

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 15 February 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

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 - 4*)

To receive the minutes of the meeting held on 18th January 2022

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. A635 Barnsley Road, Goldthorpe - 2021/1511 - For Approval (*Pages 5 - 20*)

4. Land off Windhill Lane, Staincross, Barnsley - 2021/0747 - For Approval (*Pages 21 - 46*)

5. 15 Churchfield Avenue, Cudworth, Barnsley - 2021/1326 - For Approval (*Pages 47 - 52*)

6. A and E White Bakers Ltd, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF - 2020/1339 - For Approval (*Pages 53 - 70*)

Planning Appeals

7. Planning Appeals - January 2022 (*Pages 71 - 74*)

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

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, 7 February 2022

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 January 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Barnsley Town Hall

MINUTES

Present

Councillors Richardson (Chair), Bruff, Cain, Coates, Crisp, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Hand-Davis, Hayward, D. Higginbottom, Lofts, Makinson, McCarthy, Mitchell, Smith and Tattersall

In attendance

44. Declarations of Interest

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

45. Minutes

The minutes of the meeting held on 21st December 2021 were taken as read and signed by the Chair as a correct record.

46. Land off Windhill Lane, Staincross - 2021/0747 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2021/0747 – Demolition of existing buildings and construction of sound design creation centre at land off Windhill Lane, Staincross

Mr John Sanderson addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Ms Ann Gibson and Ms Cheryl Ann French addressed the Board and spoke against the Officer recommendation to approve the application.

RESOLVED that the application be deferred to allow officers the opportunity to gain more information from the applicant on the use, impact and necessity of the outdoor sound recording and its relationship to the proposed building, along with further justification for the size and scale of the building in reference to its proposed use.

47. Land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley - 2021/1007 - For approval

The Head of Planning and Building Control submitted a report on Planning Application 2021/1007 - Erection of 3 no. 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) at land to the north and south of Dearne Valley Parkway, Hoyland, Barnsley.

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

48. Planning Appeals December 2021

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that 5 appeals were received in December 2021.

It was reported that 23 appeals have been decided since 01 April 2021. Of these, 20 appeals (87%) have been dismissed since 01 April 2021, 3 appeals (13%) have been allowed.

RESOLVED that the update be noted.

49. Member Consultation report December 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 December 2021.

RESOLVED that the consultation report be noted.

50. Enforcement Update (Q3)

The Head of Planning and Building Control provided a report to update the Board on Planning Enforcement service activity covering Quarter 3 of the last reporting period 2021/2022 (October 2021 – December 2021 Inclusive). The report included a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

RESOLVED that the update report be noted.

Chair

Item 3

Ref 2021/1511 Full Planning Application

Applicant: Barnsley Council

Description: Creation of a new roundabout on the A635 Barnsley Road, Goldthorpe. Works also include new drainage, street lighting and signs and lines.

Site Address: A635 Barnsley Road, Goldthorpe, Rotherham

Background

The Masterplan Framework for Goldthorpe (ES10) was adopted in September 2021 and seeks to deliver the Local Plan ambitions on the large strategic allocation which will see the delivery of 73 hectares of employment land and supporting community infrastructure. In order to facilitate the delivery of the ES10 site, both the Local Plan and adopted Masterplan Framework require the delivery of highways improvements required to unlock the site and benefits associated with delivering this key development.

This planning application is for a roundabout and highways improvements, including facilitating anticipated increased traffic growth, that are required to unlock the site allocation ES10.

Planning applications for site allocation ES10 will be considered separately. However, some of the technical reports submitted in support of the abovementioned highways schemes have been prepared with facilitating the development of ES10 in mind.

Recent highways works to upgrade Cathill, Broomhill and Wath Road roundabouts have been completed. These were undertaken to address existing congestion and ensure that the road network has the capacity to accommodate any future traffic growth from the development of the local plan allocated employment site ES10.

The Goldthorpe Towns Deal Fund was successful in gaining a £23.1m investment in the Dearne Valley. The wider development proposals of ES10 directly contributes to the objectives of the towns fund.

Site Description

The proposed roundabout is situated on the A635 Barnsley Road, Goldthorpe between Cathill Roundabout and Holly Grove Roundabout. The A635 Barnsley Road is part of the primary route linking Barnsley to Doncaster. The site is currently surrounded by agricultural fields to the north and south. The northern boundary of the site falls within Green Belt. Carr Dike runs to the east of the proposed roundabout, whilst to the west is a small lay by and several detached residential properties. Land to the south is allocated within the Local Plan as employment use.

Proposed Development

The proposal is to construct a new roundabout junction on Barnsley Road. The roundabout will be a three-armed roundabout, with dual entry and single exit lanes. The roundabout is a stand alone roundabout on the existing highway.

The primary role of the development is to provide access to the ES10 development site.

Policy Context

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

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

The Goldthorpe ES10 Masterplan Framework is also a material consideration and includes requirements to deliver highways improvements to provide access to the site.

Local Plan Allocation –Employment Use Site ES10

Relevant Local Plan Policies are:

SD1 Presumption in favour of Sustainable Development

GD1 General Development

LG2 The Location of Growth

E1 Providing Strategic Employment Locations

E2 The Distribution of New Employment Sites

T1 Accessibility Priorities

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

T5 Reducing the Impact of Road Travel

D1 High Quality Design and Place Making

LC1 Landscape Character

HE6 Archaeology

BIO1 Biodiversity and Geodiversity

CC1 Climate Change

CC3 Flood Risk

CC4 Sustainable Drainage Systems (SUDS)

CL1 Contaminated and Unstable Land

Poll1 Pollution Control and Protection

AQ1 Development in Air Quality Management Areas

UT2 Utilities Safeguarding

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date planning permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The most relevant paragraphs are as follows:-

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

11 – The presumption in favour of sustainable development.

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

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

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

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

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

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

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

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

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

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

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

124 & 127. Achieving well-designed places

150 . Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) mineral extraction; b) engineering operations; c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;

175. Habitats and Biodiversity

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

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

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

Consultations

Ward Members – no responses received

Billingley Parish Council – no responses received

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

Biodiversity – Supports the Ecological Impact Assessment and welcomes the recognition of the SSSI close by. Would prefer to see statement or supporting document with respect to how this development is supposed to achieve minimum 10% Biodiversity Net Gain but understands that the other developments within ES10/ Goldthorpe Masterplan Framework area are going to be required to compensate for this roundabout application's ecological impacts. Does not therefore object subject to a condition requiring full details of any landscaping associated with this application which is intended to contribute to the final overall Biodiversity Net Gain offer for the Masterplan Area.

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

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

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

Doncaster Council –

Transportation Section;

The roundabout is not a trip generator in itself, however, it is the creation of the access for a proposed development site. There is no TA so the impact on Doncaster's network cannot be properly assessed, however, a high level distribution exercise has taken place and is included in the Traffic Modelling report, this states that 13% of the development traffic will head to Doncaster. This equates to 106 2-way trips in the AM Peak and 85 2-way trips in the PM Peak, these trips may be further diluted before they reach Doncaster's boundary. The modelling does show that the roundabout design can accommodate the proposed development satisfactorily. We would expect DMBC to be consulted when the proposed

development planning application comes in and there will be a full Transport Assessment included with this to fully assess the impact on Doncaster's Network, at that stage, if required, we can then respond and discuss further with Barnsley MBC should the impact be severe and any mitigation is required.

Highways Section;

In terms of HDC then we have no comments to make as it is West of Goldthorpe and well inside the Barnsley boundary. There is a potential issue for Doncaster in terms of the additional traffic onto our network as the proposed Industrial Units and associated traffic will more than likely use the A1 for access onto the motorway network.

Air Quality: Extant Air Quality Regulations

The application is for a proposal to build a new/additional roundabout on the A635 within the administrative area of Barnsley Metropolitan Borough Council. The A635 is a main arterial route that goes through the residential areas of Marr and Hickleton and therefore the potential effect on air quality is of material concern. The roundabout in itself will not affect existing air quality.

Public Rights of Way – No objections following the amended plans which include the provision of new steps to the Public Right of Way and footway.

Regulatory Services – Comments provided on the noise implications of the proposal which are covered in the section on residential amenity below. Condition advised to reduce impact on residents during construction works.

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

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

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

Yorkshire Wildlife Trust – Advice provided regarding trees offering suitability for roosting bats and need for bat surveys if the identified trees are to be impacted by the development. The application has confirmed that the trees identified are to be retained.

Representations

The application was advertised by 298 neighbour notification letters, press and site notices. A further re-consultation was undertaken following the submission of amended information.

Objections have been received from 9 residents in response to the consultation.

One supportive response has been received from a resident.

Landowners within the ES10 site have also expressed their support for the roundabout.

