

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 7 June 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2021/1686 and 2021/1661

Please meet at the Town Hall for immediate departure at 10.45 a.m.

Plan Number	Site	Approx Time of Arrival
2021/1686	Change of use of site for touring caravans and motorhomes at Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley, S75 6DX	11.00 a.m.
2021/1661	Residential development and associated works, including access and Sustainable Drainage feature at land to the south of Coniston Avenue, Darton, Barnsley	11.20 a.m.

Please note: Members of Planning Regulatory Board should not become involved in discussions with neither the applicant nor local residents when on site visits.

**The remainder of the agenda will be considered at
2.00 p.m. in the Council Chamber**

2. 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.

MEETING:

3. Minutes (Pages 5 - 8)

To receive the minutes of the meeting held on 12th April, 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.

4. Mapplewell Meadows Farm, Hill End Road, Mapplewell - 2021/1686 - For Refusal (*Pages 9 - 20*)
5. Land to the South of Coniston Avenue, Darton - 2021/1661 - For Approval (*Pages 21 - 40*)
6. Land off Barnsley Road, Goldthorpe - 2020/1246 - For Approval (*Pages 41 - 54*)
7. The Goldthorpe Hotel, Doncaster Road, Goldthorpe - 2021/1656 - For Approval (*Pages 55 - 66*)
8. Ashroyd Business Park, Ashroyds Way, Platts Common - 2021/1332 - For Approval (*Pages 67 - 82*)
9. Land to North of Upper Hoyland Road, Hoyland - 2021/1519 - For Approval (*Pages 83 - 98*)
10. Land at Mason Way, Platts Common - 2021/1430 - For Approval (*Pages 99 - 112*)

Planning Appeals

11. Planning Appeals - April 2022 (*Pages 113 - 114*)

Planning Enforcement

12. Enforcement Update Report (*Pages 115 - 124*)

Member Consultations

13. Member Consultation Report April 2022 (*Pages 125 - 128*)
14. Member Consultation Report May 2022 (*Pages 129 - 130*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Crisp, Danforth, M. Dyson, Eastwood, P. Fielding, Gillis, Greenhough, Hayward, Leech, Lofts, Makinson, McCarthy, Mitchell, Moyes, Peace, Shirt, Smith, Tattersall, Webster, White and Wray

Matt O'Neill, Executive Director Place
Paul Castle, Service Director Environment and Transport
Kathy McArdle, Service Director Regeneration and Culture
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control

Andrew Burton, Group Leader (Inner Area), Development Management
Bob Power, Senior Legal Officer (Locum)

Parish Councils

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

Thursday, 26 May 2022

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 12 April 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Tattersall (Chair), Cain, Crisp, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, Hayward, Leech, Lofts, Mitchell, Smith and Wright

58. Appointment of Chair

RESOLVED that Councillor Tattersall be appointed Chair of this Regulatory Board for the purposes of this meeting only.

59. Declarations of Interest

Councillor Leach declared a Non-Pecuniary interest concerned with pre-determination in **Planning Application No 2021/1686** – Change of use of site for touring caravans and motorhomes, Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley in view of him owning a caravan and as a potential user of the site and also as someone who had made clear his support for the application in a written representation to officers. Councillor Leech spoke on the application but then vacated the meeting during the discussion and voting on this item.

Councillor Wright declared a Non-Pecuniary interest in **Planning Application No 2021/1686** – Change of use of site for touring caravans and motorhomes, Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley in view of him owning a caravan and as a potential user of the site.

60. Minutes

The minutes of the meeting held on the 15th February, 2022 were taken as read and signed by the Chair as a correct record.

61. Mapplewell Meadows Farm, Hill End Road, Mapplewell - 2021/1686 - For Refusal

The Head of Planning and Building Control submitted a report on Planning Application No **Planning Application No 2021/1686** – Change of use of site for touring caravans and motorhomes, Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley.

Mr P Mash (Applicant) addressed the Board and spoke against the officer recommendation to refuse the application.

Councillor Leech, who had submitted representations in support of this application, addressed the Board and spoke against the officer recommendation to refuse the

application. Councillor Leech then left the meeting and took no part in the discussion or voting on this item.

RESOLVED that consideration of this item be deferred pending a site visit by Members of the Board.

62. Market Street, Goldthorpe - 2021/1688 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application No 2021/1688** – Erection of 9 No dwellings and associated works, Market Street Goldthorpe.

Reference was made to the potential issues of motorcyclists and quad bike riders misusing the footpath bordering the proposed development and to works that could possibly be incorporated in relation to the entrance/exit and fencing to the path in order to prevent this. It was noted that, if approved, such issues would be addressed by Planning Officers at the appropriate time as part of further discussion with the applicant as detailed within the suggested conditions of approval.

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

63. Planning Appeals - February and March 2022

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

The report indicated that 4 appeals had been received in February 2022. No appeals had been withdrawn and 6 had been determined. Of the 6 appeals determined in February 2022, 4 had been dismissed and 2 had been allowed.

In March, 4 appeals had been received, no appeals had been withdrawn and four appeals had been determined. Of those, three had been dismissed and one allowed.

The report also gave details of the cumulative appeal totals for the whole of 2021/22 which indicated that 41 appeals had been determined since April, 2021. Of those, 34 appeals (83%) had been dismissed and 7 appeals (17%) had been allowed. It was felt that this demonstrated that the Planning Authority was determining applications in an appropriate manner.

RESOLVED that the update be noted.

64. Member Consultation report February 2022

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member consultation in lieu of the Planning Regulatory Board meetings scheduled for February 2022.

RESOLVED that the consultation report be noted.

65. Member Consultation report March 2022

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 March, 2022.

RESOLVED that the consultation report be noted.

Chair

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2021/1686

Mr Paul Marsh

Change of use of site for touring caravans and motorhomes

Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley, S75 6DX

Councillor comments received

2 neighbour responses received

Introduction

This application was deferred from the April Planning Board in order that a site visit could be undertaken by Members of the Board.

In addition to the site visit the applicant has confirmed the application site forms part of a piece of land that is used by a pony club for horse riding. The red edge application site only takes up part of this land so the remainder will still be available for this use. The area for the touring caravans can be demarcated by a fence or other boundary treatment to separate it off. The 'pitches' will be in a line down each side of the application site with enough room on each pitch for a caravan, a car and space to the next pitch. Although outside the application red edge area, the applicant has also confirmed that a small wooden unit and one of the containers that face onto the site are to be removed from the land.

In addition to the above, since the deferral from the April Planning Board there has been an additional representation from a local resident. The representations section of the below report has been updated to reflect this but other than that the report remains as Members will have previously seen it.

Description

The application site forms part of an overall area of land known locally as Mapplewell Meadows which is an area of open land and forested areas situated to the South-East of Mapplewell. The application site for the proposed scheme forms a small grassed area of 0.135 ha and is accessed via an informal access track from Hill End Road

The site is privately owned but the applicant has stated that the wider land of Mapplewell Meadows has been used for many years for walkers, horse riding, cross country events and has associated picnic areas and a fishing pond. Mapplewell Meadows also has an existing café and outdoor seating area. The site was formally part of the National Coal Board (Coal Authority) network of mines. Following the cessation of mining activities the land underwent remediation including extensive tree planting. The site mainly consists of either open land or forested areas with paths running through them.

Site history

Whilst there have been no previous applications where the proposed scheme has been proposed there have been the following applications nearby:

2021/1469 Erection of café/coffee shop and embankment – Approved with conditions

2019/1347 Erection of coffee shop (retrospective; amended scheme) - Approved with conditions

Proposed Development

The applicant is seeking planning approval for the change of use of the application site for touring caravans and motorhomes as a caravan park. Up to 25 caravans/motorhomes would utilise the area as a touring site. Access would be taken from the main entrance to the site from Hill End Road. There is no hardstanding proposed and the caravans/motorhomes would be situated in an informal arrangement. The site would be open 7 months a year. The applicant is not proposing any permanent structures as part of this application.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process.

The site is set within the Green Belt as shown on the Proposals Map of the Adopted Local Plan

NPPF

In respect of this application, relevant policies include:

Section 13. Protecting Green Belt Land

Paragraph 138 states:

Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 149 states:-

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Paragraph 150 states:

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;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Local Plan Policies

The site is in the Green Belt as shown on the adopted Local Plan, where Local Plan Policy GB1 protects land from development in accordance with national Green Belt policy.

Other relevant policies include:

SD1 Presumption in Favour of Sustainable Development
 GD1 General Development
 LG2 The Location of Growth
 E5 Promoting Tourism and Encouraging Cultural Provision
 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
 GB3 Changes of use in the Green Belt
 CC1 Climate Change
 CC2 Sustainable Design and Construction
 CC3 Flood Risk
 CC4 Sustainable Drainage Systems

Other relevant guidance

Barnsley Visitor Economy Strategy 2017-2020

The Visitor Economy Strategy for Barnsley sets out a broad vision and key priorities for the Council and its Visitor Economy sector partners to address. Coordinating activity across the sector will enable the Borough to realise the benefits from the development and growth of the Visitor Economy sector. The strategy links closely to the Borough's corporate priority of growing a Thriving and Vibrant Economy and to the themes of the approved Jobs and Business Plan.

Consultations

Highways DC – Concerns were raised during the consultation process regarding the site access being gated. Following the submission of revised plans, the following comments were received:

“I am in receipt of plan 20-117-01B which now shows the access gates relocated considerably further into the site and this alleviates my previous concerns regarding the potential for waiting vehicles to block the highway. As such, the proposals are considered acceptable from a highways development control perspective.”

Ecology – Initially sought further clarification/information regarding the area surveyed, the potential for impact on great crested newts, and clarification on off site enhancement proposals. Following clarification from the applicant/agent, the following ecological response was received;

“Based on the information provided, we no longer require further assessment in regards to the presence/absence of great created newts; however, if planning is to be permitted a Construction Environmental Management Plan (CEMP) should be conditioned and would include details on how precautionary measures will be adopted during digging works proposed on site, such as the check of areas prior to works for amphibians by an appropriately qualified ecologist, the provision of a means of escape if trenches are left open overnight (i.e. gently sloping ends to the trench) and the check of any trenches left overnight by an ecologist for amphibians, if necessary”

Forestry Officer – My understanding from the preliminary ecological appraisal is that the site is currently managed grassland bordered with young trees and scrub. The informal nature of the plots and the fact that no alterations are to be made in terms of services or surfacing etc. mean the impacts will be minimal (if any) for the trees providing the usage is restricted to the grassed area and does not encroach into the trees.

Pollution Control – This development is unlikely to have the potential for an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended

Highways Drainage - The details provided are sufficient and I have no further observations to make with respect to land drainage. I am happy for the details to be checked by building control.

SYMAS - The site is in a Coal Authority high risk referral area due to the presence of mine entries along the access track, shallow coal and opencast backfill.

SYMAS records indicate there are no mine entries in the area of the proposed caravan site. As the application is a change of use and no significant ground works are proposed, the application is considered exempt from the coal mining risk assessment requirements. In summary I have no objections to the proposals. If planning permission is granted it is recommended that the Coal Authority standing advice is attached to the decision notice.

Ward Councillors – 2 letters of support from Cllr. Hunt and Cllr. Leech, respectively, who stated that the application should be considered at Planning Regulatory Board and have also provided the following summarised comments:

- a very good application bringing jobs and visitors into our area, the site where this is proposed is the old gawber pit site muck stack so any transformation is welcomed, the area in general is well used by walkers, bird watchers, people who fish, horse riding, and visitors accessing the TPT, and short distance into the town, I would like the Planning board to see the application in full.
- It will provide economic benefits to the area. It supports more tourism in Barnsley which aligns with the council's objectives and jobs will be created.
- The land that the caravan site will be located on is of low ecological value so any harm that is created will be minimal.
- Minimal hard standing, if any, will be created. The caravans are touring ones rather than static. The site footprint is small (significantly less than an acre).
- There are no neighbouring properties impacted as the site is well away from residential dwellings.

Representations

Neighbour notification letters were sent to neighbouring residents and a site notice was placed nearby. 1 letter of comment has been received, the points of which are summarised as follows:

- Mapplewell Meadows currently used for a variety of uses including horse riders, walkers, people going to fish, and use of the café
- No houses will be affected
- No protected species identified in ecology survey
- Openness not affected as is part of a larger field
- Believed benefits arising towards tourism and economy, increasing leisure activity, and employment should be considered special circumstances.
- No highways objections.
- Asked why the application was notified to St Helen's Ward Members and not Darton East Members

A further letter from a local resident has been received which raises the following concerns:

- The access to the site is not safe. The road is not fit for purpose especially with large vehicles with caravans

- Setting a precedent in the Green Belt

Assessment

Principle of development

The site is allocated as within the Green Belt. In terms of principle and the impact on the Green Belt the main issues are:

- Whether the proposal would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt and whether they would conflict with the purposes of including land within it; and
- If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and permanence. The applicant has indicated in their submission that they are not proposing any built structures at this stage so the assessment is in relation to the changes of use of the land. Paragraph 150 of the NPPF does state that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) would not be considered inappropriate development. However, this would be on the proviso that they preserve openness and do not conflict with the purposes of including land within the Green Belt.

The first aspect to consider is whether a site for caravan/motorhomes could be classed as for outdoor sport and recreation. It could be considered that such a use would fall within the category of tourism development rather than outdoor sport and recreation. However, this is an area open to interpretation so even if it was accepted to be an appropriate material change of use it would still need to preserve the openness and not conflict with the purposes of including land within it.

The NPPF sets out that openness is an essential characteristic of Green Belts. It has both a spatial and visual aspect. Matters relevant to openness are a matter of planning judgement. The application site and its immediate surroundings are characterised by open land and forested areas with little in terms of built structures. The introduction of up to 25 caravans/motorhomes into this area would have a significant impact on the openness of the site putting it at odds with the general character of the area.

The combined scale and massing of the caravans/motorhomes, combined with the illumination at night and activity associated with it, would have a greater impact on the openness of the Green Belt than the open grassed area. This would therefore cause harm to the openness of the Green Belt.

Furthermore, the combination of domestic style caravans/motorhomes, paraphernalia such as attached tents, chairs, tables etc, illumination and activity would result in encroachment into the countryside. Therefore, it would undermine the purposes of the Green Belt as set out in the NPPF.

In addition, whilst the applicant has not indicated any significant works needed to the site there will likely need to be signage to direct people into the site, lighting to direct them in at night, and some type of boundary treatment to demarcate the site. Whilst

no structures are proposed at this stage, if the site is successful there is also the likelihood that applications will be needed for buildings such as shower/toilet blocks, reception area etc. These aspects will all impact on the character and openness of the Green Belt

For the aforementioned reasons the scheme is not considered to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt. It would therefore be considered as inappropriate development in the Green Belt.

The applicant has suggested that there are very special circumstances that can be taken into account and has provided the following list:.

- 1/ Continued investment into a recreational area.
- 2/ Employment
- 3/ Tourism (to visit the new town centre and local attractions i.e. wig field farm/ cannon hall just to mention two)
- 4/ Local Economy (restaurants, bars, shops)
- 5/ To promote Barnsley and surrounding villages
- 6/ Continued support to local groups
- 7/ Encouraging rewilding in areas
- 8/ opening up areas of land for public
- 9/ Attracting wildlife
- 10/ Health and wellbeing

It is acknowledged that there will be some tourism benefits from the proposal in providing a new site for caravans/motorhomes in the borough. There may also be some benefit to local businesses from tourists visiting the locality although walking in to Mapplewell from the site would not be straight forward given the lack of well-lit footways into the main centre of Mapplewell. The job opportunities directly associated with the proposal would be limited as there are no proposal for facilities for workers on site so at most this is likely to be only one or two jobs. In terms of the use of the existing site as a recreational area and promoting health and well-being, the site already provides opportunities for this and it is not considered that the granting of this proposal is a necessity to this continuing. The inclusion of a caravan park in this location would also appear to be at odds with the suggested encouraging rewilding, attracting wildlife and opening up areas of land for the public, as the proposed uses would impede these to some extent through taking out an area that local people or wildlife could utilise.

It is the opinion of the Local Planning Authority that, following consideration of the above, there are considered to be no very special circumstances to outweigh the harm caused by inappropriate development in the Green Belt.

Impact on Trees

There are no trees within the application boundary however, there are trees and shrubland surrounding the site. Demarcation of the camping site would be required to avoid damage to existing vegetation but given the informal nature of the plots and the fact that no alterations are to be made in terms of services or surfacing etc. means the impacts will be minimal (if any) for the trees providing the usage is restricted to the grassed area and does not encroach into the trees.

Highway Safety

Highways comments were received regarding the suitability of the access into site with the gated access. Access into the site has now been changed as part of this application with the lane via Hill End Road still being utilised. Revised plans have been received which show the gated access moved considerably into the site which would then allow caravans and motorhomes to pull into the site without blocking the highway. The proposal is to serve existing users of the site along with the additional caravan bookings. It is therefore anticipated that there may be a slight increase in traffic using Hill End Road. Highways DC have been consulted on the scheme and have raised no objections to the revised proposal. The proposal is therefore considered acceptable in terms of Highway Safety.

Ecology/Biodiversity

A Preliminary Ecological Appraisal has been submitted as part of the supporting information. A walkover survey was undertaken to assess the site and its wider surroundings for the presence of protected and non-protected species and plants. The area that lies within the red line of the proposed development is entirely improved grassland. This is grassland that is managed by regular cutting and the area is also used by the local pony club and dog training club, who take vehicles including horse trailers onto this area. The red line boundary does not provide value for foraging bats, however the surrounding scrub and woodland habitats do, as is the case for nesting birds. Due to the level of high disturbance, there is limited potential for reptiles. The Planning Ecologist requested clarification and further information on several comments made within the report. On receiving this information, further advice was provided regarding need for a condition for a CEMP (Construction Environmental Management Plan) if planning permission was to be granted

In terms of biodiversity net loss/gain the appraisal states the following:

There will be no overall net loss of biodiversity on the site, however some enhancements will be made to a grass verge along the existing access route to the new caravan camping pitches by the sowing of some wildflower seeds. It is recommended that an area of at least 75m² (equivalent to 50m x 1.5m) is enhanced to achieve the net gain. This will enhance part of a grass verge that is currently 'modified grassland' in 'fairly poor' condition to 'neutral grassland' in 'moderate' condition and will result in an 8.75% net gain.

Overall, subject to conditions securing the above, the proposal would not be considered to have a detrimental impact on biodiversity.

Residential Amenity.

The nearest residential dwellings are located on Hill End Road over 200m from the proposed caravan site. There have been no objections raised by any neighbouring property with regards to the proposed change of use. It is not anticipated that this proposal would result in loss of residential amenity given its location and therefore it is considered to be in compliance with Local Plan Policy GD1: General Development.

Visual Amenity

The proposed site is entirely within allocated Green Belt within the Local Plan. The character of the site consists of either open land or forested areas with paths running through them which is typical of Green Belt. The existing uses of the site do not impact upon the character of the land, with many users enjoying the site due to its openness and easy accessibility on foot. The introduction of up to 25 caravans and

vehicles into the landscape will appear alien and out of keeping with the rural character of the area being seen as an urban encroachment into the Green Belt land, being at odds with the predominant character of the area. There would be a resulting loss of openness and would be contrary to the purposes of including land within the Green Belt.

The NPPF requires that local planning authorities should plan positively to retain and enhance landscapes, visual amenity and biodiversity within Green Belts. There is a clear visual aspect to openness, not just a spatial one, and it is maintained that the proposal will impact detrimentally on openness as a result of its impact on visual amenity.

The proposed use would not be visible from existing properties but would be visible from a number of areas within the site, including public footpaths, and from the neighbouring urban settlements. Therefore the proposal is considered to be contrary to Local Plan Policy D1 High Quality Design and Place Making.

Other Matters

The application site and access into it fall within the St Helen's Ward and that is why those Members in that Ward were consulted.

Conclusion

Policy GB1 of the Local Plan requires protection of the Green Belt from inappropriate development in accordance with national policy. As per the NPPF, inappropriate development in the Green Belt should not be permitted except in very special circumstances, which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

It is considered that the proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful, as it would not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it. Paragraph 148 of the NPPF requires substantial weight to be given to any harm to the Green Belt. The totality of identified harm to the Green Belt carries significant weight. On the other hand, the other considerations that the applicant has identified as merits to the site and the locality from his scheme are considered to be of limited weight in favour of the proposal

Therefore, the harm to the Green Belt is not clearly outweighed by the other considerations identified and the very special circumstances necessary to justify the development do not exist. As such, the proposal is contrary to Policy GB1 of the Local Plan and the Framework

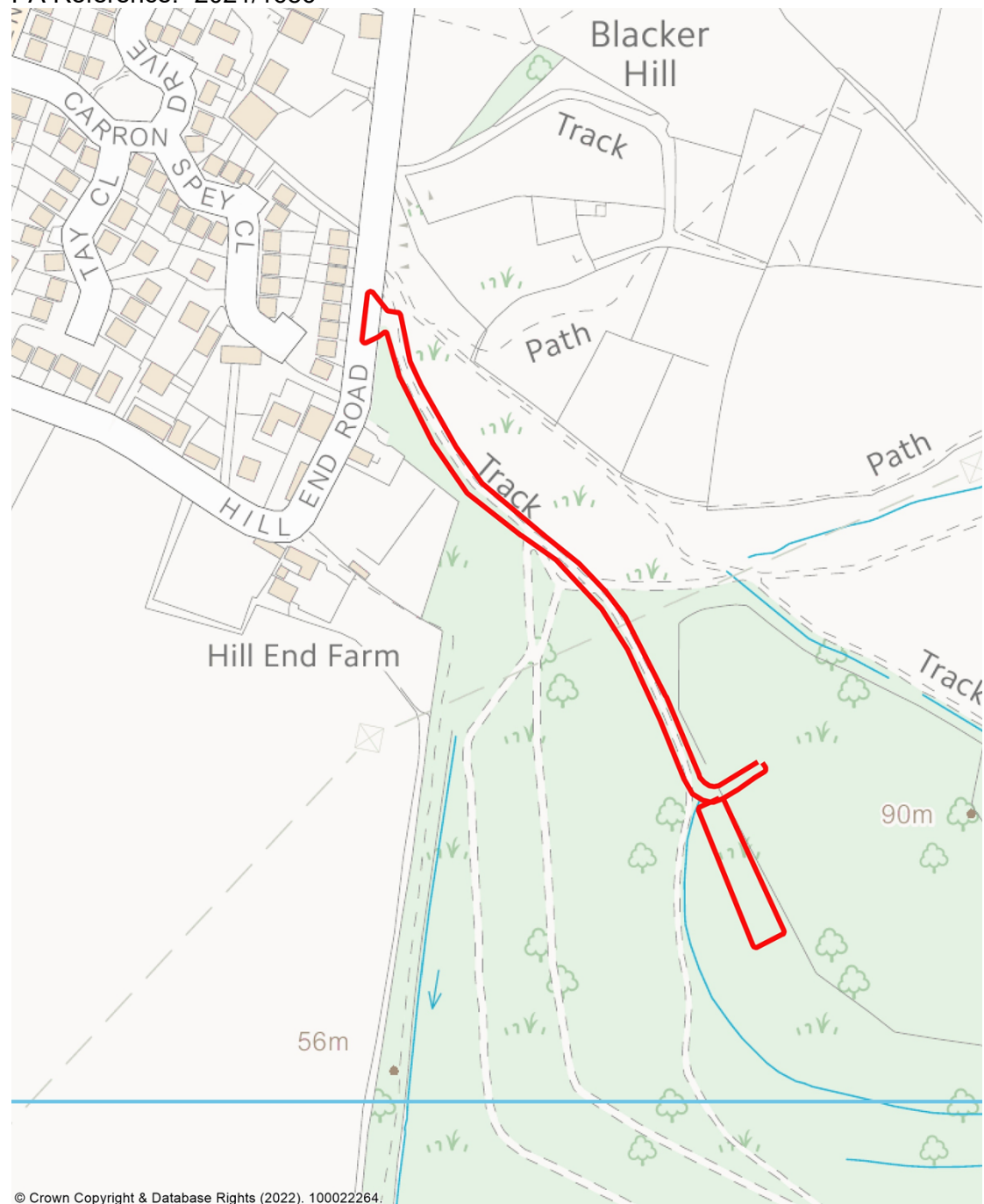
Recommendation

Refuse for the following reason:

1. The site lies within the Green Belt on the approved Barnsley Local Plan, where, in accordance with Policy GB1 and Paragraph 150 of the National Planning Policy Framework, material changes in use of the land will only be considered appropriate where they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In the opinion of the Local Planning Authority the

appearance of up to 25 motorhomes/caravans in this location would be at odds with the predominant character and would impact on the open/green nature of the site and its surroundings. It would therefore appear more as an urban encroachment into the countryside and as such would not preserve the openness of the Green Belt and would be contrary to the purposes of including land within the Green Belt. As there are considered to be no very special circumstances to outweigh the harm, it would be considered inappropriate development in the Green Belt contrary to local and national policy. In addition the proposed use would be likely to result in pressure for buildings such as reception kiosks and shower blocks which in themselves would impact on the openness and character of the Green Belt.

