

MEETING:	Planning Regulatory Board
DATE:	Tuesday 14 February 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

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

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 24 January 2023.

Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593.

3. Land off Schwabisch Gmud Way, Barnsley, S71 1AY - 2022/0434 - For Approval
(*Pages 7 - 28*)

4. Land south of Hay Green Lane, Birdwell, Barnsley - 2022/0680 - For Approval
(*Pages 29 - 46*)

5. Woolley Colliery Road, Darton, Barnsley, S75 5HQ - 2022/0619 - For Approval
(*Pages 47 - 68*)

Planning Appeals

6. Planning Appeals - January 2023 (*Pages 69 - 72*)

Planning Enforcement

7. Planning Enforcement Report Quarter 3 2022/23 (*Pages 73 - 80*)

Member Consultations

8. Member Consultation Report - December 2022 (*Pages 81 - 82*)

9. Member Consultation Report - January 2023 (*Pages 83 - 84*)

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, McCarthy, Mitchell, Moyes, Peace, Shirt, Smith, Tattersall, Webster, White and Wray

Matt O'Neill, Executive Director Growth and Sustainability
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 William Ward on email governance@barnsley.gov.uk

Monday 6 February 2023

MEETING:	Planning Regulatory Board
DATE:	Tuesday 24 January 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Crisp, Danforth, Eastwood, P. Fielding, Gillis, Hayward, Leech, Mitchell, Moyes, Peace, Smith, Tattersall, White and Wray

In attendance

41. Declarations of Interest

Councillor Gillis declared a Non-Pecuniary interest in **Planning Application No 2021/1282** - Outline planning permission for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping. All matters reserved with the exception of access at Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR as he is a local ward member.

Councillor Peace declared a Non-Pecuniary interest on any agenda item in relation to his position of Cabinet Support Member - Environment and Highways.

42. Minutes

The minutes of the meeting held on 25 October 2022 were taken as read and signed by the Chair as a correct record.

43. Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR - 2021/1282 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1282** - Outline planning permission for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping. All matters reserved with the exception of access at Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to signing of a Section 106 Agreement, with an additional condition asking for details of the positioning, location and maintenance of the miners memorial and bus turning circle to be submitted at reserved matters stage. An informative also added to recommend that the developer liaises with the Parish Council on miners memorial.

44. Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA - 2021/0668 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0668** - Reserved matters (layout, scale, appearance and landscaping) pursuant to outline planning permission 2017/0753 for the residential development for approximately 250 dwellings, means of access and associated works (Amended Plans and Supporting Documents proposing a development of 238 dwellings) at Land to the south of Bleachcroft Way, Stairfoot, Barnsley, S70 3PA.

RESOLVED that the application be granted in accordance with the Officer recommended subject to signing of a S106 Agreement in accordance with the terms set out in the report, with delegated powers given to officers to negotiate the inclusion of accessible housing within the on-site affordable housing provision.

45. Land at Dearne Valley Parkway, Hoyland, Barnsley, S74 0QA - 2021/0479 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/0479** - Erection of 3no industrial/warehouse units (Use classes B2 and B8 and E(g(ii) and Eg(iii))) totalling 11,585 sqm floorspace and associated works including provision of access, parking and landscaping at Land at Dearne Valley Parkway, Hoyland, Barnsley S74 0QA.

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

46. Planning Enforcement Report Quarter 2 2022/23

The Head of Planning and Building Control submitted a report which provided the Board with an update on Planning Enforcement Service activity covering Quarter 2 2022/23. The report included a breakdown of the requests for service received together with the details of key actions and enforcement case outcomes during the quarter.

Following the Government's latest publication of the planning enforcement statistics in November 2022 for the year to the end of June 2022, Barnsley was ranked joint 13th nationally and joint 4th outside of London for the number of enforcement notices served.

The Service had issued 44 enforcement notices for 2022/23 (year to date), of which 23 enforcement notices had been complied with during the period.

RESOLVED that the report be noted.

47. Planning Appeals - October 2022

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

The report indicated that 5 appeals had been received in October 2022. No appeals had been withdrawn and 3 appeals had been determined. Of the 3 appeals determined in December 2022, 2 had been dismissed and 1 had been allowed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 19 appeals had been decided since 1 April 2022. Of those, 14 appeals (74%) had been dismissed and 5 appeals (26%) had been allowed.

RESOLVED that the update be noted.

48. Planning Appeals - November 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 November 2022. No appeals had been withdrawn and 1 appeal had been determined. The 1 appeal determined in December 2022 had been dismissed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 20 appeals had been decided since 1 April 2022. Of those, 15 appeals (75%) had been dismissed and 5 appeals (25%) had been allowed.

RESOLVED that the update be noted.

49. Planning Appeals - December 2022

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

The report indicated that 2 appeals had been received in December 2022. No appeals had been withdrawn and 2 appeals had been determined. Of the 2 appeals determined in December 2022, both had been dismissed.

The report also gave the details of cumulative appeals totals for the whole of 2022/23 which indicated that 22 appeals had been decided since 1 April 2022. Of those, 17 appeals (77%) had been dismissed and 5 appeals (23%) had been allowed.

RESOLVED that the update be noted.

50. Member Consultation Report - October 2022

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in October 2022.

RESOLVED that the report be noted.

51. Member Consultation Report - November 2022

The Head of Planning and Building Control presented a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in November 2022.

RESOLVED that the report be noted.

Chair

Item 3

Ref 2022/0434

Applicant: Onside YouthZone/Barnsley MBC

Proposal: Hybrid planning application seeking a) full planning permission for the erection of a two storey Youth Zone building with floodlit kick pitch on the roof, roof top plant, service yard with bin store, minibs and blue badge parking and associated landscaping; and b) Outline permission for the erection of a club house café and the formation of an associated activity park (all matters reserved apart from means of access)

Site Address: Land off Schwäbisch Gmud Way, Barnsley, S71 1AY

4 objections have been received from local residents.

Site Description

The application site is located within Barnsley Town Centre on Schwäbisch Gmünd Way adjacent to the Train Station and Transport Interchange.

The overall site area is approximately 1.7 hectares and is largely vacant, with concrete hardstanding occupying the majority of the site at the present time. The site is previously developed having previously been used as an electricity board depot for several decades before that use ceased and the site became vacant in the 2000's. There are some still spoil piles on the site following the demolition of the buildings that used to occupy the site. Vegetation is mainly confined to the edges of the site and in the south east corner which includes two trees that are protected by a Tree Preservation Order with some self set scrub vegetation starting to grow through gaps in the deteriorating hard surfaced areas of the site.

The site borders Schwäbisch Gmünd Way (western side), Mottram Street (northern side) and the A61 Harborough Hill Road (eastern side). Residential properties neighbour the site to the north on Mottram Street, with further residential development and Queens Road Academy located to the east on the other side of the Harborough Hill Road two way dual carriageway. Town centre uses dominate the area to the south and west of the application site, including the Barnsley train station and Transport Interchange which are located less than 100m to the west of the site. To the south, the application site abuts an established electricity distribution site and beyond that is Buzz Bingo.

The application site presents a somewhat varied topography with the existing hard surfaced areas of the site sitting higher than Schwäbisch Gmünd Way and Mottram Way above an embankment and the main body of the site being a similar level to the section of Harborough Hill Road that neighbours the site on its eastern side. In this area of the site there is historical vehicular access into it from Harborough Hill Road. That is set behind a large rectangular shaped area of hard standing that is used for informal car parking purposes at the present time. Beyond that is a gate that prevents vehicular access into the main body of the site. In addition, another single width road runs parallel to Harborough Hill to provide a service access to the electricity distribution site which still remains in place immediate to the south of the site. This too is closed off to prevent vehicular entry into the main body of the site by metal gates.

Site History

The relevant applications to this proposal are identified below;

- B/05/1339/BA: Redevelopment of the existing site comprising retail, associated car parking, landscaping works and new access. Approved (17.10.2005). Reserved matters for this development were approved through application 2008/1564 on 17.12.2008. There was also an extension of time limit application approved for both outline and reserved matters under reference number 2010/1431.
- 2009/0297: Formation of an alternative vehicular and pedestrian access onto Harborough Hill Road. Refused (28.04.2009). This application was refused on the grounds that the proposed access would give rise to conditions prejudicial to highway safety which would be likely to increase the potential for accidents along Harborough Hill Road.

Background

OnSide is a growing national charity which provides young people with somewhere to go supporting them to reach their potential. OnSide currently operate 14 Youth Zones across England which support over 50,000 young people. Each Youth Zone welcomes 200 or more young people every day of the year. They charge 50p per visit and £5 annual membership. The facilities are aimed at young people aged 8-19, or up to 25 with a disability, and provide between 20 recreational, arts and sports activities supervised by experienced Youth Workers. Barnsley Youth Zone will also offer targeted programmes for those most in need including mentoring services and employability support.

Proposed Development

This is a hybrid planning application that seeks full planning permission for the construction of a Youth Zone facility. In addition, outline planning permission with all matters reserved apart from means of access is sought for the erection of a club house café and the formation of an associated activity park on the additional 1.2 hectares of land that accompanies the application.

It is intended that the development of the Youth Zone facility will comprise the first phase of this leisure/community facilities development, with the Activity Park being a second phase that is delivered subsequently, the detailed design of which is intended to be agreed through a subsequent reserved matters application.

Youth Zone (Full planning permission)

The Youth Zone would occupy 0.5 hectares of the site and is proposed to be built in the western section of the site adjacent to Schwäbisch Gmünd Way.

The associated building would have two floors internally. However, it would also have a kick pitch and plant to be located on the rooftop making it equivalent to being three storeys across approximately half of the building. That said there would still be a good level of permeability across the kick pitch on the roof top level given that it would be enclosed by mesh fencing and netting rather than solid walls and roof.

The building would front Schwäbisch Gmünd Way measuring approximately 80.5m in length by 31m in width. The two storey section of the building would be 10.7 in height with the three storey equivalent section being nearly 15m in height.

The ground floor includes a number of small lobby/reception rooms, which open out into a large recreational area/sports hall spread across two levels. The sports hall, underneath the kick pitch, includes a Multi-use games area (MUGA) and climbing wall on the ground floor and a 178m² fitness suite on the first floor. It shall also include an ancillary single storey store, car parking and landscaping.

The recreational areas are supported by a kitchen with a servery in order to provide a hot and cold food offering for visitors. Accessed from the upper recreational area are a number of meeting rooms of varying sizes (14-44 sqm) which are to be made available for community and educational uses. There are also changing facilities and toilets.

The first floor would also accommodate additional community and educational facilities such as a 103m² performing arts studio, a 68m² music studio and a 47m² mentoring kitchen.

This application also seeks full planning permission for the construction of a small, single storey storage building located to the south of the application site and will provide for a workshop and bin storage area, both measuring 12 sqm respectively.

Access and servicing for the Youth Zone would be from Schwäbisch Gmünd Way occupying part of the existing Network Rail car park. The remaining part of that car park would be retained by Network Rail.

Club house café and the formation of an associated activity park (Outline with all matters reserved apart from means of access)

The Activity Park is situated on a large area towards the east of the application site (1.2 hectares). The indicative plans show the Activity Park would include provision for a large BMX and Skate bowl; two activity play areas; a Parkour Area and Jump section. Provision for a future club house/café within the activity park will also be made. The Clubhouse is the only building proposed within the outline area.

The indicative plan also proposes that the Activity Park will incorporate multi use cycle and pedestrian paths within the site that would connect with the existing pedestrian and cycle networks at Schwäbisch Gmünd Way, Harborough Hill Road and Mottram Street.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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 Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

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 within the Eastern Gateway area of Barnsley Town Centre and also falls within the sensitive area of opportunity for tall buildings. As such, the following policies are relevant:-

Local Plan

The site is located in the Eastern Gateway part of the Town Centre and is the subject of site specific policy BTC24 - Development Site 4 – Land between the Transport Interchange and Harborough Hill Road which states the following:-

We will allow the following types of development:

- Offices.
- Education, community and youth facilities.
- Transportation uses associated with the adjacent Transport Interchange.
- Public space.
- Residential.
- Ancillary retail.

The development of the site will be expected to:

- Make a positive contribution to the character and appearance of gateways;
- Consider any implications arising from its location adjacent to an Air Quality Management Area; and
- Support the liveliness and economic strength of the town centre.

Other relevant local plan policies include:-

Policy SD1 - Presumption in favour of Sustainable Development

Policy I2 - Educational and Community Facilities

Policy GD1 – General Development

Policy T3 – New Development and Sustainable Travel

Policy T4 – New Development and Transport Safety

Policy D1 – Design

Policy GS1 – Green Space

Policy GS2 – Green Ways and Public Rights of Way

Policy CC1 – Climate Change

Policy CC2 – Sustainable Design and Construction

Policy BI01 – Biodiversity and Geodiversity

Policy Poll1 – Pollution Control and Protection

Policy RE1 – Low Carbon and Renewable Energy

Policy TC1 – Town Centres

Policy BTC4 – Improving Public Spaces

Policy BTC5 – Landmark Buildings

Policy BTC6 - Building Heights

Policy BTC7 - Gateways

Policy BTC23 - Eastern Gateway

SPD's

- Parking
- Residential Amenity and the Siting of New Buildings
- Sustainable travel

NPPF

The National Planning Policy Framework 2021 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. Where proposals are in accordance with the development plan, permission should be granted without delay. Paragraphs of 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 113 - Requires all developments that generate significant amounts of movement to be supported by a Transport Assessment and a Travel Plan.

Para 120 (c) - Planning policies and decisions should:-

give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land

Para 126 - The creation of high-quality buildings, beautiful and sustainable 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.

Paragraph 130 - requires planning policies and decisions to ensure that developments function well and add to the overall quality of the area; are visually attractive; establish a strong sense of place; and which create places that are safe, inclusive, accessible and promote health and well-being.

Consultations

Comments have been received from the following consultees:-

Network Rail – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Pollution Control – No objections subject to conditions

Highways DC – No objections following the receipt of amended plans.

Urban Design – No objections. This stance takes into consideration that the Youth Zone part of the application has been through the Design Panel process prior to the planning application being submitted.

PROW – No objections subject to additional information on the status of the paths

SYMAS – No objections subject to standing advice

Coal Authority – No objections

Tree Officer – No objections subject to conditions

Planning Ecologist – No objections subject to conditions

Drainage – No objections subject to conditions

Superfast South Yorkshire – No objections, provided advice and guidance.

Summary of representations

The application was advertised by way of 90 neighbour notification letters, site notice and Press Advert. 4 letters of objection have been received. The main points of concern are:

- loss of privacy due to the location of the kick pitch.
- potential disturbance due to flood lights and lights around the building.
- Potential projectiles from the roof top.
- Traffic and parking congestion on neighbouring streets.
- Suitable fencing is required around the site perimeter.
- Increase in littering.
- Potential anti-social behaviour.

Assessment

Principle of Development

The site is in the Eastern Gateway District of the Town Centre where the range of acceptable uses is stated to be transport related development, office, education, community and youth facilities and public spaces within policy BTC23.

More specifically, the application site is identified under Policy BTC24 as Development Site 4 which contains a similar list of acceptable uses including education, community, youth facilities and public spaces.

The youth zone facility would provide youth facilities with the activity park providing both youth facilities and creating a new public space. The proposals therefore accord with the range of uses that are permissible within the Eastern Gateway District and Development Site 4 making the proposal acceptable in land use planning policy terms.

In addition, the site is located in Urban Barnsley which is the main priority for growth as per the spatial strategy approach that is detailed within the Local Plan (LG2). Furthermore, the site is in Barnsley Town Centre which is where the majority of new retail and town centre development will be directed towards in order fulfil its sub regional role and to enhance its vitality and viability (TC1 Town centres). It is considered that the development would support the liveliness and economic strength of the town centre which is an aim of policy TC1 and site specific BTC24 which again means that the proposals are supported in land use planning policy terms.