Objections received can be summarised under the following themes:-

Harm to living conditions of existing properties

- Construction of roundabout needs to be undertaken quickly and nearby residents compensated
- Impact during construction
- Impact of proposals upon Billingley residents has not been considered
- Air quality impacts to be considered

Highway safety

- Concern that Billingley Green Lane will be used as a rat run and create safety issues for residents
- Unclear as to why a roundabout would be required in this location
- Request for measures to be put in place in Billingley to reduce speeds within the village
- Concerns that Traffic Assessment numbers are incorrect and are too low
- Traffic disruption
- Need to remove right turn onto Billingley Green Lane and create a right turn from Billingley Green Lane towards Barnsley
- Request for bus stops to remain
- Already too many roundabouts
- Money should be spent on other roads within the vicinity

Overdevelopment/future development concerns/link to the Local Plan

- Roundabout should not be considered in isolation to wider ES10 development
- Proposals within Masterplan require reconsidering as a result of the pandemic and Brexit – no need for additional employment land
- Loss of green belt

Ecological concerns

- Development would impact upon wildlife which is unacceptable
- Pollution
- Impact on climate change

Assessment

The Need for the Proposal

The application proposes a new roundabout junction on Barnsley Road that would connect to a future arm, providing access to the ES10 site. The proposal has been designed as a stand alone roundabout and as such, would not result in an increase in traffic.

The case in support of the development is one based around the need to facilitate access into the employment use allocation, ES10. The scheme seeks to deliver the necessary highways infrastructure works to facilitate the access to the development site, taking account of the future growth anticipated relating to site ES10 and wider Local Plan related growth. In accordance with Local Plan Policy LG1 and the adopted Spatial Strategy, Principle Towns are expected to accommodate a significant amount of the borough's growth in relation to employment and housing.

Site ES10 will deliver 72.9 hectares of the 80.9 hectares of employment land allocated in Goldthorpe (including Thurnscoe and Bolton on Dearne).

The roundabout would result in a decrease of traffic speeds along this stretch of the road which would be welcomed by residents living within the proximity of the site.

Green Belt

The northern boundary of the roundabout is within the Green Belt. Paragraph 150 of the National Planning Policy Framework indicates that local transport infrastructure is not inappropriate development as long as it preserves openness and does not conflict with the purposes of including land within the Green Belt. In this instance, because the incursion into the Green Belt is so slight, openness would be preserved and there would be no conflict with the purposes of including land in the Green Belt. It is also not possible to move the roundabout further south or east as this would increase its vulnerability to flooding. A location further to the west would also move it closer to existing residential properties.

It is therefore considered that the proposal complies with paragraph 150 of the National Planning Policy Framework and is in accordance with Local Plan Policy GB1.

Highways Assessment

The application is supported by a number of documents, including general arrangement plans, swept path assessments, a road safety audit (RSA) and traffic modelling report.

Details contained in the traffic modelling report have been reviewed to ensure that appropriate levels of traffic movement have been included in the assessment, which forecasts a future year of 2033, and that the current output Ratio to Flow Capacity values are well within acceptable parameters.

The Road Safety Audit (RSA) was updated during the consideration of the application and now demonstrates that the new footway provision has been audited. The additional footway may attract pedestrian use from within any future development and where it suddenly terminates, may lead to increases in pedestrians attempting to cross a wide high speed highway. A designers response to the RSA has now been received which is considered to be satisfactory with relevance to the design submitted for audit. The Supplementary Guidance Note demonstrates that the designer has taken on board comments in relation to the later additional footway provision (not part of the RSA audit design) proposed to connect into the PROW network and that additional measures are to be considered to discourage undesirable pedestrian movements across the A635.

The updated RSA demonstrates that the designer has fully reviewed the local highway safety records to ensure any design related implications have been considered.

The RSA also makes recommendations for the provision of street lighting and signage which the designers response has addressed along with the comments from Highways Development Control. Accordingly street lighting and signage are matters which can now be dealt with by way of an appropriately worded planning condition.

The application is ultimately to facilitate access to an allocated future employment site to the south of the A635. As part of any future applications the Council will carefully consider how accessible the site is by sustainable modes, including provision of bus stops. It is accepted that the proposed design does not prejudice the need to secure necessary infrastructure as part of any subsequent application to develop the site. Highway Development Control therefore raise no objection to this application subject to suitable conditions and informatives being attached and the proposal therefore complies with Local Plan policy T4.

Noise

A noise assessment has been submitted and Regulatory Services have confirmed that they are satisfied with the methodology and scenarios used together with the identification of impacts. The assessment has assessed construction impacts and operational impacts of the roundabout.

The scenarios used to test the potential future impacts of the wider development identified a short-term construction noise impacts at local residential properties should nighttime working be required. This impact is limited to the closest properties to the site. The report recommends best practice techniques that could be used to minimise such an impact.

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

Air Quality

The scope of the air quality assessment has been agreed with Pollution Control. In isolation, the proposed roundabout will not result in air quality impacts as it will not be associated with changes in traffic that would affect air quality at any of the identified receptors. The assessment has however, considered both the roundabout and wider ES10 development. As this application is for the roundabout alone and not additional built development, the wider impact upon air quality would be considered when assessing future planning applications. Such an approach is consistent with the response received by Doncaster Council, who have expressed that they would wish to agree the scope of future air quality assessments. Accordingly, Regulatory Services do not object to construction of the roundabout on operational phase air quality grounds, taking into its proposed location and layout.

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

Visual Impact

As the submitted scheme will result in the realignment/widening of the existing highway together with the removal of some trees and vegetation of local ecological significance, there will be limited visual impact.

Billingley village to the north-west of the site is a conservation area, therefore consideration should be afforded to its setting. In this instance, it is considered that the village is of a sufficient distance away to not cause substantial harm.

Local Plan Policy D1 states that development should include a comprehensive and high quality scheme for hard and soft landscaping however this is not presented

within the application. Proposed landscaping works should also include planting to minimise the impact upon the nearest residential properties.

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

Flood Risk and Drainage

The roundabout is located to the west of Carr Dike, which runs under the A635 and flows in a south westerly direction through the site and towards Old Moor and ultimately discharges into the River Dearne. The roundabout itself is almost completely located within Flood Zone 1 meaning it is at low risk of fluvial flooding. However, where Carr Dike runs underneath the A635, the highway is shown to be at potential risk from fluvial flooding from the 1 in 100 year fluvial event. The site layout plan demonstrates that the only works proposed within this area will be resurfacing of the existing highway. No changes to the layout or level of the existing carriageway and culvert beneath the highway have been proposed. This is because it is not practicable to raise the level of the highway in this location, as levels along this section need to tie in with the existing highway. Nonetheless, because the part of the site where carriageway resurfacing is proposed lies within Flood Zones 2 and 3, the application is supported by a Flood Risk Assessment.

Given, there is no change to the level of risk as a result of the proposals and the development itself, the vulnerability of the development to flooding is unaltered and considered to be low. A sequential test has not been included within the FRA as the location of the roundabout is somewhat determined by what would be considered acceptable in terms of highways safety alongside the overall aim of opening up ES10. However an Exception Test has been undertaken which:

1. Demonstrates that the development provides wider sustainability benefits to the community that outweigh flood risk (i.e. facilitating access to a substantial employment site within an area suffering from high levels of deprivation).
2. Demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere (based on the findings of the Flood Risk Assessment) .

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

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

Climate Change

Local Plan policies CC1 and CC2 seek to reduce the causes of and adapt to the future impact of climate change. The proposal is a standalone piece of infrastructure but which is intended to create access to the ES10 site. Given highway construction standards it is not considered technically feasible to incorporate different materials but full provision is made for active travel (pedestrians and cyclists). The proposal is

also consistent with the Hoyland West Masterplan Framework which includes site specific strategy for sustainable urban drainage and green infrastructure on a sustainably located site within Urban Barnsley.

Mining Legacy

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

Biodiversity

A Preliminary Ecological Assessment has been undertaken to the satisfaction of the council's Biodiversity Officer. Whilst the Biodiversity Officer initially advised that Biodiversity Net Gain should be required for this application and the appropriate metrics provided. In this instance, it has been subsequently agreed that the Biodiversity Net Gain will be provided alongside the requirements for the main ES10 site which will ensure that the 10% minimum requirement be delivered in a cohesive manner. This is consistent with the approach taken to the Barnsley West roundabouts, where the Biodiversity Net Gain is to also be delivered within the wider site. A condition requiring further details of the biodiversity mitigation/enhancements is proposed in order to ensure compliance with Local Plan Policy BIO1 and SPD's Biodiversity/Geodiversity and Trees/Hedgerows.

Trees

The Forestry Officer has reviewed the tree report and protection plan submitted with the application. A tree protection plan details how the trees to be retained as part of the scheme will be protected during construction works. A landscaping plan should be secured by condition to demonstrate how trees and vegetation lost as part of the construction works will be replaced. Replacement planting could be undertaken either on site or off site as part of the wider ES10 development.