PA Reference:- 2021/1686



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2021/1661

Applicant: Barratt Homes

Description: Residential development and associated works, including access and Sustainable Drainage feature.

Land to the south of Coniston Avenue, Darton, Barnsley

Site Description

The site is an irregular shape, circa 1.66 ha of undeveloped farm land, located to the north east of Darton. There is housing backing onto the site to the north east, off Coniston Avenue, the south east, off Sackup Lane, and to the south west off Pennine View. To the west is open fields which are washed over as Green Belt, an area of which has been included in the red line.

The site falls from Coniston Avenue down to Pennine View by circa 6m. As it has been farmed, there is limited vegetation or features with just a few trees around the site edges and linear hedgerows.

The immediate wider area of Darton is residential in character with a mix of housing styles and materials, albeit predominantly brick.

Proposed Development

The proposed is a residential scheme of 48 dwellings, with associated infrastructure. Access is from Coniston Avenue to the north east, running parallel with the site boundary before turning to the east with the housing development then broadly in a grid pattern.

The number of units has been reduced during the application process with the amended mix being:

8 x 1 bed apartments
4 x 2 bed houses
22 x 3 bed houses
14 x 4 bed houses

The houses are a mix of detached, semi-detached and terraced houses with the 8 apartments located in two blocks. The affordable provision on the site is made up of 2 of the two bed houses and the 8 one bed apartments.

All the houses have hipped roofs and are a mix of buff and red brick. There are 11 house types with some variation of design and detailing.

Planning History

The site is an historic allocation, brought forward from the Unitary Development Plan Proposals Map. It has not been developed as a result of access issues and it is noted that the previous applications listed below proposed access from Pennine View and were refused on highway safety grounds.

B/00/1255/DT – Residential development of 31 houses with garages – Refused, Appeal Dismissed

B/03/0120/DT - Residential Development - Erection of 43 dwellings – Refused

Policy Context

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

The site is located within Darton which is identified as forming part of Urban Barnsley, the Sub Regional Town in the settlement hierarchy. Urban Barnsley incorporates the main built up area of Barnsley extending from Athersley to Worsbrough (North to South) and Higham to Ardsley (East to West) and also includes Darton and Dodworth. It is within Urban Barnsley as a whole where most development should take place in order to enhance Barnsley's role as a sub-regional town within the Sheffield and Leeds City Regions. Urban Barnsley is acknowledged as the most accessible and sustainable locations in the borough where growth should be encouraged and is therefore the main focus for development.

Site Allocation: HS6 Land south of Coniston Avenue, Darton Indicative number of dwellings 40

SD1 'Presumption in Favour of Sustainable Development'.

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

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

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

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

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

H7 'Affordable Housing' seeks 20% affordable housing in Darton and Barugh on sites over 15 units.

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

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

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

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

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CC5 'Water Resource Management'

RE1 'Low Carbon and Renewable Energy'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

AQ1 'Development in Air Quality Management Areas'

UT1 'Hazardous Substances'

UT2 'Utilities Safeguarding'

I1 'Infrastructure and Planning Obligations'

I2 'Educational and Community Facilities'

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

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

Consultations

Affordable Housing – The amended layout has a better distribution of the affordable units and the mix of type and tenure is supported.

Air Quality – 1 charging point per unit (dwelling with dedicated parking) the EVCPs will have a minimum “Mode 3” (7 kW, 32 AMP) capability. This is shown on the layout and can be secured by condition.

Biodiversity – Sufficient information on the impact on habitats and species as a result of the development has been provided and a small net gain is achieved on site. On this basis the scheme can be approved subject to conditions securing an appropriate management plan.

Coal Authority – No objection, standing advice only.

Contaminated Land –The Geo-Environmental Ground Investigation 2 Report (ref Haigh Huddleston E21/7786/R001A) submitted to support this application has been reviewed. This shows that there are no elevated levels of contamination on the site, and as such no conditions are required to address contamination issues.

Drainage – No objections subject to conditions securing a detailed drainage strategy and an appropriate easement for the culverted watercourse.

EA – No comments received.

Education – This development would require a S106 contribution due to the pressure on schools places resulting from this and other development within the area. The required contribution would be as follows:

- Primary contribution for 11 pupils at £16,000 per pupil totalling £176,000
- Secondary contribution for 8 pupils at £16,000 per pupil totalling £128,000

Total contribution required would be £304,000

Forestry Officer – No comments received.

Highways – No objections subject to conditions.

Pollution Control – No comments subject to conditions.

Superfast South Yorkshire – Requesting a condition to secure superfast broadband. The applicant has already submitted details, and as such the condition can be for compliance only.

SYMAS – No objections, standing advice only.

Yorkshire Water – No objection subject to conditions

Ward Councillors – Cllr Hunt has objected to the proposed for the following reasons:

- Residents were not aware the land was proposed as an allocation, accepting that the Local Plan was consulted on sufficiently to meet the national requirements, it still passed many residents by and the first that they knew that this land was allocated for housing was when Barratt's started a consultation process last year. Residents are dismayed that they could have challenged the development at the Local Plan stage but were unaware of this opportunity.

- Given the many changes that have happened since the plan was approved in early 2019 including leaving the EU, the Covid-19 pandemic and likely changes to the government's policies and targets for housebuilding I challenge whether all the development contained in the Local Plan is now required. Developments on green field sites such as this should be halted pending the 5 yearly review of the Local Plan. Brownfield sites should be prioritised at this time.
- Concerns over lack of infrastructure. Residents are aware of this and other proposed developments in the area but do not see what the council's plans are to improve the necessary infrastructure. They question where the extra school places will be in Darton East. They often struggle to get an appointment with a GP and worry that as the population increases this problem will increase. They see the roads getting busier but do not see what the council's plans are to improve the transport infrastructure. I share their concerns.
- Loss of greenspace, Greenspace is vital for many things including mental wellbeing and good air quality. The land that is proposed to be developed on contains much wildlife including deer. As more and more housing is approved in Darton East we are losing our wildlife. Although this part of Barnsley has been designated as "Urban" by the Council in many places in Darton East it is extremely rural. I stand with the residents in fighting against Mapplewell, Staincross, Darton, Windhill and Woolley Colliery merging into one as part of urban sprawl. I cannot support the loss of this greenspace particularly given my earlier comments about whether there is still a need for all the housing contained in the Local Plan.
- Scale of development This development was contained in the Local Plan at reference HS6 as containing an indicative number of 40 dwellings. I welcome the reduction from 53 properties to 48 properties but the number remains above the number contained within the Local Plan. It seems to me that in squeezing in this number of properties Barratt's are not following the Council's guidance for property density properly and are perhaps seeking to increase the number of houses in the pursuance of additional profit.
- Neighbouring properties will be overlooked I have been contacted by residents of Sackup Lane whose back gardens border the development. They are extremely concerned by the site layout which as currently constituted will mean that they will be overlooked and their privacy will be invaded. Could the layout be amended to alleviate their concerns? The same issue may also apply to the residents of Pennine View, Pennine Close and Coniston Avenue
- Concerns over land instability I have been made aware that this area has in the past suffered from subsidence issues. Most notably two semi-detached houses that were previously located near or on the proposed access road from Coniston Avenue had to be demolished as they became unsafe. I am also told that in the nearby Keswick Road Park there were previously properties which also were demolished for similar reasons. I am therefore concerned that the new houses proposed by Barratt's could suffer from subsidence issues particularly the ones nearest to Coniston Avenue. Is this land really suitable for housing given these subsidence issues?
- Proposed Detention Basin I note that the site of the basin is on land outside that allocated for housing in the Local Plan. As this land is greenbelt does it require separate permission to create the detention basin? Who will be responsible for the maintenance of this basin? How will health and safety be managed? Where will water be discharged to? If ultimately it will flow into the River Dearne could this contribute towards flooding issues much further downstream?

Representations

The application has been subject to two rounds of consultation, firstly in December 2021 and again in March 2022 following the submission of an amended layout and supporting statements. The consultation process was advertised in both instances by a press notice, site notice and neighbour letters. Across the two consultations 133 comments have been received, 105 in the first round and

28 in the second, raising a variety of issues as summarised below many of which did not alter as a result of the amendments to the layout.

The comments are summarised below and issues raised have been dealt with in the report, under the Assessment section.

General:

- Previous consultation on this site in the Local Plan was inadequate. Only one site notice and near the port office so no close to the site.
- The communication about the scheme from the planning department hasn't given residents confidence, some houses were missed, and the consultation had to be extended. The dates on the site notices and letters are all different.
- More houses should have been consulted and it shouldn't have been over Christmas.
- More residents on Keswick Road should have been notified. They will be affected by the traffic.
- Variation in the number of properties and storey heights has also been an issue.
- Barnsley Local Plan is not fit for the present day, it has not been correctly engaged with the public and residents and communities have been overlooked, left in the dark and used in favour of other solutions within the other areas of brownfield sites. It is not environmentally sensitive it is driven more by financial views.
- This and the other development sites in the area should have been part of a masterplan like those provided for Royston and Carlton. This would have been more transparent and helped residents to see how this level of development could be achieved.
- Barrett Homes haven't consulted correctly missing people who are directly impacted by these proposals.
- Why has this application been submitted when previous applications for less houses were refused.
- Requests to see the S106.
- The geological report that the site has two fault lines, and it suggests that properties at the north end of the site be built on pilings. Drilling was only done mid-January will the results of the report be published before the application is decided?
- Due to the location, it is likely that people purchasing the homes would work in surrounding cities rather than in Barnsley meaning the local economy may not benefit from having additional residential properties.
- What about climate change and the carbon footprint of so many additional properties in this area?
- To minimise the carbon footprint of this scheme will the houses all have air pump or ground pump heating systems, appropriate solar panels & electric car plug in systems installed as part of the build? In new build houses this is the minimum to be expected. What will the developers be doing to offset the carbon cost of the build & manufacture?
- For many years now the area has been under the umbrella of 'urban barnsley' and clearly is not urban. I would ask the council to consider redefining the area and giving this area back to the community.
- Why can't you build in Cawthorne?

Disturbance during construction:

- 2 houses have already sunk on Coniston Avenue and had to be demolished due to subsidence just a few feet away. It has a 7.5 tonne weight limit placed on it. Vibrations from constant HGVs will affect other homes possibly causing damage.
- The recent ground investigation works cause clouds of coal dust which clung to windows and cars. How will they stop this happening again?
- Working hours should be limited and weekdays only.
- How long will the construction period be?
- Because the land is on coal shale there will need to be a lot of extraction to find stable ground.

- The area has a mixed population with lot of children playing in the street and elder people walking to access shops and services, the construction traffic will have a huge impact on safety.

Affordable Housing:

- No information on delivery of registered provider for the affordable housing. Will they deliver these last?
- 20% affordable housing isn't enough with increased need, especially with rising cost of living.
- Two-storey, 1 bed flats may not be suitable for older people.
- Affordable houses should not all be grouped together. This would create an isolated community.
- The design of the affordable houses should be better, this would make them more acceptable to local people.
- The affordable flats overlook existing homes and will tower over them.
- The affordable block of houses should be moved away from Pennine View.
- This is a good place to build social housing and reduce the council house waiting list, Barnsley is labour and should be helping those who don't want to buy, there's houses going to be built on Darton Lane so this area has enough of private homes stop using the excuse it's government policy you are labour.
- Also "creating affordable homes" is completely unacceptable in this area as Pennine View is a fully detached street of what are not "affordable homes" and this whole idea brings down the exclusivity of the street and the reasons why people want to actually live here and why areas like this are so sought after.
- We did not move to this house to be next to Council houses, as the neighbours we have; all work for a living or are retired and peaceful residents. Speaking from a previous experience of having the nightmare of renting next to council houses, of the sheer noise and anti-social behaviour that surrounded us once, as they have nothing better to do than be bored with their time.
- There are a variety of buildings that are closed in city centres, which could be made into "Affordable Homes," because why should the tax payer, pay for someone to have a garden and plenty of space, when others have to work hard for this. Flats would be the solution.

Loss of Greenbelt/greenspace:

- The land is green belt. Building in the countryside shouldn't be allowed. Why is our green belt being targeted and destroyed?
- Greenspaces should be protected and brownfield land built on.
- There is already huge areas of Darton and Mapplewell being built on with more large building in the pipeline.
- Engineering works for the road extend into the green belt as shown on the engineering feasibility layout.
- Loss of farmland when we already import so much food is a disgrace.
- Barnsley is known for being surrounded by countryside and its lovely villages. Don't sacrifice these fields. Don't allow these villages to merge through the loss of the very fields that divide and surround us with nature.

Drainage / Flood Risk:

- The retention pond shouldn't be in the field, it is green belt and this area already floods. It will be a risk for nearby houses.
- The extension into the green belt with the drainage pond will affect the boundary here, making it less defensible.
- The plans show details of the draining off of surface water into existing drains/culverts. But it stresses that this is subject to further exploration into the suitability of the existing drains

and culverts. Will the development not go ahead if the results of the further investigations prove the existing culverts and drains are not suitable?

- The beck / stream already floods when it rains with water from the fields. Extra water will not soak away and will flood gardens and houses.
- Some water pipes already leak on Sackup Lane and Pennine Way causing drainage issues.
- Gardens already flood where they back onto the development site.
- How deep will the balancing pond be and will it be safe? Who will maintain it?

Services/Amenities:

- Doctors and dentist are already stretched well beyond capacity
- The local schools are all already full.
- There are not any schools or doctors within 800m radius of the site, they are all in the 1200m radius.
- Darton is a small village with limited services.
- Services will be under increased pressure with number of new residents expected to move onto this development and also the further six other sites indicated in the local plan (HS2, HS11, HS3, HS8, HS1, HS25)
- There is a lack of good quality, accessible sports and play space in the area. The application doesn't provide any either or confirm any financial commitments to improving existing facilities.
- More parking is needed at the post office on Sackup Lane as there are already issues here.
- Dog fouling in the area is an issue and more people will mean more dogs.

Layout/Residential Amenity:

- The scheme looks very high density, with houses very close together and small gardens and limited soft landscaping
- The scheme should be 40 dwellings per hectare not 45. Some respondents have stated it should actually be 30 dwellings per hectare.
- Three storey houses will cause overshadowing and loss of views in the area.
- The density of development and high number of semidetached and terraced houses will mean existing residents are looking at a wall of development.
- The properties do not enhance the area and the layout and design looks uninspiring, they are basic builds with no architectural appeal.
- There are no bungalows for older people. The flats do not provide for quality of life.
- The plan incorporates areas for bins in plots 35-42 that are close to native shrubs and trees. This creates a risk of vermin. The bins should be located at the front of the properties where vermin is less likely to home.
- Loss of privacy for residents on Coniston Avenue whose gardens are higher up.
- Loss of Privacy for residents on Pennine Close, the houses will completely overlook properties and rear gardens.
- People have invested in their gardens and houses to take advantage of the tranquillity and views and this will be lost as a result of the development.
- Loss of views and tranquillity as a result of the development and lost value of houses.
- Semi detached and terraced properties are not in keeping with the area.
- The road alignment at the head of Pennine View should be changed to stop people attempting to drive through onto Pennine View. A knee rail here is not adequate and the turning head for a Yorkshire water tanker looks to go over the drive for plot 45.
- Streetscenes as seen from existing houses should be provided and the applicant should show sections and levels.
- The engineering plans show retaining walls where the site plan shows just fences, which is correct.

- Impact on sky tv reception from taller houses to the rear of existing properties.
- The pedestrian access onto Pennine View will create a through route here increasing crime and antisocial behaviour on this quiet cul de sac as well as damage to nearby properties and cars.

Highways:

- Access to the site will affect highway safety.
- The traffic predictions are underestimated, there will be more traffic than suggested.
- The roads are not suitable for the volume of traffic in both building it and when it is occupied, in an already congested area. The villages are already at near to gridlock.
- Darton, Mapplewell and all access routes in and out of this area are congested. Access into Darton along Sackup Lane or onto Staincross Common Road have high traffic volume currently, with difficulty getting out of the junction at Sackup Lane and Coniston Avenue onto Staincross Common which is a very busy access route for all types of vehicles including a large number of heavy good vehicles gaining access to the Motorway Junction at Haigh.
- Increased traffic on Sackup Lane will also create increased risks at the bottom of Sackup Lane opposite the school. It's already a difficult junction to pull out of especially when turning right. Traffic approaching from the right is not visible until late on because of the hill and bend coming up from Darton village centre.
- The route through Darton Village from Sackup Lane comprises of a very tight turn under the railway bridge which is an area that cannot accommodate increased traffic flow.
- The main route in and out will be on Windhill Lane and the traffic here speeds above 40mph.
- Sackup lane is a lane, it's not a road and it can be sometimes a challenge to drive along especially when passing buses, traffic increases again increase risks. Winter days are a challenge and often see the local streets grind to a halt as grifters cannot reach us.
- There is an increased risk of accidents on Keswick Road where the playground is because of increased traffic near a children's playground and children's home.
- The junction with Kingsway is often difficult and visibility blocked with cars and refuse vehicles.
- Wakefield Road towards Smithies is a bottleneck every day at various hours as us up towards Town Centre.
- Concerns Keswick Rd / Coniston Rd area will become a rat run due to increased traffic on the nearby roads i.e., Windhill Lane, Staincross Common. People may divert through to miss out the Windhill Lane / Sack up Lane junction.
- Previous applications on the site failed twice because of concerns about the access from Pennine View, there is now footpath / cycle route, why is this safe? Pedestrian facilities are poor here.
- Why has the access been moved to Coniston Avenue from Pennine View, why is this road seen to be safer? It is at the brow of a hill and visibility is poor with regular accidents.
- Coniston Avenue is already at peak traffic levels with no speed reduction / safety measures.
- There have already been accidents / near misses at the junction of Coniston with Sackup Lane, elderly people crossing for the bus are not visible when coming round the corner.
- No access should be allowed on Pennine View during construction.
- Pedestrian access onto Pennine View is a concern and would prefer it remains a cul de sac. This passage could lead to noise and unsocial behaviour. It is also too close to existing residents driveways.
- Near the Sackup Lane crossroads there can be double parking near the Post Office store. This crossroads backs up with traffic at peak times it is set to worsen with increase of vehicles.
- Sightlines at the existing junctions with Sackup Lane / Coniston Avenue and Sackup Lane / Windhill Lane are not good and more traffic will make these worse.

- Walking routes to school - The area around bottom of Sackup Lane and New Rd are close to the two local primary Schools these are busy roads and varying width of pavements with increases in volume of traffic on school walking routes there is child, pedestrian safety concerns. Parked cars are increased at school start and end of the day this impacts on the drivers view of the road and increases the risk of injury to pedestrians who may walk out between cars to cross these areas.
- The site is close to a bus route and the bus passes the Keswick Rd to Coniston Ave bend near the entrance to the site. The travel plan is incorrect in reporting of nearest bus stops being on Sackup Lane. They are also sited on Coniston Avenue and also on Keswick Rd.
- What about sustainable travel routes? There is no cycle access to Barnsley.
- People use Warren Lane as a walking route, increased traffic will make it unsafe.

Pollution:

- The increased traffic will add to air pollution issues, in an area already affected by high volumes of traffic and congestion.

Biodiversity:

- The area is one of nature conservation and the council should be protecting green spaces, parks are areas of natural beauty.
- Husband Wood is ancient woodland and is nearby but hasn't been surveyed.
- The statement 'hedgerows and trees will be retained where possible' means nothing and provides no guarantees.
- The hedgerow between Pennine View and the site will need to be replaced properly.
- Deer are often seen on the fields near Husband Wood but are not mentioned in the ecology appraisal.
- Bats, foxes, owls, hawks, polecats, Weasels, Stoats, nesting Pheasants, nesting Buzzard, swifts, house martins and swallows are also seen in the area.
- What will the applicant do to mitigate the impact on biodiversity?
- Who will maintain the large trees that are being retained?
- Why are more new trees not being planted, there should be 1 tree per plot.
- Increased rubbish and litter from increased residential population will impact on wildlife.
- The walkthrough location (if this is to be an absolute must) is completely unacceptable as it is too close to an old tree potentially scaring away the wildlife, birds and bats and degrade the trees quality of life. The plans for this tree are also misleading as the tree survey states it is advised this tree is to be taken down to accommodate the walkway, but in the site plan it is advised that this tree shall remain.

Comments:

Now the access has been moved to Coniston Avenue where the bus route is, I no longer wish to object but there should be more affordable houses to help people get on the property ladder.

Assessment

Local Plan Policy LG1 sets the basis for growth in the Local Plan with LG2 providing an overview on the approach to the location of development with Urban Barnsley as the main focus for housing, employment, shopping, health, leisure, business and public services in the region. Policy H1 identifies the number of homes to be built, with Policy H2 allocating 43% to Urban Barnsley. The site is allocated in the Local Plan for housing under site specific policy HS6 with an indicative yield of 40 houses.

Sites which are allocated for housing, and where there are no site-specific details in the policy, shall be determined in accordance with the Local Plan. Policy GD1 provides a starting point for assessing all development proposals and sets various criteria which development should comply

with. Various other policies in the Local Plan cover these criteria in more detail and the proposed is assessed against GD1 and these other policies in the report.

The scheme includes a proposed SUDs pond located in the adjacent field which is in the green belt where Local Plan Policy GB1 applies which seeks to protect the green belt in accordance with the National Planning Policy Framework (NPPF). Paragraph 150 of the NPPF lists certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, this includes engineering operations such as the proposed SUDs Pond. Looking first at the impact on openness, the SUDs pond is a single retention basin with sloping sides with a perimeter of 122m and an overall ability to hold 40m³ of water. It will be a greenfield feature, with species rich grassland planting alongside trees and hedgerows. In this respect the SUDs feature will be green and appear more as a natural pond, therefore, it will not impact on the openness of the green belt or conflict with the purposes of including land within it as required by Local and National Planning Policy.

Landscape Impact and Visual Amenities

A Landscape and Visual impact assessment has been provided in support of the application. This assesses the overall visibility of the site, its current landscape value and the potential impact of the development in the context of the landscape character and value of the wider area.

The landscape character and value of the site itself is limited by it being farmland which is relatively featureless. Its visibility is limited because it is surrounded on 3 sides by existing housing development which restricts views and there are no public rights of way across the site and limited views from the PROW's in the surrounding area. Views of the site are therefore restricted to those of existing residents who back onto the site and some longer distance views from the west, which are less sensitive given the development would be viewed against the backdrop of the existing urban area.

The visual impact on existing residents who back onto the site is accepted to be high, they currently enjoy open views across the field and in some cases over the wider agricultural landscape beyond this to the west. Whilst planning does not allow for a right to a view, the applicant has been asked to reduce the number of units, break up larger blocks and provide some increased landscaping along these boundaries. Overtime this planting will soften the impact on existing residents but not remove it.