12 Educational and Community Facilities is also relevant. This states that the Council will support the provision of new community facilities and that new community facilities should be located centrally to the communities they serve and in places where they will be accessible by walking, cycling, and public transport. This particular site is highly accessible being located in Barnsley Town Centre in a location that is immediately adjacent to the train station and transport interchange. This is another policy that would be met therefore.

A further consideration is that the site is predominantly brownfield. As such the development would represent the effective and efficient re-use of previously developed land on a central site that is located within Barnsley Town Centre. The proposal therefore accords with local plan policy CC1.

In addition to the considerations set out above development within the Eastern Gateway District must make provision for the Green Sprint and make a positive contribution to the character and appearance of the gateways. The assessment of the proposal against these and the other material assessment considerations is detailed within the sections below.

Appearance and visual impact considerations

Development on sites located on or within identified town centre gateways are required through Policy BTC7 to create a strong distinctive visual gateway to the town centre and provide a sense of arrival, as well as being designed to welcome people into the town centre and take the opportunity to create distinctive landmark buildings. Additionally, development in these locations is expected to improve public spaces in accordance with the Barnsley Town Centre Public Spaces Strategy. This Policy also reaffirms the Council's expectation for development to make a positive contribution to the character and appearance of the gateway, as does site specific policy BTC24.

Similar themes are echoed within policy BTC23 which is specific to the Eastern Gateway which this site is a part of. The supporting text of Policy BTC23 states there is an opportunity to enhance key routes in terms of urban design and development within this area should repeat the scale, massing and quality of existing development, and there is an opportunity for development and diversification of uses.

It should also be recognised that this prominent gateway site has stood vacant for a number of years with previous approvals never being developed out. In its present condition it has a negative impact on the visual amenity of this part of the town centre being such a large derelict area of land, especially for visitors arriving by train. In addition, the site is surrounded by new and existing awarding winning development such as Barnsley Transport Interchange, the Glassworks and the new Market Gate bridge which is currently under construction.

The proposed Youth Zone building has undergone a design evolution from the initial concept and was presented to the Barnsley Urban Renaissance Design Advisory Panel on 11th March 2021. Following on from amendments to the plans and considering the feedback from the design panel the scheme was re-presented to them on 2nd December 2021.

The design panels overriding advice was to; *make the building more distinctive to help it become more of a landmark. Avoid taking historical design cues. The building needs to be fun, to be a gateway, with bright architecture, together with depth & modelling and active frontages. It needs a stronger, more inviting personality.*

As such, a key design driver has been creating a distinctive landmark building with an active frontage onto the public facing elevation that acts as a gateway into the town centre. In order to try and achieve this the applicants have proposed a projecting first floor along Schwabisch Gmund Way that overhangs the ground floor. This frames the floor to ceiling glazing on the ground floor and also provides shelter to the main entrance. The large areas of glazing also allow views deep into the building which provides an active frontage for pedestrians outside.

A bold feature colour of red is used to make the building facades stand out. It would be used to frame windows and other architectural features to add interest. This would be further emphasised by setting it against a darker palette of materials. The building would be grounded through the use of grey bricks on the ground floor with the mix of cladding above.

The mass of the sports hall is treated differently to the more modest elevations and also has less glazing to avoid glare. The external elevations of this part of the building would predominantly feature dark grey cladding, however, it would be broken up by red light bands which would be laid in a non-uniform lattice pattern to add a more playful, fun element to the elevation. The light bands would also reflect the light bands incorporated within the Glassworks elevations. The dark grey cladding is further broken up with the incorporation of a section of red cladding and backlit polycarbonate section.

Above the sports hall section of the building is the kick pitch. The pitch would be enclosed by black mesh fencing which would allow light and views through so as not to be overly dominant and it would be tied to the theme of the rest of the building through the inclusion of red accents.

The eastern elevation of the building which would face the activity park and the residential properties on Harborough Hill Road is more modest in scale with domestic size openings and would be built completely of brick. However, interest would be added through recessed vertical lines and various shades of grey brick. The adjacent elevation to the rear of the sports hall would also continue the same design of the front elevation with the grey cladding and red light bands, it would also incorporate black architectural cladding to add a different dimension and texture.

A new public plaza is proposed to the South of the building with surface treatments leading to the entrance of the Youth Zone. This space is intended as a space to direct users to the building and provides seating along with cycle storage. This space is intended to be framed with some soft landscaping and a wall offering an opportunity for artwork or branding. Furthermore, external amenity space is created to the north on the higher ground and to the east with a banked landscaped buffer to the activity park.

It is acknowledged that the building is of significant size and mass. However, it is a town centre development on a site that lends itself to a landmark form of development and proposed building would not be significantly taller than the adjacent train station and bingo hall and would also be seen in the same context as the multi storey Glass Works development to the South and the Digital Media Centre to the West. It has been designed in a linear format with the longest elevation sitting tight to and fronting Schwäbisch Gmünd Way meaning that it would be separated from the Harborough Hill Road side by approaching 90m distance away with the activity park positioned in between which would provide a green visual buffer. Furthermore, the width of the building is relatively narrow in comparison (less than 40% than the length) and so it is determined that the scale and bulk of the building would be in keeping with the scale of other buildings within the town centre and would not be excessive. It is therefore considered that the proposal would represent an acceptable taller building proposal having regard to the wording of policy BTC24 and the Building Heights Study.

For the reasons outlined above, the youth zone building should make a positive contribution to the character and appearance of the prominent gateway area. It would harmonise with the scale, massing and quality of existing development within the immediate area and the design of the building is distinctive to help it become a landmark. As such, the development is in accordance with Local Plan Policies BTC23, BTC24 and D1.

In terms of the activity park, this is only an outline with all matters except access reserved, as such, the design will be assessed more in depth at reserved matters stage. However, an indicative site layout has been submitted which demonstrates that the area can accommodate a number of activity areas and provide sufficient space for planting and screening. There is a kiosk building shown within the park, however, as outlined above this would be assessed further at reserved matters stage. In any case it has a modest footprint and is well screened from neighbouring highways. Views would be limited from the West and views from the east would be against the backdrop of the youth zone building.

Residential Amenity

There are existing residential dwellings in the vicinity of the site. The closest lie to the north on Mottram Street which runs between Harborough Hill Road and Eldon Street North. These are predominantly terraced properties and back on to the Northern boundary of the site. The site is on a higher ground level than these dwellings and the residents in this area have raised concerns regarding the proximity of the Youth Zone and the associated rooftop football pitch.

The plans have been designed with the Youth Zone building so that the building would be positioned side on to those properties, only being directly behind a small number of the dwellings and with a separation distance of over 50m to them. This means that the proposal would easily satisfy the relevant spacing standards that are set out in the 'Residential Amenity and the Siting of Buildings' SPD which seeks to ensure a minimum separation distance of 30m for any new buildings of 3 storey height. As such, whilst the development would have an impact on outlook, the separation distance and building positioning on site would limit the impacts and mean that the building would not be an overbearing feature or significantly increase overshadowing in accordance with Local Plan Policy GD1.

In addition, there are dwellings which front Harborough Hill Road to the East of the site. However, those dwellings would be separated from the Youth Zone by the

activity park and Harborough Hill Road which equates to a separation distance of over 100m to the youth zone. This much further separation distance means that the spacing standards would be readily met.

Noise and disturbance have been raised as a concern by some local residents. At this stage only the plans for the Youth Zone are in detailed form with the plans for the activity park being indicative. A noise survey has been carried out for the Youth Zone which explains that the proposed operating hours are 09:00-22:00 hours on weekends and school holidays and 16:00-22:00 hours during school term times.

Background noise levels were taken from several locations across the site including adjacent to the closest residential properties and were found to be high based upon its town centre location in a position next to Harborough Hill Road and the train and bus station. Having assessed the potential noise generated by the proposed use, including the roof top plant, kick pitch and noise break out from internal activities, the report concludes that the impact from associated activities is low. Regulatory Services have raised no concerns regarding noise and disturbance, subject to conditions.

In terms of the activity park, it is acknowledged that this would open the site up for public use. However, the nearest activity park facilities are shown to be over 35m away from the nearest dwellings on Mottram Street to the north and Harborough Hill Road to the east, which would be considered to be a sufficient distance away. In addition, it is proposed to retain existing vegetation on the northern and eastern boundaries which would act as screening. It is also the case that the dwellings to the east on Harborough Hill Road would be separated by the four lanes of traffic that make up the A61 in the location which acts as a point of severance and means that noise levels from the park are likely to be much lower than the background noise from the road traffic.

With regards to the concerns from residents about the lighting, especially serving the rooftop football pitch, a lighting report has been submitted which demonstrates the light spill and concludes that there will be zero to negligible impact to surrounding residential areas in terms of obtrusive/nuisance lighting.

For the reasons outlined above, it is concluded that the development meets the requirements of Local Plan Policy GD1 and the amenity of neighbouring residents and users would be maintained to a reasonable degree. Furthermore, the proposed development would improve and enhance the amenity levels of the future uses of both the Youth Zone and activity Park.

Highways and active travel considerations

In terms of the Youth Zone, the existing three vehicle layby bay on Schwäbisch Gmünd Way would be retained and utilised as a shared dedicated drop-off while also ensuring that the 'no waiting/no loading' restrictions on the rest of Schwäbisch Gmünd Way are respected.

Alongside the retention of the drop-off bay, the proposal has been designed to ensure appropriate access for servicing, deliveries and disabled/minibus parking is provided. Development proposals show a secure service/ essential parking area at the southern end of the development site, within what is currently Network Rail land and used for occasional parking by Network Rail staff. Network Rail would retain 5no. spaces and a new access to their parking would be created to the South of the drop off bay.

The applicants have stated that typically the Youth Zone will have a twice weekly deliveries of food, daily post and parcel deliveries and weekly refuse/recycling collection. The servicing and delivery area for the Youth Zone will provide two disabled parking spaces for visitor and staff use, as well as parking for a minibus to deliver their outreach programme. The service area will have a secure perimeter fence and will be accessed via a simple dropped-crossing arrangement from Schwäbisch Gmünd Way. The disabled and minibus parking spaces will also be provided with EV charging points. This area would also be used for deliveries and to service the building and includes a turning area to allow vehicles to enter and exit the site in a forward gear.

The site is located within a very sustainable location, directly opposite the train and bus station and is also within walking distance to a number of residential properties. It is also a short walk from a number of town centre car parks, including a surface car park directly to the South. There are pedestrian links to the site, however, there are limited crossing points across Schwabisch Gmund Way, as such, 2no. new pedestrian crossing points are proposed and would be secured by condition.

The site is within an area where new pedestrian and cycle links are proposed which would also run through the activity park. As outlined above, development within the Eastern Gateway District must make provision for the Green Sprint and make a positive contribution to the character and appearance of the gateways. The Green Sprint is an important part of Barnsley's strategy to create a greener, more pedestrian focused approach to travel within the town. It will be a high-quality pedestrian and cycle route that will start at Town End roundabout linking the town centre with the interchange, the Metrodome leisure centre and Dearne Valley Country Park. The links around and through this application site will play a key part in achieving that and are encouraged.

The front of the site includes a development exclusion zone to potentially increase the width of the footpath to 3m to create a cycle path. The site also incorporates 12no. Sheffield bike stands to be used by staff and users of the building. The scheme will also benefit from a Travel Plan, managed by the facility to encourage sustainable travel in perpetuity. This will be conditioned.

With regards to the activity park, access is included to be considered as part of this application. There is an existing access into the site from Harborough Hill Road, however, as established through previous applications and pre-application enquiries this has always been discouraged as a future site access given the nature of Harborough Hill Road as a highly trafficked dual carriageway and classified road (A61).

That service access would be retained. However, it would be blocked by removable bollards and removable planters. It would not be used to service or maintain the park or kiosk and would only be used to access the electricity distribution site very infrequently (usually once every few years). The park itself would be maintained from off the turning head serving Mottram Street with a dedicated area for vehicles to park. Limited details have been submitted regarding the kiosk; however, the applicants have stated that this could be serviced on foot and would not require vehicles to directly access it.

Highways have assessed the application and have not raised objections subject to conditions, as such, highways safety would be maintained in accordance with Local Plan Policy T4.

Other Matters

Other town centre policy requirements

Policy BTC4 requires proposals for community uses over 1000 sqm to include proposals for the improvement of public spaces. This would be achieved via the creation of the activity park part of the proposal which would be for public use and would regenerate a derelict site that is within the town centre envelope.

Green Infrastructure and Green Space

In terms of the activity park, Local Plan Policy GI1 establishes the Council's intention to provide an integrated network of connected and multi-functional Green Infrastructure. In particular, the Council seeks to provide attractive environments for people to live, work, and play and which improves opportunities for recreation and enhances the quality of life for present and future residents and visitors. Policy GS1 then goes on to seek improvements to the existing Green Space network of the Borough. The proposals are therefore also in compliance with policies GI1 and GS2.

Ecology

The application has been accompanied by an Ecology Survey. The site mostly consists of hard surfaced areas dating back to the previous depot use with two large areas of spoil still existing that consists of rubble from demolished former buildings and vegetation around the edges of the site. Scattered scrub is distributed across the entire site, including on the spoil piles.

Each of the habitats are considered to be of site level importance only. Additionally, the shrub is limited in extent and invasive species are present. These are not considered to be habitats of principal importance.

The west of the site would be predominantly occupied by the Youth Zone building and associated hardstanding. However, there is opportunity to retain and introduce soft landscaping and planting to the North and south of the site.

The much larger proportion of the site would be made up of the activity park which is only in outline form at this stage with landscaping being a reserved matter. The masterplan shows there is opportunity to retain some of the existing landscaping around the perimeter of the site and also introduce soft landscaping and planting around the activity zones and pathways but this would need to be secured at reserved matters stage.

In addition to the Ecology surveys, the applicant has submitted a Biodiversity Net Gain (BNG) assessment for the activity park. Ultimately the assessment and associated metric conclude that a gain of at least 2.82 habitat units can be achieved on site. As such, the Council's Planning Ecologist has raised no objections to the proposed scheme subject to conditions securing a Biodiversity Enhancement Plan (BEMP), which would include measures to be adopted on site to enhance opportunities for wildlife, such as bat, bird and insect boxes and access for hedgehogs, and a Construction Environment Management Plan (CEMP:Biodiversity). The proposals are therefore in compliance with policy BI01 – Biodiversity and Geodiversity.

Public Right of Way

There are no public rights of way within the site boundary at the present time. However, a number of internal routes are shown within the activity park, including footway / cycleways. It is intended that these will link to wider planned routes across the borough including the Green Sprint link from Barnsley Town Centre to the Dearne Valley Park and the active travel corridor from the town centre to Royston. These will need to be secured at the reserved matters stage in order to comply with policy BTC10.

Mining

The application site falls within the defined Development High Risk Area. The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth. Records also confirm that thick coal seams outcropped across the site.

The applicants have submitted a Ground Investigation Report (dated November 2021) from GEA Ltd, the content of which confirms site investigations comprising of rotary boreholes have been undertaken. In terms of the results, the Report confirms that only intact coal was encountered and that consequently, shallow coalmine workings do not pose a stability risk to the development.

On account of the above, both the Coal Authority and SYMAS have confirmed that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

Drainage

The Environment Agency flood risk maps show the development is wholly in flood zone 1 (low risk of flooding). The Councils Drainage Officers and Yorkshire Water have been consulted on the application as a whole and have raised no objections subject to conditions.

