)118D
Unit 1 Floor Plans ref. 12006-2 (P)120B
Unit 1 Elevations ref. 12006-2 (P)121J
Unit 1 Roof Plan ref. 12006-2 (P)122D
Unit 1 3D ref. 12006-2 (P)123B
Unit 2 Floor Plans ref. 12006-2 (P)125D
Unit 2 Elevations ref. 12006-2 (P)126G
Unit 2 Roof Plan ref. 12006-2 (P)127C
Unit 2 3D ref. 12006-2 (P)128A
Unit 2 Design Section ref. 12006-2 (P)129A
Unit 3 Floor Plans ref. 12006-2 (P)130C
Unit 3 Elevations ref. 12006-2 (P)131H

Unit 3 Roof Plan ref. 12006-2 (P)132C
 Unit 3 3D ref. 12006-2 (P)133C
 Unit 3 Design Section ref. 12006-2 (P)134B
 Typical Bin Store Detail ref. 12006-2 (P)135
 Typical Cycle Shelter Detail ref. 12006-2 (P)136A
 Typical Fencing Detail ref. 12006-2 (P)138A
 Typical Sub Station ref. 12006-2 (P)139
 Typical Gas Kiosk ref. 12006-2 (P)140
 Landscape Plan [Plots 1-3] ref. 12006-2-VL_L01E
 Landscape Plan [Plots 1] ref. 12006-2-VL_L02E
 Landscape Plan [Plots 2] ref. 12006-2-VL_L03E
 Landscape Plan [Plots 3] ref. 12006-2-VL_L04E
 Landscape Typology Sections ref. 334-UW-P-003 Rev.B
 Landscape Masterplan ref. 334-UW-P-004 Rev.D
 Site Wide Planting Plan ref. 334-UW-P-007 Rev.E
 Landscape Features Plan ref. 334-UW-P-008 Rev.F
 Reinforced Soil Bank ref. 334-UW-P-006 Rev.A
 Timber Foot Bridge ref. 334-UW-P-009
 Soil Depths ref. 334-UW-P-010 Rev.A
 Self-binding Aggregate Surfaces ref. 334-UW-P-011
 Typical Tree Pit Detail ref. 334-UW-P-012
 Typical Whip Planting Detail ref. 334-UW-P-013
 Rabbit Proof Fencing Detail ref. 334-UW-P-014
 Bench Detail ref. 334-UW-P-015
 Picnic Bench Detail ref. 334-UW-P-016 Rev.A
 Footpath Signage Details ref. 334-UW-P-017 Rev.B
 Planting Plan Sheet 1 ref. 334-UW-P-018 Rev.C
 Planting Plan Sheet 2 ref. 334-UW-P-019 Rev.C
 Planting Plan Sheet 3 ref. 334-UW-P-020 Rev.C
 Planting Plan Sheet 4 ref. 334-UW-P-021 Rev.C
 Planting Plan Sheet 5 ref. 334-UW-P-022 Rev.C
 Proposed Levels Plan ref. Y20112-D100-REV8
 2020-2021 Earthworks Levels ref. Y20112-D101-REV3
 Site Sections Sheet 1 of 2 ref. Y20112-D601-REV3
 Site Sections Sheet 2 of 2 ref. Y20112-D602-REV3
 Site Sections Location Plan ref. Y20112-D603-REV3
 Proposed Drainage Layout s1of3 ref. Y20112-D200 rev.2
 Proposed Drainage Layout s2of3 ref. Y20112-D201 rev.2
 Proposed Drainage Layout s3of3 ref. Y20112-D202 rev.2
 Visibility Splays ref. 21095.IN.02 Rev.A
 Schemes, Specifications and Management Plans
 Landscape Specification ref. 12006-2-VL_L05
 Landscape Maintenance & Management Plan ref. 12006-2-VL-R01A
 Habitat Creation, Biodiversity Mitigation and Enhancement Scheme ref. 6424 rev.A
 Landscape and Ecological Management Plan Revision D (November 2021)
 Drainage Strategy Report ref. AMF/DS/Y20112.v2, including Management and
 Maintenance Plan ref. VW/DMMP/AMF/DS/Y20112.v2
 Biodiversity Off-Setting Report (Phase 2A.1) Rev.- (November 2021)

Assessments
 BREEAM Pre-Assessment Planning Note ref. 18680-ELDS rev.02
 LVIA Addendum (including photomontages) ref. 334-UW-P-Rev.E
 Biodiversity Impact Assessment (Phase 2A.1) Rev.D (November 2021)

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

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

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

4. All surface water run off shall be collected and disposed of within each development plot and shall not be allowed to discharge onto the public highway,

Reason: In the interests of road safety.