Balancing Exercise/Conclusion

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

Part of the site is within the Green Belt but the proposal is not deemed inappropriate development as it comprises of local transport infrastructure which has limits on where it can be located and results in only a very minor incursion that will not impact on openness of the Green Belt or the purpose of including land within it. It therefore accords with Green Belt policy as set out in the NPPF and Local Plan policy GB1. This assessment has considered the need for the proposal and existing highway conditions alongside other material considerations including residential amenity,

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

The proposal seeks the provision of a new roundabout which will provide the access to the ES10 employment site. If approved, the scheme will deliver another of the necessary off-site highways mitigations required to unlock the ES10 site to help deliver identified development within the Local Plan period (72.9 hectares of employment land, 10% Biodiversity Net Gain and access into HS51).

Given the extent to which the ES10 site will meet identified employment need, the role the roundabout will play in opening it up attracts substantial weight when balancing the merits of the proposal.

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

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

Recommendation

Approval subject to conditions

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

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

2. The development hereby approved shall be carried out strictly in accordance with the following plans and documents:

- Plan no.100-SK-001 Rev E
- Plan no. 100-SK-009 Rev A
- Plan no. HD/A635.69.1/LP/1
- Plan no. HD/A635.691/PROW/1
- Air Quality Assessment dated Feb 2021
- Arboricultural Method Statement dated Jan 2022
- Ecological Impact Assessment dated 4th Nov 2021
- Flood Risk Assessment dated Nov 2021
- Noise Survey dated 3rd April 2020
- Ground Investigation Report dated Nov 2021

and specifications as approved unless required by any other conditions in this permission.

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

3. Operations shall 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 shall be no working on Sundays or Public Holidays unless approved by the local planning authority. Any local residents affected by noise shall be notified as soon as possible of any working on Sundays

or Public Holidays. If night time working is required due to health and safety or traffic management risks, then the Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such works and a schedule of essential work shall be provided. Any local residents affected by noise shall be notified as soon as possible.

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

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

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

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

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Local Plan Policy CC3

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

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

7. The site is located within a Coal Authority development high risk referral area due to the presence of relatively shallow coal, coal mine workings, opencast backfill and an opencast highwall. As detailed in the Abbeydale Building Environment Consultants Ltd ground investigation report ref 151089GI dated November 2021, the land could therefore be at risk from mining legacy risks such as ground instability. As recommended in the report, further site investigations must be undertaken to complete the geotechnical evaluation of the site. In order ensure the sustainability of the development, mitigation/remediation will be required including, but not limited to, excavation and re-compaction of opencast backfill and the consolidation of voided ground/shallow mineworking's. The development should be undertaken in consideration of Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

A validation report detailing the findings of the outstanding investigations and completed mitigation/remediation shall be produced by a third party geo-environmental consultant and submitted in writing to the Local Planning Authority. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"

Reason- Land stability NPPF sections 178 a,b,c. 179 and 170 e & f

8. No construction works shall commence until a scheme of off-site highway improvements to achieve the required visibility distances on the western arm approach of the A635 has been submitted to and approved in writing by the Local Highway Authority. Thereafter the scheme shall be implemented coincidental with the approved main roundabout works.

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

9. No construction development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- " Working times
- " The parking of vehicles of site operatives and visitors
- " Routing of and means of access for construction traffic
- " Loading and unloading of plant and materials
- " Storage of plant and materials used in constructing the development
- " The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- " Measures to control mud and dust being transferred to the public highway
- " Measures to control the emission of dust and dirt during construction
- " Measures to control noise levels during construction
- " A Construction Environmental Management Plan (CEMP) to outline the mitigation to be put in place to ensure no impacts to biodiversity occur as a result of construction
- " A Construction Traffic Management Plan including details of volumes and types of construction traffic, identification of delivery routes, identification of agreed access point, Contractors method for controlling construction traffic and adherence to routes, construction period, and temporary signage.

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

10. 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:

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

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

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

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

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

12. Prior to any works commencing on site full details shall be submitted to and approved in writing by the Local Planning Authority that secure the following works:

- " Detailed highway engineering
- " Drainage
- " Street lighting
- " Signing / lining details and
- " Any temporary highway arrangements to be in place until such time as the southern arm is opened.

The works shall subsequently be constructed in accordance with the approved details.

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

13. Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

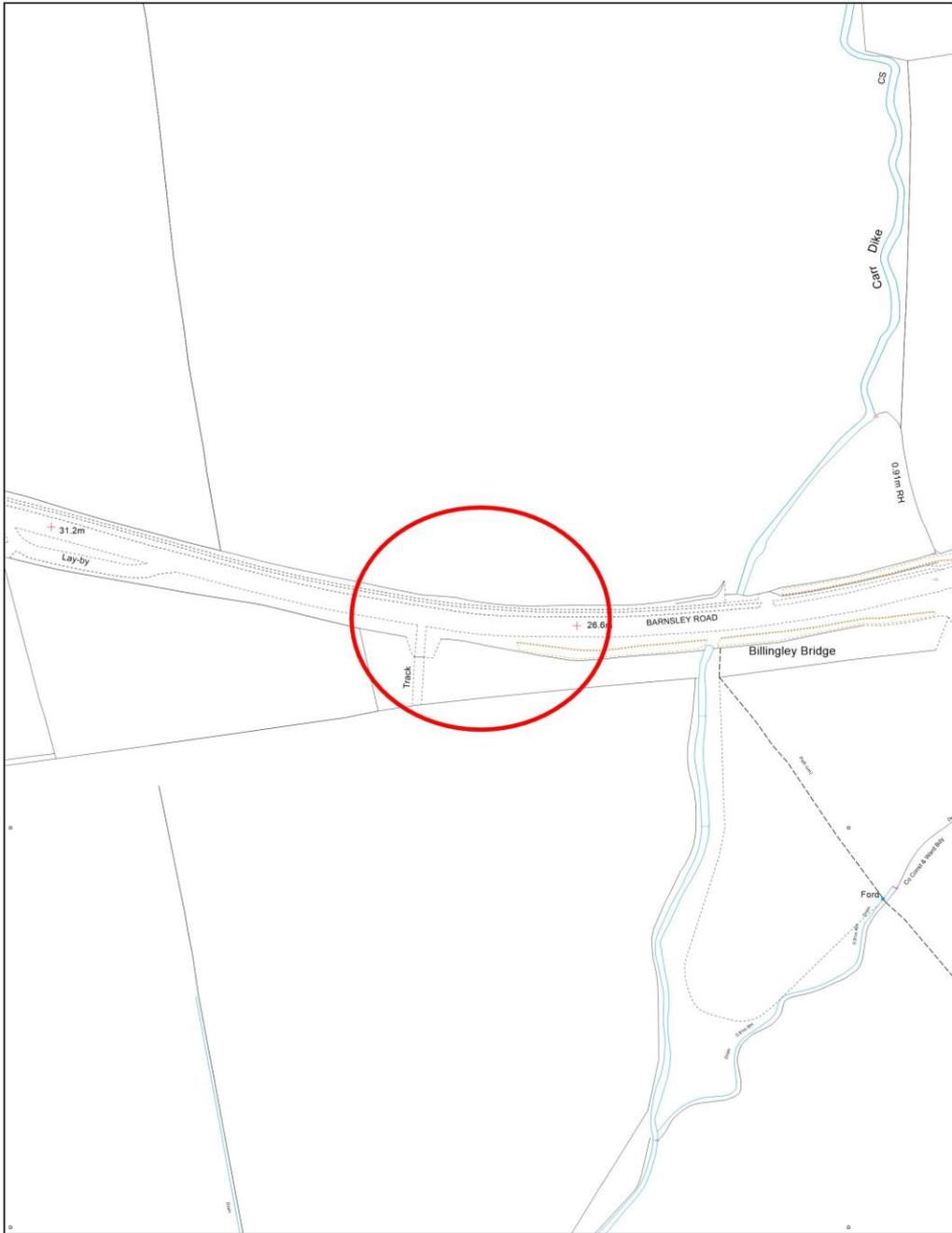
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

14. Development shall be undertaken in accordance with the approved Arboricultural Method Statement Report Reference TCC-1461-1 dated January 2022.

Reason: In the interests of ecology and visual amenity, in accordance with Local Plan policies BIO1.

15. Upon commencement of development details of the biodiversity mitigation, compensation, and enhancement measures, as referenced in Section 6 of the Ecological Impact Assessment dated 4th November 2021, including a timetable for their implementation, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details..

Reason: In the interests of biodiversity and to accord with Local Plan Policy BIO1.



© Crown Copyright & Database Rights (2022) 100022264

BARNSELEY MBC - Regeneration & Property



Scale: 1:2448

This page is intentionally left blank

Item 4

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

February Meeting Update

Members will recall this application was referred to PRB in January and that the decision was deferred. At the meeting Members posed questions regarding the scheme and the need for it in this location. The applicant has provided a statement in response which is available on the planning explorer website, with the main points summarised below:

The uniqueness of the sound design creation centre, as proposed, is to allow a seamless, time efficient, cost effective process to record sounds both inside and outside and be able to put them straight into the game's computer engine. Recording sound outside, in close proximity to the building, allows Pitstop to:

- Improve the sound quality and detail that makes up the sound design in the video games being worked on.
- Make it easier to make changes in the recording process
- Create a fast, efficient process of creating and making detailed sound changes.