The proposed Site Masterplan illustrates that Sustainable urban Drainage Systems (SuDS) are envisaged to be utilised throughout the Activity Park development, chiefly through the provision of attenuation ponds and swales. Whilst the provision of an attenuation pond will provide sustainable drainage for the site, it will also assist in providing an enhanced visual amenity to the area of landscaping to the northeast of the site which encloses the BMX and Skate Bowl.

Air Quality

Through Local Plan Policy BTC24, which identifies the application site as a development opportunity within the town centre, the imperative for any future development proposal to consider its impact on the adjacent Air Quality Management Area is identified, given the proximity of the Harborough Hills AQMA.

An Air Quality Assessment has therefore been submitted alongside this application which assesses the potential changes in air quality due to the construction and operation of the proposed development. The report concludes that the Youth Zone is not expected to have a significant impact on local air quality. In the context of this topic, it is noted that the age range of customers for the Youth Zone is going to be 8-19 which is going to mean that many of the patrons will be below the legal driving

age. In addition, the site is located immediately next to the central train and bus stations meaning that it is highly accessible by public transport. Furthermore, the proposals would include multi user routes to facilitate active travel to and from the site.

Trees

The site is previously developed and as such largely comprises of hardstanding, with two large areas of spoil and a border of scattered trees to the north. Scattered scrub is distributed across the entire site, including on the spoil piles.

There are no trees of note or worth retaining within the centres of the site and those along the Northern boundary, adjacent to the dwellings on Mottram Street, are shown to be retained on the site masterplan. The existing trees along the Eastern boundary would potentially need to be removed in order to widen the footpath to 3m along Harborough Hills Road. However, there are very few of note which contribute to the visual amenity of the area, in addition, the masterplan shows that there would be significant tree planting along this boundary. In any case, this would be assessed more in depth at the reserved matters stage.

There are, however, 2no. trees which are subject to TPO's within the South Eastern Corner of the activity park site. A beech tree (TPO ref no.27,T1, 2009) and a Lime Tree (TPO ref no. 27, T2, 2009). These trees sit between the electricity distribution site and Harborough Hill Road. The masterplan for the site shows that the existing hardstanding adjacent to the trees would be predominantly removed and replaced by soft landscaping. This would mean that they should be readily capable of being retained. But with the plans being indicative this would need to be considered properly at reserved matters stage with suitable conditions imposed on the outline decision. A construction management plan submitted with the application does show this area used for parking during the construction of the Youth Zone. However, hard surfacing already exists within that area and should be capable of being utilised without causing harm to those trees. Furthermore, the construction management plan would be subject to conditions as would tree protection measures.

Conclusion

Both the Youth Zone facility and the activity park fall within the range of uses that are permissible within the Eastern Gateway District and Development Site 4 in the Local Plan making the proposal acceptable in land use planning policy terms.

In addition, it has been identified that the proposal complies with policy LG2 in that the located in Urban Barnsley as the main priority for growth. Furthermore, the site is in Barnsley Town Centre which is where the majority of new town centre development will be directed towards in order fulfil its sub regional role and to enhance its vitality and viability (TC1 Town centres). The development would be in accordance with those aims supporting the liveliness and economic strength of Barnsley Town Centre.

In addition, it would lead to the provision of community facilities in accordance with policy I2 Educational and Community Facilities and result in the recycling of previously developed land contributing towards the aims of policy CC1.

The proposed development is acceptable in all aspects associated with the principle of development/land use planning policy considerations, therefore.

The proposal is on Gateway site. However, the assessment has determined that the proposals are of a design that is befitting for such a location and would make a positive contribution to the character and appearance of the gateway.

In addition to the above an assessment has been carried out of the proposed development in relation to other local plan policies, SPD's and against other material planning considerations.

The residential amenity implications have been assessed and this has determined that suitable relationships would exist between the Youth Zone building and neighbouring dwellings based upon the positioning of the building within the layout and the proposal delivering over and above the separation distances required by the SPD. The park would reintroduce activity onto the site, but this has to be weighed against the public benefits of providing a new area of greenspace in the town centre and new activity facilities that would benefit the wider community and the support that is given to such provisions within the site specific allocation policy BTC24 and policies GI1 and GS2. The site is in a derelict state having previously been used as a depot by the electricity board and so would not give rise to same forms of operational noise as that form of historical use. In addition, a noise survey has been carried out for the youth zone which demonstrates that the Youth Zone would not give rise to unacceptable noise levels, whereas for the activity park it shall be a case of ensuring that the future play facilities are located an acceptable distance away from the northern and eastern side boundaries at the reserved matters stage as is currently shown on the indicative layout plan.

In relation to highways impacts the site is located in town centre immediately next to the train station and transport interchange. This means that it is highly accessible by means other than private car and in any case many of the users of the facility will be below the legal age to drive a car. In addition, the proposal incorporates active travel provisions in the form of multi user cycle and footpath routes passing through the site and connecting with routes off the site making it a form of development that scores very highly in active travel and sustainable development terms. The BREEAM very good requirement would mean a high standard of sustainable construction would be used in the building which is another important consideration in sustainable development terms.

In addition, the development would ensure that a net loss of biodiversity is avoided and that a small net gain is provided on site.

Overall therefore the proposal complies all of the main local plan policies that are relevant to the assessment of the proposal including BTC24, BTC23, SD1, CC1, LG2, TC1, GD1, D1, T4, BIO1 and the Residential Amenity and Siting of Buildings SPD. The presumption in favour of sustainable development that is set out in Local Plan policy SD1 and in paragraph 11 of the NPPF is considered to apply therefore and the recommendation is one of approval accordingly.

Recommendation

Grant full (Youth Zone) and outline planning permission (club house café and the formation of an associated activity park) subject to the following conditions

Conditions:

Part A – Conditions 1-14 are relevant to the full planning permission for the Youth Zone:-

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 (listed below) unless required by any other conditions in this permission.

BAR-HBA-V0-00-DR-A-P53D - Proposed Site Master Plan
BAR-HBA-V0-00-DR-A-P54D - Proposed Youth Zone Plan
BAR-HBA-V0-00-DR-A-P55C - Proposed Youth Zone Boundary Details
BAR-HBA-V0-00-DR-A-P60A - Proposed Ground Floor Plan
BAR-HBA-V0-00-DR-A-P61A - Proposed First Floor Plan
BAR-HBA-V0-00-DR-A-P62A - Proposed Kick Pitch Level Plan
BAR-HBA-V0-00-DR-A-P63A - Proposed Roof Plan
BAR-HBA-V0-00-DR-A-P64B - Proposed Building Elevations
BAR-HBA-V0-00-DR-A-P65A - Proposed Building Sections
BAR-HBA-V0-00-DR-A-P66B - External Store Building
PA1562 Barnsley Youth Zone - External Artificial Lighting Report Rev B

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

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

4 Upon commencement of development 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.

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 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'.

- 7 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area
- 8 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:- a) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
- 9 The proposed Youth Zone Building shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2 'Sustainable Design and Construction'.
- 10 The proposed mesh fencing around the rooftop kick pitch, and the netting covering the pitch in its entirety, shall be fully completed prior to the kick pitch being brought into use and retained as such thereafter.
Reason: In the interest of highway, railway and pedestrian safety, in accordance with Local Plan Policy T4
- 11 Prior to occupation of the building/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interest of visual and residential amenity in accordance with Local Plan Policy GD1 'General Development'.
- 12 Notwithstanding the details indicated on the submitted drawings, no works shall commence on site until a detailed scheme for the off-site highways works (pedestrian crossing on Schwabisch Gmund Way) as indicated on the proposed site mater plan BAR-HBA-V0-00-DR-A-P53D has been submitted to and approved in writing by the LPA.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 'New Development and Transport Safety'.
- 13 Notwithstanding the details shown on the submitted plans, the development hereby approved shall not be commenced until details have been submitted to, approved in writing by the Local Planning Authority, and implemented, arrangements which secure the following off-site highways works;
- creation of new vehicular access(es) from Schwabisch Gmund Way
 - Alterations to the layby on Schwabisch Gmund Way
 - Position and form of relocation of pedestrian crossing facility on Schwabisch Gmund Way

- Any necessary alteration to signing/lining
- Any necessary alterations to street lighting
- Any necessary alterations to highway drainage
- Any resurfacing/reconstruction as necessary

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

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

- 14 No development shall take place including demolition 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 LPA 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 the 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 developers 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 the interests of highway safety.

15. The Youth Zone use hereby permitted shall be carried out between the hours of 09.00 to 22.00 on weekends and school holidays and 16.00 to 22.00 during term times.

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.

Part B – Conditions 16-20 are relevant to the outline Activity Park permission

- 16 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.

- 17 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.

- 18 Detailed plans shall accompany the reserved matters submission that broadly reflect the Illustrative Masterplan (BAR-HBA-V0-00-DR-A-P53D - Proposed site Master Plan) and which also indicate existing ground levels, finished floor levels of all buildings and associated structures, road/path/cycle path 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 the need for any changes to be assessed in accordance with LP Policies GD1 - General Development and D1 - High Quality Design and Placemaking.
- 19 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all buildings and associated structures, footpath/cycle path 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.
- 20 All 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 activity park; 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'.

Part C – Conditions 21-33 are relevant to both the full and outline planning permission:-

- 21 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.
- 22 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.
- 23 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 24 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 Survey
Arboricultural impact assessment
Tree protective barrier details
Tree protection plan
Arboricultural method statement

Once approved all works should be undertaken in accordance with the approved plans and methodologies with protective barriers in place for the duration of the development.

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

- 25 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 construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. 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.

- 26 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.

- 27 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.

- 28 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 'Design' and BIO1

'Biodiversity and Geodiversity'.

- 29 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 of habitat 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; and
 - schedule of actions to be undertaken in case signs of failing being identified.
 - The schedules must include the following details: details of the 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.

The BEMP will also include measures to be adopted on site to enhance opportunities for wildlife, such as bat, bird and insect boxes and access for hedgehogs.

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.

- 30 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.

- 31 The development shall be carried out in accordance with the recommendations and mitigation measures set out in the Desk Study Report by GEA dated April 2022 (J22067-RevO). The measures shall be retained as such thereafter.

Reason: To protect the health of future users and the wider environment in accordance with LP Policy CL1 - Contaminated and Unstable Land.

- 32 The scheme for the parking of bicycles as detailed on the submitted plans shall be fully implemented before the development is brought into use and thereafter retained for said purpose.

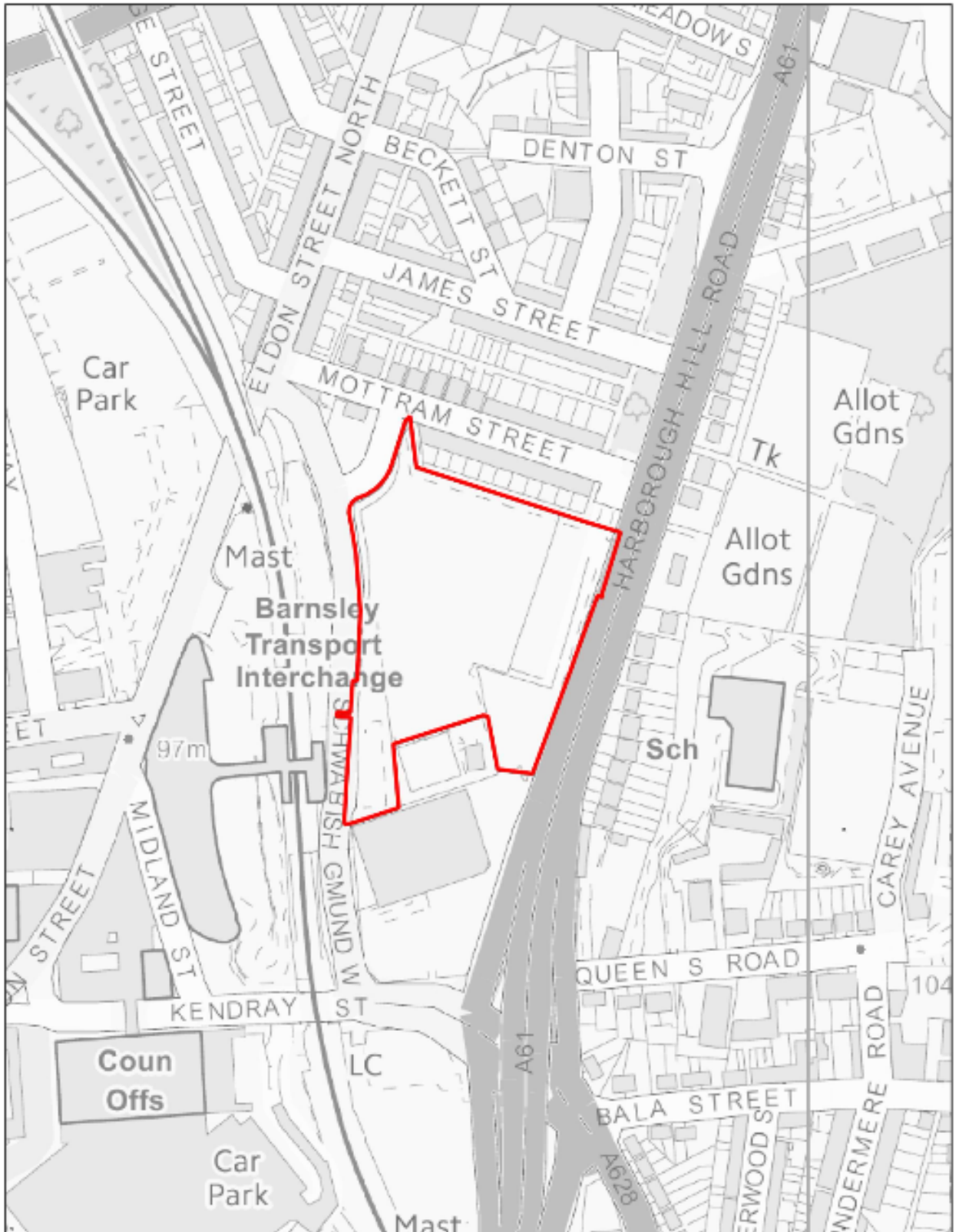
Reason: In the interests of encouraging use of sustainable modes of transport.

- 33 Any gates shall be set back from the edge of the public highway and designed to only open inwards and be permanently maintained as such.

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

PA Reference:-

2022/0434



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BARNSLEY MBC - Regeneration & Property



Scale: 1:2549

Item 4

Ref 2022/0680

Applicant: Avant Homes Ltd & Rockley Estate

Description: Residential development of 113no dwellings, associated infrastructure and public open space (Reserved matters of outline planning permission 2020/0577 seeking approval of the details of scale, appearance, landscaping and layout).

Site Address: Land south of Hay Green Lane, Birdwell, Barnsley.

31no. objection letters have been received in association with the reserved matters application from local residents.

Background

The application follows on from planning application 2020/0577 which granted outline planning permission for the site to be built upon for a development of up to 118 dwellings. That particular application was approved by the Planning Regulatory Board in April 2021 with the decision notice being issued on 24th March last year following the completion of a S106 Agreement.

Site Description

The site consists of land that is located to the south of Hay Green Lane in Birdwell. It is 3.6ha in size and is made up of a mixture of disused allotments and fields which are positioned behind existing dwellings that are located on Hay Green Lane and the A61 Sheffield Road which is located to the west of the site. The site is of an irregular shape.

The surrounding area is made up of a mixture of uses. Existing dwellings are the closest neighbours to the site bordering it on three sides to the west, north and north east. This consists of a wide variety of dwelling types including older forms of terraced housing and some larger detached houses and converted former farm buildings. Birdwell Primary School is in close proximity to the site to the north west being located on the corner of Hay Green Lane and Sheffield Road.