With regards to the views from the west, as stated these are longer distance so will be seen in the context of the existing urban edge. However, the landscaping plan includes a hedgerow along this boundary which has been extended to cover rear garden boundaries as well as around the SUDs pond.

The proposed development has been reduced in number from 53 units to 48 following initial consultation and comment. This reduction has brought the overall density down to just slightly over 40 dwellings per hectare (40.3 dph) which is consistent with Local Plan Policy H6. Residents have commented that Darton is a village and so the density should be lower, however, the Local Plan is clear that Darton falls within Urban Barnsley where the higher density rate of 40 dph is applied. The reduction has resulted in improvements to the overall design, including:

- Increased space between proposed and existing dwellings with the larger apartment blocks split and one relocated to the northern end of the site, this reduced the overall bulk and massing impact; and
- Frontage parking remains dominant but there is more space between parking blocks to allow soft landscaping, including some increases in tree planting.

The proposal includes a variety of house designs with some variation in elevational treatments, scale and roof designs. Two different types of brick are also proposed which will provide some interest.

Based on the above the proposed is judged to be in accordance with Site Specific Policy HS6, Local Plan Policy D1 and the accompanying SPD Guidance.

Residential Amenity

There are houses to the north, east and south boundaries of the site with existing rear elevations and gardens backing onto the site. The proposed layout has been designed to exceed the minimum separation distances where new properties back onto these houses directly, the closest relationship being the block of flats located in the south east corner which is just over the 21m required but has an existing tree retained on this boundary which provides additional screening. No.1 Pennine Close has an extension to the side and rear which would be within 15m of the rear elevation of one of the new plots, however, this is single storey at the rear so can be screened by the proposed hedgerow and fencing. On this basis the layout meets the required design standards with regards privacy.

The layout has been amended to break up the units around the site edges, reducing some of the bulk and massing impact here and the landscape plans include measures to soften the boundaries with existing residential properties. This, along with the distances between existing and new dwellings does address the residential impact in terms of overshadowing / overbearing impacts.

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

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

Highways

The site lies between Coniston Avenue to the north and Pennine View to the south and is an allocated residential site within the Local Plan which is accepted to be in a sustainable location.

Access is shown from Coniston Avenue with the proposal originally seeking to introduce a simple priority junction with Coniston Avenue; which becomes a dead end with few traffic movements to the west of the site. This western end serves Coniston Farm. As the farm is unlikely to generate a significant number of vehicular trips, the predominant movement would be into and out of the development site. Given this predominant movement, the Highways Section considered that this new development access route should take priority and amended plans were sought.

In addition, various changes to the internal highway layout were made and additional tracking, visibility and swept path information requested. This has resulted in the current site layout plan ref P21:5394:01-N which addresses highway concerns. There does remain an under provision of visitor parking on the site with 7 provided when the requirement in the SPD is 12. However, the SPD also states that flexibility for visitor parking will be given on a site by site basis and given that the parking standards for each unit are met, and to avoid an over-dominance of parking areas, the visitor parking provided is considered acceptable in this instance

The applicant is providing cycle storage and Electric Vehicle Charging Points for all houses alongside a Sustainable Travel contribution. In addition, a Travel Plan has been provided. Finally, pedestrian access through to Pennine View ensures improved connectivity between this site and

Darton to the south as well as for residents of Pennine View and to the south in connecting to the park on Keswick Road.

On this basis, the proposed complies with Local Plan T3 and T4 with regards to Sustainable Transport and Highway Safety.

Climate Change and Sustainability Considerations, including Biodiversity

Biodiversity

With regards to Biodiversity, there is a requirement under Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD to demonstrate no net loss of biodiversity on the site.

The applicant has provided a detailed Ecological Appraisal and accompanying Biodiversity Habitats Metric, a calculation of the habitats lost on site as a result of the proposed development in accordance with the latest guidance in the Defra Metric 3.0. The proposed development results in the loss of arable land, poor semi-improved grassland (field margin), amenity grassland, and impacts to species-poor hedgerow, and a poor-condition hedgerow with trees.

The hedgerows on site meet the criteria for those that are listed as Habitats of Principal Importance but have been assessed to be in poor ecological condition and are poor examples of the habitats. Nevertheless, there is some historical value as they may form part of an historical parish boundary.

As part of the design, some greenspace will be provided (made up the sustainable drainage system (SuDS) and some areas of verge around the site edges) New sections of native species-rich hedgerow with trees will be planted to link up existing hedgerows around the site which are to be retained. Vegetated garden plots and trees planted across the site provide further habitat enhancements.

In addition, recommendations are made for specific species including bird and bat boxes and hedgehog gaps to encourage hedgehog foraging.

The newly created habitats should be managed for their wildlife interest and a Biodiversity Enhancement Management Plan (BEMP) should be produced to provide management prescriptions to ensure the favorable management of these habitats. This hasn't been provided but can be secured by condition.

The detail has been assessed by the Council's Ecologist and accepted as accurate. Overall, there is a biodiversity net gain on the site which is over and above the requirements of Local Planning Policies BIO1 Biodiversity and Geodiversity and GI1: Green Infrastructure and can be seen as a benefit of the scheme.

Trees

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

Sustainable Construction and Drainage

The application is supported by a flood risk assessment which sets out the approach to drainage for the site. Foul water flows will be to the exiting sewer network which Yorkshire Water have agreed can be accommodated. With regards to surface water, the underlying ground conditions do

not support infiltration therefore in accordance with the sustainable hierarchy in the NPPF and Local Plan Policy CC4, surface water will be stored on site and discharged to an existing watercourse located to the west of the site at a restricted flow rate which is equivalent to the natural flow rate for the catchment. Allowances are also be made for climate change in agreeing this flow rate. The condition and ability of the watercourse to accommodate this surface water will be investigated and further detail provided under conditions applied to the application requiring no increase in flood risk.

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

Land Stability and Contamination

A Geo-Environmental Assessment prepared by Haigh Huddleston & Associates Ltd ref: E21/7786/R001A; dated December 2021; along with their 'Additional Site Investigation' report regarding the mining situation ref: E21/7786/MD/002 dated 30th November 2021 have been submitted with the application.

The above reports do not advise for any further works relating to potential shallow coal mining voids, which appears a fair conclusion given the findings, but does advise for: piled foundations through opencast fill, differential settlement considerations over high walls, ground gas and incidental coal considerations. This approach is not unusual in areas such as this where there has been previous mining activity.

Resident concerns regarding past subsidence in the area has also been flagged to South Yorkshire Mining Advisory Service who have advised that this will be related to the historical deep coal mining activities in the wider area which has now ceased and as such the subsidence is no longer an issue.

The detailed foundation design can be dealt with at the building control stage of development. In consideration of the above, should permission be granted only the Coal Authorities Standing Advice will be applicable within the decision notice.

S106 Agreement

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

Affordable Housing – 20% is being delivered which equates to 10 units. These will split 50% affordable rent and 50% shared ownership

The mix of dwellings is:

- 8 x 1 beds
- 2 x 2 beds

Education – There is an identified shortfall in secondary and primary school places within the area and as such a contribution is required to address this. The single bedroom homes and bungalows have been excluded from the calculation in accordance with the SPD. On this basis, the development will generate 11 primary school place at £16,000 per pupil and 8 secondary places at £16,000 per pupil, The total contribution required would be £314,000

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Using the formulae in Appendix C of the SPD the figure required is £36,000.

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

Greenspace – There is limited greenspace on site with the Suds pond likely to be fenced off and accessed only by Yorkshire Water or the management company responsible for it. As such a contribution is required toward formal, informal and youth and child facilities off site. This contribution totals £78,722.80. There are play facilities on Keswick Road to the north which would benefit from investment and are accessible from the site.

Conclusions

The proposed is for residential development on an allocated housing site which has been carried forward from the previous Unitary Development Plan allocations. Access is via Coniston Avenue which has been demonstrated to be suitable and designed to meet highway safety requirements.

The development meets wider design standards and will deliver 48 residential properties, including 10 affordable units as well as benefits through enhancements to biodiversity and contributions towards greenspace and sustainable travel improvements.

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

Recommendation

Approve – Subject to a S106 Agreement and conditions

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

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

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

P20:5394:02-A Location Plan

P20-5394-01 Site Layout Rev N

P20-5394-03 Materials Plan Rev G

P20-5394-04 Boundary Treatment Plan (Rev A)

106-02-01 Rev 03 Landscape Proposals

BDW-STD-HT-3204 Denford

BDW-STD-HT-3250 Type 60 61

BDW-STD-HT-1000 Alderney AS

BDW-STD-HT-1001 Alderney OP

BDW-STD-HT-3195 Denby (AS)

BDW-STD-HT-3196 Denby (OP)

BDW-STD-HT-3199 Ellerton (AS-OP)

BDW-STD-HT-3189 Kingsley (AS)

BDW-STD-HT-3190 Kingsley (OP)

BDW-STD-HT-3184 Maidstone (AS-OP)

BDW-STD-HT-3235 Maidstone-Moresby (AS-OP)

BDW-STD-HT-1026 Moresby (AS)

BDW-STD-HT-1027 Moresby (OP)

BDW-STD-HT-3265 Type 67 (AS/AS/OP)

BDW-STD-HT-3191 Windermere (AS)

BDW-STD-HT-3192 Windermere (OP)

Double Garage BDW-STD-GAR-1001

Single Garage BDW-STD-GAR-1000
Post and Rail Fence DB-SD13-007
Boundary Wall Type 1 - DB-SD13-004
Boundary Wall Type 3 DB-SD13-013
Close Boarded Fence DB-SD13-006
Biodiversity Metric 3.0 Rev B
7786L003 Gas Report
7786R001B SI Report

Arboricultural Report Rev 1 by Wharnccliffe Trees and Woodland Consultancy
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. Notwithstanding the approved detail, no development shall commence until an amended landscape plan has been submitted to, and approved in writing by the Local Planning Authority, showing the retention of hedgerow no.5 which runs north / south along the eastern boundary of the site. The development shall be carried out in accordance with the approved details and the hedgerow retained.

Reason: In the interests of the visual and historical amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making and HE4 Developments affecting Historic Areas or Landscapes.

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

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

5. Notwithstanding the approved details, details of the pedestrian access to Pennine View shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian access as approved shall be implemented in accordance with the approved details, prior to the occupation of any dwelling hereby approved.

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

6. Before any dwelling hereby approved is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway (Coniston Avenue) in accordance with details submitted to and subsequently approved in writing by the LPA.

Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

7. The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.

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

8. Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at the drive entrance/exit. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 1.0m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

9. 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.

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

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

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

11. No development shall take place until a survey of the condition of the adopted highway 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

12. The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to and agreed in writing with the LPA. Ongoing monitoring and review shall be in accordance with the Travel Plan monitoring strategy contained within the plan.

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

13. 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 Policy CC3.

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

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

15. Prior to commencement of development a Biodiversity Enhancement Management Plan (BEMP) detailing the long-term management of the ecological mitigation in the approved Biodiversity Metric 3.0 Rev B and the accompanying 106-02-01 Rev 03 Landscape Proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

16. No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwellings shall be occupied or brought into use until the approved drainage details for that dwelling have been 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

17. In the case of the 150mm public surface water sewer no building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with Local Plan Policy CC3

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.

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

19. The provision of gigabit-capable full fibre broadband for the dwellings hereby permitted, shall be implemented in accordance with the detail provided by Virgin Media (ref:248530, dated 05/05/2022) prior to occupation.

Reason: To accord with Local Plan Policy I1

20. Upon commencement of construction works, details of electric vehicle charge points (EVCPs) 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.

21. Except in case of emergency, 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 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 shall be notified 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 POLLI

22. Heavy goods vehicles shall 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 shall 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 POLLI

23. No development (including construction, land raising and demolition if required) shall be carried out other than in accordance with a Construction Environment Management Plan (CEMP) that is first submitted to, and approved by, the local planning authority

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 POLLI

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

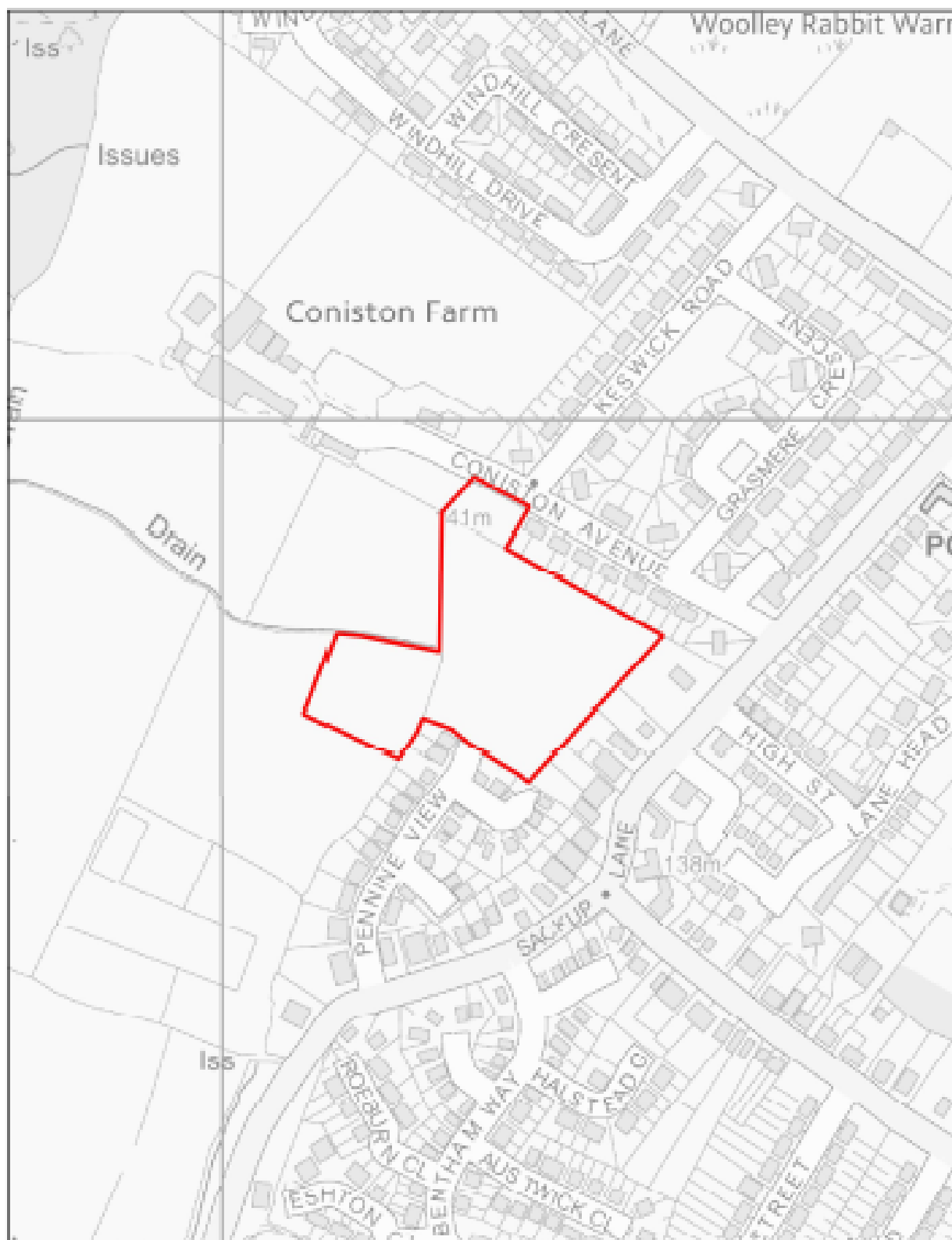
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

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

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

PA Reference:-

2021/1661



2020/1246

Applicant: Mr James Blunt

Description: Proposed residential development with associated infrastructure and landscaping (Amended Plans and Change of Description).

Land off Barnsley Road, Goldthorpe, Rotherham, S63 9PJ

Site Description

The site, which has an area of 2.92 acres (1.18 hectares), sits between established residential properties off Holly Grove to the east and a recently constructed Aldi Supermarket to the west. The northern boundary of the site runs adjacent to the A635 Dearne Valley Parkway with Barnsley Road to the south both connecting to Hollygrove Roundabout to the west.

An open grass field, the site is relatively featureless with hedgerows and trees located at the edges or just off site in the rear gardens of adjacent properties. Although not steeply sloping, there is a change in level across the site with land falling from south to north.

Access is off Barnsley Road, via a shared access with Aldi built under application 2014/1020.

Proposed Development

The development is for 43 houses, access road and attenuation pond. The houses follow the access road into the site with two spurs off it the east and some plots orientated to front onto Barnsley Road.

There is a mix of terraced, semi detached and detached houses of the following sizes:

8 x 2 beds
29 x 3 beds
2 x 4 beds

With an additional 4 x 2 bed affordable units.

The 7 different house types are all two storeys except one which is 2.5 storeys, there are 4 of this housetype all fronting onto Barnsley Road. The design of all the houses is relatively simple with some detailing such as porch roofs and sections of render to the elevations. All the houses have pitched roofs and the two 4 beds are double fronted and located at corners.

Parking is largely limited to drives to the front or side with only two plots having garages.

Where houses back onto the A635 or Aldi, acoustic fencing to a height of 2.4m is proposed.

History

The planning history for the site dates back to 1994 with various developments approved. The most relevant applications are:

2014/1020 - Erection of a food store with car parking, landscaping and associated works (Full) and erection of residential development (Outline) (Hybrid application) – Approved

2016/0090 - Erection of a retail unit (Use Class A1) with car parking, landscaping and associated works – Withdrawn

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.

Site Allocation: Urban Fabric

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth'

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

H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne.

H5 'Residential Development on Large non-allocated Sites'

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

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

H8 'Housing Regeneration Areas'

T3 'New Development and Sustainable Travel'. The site is located in the Dearne

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

In addition, there are two land allocations nearby:

HS44 'Bolton House Farm' – Housing allocation opposite on Barnsley Road

ES10 'Land South of Dearne Valley Parkway' – Employment allocation with associated Goldthorpe Masterplan

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

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

Consultations

Air Quality: No objection to the development but recommend the installation of electric vehicle charge points in accordance with the Barnsley MBC air quality and planning good practice guidance and Policy T3. This can be secured by condition.

Affordable Housing Officer: There is a requirement for 10% in this area at a 80/20 split.

Biodiversity Officer: Initial concerns have been largely addressed but there remains a need to offset the lost biodiversity through a S106 agreement. More detail is in the report.

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

Coal Authority: Standing advice only, no objections.

Contaminated Land: The Phase 2 Report submitted to support this application shows that there are no elevated levels of contamination on the site, and as such no conditions are required to address contamination issues.

Drainage: No objections subject to a condition

Education: There is a need to provide contributions to fund both 9 primary and 7 secondary education places. The contribution totals £256,000

Highways: No objections, subject to conditions. There is further detail in the report.

Pollution Control: Initial concerns regarding the acoustic fence which was not shown correctly on the plan have been resolved and the proposed is now acceptable subject to the barrier being erected in accordance with the plan.

South Yorkshire Police: Initial concerns with the layout are covered in the report. No comments have been made with regards the amended plan consultation.

South Yorkshire Mining Advisory Service: The applicant has provided a coal mining risk assessment report and phase 1 geo-environmental site investigation which assess mining legacy risks. The reports indicate the land is low risk and no further investigation is required. Standing advice only.

Superfast South Yorkshire: Standard condition requiring high speed broadband.

Tree Officer: No comments received. The Tree Survey is out of date but does show that there are very few trees on the site, and these are located at the edges. In addition, the hedgerows are largely maintained as shown in the accompanying ecological information. A condition is added requiring an updated survey and appropriate impact and mitigation assessments pre-commencement.

Ward Councillors:

Councillor Noble has objected, raising concerns about the shared entrance with Aldi and the amount of traffic associated with the store.

Councillor Danforth hasn't objected but has requested that 106 monies are honoured, the drives are tarmac, and the traffic noise is contained, including the pumping station being underground with no noise or odour pollution.

Yorkshire Water: No objections subject to conditions including no trees within the easement of the public sewer.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. 6 objections have been received summarised as follows:-

- Frustration that where told the land wouldn't be residential when bought houses
- Concerns over the new houses using existing boundary fences and who will maintain them
- Previous issues with foul water flooding
- What happens to the existing bund along the rear of properties? existing fences are on top of this and any earth works could undermine the fences and gardens.
- Access and road safety, the proposed is on a tight bend leading into the Aldi store.
- The area shown on the plan as overgrown grassland is actually adopted greenspace.
- There are not enough bin spaces for properties, should be 4 not 2.
- Don't want affordable housing
- Impact on property from loss of light and privacy
- Why is the builder already onsite?

- There are overgrown trees next to our property and the council don't do anything about it
- Too many properties proposed for the size of the site
- The site is too noisy, deliveries from aldi etc.
- The access for plots 41-44 is behind the existing bus stop and need to understand the impact and materials proposed
- Concerns about the impact of noise and dust during construction

Assessment

The proposed site is unallocated in the adopted Local Plan but lies within the urban fabric of Goldthorpe. The starting point for assessing the application is Local Plan Policies GD1 and H4, Residential Development on Large Non-allocated Sites.

Policy H4 relates to sites over 0.4 hectares, stating that development will be supported 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

In the case of the proposed, the site previously formed part of an application for the adjacent Aldi with residential proposed on the remaining land. An access was formed when the Aldi was built but the residential development was never delivered. This history supports that it is part of a wider previously developed site, although the residential aspect of the application has now expired and the land remains a green field.

In terms of the other requirements, the site is located within Goldthorpe, which is the main town in the principal town of the Dearne. Barnsley Road is a main bus corridor between Barnsley town centre and Doncaster and Rotherham town centres and Goldthorpe train station is circa 600m due east of the site. Finally, there is a range of local services in Goldthorpe, including Primary and Secondary schools and there is a supermarket directly adjacent the site.

Therefore, the proposed is judged to be broadly in compliance with Local Plan Policy H4 and is located in a sustainable location as required by Policies SD1.

The remaining assessment covers the various criteria required under Local Plan Policy GD1 and other relevant policies in the Local Plan:

Visual Amenity

The existing site is a grass field with some hedgerows and a few trees around the edges. In this respect it has some visual amenity value which will be lost as a result of the development. However, this impact is mitigated in part by the urban edges to the site. The rear of the Aldi backs onto the site to the west and there are residential gardens and the associated fenced boundaries to the east. Main roads border the site to the north and south.

The layout plan has been designed to comply with the space between building standards in the SPD. The house type plans provide 7 different housetypes with variations in elevation details and a mix of detached, semi detached and terraced properties giving some visual interest. The materials schedule proposes a mix of buff and red bricks with some render and grey concrete roof tiles. This is consistent with the character of the area.

The landscaping scheme retains the hedgerow along the northern boundary, with the acoustic fence behind this. An attenuation pond is proposed with planting around it and trees and hedgerows are to be planted across the site, demarking front gardens and softening the frontage parking.

A small substation and pumping station are proposed on the site, in the north west corner, adjacent the boundary with Aldi and the attenuation pond. The pumping station is largely underground and the substation is sited unobtrusively in this corner, adjacent plot 9. The landscaping in this corner will soften the visibility and appearance of these features.

Overall, the proposed complies with Local Plan Policies D1 and the accompanying Design of New Housing SPD.

Residential Amenity

The layout of the development takes into account the amenity of existing residents to the east of the site, with houses set side on here and meeting the distance standards, mitigating any potential for overlooking or overshadowing of existing properties.

Within the site, a noise impact assessment has been provided which recommends acoustic fencing along rear gardens where they are adjacent the Aldi and A635. This will protect external amenity spaces from noise disturbance. In addition, sound insulation works to the proposed properties adjacent their boundaries will protect the internal spaces from excessing noise. These recommendations are secured by condition.