The Sound Design Creation Centre allows for instantaneous evaluation of recorded sounds, and the ability to immediately rerecord. By being able to put the recording sound straight into the visual medium of the game, it is possible to assess it and identify quickly if something is not right, then re-record the sound or alter the sound being recorded through changing microphone positions and / or altering the way the sound is being made. This is much more efficient and sustainable than the trial and error method of 'field recording', which results in multiple trips backs and forth between sites and the studio to achieve what's required

This unique flexible process would only work with a facility that allows a space where indoor and outdoor sounds can be recorded. Locating the two separately would not deliver the same benefits in terms of this being a unique facility.

- a) It sets the company apart from its competitors,
- b) It's a unique service
- c) It attracts companies from all over the world to want to work in this way.
- d) It means students/ sound design professionals can experiment and learn techniques that can be reviewed instantly.
- e) It raises the bar on what Pitstop does to another level

By having this outdoor and indoor connectivity, Pitstop can efficiently make sound-scapes that are high in quality, and this level of detail and flexibility means the

game's sound quality is significantly improved. The proposed SDCC will set the company apart from competitors for this reason.

Looking to noise issues associated with the site, Members queried why this site is suitable when other sites with background noise were discounted and the level of noise disturbance likely to emanate from the site.

Members will recall that, Enterprising Barnsley provided a range of potentially suitable alternative sites which were discounted by Pitstop either because they did not have outdoor space available, were not well located to their existing offices, were too big, had planning permission / applications for other uses, or were in a location where industrial noise pollution would make the processes impossible. Taking account of the characteristics of the proposed site, it was felt there was insufficient information to judge this latter reason for discounting site.

In response, Pitstop have confirmed that the site does not need to be silent, but it does need to have sufficient space where sound can be recorded, with no Major continuous/regular noise interference such as heavy plant machinery, HGV wagons, proximity to a railway, loading and unloading of goods etc. The site, in Staincross, does have some road noise but this is not continuous, and the building will provide some shielding. The applicant has reiterated that they are confident the existing noise environment will not present an issue for external recording and any sounds which require a silent environment would be recorded inside.

With regards to noise from the site impact on the wider area, the applicant has provided an example list of sounds likely to be recorded ranging from footsteps on different surfaces and environmental sounds such as wind or rain to noisier sounds like hammering, engine noises or breaking glass. They have confirmed that they will not be recording firearms or explosions on the site.

The sounds would be in short bursts and not over prolonged periods so that disturbance is minimal. In addition, sound creation is a process whereby the sound engineers layer different recordings of sounds to create louder noises in the game. This skill in merging and editing sound allows them to build a sound experience in the games without necessarily needing to record larger sounds.

On this basis the applicant does not feel that the likely noise emitted from the site would warrant a noise assessment, and it should be noted that Regularity Services have not requested one. Notwithstanding this, the applicant has agreed to a condition limiting the noise levels on the site which has been added to the conditions at the end of this report.

Finally, Members queried the scale of the building and need for it to be two storeys.

The presence of a coal mine shaft on the site with its associated exclusion zone is a constraint to the developable area available which impacts on the footprint of the building. In terms of space requirements, Pitstop has stated that they often work under a Non-Disclosure Agreements, (N.D.A.) and many clients demand that separate space is used for their games, where only the designated team working on that project can function. When this is combined with the agreement to work closely with Barnsley College, creating spaces where students can, with the support of Pitstop, learn their craft, it drives up the accommodation requirements.

In addition, the building design includes a double height space where large objects can be recorded safely indoors, including dropping items from a height.

These various constraints and requirements have driven the need for a two storey building.

The applicant has also reiterated the benefits associated with the proposed soft landscaping which has been designed to maximise biodiversity on the site and achieve 10% net gain. This would be impacted by any requirement for the building to be single storey, whilst achieving the same internal space.

With regards to reducing the overall height of the building, the applicant's topographical survey confirms that the site rises from the road level upwards to circa 2m higher at the front of the building and circa 5m at the rear. Therefore, some levelling will be required, to create a flat platform for the building and it is envisaged this would result in a lower finished floor level i.e. the building would be cut into the landscape. At this stage it is not known to what extent the levels would be reduced on site but this can be controlled through a condition which requires the detailed levels to be agreed pre-commencement. An informative has been added to reiterate to the applicant that the LPA will expect the developer to evidence that they have achieved the lowest finished floor levels possible, taking account of site constraints and other level requirements such as those related to highways and drainage.

The remaining report assesses the scheme against Local Planning Policy and remains as per the previous meeting subject to some updates on consultee comments.

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.

Demolition – No comments received.

Contaminated Land – No comments received, standard condition can be applied.

Forestry Officer – No comments received.

Highways – No objections, more detail in the report below.

Regulatory Services – No objections subject to conditions.

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 ewer is approximately 66 meters away in Kerswick Road.

Wakefield MDC – No comments received

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 wont 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, Pit Stop 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. Pit Stop’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 Pit Stop 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 Pit Stop.

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. Pit Stop 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.

28. The rating level (LArTr) of the noise emitted from the proposed development shall not exceed the existing background noise level (LA90T) by 5dBA. The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. Measurements shall be made in accordance with BS 4142: 2014 Methods for rating and assessing industrial and commercial sound where the background noise level shall be expressed as an LA90 1 hour and the ambient noise levels shall be expressed as an LAeq 1 hour during the daytime [07:00-23:00] and shall be expressed as an LA90 and LAeq 5 minutes during the night [23:00-07:00].

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

PA Reference:-

2021/0747



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

This page is intentionally left blank

Ref 2021/1326

Applicant: Mrs Rachel Bradshaw - MAC Group Ltd

Description: Change of use of property to a residential children's home for one young person

Site Address: 15 Churchfield Avenue, Cudworth

Description

The property is a two storey, two bedroom end terrace dwelling set on Churchfield Avenue which is set within a predominantly residential area. The property has a lounge, kitchen and bathroom on the ground floor and two bedrooms at first floor.

The property does not have off street parking, however there are no parking restrictions along Churchfield Avenue. The property has a rear yard area and a paved front garden.

Proposed Development

The applicant seeks permission to change the use of the dwelling (C3) to a residential children's home for one young person (C2). In support of the application, the applicant has provided the following additional information:-

'The home will have one staff on at all times on a general rule. If required the staff may change to two staff but this is very slight. Therefore there will only be one staff member on at a time using only one parking space.

The shifts will start at 8 am and end at 8pm. The handovers will commence at 15 minutes prior to these times. This fits in with the car spaces on the street as home owners leave the house before 8 and there are available parking spaces at that time. The 8pm handovers home owners have already come home and parked their cars. I am aware of the home owners on the street as many have two or even three car parking slots. Staff that I have coming there are only two staff who have a vehicle and the rest are on public transport. We will not be having a provision car as we are aiming for the young person/s to be independent and be confident in using public transport.'

There are no material alterations proposed to the exterior or interior of the property.

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 Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T3 New Development and Sustainable Travel
Policy T4 New development and Transport Safety
Policy GD1 General Development
Policy D1 High Quality Design and Place Making.
Policy H6 Housing Mix and Efficient Use of Land
Policy Poll1 Pollution Control and Protection

SPD's

Those of relevance to this application are as follows:

- House extensions and other domestic alterations
- Parking

Other

South Yorkshire Residential Design Guide

NPPF

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

Consultations

Ward Councillors – 3 comments have been received from Ward Councillors which raise the following concerns:

- The proposal is unsuitable in the middle of a densely populated area
- The area has many private landlords and, in the past, has suffered anti- social behaviour issues and drugs problems which residents have regularly complained about. This could impact on the residency and those within it.
- Equally the business use and nature of the proposal suggests clients with complex and intense needs which could impact on neighbouring residents regardless of management in such a closely defined space and community. Indeed, part of the area is older people's bungalows which clearly are not a suitable location for such activities.
- Cudworth has had and still has a number of children's and other residential homes one of which (Church Street) is close to the proposal. I believe this would be one too many in such a defined area with the possible impact that has. The existing home has had significant issues in the past which have greatly impacted on the area and raised community tensions and I believe this proposal will likely add to that problem.
- An alternative site should be considered
- There are too many in the area
- Antisocial behaviour

Highways – No objections
Pollution Control – No objections

Representations

1 comment has been received which raises queries on who the application is from and details of who the occupant would be. These are not considered to be material planning considerations.