The site is located towards the southern part of Birdwell in the vicinity of Junction 36 of the M1 and the Dearne Valley Parkway. This places the development in relatively close proximity to the development that has either taken place or is in the process of taking place on land to the north of the Dearne Valley Parkway. This includes the areas that are known as Gateway 36 phase 1 and the large 10ha site that now has full planning permission to be developed out as a 31,612 sqm industrial warehouse on Local Plan employment allocation site ES15 'Shortwood Business Park Extension'. Positioned in between the application site and Gateway 36 and employment site ES15 are fields that are designated as Safeguarded Land in the Local Plan (site SL4).

Public open space in the form of Birdwell Recreation Ground bordering the south western flank of the site and a small plantation of trees located over Hay Green Lane to the north. Open agricultural land wraps around the site to the south and east with a Grade II listed building, the Granary (List No. 1315079), set approximately 60m further east of the site's boundary. The path forming Public Right of Way 40 (PROW40) crosses the land which separates the site and the listed building and progresses from Hay Green Lane to the south where it crosses SL4 and currently

ends beside Gateway 36 and continues informally to an underpass beneath the Dearne Valley Parkway. An overhead powerline maintained by Northern Powergrid also traverses the south eastern corner of the site.

The site itself is characterised by parcels of open unkempt grassland bound and crossed by hedgerows. The site also features a number of small outbuildings that presumably serviced the redundant allotment use that previously existed in the western section of the site. A number of mature trees are located on the site, notably an oak tree adjacent to the Recreation Ground and an Ash tree on the eastern site boundary. Residential properties back on to the site directly across the northern boundary while residential curtilages facing Sheffield Road to the west are separated by an alleyway.

History

B/75/3303/WB – Outline for residential development – Refused (Submitted for western section of site only).

B/00/0996/WB – Erection of detached house and double garage – Refused (Submitted adjacent to central northern section of the site).

2020/0577 - Residential development of up to 118 dwellings and associated works (Outline with all matters reserved apart from means of access) – Approved subject to conditions & a S106 agreement.

Proposed Development

Following on from the outline planning permission (Ref: 2020/0577) which had all matters reserved except access, the applicant has now submitted a reserved matters application that is seeking approval of the appearance, landscaping, layout and scale details relating to the future development.

The outline planning permission was granted to allow a maximum of 118 dwellings. The plans submitted as part of this reserved matters application propose a total number of 113 dwellings, 102 open market dwellings (44no. 2 bedroom units, 41no. 3 bedroom units and 17no. 4 bedroom units) and 11 affordable units (5no. 2 bedroom units and 6no. 3 bedroom units).

The proposed dwellings are a mix of detached, semi-detached and terraced dwellings with accommodation over 2 and 2.5 storeys. In total there are 12 different house types proposed across the site.

The site is in close proximity to the Birdwell Recreation Ground public open space and at the outline stage a contribution was secured as part of the S106 Agreement to invest in the improvement of the existing facilities at the Recreation Ground to create a neighbourhood facility (a NEAP) and to improve others in the Hoyland area. The committed sum amount is due to be £196,944.70 based upon the proposed plans.

As with the indicative layout submitted with the outline, the layout would include an undeveloped area that would effectively extend Birdwell Recreation Ground into the application site and provide a pedestrian link into it to and from the new development. The development would also include other undeveloped areas in the eastern and south eastern corner which is where the attenuation basin would be constructed.

The gross site area (3.6 hectares (HA)) is proposed to be broken into the following areas:

- Residential – 2.83ha
- Open space – 0.47ha
 - Formal Open Space – 0.33HA
 - Ash Tree Amenity Area – 0.05HA
 - Footpath/Cycleway Amenity Area – 0.09HA
- Basin/Swales Amenity Area (non-usable POS) – 0.29HA

The access point into the site from Hay Green Lane remains as previously approved under the outline planning permission. 4no. of the proposed dwellings would have a frontage onto Hay Green Lane, 2 adjacent to the access road and 2 adjacent to the proposed footpath/cycle connection which sits to the East of No.45 Hay Green Lane. The rest of the proposed dwellings either front the proposed tree lined estate road or one of the off shoots from it.

There are 3no. shared surface off shoot from the main new internal estate road that would be built to serve the development and 4no. private drives accommodating up to 5no. dwellings.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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 Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Site Allocation: Housing Site HS59

SD1 'Presumption in Favour of Sustainable Development'

Policy GD1 'General Development'

Policy LG2 'The Location of Growth'

Policy H1 'The Number of New Homes to be Built'

Policy H2 'Distribution of New Homes'

Policy H3 – Uses on Allocated Housing Sites

Policy H6 'Housing Mix and Efficient Use of Land'

Policy H7 'Affordable Housing'

Policy T1 'Accessibility Priorities'

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy HE2 'Heritage Statements and General Application Procedures'

Policy HE3 'Developments Affecting Historic Buildings'

Policy HE6 'Archaeology'

Policy GS1 'Green Space'

Policy GS2 'Green Ways and Public Rights of Way'

Policy BIO1 'Biodiversity and Geodiversity'

Policy GI1 'Green Infrastructure'

Policy GB6 'Safeguarded Land'

Policy CC1 'Climate Change'

Policy CC2 'Sustainable Design and Construction'

Policy CC4 'Sustainable Urban Drainage'

Policy CL1 'Contaminated and Unstable Land'

Policy Poll1 'Pollution Control and Protection'

Policy UT2 'Utilities Safeguarding'

Policy PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework 2021 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. Where proposals are in accordance with the development plan, permission should be granted without delay.

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 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 65 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.

Paras 74-77 - Reiterates the importance of a deliverable supply of homes to meet the needs of the district.

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

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.

Para 131 - Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 134 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Consultations

Biodiversity – No objections following the amendments to the Biodiversity Net Gain Assessment and subject to conditions and infomatives.

Conservation Officer – No objections following the amendments to the Eastern side the development.

Drainage – No objections.

Strategic Housing – No objections following the amendments to the dispersion of the affordable housing across the site and the change in mix of 2 and 3 bed units.

SYMAS – No objections.

The Coal Authority – No objections.

Highways – No objections following the amendments to the layout.

Natural England – Recommend that any habitat enhancements should include scrub creation or maintenance and that enhanced green infrastructure should be incorporated into the development.

PROW – No objections subject to conditions

Yorkshire Water - Initially objected as no evidence had been provided that an application had been submitted to divert the sewer. That process has now been started.

Superfast South Yorkshire – No objections subject to recommendations

Representations

The application was initially advertised by neighbour notification letters, site and press notice. 31no. objection letters have been received. The main points of concern are:-

- Access
- Increase in traffic
- Traffic conflict, especially at school drop off and pick up times
- Increased overlooking/loss of privacy
- Increased overshadowing/loss of day light
- Impact on maintenance of boundary treatments
- Impact of development on neighbouring trees
- Negative impact on the wildlife within the area
- Impact on existing hedgerows
- Increase in noise and air pollution
- School cannot accommodate the additional children
- Safety implications within the immediate area during construction
- Negative impact on the local drainage systems
- Damage to surrounding road network during construction

It should be noted that the vast majority of the objections cite the access and impact of the development on the surrounding road network. However, access was fully considered at the outline stage and will not be reconsidered under this application. Only the internal highways arrangements/layout within the site are under consideration.

Assessment

Principle of development

The site is allocated for Housing in the Local Plan (site HS59) and has the benefit of an outline planning permission, including access, for up to 118 dwellings which was approved under planning application 2020/0577. As such, the principle of residential

development on the site is already established. This particular application is therefore only about establishing the acceptability of the appearance, landscaping, layout and scale of the proposed development.

Scale and mix of housing

The application is for 113 dwellings which meets the 40 dwellings per hectare as set out in Local Plan Policy H6 'Housing Mix and Efficient Use of Land' which is expected in Urban Barnsley and Principal towns.

Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development is for 113 dwellings with a mix of 2 bed (40no units (35%)), 3 bed (56no. units (50%)) and 4 bed (17no. units (15%)) properties and has been informed by the Strategic Housing Market Assessment (SHMA). As such, it is considered to provide a broad mix of house size, type and tenure, in line with policy H6.

Design/appearance/layout

The access would be from a new give way priority junction on Hay Green Lane to the North East of the site, as per the access details that were approved at the outline stage. The majority of the dwellings would front a tree lined spine road which runs through the development site, consistent with paragraph 131 of the NPPF, which emphasises the importance of street trees. Off the main spine road are several off shoots which consist of private drives and shared surfaces. This reflects the 'Design of Housing Development' SPD which states 'all new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create an active frontage'.

The SPD goes on to state that blank side elevations facing onto streets should be avoided. There are a few instances, especially on corner plots, where there would be gables fronting highways, however, the applicants have predominantly addressed these instances through fenestration, adding hipped roofs instead of gables or separating the plots from the street with areas of soft landscaping. As such, the side elevations of the properties would not be overly prominent or detrimental to the visual amenity of the streetscene.

Plots 1, 111, 112 and 113 are immediately adjacent to Hay Green Lane, which is made up of a mixture of property types, sizes, styles and ages. The character of the section of the street immediately adjacent to the site entrance is more spacious and made up of detached dwellings. The proposed development reflects this by incorporating detached dwellings and larger semi detached dwellings for the initial stretch of the spine road. The views along the spine road from Hay Green Lane are also towards the proposed public open space and fields beyond giving an open feel. There is also an additional area of open space to the East of the spine road where an existing mature tree sits just off site, again giving a more open and greener feel to the site entrance.

Once in the site and away from the existing public vantage points the density of the development increases and is at its most dense to the Western side of the site which is reflective of the existing density of the smaller terraced and semi-detached dwellings to the West of Hay Green Lane and along Sheffield Road which share a boundary with the site. Even then there are green areas and public open spaces

incorporated which break up the development pattern and afford views to the open fields and recreation ground beyond.

The proposals include 12 house types comprising a mix of detached, semi detached and townhouses with accommodation set over 2 (66no.) and 2.5 (47no.) storeys. This aids to create a varied and interesting streetscene, as demonstrated on the submitted streetscene drawing. It should also be noted that the affordable housing units have been separated into 3 small groups which are dispersed around the Western part of the site and would be indistinguishable from the market housing, as is good practice. Furthermore, the design of the market and affordable house types themselves are appropriate for the site and sit comfortably within their surroundings, in accordance with the SPD and Local Plan Policy D1.

The vast majority of properties have buffer gardens to the front, or at least an area to incorporate some soft landscaping, this aids to soften the front elevations of the dwellings and results in a more attractive and greener street scene to the benefit of visual amenity.

There are a mix of parking solutions proposed including front of dwelling parking and side parking, with some plots having garages. The majority of the front parking is limited to a run of 4no. cars at most which avoids car dominated frontages and streetscenes. Each plot also has pedestrian access to their rear gardens which allows bins and recycling containers to be stored to the rear of the properties and away from public vantage points.

Given the comments above, the proposed development would maintain the visual amenity of the existing area and also create a policy compliant layout in its own right, in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF.

Residential Amenity

There are no existing residential properties beyond the Eastern and Southern elevations of the site. However, there are existing dwellings fronting Hay Green Lane which back on to the site to the North and existing dwellings fronting Sheffield Road which border the site to the West. There is a vehicular access track separating the site boundary from the neighbouring rear boundaries. The required separation distances of 21m between habitable room windows and 12m from neighbouring habitable room windows to side elevations have been met or exceeded, in accordance with SPD 'Design of Housing Development'. Furthermore, existing mature hedging on sections of the Northern boundary is to be retained.

In terms of the amenity for the future residents, the internal layout meets the separation distances set out in the SPD. The proposed house types also meets or exceed the required internal spacing as set out in the South Yorkshire Residential Design Guide. The external garden areas also reflect or exceed the 50m² requirement for a 2 bedroom property and the 60m² requirement for 3 bed plus properties. Home offices are also included in a number of the house types.

The residents also have access to on site public open space and there are also footpath and cycle connections from within the site to the neighbouring green spaces and public rights of way. There is also direct access to the recreation ground in the South Western corner of the site which has an existing play area and is proposed to have a NEAP as a result of this application.

Highways/active travel considerations

Highways Development Control have confirmed that the impacts of the development on the highway network were assessed through the provision of a Transport Assessment at the outline stage.

In addition, the proposed means of access remains the same as what was approved at the outline stage with the plans including a new give way priority junction that would be built from Hay Green Lane in the north east part of the site.

The main highways considerations with this application have therefore been about ensuring the acceptability of the internal layout and detailed design for the development.

The applicants have been in consultation with the Councils Highways Officers in order to make a number of amendments to the internal layout including incorporating raised tables on the access road as a traffic calming feature every 70m. Swept paths have also been supplied showing that refuse vehicles can manoeuvre around the proposed junctions to demonstrate that the layout is acceptable.

In terms of parking, the dwellings meet the requirements for off street parking set out in SPD 'Parking' and the main access route has been widened to 6m which will adequately accommodate visitor parking.

Other provisions secured at the outline stage include a contribution towards enhancing the existing zebra crossing on the A61 Sheffield Road and £124,600.00 towards upgrading public right of way No40 into a bridleway to provide a connection to the Dearne Valley Parkway and the new developments in that area. A further point is that the pedestrian connection provided with Birdwell Recreation Ground would enable residents to access it, and Sheffield Road along with its shops and bus stops without walk the long way around using Hay Green Lane.

As a result of the above, the proposed plans meets the relevant technical design standards and is considered acceptable in highways terms in accordance with Local Plan Policies T1, T3 and T4. Highways have raised no objections to the proposal subject to conditions.

Biodiversity

The Biodiversity Officer and the LPA's independent consultant's Wildscapes have confirmed that the retained and improved habitats on-site and the proposed biodiversity enhancements off-site are acceptable to achieve no net loss of biodiversity. Indeed the on-site habitats take the form of retention of the majority of the site's hedgerows and mixed scrub alongside installation of standing water (from the swales) while the off-site enhancements take the form of a 0.25HA fruit and nut orchard within the Birdwell Recreation Ground (agreed with BMBC Parks) as well as retention of 0.42HA of neutral grassland between the site's eastern boundary and PROW40 that is currently a part of Safeguarded Land allocation 4 which neighbours the site (SL4).

Following on from the submission of a Biodiversity Net Gain Assessment and metric the development will result in a net gain of 6.92 habitat units and 12.27 hedgerow units.

The measures proposed are deemed to be acceptable in respect of the no net loss of Biodiversity requirement as set out in the Biodiversity/ Geological Conservation SPD, LP Policy BIO1 and para 175 of the National Planning Policy Framework and shall be required to be installed and maintained for a period of no less than 30 years into the future. The measures are partially secured through the S106 agreement associated with the outline permission and partially through suitably worded conditions.

Archaeology and Heritage

Site specific policy HS59 states; *Development of (the site) shall respect the historic setting of the listed barn opposite Herons Way by retaining the existing mature field boundary with its existing hedge and trees to the east, and by the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials.*

At outline stage the Senior Conservation Officer was satisfied with the indicative layout with the provision of several open spaces across the eastern boundary of the site in the form of the Ash Tree stand-off space and the swale basins. When the current application was first submitted the eastern section of the site was more densely developed and did not reflect the outline application. However, this has since been amended to more closely follow the outline and is now acceptable to the Senior Conservation Officer. The number of dwellings in this section has been reduced to 8, compared with 11 on the outline, and also includes the Ash tree stand off open space, a tree lined street, the retention of the hedge along the Eastern boundary and the public open space and attenuation basin in the South Eastern Corner.

As such the development respects the historic setting of the listed barn and accords with site specific policy HS59 and Local Plan Policies HE1 and HE3. It is noted that the Conservation Officer has requested better quality materials in this section of the site and a materials palette will be conditions to be submitted for approval.