Internally, separation distances between the proposed houses and the private rear garden sizes would meet the standards required by the SPD. Further, the internal layouts of the various houses meet the space standards set in the SYRDG.

On this basis, the proposed will comply with Local Plan Policy D1 and the accompanying Design of Housing SPD with regards to residential amenity.

Highway Safety

This application has been the subject of several layout changes and having reviewed the latest layout plan ref H51-BRG-001 Rev R, it is satisfactory. Conditions are recommended to secure cycle storage and EVCP across the site and the sustainability of the location is noted.

Access is taken from a private section of entrance road serving the existing Aldi store. In order for the development to be acceptable in highways and planning terms, there is a need to bring this access forwards for adoption which may require remedial works. The red line boundary has been extended during the application to include this access allowing these works to be secured by condition. In addition, the applicant has provided correspondence with Aldi confirming that they are happy to offer the access for adoption.

Some of the front gardens, facing Barnsley Road, incorporate part of the adopted highway (verge). Highways have confirmed that this land can be included in this manner and a license to cultivate granted to homeowners, subject to certain restrictions regarding planting here. This approach secures an active frontage on Barnsley Road which is beneficial in design terms.

Therefore, the proposed is acceptable in highway safety terms and complies with Local Plan Policies T3 and T4, subject to conditions.

Other Considerations

South Yorkshire Police raised initial objections to the layout in relation to parking spaces which were not overlooked by active room windows and footpaths accessing the rear of properties. The layout as amended has addressed these through introducing gates at the entrance of all footpaths as requested. However, some parking areas remain not overlooked on the site, this is in part because introducing windows in the side elevations will create a privacy issue and because the

design solution to arrange some houses fronting onto Barnsley Road has left an area of parking behind garden fences. This area is overlooked by plot 1 which has windows in the side elevation and a condition can be added to secure a further active room window in the side elevation of plots 25 and 35.

Drainage/Flood Risk

The Flood Risk Assessment provided by the applicant confirms that the site is at low risk of flooding from rivers and surface water. The underlying ground has low permeability and so soakaways are not suitable but a Suds Pond has been recommended to hold excess surface water for release to the sewer network at a controlled rate.

Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development.

Final details can be secured through appropriate conditions. On this basis the proposed complies with local plan policies CC3 and CC4.

Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. No objections have been received from Regulatory Services, SYMAS or the Coal Authority.

Ecology

The site is mostly grassland, previously used for grazing, so limited in diversity with fast growing grasses still dominant and evidence of fertilizer. There is an area of scattered scrub to the south of the site, bramble to the east and some taller herbs across the site. In addition, there are two hedgerows, along the north and south boundaries.

The applicant has provided an ecological appraisal, including hedgerow assessment and a habitats assessment in accordance with the Defra Metric. A detailed landscaping scheme for the site is also provided.

The southern hedgerow is retained and planting across the site includes new sections of native hedgerows around front garden boundaries. In addition, a number of trees are planted across the site and an area of species rich grassland is proposed around the attenuation pond.

The newly created habitats should be managed for their wildlife interest and an ecological mitigation and management plan (EMMP) should be produced to provide management prescriptions to ensure the favorable management of these habitats. This hasn't been provided but can be secured by condition.

Allowing for the proposed on site mitigation, there is an overall loss of 1.19 habitat units. The applicant has agreed to enter into a S106 agreement requiring them to seek to offset these lost units, initially through a scheme on land in the area to be agreed in detail with the Council, or if this is not possible, through paying a tariff to the Council of £25,000 per unit or part thereof.

The detail has been assessed by the Council's Ecologist and accepted as accurate and the approach to mitigation is accepted. Therefore, the proposed is in accordance with Local Planning Policies BIO1 Biodiversity and Geodiversity and the accompanying SPD.

S106 considerations

The proposed development will be subject to the following contributions secured via a S106:

Education –

- 9 Primary School places at £16,000 per place = £112,000
- 7 Secondary School places at £16,000 per place = £144,000

TOTAL = £256,000

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In this instance it is deemed appropriate to allow no open space on site and instead seek an off-site contribution to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £75,593.57 would be sought.

Affordable housing – The site is an area where affordable housing provision required under policy H7 is 10%. Strategic Housing have confirmed that the split would be 80/20 rent and intermediate.

Sustainable Travel – This is sought in accordance with Local Plan Policy T3 and the accompanying Sustainable Travel SPD. As the area is in the Accessibility Improvement Zone the overall contribution would be £32,250.

Biodiversity – agreement to secure appropriate off-site mitigation for the net habitat units lost as a result of the development.

Conclusion

The development site was previously part of a wider development for retail and residential, with this application seeking to renew and bring forward the residential side of the scheme.

The scheme proposed has been amended through the application process and the applicant has sought to address Officer's concerns. A strong frontage is presented to Barnsley Road and the internal layout meets design standards with some minor exceptions. The applicant has also retained the more valuable habitats on site and maximised mitigation for habitats lost.

On this basis the proposed is accepted to be sustainable development which is in compliance with the development plan.

Recommendation

Approve subject to conditions and a S106 Agreement

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 layout plan ref: H51-BRG-001 Rev R

Location Plan ref: H51-BRG-008 Rev C

Boundary Treatment Plan ref: H51-BRG-003 rev F

Landscape Masterplan ref: DR-5805-01

Detached Garage Plan ref: H51-BRG-112

HL 67 House Type (block of 3) ref: H51-BRG-108 rev B

HL 67T House Type (block of 4) ref: H51-BRG-109 rev B

HL 70 House Type ref: H51-BRG-101
HL 85 House Type ref: H51-BRG-102 rev A
HL 85 House Type (block of 3) ref: H51-BRG-110
HL 89 House Type ref: H51-BRG-103
HL89-96 House Type ref: H51-BRG-107
HL115 House Type ref: H51-BRG-106 Rev A
HL 95 House Type Ref H51-BRG-104 rev C
Noise Impact Assessment (NIA/9305/20/9302/v1/ Barnsley Road) by ANC Noise consultants.
Biodiversity Net Gain Assessment (Ref: ER-5805-01-B, 17/05/2022)

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. Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

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

4. No development shall take place until a survey of the condition of the adopted highway 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.

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

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

6. Prior to commencement of development a Biodiversity Enhancement Management Plan (BEMP) detailing the long-term management of the ecological mitigation in the approved Biodiversity Net Gain Assessment (Ref: ER-5805-01-B, 17/05/2022) and the accompanying Biodiversity Metric 3.0 and Landscape Masterplan (ref: DR-5805-01) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

7. 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
Arboricultural Impact Statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality, in accordance with Local Plan Policies D1 and BIO1 and the Trees and Hedgerows SPD.

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

- 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.

9. 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.

10. Notwithstanding the approved plans, an active room window shall be included in the side of plots 25 and 35, details to be agreed in writing by the Local Planning Authority, before groundworks for these plots commence on site.

Reason: In the interests of secure design in accordance with Local Plan Policy D1.

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

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

12. No trees shall be located over or within 5 metres either side of the centre line of the public sewer i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the

required stand-off distance is to be achieved via diversion or closure of the sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area , the approved works have been undertaken.

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

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

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

14. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works , details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed , the information shall include , but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a maximum rate of 3.5 litres a second.

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 that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan Policy CC3 and CC4.

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

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

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

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

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

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

18. 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.

19. The document "Written Scheme of Investigation for an Archaeological Strip, Map and Record" by Archaeological Services WYAS, dated November 2019, sets out a strategy for archaeological investigation that has been approved in writing on behalf of the Local Planning Authority. The development shall only take place in accordance with the approved Written Scheme of Investigation (WSI) unless an updated WSI and timetable has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed

Reason: To accord with Local Plan Policy HE6.

20. Before any dwelling hereby approved is first occupied the roads and footways shall be constructed to minimum binder course level from the dwelling to the adjoining public highway in accordance with details submitted to and subsequently approved in writing by the LPA.

Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

21. The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.

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

22. Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at the drive entrance/exit. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

23. Upon commencement of development, a scheme for the parking of bicycles shall be 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 and Local Plan Policy T3.

24. Except in case of emergency, 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 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 shall be notified the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

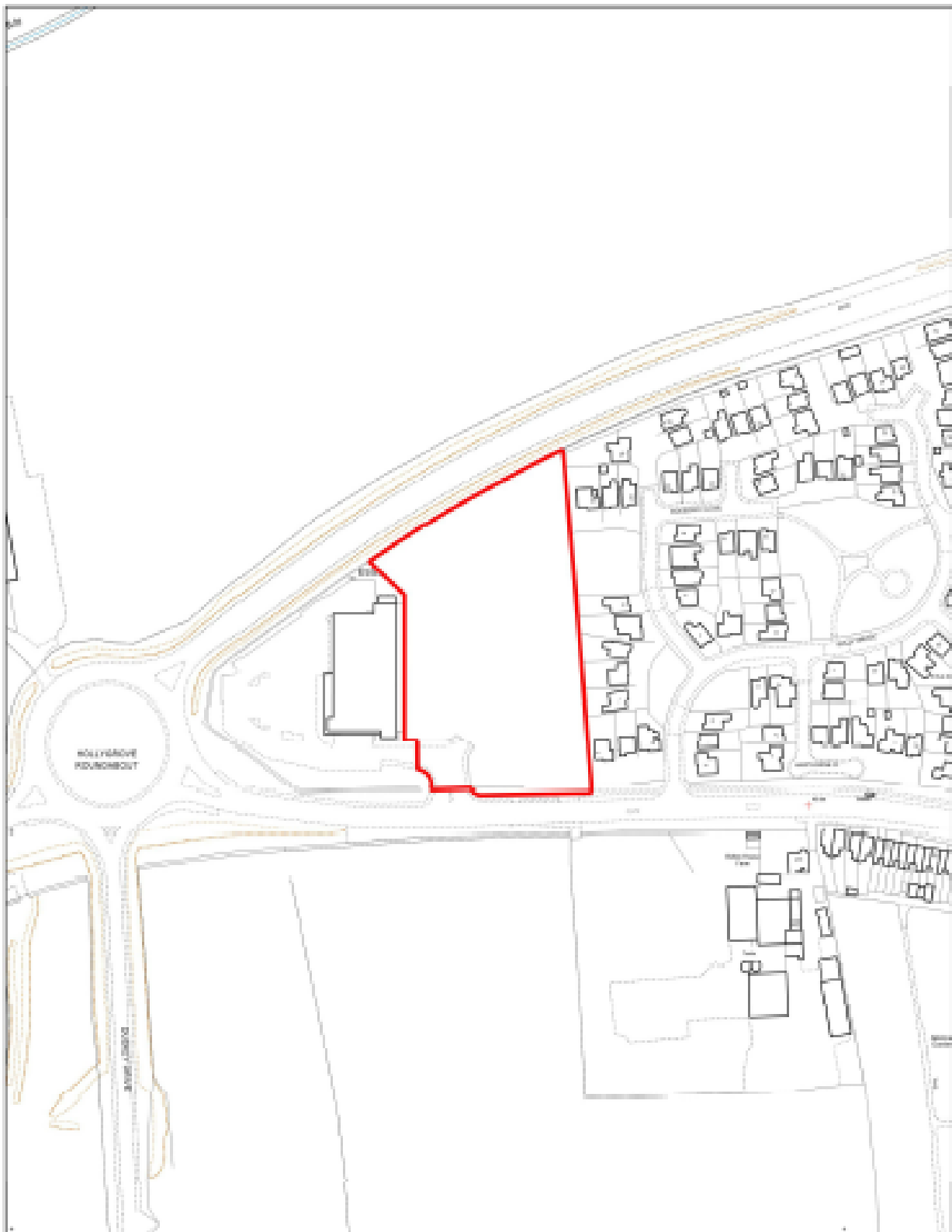
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance With Local Plan Policy POLLI

25. Heavy goods vehicles shall 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 shall 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 POLLI

PA Reference:-

2020/1246



2021/1656

Mr Jeremy Levine

Conversion of former public house into 10 no. flats

The Goldthorpe Hotel, Doncaster Road, Goldthorpe, Rotherham, S63 9JA

Description

The former Goldthorpe Hotel public house is located on Doncaster Road, which is a main road running through to the centre of Goldthorpe. The building has not been in use for at least 10 years and is in a poor state of repair. The building is a large, detached building and is constructed from red brick, featuring a large amount of openings on the front, rear and western side elevation. There is an existing flat in the roof space with a rear facing window in the rear elevation.

The site includes an area to the front which has been used as unauthorised parking by neighbouring residents. The site also includes the former beer garden to the rear which is bounded by brick walls. The rear boundary is bounded by the blank side elevation of the nearby working men's club.

Planning History

2011/1252 - Conversion of former public house into 10 no. flats – Approved with conditions. This permission has not been implemented and has expired.

2019/1572 - Conversion of former public house into 10 no. flats – Refused for the following reasons:-

- 1. In the opinion of the Local Planning Authority, the proposed development does not provide a broad mix of residential types or tenures neither does it adequately reflect the market/community need in this area which would help create mixed and balanced communities contrary to Local Plan Policy H6: Housing Mix and Efficient use of land and paragraph 61 of the NPPF. Furthermore the proposal would result in an increase in smaller homes contributing to the imbalance in housing stock in this area and thereby failing to contribute to the sufficient range of homes required to meet the needs of present and future generations contrary to Paragraph 8b of the NPPF.*
- 2. In the opinion of the Local Planning Authority, the proposed development will detrimentally impact the privacy of a neighbouring property (no. 135 Barnsley road) by virtue of the side elevation windows serving the habitable rooms of flats 1 and 9, respectively, being situated at a very close proximity (14 metres) to the existing habitable room windows located on the side elevation of no. 135. This in turn will have adversely affect the residential amenity enjoyed by this neighbouring residential property, contrary to SPD: Design of Housing Development and Local Plan Policy GD1: General Development.*

The applicant appealed the decision under appeal ref APP/R4408/W/20/3254532. The appeal was dismissed due to the proposal being potentially harmful to bats, a protected species. The Inspector did not raise concerns with regard to the above housing mix and residential amenity reasons for refusal. The Inspector concluded within the appeal decision:-

'I find that the development would provide an acceptable housing mix and would not cause harm to the living conditions of neighbouring occupants. However, in the absence of comprehensive surveys and an agreed mitigation strategy, the scheme would be harmful to bats, a protected species, and would conflict with the development plan and the guidance of the Framework.'

Proposed Development

The applicant is seeking approval for the conversion of the former public house into 10 no. flats. The application proposes 7 x 1-bedroomed flats and 3 x 2-bedroomed flats. The scheme is identical to the previously refused application 2019/1572.

The alterations to the building include the following:-

- Existing window on the front elevation altered to form new entrance to flat 2.
- Existing doorway on the side (eastern-facing) elevation altered to form a window.
- 3 x openings on rear elevation to form entrances to flats 5, 6-10 and 4, respectively.
- Window formed on rear elevation.
- The existing chimney breasts removed.

The proposal includes private and shared amenity spaces with cycle parking and car parking to the rear of the building with 1 space per unit, 1 of which will have an electric vehicle charging point.

The parking area to the front of the building will also be changed to amenity areas with the addition of a dwarf wall and soft landscaping. A dwarf wall will also be added to the rear of the building bordering the proposed parking area.

The following documents have been submitted in support of the proposal:-

Design and Access Statement by Jump Architects, a Preliminary Roost Assessment by Brindle and Green dated March 2021 and a Protected Species Report by Brindle and Green dated November 2021.

Policy Context

The Local Plan was adopted at the full Council meeting held on the 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). In reference to this application, the following policies are relevant:

GD1: General development – Proposals for general development will be approved providing there is no significant adverse effect on residential amenity, highway safety, the current or future use of nearby land and it upholds good quality design in accordance with local plan policy D1.

SD1: Presumption in favour of sustainable development – The Council will take a positive approach to proposals that reflect the presumption in favour of sustainable development contained in the NPPF.

H4: Residential development on small non-allocated sites – proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

H6: Housing Mix and Efficient use of land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Proposals for new housing will be expected to deliver a mix of house dwelling sizes, type and tenure informed by the most relevant evidence taking into account an up-to-date Strategic Housing Market Assessment (SHMA) for the entire housing market area and needs of the market, in order to meet the present and future needs of all members of the community.

D1: High quality design and place making – This policy sets the overarching design principles for the borough. Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of the local area.

T3: New development and sustainable travel – New development is expected to be located and designed to reduce the need for travel, be accessible to public transport and encourage smarter ways to travel rather than unsustainable use of the private car.

T4: New development and highway improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

LG2: The Location of Growth – Priority will be given to development in the following locations:

- Urban Barnsley
- Principle Towns of Cudworth, Wombwell, Hoyland, Goldthorpe, Penistone and Royston; and
- Villages

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principle Town, and the Principle Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

Poll1: Pollution Control and Protection - Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

I2: Educational and Community Facilities – The Council will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship, should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport.

Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility.

BIO1: Biodiversity and Geodiversity - Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

SPDs:

- Design of new housing development
- Parking
- Sustainable Travel
- SPDs Biodiversity and Geodiversity
- Trees and Hedgerows

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

Biodiversity Officer – No objections subject to conditions

Pollution Control – No comments received

South Yorkshire Policy Architectural Liaison Officer – Advice given with regard to Secured by Design.

Drainage – No objections, details to be checked by Building Control

SYMAS – The site is not in a coal mining risk area, no objections subject to informative

Air Quality – An electric vehicle charging point should be considered for the proposed development in line with BMBC's guidance. The guidance suggests for residential development one charging point per 10 car parking spaces (unallocated parking).

Highways– No objection subject to condition

Ward Councillors – 2 comments received:-

- 1 comment of no objection.
- The development will transform this derelict and run-down site which is one of the first buildings that people see when entering Goldthorpe from the east.
- The developer must obtain the relevant bat licence which is required.
- Concerns with regard to the potential future occupiers of the building.

Representations

Neighbour notification letters were sent to surrounding residents and a site notice placed nearby the following comments have been received:-

3 comments of support:-

- This will be a welcome change to view/use in Goldthorpe.
- We definitely need affordable 1 bedroom properties in The Dearne Area.
- This derelict pub is not in keeping with Barnsley Council's plan to upgrade Goldthorpe in the future. Let the developer make something useful of it instead.

2 comments of concern/objection:-

- Concerns raised regarding noise/mess/parking/traffic issues during construction
- Concerns regarding layout, separation distances to habitable room windows and overlooking to number 153 Doncaster Road and the impact of the potential to redevelop this plot

Assessment

Principle of development

The site is located within an area of Urban Fabric and also located within a residential area, therefore the principle of a residential development of the site is considered acceptable in accordance with Policy GD1 of the Local Plan.

Loss of Community Facility

The building was previously used as a public house. Policy I2 in the Local Plan states that 'public houses should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility.'

In this case, planning permission has already been granted to convert the pub in 2011 and the justification for its loss has been provided. It is clear that little has been done to the building since this time and therefore further justification is not required in this case. Additionally, despite being situated in an area of Urban Fabric, it is close to the town centre of Goldthorpe (approximately 150m away) which has several pubs and drinking establishments. Therefore, its loss is not considered to be harmful to the local community and the building has not provided this service/use for some period of time in accordance with Local Plan Policy I2.

Housing Mix

Local Plan Policy H6 Housing Mix and Efficient use of land, states that 'housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities.' Concerns were raised with the previous application 2019/1572 in terms of the mix of accommodation and that the proposed development did not provide a broad mix of residential types or tenures due to the proposal providing only flatted accommodation and in particular 1 bed units. The type and number of units proposed within this application are identical to the previously refused application and appeal, however the

Inspector for the appeal considered that the proposal would provide a 'suitable mix of housing, having regard to the housing need and supply in the area.' Taking into account the Inspector's comments within the appeal decision and that no objections were raised with regard to the type and mix of accommodation proposed, the proposal is considered acceptable in terms of housing mix in accordance with Policy H6.

Residential Amenity

The applicant is seeking approval for the conversion of the former public house into 10 no. flats. The application proposes 7 x 1-bedroomed flats and 3 x 2-bedroomed flats. The room sizes have been measured against the internal spacing standards set within the South Yorkshire Residential Design Guide (SYRDG) and the submitted plans show that the proposed flats have sufficient room sizes in accordance with the SYRDG. In terms of external space, the SYRDG requires a minimum of 50sqm of external amenity space for one flat/apartment and then 10sqm for each additional flat proposed. The site plan shows approx. 407sqm of combined external amenity space, which includes 176sqm of shared space set to the rear of the car parking, with flats 1, 2, 3 and 5 having their own garden areas which is acceptable.

The proposed development reuses the existing windows located on both the ground and first floor of the side elevation of the existing building for the proposed flats. The habitable room windows for the proposed flats would face directly onto the side elevation of the closest neighbouring dwelling at 135 Barnsley Road, set to the east. The proposed internal and external layout is identical to the previous planning application and appeal 2019/1572. In terms of the impact upon number 135 Barnsley Road, the Inspector did not raise any concerns. The appeal decision states:-

'No 135 has two windows to the side elevation, one at ground floor and one at first floor, whilst the appeal building has six windows at ground floor and three at first floor. The shortest distance between them is some 14.63m, based on the appellant's plan, which the Council indicates is less than the 21m separation distance of its Supplementary Planning Document: Design of Housing Development (May 2019) (the SPD). However, the SPD distance specifically relates to back-to-back distances which typically involves private gardens separating the buildings. The SPD does not specify any distance for side-to-side relationships, but it does indicate that front elevations of similarly scaled dwellings facing a road can be a minimum of 12m apart. It also adds that the standards may be slightly relaxed in town centre situations or higher density areas. To my mind, the 12m measurement is the more pertinent of the two measurements in the SPD as the windows in question are separated by the public realm in much the same way at the front elevation example. Taking this measurement, the windows would be a sufficient distance apart.'

The internal and external layout is identical to the scheme assessed by the Inspector and was considered to be acceptable, therefore there are no objections in terms of the impact of the proposal upon residential amenity.

Concerns have been raised with regard to the impact of construction works and parking of vehicles. There is sufficient space within the site to park contractor's vehicles and a standard condition should be included which limits the hours of construction, in order to protect the amenity of adjacent residents.

Highway Safety

The Highways Officer has been consulted and has no objection to the proposal subject to conditions. The proposal includes adequate off-street parking provision for 10 vehicles in line with the SPD Parking. It is proposed to use the existing parking area to the rear of the property accessed off Hamilton Road but with an improved access in a slightly different position. The

access has adequate visibility and the layout of the proposed parking area has sufficient space to allow vehicles to manoeuvre into and out of each space. A refuse bin storage/collection point has been provided just inside the site, adjacent to the access which is acceptable.

The proposals are considered to be acceptable in terms of highway safety and parking provision in accordance with Policy T4 of the Local Plan and the SPD Parking.

Sustainable Travel

An Electric Vehicle Charging Point is to be provided to one of the parking spaces and an area for cycle parking has been shown on the site plan; however further details will be required by way of a condition to ensure that this will be secured.

As the proposal provides 10 units, a financial contribution should be provided towards Sustainable Travel as required by Policy T3 of the Local Plan and the Sustainable Travel SPD. The contribution is calculated at £4,500 using the methodology within the SPD. This will need to be secured via a Section 106 Agreement, should permission be granted.

Visual Amenity

The alterations to the building itself are fairly minimal and are mainly in relation to openings being formed, blocked up or replaced. The alterations are subtle and aim to ensure that the new use will be adequate for the future occupiers, allowing ease of access into each of the flats. The elevation drawings show that the blocked-up openings will be made good using external materials to match which is acceptable.

There are other supplementary external changes associated with the proposed development including adding dwarf wall and soft landscaping to the front of the building which is similar in appearance to the terraced properties further along Doncaster Road to the West. Landscaping is to be provided on site and full details of the landscaping should be secured by condition.