Assessment

Principle of Development

The proposal is for a residential use and will permanently house 1 child at a time. Within the supporting text of Local Plan Policy H6 'housing Mix and Efficient Use of Land' it states that various house types capable of accommodating a range of needs are required across the borough. Supported housing is required for vulnerable households, including young people with support needs. Proposals will be supported where they are consistent with policy H6 and other policies within the Development Plan.

Local Plan policy GD1 'General Development' states that development should not result in a significant adverse effect on the living conditions and residential amenity of existing and future residents. This is assessed further below.

Residential Amenity

Concerns have been raised with regard to concentration issues of similar care homes within the Cudworth area. Records from Children's Services indicate that in April 2020 there was only one other private registered Children's home in the Cudworth area, and our planning records indicate that there are no other recent planning applications approved for care homes in the Cudworth area. The applicant has no other homes within the Barnsley area

In terms of the site suitability, children's care homes are normally set within residential areas and communities in order to provide a 'typical' setting for the children to grow up in. The use would only be for one child and one carer, with a maximum of two carers at any one time during a handover. The activities within the property would typically reflect those within neighbouring residential properties. The proposed use would be compatible with the surrounding area and would have similar levels of activity/movements as a typical residential C3 use and would not cause a significant increase in noise or disturbance in compliance with policy GD1 of the Local Plan.

Whilst the property is only a terraced property the home would only be for one young person and so, with the rear yard area and internal accommodation, it would provide sufficient space to be utilised for the proposal.

No extensions or alterations are proposed to accommodate the use as such residential amenity in terms of overbearing, overshadowing and privacy would remain the same.

A condition will be recommended to limit the use of the property within use class C2 to that described within this application so further uses which fall within that category, which may not be as compatible with the adjacent land uses, are not carried out without due consideration.

Visual Amenity

As outlined above, no internal or external alterations are proposed, as such, visual amenity would be maintained in accordance with Local Plan Policy D1.

Highway Safety

The Highways Section have not objected to the proposal. The Highways Officer has provided the following comments

'it is now evident that the manner in which the site would operate as a residential children's home for one young person would be little different to how it would be used as a normal residential dwelling in terms of the number of vehicle trips, the time of vehicular activity and the demand for on-street parking spaces. There will generally be only one member of staff present at the home, occasionally there will be two members of staff but this will ordinarily only be at hand-over times during shift change.'

Given that the property would be used for one child only and the number of staff at the property would be generally one and two only during handovers, it is considered that the proposals will not adversely impact upon the highway and are therefore considered acceptable from a highways development control perspective in accordance with policy T4 of the Local Plan.

Other concerns from Ward Members

The concerns from Ward Members are acknowledged, in particular the experiences of anti-social behaviour they have experienced from other care homes. However, the management company for this scheme is not the same as for the other care homes that have raised problems and each application needs to be judged on its individual merits. Whilst there are concerns that there may be a turnover of single residents at this address, similar occurrences could happen if the property was rented out as a residential dwelling which could happen without the need for planning permission.

Summary

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

The applicant has also agreed to a condition which ensures that any child resident at the premises is from Barnsley and therefore the scheme will serve a local need.

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

Recommendation

Grant subject to conditions:

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

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

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

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

3. Only one child at a time shall be resident in the premises and the use shall be as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The site consists of a property adjacent to residential dwellings with limited parking provision and the Local Planning Authority considered it is proper and reasonable to limit the use in the interests of residential amenity in accordance with Local Plan Policy GD1.

4. Any child in care that will be looked after under this permission shall be from within the borough of Barnsley

Reason: In the interests of sustainability and in accordance with Local Plan Policy T3

PA Reference:-

2021/1326



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

Item 6

2020/1339

Applicant: Mr David White – A&E White Ltd

Description: Demolition of existing buildings and erection of 13 dwellings with associated access from Park Road (A61) and landscaping

Site Address: A and E White Bakers Ltd, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF

3 representations have been received from local residents. The recommendation is the subject of a proposed S106 Agreement.

Site Location & Description

The site is located to the east of the A61 Park Road Worsbrough. It is of an irregular shape and covers an area of approximately 0.5 hectares. The site is tightly bounded by residential properties on Charles Street to the north, Westfields to the east, Harvest Close to the south with the A61 defining the western boundary. Levels fall across the site towards the eastern and southern boundaries.

The site is at present occupied by Whites Bakery, a large pitched roofed warehouse located within the south eastern area of the site. Access to the bakery is currently taken from Charles Street via residential streets. The immediate curtilage to the building is used as a service/parking yard. Extending to the west of the car park the land is undeveloped and becomes uneven (presumably made ground) and comprises of mix of shrubs and trees. The ground level to the boundary with A61 ranges between 1 and 3m lower. The main body of the existing site where the existing buildings are located is approximately 5m lower than the A61. The site is mainly clear of vegetation apart from a group on the western boundary adjacent to Park Road on a lesser number on the southern boundary. There is a partially culverted and a partially open small watercourse (Snape Sike) passing through the southern part of the site.

Planning History

B/03/1561 – Erection of single and two-storey extension to existing bakery and construction of new access from Park Road – Approved with conditions.

2014/0460 – Erection of single storey extension to factory to form storage and preparation area – Approved.

2014/1570 – Demolition of existing bakery and erection of 23no. dwellings – Refused for the following reasons:-

The Local Planning Authority considers that the proposed development would result in an unacceptable level of overlooking and loss of privacy to properties located across the northern boundary on Charles Street by virtue of the height, design and orientation of plots 1-10 and the inability to achieve the desired separation distances required within the SPD. In addition, it is considered that the outlook of the Charles Street properties would be completely dominated by virtue of the collective mass and elevation of the proposed dwellings. For these reasons it is considered that the relationship to adjacent properties would be unacceptable and contrary to the objectives of UDP Saved Policy H8a, Core Strategy Policy CSP29 and the guidance contained within Supplementary Planning Document "Designing New Housing Development".

In the opinion of the Local Planning Authority, the proposed layout and design of the development is at odds with the form and layout of properties within the locality. The design, scale and layout of the properties would create a very car dominated environment and substandard levels of amenity for future residents, this does not accord with the principle of good design and fails to take the opportunities available to improve the character and quality of the area and the way it functions. As

such the proposal is considered contrary to the NPPF, Core Strategy policy CSP29, and the Councils Supplementary Planning Document "Designing New Housing".

The application has failed to demonstrate that a suitable drainage strategy for the site can be achieved. In the opinion of the Local Planning Authority proposals to culvert a section of Snape Syke could create a legacy of flood risk problems due sections of the culvert falling within the riparian ownership of different properties which would compromise the ability coordinate maintenance. In addition to this the design and layout fails to demonstrate that surface water flows could be suitably controlled within the site. Consequently, it is considered that the proposals are contrary to the requirements of policies CSP3 Sustainable Drainage Systems and CSP 4 Flood Risk.

The application has failed to provide sufficient public open space and affordable housing provisions necessary to mitigate the impact of the development and satisfy the NPPF, Core Strategy policies CSP15 "Affordable Housing", CSP35 "Green Space", along with "Open Space Provision on New Housing Developments" SPD.

A subsequent appeal to the Planning Inspectorate was also dismissed under reference number APP/R4408/W/17/3172968.

2019/0203 - Demolition of existing building and erection of 19 no. dwellings and associated access and landscaping – Refused for the following reasons:-

The proposed development would be contrary to Local Plan Policy D1, the Council's Supplementary Planning Document 'Design of Housing Development' and paragraph 127 of the NPPF in that its design and layout would fail to create a visually attractive development that would function well for the lifetime of the development, nor be safe, inclusive, and accessible for all people. Particular references are made to the combination of tall dwellings built close together positioned close to the road with minimal amounts of soft landscaping, the proposed parking layout which dominates the proposed street scenes and includes parking spaces located remotely from dwellings in several cases and the isolated bungalow.

In the opinion of the Local Planning Authority, the proposed development would be materially detrimental to the amenities of the future occupants of the proposed dwellings by reason of substandard internal and external spacing and inadequate separation distances, contrary to Local Plan Policy GD1 'General Development', Supplementary Planning Document 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

In the opinion of the Local Planning Authority the proposed development would fail to provide any affordable housing or education contributions, contrary to Local Plan Policy I1 'Infrastructure and Planning Obligations', Local Plan Policy H7 'Affordable Housing', SPD 'Financial Contributions to Schools' and NPPF paragraph 54. The absence of essential forms of mitigation for a shortfall in school places and any provision of affordable housing would mean that the development would fail its social responsibilities, which is one of the three overarching objectives of sustainable development set out within the NPPF.

The proposal does not incorporate adequate on-site vehicular and cycle parking to the standard required by the Local Planning Authority. The proposal, if permitted, would therefore be likely to lead to an undesirable increase in on-street parking to the detriment of highway safety contrary to Local Plan Policies T3 and T4.

A subsequent appeal was also dismissed under reference number APP/R4408/W/20/3251286.

Proposed Development

The applicant seeks permission to demolish the existing buildings on the site and erect 13no. dwellings with associated access and landscaping. Vehicular access would be taken from a newly created access to the west of the site via Park Road (A61).