In respect of Archaeology, South Yorkshire Archaeology Service (SYAS) has stated that archaeological evaluation in the form of field work shall be required. prior to submission of reserved matters for this site as part of the outline application. That work has been done and is subject to a separate discharge of conditions application under reference number 2022/0691 which is being assessed by SYAS.

Public Open Space

Around 17% of the site is proposed to be public open space, which complies with Local Plan policy GS1. Moreover, the site is adjacent to Birdwell recreation ground which further amplifies the public open space available to future occupants of the site.

The proposed public open space remains predominantly in the same position as that set out on the indicative plan submitted alongside the outline application. As such the required stand-off from the LEAP of 20m remains, the stand-off from the ash tree to the East of the site is included as is the supplementary space beside the cycle access, from Hay Green Lane through the site which links to the cycle connection to the recreation ground in the South Western corner of the site.

The S106 agreement signed as part of the outline application requires off site formal contributions inline with the SPD and also requires;

- Additional play equipment to upgrade the child and youth provision from LEAP to NEAP standard on Birdwell Recreation Ground
- Improvements to access footpaths, lighting, pedestrian gateways and to provide welcoming signage/notice boards
- Improvements to the existing sports pitches, changing facilities, grass sward and drainage improvements, and
- Provision of extra standard trees, spring bulbs and landscaping works to the wider public open space

In terms of the off-site formal contribution the total, given the current layout of the reserved matters application, is £196,944.70

The proposals therefore comply with Local Plan policy GS1 and the SPD.

Drainage/Flood Risk

The applicant provided a Drainage and Flood Risk Assessment alongside the outline application. The report stated that flooding from multiple sources including adjoining land, groundwater, sewers, reservoirs, canals and other artificial sources was considered low due to the location of the site, its topography and features.

In respect of surface water, the assessment identified a mix of attenuation basins in the south-eastern corner of the site and an outfall to Short Wood Dike to be an appropriate drainage strategy. The discharge of surface water would need to be restricted to Greenfield run-off rates via a requisition sewer to the dike and the development shall be so designed as to ensure the following parameters are achieved:

- No surcharge of pipes occurs in the 1 in 2-year rainfall event.
- No surface flooding occurs in 1 in 30-year rainfall event.
- No flooding to buildings and adjacent properties occurs in 1 in 100-year rainfall event (including an allowance of 40% for the effects of future climate change), as defined in NPPF Technical Guidance.
- Infrastructure drainage shall be put forward for adoption under a Section 104 agreement with the local Water Company (YW).

A condition was recommended by Highways Drainage at outline stage and that condition would need to be satisfied prior to the commencement of the development.

The Council's Drainage engineers have been consulted on this application and have raised no objections. Yorkshire Water did initially raise concerns regarding the diversion of a sewer across the site as they had not been provided with a signed S185 approval letter or evidence that that process had commenced, however, the applicants have since provided evidence that the process has begun. As such, the development complies with policies CC1, CC3, CC4 and UT2.

Trees

The forestry officer is content with the preliminary arboricultural report and the retention of the majority of the trees and hedgerows on-site notably the mature oak (T14) adjacent to Birdwell Recreation Ground and the mature ash tree upon the eastern site boundary.

2no. conditions were recommended at outline stage to ensure existing trees and hedgerows are protected throughout the course of the construction process and that

the site is to be suitably provisioned with new trees and hedgerows. A full landscaping plan has also been submitted alongside this application detailing the retained trees and hedgerows as well as the proposed landscaping throughout the site.

The submitted details are considered satisfactory and secure the future of existing habitats and valuable landscaping features on-site in accordance with LP Policies D1 High Quality Design and Placemaking as well as LP Policy BIO1 Biodiversity and Geodiversity.

Planning obligation and infrastructure requirements

As outlined above, the outline planning permission was subject to a S106 Agreement to secure open space provision, Education contributions, on site affordable housing and a sustainable travel contribution. The majority of the contributions are secured in line with the formula's in the relevant SPD's. As such, there is some variation in the figures quoted in the outline application report due to the overall number of dwellings being less than the maximum that was indicated at the outline stage (113 dwellings compared with the 118 indicated at outline).

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 10% affordable housing provision expected in this area. 11 no dwellings are proposed including 5no. 2 bedroom properties and 6no. 3 bedroom properties at the request of the Strategic Housing Team. The houses will be a mix of 7no. plots for rent and 4no. plots for first homes.

Following amendments to the layout of the development the affordable units have also been distributed in 3 areas around the site to better integrate them.

Education – The S106 Agreement for the outline application sets out the requirements for contributions for both primary and secondary school contributions based on the formula set out in SPD 'financial Contributions for Schools'. Based on 113 dwellings the contributions are £379,680.00 for primary school places which would be directed towards Birdwell Primary School in the first instance.

In terms of Secondary school contributions the required figure is £271,200.00 which would be used towards an extension at Kirk Balk.

The total combined figure for both primary and secondary school places is £650,880.00.

Greenspace – As outlined in the public open space section above, the total contribution for formal off site, given the current layout of the reserved matters application, is £196,944.70.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel. The developer has agreed to both a policy compliant (trip-based calculation dependent on site yield) and uplift to total £124,800.00 to ensure deliver the upgrade of PROW40 to bridleway status. This has been secured by the S106 agreement.

Given the applicant signed a legal agreement at outline stage, and in accordance with the details set out above, the proposal is considered to be compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that

development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusion

Outline planning permission, including means of access, has already been granted and so the reserved matters under consideration as part of this proposal are layout, design, scale and landscaping. The details submitted have been amended following officer and consultee concerns regarding the original plans. Following these amendments, the layout, design, scale and landscaping are considered acceptable subject to the conditions proposed with the planning obligation and infrastructure requirements already secured by the S106 Agreement that was signed at the outline stage.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies H6, GD1, D1, GS1, I1, BIO1 & T4) and the relevant SPD's including Designing New Housing Development and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including design/appearance/layout, residential amenity, highways matters, biodiversity, drainage and archaeology and heritage subject to appropriately worded conditions.

Based upon the above the proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay. The recommendation is therefore to approve the reserved matters subject to the conditions listed below.

Recommendation:- Grant reserved matters approval subject to the following conditions which supplement those already imposed on outline planning permission 2020/0577:-

1. The development, hereby permitted, shall be begun before the expiration of two years from the date of approval.

Reason: In order to comply with the provision of Section 92 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 (listed below) unless required by any other conditions in this permission.

Layouts

Location Plan, Drawing Number 4203/01.

Colour Planning Layout, Drawing Number 4203/04 Revision J.

Materials Layout, Drawing Number 4203/06, Revision C.

Storey Height Layout, Drawing Number 4203/07, Revision C.

Street Scenes, Drawing Number, 4203/SC, Revision B.

Accommodation Plan, Drawing Number 4203/07, Revision B.

Desire Routes to Local Amenity Plan, Drawing Number 4203/50 Revision A.

Detailed Landscape Layouts (sheet 1), Drawing Number 3903/1, Revision G.

Detailed Landscape Layouts (sheet 2), Drawing Number 3903/2, Revision G.

Supporting Information and Reports:-

Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-101, Revision. P1

Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-102, Revision. P1

Tracking Layout for Refuse Vehicle (sheet 1 of 3), Drawing Number, HGL-BWB-GEN-XX-DR-TR-103, Revision. P1

Biodiversity Nett Gain Report and associated Metric 3.1 (all planting specification and quantities to remain equal to previously assessed to avoid re-consultation). Revision P02 Dated November 2022

Design & Access Statement - Dated February 2023.

House Type Plans and Elevations:-

Askham Elevations, Drawing Number, AV22/ASK/0-002

Askham Floor Plans, Drawing Number, AV22/ASK/0-003

Baildon Elevations, Drawing Number, AV22/BAI/0-002 Revision C.

Baildon Floor Plans, Drawing Number, AV22/BAI/0-001 Revision C.

Cookridge Elevations, Drawing Number, AV22/COO/0-002 Revision C.

Cookridge Floor Plans, Drawing Number, AV22/COO/0-001 Revision D.

Fernlee Elevations, Drawing Number, AV22/FER/0-002 Revision B.

Fernlee Floor Plans, Drawing Number, AV22/FER/0-001 Revision B.

Horbury Elevations, Drawing Number, AV22/HOR/0-002 Revision C.

Horbury Floor Plans, Drawing Number, AV22/HOR/0-001 Revision D.

Leyburn Elevations, Drawing Number, AV22/LEY/0-002 Revision B.

Leyburn Floor Plans, Drawing Number, AV22/LEY/0-001 Revision B.

Maltby Elevations, Drawing Number, AV22/MAL/0-002

Maltby Floor Plans, Drawing Number, AV22/MAL/0-001

Netherton Elevations, Drawing Number, AV22/NET/0-002

Netherton Floor Plans, Drawing Number, AV22/NET/0-001

Oakwood Elevations, Drawing Number, AV22/OAK/0-002 Revision B.

Oakwood Floor Plans, Drawing Number, AV22/OAK/0-001 Revision B.

Ripon Elevations, Drawing Number, AV22/RIP/0-002 Revision B.

Ripon Floor Plans, Drawing Number, AV22/RIP/0-001 Revision B.

Saltaire Elevations, Drawing Number, AV22/SAL/0-002 Revision C.

Saltaire Floor Plans, Drawing Number, AV22/SAL/0-001 Revision C.

Walburn Elevations, Drawing Number, AV22/WAL/0-002 Revision C.

Walburn Floor Plans, Drawing Number, AV22/WAL/0-001 Revision D.

Boundary Treatments

1.8m High Screen Fence Detail, Drawing Number, 2101/208.15

1.8m High Pier & Panel Wall Detail, Drawing Number, 2101/208.01

1.2m High Post & Rail Fence Detail, Drawing Number, 4143/208.11

0.45m High Knee Rail, Drawing Number, 4153/208.18

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 development shall be completed in line with the Biodiversity Net Gain Assessment V2 (January 2023) and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

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

4. The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of the site, and full details including photographic evidence along with plans showing the location of the enhancement measures provided to the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority; the features shall thereafter be permanently retained.

- 25% of the dwellings on site to comprise integrated bat roosting boxes and bee bricks, to be installed in suitable locations within the new dwellings;
- 100% of the dwellings to comprise integrated swift boxes, to be installed in suitable locations within the new dwellings; and
- Hedgehog highways to be installed in all boundary fencing, including fences between dwellings. The hedgehog highways will be signposted to prevent residents blocking the gaps.

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

5. A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to the Local Planning Authority prior to the commencement of works on site. The BEMP will include the following:

- o A recent landscape plan detailing the location of mitigation works and the size of each habitat/linear feature to be enhanced and/or created;
- o Management aims and prescriptions detailing the methods required to create and/or enhance each habitat/linear feature at the required quality for a period of 30 years;
- o A timetable of delivery for each habitat/linear feature created and/or enhanced;
- o A schedule of ecological monitoring for a minimum 30 year period, identifying when key indicators of habitat/linear feature maturity should be achieved;
- o Details on the monitoring of habitats and linear features and the provision of a report, which shall be provided to the LPA on the 1st November of each year of monitoring (years one-three after creation, years five, ten and every ten years thereafter), which will assess the condition of all habitats and linear features created and/or enhanced and any necessary management or replacement/remediation measures required to deliver the Net Gain values set out in the BEMP;
- o A 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.

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

6. Notwithstanding the submitted details, prior to first occupation of the site, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- o A drawing showing sensitive areas, dark corridors and buffer areas;

- o Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- o A description of the luminosity of lights and their light colour;
- o A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- o Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- o Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: In the interests of residential amenity in accordance with policy Poll1.

7. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- o Risk assessment of potentially damaging construction activities;
- o Identification of 'biodiversity protection zones';
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- o The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- o Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- o The times during construction when specialists ecologists may need to be present on site to oversee works;
- o Responsible persons and lines of communication;
- o The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

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

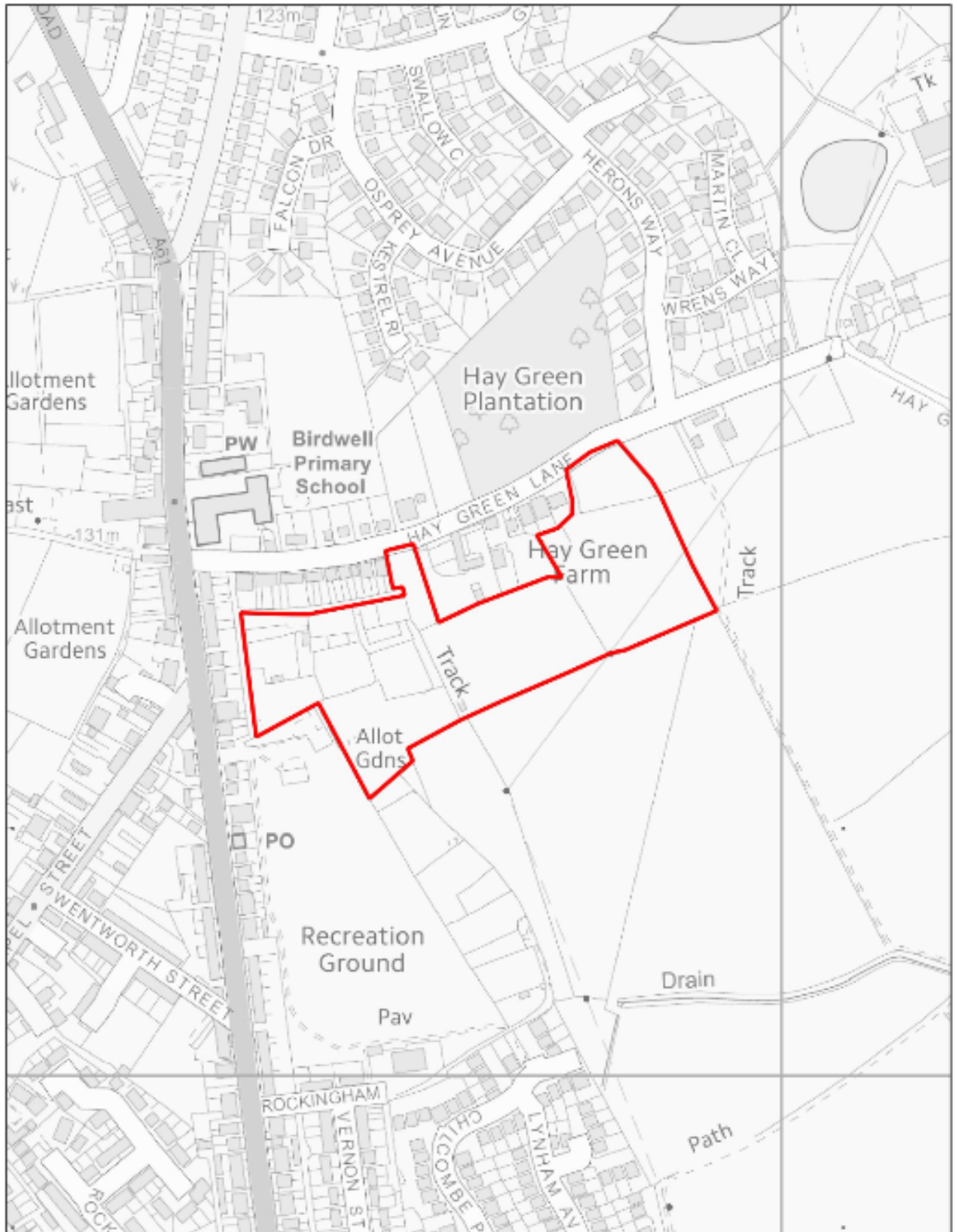
8. No building or use hereby permitted shall be occupied until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and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

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

9. Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor

levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

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



BARNSELY MBC - Regeneration & Property



Scale: 1:3597

2022/0619

Applicant: Rouse Homes Limited

Agent: DLP Planning Limited

Description: Outline planning application for the erection of up to 115 houses with all matters reserved except for access.