The proposed re-use and renovation of this vacant building would improve the visual amenity of the area and would secure the future of the building. The proposed changes to the building are not considered out of character with the existing building or the surrounding area and subject to the use of high quality, matching materials, is acceptable in terms of design and visual amenity in accordance with policy D1 of Local Plan.

Ecology/Biodiversity

The previous application 2019/1572 was dismissed at appeal due to the absence of a comprehensive ecology/bat survey and an agreed mitigation strategy. The Inspector concluded that in the absence of these documents, that the scheme would be harmful to bats. The applicant has now submitted a Preliminary Roost Assessment by Brindle and Green dated March 2021 and a Protected Species Report by Brindle and Green dated November 2021 which includes a mitigation strategy.

The Preliminary Roost Assessment states that was no evidence to suggest that breeding birds have previously occupied the building during the external and internal inspection of the building, however the assessment was undertaken outside of the breeding bird season. In terms of bats, the building was assessed to have low suitability to support roosting bats and no evidence of previous bat activity was recorded during the assessment

The Council's Ecology Officer has been consulted and states that:- 'The Ecology Reports submitted details surveys carried out in the interest of protected species within the application site. These include a detailed building inspection and emergence/re-entry surveys undertaken

to consider roosting bats and an assessment of the building and habitats on site in regard to breeding birds. I am satisfied those surveys have been undertaken to the recommended guidance and by appropriately qualified ecologists.'

The Ecology Officer has stated that a protected species licence, obtained from the relevant statutory body, will be required to allow proposed works to commence. Vegetation clearance should take place outside of the breeding bird season (March – August inclusive) or following checks by an appropriately qualified ecologist, where active nests have been identified as absent. A Biodiversity Net Gain assessment will not be required to support the application; however, a Biodiversity Enhancement Management Plan (BEMP) should be conditioned as part of a planning permission and should detail measures with the aim of enhancing biodiversity on site, with amenity areas including native shrub planting and borders of wildflower seeding, where possible and the provision of bird nesting boxes onto structures within the site. The mitigation measures and a BEMP shall be conditioned as part of any approval. The proposal is therefore acceptable in terms of impact upon Biodiversity, subject to conditions in accordance with policy BIO1 of the Local Plan and the SPD.

Recommendation

Approve subject to conditions and a Section 106 Agreement which requires a contribution of £4,500 in accordance with the SPD Sustainable Travel and Local Plan Policy T3.

- 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 (Nos J19-021 A-101 Rev A, J19-021 A-102, J19-021 A-201 Rev A, Design and Access Statement by Jump Architects, J19-021, Preliminary Roost Assessment by Brindle and Green dated March 2021, Protected Species Report by Brindle and Green dated November 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 The alterations to the external appearance of the building shall be made good using materials matching those of the existing building.

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, 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.

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

- 5 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the building 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'.

- 6 The development shall be undertaken in accordance with the recommendations, construction timings and specifications within the Preliminary Roost Assessment by Brindle and Green dated March 2021 and the Protected Species Report by Brindle and Green dated November 2021.

Reason: To safeguard the potential bat roosting habitats and nesting birds, in accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity.

- 7 Upon commencement of the development, a Biodiversity Enhancement Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall details measures, including a timetable for implementation, with the aim of enhancing biodiversity on site, with amenity areas including native shrub planting and borders of wildflower seeding, where possible, and the provision of bird nesting boxes onto structures within the site. The details shall be implemented in accordance with the approved timetable.

Reason: In accordance with Local Plan Policy BIO1: Biodiversity and Geodiversity

- 8 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.

Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 9 The parking/manoeuvring facilities indicated on the submitted plan shall be provided prior to the development being brought into use and shall be retained for that sole purpose at all times.

Reason: To ensure that adequate parking and manoeuvring facilities are provided for the development in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 10 Prior to the first occupation of the development hereby permitted, visibility splays 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 1m above the level of the adjacent highway carriageway.

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

- 11 Upon commencement of the development, a scheme for the secure parking of bicycles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

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

- 12 Upon commencement of construction works, details of electric vehicle charge point(s) (EVCPs) shall be submitted and approved in writing by the LPA. The EVCP(s) 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.

- 13 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.

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

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

PA Reference:-

2021/1656



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Ref 2021/1332

Applicant: Mr S Peters (Network Space)

Proposal: Erection of 9,180sqm employment unit for use classes E(g)(ii), E(g)(iii), B2 and B8 - Application seeking the approval of access, appearance, landscaping, layout and scale reserved matters pursuant to outline planning permission 2018/0864

Site Address: Plot 3 Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB

No representations have been received from any local residents.

Site Description

The application site comprises of a vacant development plot at Ashroyd Business Park, which is located off Ashroyds Way and Ryecroft Bank in the Upper Hoyland/Platts Common part of Hoyland, south of the A6195 Dearne Valley Parkway. It is approximately 2.7 ha in area.

The business park is well established. Roads and other infrastructure systems are in place and plateaus to create ready-made development plots. The site is known as plot 3 and forms the Southwest segment of Ashroyd Business Park.

The business park connects with the A6195 Dearne Valley Parkway via Ryecroft Bank which provides direct access to J36 of the M1 Motorway.

The site is a relatively flat rising up gently from north to south, but is set at a lower level than the dwellings to the south and west and is separated from them by an embankment with mature trees and vegetation which screens the existing dwellings that boarder the site to a large degree. Of the properties adjacent the site,

There are 4 dwellings that neighbour the site on its western side comprising no 1, 3 and 8 Stone Hill Close, and 103 Upper Hoyland Road. Of these 4 dwellings, only numbers 1 (single storey) and 3 (two storey) face the site directly, with the other dwellings being positioned sideways on, or at an angle to the site (number 103 Upper Hoyland Road and 8 Stone Hill Close). All are relatively screened from the site by an existing bund and a landscaping belt of vegetation which has become very mature and well established.

Other dwellings which view the site are located on Upper Hoyland Road and are also relatively well screened by existing vegetation. Those on Hawshaw Bank have side elevations facing the site. An access point is already constructed in the eastern part of the site to connect with Ashroyds Way, the internal industrial estate road. The roads have been created to provide appropriate access for a range of vehicles as befits a business park location.

There are also public rights of way bordering the site to the west and south. To the north and east are buildings connected with the existing business park.

Planning History

B/99/0342/HN - Construction of infrastructure to site including roads, plateaus drainage, services and landscaping. Granted 25th September 1999.

2018/0864 - Development of the site for employment uses within use classes B1 (B) Research and Development, B1(C) Light Industrial, B2 General Industrial and B8 Storage and Distribution with ancillary offices 9,180m² GEA and associated access, parking and circulation areas, infrastructure and landscaping (Outline with all matters reserved). Granted on 3rd October 2018.

The site is adjacent the land which was subject to the Ashroyd and Shortwood Business Park Hoyland Local Development Order that was in place between January 2013 and April 2018 with various permissions for large employment uses.

Proposed Development

The application seeks approval of reserved matters (namely layout, scale, appearance, landscaping and means of access) for a speculative development of one single large employment building.

The unit would have a total GIA of 8,361m² 90,000 ft²/ internal floor area with 5% ancillary offices (418sqm) at first floor, the same as the outline approval.

The proposed building would be approximately 101m long on the western side (110m on the eastern) and 79m wide with a height of 12m to underside of haunch with an eaves of 13.75m.

The service yard would lie to the east of the building with 2 HGV turning areas, storage areas, docking points, level access doors and bin stores. Car parking would be to the south with 110 no parking spaces including 5 no disabled, again as set out in the outline permission, and 10% EV charging points, with provision for 6 no motorcycle and 16 no cycle parking spaces plus an external seating area. A sprinkler tank (to aid onsite firefighting in the event of a fire) will be located in the western end of the car park, directly adjacent to the proposed building. 24 hour use is proposed. Colours are proposed to be pale grey and light grey profile cladding with anthracite metal details, roof in goosewing grey. These colours are similar to that of other units in the vicinity.

The layout plans show the existing access point from Ashroyds Way would be retained with a pedestrian crossing provided.

Existing landscaping would be retained as set out in the approved parameters plan and a proposed landscape scheme has been submitted with additional planting and ecological mitigation as required by outline conditions.

Policy Context

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

The site is allocated for employment development in the Local Plan and therefore the following policies are relevant:

Policy ES18 Ashroyd 8.9 Ha Part of the Sheffield City Region Enterprise Zone

- Will be expected to retain the young plantation woodland on the periphery of the site
- Archaeological remain may be present on the site therefore proposals must be accompanied by an appropriate archaeological assessment,

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

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

LG2 Location of Growth

E1 Providing Strategic Employment Locations

Policy E2 The Distribution of New Employment Sites

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

Other relevant policies include:-

- D1 - High Quality Design and Place Making
- T3 - New Development and Sustainable Travel
- T4 - New development and Transport Safety
- T5 - Reducing the Impact of Road Travel
- D1 - High Quality Design and Place Making
- CC1 - Climate change
- CC2 - Sustainable Design and Construction
- CC3 - Flood Risk
- CC4 - SUDS
- BIO1 - Biodiversity and Geodiversity
- HE6 - Archaeology
- RE1 - Low Carbon and Renewable Energy
- SD1 - Presumption in favour of Sustainable development

Adopted Supplementary Planning Documents

Residential Amenity and the siting of buildings

Biodiversity and geodiversity

Sustainable travel

Parking

National – National Planning Policy Framework

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 an up to date development plan should be approved without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraphs of particular relevance to this application include 81 which states that *'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'*.

Consultations

Biodiversity – An ecological mitigation and enhancement strategy has been submitted proposing bird and at boxes together with a landscape scheme which includes planting of native species and wildflower grasses as well as ornamental plants. There are no objections, however, any lighting scheme should minimise impacts on bats and other nighttime species. Conditions are recommended.

Coal Authority – No objections subject to the imposition of a standing advice informative

Enterprising Barnsley -Enterprising Barnsley has been working with the applicant over a number of months and fully support the application and development of speculative units that are much needed to generate economic growth in the borough.

Highways Drainage - No objections.

Highways – No objections subject to conditions

Forestry - No objections

Pollution Control – No objections subject to conditions

PROW- No objections

SFSY – Gigabit capable broadband is required

SYMAS – No objections as there as no historic legacy issues affecting the site.

YW - No objections.

Representations

The application was advertised by site and press notice and neighbour notification letters were sent to 74 properties nearby. No representations have been received.

Assessment

Principle of development

The development of the site for employment purposes is in accordance with site specific allocation policy ES18 of the Local Plan and the existing outline planning permission (reference 2018/0864) which was granted on 3rd October 2018. The site is located in the Hoyland Principal Town area and so the proposal also accords with policies Policy E1 Providing Strategic Employment Locations, Policy E2 The Distribution of New Employment Sites and LG2 The Location of Growth.

In addition, the specified range of uses, E(g)(ii), E(g)(iii), B2 and B8 accords with Local Plan policy E3 Uses on employment land.

Indicative layout and parameters options plans were approved at the outline stage to guide the design of the reserved matters proposals. In addition, the outline planning permission contains a large variety of conditions which will be applicable when the development is carried out. The details to be considered in these reserved matters proposal relate to layout, scale, appearance and landscaping only with the principle of development already established.

Design and visual impact considerations (layout, scale, appearance and landscaping reserved matters)

The layout closely resembles the approved indicative outline plan in terms of option B and would be accessed for the existing site access from Ashroyds Way with one large building of 8361 sqm with 418 sqm of ancillary offices. The service yard lies to the east with 8 no dock doors and 3no level access service doors. Acoustic barriers are proposed to protect residential dwellings to the south from noise impacts. The building itself will act as a substantial acoustic barrier for dwellings to the west. 110 no parking spaces are proposed with 10%, 16 spaces for cycle parking, 8 no motorcycle parking and 5 no disabled spaces. 10% of the car parking spaces will have EV charging points. The service yard will be surrounded by a 2.4m paladin fence in black.

Whilst it would usually be preferable for service yards to be to the side or rear of a building and be less visible, in this case the layout with the service yard to the front of the site would ensure that at the building acts as a visual and noise barrier to the service yard on the east of the building. The layout closely matches option B of the approved outline plans.

In relation to scale the proposed building would represent another large-scale addition to Ashroyd Business Park. However, the site is large enough to absorb the development considering its surroundings which are large and spacious and already include several large buildings. The unit would sit at a lower level than the dwellings to the south and west and would site well in the landscape when viewed from that direction, being screened by existing bunds and vegetation.

The scale of the building is as set out in the indicative plans at outline stage based on an underside of haunch height of 12m, 13.75m to eaves and a height to ridge of 18.5m. Floorspace is 8,779 sqm. That is a close match to the indicative plans approved at the outline stage and is considered to be relatively in keeping with the two larger existing units on Ashroyd Business Park (Euromax Solutions and Universal Components) in terms of scale. Local Plan policy GD1 'General Development' is relevant therefore which requires proposals to be compatible with neighbouring land.

In appearance terms the design proposed is in accordance with modern architectural principles for this form of development and would complement the permitted sites already on the Ashroyd Industrial Estate.

Materials and colours are proposed to be similar to the surrounding units that were recently built by the applicant comprising horizontally and vertically laid metal cladding panels with feature composite clad corners in grey finish. The office accommodation will predominantly use composite cladding with strip glazing. The main entrance of the unit is located on the South East corner would have full height feature glazing.

This would all aid with integrating the development with the local area and provide a high-grade setting for the development and its workforce.

Overall, elevation plans would complement the other units within the business park and present a high-quality modern finish expected by future users and is considered to meet Local Plan policy D1 High Quality Design and Place Making.

In relation to landscaping the existing boundary landscape buffer of trees and mature vegetation that is located around the northern, western and southern edges of the site is to be retained which will maintain significant screening to nearby residential dwellings. In addition, a landscape scheme has been submitted which includes:-

- a woodland and heavy shade wildflower grassland to provide a soft and visually attractive edge to the site's boundaries. This will also increase the sites biodiversity and enhance ecological value
- A mix of ornamental and native tree planting will provide structure along the access road by providing height and structure to the proposed landscape.
- A native hedge would screen the car park with together with a mix of evergreen shrubs arranged in groups to create a bold and striking statement to the sites entrance and car park.
- Specimen shrubs to add architectural form and to break up the transition from low to medium height shrub planting. Species have been selected based on their suitability to the site, resilience, performance, and seasonal interest.

The maintenance of the existing boundary vegetation and enhancement of the site with both native and ornamental planting provide an appropriate mix and will create an attractive soft landscaped space around the building within the business park. The native species will also add ecological value, enhancing biodiversity and provide nesting and habitat opportunities for birds, small mammals, and invertebrates. The proposal is therefore compliant with Local Plan Policy BIO1 on this point and satisfies the requirement of enhanced landscaping in the Dearne Valley Green Heart Nature improvement area.

Residential Amenity

Notwithstanding the approved plans at outline stage and the outline condition 3 which states that the proposed layout should be in general accordance with the approved outline plans, the application must also be assessed against up-to-date policies and adopted guidance.

As explained at the outset there are 4 dwellings located in relatively close proximity to the proposed building comprising no 1, 3 and 8 Stone Hill Close, and 103 Upper Hoyland Road. Of these 4 dwellings, only numbers 1 (single storey) and 3 (two storey) face the site directly, with the other dwellings being positioned sideways on, or at an angle to the site (number 103 Upper Hoyland Road and 8 Stone Hill Close).

The adopted Supplementary Planning Document titled "Residential Amenity and the Siting of Buildings" states in 2.3 that a development must "not cause undue loss of amenity to existing residents. In this respect outlook, amenity, privacy, and daylight/sunlight are considered.

In this respect, whilst the eaves (the height of the outer side elevation of the building excluding the roof) is approximately 14m which would be similar the height of a 3 storey building, it would be set slightly lower than the dwellings on the lower plateau and the intervening would provide a high degree of screening. Further assessment of the proposal demonstrates the following:

Daylight/sunlight – It has been demonstrated that the height of the building when viewed from the ground floor windows from the nearby dwellings that the 25-degree rule would not be exceeded and therefore adequate sunlight/daylight would be provided in compliance with para 3.2 of the SPD.

In considering separation distances the SPD at Para 3.7 states that any building at 3 storey height should be a minimum 30m from the windows of any habitable room in any nearby dwelling or the distance required by the 25 and 45 degree rules for access to daylight, whichever is the greater and the depth/bulk of the building taken into account. The larger the building footprint the greater the distance should be from existing dwellings. For example, a building more than 20m long or wide behind or in front of the main windows to the habitable rooms of a dwelling should be a minimum 35m away.

As stated above the 14m height of the western side elevation is akin to the height of a 3 storey building. Amended plans have been received which have increased the separation distance to be further away from the existing dwellings positioned adjacent to the western boundary of the site. The separation distance is now in excess of the 35m distance recommended in the SPD in the case of the two dwellings which directly face the site, Nos 1 and 3 Stone Hill Close.

The overall width and height of the building is acknowledged (approximately 102m on the western side) and a maximum of 18.5m in height overall at the centre point of the roof. As such the proposal still has the potential to be overbearing from the perspective of each 4 of those properties; Nos 1 and 3 Stone Hill Close because they face the proposed new building directly and for Nos 8 Stone Hill Close and 108 Upper Hoyland Road because even though they are both angled the width is so large that the building would sit forward of the outward 45 degree line front the front and rear windows of those two dwellings. Nevertheless, the existing bund and now very established landscaping belt of vegetation is to be retained and will significantly reduce this impact on outlook which will be reduced further by the difference in levels.

In addition, cross section plans have been supplied which demonstrate that the new building would be positioned far enough away and on a ground level low enough to avoid the development interfering with the upward 25 and 45 degree lines. Therefore, whilst the building is 18.5m high in the centre that is at a distance of approximately 75m from the rear of the rear elevations of Nos 1 and 3 Stone Hill Close. On balance therefore it is considered that adequate sunlight/daylight would be provided and that whilst some harm to outlook and residential amenity would occur that would not be at a level that would substantiate the application being refused.

The separation distance is nearer the case of 33m to 103 Upper Hoyland Road but that is to the nearest point of the dwelling and is not taken from the rear elevation which is positioned at an angle to the proposed building. When the distance is measured in a straight line from the rear elevation of No.103 the separation distance to the building increases to over 45m and it is built on a considerably higher land level (approximately 7m) compared with the application site which would have the effect of reducing the visual impact of the development by a considerable margin.

However, the large size of the building would result in some loss of outlook from those 4 properties leading to some loss of residential amenity. That harm needs to be afforded moderate assessment weight therefore in the overall planning balance having regard to that being one of the assessment criteria listed within local plan policy GD1 General Development.

Other dwellings which view the site are located on the other side of Upper Hoyland Road and are also relatively well screened by existing vegetation. Those on Hawshaw Bank have side elevations facing the site (nearest 36m). All of those are located in more distant locations from the site on a higher ground level that is similar to No 103 Upper Hoyland Road.

In terms of privacy the windows on the southern elevation serving the office block would be limited to two storeys. The windows would be located over 40m from the nearest dwellings at Hawshaw Bank which are side onto the side and are at a much higher level. In addition, the bund and vegetation provide screening. It is therefore determined that no harmful levels of overlooking would occur.

In relation to noise impacts a noise assessment has been submitted. The proposed layout would result in the buildings screening the service yards to large degree and the assessment concludes that noise levels at all receptor dwellings are predicted to be below noise intrusion thresholds during both daytime and night-time operations. The Pollution Control Officer has no objections, subject to conditions. Subject to these conditions the development is considered acceptable taking into account of Local Plan Policy POLL1

Access and Highways Safety

The proposed site access is taken from an existing bell mouth which was adopted as public highway in 2021 via a Section 38 Agreement. Swept paths have been provided which demonstrate that the access and service yard operate satisfactorily for a 15.5m articulated HGV design vehicle. The plans also show 110 no parking spaces, 5 no disabled, 6 no motorcycles space and 16 no cycle parking spaces which is in line with the provision requirements for the size of the development proposed.

Under the outline application, the impacts of the development traffic on the surrounding highway network were assessed by transport modelling undertaken as part of the Transport Assessment. Furthermore, the outline application was supported by the provision of an Interim Travel Plan, with a detailed Travel Plan required by condition (11) to be submitted for approval within six months of the site becoming operational. The Highways Development Control Group Leader confirms there are no objections subject to conditions. The application is therefore compliant with Local Plan Policy T3 and T4.

Other considerations

Air Quality

The site is not located in an air quality management area. An interim Travel Plan submitted at the outline stage proposed that the final travel plans should contain commitments to promoting sustainable travel. Provision for cycle parking is proposed and 10% of the parking spaces shall be provided with EV charging points in accordance with the Councils best practice guidance and adopted SPD Sustainable Travel.

Biodiversity

An ecological mitigation and enhancement strategy has been submitted proposing bird and bat boxes together with a landscape scheme which includes planting of native species and wildflower grasses as well as ornamental plants. There are no objections, however, any lighting scheme should minimise impacts on bats and other night time species. A condition is proposed.

Public Rights of Way

The Public Rights of Way Officer has confirmed that the proposal would not have any direct impact on the footpath to the east which links the industrial estate to the residential areas to the south. The proposal will not physically impact upon the public rights of way to the south of the site. However, an informative is proposed to advise of precautions during the construction phase.

Archaeology

Site specific policy ES18 states that Archaeological remains may be present on the site meaning that proposals should be accompanied by an appropriate archaeological assessment. The site covers only part of the ES18 allocation, and it has been clarified that the major earthworks undertaken in 2005 to create the development platform removed all the topsoil and either cut around 5m into the ground (Southern part of site) or filled up to 6m depth (Northern part of site). At the time there were no discoveries of any items of archaeological interest during those works. As a result, the proposal is in accordance with ES18 and HE6.

Planning Balance

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is allocated for employment use in the Local Plan (policy ES18) and the principle of the proposed use was established through extant outline planning permission 2018/0864. The site is located in the Hoyland Principal Town area and so the proposal also accords with policies Policy E1 Providing Strategic Employment Locations, Policy E2 The Distribution of New Employment Sites and LG2 The Location of Growth.

The development would lead to significant investment and new employment opportunities at both the construction and operational stage. Enterprising Barnsley fully support the application and development of speculative units that are needed to generate economic growth in the borough.

In addition, the specified range of uses, E(g)(ii), E(g)(iii), B2 and B8 accords with Local Plan policy E3 Uses on employment land.

The proposed development is acceptable in every aspect associated with the principle of development and land use planning policy considerations which attracts substantial weight in favour of the proposal.

The National Planning Policy Frameworks is another important material consideration related to this case, in particular paragraph 81 which states that *'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'*. This point attracts significant weight as a further material consideration, therefore.

This particular application is seeking approval for the layout, scale, appearance, landscaping and access reserved matters that follow on from existing outline planning permission 2018/0864. Essentially therefore the application is about seeking the acceptability of the plans in relation to important material planning considerations including the impact of the development on residential amenity, visual impact, highways considerations and trees and biodiversity having regards to the other relevant policies of the Local Plan (GD1, D1, BIO1, T3 and T4) and the more detailed requirements of the relevant Supplementary Planning

Documents (Residential Amenity and the siting of buildings, Biodiversity and geodiversity, Sustainable travel, Parking).

The assessment of the plans has taken into account that the proposed layout and scale of the site is very similar to the indicative plans approved at outline stage in terms of option B. In addition, the building is designed to modern architectural principles and would complement other employment units on the business park which are of similar size. The plans are therefore also acceptable in appearance terms and are considered to comply with local plan policy D1 and most of the criteria associated with GD1.