5. Vehicular and pedestrian gradients within the site shall not exceed 1:12

Reason: To ensure safe and adequate access.

6. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays.

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

7. Prior to the first occupation of each unit hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan 21095.IN.01 dated 29/11/21(Junction Intervisibility and spacing 2.4mx 43m splays). 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 and in accordance with Local Plan Policy T4.**

8. Prior to the occupation of any building approved as part of this permission, full details of permanent security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting and shall be designed to ensure light pollution does not affect residential amenity or harm wildlife. The approved details shall be implemented on each plot prior to occupation or use of the building and retained as such thereafter.

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

9. No building or use hereby permitted shall be occupied or use commenced until a Delivery & Servicing Plan has been prepared, submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved delivery and servicing plan for the lifetime of the development. The delivery and servicing plan shall include:

- a) The contact details of a suitably qualified co-ordinator;
- b) How vehicle arrivals, departures, parking, stopping and waiting will be controlled to minimise any impact on the adopted highway;
- c) Details of any freight consolidation operation, centre and the delivery and servicing booking and management systems;

Reason: In the interests of highway safety and to minimise the impact of vehicles servicing the development upon congestion, in accordance with Local Plan policy T4.

10. No building hereby approved shall be occupied prior to the installation of Electric Vehicle Charge Points in accordance with plans ref Detailed site plan-Plot 1 ref. 12006-2 (P)112G, Detailed site plan-Plot 2 ref. 12006-2 (P)113F, Detailed site plan-Plot 3 ref. 12006-2 (P)114G and meeting the minimum specification of “mode 3” 7 kW 32 amp, or alternative in accordance with an Electric Vehicle Charge Point and Infrastructure Strategy scheme submitted to and approved 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 Poll 1.

11. The feature panels to building elevations shall be an ungraduated random mix of horizontal bands of the four approved RAL colours/numbers as specified on approved elevation plans: Unit 1 Elevations ref. 12006-2 (P)121J, Unit 2 Elevations ref. 12006-2 (P)126G, Unit 3 Elevations ref. 12006-2 (P)131H

Reason: In the interests of High-Quality Design in accordance with Local Plan Policy D1.

12. All in PLOT 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 buildings; 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'.