Address: Woolley Colliery Road, Darton, Barnsley, S75 5HQ

Site Description

The development site comprises 3.9ha split over two parcels of land located to the west of Woolley Colliery Lane, northwest of Darton. The land formed part of Woolley Colliery Mine, with a sewage works, slurry bed and slag heaps shown as located in the area on historic mapping. There remains evidence of this historic use on site with concrete bases visible in places, albeit the site is also largely covered in vegetation. Existing vehicular accesses are also evident.

The north side of the site is 2.8ha, irregular in shape with woodland and residential properties to the north and west, Woolley Colliery Miners Welfare Ground to the south and Woolley Colliery Open Space to the west. The south side of the site is 1.1ha and lies just to the south of the Welfare Ground with woodland in Woolley Colliery Open Space to the north-west and in the open space to the south. Woolley Colliery Road is to the east of both parcels, beyond which are open fields, currently used for grazing and allocated for housing in the Local Plan.

To the northeast is Woolley Grange, a large housing estate located on the former mine and in the Borough of Wakefield. To the south is Darton with Mapplewell to the east.

The site is identified on the Environment Agency's Flood Map within Flood Zone 1, which places it within the lowest risk category for flooding.

Part of the north and the south side of the site are located within a Development High Risk Area, where shallow coal mine workings are probable. According to the Coal Authority, there are mine entries / adits near the southern boundary of the site. There are two small areas of deciduous woodlands which border the north and the south side of the site to the west. The site lies within close proximity of a range of local community services and facilities which are easily accessible on foot.

Proposed Development

The proposed application has been submitted in outline format, for up to 115 dwellings split as follows:

Up to 75 on the northern site; and
Up to 40 dwellings on the southern site.

Access is included and proposed via Woolley Colliery Road with two independent access points and a new 2m wide footpath is proposed along the site frontage. Further, a new 3m footway is proposed connecting the existing footway on the eastern side of Woolley Colliery Road to the bottom of Bloomhouse Lane (public bridleway).

An indicative layout plan with 110 dwellings has been provided which shows:

A total of 73 dwellings are shown on the northern parcel, with an attenuation pond in the northern most point. The existing access is relocated further south and pedestrian / cycle links are shown into the adjacent Woolley Colliery Open Space which is in the applicant's ownership.

A further 37 dwellings are shown on the southern parcel. The existing access is retained and improved and similar links to the adjacent open space are shown. There is a small greenspace to the northeast of the site. The proposed attenuation pond is located off site.

In terms of the housing mix there are 88 market houses proposed which consist of 54 3 beds and 34 3 beds. The affordable housing mix is split as 10 2 beds and 12 3 beds.

Relevant Planning History

B/03/1662/DT - Reclamation Scheme - former Woolley Colliery No. 2 tip reprofiling – Approved

B/04/1783/DT – Development of site for mixed uses (Outline) – Refused

2005/2050 - Variation of Condition 1 of Planning Permission B/03/1662/DT – Approved

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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 Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Site Allocation: Housing Allocation

Site HS1:-

Former Woolley Colliery Indicative number of dwellings 90

Development of the site will not take place until the road layouts are in place for sites HS25 and HS11.

The development will be expected to retain and manage the species-rich grassland and the woodland which forms the north and eastern half of the northern parcel of land.

SD1 'Presumption in Favour of Sustainable Development'.

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

LG2 'The Location of Growth'

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

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

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

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

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

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

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

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

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

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. The NPPF as a whole is a material consideration albeit the following, in particular, are relevant to this application:

Paragraphs 74 – 77, Maintaining Supply and Delivery of homes.

Paragraph 104: Transport issues should be considered from the earliest stages of plan making and development proposals.

Paragraph 105, significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

Paragraph 110: Considering Development Proposals including: secure appropriate opportunities to promote sustainable transport modes, safe and suitable access for all users and, impacts from the development on highway safety must be cost effectively mitigated to an acceptable degree.

Paragraph 179 and the protection and enhancement of habitats and biodiversity.

Paragraph 180, including the hierarchy approach: avoid, mitigate or compensate and the requirement to refuse development which results in the loss or deterioration of irreplaceable habitats, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Consultations

Affordable Housing Officer: There is a requirement to deliver 20% affordable homes on the site which, based on the indicative scheme, would equate to 22 units. The tenure mix would need to incorporate First Homes and current need in the area suggests a requirement for family housing including 4 beds alongside the recent SHMA which suggests 2 and 2 bed houses alongside bed flats. The final mix and tenure can be agreed at Reserved Matters stage.

Biodiversity Officer: Recommend approval subject to the development being completed in line with recommendations in the Ecological Design Strategy, Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment, BNG Defra Metric 3.0, Bat Activity Survey, Reptile Survey – Final Report, Badger Assessment and Report and the recommended conditions.

Coal Authority: No objection subject to conditions.

Drainage: No objections subject to conditions.

Environment Agency: No comments received.

Education: to the proposal generates the need for 24 primary school places based on the indicative plan but a recalculation would be required at the Reserved Matters stage. This can be secured through a S106.

Highways: Following amendments to the scheme, including the provision of footpath on the opposite side of Woolley Colliery Road to Bloom House Lane, no objections subject to conditions.

Network Rail: No objection subject to conditions.

Pollution Control: No objection subject to conditions.

Public Health: The HIA has been reviewed and all elements have been considered for this outline planning application. A more detailed assessment will be required at Reserved Matters stage. This can be secured by condition.

South Yorkshire Mining Advisory Service: No objection, subject to conditions.

Superfast South Yorkshire: Email dated 12th September has confirmed the provision of Ultrafast broadband for the site and will be dealt with via Building regulations.

Tree Officer: No objections subject to a condition requiring further detailed assessment be provided with the Reserved Matters Application to inform the final layout on site.

Ward Councillors: Councillors Denton and Hunt have both written in to support the development of a brownfield site which has the potential to link Woolley Colliery and Darton as well as provide investment in the adjacent Woolley Colliery Recreation Ground. This is subject to the following caveats:

- Better access could be provided from the south of the site for pedestrians and cyclists to adjoining land to make it easier to access Darton and the railway station without the need to use the Woolley Colliery Road pavement.
- The proximity of the road access on the Southern part of the site to a nearby sharp bend.
- The impact of the additional traffic. The transport assessment states that no junction changes are needed in Darton as a result of the development but it does add to the pressures on the junction of Church Street and Huddersfield Road which is already known as a problem particularly at peak times.
- It is noted that the local plan states that this site should be developed after the road layouts of HS11 and HS25 are in place. A more detailed understanding is required of the purpose that the HS11/HS25 road layout will have in alleviating congestion. It is unclear how that road layout will ease congestion elsewhere.
- It is noted that the majority of trees on the boundary of the site will be retained. Some will be lost though and the council's biodiversity officer must be satisfied that there is a net gain overall following the enhancements described in the application on the adjacent land.
- Impact on other infrastructure such as doctors and schools. In particular, Darton Primary and whether that school requires expansion as a result of this application which could be facilitated via S106 monies.

Yorkshire Water: No objection subject to conditions

In addition, Barnsley Biodiversity Trust have raised the following points regarding priority species not being referenced in the application form: the site should be assessed as higher than district level; the application should have included a Biodiversity Net Gain (BNG) assessment; the Preliminary Ecological Appraisal (PEA) should be included in the application documents together with the recommended additional survey reports, that recommendations in the PEA should be transferred into a plan for the site and timescales and a commitment to retain features needs to be established; highlighted that a Biodiversity Management Plan (BMP) has not yet been agreed.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. A total of 22 letters have been received, 3 stating no objection in principle although raising some issues and the remaining raising concerns or specific issues. These are summarised as follows:-

- The proposal should be considered alongside other applications in the area, to understand cumulative impacts on services and infrastructure.
- Phasing of infrastructure, including new roads and improvements to existing ones (e.g. traffic signals).
- The proposal will add to existing congestion in Darton including the Church Street/Huddersfield Road junction.

- Concerns regarding safety of the section of Woolley Colliery Road that runs around the corner of Fountain Square down to Darton Train Station and includes sharp bends requiring large vehicles to use the full width of the road for manoeuvring. It experiences speeding drivers and on street parking and the proposal will make this worse.
- Pedestrian access from the site to local services is inconvenient and can be dangerous.
- Increased rat running through the Woolley Grange development.
- Lack of and unreliable bus services
- Increased noise and air pollution from the proposed development during construction and from cars associated with it.
- Lack of community facilities within the vicinity of the site.
- Lack of capacity within local schools and doctors are already overrun, which will be exacerbated by the proposed development.
- No planned children's recreational parks, Woolley Grange and Colliery parks exceed capacity.
- Unclear plan for 'link' between the north and south site, presently the area is very poor for leisure and conservation
- Paths should be improved in the area to improve accessibility and connectivity for pedestrians.
- Loss of ecological value as the site includes a variety of grasses, wildflowers and trees which provide a diverse habitat for some of our endangered species, including a range of rare butterflies.
- The site is a valuable local asset providing informal greenspace that can be used for recreational purposes.
- Increased surface water run-off from the Woolley Grange development, which will further increase as a result of this proposal.
- Concern that the small village, Woolley Colliery, is losing its identity and this will continue if this proposal is allowed.

The Woolley Grange Residents Association have also submitted a letter of representation which raises the following additional points:

- Extremely positive response from residents regarding the proposed development.
- New development will significantly improve the appearance of the area and prevent fly tipping and anti-social behaviour that currently takes place on the undeveloped land.
- Residents are positive about the proposed footpaths which will give access to an ecological area and will encourage biodiversity for wildlife.

Assessment

Principle of development

The Presumption in Favour of Sustainable Development remains at the heart of the National Planning Policy Framework (NPPF) and the Local Plan as set out in Policy SD1. 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.

The site is allocated for housing in the Local Plan with site specific policy HS1 which states that development of the site will not take place until the road layouts are in place for HS25 and HS11. In addition, the policy requires development to retain and manage the species-rich grassland and the woodland which forms the north and eastern half of the northern parcel of land.

Taking each matter in turn:

Off Site Highway & Pedestrian Safety and the Phasing of Local Plan Housing Allocations HS1, HS11 and HS25

Notwithstanding the Local Plan requirement regarding phasing of sites HS11, HS25 and this application site (HS1), it is asserted within the Design & Access Statement submitted in support of these proposals that there is no justification for the requirement for the HS11 and HS25 sites to be developed prior to HS1 and that all essential services and facilities can already be accessed safely on foot from the HS1 site via existing footways. This has not been accepted by officers and has resulted in extensive dialogue throughout the processing of this application.

At present, there is no continuous designated pedestrian route between the HS1 site and the numerous services and facilities in Darton. The pedestrian route to the south of the site via the off-road path from Woolley Colliery Road to the car park of Darton Railway Station subsequently leads to Station Road at which point there are no designated crossing points to allow pedestrians to safely cross the road to the nearest continuation of footway. The alternative route for pedestrians would be to stay on Woolley Colliery Road but there is a 100m gap in footway provision so this route does not afford safe passage for pedestrians either. The Local Plan therefore requires a new spine road and associated pedestrian routes through site HS11 and site HS25 to link Woolley Colliery Road with Darton Lane, thereby diverting a demonstrable proportion of traffic from the Woolley area away from Station Road.

To address this concern regarding pedestrian safety, off site enhancements have therefore been explored and the proposals now include the provision of a 3m wide shared footway/cycleway along the southern boundary of the HS25 allocated site which would provide a continuous footway link from Darton to the proposed pedestrian crossing facilities along the development site frontage. This shared footway/cycleway link is to be secured by way of a S106 agreement which will be signed by the owner of the HS25 allocation and in return, the owner of the HS1 site has agreed to dedicate a strip of land they own on the eastern side of Woolley Colliery Road as public highway. This is essential to ensure that when site HS25 comes forward it will be possible to provide a new connection through the site to Woolley Colliery Road, as the Local Plan requires. An added benefit of the 3m wide shared footway/cycleway will be to improve forward visibility for drivers when travelling around the bend closest to the proposed entrance to the southern parcel of the application site.

At the time the Local Plan was adopted, the feasibility of providing a shared footway/cycleway across the bottom of site HS25 (which also had the potential to improve forward visibility) had not been considered. Since then, a further scheme has emerged to enhance pedestrian safety and improve access to Darton Train Station, which involves closing the tunnel below the railway line to traffic thereby removing conflicting manoeuvres where Woolley Colliery Road meets Station Road. In addition, it was also not anticipated that site HS11 would be delayed in coming forward. This was because a planning application had been submitted in 2017 for 214 dwellings on the HS11 site with a link shown through the HS25 site to Woolley Colliery Road. That application remained under consideration in early 2019 when the Local Plan was adopted and so it was reasonable to assume that had planning permission been granted, the site (HS11) would have been well under construction by now with the prospects of planning applications subsequently arriving on sites HS25 and this site (HS1). As it happens, no planning permission has been forthcoming on site HS11 and no planning application has been lodged to develop site HS25.

Allowing site HS1 to come forward first would therefore constitute a departure from the phasing envisaged in the Local Plan. However, the improvements to Woolley Colliery Road that can be secured through granting this application, combined with the dedication of land as highway which will be necessary to eventually divert traffic onto a new spine road running through sites HS11 and HS25, will demonstrably improve the likelihood that the new spine road required in the Local Plan will be delivered earlier in the plan period than if this application were to be refused. These factors therefore constitute material considerations that justify a departure from the phasing in the Local Plan and the improvements to Woolley Colliery Road ensure the proposal is deemed acceptable having regard to policy T4.

Ecology

Turning to the requirement to retain and manage the species-rich grassland and the woodland which forms the north and eastern half of the northern parcel of land. In accordance with paragraph 9.6 of the Local Plan, the indicative yield for the site has been set at 90 to allow for this requirement.

The indicative figure of up to 115 houses therefore exceeds the indicative yield in the Local Plan but it represents an upward limit which may not necessarily be realised at the reserved matters stage (if outline permission is granted).

The application has been supported by various documents which have been amended throughout the application, these include a Preliminary Ecological Appraisal Report, a Badger Assessment report, Reptile Survey, Invertebrate Assessment, Bat Activity Survey, Biodiversity Net Gain Assessment and Ecological Design Strategy (EDS).

The submitted invertebrate report concludes that there is a population of dingy skipper and small blue butterflies within the northern and southern compartments and small heath within the northern compartment. These species are listed on Section 41 of the Natural Environment and Rural Communities Act, 2006. As such they are considered to be species of principal importance for the conservation of biodiversity in England; they are also UK BAP species. Dingy skipper is also listed as a Barnsley BAP species. The invertebrate report noted that the site is of district level importance. However, after further review and discussion, the Ecological Design Strategy (EDS) details that the site is of county level importance, based on the presence of dingy skipper, small heath, small blue and leaf beetle and the Council's Planning Ecologist agrees with the updated assessment for the site.

However, without a management plan for butterfly conservation, the site will continue start to scrub over and in turn this will remove the distinct value that it currently has as a habitat for butterflies. This would mean that the Small Blue, and many of the other notable butterfly species, would naturally be lost from the Site in the coming years, regardless of whether the Site is developed or not. Development of the Site can therefore be seen to provide a mechanism by which to manage

and maintain the underdeveloped parts of the site, providing essential mitigation to secure the habitat for Small Blue and other notable invertebrate species at the Site.