However, a very important part of the assessment has been carrying out an assessment of the scale and location of the proposed building in relation to existing dwellings which neighbour the site to the west and likely impact on residential amenity due to the width of the building being approximately 120m wide on the western side adjacent to existing dwellings, 14m to eaves and 18.5m in total. The Residential Amenity and the Siting of Buildings has been used as the main assessment guidance to determine those impacts. The building is set a slightly lower level than the few adjacent dwellings and as a result, is able to meet the 25-degree threshold for daylight and sunlight, and the threshold for separation distance to habitable rooms. In addition, amended plans have been received which mean that a separation distance of in excess of 35m is retained to the two existing dwellings which directly face the site (Nos 1 and 3 Stone Hill Close) and that suitable relationships with exist with the other two nearest dwellings Nos 8 Stone Hill Close and 103 Upper Hoyland Road. It has also been assessed that the development should not give rise to harm to the other dwellings in the vicinity including those on Upper Hoyland Road that are further away than 103 and Hawshaw Bank due to the increased separation distances and those dwellings being situated on a higher ground level.

Whilst the proposal meets the thresholds set out in terms of daylight/sunlight levels and the upward 25 and 45 degree lines in relation to all neighbouring dwellings, and there are no objections in relation to noise or other impacts, the scale of the building could still have a significant impact on outlook for Nos 1 and 3 Stone Hill Close and 103 Upper Hoyland Road taking into account of its overall width and height. This will be tempered by the separation distances, the levels differences and intervening existing tall trees and substantial vegetation which screen the site to a significant degree, even in the winter months. This screening effect is enhanced due to the vegetation being on a raised bund to the rear of the dwellings, before falling away to the development platform at a lower level. No objections have been received from any local residents. However, the large size of the building would result in some loss of outlook from those properties leading to some loss of residential amenity. That harm needs to be afforded moderate assessment weight therefore in the overall planning balance in relation to local plan policy GD1 General Development.

A noise impact assessment has been submitted and the Pollution Control Officer is satisfied there will not be any significant impact on amenity, subject to planning conditions. Air quality measures in the form of 10% EV charging points and cycle parking are proposed. Highways are satisfied subject to planning conditions. No other consultees have raised any objection and no objections have been received from local residents as a result of publicity for the proposal. The proposals are acceptable in relation to other local plan policies and SPD's therefore including T3, T4, Poll1 and the Sustainable Travel SPD.

Existing trees and mature vegetation on the boundary are to be retained and would provide a significant level of screening into the site. A detailed landscape scheme is proposed which will provide a high-quality setting with native trees, shrubs, and hedgerows, thereby enhancing the visual aspect of the proposal and the biodiversity and ecological value. Ecological enhancements are proposed. The proposal is therefore compliant with Local Plan

Policies GD1 and BIO1 on this point and satisfies the requirement of enhanced landscaping in the Dearne Valley Green Heart Nature improvement area.

In addition to the above the proposal has been assessed in relation to other material considerations including the highways implications, drainage, coal mining risk and public rights of way and is considered acceptable in relation to each of those areas subject to the imposition of suitably worded conditions and informatives.

In summary the proposal is considered to be in accordance with the main development plan policies that are relevant to the proposal (most notably Local Plan policies ES18, E2, E3, D1, BIO1) in that it would lead to the provision of an employment unit on a site that is allocated for that purpose in the Local Plan. The development would result in substantial economic investment and potential employment opportunities and would deliver the other benefits mentioned above. The assessment has identified that the development would result in some loss of outlook from four existing dwellings leading to some loss of residential amenity. That harm needs to be afforded moderate assessment weight therefore in the overall planning balance. However, the amount of harm that would occur to residential amenity through loss of outlook and building massing would be tempered taking into account of the some of the mitigating circumstances involved including the separation distances, the levels differences and the existing bund and vegetation which is very established. As such it is considered that the level of harm would be moderate and would be far outweighed by the other areas of development plan compliance and the economic benefits of the development which are afforded substantial weight. The recommendation is one of approval therefore subject to the conditions listed below.

Recommendation – Grant approval of reserved matters subject to conditions

Proposed conditions:-

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

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

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

Location Plan 14698A-120 REV A

Existing Site Plan 14698A-121 REV A

Existing Sections A, B, C 14698A-122 REV A

Existing Sections D & E 14698A-123 REV A

Proposed Site Plan 14698A-125 REV D amended plan recd 24/05/22

Proposed Elevations 14698A-127 REV B amended plan rec'd 24/05/22

Proposed Section A SK08A House No. 8 recd 24/05/22

Proposed Section B SK103A House No. 103 recd 24/05/22

Proposed Section C SK103A House no. 03 recd 24/05/22

Proposed GA Plan

Proposed Roof Plan

Proposed Building Section 14698A-129

Proposed Fence Details 14698A-131

Proposed Cycle Details 14698A-132

Landscape Plan – Vector Landscape Architects V14698A- L02D

Preliminary Levels Design William Saunders 10770 - WMS - ZZ - XX - DR - C - 39502 - S3 - P

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. (i) During the construction phase, 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.

(ii) During the construction phase, 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

4. Prior to the commencement of development (including construction, landraising and demolition), a Construction Environment Management Plan (CEMP) shall be submitted to, and approved by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved document

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

5. Prior to the development being brought into use, details of the fixed building services plant associated with the proposed development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. The plant proposed shall not be audible from the site boundary at any time during operation.

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

6. Prior to the development being brought into use, the mitigation measures described in report 'Plot 2 Noise Impact Assessment' produced by Tetra Teck Ltd dated September 2021, ref: 784-B032011, shall be implemented in full in accordance with details to 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 and maintained thereafter and not altered without the prior permission of the Local Planning Authority.

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

7. The parking/manoeuvring facilities 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 are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

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

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

9. Notwithstanding the information provided on the preliminary levels design plan ref 10770-WMS-ZZ-XX-DR-C-39502-S3-P2, vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: In the interests of Highway Safety and in accordance with Local Plan Policy T4

10. The ecological mitigation and enhancement measures set out in the ecological mitigation enhancement scheme (including external lighting) by Smeeden Foreman shall be implemented in full in accordance with details to 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 and shall be retained thereafter.

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

11. 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.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the locality.

12. Upon commencement of construction works, details of the 12no electric vehicle electric vehicle charge points to be provided shall be submitted and approved in writing by the LPA. The EVCP 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 development is provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

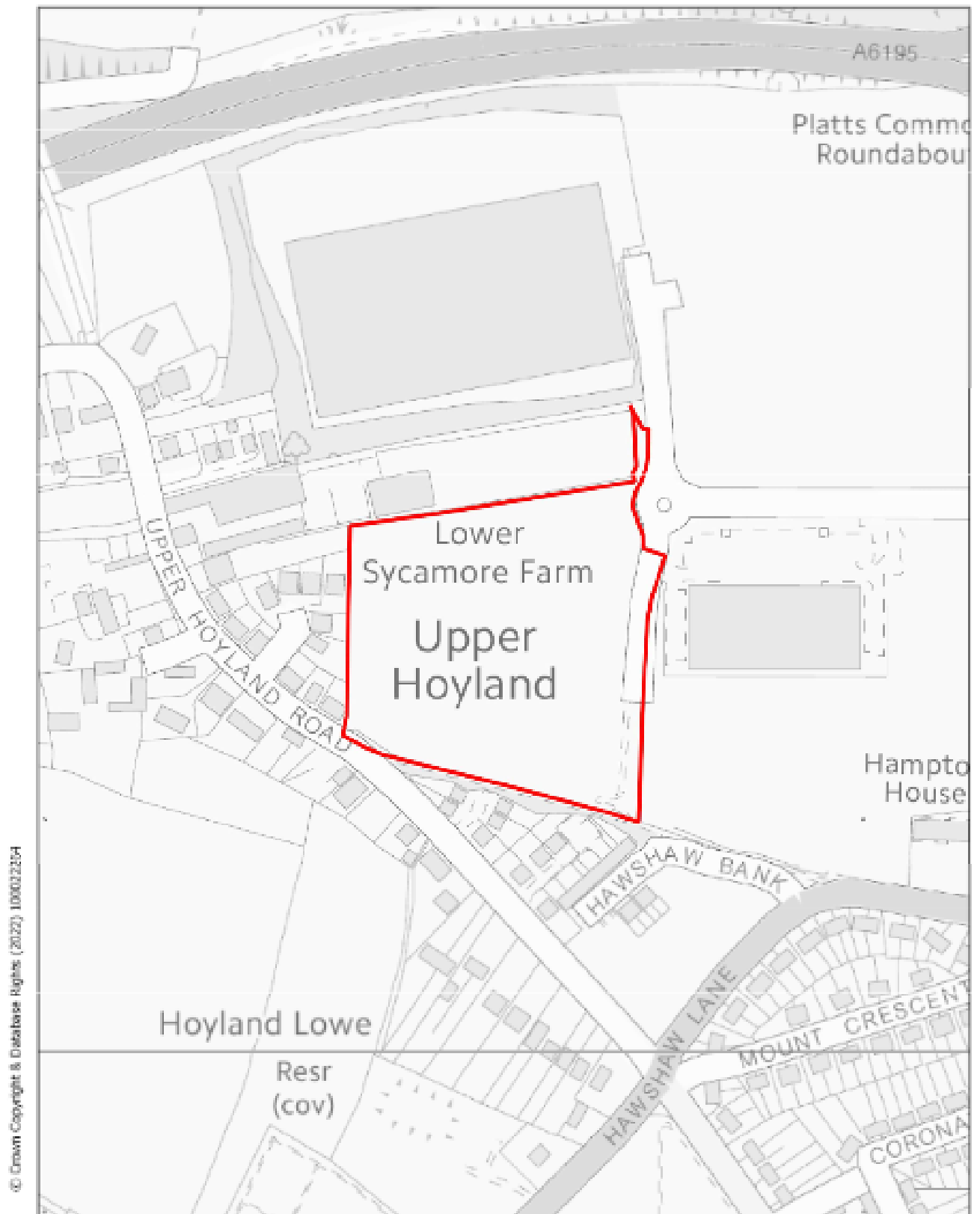
13. 13. No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run off and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning

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

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

PA Reference:-

2021/1332



BARNSELY MBC - Regeneration & Property



Scale: 1:2731

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2021/1519

Applicant: AAA Property Group Ltd and Cicely Anne Cowgil

Description: Residential development of up to 19 dwellings and associated works (Outline with all matters reserved apart from means of access)

Site Address: Land to north of Upper Hoyland Road, Hoyland, Barnsley, S74 9EP

5 letters of objection have been received from local residents. The recommendation is the subject of a proposed S106 Agreement.

Site Location & Description

The site is irregular in shape and measures approximately 0.6Ha. It is currently predominantly laid to grass and consists of a paddock which is used for horse grazing purposes. It is enclosed on all sides by trees and hedgerows. The site slopes down from the southern boundary towards the northern boundary. There is an existing vehicular access into the site positioned in the south western corner from Upper Hoyland Road, which is shared with a farm access and is also a Public Right of way that crosses above the Dearne Valley Parkway on a bridge.

The site is bounded by the Dearne Valley Parkway (A6195) to the North, large sized commercial/industrial units, accessed from Ashroyds Way, to the East and residential properties to the South and West. Along the Western boundary is the farm access and Public Right of Way which separates the site from a recently constructed development of 14no. detached and semi-detached, 2 storey stone-built dwellings.

Proposed Development

The applicant seeks outline permission for a residential development of up to 19 dwellings. All matters of detail have been reserved with the application apart from means of access.

An indicative site plan has been provided to show how the future development could be laid out, including the provision of an on-site surface drainage attenuation facility positioned in the North Western corner. The indicative plan only shows only 18 dwellings, as a mix of detached, semis and terraces. The 19th dwelling could be accommodated by subdividing one of the larger detached units.

Existing boundary hedges and trees are shown to be retained on the indicative layout plan and it also includes an acoustic fence on the northern boundary adjacent to the Dearne Valley Parkway.

Policy Context

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

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

H1 The Number of New Homes to be Built

H5 Residential Development on Large Non-allocated sites

H6 Housing Mix and Efficient Use of Land

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools

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 an up to date development plan should be approved without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

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.

Para 126 - 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

Drainage – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Affordable Housing – No objections subject to securing 10% affordable housing provision on site (based upon the indicative dwelling numbers 2no. affordable rent units would be required)

Air Quality Officer – No objections subject to a condition securing electronic vehicle charging points for the future dwellings.

Regulatory Services – Accept the findings of the noise survey and agree that the development should be carried out with the recommended mitigation measures. Conditions are also recommended to limit noise and disturbance during the construction phase.

SYMAS – No objection subject to the imposition of the Coal Authority standing advice for the parts of the Borough that are located outside of the high risk referral areas.

PROW – No objections subject to the imposition of an informative.

Education – Confirm that the development is required to contribute towards primary and secondary school places (cost based upon the indicative proposal would be £112,000).

Super-Fast South Yorkshire – No objections subject to condition requiring gigabit-capable full fibre broadband.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (22no. in total). 5 letters of objection have been received as a result. The main points of concern are:

- The condition of Upper Hoyland Road is already poor
- Access to the site could result in highway safety issues given its location
- Access to the site is on a bend
- Upper Hoyland Road already suffers surface water during heavy rainfall
- Increase in vehicular movements

Assessment

Principle of Development

The site is in the Hoyland Principal Town area and is designated Urban Fabric in the Local Plan. It is also within the Dearne Valley Green Heart Nature Improvement Area.

Relevant policies include SD1 Presumption in Favour of Sustainable Development, LG2 The Location of Growth, H1 'The Number of New Homes to be Built, H2 The Distribution of New Homes, GD1 General Development and H5 'Residential Development on Large Non-allocated sites.

The significance of the site being located in the Hoyland Principal Town area is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The delivery of up to 19 homes would make a significant contribution towards the overall new homes target in the Local Plan (policy H1). The site is not the subject of a specific allocation policy, but the urban fabric designation allows for development to take place on the site and means that it is not protected subject to an assessment against policy GD1 and other relevant development plan policies.

The proposal would therefore classify as a type of windfall development which is a part of the Council's 5 year housing land supply as is permissible within the National Planning Policy (NPPF paragraphs 70 & 71). The most up to date supply note April 2021-March 2026 published December 2021 assumes that an average number of 29 windfall allowance dwellings shall be built per annum and so the development would contribute with helping that number is sustained. Indeed, the site is located immediately next to a recently completed residential windfall development of 14no dwellings on the western side of the site (planning permission 2018/0447) and there is also another housing development nearing completion to the South West for 7no. dwellings (planning permission 2018/1264).

The site is greenfield at the present time and of a pleasant character comprising a small paddock type field that has vegetation located around the edges. However, it is relatively small in size and is neighboured by the built environment on all four sides. The proposed development would therefore be of an infill nature that would be compatible with its surroundings which is a requirement of policy GD1.

In addition to the above it is considered that there are no special factors that would warrant a stance to protect the site from development in that it is not the subject of any statutory designations and is neither designated as Green Belt, nor Green Space in the Local Plan. Furthermore, the site is in private ownership with no public access (apart from the public right of way that passes alongside the site) and it is relatively well hidden not providing any wider landscape, heritage or public value as has been evidenced by the technical reports that have accompanied the application. No net loss of biodiversity is still required but this can be secured via a S106 Agreement.

The Local Plan does also contain policy H5 relating to residential developments on large non allocated sites amongst the suite of policies. To term the site large in scale seems overly punitive because at 0.6ha it is only 0.2ha above the stated threshold for small non allocated sites where no specific criteria apply beyond the General Development policy GD1. In addition, the site area of 0.6ha is below the 1ha threshold for major developments on site area alone. However with such sites that are above the 0.6ha threshold Policy H5 looks to ensure that the following assessment criteria are applied:-

Proposals for residential development on sites above 0.4 hectares which are not shown as housing sites on the Policies Map will be supported 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 application is accompanied by a planning statement which explains how the site proposal relates against that particular policy. The site is not previously developed, but as has been established already the urban fabric designation allows for development to take place on such land and it is in priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. That point is outweighed therefore especially given the need for suitable windfall sites to contribute towards housing supply and delivery which this is considered to be given the built environment surroundings and is urban infill nature.

Policy H5 goes onto to state the recommended criteria for the distance to the core public transport network is 400m and that facilities such as schools, doctors, shops and services should be located within 800m. The planning statement and transport statement explain that the site is located 700m

from the nearest bus stops which are south of the site across the Upper Hoyland Road junction with Hawshaw Lane and 850m south east on Hawshaw Lane/Croft Road, with Elsecar Train Station being 2.5km away. In addition, the nearest primary and secondary schools and supermarket are located 1.2km-1.4km away with Hoyland Town Centre being 1.7km away. Those are all distances that are slightly further away than is advocated by policy H5 and therefore it should be acknowledged that the proposals are not strictly in accordance with the desired distances set out within the policy and H5 as a whole. However, the site does have a lot of sustainable development credentials in its favour and so adopt a stance that the site is in an unsustainable location would be unjustifiable taking into account its overall locational context as a site that is neighboured by the built environment on all sides including the Dearne Valley Parkway and would be an infill form of development. The site is very close to both the older and new units at Ashroyd Business Park, Platts Common Industrial Estate, Shortwood Business Park and the Hoyland North Masterplan area/Gateway 36 and so benefits from good accessibility to local employment facilities. In addition, the public right of way passes immediately in front of the site and so the site benefits from access to those employment sites on foot and for recreation purposes. Overall, therefore in relation to policy H5 specifically it is considered that the areas of conflict should only be afforded limited weight and would not outweigh the benefits of allowing the development that have been explained in the above paragraphs. Furthermore, it is considered that the other areas of local plan compliance assume greater and more substantial weight (i.e. compliance with policies LG2, H1, H2, GD1 and therefore SD1 Presumption in Favour of Sustainable Development).

Policy H6 'Housing Mix and Efficient use of land' is also relevant which states;

Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population.

Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

A density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages.

The proposed indicative plan shows there is the potential to provide a mix of house size, type and tenure. The density proposed is approximately 32 dwellings per hectare which falls short of the 40 dwellings per hectare required in Urban Barnsley and Principal towns. However, Policy H6 does go on to state;

Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons.

In this case, the site is on the fringe of the urban area and the development pattern of the area reflects a lower density. That is also the case with the recent developments carried out along Upper Hoyland Road under reference numbers 2018/0447 and 2018/1264 which were developed out at a density of 24 dwellings per hectare and 18 dwellings per hectare respectively. It is therefore considered that the indicative number of dwellings would achieve a suitable balance between making an efficient use of land and housing delivery with the need for the future development to be suitably in character with the neighbouring forms of residential development. Furthermore there is a need to retain the vegetation around the edges of the site and to ensure sufficient stand off distances so as to avoid pressures on that vegetation in the future and to safeguard amenity via over shading and insufficient outlook.

In addition to the above 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. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Residential Amenity

An environmental noise survey and noise impact assessment have been undertaken to assess the suitability of the site for residential development given its proximity to Dearne Valley Parkway (A6195) and commercial/industrial units. The reports conclude that, much like the recently completed development to the West, the site is suitable for residential development subject to the implementation of mitigation measures. These measures include a sound insulation scheme which incorporates glazing and alternative ventilation strategies and would create appropriate internal noise levels.

In order to reduce noise from the A6195 road as much as possible, it is recommended that earth bunding and fencing are installed on the northern boundary of the development. The earth bunding should be a minimum of 2m high, with a 2m tall close-board timber fence erected on top. It is also recommended that 2m high tall close-board timber fences are installed around all other garden areas. All fencing should contain no holes or gaps and must have a minimum surface mass of 10 kg/m².

A number of properties would back onto the proposed bund and acoustic fencing which would total 4m in height. However, that part of the site is lower than the rest and so that should ensure that they would avoid causing excessive overshadowing and appearing as an overbearing feature. The features would also be directly comparable to the 4m high acoustic barrier approved on the neighbouring residential development along the North West perimeter with a number of properties also backing onto that.

Residential amenity levels would be assessed in greater detail at reserved matters stage. However, the indicative plan demonstrates that adequate separation distances could be created between the proposed dwellings and the existing neighbouring dwellings. It also shows adequate separation distances within the site between proposed properties could be created, in accordance with SPD 'Design of Housing Development'. Adequate garden areas and domestic curtilage could also be accommodated.

Design & Visual Amenity

The application is only at outline stage, as such, design and visual amenity would need to be assessed in greater detail under the reserved matters application. However, the submitted indicative layout demonstrates that a development of 18/19 dwellings could be accommodated on the site and reflect the development pattern of the area. It also shows an adequate mix of housing could be accommodated in accordance with Local Plan Policy H6.

The indicative plans show that a mix of parking solutions could be achieved, and car domination avoided. Adequate space for soft landscaping to the front and rear of the dwellings is achievable and each property could have pedestrian access to the rear to avoid bins/recycling containers being stored in prominent positions to the front of the dwellings.

The development would also be softened by the mature off-site trees and hedgerows being retained adjacent to all boundaries.

The plans show an on-site attenuation solution in a prominent position within the site. However, it could be set back from the building line with soft landscaping being used to provide some screening.

Highway's considerations

Access is the only detailed matter under consideration with this outline application and this relates to the access into the site from Upper Hoyland Road rather than the layout within the site.

The submitted information shows that the development would generate a total of 9 vehicle trips during the AM peak hour and 12 vehicle trips during the PM peak hour. This equates to 1 vehicle trip every 5 minutes during the busiest hour and it is considered this level of additional traffic to not impact significantly upon the local highway network.

The access arrangement contained within the submitted plans shows a carriageway width of 5.5m with 2.0m footways to either side of the access way running from the footways of Upper Hoyland Road to approximately 15m into the site. The proposed access has been designed to accommodate a refuse vehicle and it is also shown that the required visibility splays of 2.4m x 43m are achievable in both directions at the site access junction with Upper Hoyland Road. The proposal is therefore acceptable in relation to policy T4 New development and Transport Safety.

The indicative plans demonstrate there would be adequate in curtilage parking for the dwellings to accord with SPD 'Parking'.

Trees

Given the site is currently a grazing field it is mainly laid to grass with the only trees and hedging around the boundaries of the site and predominantly outside the redline boundary. The indicative plans demonstrate that the proposed dwellings can be accommodated within the site without having a detrimental impact on the trees and the shading plan provided within the Tree Report demonstrates the trees would not have a significantly detrimental impact on the future residents. Conditions would need to be imposed.

Ecology

Ecological surveys, site appraisals and impact assessments were carried out with respect to the site and a preliminary Ecological Appraisal and Badger Report has been submitted in support of the application.

The proposals site falls within the impact risk zone of a parcel of the Dearne Valley Wetlands SSSI. However, advice provided by Natural England is that the LPA should consult Natural England on likely risks from a residential development of 50 units are more. Due to the proposals comprising up to 19 units, the potential impact upon the SSSI is not considered to warrant consultation with Natural England. The proposals site is not considered to represent a rural residential development, as it is proposed adjacent to existing settlements.

Recommendations have been made within the Preliminary Ecological Appraisal in regards to the retention and protection of existing hedgerows within the site and adjacent woodland habitat. In addition to this, precautionary working methods have been recommended for a number of protected and priority species including amphibians, bats, birds, mammals and reptiles. If planning permission is granted, a condition for a Construction Environmental Management Plan (CEMP) would be included to further detail protection measures as set out within the PEA.

The vegetation to be cleared within the core development area has a low ecological significance in the local area. The woodland surrounding the survey area would be retained and protected within the proposed scheme. However, within Barnsley's Biodiversity and Geodiversity SPD it is stated that the LPA will not support applications that would cause a net-loss in biodiversity. As the metric provided shows a loss we would seek the applicant to provide provide mitigation and cause 'no net loss'.

Guidance provided by Defra for outline applications advises that a method of securing the principles around how biodiversity net gain ('no net loss' is currently accepted within this area of the borough) will be delivered needs to be in place when outline planning permission is granted, with a further approval process once details are submitted. As the metric provided indicates a relatively substantial loss (approx. -40%) it is unlikely that no net loss can be achieved on-site without a reduction in property numbers and so off-site mitigation is likely to be required therefore. It should be noted that the provision of bat and bird boxes does not contribute to the BNG calculation, though should still be provided on site as an enhancement for wildlife. Discussions have been held with the applicants about this matter who have agreed to enter into a S106 agreement to ensure there is 'no net loss', with a range of solutions available for achieving this depending on the final layout of the reserved matters application. The recommendation is the subject of a S106 Agreement been completed therefore.