The site would consist of 5 blocks of semi-detached dwellings and one block of 3no. town houses, all containing 3no. bedrooms. 4no. house types are proposed across the site. All properties would have accommodation over 2 floors, with pitched roofs above. Each property would have in curtilage parking to the front/side and private amenity space to the rear.

8no. properties would be served by, and front, the main access road into the site which would be constructed to adoptable standard. The remaining 5 properties would front, and be served by, a private drive.

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 site is designated as Urban Fabric land within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy E3 uses on Employment Land

Policy E4 Protecting Existing Employment Land

Policy H1 The Number of New Homes to be Built

Policy H5 Residential Development on Large Non-allocated sites

Policy H6 Housing Mix and Efficient Use of Land

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

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

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

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

Consultations

Comments have been received from the following consultees:-

Enterprising Barnsley – Support the proposal. They are working with the applicant on the proposed S106 Agreement and the intended relocation.

Drainage – No objections following amendments and subject to conditions

Air Quality Officer – No objections subject to condition requiring electric vehicle charging points.

Yorkshire Water – No objections to the revised plans.

Tree Officer – No objections have been received. Previous applications were not refused due to the impact on trees.

Education Officer – Since the previous application there is sufficient primary and secondary places forecasted at local schools. As such contributions are not requested.

Broadband – No objections subject to conditions.

SYMAS – No objection subject to a condition.

Coal Authority – Raised concerns with the age of the report. A condition is therefore proposed to be imposed as per the wording supplied by SYMAS.

Highways – No objections in principle to the revised plans subject to conditions.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (42no. in total). 3 letters of objection have been received as a result. The main points of concern are:

- Increased overlooking
- Overshadowing
- Loss of trees
- Increased flood risk
- Displacement of rats during construction
- Impact on wildlife

Assessment

Principle of Development

Local Plan Policy E4 'Protecting Existing Employment Land' states that land currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if; development would not result in a significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land or premises in the locality; and the land or premises cannot satisfactorily support continued employment use.

It is important to retain existing employment sites in order to maintain a range of types of available premises. The Local Plan sets out the numbers of housing required and broadly where it will be located. The Local Plan seeks to stop further losses of employment land to housing unless credible supporting evidence is provided to demonstrate that a proposal conforms to the above policy. However, it is recognised that the site is constrained given the level differences, the watercourse, and the surrounding residential properties. As such, although the bakery is in a position to expand, it is prevented from doing so on this site and needs to seek larger premises. Any future business occupying this site could also be faced with similar difficulties.

The applicants have stated that a S106 Agreement will be drawn up which limits the business to relocating within the Borough so as not to lose the employment from this business. The demolition of the current building and the development of the site would not be able to commence until

suitable alternative premises or land in the Borough have been found and tied to the bakery business. As such, any approval on this site would need to be the subject to such a S106 Agreement.

In terms of the proposed development, proposals for residential development on non allocated sites above 0.4 hectares will be supported in line with policy H5 of the Local Plan where they:-

- Are located on previously or part previously developed land;
- Are located within Urban Barnsley, Principal Towns and Villages;
- Are accessible by public transport; and
- Have good access to a range of shops and services.

The proposal scores highly against the above criteria as the development would involve the re-development of a brownfield site that is located within Urban Barnsley. In addition, the site is located on the A61 which is a main bus route and there are a range of shops and services in the immediate catchment area. It is considered that the proposal strongly satisfies policy H5 therefore.

Furthermore, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

Residential Amenity

It is noted that there would be noise and disturbance associated with the proposed development in terms of residential and vehicular activity and the site is surrounded by existing residential properties which are noise sensitive. However, the current use of the site has to be considered. There is a currently operating bakery which operates long and unsociable hours. Arguably therefore, the proposed residential use would be more compatible with the predominantly residential area than the existing bakery use.

Plots 1-4 would sit to the South of the existing rear elevations of the properties on Charles Street. However, there would be a separation distance of over 24m, and the proposed properties would be on a lower level. The two sites would also be separated by a gabion retaining wall and the access road.

Plot 13 would sit close to the site boundary but there are no immediately adjacent properties at that point, just the head of Charles Street. Furthermore, it would be the side elevation of plot 13 facing which does not contain any habitable room windows.

The application site is on a higher level than the existing properties on Harvest Close and the neighbouring dwellings have rear elevations containing habitable room windows facing the application site. However, the closest plots are plots 6 and 7 which would have gables facing the shared boundary. The separation distance between the existing rear elevations and the proposed gables would be in excess of 21m, which is significantly more than the 12m required in the SPD in the case of rear wall to side wall relationships. It should also be noted that there is a watercourse and landscaped banking separating the two sites.

Plots 7-10 would back on to existing properties which front Westfields. Those plots would be built on a higher level and would have rear elevations and habitable room windows facing the neighbouring properties and their private amenity spaces. There would, however, be a separation distance of at least 11m between the proposed habitable room windows and the neighbouring amenity space, in accordance with the SPD. Although there would only be a 19m separation distance between the proposed windows and existing neighbouring windows associated with number 19 Westfield which is less than the 21m guidance, the windows do not directly face each other given the angles of the properties. As such it is considered that there would be no significant overlooking or loss of privacy. It should also be noted that the existing main bakery building is

located to the rear of the properties on Westfields at a closer proximity than the proposed dwellings and is a larger more imposing building than those proposed. 19 Westfields stands to benefit in relation to an improved outlook and light levels compared with the existing situation.

In terms of the amenity of the future residents of the development, the internal space on offer within the properties generally meets or exceeds the requirements of the South Yorkshire Residential Design Guide. The external garden areas also exceed the requirements of SPD 'Design of Housing Development'.

The separation distances of the proposed properties within the site meet the requirements of the SPD. It is noted that the front habitable room windows of plot 6 falls short of 21m from the front habitable room windows of plots 7 and 8, however, this is acceptable where properties are separated by a road.

Design & Visual Amenity

The site is an irregular shaped parcel of land with changing land levels, currently used in association with a bakery. As such there is an industrial building centrally located, with areas of hardstanding and ancillary storage, car parking and servicing space. The western portion of the site sits at a higher level beyond a series of storage containers and is overgrown with mixed vegetation.

This site is part of the surrounding built environment within an area of contrasting styles and character and being part of this broader urban fabric a new residential development would not be out of place. The layout provides for a mixed housing development of two storey semi-detached and town houses set behind modest front gardens or parking spaces, in accordance with Local Plan policy H6.

The design of the 4no. house types are relatively simple but incorporate enough differences and design features to add interest while still sitting comfortably and harmonising with the existing surrounding housing stock, in accordance with Local Plan Policy D1 and SPD 'Design of Housing Development'.

Given the size and layout of the site, the properties would also be set back from the A61 and not visually prominent within that street scene. The entrance to the site would incorporate soft landscaping to the southern side to aid soften the hard landscaping and first plots. Plot 1 would face the entrance from the A61 but that is a dual aspect property with windows, rather than a blank elevation, on that side elevation providing an active frontage.

Once within the site the views would be terminated by plot 13. There would be parking to the front of that property, but the driveway is single width and there is ample space for a front garden and soft landscaping. The majority of the plots within the site incorporate gardens to the side/rear which are visible within the street scene in order to soften the development and provide a greener and more attractive streetscape.

To North of the access road would be a gabion wall which would be prominent within the street scene. Further details of the materials and design of this retaining structure would be required via condition.

The layout limits the run of parking spaces to a maximum of 3, less than the guidance of 4 in the SPD, and despite the constraints on the site there is space for planting to assist in assimilating the development. There is a mix of side and front parking solutions which adds variety and interest to the street scene and avoids car dominance. As such the quality of the resulting environment would be satisfactory.

All the plots, including the mid-town house, have pedestrian access to the rear amenity space. This allows for bins and recycling containers to be stored to the rear of the property and away from public vantage points.

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where:-

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

The Education Officer has stated that on the basis of future roll projections there would be sufficient Primary and Secondary school places within the area. As such, no contribution will be sought compared with previously.

Sustainable Travel

The objective of the 'Sustainable Travel' SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency, and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. In this case a contribution of £9,750 is required and this payment would need to be secured via a S106 Agreement. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

The SPD also requires that 1 electric vehicle charging point (EVCP) will be provided per unit. A condition requesting the EVCP will be imposed on any permission.

Highway's considerations

Park Road is a busy link and distributor road (the A61) and is subject to a 30-mph speed limit. There is a bus stop and shelter directly opposite the proposed access and the boundary wall at the proposed access location is a highway retaining structure.

The site is currently occupied by factory and warehouse units associated with White's Bakery. The change of use will see the existing access which is reached via a network of lightly trafficked residential side streets; John Street, George Street and Hardwick Close abandoned in favour of a new access directly off Park Road. Taking into account of the existing use the increase in traffic generated by the site is unlikely to be significant and would be most common at the residential am and pm peaks rather than spread throughout the working day as is currently the case.