This would include scrub management both within the grassland and as a standalone habitat and the layout has been amended to increase the amount of Open Mosaic Sward habitat on site (primarily for butterflies). Translocation, is also now included in the EDS and that this will be undertaken in partnership with local butterfly experts. It is considered that this, in addition to the other measures aimed at butterfly mitigation can be front loaded into the proposed development. The Developer has confirmed that if Outline Consent is secured, they will start translocation and habitat creation measures at the earliest available window (and at the latest one year prior to development). The report also illustrates how the biodiversity value of onsite land, within Public Open Space, can be maximized, generating habitat units that contribute towards the site's Biodiversity Net Gain score. It is therefore considered that the EDS clearly demonstrates how mitigation and enhancement measures can be designed into the residential scheme. Further, the developer will be responsible for the creation and establishment works for a 30 year period and the biodiversity management plan will detail in full the habitat creation, establishment, management and monitoring works for the 30 year period, which can be secured within a Section 106 agreement.

In terms of other biodiversity matters, the updated EDS identifies species of importance and notes that there are additional surveys underway for the Common Lizard to determine whether the species has colonized the site as the Council's Biodiversity Officer previously raised concern that the majority of the surveys were completed in a one-month period.

The Site and wider colliery could be expected to attract reasonable levels of bat activity and currently supports a mix of 'medium distinctiveness' habitats, including grassland (mostly moderately diverse neutral, but with elements of acid and calcareous influence), species-poor scrub and deciduous woodland. Further surveys will be carried out for the Common Lizard and Bats to inform the reserved matters application.

The Biodiversity Metric demonstrates that the total on-site net % change plus off-site surplus (including all on-site and off-site habitat retention, creation and enhancement) would be 84.25% which can be secured through a Section 106.

Taking all of the above into consideration, the Council's Planning Ecologist raises no objections subject to conditions requiring that the development be completed in line with the recommendations in the Ecological Design Strategy and accompanying reports and surveys.,

As such, whilst it is acknowledged that the application would not strictly adhere to the wording of Local Plan Policy HS1 in respect of the features expected to be fully retained on site, it is considered the strategy to protect and enhance biodiversity is a material consideration that justifies a departure from the precise wording of policy HS1. Accordingly, subject to the necessary conditions and Section 106 agreement, the proposal is deemed acceptable having regard to policy BIO1 (Biodiversity & Geodiversity), Green Infrastructure policy GI1, and the SPDs Biodiversity & Geodiversity and Trees & Hedgerows.

Visual Amenity

The proposed application is submitted in outline form and therefore there is limited information to assess the visual amenity of the proposal at this stage with appearance, scale, landscaping and layout all being reserved for a subsequent application. However, an indicative masterplan has been submitted which shows that trees and native hedgerows could be planted within the scheme and that surface water storage ponds could be provided on site. Further, the indicative layout illustrates how land outside of the allocation but under the control of the applicant will be delivered for purposes of informal recreation and landscaping. At this stage, there is nothing to suggest that a high-quality

development, consistent with Local Plan policy D1 and the Design of Housing Development SPD cannot be achieved.

Residential Amenity

The site has been assessed as suitable for residential use when it was allocated in the Local Plan having regard to its relationship with adjoining land and uses. As this is merely an outline application, there is nothing to suggest that will not remain the case. If outline permission is granted, residential amenity issue will therefore be of greater significance when assessing the reserved matters (design, layout, scale and landscaping). As the site does not border existing residential properties, such an assessment would focus on whether residents of the proposed dwellings would be afforded adequate levels of amenity. At the reserved matters stage, a detailed assessment would therefore be undertaken to ensure the proposal accords with the separation distances and space standards as set out in the Design of Housing Development SPD and South Yorkshire Residential Design Guidance.

The applicant has provided a noise assessment which states that with appropriate mitigation, the proposed development will not give rise to significant adverse impacts on health or quality of life. A glazing and ventilation strategy has been provided which achieves both ventilation and internal ambient noise level requirements in all residential living spaces and bedrooms of the proposed development. Standard double glazing will be acceptable at the majority of locations throughout the site with alternative ventilation and enhanced glazing required for bedrooms most exposed to road and rail traffic noise. Noise levels meet BS 8233 requirements in the majority of external amenity areas, however fences of an increased height of 2.2m are required for gardens most exposed to road and rail traffic noise along the south-western boundaries. The report has been accepted by BMBC Pollution Control and a suitable condition has been recommended that is based on the report's findings. In addition, a condition requiring a construction method statement is recommended requiring measure to control noise and dust alongside a condition restricting hours of operation.

Housing Mix

If outline permission is forthcoming, the housing mix would be a detailed consideration at the reserved matters stage but at the outline stage it is necessary to ensure the required level of affordable housing (20% is secured by way of a S106 agreement) with the mix agreed at the reserved matters stage being informed by the latest Strategic Housing Market Assessment (SHMA), the Affordable Housing SPD and Choice-Based Lettings Data available at the time.

Accordingly, given the affordable housing provision can be secured under a s106 agreement and the mix and tenure can be agreed at reserved matters, the proposal is deemed to comply with Local Plan policy H7.

Other Highways Issues

In regard to other highways matters, the Transport Assessment submitted in support of the proposals concluded that the traffic impacts associated with the development are not considered to be significant in terms of the impact on the wider network."

Nevertheless, officers required a The Supplementary Junction Assessment to better understand the likely impact on the A637 Barnsley Road/Church Street/Churchfield Lane junction during peak times. That assessment demonstrates that the impact of the development traffic on the junction will be to marginally increase queuing, particularly during the AM peak period. However the queuing was shown to be short-lived and can be satisfactorily accommodated without impact on upstream junctions and accordingly, no further detailed assessment or mitigation in respect of the junction is therefore considered to be necessary.

In terms of sustainable travel, the site is in very close proximity to Darton Railway Station and the proposals include the provision of bus stops along the site frontage which is welcomed and can be secured by a suitably worded condition. In accordance with the recently adopted Sustainable Travel SPD, there will be a requirement for the applicant to provide a contribution towards sustainable transport and active travel measures through negotiation via a Section 106 agreement.

The proposed access points into the site are also considered acceptable having regard to design standards, including visibility and the on-site road network and parking and manoeuvring arrangements would be assessed at the reserved matters stage.

Accordingly, it is concluded that the delivery of the proposed development will not result in unacceptable highway safety impacts or result in a severe impact within the context of Paragraph 111 of the NPPF and Local Plan policies T3 and T4.

Greenspace

The applicant has provided an indicative layout and has set out the approach to greenspace within their supporting planning statement. The applicant proposes to provide the necessary greenspace provision through a combination of on and off site provision which can be secured by way of a Section 106 contribution with the detailed site layout and associated provision of on-site open space dealt with at the reserved matters stage.

Subject to the required Section 106 agreement the proposal is deemed to comply with Local Plan policy GS1.

Trees

The tree cover within the northern and southern sites is relatively young, self-set, pioneer species as a result of the site being left vacant. The better quality more established trees are located close to or just outside the boundaries and as such it is expected that these are retained and would remain unaffected by any proposal put forward at the reserved matters stage.

The principle of development and access are the only considerations under this outline application with all other matters reserved and therefore the tree officer has raised no objections to the application. However, a full tree survey will need to be submitted at reserved matters stage to inform the final layout, in addition to an arboricultural impact assessment and replacement tree planting as part of a landscaping plan.

Drainage/Flood Risk

The application has been accompanied by a detailed Flood Risk Assessment and outline drainage strategy has been undertaken. It has been established that the sites are located within fluvial Flood Zone 1 as defined in the EA flood maps, and there are medium/high risks from surface water flooding on both sites which require mitigation. Mitigation has been proposed in this report which will render the development safe in accordance with EA guidance and LLFA development control policy. The SUDS hierarchy in NPPF and Building Regulations has been reviewed in terms of surface water disposal and recommendations in line with BC development control policy has been made which will ensure that the development is not at risk of flooding and that flood risk is not increased in the surrounding area.

Yorkshire Water consider that the FRA and Surface Water Drainage Strategy are acceptable and have recommend approval of the application subject to conditions. Further, the Council's Drainage officer has also recommended conditional approval of the site. As such, it is considered the development is acceptable from a drainage/flood risk point of view.

Ground Conditions

The submitted 'Phase 1 Geotechnical and Geo-Environmental Site Investigation' for the proposals as prepared by Eastwood & Partners Consulting Engineers ref: 47124-001 dated 19th May 2022 analyses the various mining legacy issues that will need to be addressed for safe development.

At the Local Plan stage, ground stability was considered and it was deemed that the site was suitable for development, albeit a mitigation and remediation strategy may be necessary following more detailed site investigations.

Planning conditions will be required to ensure that both the required Phase 2 site investigation works and subsequent remediation and protective measures are competently addressed in consideration of best practice guidance (CIRIA C758D) and Coal Authority requirements.

S106 considerations

Education – There is a requirement for school places to mitigate the proposed development. This would be calculated when the Reserved Matters Application is submitted, in accordance with the Financial Contributions for Schools SPD.

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. This would be calculated when the Reserved Matters is submitted, based on the number and mix of units and allowing for any onsite provision.

Affordable housing – The site is an area where affordable housing provision required under policy H7 is 20%. The mix and tenure would be agreed at Reserved Matters Stage.

Sustainable Travel – This is sought in accordance with Local Plan Policy T3 and the accompanying Sustainable Travel SPD. This is calculated when the Reserved Matters application is submitted in accordance with Section 5 of the SPD.

Shared footway/cycleway link- To be secured by way of a S106 agreement which will be signed by the owner of the HS25 allocation and in return, the owner of the HS1 site has agreed to dedicate a strip of land they own on the eastern side of Woolley Colliery Road as public highway.

Biodiversity- Biodiversity net gain secured by Ecological enhancements / translocation and the provision of stepping stones as detailed in the Ecological Design Strategy.

Other Matters

An Air Quality Assessment has been submitted to support the application, the recommendations of which will be conditioned as part of any planning approval.

Conclusion

The site is an allocated housing site within the local plan which largely establishes the principle of development being acceptable. The Local Plan expected this site to come forward after a spine road had been provided through site allocations HS11 and HS25 to link Woolley Colliery Road to Darton Lane thereby improving vehicular and pedestrian routes between the services and amenities in Darton and this site, Woolley Village and Wooley Grange. To justify this site come forward ahead of the others, the applicant has proposed a new 3m wide shared footway/cycleway on the opposite side of Woolley Colliery Road and to dedicate a strip of land in their ownership as public highway to enable the spine road through site HS25 to connect through to Woolley Colliery Road in the future. This proposal has been assessed in detail by Highways Officers and is deemed acceptable having regard to road and pedestrian safety considerations.

Whilst it is acknowledged the proposal includes development on some parts of the site that the site-specific policy expected to be undeveloped, a robust on-site and off-site mitigation strategy has been put forward which reflects the sites county-wide importance to butterflies. This strategy will prevent the site losing its habitat and biodiversity value over time and will result in a Biodiversity Net Gain of 84.25% and so the Council's Planning Ecologist has raised no objections. In all other respects, the proposal is deemed to comply with Local Plan and the proposal is deemed acceptable at this outline stage having regard to other material planning consideration, subject to the recommended conditions and the completion of a Section 106 agreement.

Recommendation

Approve subject to conditions and a S106.

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 strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

Hedgerow Regulations Assessment- ER-6218-07 dated 23/01/2023
Forward Visibility- 100-P-1001 dated 31.01.2023
Existing Footway Extension General Arrangement- 100-P-1000 REV B dated 17.01.2023
Biodiversity Net Gain Defra Metric 3.0- BM-6218-01B
Biodiversity Net Gain Assessment- ER-6218-06-B Revised 13/12/2022 CS
Ecological Design Strategy- ER-6218-05C REV C-12/12/2022
Preliminary Ecological Appraisal Report- ER-6218-01-A- Revised 07/06/2022
Badger Assessment and Report- ER-6218-04 dated 29/09/2022
Reptile Survey- Final Report- ER-6218-03B- 27/09/2022
Invertebrate Assessment- 27.19
Bat Activity Survey-ER-6218-02A- 27/09/2022
Proposed Access to Residential Site Key Plan- 100-P-001- REV B- 25.11.2022
Proposed Access to Residential Site General Arrangement- 100-P-002 REV B- 25.11.2022
Proposed Access to Residential Site Engineering Layout- 100-P-003 REV B- 25.11.2022
Proposed Access to Residential Site Swept Path Analysis RCV- 100-P-004- REV B- 25.11.2022
Supplementary Junction ASSESSMENT: A637 Barnsley Road/ Church Street/ Churchfield Lane (2022/0619)- Version 1- 27/09/2022
Highways Response Note- Version 1.1- 08/09/2022
Health Impact Assessment- By Strategic Planning Research Unit- July 2022
Transport Assessment- Version 1.0- 7/07/2022
Statement of Community Involvement- June 2022

Sustainability Statement- June 2022
Residential Travel Plan- Version 1.0- 07/07/2022
Planning Supporting Report- June 2022
Phase 1- Geotechnical and Geo-Environmental Site Investigation- 19/05/2022
Site Location Plan-100- 07/06/2022
Flood Risk Assessment and Surface Water Management Strategy- 5124/FRA01- June 2022
Design and Access Statement- June 2022
Arboricultural Walkover Assessment- 17/05/2022
Air Quality Assessment- 784-B038976- 27/05/2022

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 buildings 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.

5. Prior to the occupation of any of the houses on the development hereby approved, the mitigation measures described in report 'Wooley Colliery Road, Darton, S75 5HY Noise Assessment 784-B038941' produced by Tetra Tech Limited dated 12th August 2022, ref: 784-B038941, shall be implemented so that any noise associated with the development avoids significant adverse impacts on health or the quality of life as required by noise planning policy, especially to those living and working in the vicinity. The scheme shall be maintained as such thereafter.

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. No development or other operations (except those required to deliver the Biodiversity net Gain) 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 survey
Arboricultural impact assessment
Tree protective barrier details
Tree protection plan
Arboricultural method statement

The Tree Survey and Arboricultural Impact Assessment shall accompany the reserved matters submission.

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

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1.

7. As part of the reserved matters submission 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 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 and to protect the safety, operational needs and integrity of the Darton Railway Station in accordance with Local Plan Policy T2.

8. 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 units are provided with infrastructure that conforms with the requirements of LP Policy T3 – New Development and Sustainable Travel.

9. Notwithstanding the submitted Air Quality Assessment (784-B038976- dated 27/05/2022) and prior to the commencement of the development, the developer shall submit an Air Quality Assessment Report, for approval by the Local Planning authority. This report shall consider the advice provided within the 'Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance', with regards the Air Quality impact, and any mitigation measures that may be required.

The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interest of air quality, in accordance with Local Plan Policy POLL1.

10. No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

- A survey of the extent, scale and nature of contamination.
- An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
- An appraisal of remedial options, and proposal of the preferred option(s).
- A remediation statement summarising the works to be undertaken (if required).

The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan Policy POLL1.

11. The development shall be carried out in strict accordance with the details indicated within the submitted report , 'Flood Risk Assessment & Surface Water Drainage Strategy ' 5124/FRA01 prepared by ID Civils Design , dated June 2022.

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

12. Prior to, or concurrent with the submission of the first reserved matters application, a scheme of intrusive site investigations shall be undertaken, including ground gas monitoring, which shall be designed by a competent person in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable in order to establish the exact situation regarding coal mining legacy issues on the site.

As part of the reserved matters application a report of findings arising from the intrusive site investigations/gas monitoring and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones shall be submitted for approval in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

In the case of further remediation works and/or mitigation measures or stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

14. The site shall be developed with separate systems of drainage for foul and surface water on and off site, details of which shall have been submitted to and agreed in writing prior to the commencement of development. The separate systems should extend to the points of discharge to be agreed. The development shall then proceed in accordance with the approved details.

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

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

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 6 metres, measured horizontally, of any watercourse.

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

17. 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.

18. Before any dwelling is first occupied, the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway (Woolley Colliery Road) in accordance with details submitted to and subsequently approved in writing by the LPA.