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

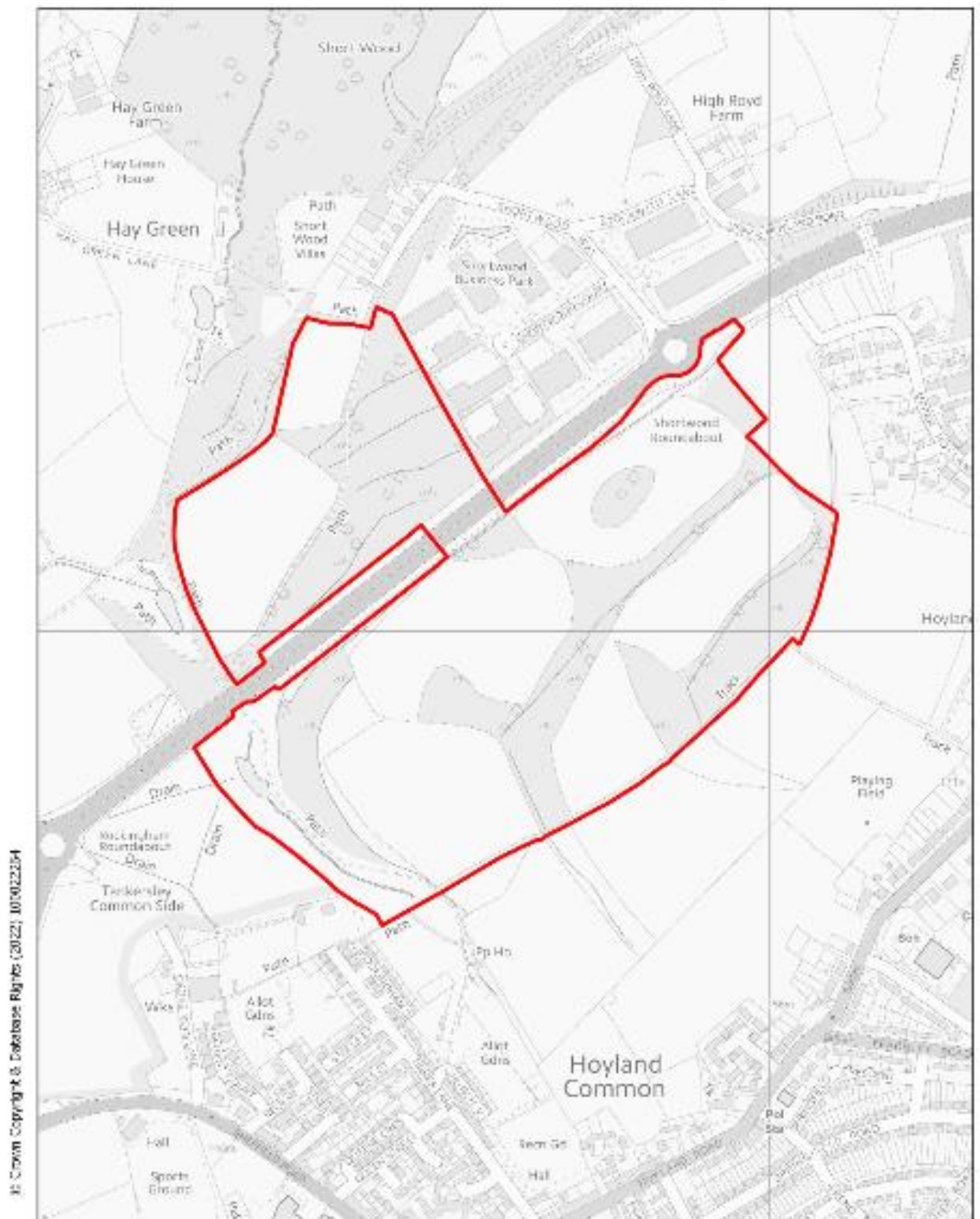
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'

14. Upon commencement of development the detailed construction specifications, implementation timescales and maintenance arrangements for all footpaths/multi user routes/bridleways shown on the approved plans for this phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the footpaths/multi user routes/bridleways shall be constructed and maintained in accordance with the approved details and timescales.

Reason: To support sustainable transport objectives in accordance with Local Plan Policy T3

PA Reference:-

2021/1007



BARNSELY MBC - Regeneration & Property



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Item 5

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

DECEMBER 2021

APPEALS RECEIVED

5 appeals were received in December 2021:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2021/0713	Wrap around balcony to rear of house 34 Staincross Common, Staincross, Barnsley, S75 6NA	Written representation	Delegated
2021/1196	Erection of single storey extension to rear of dwelling 388 Burton Road, Monk Bretton, Barnsley, S71 2QE	Written representation	Delegated
2021/1221	Erection of detached outbuilding (Lawful development certificate for a proposed development) Gransden House, Church Street, Royston, Barnsley, S71 4QZ	Written representation	Delegated
2021/1266	Proposed boundary wall and fence 8 Vicar Crescent, Darfield, Barnsley, S73 9LB	Written representation	Delegated
2021/1276	Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF	Written representation	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in December 2021.