Public Rights of Way

A public bridleway runs north from Upper Hoyland Road along the bridge over the Dearne Valley Parkway, which includes the first part of the proposed access into the site. The bridleway has a recorded width of 3 metres. Public bridleways provide access rights for pedestrians, horse riders and cyclists.

A new footway appears to be shown on either side of the new access road, cutting across the bridleway. Details of the proposed footway should be agreed with both Highways and PROW, as a pre-commencement condition, to minimise disruption to bridleway users. Levels should remain even on the bridleway.

The proposed access arrangement would involve changes to the existing connection to the bridleway adjacent the western boundary of the site. The existing gate is to be removed and re-provided to the north accordingly to restrict vehicular access to the bridleway. The precise details of this will be addressed by means of a planning condition.

The Public Rights of Way Officer has assessed the proposal and raised no objections subject to conditions and informatives. That includes the need for the applicant to apply for a temporary closure whilst the access road construction works are being undertaken within the bridleway area for public safety purposes.

Air Quality

Due to the proposed development's proximity to the A6195 Dearne Valley Parkway, the Air Quality Officer required an operational phase air quality assessment to evaluate the impact of introducing exposure to traffic emissions near to this road. The methodology of the assessment was agreed with the Air Quality Officer and submitted in support of the application.

The assessment concluded;

The impacts on air quality at the proposed development due to emissions from the local road network have been shown to be acceptable, with predicted concentrations being below the air quality objectives.

The operational air quality impacts on the development are judged to be insignificant. This professional judgement takes account of the conclusion that no residents of the proposed development will be exposed to exceedances of the objectives.

There should be no constraints to residential development at the application site with regard to air quality, as the proposed development is consistent with the relevant parts of:

- *The NPPF; and*
- *Policy Poll1 and Policy AQ1 of the Barnsley Local Plan.*

The Council's Air Quality Officer agrees with the conclusions and has raised no objections and requested no additional mitigation measures.

Historical coal mining risks

The site is not located within a Coal Authority development high risk referral area and therefore the site is not deemed to be at risk from coal mining legacy issues.

Given the scale of the development it would be prudent to undertake limited near surface site investigations to evaluate the depth and suitability of bedrock and finalise foundation design.

SYMAS have raised no objections to the proposal subject to the Coal Authority's Standing Advice being included on the decision notice.

Drainage

The site is located in Flood Zone 1, as such, is at a 'very low' risk of fluvial flooding. The indicative plan also allows space within the site for the required amount of surface water drainage attenuation which is required as part of the development to ensure that run off rates do not exceed the existing greenfield run off rate.

The application is accompanied by a Flood Risk and Drainage Strategy (19317 Rep01(A)). Yorkshire Water have stated that the report requires amendments but are content that the amendments can be addressed through conditions. As such, they have raised no objections.

The Council's Drainage Officer has also raised no objections subject to conditions.

Infrastructure and Planning Obligations

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

As Hoyland falls within a Masterplan area an education contribution would need to be sought for both primary and secondary provision due to the high level of planned development and the subsequent impact on school places. Based upon the indicative number of dwellings the contribution required would be:-

- Primary – 4 primary pupils at £16,000 per pupil totalling £64,000
- Secondary – 3 secondary pupils at £16,000 per pupil totalling £48,000

That would equate to a total of £112,000. Again, this would need to be secured via the proposed S106 Agreement.

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. Based upon the indicative number of 19 dwellings a contribution of £14,250 would be required. This is another matter for the proposed S106 Agreement therefore. 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.

Affordable Housing

Policy H7 sets out that; *'Housing developments of 15 or more dwellings will be expected to provide affordable housing...10% in Hoyland, Wombwell and Darfield...These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable...The developer must show that arrangements have been put in place to keep the new homes affordable...'*

In areas where the affordable housing requirement is 10%, the SHMA sets out that the Council will expect 60% affordable rent and 40% affordable home ownership, and 25% First Homes.

Therefore, for this application the Affordable Housing Officer has requested 2 affordable rent dwellings. The units would need to be secured through the proposed S106 Agreement.

Conclusion

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

In summary the proposed residential development is considered acceptable in principle as a housing windfall site due to the land being designated urban fabric in the local plan and it being within the Hoyland Principal Town which is a priority to accommodate housing growth. The provision of 19 dwellings would make a significant contribution to housing delivery and supply on a site that has been assessed to be compatible to accommodate housing development being positioned adjacent to existing residential developments and by virtue of being a form of infill site that is surrounded by the built environment on all 4 sides. Furthermore, it is in a suitable location that is related to the Hoyland Principal Town settlement that is located near to existing facilities including the employment developments located at Ashroyd Business Park, Platts Common Industrial Estate, Shortwood Business Park, the Hoyland North Masterplan area and the public rights of way network. The proposals therefore achieve compliance with local plan policies LG2, H1, H2 and therefore SD1 Presumption in Favour of Sustainable Development is applicable.

The proposals are only in outline stage at the moment, but the indicative layout plan shows an acceptable yield of dwellings taking into account the location of the site which is out towards the edge of the urban settlement and the site constraints including the need to retain and safeguard suitable relationships with the existing vegetation. In addition, the plans indicate that the development could achieve the required spacing and garden sizes to provide and maintain the required standards of residential amenity for existing and future occupiers.

Biodiversity habitat on the site is generally of a low value and it is not the subject of any special designations. However the metric assessment has quantified that a 40% loss of value would occur and so a mixture of on site and off site solutions are likely to be required to arrive at a position of no net loss of biodiversity. A S106 Agreement is required therefore to ensure that the requirement is delivered as part of the future development. The development would also need to deliver 10% affordable housing provision on site and contributions towards primary and secondary school places and sustainable travel in full compliance with the amounts and formulas set out in the SPD's.

The site is located near to the Dearne Valley Parkway. However, the application has been accompanied by noise and air quality surveys which conclude that the development would deliver acceptable standards for residential amenity subject to the recommendations of the noise survey being complied with including the provision of a 4m acoustic barrier on the northern edge of the development (2m bund + 2m fence). Again this makes the proposal satisfactory to local plan policy GD1.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including highways matters, drainage, coal mining risk, relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan taken as a whole (most notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

The recommendation is one of approval therefore subject to the completion of a S106 Agreement and the conditions listed below.

Recommendation: Grant subject to conditions and a S106 Agreement (10% affordable housing provision on site and contributions towards primary and secondary school places and sustainable travel in full compliance with the amounts and formulas set out in the SPD's and to ensure the required biodiversity provisions to prevent net loss)

Conditions:-

1. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

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

3. The development hereby approved shall be carried out in substantial accordance with the plans (Nos 2337-2002-P1 & 3966-100-SK-004) and specifications as approved unless required by any other conditions in this permission.

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

4. Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

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

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

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

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

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

7. Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

13. No development shall take place until:

- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

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

14. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Noise Assessment carried out by Nova Acoustics, dated 22/09/21, Project Number 6504AC, Version Reference: 001 and retained as such thereafter. Prior to the commencement of development, precise details of the required noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details which shall be retained thereafter for the lifetime of the development.

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

15. The development hereby approved shall be carried out in strict accordance with the mitigations/recommendations set out in section 7 of the Preliminary Ecological Appraisal by Envirotech dated 17/09/2021. Prior to the commencement of development, precise details of the required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

16. 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.

17. Upon commencement of construction works, details of electric vehicle charge points (EVCPs) 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.

18. Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction with Upper Hoyland Road in both directions, 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.

19. The development hereby approved shall be carried out in strict accordance with the mitigation measures/recommendations set out in the Badger Report by Envirotech dated 17/09/2021.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

20. Prior to the commencement of the development, full details of the repositioned public bridleway gates shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be completed prior to the first occupation of the site and retained as such thereafter.

Reason: In the interests of pedestrian, horse riders, cyclists and motorists.

21. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning

Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

Reason: In the interests of highway safety.

22. Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats and hedgehogs 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 measures.

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

23. Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:
- a plan of the areas to be maintained, enhanced and/or created;
 - a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
 - a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
 - schedule of actions to be undertaken in case signs of failing are identified.
 - the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

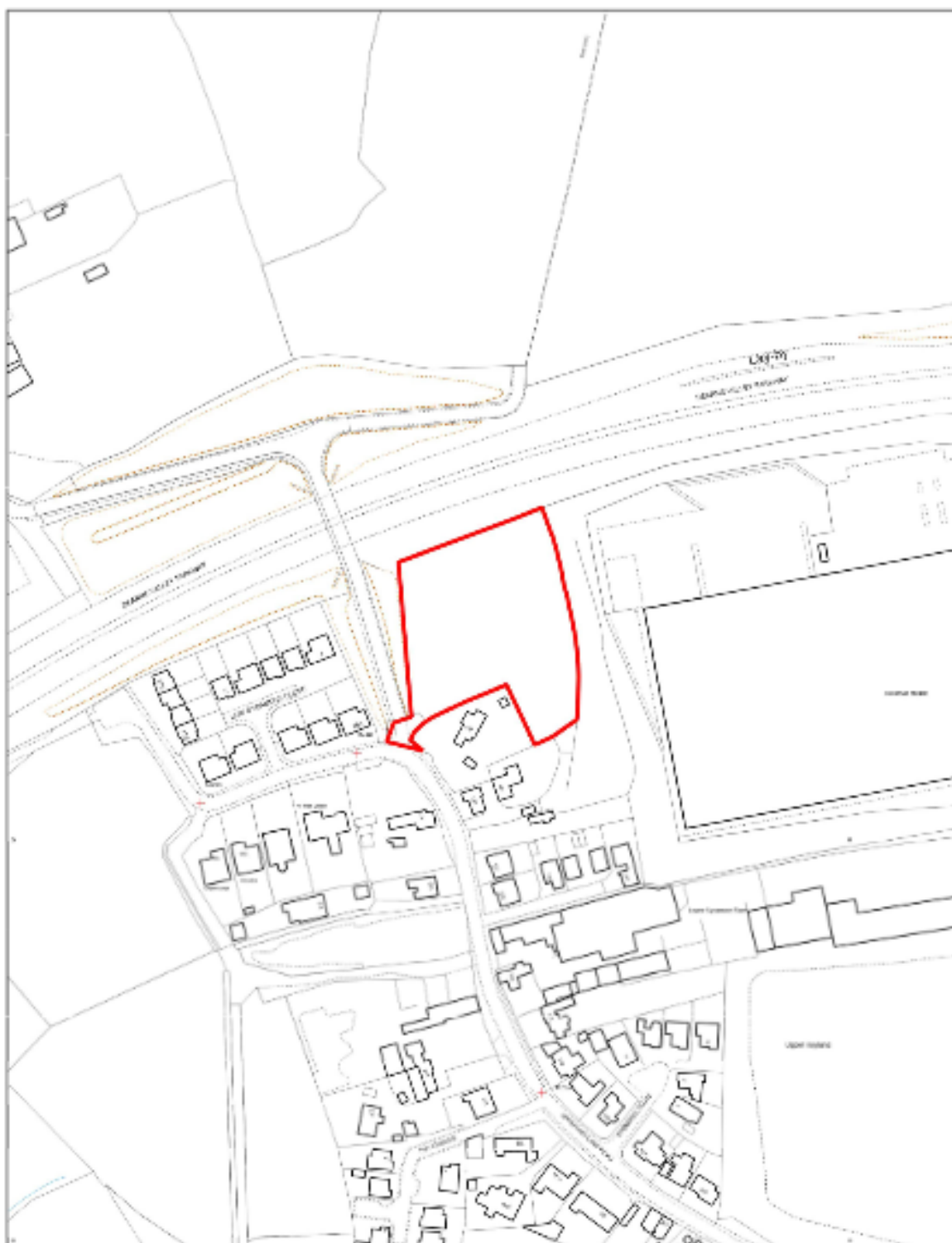
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

24. No development or other operations being undertaken on site shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority:

Tree protective fencing
Tree protection plan (TPP)
Arboricultural Method Statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

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



BARNSLEY MBC - Regeneration & Property



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Ref: 2021/1430

Applicant: Niftylift Ltd

Proposal: Formation of a new hardstanding area to increase the external yard area

Site address: Niftylift, Mason Way, Platts Common, Barnsley S74 9TG

The application is referred to Councillors for determination as the recommendation is subject to the completion of a S106 Agreement requiring biodiversity enhancements on the adjoining Council owned land that is located outside of the planning application site boundary. No representations have been received from any members of the public.

Site Location and Description

The Niftylift site is located in the north western part of Platts Common Industrial Estate, which is positioned on the northern edge of Hoyland. The Niftylift plot is located between Mason Way to the east and south, Ryecroft Bank and Ashroyd Business Park to the west, with the A6195 Dearne Valley Parkway positioned to the north of the site.

The overall site is approximately 1.8ha, which is mostly occupied by the existing industrial unit building and the associated service yard. The proposed yard extension area is positioned to the north west of the existing site and comprises an irregular shaped area of land that is approximately 0.45ha in size. It is currently undeveloped and is an area of scrub grassland that contains a sporadic amount of small, self-set trees.

The site is well screened by mature vegetation to the west and so the land in question is well screened from Ryecroft Bank or the Dearne Valley Parkway when viewed from that direction. Nor can the application land be seen from Mason Way to the south due to screening provided by the main Niftylift building.

A formal public right of way runs to the north of the site, with well worn, informal paths running across the grassland and scrubland subject to this application.

The nearest residential properties are located a considerable distance away to the north, east, south and west and are approximately 250-500m away from the site respectively.

Planning History

2012/0207 – Erection of extensions to workshop and alterations to traffic flow within site – Approved with conditions.

2017/1035 – Erection of commercial storage container – Approved with conditions.

2019/0557 – Extension to rear and side of factory building – Approved with conditions.

2022/0010 – Erection of industrial unit building and associated extension of yard area running concurrently. This is a live application that is still under consideration at the present time.

Proposed Development

The proposal seeks full planning permission for the formation of a new hard standing area to extend the existing external yard associated with Niftylift's existing operation.

Associated ground clearance is also proposed. These works are proposed to the immediate north of the existing site and would connect to the existing external yard to increase the capacity of the applicant's existing operation. In summary the works would include three main parts: -

- Hardstanding (consisting of an extended yard area on the upper section and a car park extension of 35no spaces on the lower section);
- Fencing; and
- Associated works including all necessary excavation earthworks and the provision of the making good of the land via the provision of the areas of new hard and soft landscaping.

The new areas of hard standing would extend outwards to the north in the direction of the Dearne Valley Parkway beyond the existing site boundary by approximately 40m. The width of the new hard standing area would be approximately 60m at its northern extent and 86m at the southern end where it would be a similar width to the existing yard.

As mentioned previously the existing topography of the site is not level. The proposal is that the service yard extension would be constructed level with the existing service yard, with the parking area beyond located on a lower terrace, approximately 1.4m to 2.8m lower than the service yard. The section plans show that the two rows of stacking storage units would be installed within the extended yard area up that would have a maximum height of approximately 4m, although the applicant has indicated the need for some storage units up to a height of 6m.

Access to the new hardstanding area would be taken through the existing car park, along the western boundary, to the rear of the main building.

The supporting case put forward by the applicant's agent is as follows: -

The need for the proposed works and installation of the new hardstanding area has arisen as a result of the company's consistent growth over the past 10 years. It has required them to expand the size and number of units on site, as a result of this there is no longer sufficient space for a suitable yard area. By extending the existing external yard area to the north, the existing vehicular access can be utilised in a safe and convenient manner, whilst minimising impacts on the wider local environment and the neighbouring units. This will also offer economic benefits for the area through supporting an established company's business and continued growth.

It is expected that the development would enable the company to expand its operations on site and employ approximately 15 new people in skilled jobs.

Policy Context

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

The site is within the Hoyland Principal Town area and is designated Urban Fabric in the adopted Local Plan where there is no specific use subject to compliance with relevant Local Plan Policies.

Barnsley Local Plan

LG2 The Location of Growth
E1 Providing Strategic Employment Locations
E2 The Distribution of Employment Sites
E3 Uses on employment land, Policy
E4 Protecting Existing Employment Land
GD1 General Development
POLL1 Pollution Control and Protection
D1 High Quality Design and Place Making
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
BIO1 Biodiversity and Geodiversity
I1 Infrastructure and Planning Obligations
SD1 Presumption in favour of Sustainable Development

Supplementary Planning Documents

Biodiversity and Geodiversity
Sustainable Travel
Parking

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 an up to date development plan should be approved without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Other paragraphs of relevance include:-

Para 81 states that 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.

Para 174 states that planning decisions should contribute to and enhance the natural and local environment by d) 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 states that when determining a planning application, local authorities should apply the following principles a) if significant harm to biodiversity, resulting from development, cannot be avoided (through locating on an alternative site with less harmful impacts) adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Consultations

Biodiversity – The relevant officers have been heavily involved in the assessment of the application due to the need for the development to demonstrate no net loss of biodiversity. The proposed solution requires a mixture of on-site and off-site provisions to enable that to be the case. Following an assessment of the information provided including the initial ecological survey which identified the site to contain moderate value semi-improved grassland and scatter scrub and the provision of a biodiversity metric there are no objections to the proposals subject to the completion of a S106 Agreement and the recommended conditions in order to secure the required provisions. Further details are explained in the biodiversity section of the report below.

Asset Management – That particular service has been involved with the discussions due to the site and the proposed land intended to create the off-site biodiversity provisions being within Council ownership. They have indicated their willingness to allow the additional land to be used for the required provisions.

Coal Authority – No objection subject to the imposition of an informative.

Highways Drainage – No objections subject to conditions.

Enterprising Barnsley – Enterprising Barnsley have been working with the applicant over a number of months and fully support the application and development to help them to successfully expand and to generate economic growth in the borough.

Highways DC – No objections subject to conditions.

Forestry Officer – No objections to the proposal subject to conditions including replacement planting.

Pollution Control – No objections.

PROW – No objections.

SYMAS – No objection subject to informative.

Yorkshire Water – No objections have been received.

Representations

The proposal was advertised by way of a site notice and neighbour notification letters. No representations have been received.

Assessment

Principle of development

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

Relevant policies include SD1 Presumption in Favour of Sustainable Development, LG2 The Location of Growth, E2 The Distribution of Employment Sites, Policy E3 Uses on employment land and GD1 General Development.

The site is designated Urban Fabric in the Local Plan and is also within the Hoyland Principal Town, which is a priority to accommodate growth during the Local Plan period. The proposed development would allow the expansion of operations at an existing established employment site and business resulting in new employment opportunities being created. In addition, the proposal would facilitate the expansion of an existing B2 'General Industrial' use. The proposal is therefore compliant with the aims of policies LG2, E2, E3 which mean that it is acceptable in locational/spatial planning and employment land use terms.

The urban fabric designation and relationship with the existing Platts Common Industrial Estate also means that the proposal is a compatible use and is potentially acceptable in principle subject to other local plan policies being satisfied including the long list of criteria set out in policy GD1 General Development and Policy BIO1 Biodiversity and Geodiversity which requires no net loss of biodiversity.

The National Planning Policy Frameworks is another important material consideration related to this case, in particular paragraph 81 which states that *'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'*. This point attracts further weight as another material consideration, therefore.

Biodiversity and Trees

With regards to Biodiversity, there is a requirement under Local Plan Policy BIO1 and the accompanying Biodiversity and Geodiversity SPD to demonstrate no net loss of biodiversity on the site.

The ecological survey has established that the value of the existing habitat consists of semi-improved grassland and scattered scrub that is of a moderate value. Therefore, the applicant provided a Biodiversity Habitats Metric due to the need to quantify the loss of habitat that would occur, and the requirement to demonstrate that there would be no net loss of biodiversity as a result of the development. The submission has therefore been accompanied by a calculation of the habitats lost on site as a result of the proposed development in accordance with the latest guidance in the Defra Metric 3.0. Specifically, the proposal would result in the loss of low value grassland, scrub and self-set trees. However due to the nature and size of the site it is not possible to provide all of the required mitigation within the site. Following dialogue therefore it has been agreed that an area of existing grassland, located between the site and the highway, within the Council's ownership can be utilised for the improvement and a scheme has been prepared. But as the area in question is located outside of the site boundary a S106 Agreement is required in order to ensure that the works are carried out as part of the development.

The areas included within the off-site compensation areas would involve the enhancement of existing habitats. That would be achieved through the initial introduction of wildflower seeds and the on-going management through 1-2 cuts per year. The existing scrub will be enhanced through additional planting of appropriate native scrub species, the yearly cutting of glades and periodic trimming and coppicing to promote structural diversity.

The newly created habitats should be managed for their wildlife interest, and a Construction Environmental Management Plan (CEMP), and Biodiversity Enhancement Management Plan (BEMP) should be produced to provide management prescriptions to ensure the favorable management of these habitats.

The detail has been assessed by the Council's Ecologist and accepted as accurate. Overall, this is predicted to deliver biodiversity net gain of 10.5%, which is over and above the requirements of Local Planning Policies BIO1 Biodiversity and Geodiversity and GI1: Green Infrastructure. This avoids conflict with the above policies and GD1 attracts significant weight in favour of the proposal, in addition to the overall development plan compliance.

In relation to trees an Arboricultural Report & Impact Assessment has been carried out. The report confirms that there are 39 individual trees on site and 3 separate tree groups within the site and that 32 trees or tree groups will need to be removed to facilitate the development. Despite the loss of existing trees, the report confirms that they are all lower value retention category 'C' and provide little amenity value to the wider surrounding area. The new landscape plantings at the site would mitigate for the tree removals and would provide screening between the new development and the adjacent land. Furthermore, the report confirms that suitable new tree planting has the potential to mitigate the tree removals and improve the sites tree cover. The Tree Officer agrees with those findings, noting that the trees appear to be self-set that are of low value and are not worthy of a Tree Preservation Order. Based upon that the Tree Officer has not raised any objections to the removal of these trees. Nevertheless, their replacement will be required to accord with policy GD1, which can be secured via a planning condition.

Wider visual amenity considerations

The service yard extension is proposed to be located to the rear of the existing premises between the main building and the A6195 Dearne Valley Parkway. The land in question is relatively hidden from view being well screened by mature vegetation to the west and so is not visible from Ryecroft Bank or the Dearne Valley Parkway (DVP) when viewed from direction. Nor can the application land be seen from Mason Way to the south due to screening provided by the main Niftylift building. In addition, approximately 90m would be retained between the extended yard area and the northern boundary with the DVP.

Therefore, whilst the development would be carried out on a vegetated area of land that is free from development at the present time the visual impact of the development on the wider area would be very limited and self contained. Furthermore the existing screening is due to be supplemented by new planting to achieve the no net loss of biodiversity as a result of the development. The minimal visual impacts would include the external storage stacking units which the cross sections show would not be seen above the height of the vegetation as seen from the Dearne Valley Parkway which is on a much lower ground level. It has been indicated that the height of the shelving racking may increase in height as the need arises, however it has been indicated that the height would not increase above 6m due to potential instability due to the impact from the wind. Whilst this is not an especially sensitive landscape, being positioned next to an existing industrial estate and a bypass road, the potential increase to 6m could result in the site being visible from the DVP to the north, to the detriment of the area and as such it is considered prudent to include a condition limiting the height of the racking closest to the northern boundary to 4m.

The proposals are therefore considered acceptable in visual amenity terms and is compliance with policy GD1, subject to conditions and S106 provisions which would secure replacement planting.

Residential Amenity

The proposal is located within a well-established industrial estate to the south of the A6195 Dearne Valley Parkway and is located between approximately 250m from the nearest residential properties. The surrounding properties are screened from the proposal by the existing commercial premises, other commercial premises and the busy A6195. It is therefore considered that the proposed service yard extension and car park would not have a detrimental impact on residential amenity and is in accordance with Local Plan Policies GD1 and POLL 1. Indeed, Pollution Control were consulted on the proposals and have raised no objections.