It is accepted that the development will see traffic shifted from residential side streets to the newly formed junction on the main road to some likely benefit to residential amenity. However conversely this will see an additional access created on this heavily trafficked stretch of road to some detriment to the free and safe flow of traffic. However, this would likely not be significant enough to warrant a substantive objection to the proposal solely on highways grounds.

There are waiting restrictions in place on Park Road, but these are some distance from the proposed access. A Bike shop currently occupies the property on Park Road adjacent the proposed access. A significant level of pavement parking occurs at these properties which lie within the visibility splays of the proposed junction. As such measures including the amendment

and extension of the waiting restrictions on Park Road and/or a suitably located pedestrian refuge island are required to discourage this behaviour and so ensure the necessary visibility splays are kept clear of waiting vehicles. Suitably worded conditions will be recommended.

Manual for Streets requires visibility at new junctions of 2.4m x 43.0m, with a relaxation for the setback distance to 2.0m only in lightly trafficked situations. The main issue then is the sub-standard visibility to the north (2.4m x 31m). This is of a degree of concern, however, it is noted that the proposed access directly off Park Road will remove any traffic flows and turning movements associated with the alternative proposal of serving the site from the existing junction of John Street with Park Road which is more sub-standard with regard to visibility than the proposed access. In addition, the development would also remove the existing industrial traffic from this sub-standard junction, all to some benefit to highway safety. Consequently, on balance the proposal is not objected to in principle in highways terms.

Furthermore, although application 2019/1339 proposed access to the site from Charles Street (similar to the current access to the bakery) application 2014/1570 proposed a similar access off the A61 to serve the proposed 23no. dwellings. Whilst that application was refused and dismissed at appeal, it was not refused on highway safety grounds and that access point was deemed acceptable in principle, subject to conditions.

Within the site there is adequate turning and manoeuvring facilities. 8no. properties would be served from the adoptable highway and 5no properties would be served from a private drive, which is in accordance with the South Yorkshire Residential Design Guide.

Each property would have at least 2no. incutillage/dedicated parking spaces, in accordance with SPD 'Parking' and there would be space for on street parking to the North of plots 1-4.

A bin storage area is also provided at the end of the private drive so that the refuse vehicle can collect from the adopted highway.

Ecology

The application site is approximately 0.56 hectares in size and is located within the Barnsley suburb of Worsbrough. The site is dominated by the main bakery building and hardstanding, which cover approximately three quarters of the site, along with a small area of scattered scrub, amenity grassland, scattered trees, and a culverted drain which runs along the southern site boundary.

The submitted preliminary Ecological Assessment (PEA) did not identify any priority habitats, nor any protected species. However, the report does make recommendations about vegetation clearance being undertaken outside of bird nesting season and that enhancements should be provided in the form of replacement tree planting, native species hedgerows, bird and bat nesting boxes and boundary treatments with gaps to allow small mammals to pass through. Those recommendations are proposed to be conditioned.

Trees

A total of fifteen individual trees and two groups of trees/hedging were surveyed. Of these trees/groups, one was identified as retention category 'B' and sixteen as category 'C'. No category 'A' or 'U' trees were identified.

It has been recommended that five trees are monitored annually to assess if their condition is still acceptable. T9 has a fungal bracket present which require monitoring to ensure the decay does not progress.

A condition will be recommended for additional details to be provided regarding the protection of the retained trees during the construction period.

Mining

The contents of the 'Phase 1 Site Investigation' report in regard to the proposals as prepared by Hannah, Reed and Associates Ltd ref: D211161 dated May 2011 are noted. Although this report does not appear to address the shallow coal mining or geological position, the site marginally lies in a Coal Authority referral area on the north-eastern boundary – where the Kents Thin seam is conjectured to outcrop. This area is outlined on Coal Authority records as an area of 'probable shallow coal mine workings', and according to the development plans it is likely to affect proposed plots 12 and 13. SYMAS have raised no objections to the proposal subject to further investigations being carried out and these investigations will be conditioned.

It is noted that the Coal Authority have raised concerns with the age of the report. However, as outlined above more upto date information will be requested via condition through additional intrusive site investigations. The Coal Authority will be consulted on the findings of these investigations through a discharge of conditions application. It should also be noted that the previous applications were not refused for reasons relating to mining legacy.

Drainage

A partially open/partially culverted watercourse (Snape Sike) runs through the southern portion of the site from west to east in a position that is considerably lower than the proposed dwellings. In the culverted section it is a 600mm diameter clay pipe 15m in length before flowing through the southern portion of the site from west to east before entering a 450mm circular culvert on the south eastern boundary of the site. The Snape Sike ultimately discharges into the River Dove downstream from the site.

It is proposed to extend the existing culvert by approximately 40m to allow a new entrance into the site to be built. The proposed extended section of pipe will be required to be designed to support the new road construction and the requisite vehicular loadings in accordance with the highways specification.

The proposed culvert will match the existing culvert in slope, width, height and type to reduce the impact on water levels within the watercourse and therefore the flood risk posed to the site and off-site locations. It is proposed that the new culvert will be a 600mm diameter pipe. By maintaining the same profile, the conditions will be as existing and therefore will accommodate any increase in water flows.

The application is accompanied by a Flood Risk Assessment (FRA). The FRA concludes that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the NPPF. The development should not therefore be precluded on the grounds of flood risk.

The Council's Drainage Officer largely agrees with the FRA, but initially there was limited information regarding the flows and capacity of the culverting works and the surface water run off risk to existing dwellings had not been adequately considered in that the land slopes down on the southern side of the new access road that is proposed to be constructed to join with Park Road. That banking slopes down directly to dwellings on Harvest Close. The FRA has now been updated in line with the Drainage Officer's requirements and the drainage plans have been amended to show a cut off drain at the toe of the embankment including a cross section. Given the above comments, there are no objections to the proposed drainage strategy, subject to conditions.

Conclusion

Taking into account the relevant development plan policies and other material considerations (principally policy H5) it is considered that there are not any significant and demonstrable adverse

impacts that would outweigh the benefits associated with the granting of planning permission, subject to the applicant entering into a S106 Agreement to secure the prior relocation of the company to a new site within the Borough. That pre-requisite is considered absolutely necessary in order for the principle of development to be supported having regards to Policy E4 Protecting Existing Employment Land. In addition, the proposal is assessed to be acceptable taking into account of other material considerations including design and appearance, residential amenity and highways considerations, also subject to a need to secure a sustainable travel contribution. The recommendation is therefore one of approval subject to a S106 Agreement and the conditions listed below.

Recommendation: Grant subject to the following conditions & S106 Agreement (Company relocation to another site within the Borough and a sustainable travel contribution)

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

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

2. The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos.20-137-01-F, 20-137-02, 20-137-03 & 20-137-06-A) and specifications as approved unless required by any other conditions in this permission.

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

3. Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

4. Upon commencement of development 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

5. Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 1 & 3-9 inclusive,

which would otherwise be permitted by Part 1 of Schedule 2 to that Order, shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: In the interest of visual and residential amenity, in accordance with Local Plan Policies GD1 & D1 and SPD.

8. Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

9. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping (plan refs) shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping (plan refs) shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.

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

11. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

12. Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

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

13. No development shall take place, including any works of demolition, until a Demolition & Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development

-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

-Wheel washing facilities

-Measures to control the emission of dust and dirt during construction

-Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.

14. Visibility splays, having the dimensions 2.4m x 31m to the North and 2.4m x 43m to the South, shall be safeguarded at the junction of Park Road with the proposed site access, such that there is no obstruction to visibility and forming part of the adopted highway.

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

15. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

16. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

17. No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

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

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

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

19. Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:

- Provision of right turn pocket and adjacent pedestrian refuge island at new junction with Park Road
- Measures for controlling parking on Park Road and in particular within visibility splays of the junction of the access road with Park Road
- Any necessary amendments to signing/lining
- Any necessary amendments to drainage
- Any necessary amendments to street lighting
- Relocation of telegraph pole
- Reinstatement of all redundant vehicular accesses.
- Provision of new /modifications to existing highways retaining structures where necessary.

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

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

Reason: to ensure safe and adequate access.

21. Development shall not commence until details of all highway and other retaining wall structures, including specification and calculations have been submitted to and approved in writing by the Local Planning Authority, and the development shall then be carried out in strict accordance with the approved details.

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

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

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

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

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

24. The site has been identified to be at risk from potential coal mining legacy. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and determine any actual mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D (Abandoned mine workings manual) where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning

Authority, the development thereafter shall be carried out in accordance with the approved details. In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted. Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: NPPF 178 a,b,c. 179 and 170 e & f, based around Land Stability.