APPEALS DECIDED

1 appeal was determined in December 2021:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2021/0242	Change of use of part of house (garage) to beauty room (retrospective) 11 Longwall Close, Mapplewell, Barnsley, S75 6NY	Dismissed 13.12.2021	Delegated

2021/2022 Cumulative Appeal Totals

23 appeals have been decided since 01 April 2021

20 appeals (87%) have been dismissed since 01 April 2021

3 appeals (13%) 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
5	2020/0670	Construction of overspill car park and access track. Spicer House, Spicer House Lane, Ingbirchworth, Barnsley, S36 7GG	Dismissed 17/05/2021	Delegated
6	2020/1059	Replacement of existing paper and paste advertisement with digital advertisement board Land at Grange Lane, Stairfoot, Barnsley, S71 5QQ	Allowed 08/06/2021	Delegated
7	2020/0906	Extensions to rear and to the height and length of the roof to convert existing bungalow into a chalet bungalow, with 1st floor living accommodation within the roof space, associated dormer windows and roof lights to front and rear and first floor windows to side 4 Robin Lane, Royston, Barnsley, S71 4EA	Dismissed 11/06/2021	Delegated
8	2020/0762	Formation of vehicular access including levelling of kerb 28 Bridge Street, Penistone, Sheffield, S36 6AJ	Dismissed 14/06/2021	Delegated
9	2020/0044	Change of use of land to gypsy site for the stationing of caravans for residential occupation and associated development (new access, hard standing, utility building, entrance wall and gates)- Part retrospective Land North side of Worsbrough Road, Worsbrough Village, Barnsley, S70 5LN	Appeal allowed for temporary period of 3 years and 2 x related enforcement appeals dismissed 23/06/2021	Delegated

10	2020/1306	Change of use of domestic outbuilding into beauty salon (Retrospective) 13 Cobcar Lane, Elsecar, Barnsley, S74 8JQ	Allowed 15/07/2021	Delegated
11	2020/0708	Erection of detached outbuilding (Lawful development certificate for a proposed development) Gransden House, Church Street, Royston, Barnsley, S71 4QZ	Dismissed 20/07/2021	Delegated
12	2020/1462	Erection of detached double garage to front of dwelling and associated turning area. Brocklehurst, 1 Spring Lane, Carlton, Barnsley, S71 3EX	Dismissed 27/07/2021	Delegated
13	2021/0496	Installation of freestanding illuminated 48-sheet D-Poster M C Mills And Co Ltd, Lower Castlereagh Street. Barnsley, S70 1AR	Dismissed 11/08/2021	Delegated
14	2020/0698	Outline application for detached bungalow with access and layout considered at this stage 15 Garden Cottages, Pontefract Road, Cudworth, Barnsley, S72 8AY	Dismissed 08/09/2021	Delegated
15	2020/1030	Erection of two storey side extension to dwelling 23 Bence Close, Darton, Barnsley, S75 5PB	Dismissed 14/09/2021	Delegated
16	2020/1180	Residential development of up to 2no dwellings (Outline With All Matters Reserved) Land adjacent Bank End Road, Worsbrough, Barnsley.	Dismissed 28/09/2021	Delegated
17	2020/1150	Erection of live/work dwelling Windmill Boarding Kennels, Royd Lane, Millhouse Green, Sheffield, S36 9NY	Dismissed 28/09/2021	Delegated
18	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	Dismissed 06.10.2021	Delegated
19	2020/0848	Outline application for detached bungalow with access considered at this stage 17 Pontefract Road, Cudworth, Barnsley, S72 8AY	Dismissed 07.10.2021	Delegated
20	2019/0689	Erection of 9 dwellings and associated access, landscaping and infrastructure. Land South of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ	Dismissed 17.11.2021	Committee
21	2019/0690	Application for the approval of reserved matters for 21 dwellings pursuant to outline planning permission ref 2017/0088 appearance, layout, scale and landscaping. Land South of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ	Dismissed 17.11.2021	Committee
22	2020/1230	Erection of detached bungalow and associated works Land to the rear of 29 Station Road, Lundwood, Barnsley, S71 5LD	Dismissed 17.11.2021	Delegated
23	2021/0242	Change of use of part of house (garage) to beauty room (retrospective)	Dismissed 13.12.2021	Delegated

		11 Longwall Close, Mapplewell, Barnsley, S75 6NY		
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Item 6


BARNSELY METROPOLITAN BOROUGH COUNCIL

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

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2021/1091	<p>Erection of 36m high triangular lattice mast and associated equipment and fencing at Kennels Farm, Barewell Hill, Brierley, Barnsley,</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>	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>

Signed:



Joe Jenkinson
Head of Planning and Building Control

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Item 7

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October 2021 – December 2021 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 of the last reporting period 2021/2022 (October 2021 – December 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:

October	2021	66
November	2021	70
December	2021	56

Total number of requests for service Quarter 3 2021/22 **192**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (21/22)	192	116	76

Introduction

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

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)

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
<p>2020\ENQ\00408</p> <p>Land Adj, The Cock Inn, The Walk, Birdwell, Barnsley, S70 5UD</p>	<ol style="list-style-type: none"> Without planning permission, the; (i) importation of aggregate and building waste material and (ii) creation of hard surfaces and significant alteration of the land levels, (iii) construction of a vehicular access onto a classified road, (iv) storage of white containers, and blue site storage receptacles, (v) erection of heras fencing, (vi) importation and storage of construction materials and heavy goods vehicle on the Land. 	<p>Enforcement notice served 28th October requiring:</p> <p>i) Restore the Land to its original condition, prior to the breach of planning</p> <p>control taking place as described in Paragraph 3 of this notice</p> <p>(ii) Cease the use of the Land for the purposes described in paragraph 3 (i) (iv) and (vi)</p> <p>(iii) Without prejudice to paragraph 5(i) remove all introduced hard surfaces fencing and site containers from the Land</p> <p>(iv) Remove from the Land all materials, plant and equipment associated with the breach of planning control described in Paragraph 3 of this</p> <p>Notice Effective: 30th November 2021</p> <p>Time period for compliance Three months</p> <p>No appeal submitted</p> <p>Status: Still within compliance period for notice</p>
<p>2021\ENQ\00614</p> <p>68 Wood Street, Barnsley, S70 1NA</p>	<ol style="list-style-type: none"> Without planning permission, the erection of a fence adjacent to the highway exceeding 1 metre in height 	<p>Enforcement notice served 29th October 2021 requiring:</p> <p>(i) Reduce the height of the existing fence panels (including gravel boards and pillars) that run adjacent to the highway as marked in</p>

		<p>Appendix 1 to panels which are a maximum of 1 metre in height.</p> <p>OR</p> <p>(ii) Reinstate the Land to its original condition prior to the breach of planning control cited in paragraph 3 taking place.</p> <p>Effective 27th November 2021</p> <p>Time period for compliance, Two Months</p> <p>Status: Notice complied with</p>
<p>2021\ENQ\00561</p> <p>32 Manor View, Shafton, Barnsley, S72 8NQ</p>	<p>1. Without planning permission, the material change of use of the land and buildings from a detached garage to one of a residential dwellinghouse for human habitation. (C3: Dwellinghouse Use Class).</p>	<p>Enforcement notice served 3rd November 2021 requiring:</p> <p>(i) Cease the unauthorised change of use as cited in paragraphs (iii-iv).</p> <p>(ii) Amend the unauthorised development so that it resembles the structure in the Approved Plans (Plans & Elevations Oct 2016 Rev. A)</p> <p>Notice Effective 2nd December 2021.</p> <p>Time period for compliance six months</p> <p>Appeal submitted</p> <p>Status: Awaiting appeal process to start</p>
<p>2021\ENQ\00122</p> <p>Cherry Tree Grove, Royston, Barnsley, S71 4TF formally known as Land at Royston Lane, Royston, Barnsley, S71 4NJ</p>	<p>The permission granted by the Council on 17th May 2019 (ref: 2018/1556) for Variation of condition 9 of planning permission 2018/0503 (site entrance visibility splay distances) - Residential development of 15 dwellings.</p>	<p>Breach of Condition Notice served 11th November 2021 requiring:</p> <p>(i) Enter into the outstanding agreements relating to highway safety as per condition 2.</p> <p>(ii) Ensure that all outstanding highway works</p>