Highway's considerations

The Highways Officer notes that an additional 35 car parking spaces are proposed to be provided on the area of land that is to be developed. The proposed spaces are of adequate size (2.5m x 5.0m) and an aisle width of 6m has been provided between the two rows to allow sufficient room to manoeuvre in to/out of the spaces. It is evident that there are many occurrences of cars being parked on street and on the footways within the vicinity of the site. The number of those that are associated with this site is unknown, however it is considered that the provision of additional parking spaces within the site would help in reducing the number of vehicles parked on-street. This will be particularly beneficial if there is to be an increase in the number of HGV's using Barrowfield Road to gain access to the site. The proposals are therefore considered acceptable from a highways development control perspective and are supported in accordance with Local Plan Policy T4.

Other Issues

Public rights of way - The Public Rights of Way Officer notes that there is a recorded public footpath to the north of the site, which should not be directly affected by the proposals. As such, there are no objections. However, it is noted that there are unrecorded, worn, informal paths across the site and that an appropriately worded informative should be included.

Coal Mining Risk - The Coal Authority records indicate that a coal outcrop runs through the site, and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety. The Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application. However, when considering the nature of this particular development proposal, it does not appear from the plans submitted that the formation of a new hardstanding area to increase the external yard area will require substantial foundations or earthworks. On this basis the Coal Authority do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the nature of the development proposed in this particular case and do not object to this planning application. However, the Coal Authority does recommend that, should planning permission be granted for this proposal, an informative note should be included on any planning permission granted.

Electric Vehicle Charging Points - The development sees the inclusion of 35 additional parking spaces, Supplementary Planning Document - Sustainable Travel states that as a minimum, industrial development will be required to provide electric vehicle charging points at 10% of parking. No indication of electric vehicle charging points has been provided, however this can be included as a condition.

Conclusion

The proposal is intended to enable the expansion of a well-established local company onto land that is designated Urban Fabric in the Local Plan and is also within the Hoyland Principal Town, which is a priority to accommodate growth during the Local Plan period. The proposal therefore complies with the aim of a number of important Local Plan policies including LG2 The Location of Growth, E2 The Distribution of Employment Sites and Policy E3 Uses on employment land and is considered acceptable in locational/spatial planning and employment land use terms.

In addition, it is considered that the proposal satisfies the relevant criteria of Local Plan Policy GD1 'General Development' by virtue of it being a compatible land use and because the limited effects of the development (the plans have been assessed to be acceptable in relation to the implications for visual and residential amenity and landscaping) which would all be at a low magnitude.

The development would lead to the loss of some moderate value biodiversity habitat including 32 low value category C trees. However, that has been quantified and a scheme has been agreed that would see the provision of on site and off-site provisions to arrive at a position where there would be no net loss of biodiversity.

In addition to the above the proposal has been assessed in relation to other material considerations including the highways implications, drainage, coal mining risk and public rights of way and is considered acceptable in relation to each of those topics subject to the imposition of suitably worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, E2, E3, GD1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up-to-date development plan should be approved without delay. The recommendation is one of approval therefore subject to a S106 Agreement being in place to ensure the required off site biodiversity provisions and to the other conditions listed below.

Recommendation

Grant planning permission subject to conditions and the completion of a S106 Agreement (Provision of off-site biodiversity provisions to ensure no net loss of biodiversity as a result of the development)

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.

Plan References

2020/112/03 Proposed Yard Sections

2020/112/05 Existing Boundary Plan

2020/112/06 Proposed Boundary Plan

Site Location Plan

10641-E-01 Figure 1 Baseline Habitats received 19th April 2022

10641-E-02 Figure 2 Proposed Habitats received 19th April 2022

10641-E-03 Figure 3 Habitat Retention received 19th April 2022

10641-E-04 Figure 4 Baseline Habitat Condition/Distinctiveness received 19th April 2022

10641-E-05 Figure 5 Proposed Habitat Condition/Distinctiveness received 19th April 2022

Biodiversity Metric 3.0 received 11th May 2022

Biodiversity Impact Assessment Rev B dated May 2022 produced by FPCR Environment and Design Ltd for Niftylift received 17th May 2022

Arboricultural report and Impact Assessment produced but AWA Tree Consultants ref AWA3642 dated March 2021

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

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

- 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.

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

Reason: To ensure the proper drainage of the area

5. Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats and hedgehogs 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 documents and timescales.

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

6. Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:

- a plan of the areas to be maintained, enhanced and/or created;

- a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
- a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
- schedule of actions to be undertaken in case signs of failing are identified.
- the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

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

7. Prior to commencement, a replacement planting tree scheme, including details of the species, positions, planted size and planting methodology for the new trees, along with a landscape plan detailing habitat enhancement proposals, in off-site areas as set out within section 4.0 of the BIA report shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the approved scheme development shall be carried out in accordance with the approved details and timescales.

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

8. Upon commencement of construction works, a minimum of 4no. electric vehicle electric vehicle charge points shall be provided, details of which shall be submitted and approved in writing by the LPA. The EVCP 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.

9. Upon commencement of development a plan indicating the position of boundary treatments to be erected (maximum height 2.4m) shall be submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making

10. Prior to the development hereby permitted being brought into use, the proposed access, on-site vehicle parking, and turning shall be laid out in accordance with the approved plan. All areas to be used by vehicles must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking and turning facilities to serve the development which are constructed to an acceptable standard.

11. The row of shelving racking units located within the new yard area, closest to the building, as indicated on the approved plans that are listed in condition 2 shall not exceed a height of 6m, with all other new external shelving not exceeding a height of 4m.

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

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the locality.

PA Reference:-

2021/1430



BARNSELEY MBC - Regeneration & Property



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BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

April 2022

APPEALS RECEIVED

4 appeals were received in April 2022:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2020/1426	Erection of two storey side extension and single storey rear extensions to dwelling and erection of detached garage/garden store (Revised Scheme) 36 Shepherd Lane, Thurnscoe, Rotherham, S63 0JS	Written Representations	Delegated
2021/1673	Change of use of agricultural building to dwellinghouse (Prior Approval) Land at the rear of 24 Common Road, Brierley, Barnsley, S72 9ES	Written Representations	Delegated
2022/0140	New pair of free standing illuminated 48-sheet digital advertisement displays Land at Shambles House, Shambles Street, Barnsley, S70 2RN	Written Representations	Delegated
2021/0893	Demolition of existing detached treble garage and erection of replacement one and a half storey outbuilding with a first floor located within the roof space 362 Pontefract Road, Lundwood, Barnsley, S71 5JY	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in April 2022.

APPEALS DECIDED

3 appeals were determined in April 2022:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2021/0713	Wrap around balcony to rear of house 34 Staincross Common, Staincross, Barnsley, S75 6NA	Dismissed	Delegated
2021/1243	Display of double-sided freestanding 48-sheet sized digital LED advertising unit Land at Westway, Corner of New Street, Barnsley, S70 1SW	Dismissed	Delegated
2021/1335	Erection of front porch and creation of access to parking space to front (Part Retrospective) 4 Sycamore View, Sheffield Road, Oxspring, Barnsley, S36 8YW	Allowed	Delegated

2022/2023 Cumulative Appeal Totals

- 3 appeals have been decided since 01 April 2022
- 2 appeals (66.6%) have been dismissed since 01 April 2022
- 1 appeals (33.4%) have been allowed since 01 April 2022

	Audit	Details	Decision	Committee/ Delegated
1	2021/0713	Wrap around balcony to rear of house 34 Staincross Common, Staincross, Barnsley, S75 6NA	Dismissed 01.04.2022	Delegated
2	2021/1243	Display of double-sided freestanding 48-sheet sized digital LED advertising unit Land at Westway, Corner of New Street, Barnsley, S70 1SW	Dismissed 29.04.2022	Delegated
3	2021/1335	Erection of front porch and creation of access to parking space to front (Part Retrospective) 4 Sycamore View, Sheffield Road, Oxspring, Barnsley, S36 8YW	Allowed 29.04.2022	Delegated

Item 12

Planning Enforcement Report to Planning Regulatory Board

Quarter 4 January 2022 – March 2022 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 4 of the last reporting period 2021/2022 (January 2022 – March 2022). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

Overall number of Planning Enforcement service requests Quarter 4:

January	2021	58
February	2021	63
March	2021	72

Total number of requests for service Quarter 4 2021/22 **193**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (21/22)	193	104	89

Introduction

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

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

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

Summary of Case Activity

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

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
<p>2021\ENQ\00641</p> <p>Land at Hall Gardens, Brierley (Residential Development)</p>	<p>Non-compliance with hours of operation (Construction Hrs and Delivery/Operations)</p> <p>Without planning permission; the carrying out of operational development under S55 of the Town and Country Planning Act;</p> <p>Namely engineering operations including excavations and the constructing of footings for residential dwellinghouses ("The Unauthorised Works") without complying with the pre commencement conditions listed in paragraph 4 of this notice</p> <p>Attached to planning permission ref 2019/1530 (Residential development of 36 no. dwellings and associated works including associated garages and parking)..</p>	<p>Stop Notice and Enforcement notice served 13th December 2021 requiring:</p> <p>(i) Cease all development activity on the Land including any development purporting to implement the development detailed in planning permission reference 2019/1530.</p> <p>Notice Effective 10th January 2022</p> <p>Time period for compliance One week</p> <p>No appeal submitted</p> <p>Status: Notice complied with and speaking with developer to resolve remaining issues</p>
<p>2021\ENQ\00121</p> <p>Land at Lidgett Lane, Pilley, Barnsley, S75 3AG otherwise known as St Paul's Bank, Pilley, Barnsley, S75 3AG</p>	<p>Breach of Construction Management Plan (Avant Homes Development)</p> <p>The failure to comply with condition 22 of the attached planning permission granted (Reference 2019/1464) which requires adherence to the agreed Construction Method Statement (The Unauthorised Works).</p>	<p>Enforcement Notice served 23rd December 2021 requiring:</p> <p>(i) Comply with condition 22 of the Grant of Planning Permission</p> <p>(Reference 2019/1464) and ensure all activity on site adheres to the agreed Construction Method Statement.</p>

		<p>Effective 21st January 2022.</p> <p>Time period for compliance Three days</p> <p>Status: Developer has apologised and put mitigation measures in place.</p>
<p>2021\ENQ\00456</p> <p>A&S Commercials LTD, Bargh Green Ind Estate</p>	<p>Operating hours and unauthorised building</p> <p>The contravention of Condition 3 of the Grant of Planning Permission in respect of application 2008/1275</p>	<p>Enforcement Notice served 10th January 2021 requiring:</p> <p>Comply with condition 3 of the Grant of Planning Permission (application reference 2008/1275) and ensure that all activity associated with the development under the planning permission undertaken at the Land is carried out between the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays and at no time on Sundays or Bank Holidays</p> <p>Time Period for compliance: 3 days</p> <p>Status: Notice complied with</p>
<p>2020\ENQ\00458</p> <p>Whitegate Stables, Common Road, Brierley, S72</p>	<p>Deviation from approved plans, Utility/day room</p> <p>Development has taken place pursuant to planning permission ref: 2017/1175 (Erection of a day room) granted by the Council on 25th October 2017. However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and</p>	<p>Enforcement Notice served 17th January 2022 requiring:</p> <p>(Amend the build to comply with the plans and particulars of the approved planning permission reference 2017/1175 (Erection of a day room) granted by the Council on 25th October 2017.</p> <p>Time period for compliance: 2 months</p> <p>Status: Not complied with, no appeal submitted, case to prosecution</p>

	therefore does not have planning permission.	
<p>2021\ENQ\00666</p> <p>13 Bell Bank View, Worsbrough,</p>	<p>Deviation from approved plans</p> <p>Development has taken place pursuant to planning permission ref: 2021/0145 (Erection of single storey extension to rear with underbuild and dormer roof extension to rear of dwelling) granted by the Council on 1st April 2021. However, the development which has been constructed on site is not in accordance with the approved plans and conditions granted by the Council. The development has therefore been constructed in a way which is materially different to that approved by the Council and therefore does not have planning permission.</p>	<p>Enforcement Notice served 17th January 2022 requiring</p> <p>Amend the build to comply with the plans and particulars of the approved planning permission reference 2021/0145 (Erection of single storey extension to rear with underbuild and dormer roof. Extension to rear of dwelling granted by the Council on 1st April 2021.</p> <p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period.</p>
<p>2021\ENQ\00564</p> <p>53 Lady Croft Lane, Hemingfield, Barnsley,</p>	<p>Extension of Domestic Curtilage</p> <p>Without planning permission, The material change of use of the land (marked as Buffer Strip in Appendix 1, "EN1, marked in Blue") for the purposes of incorporating it into the residential curtilage incidental to the dwelling house</p>	<p>Enforcement Notice served 24th January 2022 requiring:</p> <p>Cease the use of the land as an extension of the domestic curtilage.</p> <p>Remove the 1.8 metre high fencing, which encloses the land and remove any personal effects from the Land as identified in Appendix 1 ensuring that the land and boundaries are restored to their original condition as in</p>

		<p>Appendix 1, before the breach of planning control took place.</p> <p>Time period for compliance: 2 months</p> <p>Status: Appeal submitted</p>
<p>2021\ENQ\00569</p> <p>The Granary, 3 Field Head Manor, Dodworth</p>	<p>Unauthorised works to Listed Building</p> <p>3.1 It appears to the Council that the works specified in paragraph 3.2 below have been carried out to the building and constitutes a contravention of sections 7(1) and 9(1) of the Act.</p> <p>3.2 Without Listed Building Consent, the unauthorised installation of two sets of replacement garage doors (The Unauthorised Works) shown in the attached photos attached in Appendix 4 hereto.</p>	<p>Listed Building/Enforcement Notice served 7th February 2022 requiring:</p> <p>(i) Return the garage doors (as specified in paragraph 3) at the Land to their original condition, prior to the breach of Listed Building Control taking place (referenced in Appendix 5).</p> <p>(ii) Ensure that said doors cited in paragraph 3 match those of the adjacent property; 2 Fieldhead Manor, Elmhirst lane, Silkstone, Barnsley, S75 4LD.</p> <p>Time period for compliance: Three Months</p> <p>Status: Still within compliance period</p>
<p>2022\ENQ\00032</p> <p>3 Halstead Grove, Mapplewell, Barnsley</p>	<p>Fence adjacent to the highway (height/visibility issue)</p> <p>Without planning permission, the erection of a fence adjacent to the highway</p>	<p>Enforcement Notice served 3rd February 2022 requiring:</p> <p>Remove the fence in its entirety from the land including any other posts or fixtures and fittings associated with its construction .</p> <p>Time period for compliance: One Month,</p> <p>Status: follow up site visit scheduled to check compliance</p>

<p>2021\ENQ\00354</p> <p>The Lemon Tree, 5 Peel Square, Barnsley, S70 2QT</p>	<p>Without Listed Building Consent, the unauthorised installation of replacement signage including new fascia signage, external menu boards and the fixing of timber plank boarding and metal railings onto the building frontage</p>	<p>Listed Building Enforcement Notice issued 8th February 2022 requiring:</p> <p>Return the Land to its original condition, prior to the breach of Listed Building Control taking place.</p> <p>Time period for compliance:</p> <p>Three Months</p> <p>Status: Appeal submitted</p>
<p>2022\ENQ\00062</p> <p>Mount Vernon Road, Worsbrough, Barnsley</p>	<p>Non-compliance with Construction Management Plan (Dutchy Homes Development)</p> <p>The failure to comply with condition 2 and 8 of the planning permission granted (Reference 2021/0142) which requires adherence to the agreed Construction Management Plan dated 21/10/20 (The Unauthorised Works).</p>	<p>Enforcement Notice served 17th February 2022 requiring:</p> <p>(i) Comply with condition 2 and 8 of the Grant of Planning Permission (Reference 2021/0142) and ensure all activity on site adheres to the agreed Construction Management Plan.</p> <p>(ii) Cease all construction works on the Land whilst any of the requirements of the agreed Construction Management Plan are not provided.</p> <p>Time period for compliance:</p> <p>Three days</p> <p>Status: Notice complied with</p>
<p>2021\ENQ\00642</p> <p>Land adj Ashley Grange, Hoylandswaine, Sheffield</p>	<p>Inappropriate development in the Green Belt</p>	<p>Enforcement Notice served 1st March 2022 requiring:</p> <p>(i) Demolish, dismantle, or otherwise remove the building.</p> <p>(ii) Remove any materials from the Land arising from performance of (i) above.</p>

		<p>Time period for compliance: Three Months</p> <p>Status: Still within compliance period</p>
<p>2021\ENQ\00642</p> <p>118 Haigh Lane, Hoylandswaine, Sheffield</p>	<p>Inappropriate development in the Green Belt (use/storage of Containers)</p> <p>Without planning permission; The construction of a building in the approximate location shown hatched green on the Plan and shown in the attached photograph(s) in Appendix 1</p>	<p>Enforcement Notice served 1st March 2022 requiring:</p> <p>(i) Demolish, dismantle, or otherwise remove the building.</p> <p>(ii) Remove any materials from the Land arising from performance of (i) above.</p> <p>Time period for compliance: Three Months</p> <p>Status: still within compliance period</p>
<p>2021\ENQ\00615</p> <p>Elsecar Cricket Club, Armroyd Lane, Elsecar</p>	<p>Inappropriate development in the Green Belt (use/storage of Containers)</p> <p>Without planning permission; the material change of use of the Land for the purposes of stationing storage containers used to accommodate a snack bar and shop.</p>	<p>Enforcement Notice served 3rd March 2022 requiring:</p> <p>Cease the use of the Land for the purposes set out in paragraph 3 to this notice.</p> <p>(Remove the containers (located in the green rectangle in plan EN1 and shown in the photograph in Appendix 1) from the Land.</p> <p>Time period for compliance: One Month</p> <p>Status: Appeal submitted</p>

(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
4 Grange Street, Thurnscoe, Rotherham, S63 0EB	Harm to surrounding streetscene due to multiple windows boarded	S215 Notice issued 9 th December 2021 Status: Monitoring compliance
7 Fairview Road, Hoyland,	Land Clearance/tidy	Status: works underway
52 Bank End Road, Worsbrough Dale	Land Clearance/tidy	Status: Monitoring compliance

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 204 Darton Lane, Mapplewell, Barnsley	Non-compliance with enforcement notice relating commercial building.	Court Hearing: February 2022 Guilty Plea, £83 Fine, Pay Local Authority Costs of £627 and victim surcharge of £34. Totalling £744.
2019\ENQ\00758 30 Huddersfield Road, Barnsley	Non-compliance with enforcement notice relating to formation of unauthorised vehicular access over a classified road.	Court Hearing 13 th December 2021 Guilty Plea entered, fined £350. Ordered to pay a contribution of costs of £480 And ordered to pay a victims surcharge of £35 Homeowner looking to reinstate the wall and provide LPA with suitable proposals Total of £865

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
APP/R4408/C/21/3281782 4 Ivy Bank, Halifax Road, Thurgoland, Sheffield S35 7AL	Unauthorised vehicular crossing	Appeal Decision issued 1 st February 2022 Appeal dismissed Restoration of land/removal of compound required by 1 st April 2022.

Compliance Monitoring

Enforcement Notices served 2020/21	Enforcement Notices Complied with 2020/21
63	43

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

Timescales for Determination of Appeals

The Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for matters considered under the informal hearing and public inquiry procedure. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals. The information above shows that increasing numbers of appeals have been moving through the system with several appeal decisions now received. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress

Website and customer contact improvements

Recent improvements have been made to the council's website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables us to identify the specifics of the complaint more easily and includes the ability for customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>

Staffing

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

Conclusion

Quarter 4 of 21/22 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service has issued 63 enforcement notices in 2021/2 and will seek to continue to work with elected members and local communities to achieve the desired outcomes. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

Please contact the service through the details provided below should you wish to make further enquires in respect of specific cases.

Email: Planningenforcement@barnsley.gov.uk

Customer Services 01226 773555

BARNSELEY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE APRIL 2022 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2020/1143	<p>Erection of 7no dwellings and associated works including parking area and conversion of existing ambulance store into home office at Grays Coaches, Wath Road, Elsecar, Barnsley S74 8HF</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2021/1001	<p>Change of use of existing two storey and single storey buildings from residential flats (Use Class C3) to a mixture of offices (Class E), Residential Institution (Class C2) and hotel/ boarding house (Class C1) and associated works including new footpath link, new and replacement fencing, vehicle and personnel gates and a disabled access at Queens House, Queens Road, Barnsley, S71 1AR</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2022/0020	<p>Removal of existing container and erection of a larger replacement container in new location for storage of machinery and tools Worsbrough Mill, Worsbrough Mill, Park Road, Worsbrough, Barnsley, S70 5LJ</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.

2022/0125	<p>Fitting of defibrillator to the exterior wall of an outbuilding adjacent to the Millers Cottage (Millers Tea Rooms) (Listed Building Consent) at Worsbrough Mill Museum, Worsbrough Mill, Park Road, Worsbrough, Barnsley, S70 5LJ</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2022/0069	<p>Installation of neon artwork and coloured lighting (Retrospective) at Alley and Courtyard to the side and rear of 58, 60 and 62-69 Eldon Street, Adjacent to the Civic Centre, Barnsley Town Centre</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2022/0176	<p>Erection of a single storey extension to provide reception space and private spaces for the bereaved at 1Barnsley Crematorium, Doncaster Road, Barnsley, S71 5EH</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2022/0097	<p>Removal of trees as detailed in the Arboricultural Impact Assessment from the rear of 77, 79, 81, 83, 107, 109 and 111 Roehampton Rise in order to repair the boundary retaining wall within TPO 1/1964 at The trees are within the grounds of Barnsley Crematorium and are to the rear of properties 77, 79, 81, 83, 107, 109 and 111 Roehampton Rise (approximately), Ardsley, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.

2021/1686	<p>Change of use of site for touring caravans and motorhomes at Mapplewell Meadows Farm, Hill End Road, Mapplewell, Barnsley, S75 6DX</p> <p>Summary of consultation comments received:-</p> <p>1. Three requests that this goes to the Full Board for reasons of advantages to tourism and recreation, not believing it would be inappropriate development in the Green Belt, low ecology impacts, and lack of objections from Members and residents</p> <p>Officer response - request to be taken to Board considered reasonable given that the recommendation is to refuse and Members have raised material considerations which would be in support of the proposal and as such a wider debate at Planning Board is considered reasonable in this instance</p>	To proceed to the Full Planning Board for consideration.
2020/1394	<p>Erection of 13 no. dwellings and associated works at Land off Acorn Way, Grimethorpe, Barnsley</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation, the signing of the relevant S106, and the conditions set out in the officer report.

Signed:



Joe Jenkinson
Head of Planning and Building Control

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BARNSELY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE MAY 2022 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/Delegated</u>
2022/0294	<p>Replacement boilers and new condensate drain (Listed Building Consent) at Playmania, Building 17, Elsecar Heritage Centre, Elsecar, Barnsley, S74 8HJ</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>
2021/1001	<p>Erection of two detached dwellings with detached garages at Land adjacent 22 Windmill Avenue, Grimethorpe, Barnsley, S72 7AN</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>To proceed delegated for approval in accordance with the officer recommendation, the signing of the relevant S106, and the conditions set out in the officer report</p>
2022/0231	<p>Change of use from display or retail sale of goods (use class E(a)) to mixed use display or retail sale of goods (use class E(a) and the provision of medical or health services (use class E(e)) at Unit 9, The Glass Works, Barnsley, S70 1GW.</p> <p>Summary of consultation comments received:-</p> <p>1. One comment received raising no objections to, or indicating support of, the recommendation.</p> <p>Officer response – Comment noted to be in line with Officer recommendation</p>	<p>To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.</p>

Signed:

A handwritten signature in black ink, appearing to read 'JM Jenkinson'.

Joe Jenkinson
Head of Planning and Building Control