25. Prior to the commencement of the development full details of the ecological mitigation and enhancement measures, including those set out in section 7 of the Preliminary Ecological Appraisal (PEA) Survey Report (Ref: WHITES.2020) dated 4th January 2021, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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

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

Tree protective barrier details
Tree protection plan
Arboricultural method statement

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

27. The development shall be carried out in accordance with the Flood Risk Assessment by KRS Environmental (Ref: KRS.399.001.R.002.C) and retained as such for the life of the development.

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

28. Upon commencement of the development, arrangements for regular inspection and maintenance of the culverted watercourse passing through the site (both new sections and the existing) shall be submitted to and approved in writing by the Local Planning. Thereafter the approved measures shall be maintained for the lifetime of the development.

Reason: In the interests of public safety and in accordance with Local Plan Policy D1 to contribute towards place making and be of high quality that contributes to a healthy safe and sustainable environment.

29. 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. Thereafter the development shall proceed in accordance with the approved details. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Local Plan Policy D1 High Quality Design and Place Making.

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

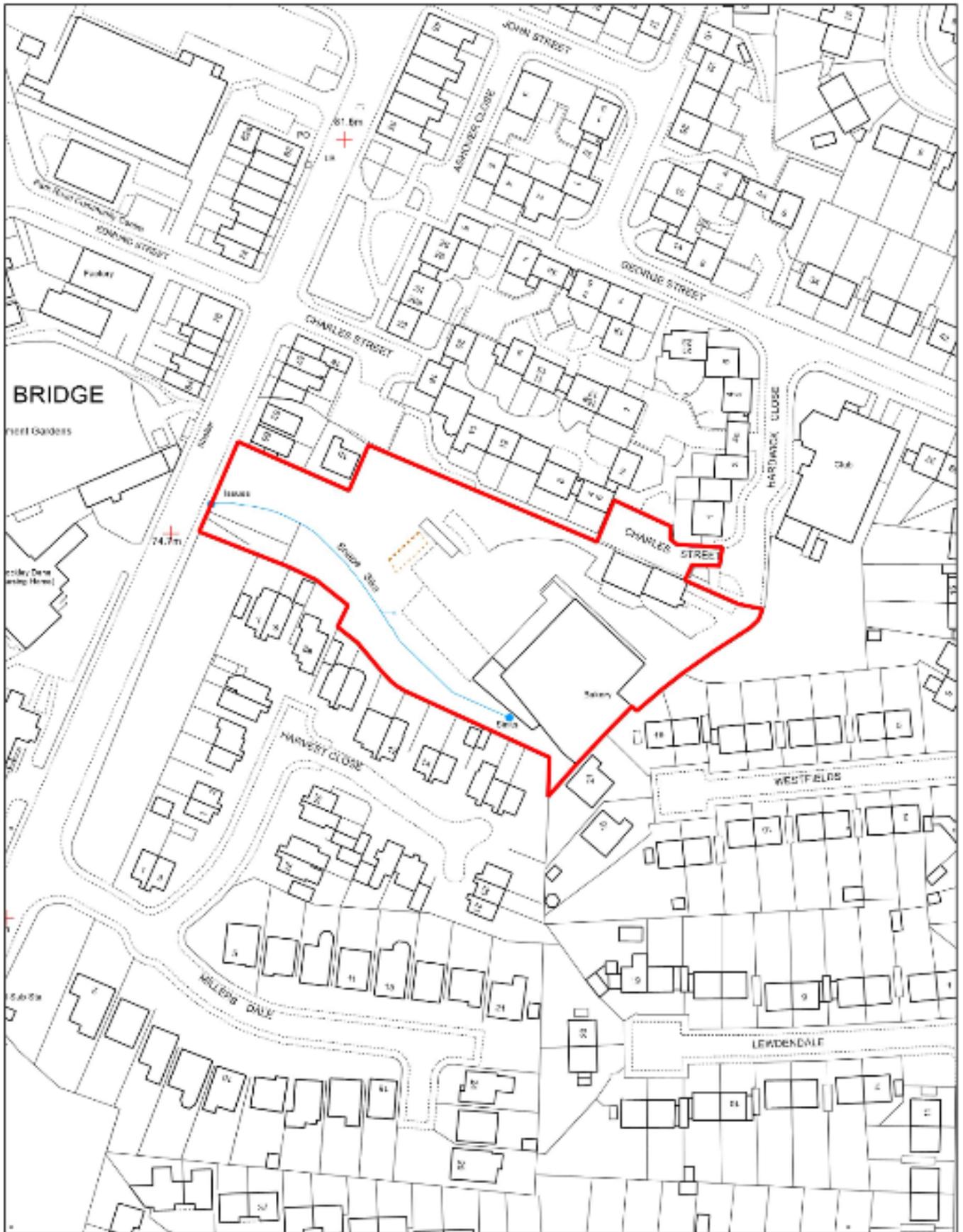
Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.

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

Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.

32. The gradient of the vehicular access shall not exceed 1 in 20 for a minimum distance from the give way line of 5 metres or to the tangent point of the corner radii if greater.

Reason: In the interests of highway safety



© Crown Copyright & Database Rights (2022) 100022254



This page is intentionally left blank

Item 7

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

January 2022

APPEALS RECEIVED

3 appeals were received in January 2022:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2021/1075	Erection of 1.8m high timber horizontal slat fence (Retrospective) 3 Fieldhead Manor, The Granary, Elmhirst Lane, Dodworth, Barnsley, S75 4LD	Written Representations	Delegated
2021/1258	Erection of 1.8m high timber horizontal slat fence (Listed Building Consent - Retrospective) 3 Fieldhead Manor, The Granary, Elmhirst Lane, Dodworth, Barnsley, S75 4LD	Written Representations	Delegated
2021/1454	Installation of dropped kerbs to allow off road parking 182 Higham Common Road, Barugh Green, Barnsley, S75 1NW	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in January 2022.

APPEALS DECIDED

6 appeals were determined in January 2022:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee / Delegated</u>
2020/1269	Development of a rural exception site including three affordable homes and two open market properties with landscaping and associated infrastructure Land west of Millstones, Oxspring, Sheffield, S36 8WF	Dismissed 13/01/2022	Non Determination
2021/0571	Demolition of stables and associated structures and erection of dwelling Land off Royd Moor Road, Thurlstone, Sheffield, S36 9RY	Dismissed 17/01/2022	Delegated
2020/1047	Erection of front porch extension to dwelling 115 Intake Crescent, Gilroyd, Barnsley, S75 3NL	Dismissed 20/01/2022	Delegated

2021/0470	Upgrade of two existing 48 sheet adverts to support digital poster. Land adjacent 1 Grange Lane, Barnsley, S71 5AA	Dismissed 25/01/2022	Delegated
2021/0567	Dormers to roof 4 Meyrick Drive, Darton, Barnsley, S75 5PL	Dismissed 28/01/2022	Delegated
2021/0902	Raising of roof and dormer extensions 47 Bence Lane, Darton, Barnsley, S75 5PD	Allowed 28/01/2022	Delegated

2021/2022 Cumulative Appeal Totals

31 appeals have been decided since 01 April 2021

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

4 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	Appeal allowed for temporary	Delegated

		standing, utility building, entrance wall and gates)- Part retrospective Land North side of Worsbrough Road, Worsbrough Village, Barnsley, S70 5LN	period of 3 years and 2 x related enforcement appeals dismissed 23/06/2021	
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	2021/0220	Erection of outbuilding to be used as a store, games area and hobby workshop (Application for a Lawful Development Certificate for a Proposed Development) 4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD	Dismissed 05/10/2021	Delegated
19	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
20	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
21	2019/0689	Erection of 9 dwellings and associated access, landscaping and infrastructure.	Dismissed 17.11.2021	Committee

		Land South of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ		
22	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
23	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
24	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
25	2021/0199	Change of use of part of house (garage) to beauty salon with external changes 7 Longwall Close, Mapplewell, Barnsley, S75 6NY	Dismissed 15/12/2021	Delegated
26	2020/1269	Development of a rural exception site including three affordable homes and two open market properties with landscaping and associated infrastructure Land west of Millstones, Oxspring, Sheffield, S36 8WF	Dismissed 13/01/2022	Non Determination
27	2021/0571	Demolition of stables and associated structures and erection of dwelling Land off Royd Moor Road, Thurlstone, Sheffield, S36 9RY	Dismissed 17/01/2022	Delegated
28	2020/1047	Erection of front porch extension to dwelling 115 Intake Crescent, Gilroyd, Barnsley, S75 3NL	Dismissed 20/01/2022	Delegated
29	2021/0470	Upgrade of two existing 48 sheet adverts to support digital poster. Land adjacent 1 Grange Lane, Barnsley, S71 5AA	Dismissed 25/01/2022	Delegated
30	2021/0567	Dormers to roof 4 Meyrick Drive, Darton, Barnsley, S75 5PL	Dismissed 28/01/2022	Delegated
31	2021/0902	Raising of roof and dormer extensions 47 Bence Lane, Darton, Barnsley, S75 5PD	Allowed 28/01/2022	Delegated