		<p>are completed as per condition 2.</p> <p>(iii) Ensure that all visibility splays with dimensions of 2.4m x 65m to the north and 2.4m x 72.4m to the south, are safeguarded at the junction with Royston Lane, such that there is no obstruction to visibility and forming part of the adopted highway, as per condition 9.</p> <p>(iv) Ensure that the development clearly resembles the approved site plan (Site Layout DR-A-0202 Rev K) as per condition 1.</p> <p>Status: monitoring site for compliance</p>
<p>2021-ENQ-00672</p> <p>1 Thornely Avenue, Dodworth, Barnsley, S75 3LD</p>	<p>1. Without planning permission, the material change of use of the land and buildings from a detached garage to one of a residential dwellinghouse for human habitation (C3: Dwellinghouse Use Class)</p>	<p>Enforcement notice served 29th November 2021 requiring:</p> <p>Cease the unauthorised change of use of the Land for residential occupation as cited in paragraph four.</p> <p>Effective 29th December 2021.</p> <p>Time period for compliance Three months</p> <p>No appeal submitted</p> <p>Status: awaiting appeal process to start</p>
<p>2020-ENQ-00688</p> <p>94 Doncaster Road, Darfield, Barnsley, S73 9JA</p>	<p>1. Without planning permission, the material change of use of the land and buildings from a detached garage to one of a residential dwellinghouse for human habitation. (C3: Dwellinghouse Use Class).</p>	<p>Enforcement notice served 2nd December 2021 requiring:</p> <p>i) Cease the Unauthorised change of use of the Land for residential occupation</p> <p>(ii) Amend the unauthorised development so that it accords with the structure in the Approved Plans (No's CAD/QA/1401, CAD/QA/P1402 & CAD/QA/P1403)</p>

		<p>OR</p> <p>(iii) Demolish the building and remove all the associated materials & waste from the Land.</p> <p>Notice Effective 2nd January 2022.</p> <p>Time period for compliance Three months</p> <p>No appeal submitted (to date)</p> <p>Status: Awaiting appeal process to start</p>
<p>2020\ENQ\00202</p> <p>Land off Worsbrough Road, Worsbrough, Barnsley S70 5LN</p>	<ol style="list-style-type: none"> 1. Without planning permission the material change of use of the Land to the mixed use of residential occupation of a caravan and use of the Land for the storage of horse boxes and trailers. 2. Breach of conditions relating to appeal decision in respect of commercial use and utility building 	<p>Enforcement Notice and Stop Notice served 8th December 2021 requiring:</p> <p>Commercial uses to cease, namely storage of horseboxes and trailers. Demolition of unauthorised utility block.</p> <p>Notice effective: 12th January 2022</p> <p>Time period for compliance: three months</p> <p>Status: appeal submitted</p>
<p>2021-ENQ-00641</p> <p>Land at Hall Gardens, Brierley, Barnsley, S72</p>	<p>Without planning permission; the carrying out of operational development under S55 of the Town and Country Planning Act;</p> <p>Namely engineering operations including excavations and the constructing of footings for residential dwellinghouses ("The Unauthorised Works") without complying with the pre commencement conditions listed in paragraph 4 of this notice</p>	<p>Stop Notice and Enforcement notice served 13th December 2021 requiring:</p> <p>(i) Cease all development activity on the Land including any development purporting to implement the development detailed in planning permission reference 2019/1530.</p> <p>Notice Effective 10th January 2022</p>

	Attached to planning permission ref 2019/1530 (Residential development of 36 no. dwellings and associated works including associated garages and parking)..	Time period for compliance One week No appeal submitted Status: Notice complied with and speaking with developer to resolve remaining issues
2021\ENQ\00721 22 Kensington Road, Old Town, Barnsley, S75 2TX	Development has taken place pursuant to planning permission ref: 2021/0004 (Erection of extension to the front/side of bungalow and the height of a section of the roof, erection of rear dormer window and pitched roof canopy above front door) granted by the Council on 15th April 2021. However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and therefore does not have planning permission.	Enforcement notice served 15 th December 2021 requiring: Amend the build to comply with the plans and particulars of the approved planning permission reference 2021/0004, ensuring that the build is constructed in accordance with (Proposed Plans & Elevation Rev. D, received 01/04/21). Notice Effective 13 th January 2022. Time period for compliance Two months Status: Planning agent has asked for an extension due to Christmas/new year holidays
2020\ENQ\00506 Land on the North side of Reasbeck Terrace, Barnsley, S71 1NW	The permission granted by the Council on 12th September 2019 (ref: 2019/0713) for 'Erection of one pair of semi-detached dwellings'	Breach of Condition Notice served 20 th December 2021 requiring: Do not carry out construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials outside the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays. Status: Monitoring compliance

<p>2021\ENQ\00121</p> <p>Land at Lidgett Lane, Pilley, Barnsley, S75 3AG otherwise known as St Paul's Bank, Pilley, Barnsley, S75 3AG</p>	<p>The failure to comply with condition 22 of the attached planning permission granted (Reference 2019/1464) which requires adherence to the agreed Construction Method Statement (The Unauthorised Works).</p>	<p>Enforcement notice served 23rd December 2021 requiring:</p> <p>(i) Comply with condition 22 of the Grant of Planning Permission</p> <p>(Reference 2019/1464) and ensure all activity on site adheres to the</p> <p>agreed Construction Method Statement.</p> <p>Effective 21st January 2022.</p> <p>Time period for compliance Three days</p> <p>Status: Developer has apologised and put mitigation measures in place.</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
52 Gawber Road, Barnsley	Overgrown Garden	<p>S215 Notice issued 12th August 2021</p> <p>Status: Next of kin disputing notice, Private Sector Housing looking to complete the works and recharge the costs accordingly.</p>
4 Grange Street, Thurnscoe, Rotherham, S63 0EB	Harm to surrounding streetscene due to multiple windows boarded	<p>S215 Notice issued 9th December 2021</p> <p>Status: Monitoring compliance</p>

(c) Legal action

Case Reference & Location	Case Details	Prosecution Status
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 Enforcement appeal dismissed; Notice upheld. Temporary personal Planning permission granted for occupier of site for 3 years subject to condition. The Council have applied to Judicially review the decision; the case was refused and the decision by the inspector stands. Further enforcement notices and stop notices issued 8 th December 2021 for recent breaches, new appeal submitted.
2019\ENQ\00758 30 Huddersfield Road, Barnsley	Non-compliance with enforcement notice relating to formation of unauthorised vehicular access over a classified road.	Court Hearing 13 th December 2021 Guilty Plea entered, fined £350. Ordered to pay a contribution of costs of £480 And ordered to pay a victims surcharge of £35 Homeowner looking to reinstate the wall and provide LPA with suitable proposals Total of £865
Land at Willow Bank/Tinkers Pond, Barnsley, S70	Unauthorised change of use of Land and operational development including the creation of a compound	Enforcement notice appeal dismissed in relation to unauthorised compound. Compliance period runs until 1 st February 2022.

(d) Enforcement Appeals

Case Reference & Location	Breach of Planning Control	Appeal Decision
APP/R4408/C/21/3277862 Land adjacent to Willow Bank and 'Bleachcroft' Barnsley S71 1PF	Unauthorised change of use of Land and operational development including the creation of a compound	Appeal Decision issued 1 st November 2021 Appeal dismissed Restoration of land/removal of compound required by 1 st February 2022.

Compliance Monitoring

Enforcement Notices served 2020/21	Enforcement Notices Complied with 2020/21
53	33

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

Benchmarking

53 Enforcement notices have been issued by Barnsley in the year ending September 2021. This compares favourably to other local authorities in England.

				Stop notices issued	Temporary stop notices issued ²	Breach of condition notices served	Planning contravention notices served	Enforcement injunctions granted by High Court or County Court ³
1	Position	LPA	EN's served upto Sep 21					
2	1st	Bradford	99	-	-	2	1	0
3	2nd	North Warwickshire	71	1	2	-	17	0
4	3rd	Buckinghamshire	54	-	7	5	35	0
5	4th	Barnsley	53	-	4	3	15	1
6	5th	Herefordshire, County of	52	-	-	-	20	0
7	6th	Colchester	45	-	-	8	16	0
8	7th	Epping Forest	37	-	-	-	-	2
9	8th	Brighton and Hove	37	-	-	2	20	0
10	9th	Sheffield	29	-	1	3	6	0
11	10th	Lake District National Park	28	-	-	4	1	0

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

The previously vacant second enforcement officer post was filled from 1st November 2021 following a round of recruitment. The second full time officer is a welcome addition to the service and will assist with resilience and additional support for the enforcement functions

Conclusion

Quarter 3 of 21/22 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service has issued 58 enforcement notices in 2021 and will seek to continue to work with elected members and local communities to achieve the desired outcomes. 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