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

19. The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.

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

20. Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at driveway entrances/exits. 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.

21. Areas to be used by vehicles shall be surfaced in a solid bound material (i.e. not loose chippings) and adequate measures shall be so designed into these areas 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 and in accordance with Local Plan Policy T4 New Development and Transport Safety.

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

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

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

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

24. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the proposed 3m shared footway/cycleway along the southern boundary of the HS25 allocated site for the length of Woolley Colliery Road where the existing facility ends and its junction with Bloomhouse Lane have been submitted to and approved in writing by the LPA. The footway/cycleway shall be completed prior to the occupation of any dwelling and shall be constructed in accordance with the approved details.

Reason: To ensure that the local highway network is upgraded in good time and to a satisfactory standard for use by the public in the interests of highway safety.

25. Notwithstanding the details shown on the submitted plans, no dwelling shall be first occupied until details have been submitted to, approved in writing by the Local Planning Authority, and implemented, which secure the following off-site highway works:

- Creation of a new 2m footway along the Western (site) side of Woolley Colliery Road.
- Creation of pedestrian crossing facilities along Woolley Colliery Road.
- Creation of bus stops on Woolley Colliery Road.
- Any necessary relocation of statutory undertakers equipment
- Any necessary alteration to signing/lining;
- Any necessary alterations to street lighting;
- Any necessary alterations to highway drainage;
- Any resurfacing/reconstruction as necessary.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

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

26. 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 construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail.

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.
- vi. Measures to minimise dust.

Reason: In the interests of highway safety in accordance with Local Plan Policy T4 New Development and Transport Safety, 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 and to protect the safety, operational needs and integrity of the Darton Railway Station in accordance with Local Plan Policy T2.

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

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

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

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

28. The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of first 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, reduce reliance on the private motor car as a primary form of transport and to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.

29. The development shall be completed in line with the recommendations in the Ecological Design Strategy, Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment, BNG Defra Metric 3.0, Bat Activity Survey, Reptile Survey – Final Report, Badger Assessment and Report, Hedgerow Regulations Assessment, and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

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.

30. Mitigation works to create and enhance habitats as per the Ecological Design Strategy will commence at least 12 months prior to the start of works on site.

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.

31. A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to the Local Planning Authority prior to the commencement of works on site. The BEMP will include the following:

- a. ·A recent landscape plan detailing the location of mitigation works and the size of each habitat area to be enhanced and/or created;
- b. ·Management aims and prescriptions detailing the methods required to create and/or enhance each habitat at the required quality for a period of 30 years;
- c. ·A timetable of delivery for each habitat created and/or enhanced;
- d. ·A schedule of ecological monitoring for a minimum 30 year period, identifying when key indicators of habitat maturity should be achieved;
- e. ·Details on the monitoring of habitats and the provision of a report, which shall be provided to the LPA on the 1st November of each year of monitoring (years one-three after creation, years five, ten and every ten years thereafter), which will assess the condition of all habitats created and/or enhanced and any necessary management or replacement/remediation measures required to deliver the Net Gain values set out in the BEMP for each habitat;
- f. ·A 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.
- g. ·Details of translocation of turves/larvae for key butterfly species on site.

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.

32. Notwithstanding the submitted details, before above ground works commence, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate

that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- a. ·A drawing showing sensitive areas, dark corridors and buffer areas;
- b. ·Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- c. ·A description of the luminosity of lights and their light colour;
- d. ·A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- e. ·Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- f. ·Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these 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.

33. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- a. ·Risk assessment of potentially damaging construction activities;
- b. ·Identification of 'biodiversity protection zones';
- c. ·Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. ·The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- e. ·Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- f. ·The times during construction when specialists ecologists need to be present on site to oversee works;
- g. ·Responsible persons and lines of communication;
- h. ·The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

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.

34. Prior to commencement of the development, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed by the applicant/developer. The ECoW shall be in post during appropriate stages of the development, as agreed in writing with the Local Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures as detailed within the Ecological Design Strategy, Preliminary Ecological Appraisal, Biodiversity Net Gain Assessment, BNG Defra Metric 3.0, Bat Activity Survey, Reptile Survey – Final Report and the Badger Assessment and Report, and the conditions of the planning permission.

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.

35. Prior to the commencement of the development, a plan to demonstrate a suitable trespass proof fence adjacent to Network Rail's boundary must be submitted to and approved in writing by the Local Planning Authority. The plan must show a 1.8m high fence and accompanied by a statement to show provision for its future renewal and maintenance.

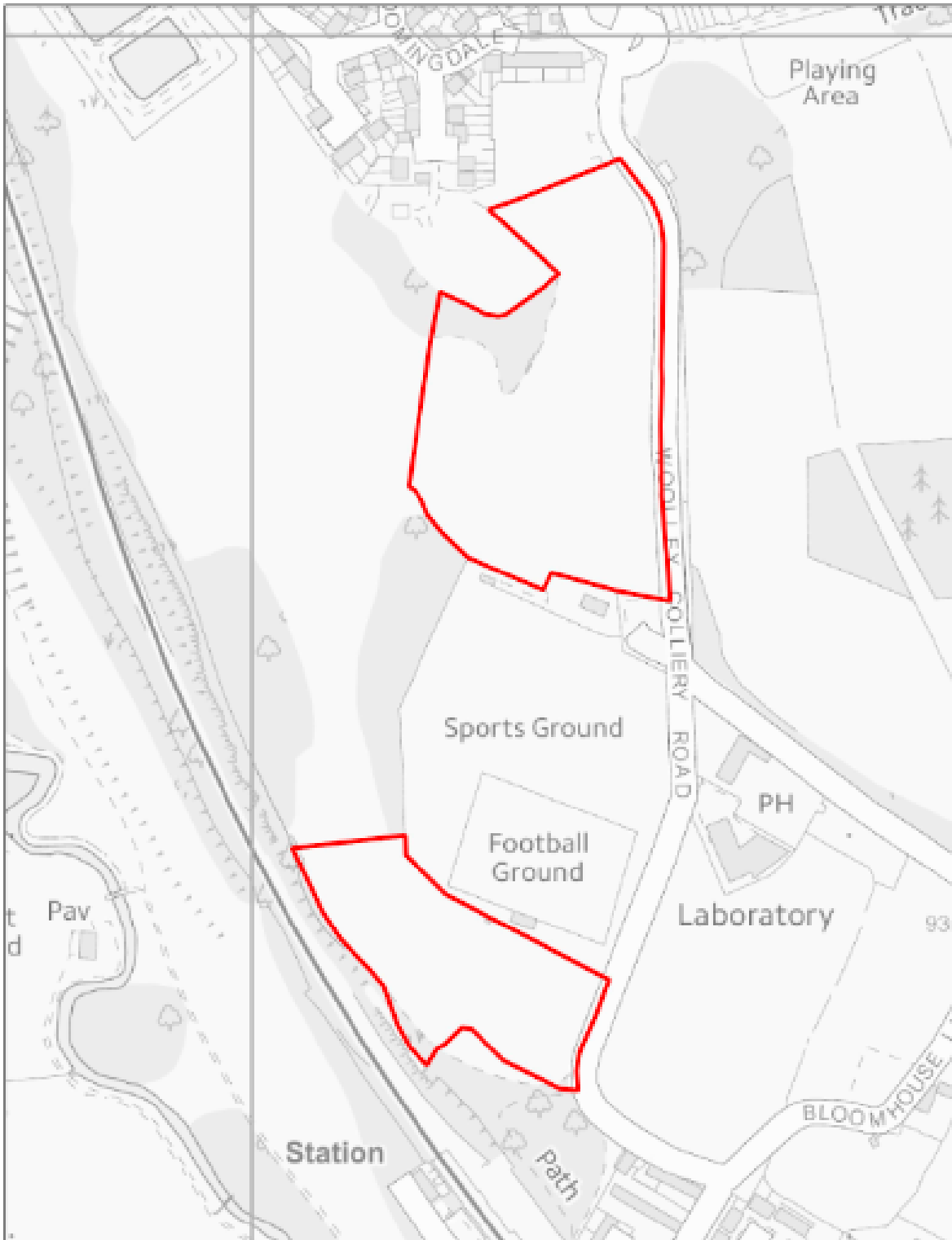
Reason: To protect the operational needs and integrity of the Darton Railway Station in accordance with Local Plan Policy T2.

36. 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. Further, 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.

37. The development hereby approved shall be completed in line with the recommendations as per the submitted Health Impact Assessment- By Strategic Planning Research Unit- July 2022.

Reason: To ensure that any potential negative health and wellbeing impacts of the proposed development continue to be minimised in accordance with Local Plan Policy POLL1.



Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS – January 2023

APPEALS RECEIVED

2 appeals were received in January 2023

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2022/0660	Installation of payment machine, ANPR camera and solar panel, battery box and associated infrastructure Langsett Flouch Car Park, Langsett, Sheffield	Written Reps	Delegated
2019/0623	Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers. Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF	Written Reps	Committee

APPEALS WITHDRAWN

0 appeals were withdrawn in January 2023

APPEALS DECIDED

3 appeals were determined in January 2023

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2022/0482	Proposed telecommunications installation: 16m high monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) Birk Avenue, Kendray, Barnsley, S70 3DJ	Dismissed 12.01.2023	Delegated
2022/0571	Erection of two storey side extension to dwelling 119 Worsbrough Road, Birdwell, Barnsley, S70 5RF	Dismissed 25.01.2023	Delegated
2022/0495	Two storey side extension to dwelling 5 Park View Road, Staincross, Barnsley, S75 6LD	Dismissed 27.01.2022	Delegated

2022/2023 Cumulative Appeal Totals

- 25 appeals have been decided since 01 April 2022

- 20 appeals (80%) have been dismissed since 01 April 2022
- 5 appeals (20%) 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
4	2021/1276	Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF	Dismissed 17.05.2022	Delegated
5	2021/1108	Erection of extension to eaves and roof height of dwelling to create attic bedroom within the roofspace and provision of associated rooflights 3 Colster Close, Gawber, Barnsley, S75 2LR	Dismissed 09/06/2022	Delegated
6	2021/1221	Erection of detached outbuilding (Lawful development certificate for a proposed development) Gransden House, Church Street, Royston, Barnsley, S71 4QZ	Allowed 06/06/2022	Delegated
7	2020/1221	Residential development of 28 no dwellings and associated works Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ	Allowed 19/07/2022	Committee
8	2022/0140	New pair of free standing illuminated 48-sheet digital advertisement displays. Land at Shambles House, Shambles Street, Barnsley, S70 2RN	Dismissed 25/07/2022	Delegated
9	2021/0892	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	Dismissed 27/07/2022	Delegated
10	2021/0791	Erection of bungalow Rear of 109 Barnsley Road, Wombwell, Barnsley, S73 8JH	Dismissed 09/08/2022	Delegated
11	2021/0940	Erection of detached outbuilding to rear housing garage and garden room at ground floor and store within roof space 21 Mount Vernon Crescent, Worsbrough Common, Barnsley, S70 4DN	Allowed 17/08/2022	Delegated
12	2022/0141	The erection and display of a single wall-mounted 48-sheet sized digital LED advertising unit. 92 Sheffield Road, Near Junction with Taylor Row, Barnsley, S70 1HY	Dismissed 17/08/2022	Delegated

13	2022/0214	Additional level to part of building and associated alterations. The Cottage, The Kennels, Renald Lane, Hoylandswaine, Sheffield, S36 7JX	Dismissed 18/08/2022	Delegated
14	2021/1156	Erection of 1no dwelling (Outline with All Matters Reserved) - Resubmission of application 2021/0465 11 Willow Bank, Barnsley, S75 1EF	Dismissed 30/08/2022	Delegated
15	2022/0159	Change of use of part of house (garage) to beauty salon with external changes 7 Longwall Close, Mapplewell, Barnsley, S75 6NY	Dismissed 27.09.2022	Delegated
16	2021/1437	Change of use from residential (C3) to guest house (C1) 131 Dodworth Road, Barnsley, S70 6HL	Dismissed 30.09.2022	Delegated
17	2021/1465	Erection of 20m high telecommunications monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) Vernon Road, Worsbrough, Barnsley, S70 5BB	Dismissed 18.10.2022	Delegated
18	2021/1195	Change of use from use class C3 dwellinghouse to use class C4 - 5 no. bedroom House of Multiple Occupation (Retrospective) 4 Spencer Street, Kingstone, Barnsley, S70 1QX	Dismissed 27.10.2022	Delegated
19	2021/1472	Demolition of 49 Woodstock Road and residential development of 5no dwellings (Outline with matters reserved apart from means of access) 49 Woodstock Road, Wilthorpe, Barnsley, S75 1DX	Allowed 31.10.2022	Delegated
20	2021/1619	Erection of 20m high telecommunications monopole, 12no. antennas, equipment cabinets and associated ancillary development to replace existing rooftop installation adjacent SW Houghton Road, Houghton Road, Thurnscoe, Rotherham, S63 0JX	Dismissed 15.11.2022	Delegated
21	2022/0316	Erection of single storey extensions to the front, side and rear of existing detached garage and upward extension to the roof height to a create double garage with storage rooms to the rear 28 Tenters Green, Worsbrough, Barnsley, S70 5HG	Dismissed 09.12.2022	Delegated
22	2021/1673	Change of use of agricultural building to dwellinghouse (Prior Approval) Land at the rear of 24 Common Road, Brierley, Barnsley, S72 9ES	Dismissed 28.09.2022	Delegated
23	2022/0482	Proposed telecommunications installation: 16m high monopole with wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works (Application to determine if prior approval is required) Birk Avenue, Kendray, Barnsley, S70 3DJ	Dismissed 12.01.2023	Delegated
24	2022/0571	Erection of two storey side extension to dwelling 119 Worsbrough Road, Birdwell, Barnsley, S70 5RF	Dismissed 25.01.2023	Delegated

25	2022/0495	Two storey side extension to dwelling 5 Park View Road, Staincross, Barnsley, S75 6LD	Dismissed 27.01.2022	Delegated
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Item 7

Planning Enforcement Report to Planning Regulatory Board

Quarter 3 October 2022 – December 2022 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 3 of the last reporting period 2022/2023 (October 2022 – December 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 3:

October	2022	70
November	2022	61
December	2022	49

Total number of requests for service Quarter 3 2022/23 **180**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 3 (22/23)	180	119	61

A comprehensive update and benchmarking against other local authorities was provided in the QTR 2 (July-Sep 22/23) report to planning board in January. This latest report brings planning board up to date on formal actions taken in QTR 3 and the details of cases with formal actions are outlined below.

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>
2021\ENQ\0454 Land lying to the South and East of Ladywood Road, Grimethorpe, Barnsley, S75	Without planning permission: The material change of use of the Land for the siting and use of a caravan for human habitation.(The Unauthorised Works).	Enforcement notice served 4 th October 2022 requiring: (Cease the use of the Land described in paragraph 3 (i-ii) of this notice Remove the caravan along with any associated items from the Land.

		<p>Notice Effective 4th November 2022</p> <p>Time period for compliance 3 Months</p> <p>Appeal submitted</p> <p>Status: Awaiting Determination of Appeal</p>
<p>2022\ENQ\00432</p> <p>Land off Birk Avenue, Kendray, Barnsley, S70 3AH (“the Land”)</p>	<p>Development has now commenced on the Land without complying with condition 12 which was attached to both of the planning permissions Ref 2020/0196 and Ref: 2021/1545 (the “Planning Permissions”)</p> <p>Condition 12 was in the following terms;</p> <p>“No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.</p>	<p>Enforcement Notice served 17th October requiring:</p> <p>(i) Comply in full with Condition 12 of the planning permission.</p> <p>Effective 18th November 2022.</p> <p>Time period for compliance One Week</p> <p>Status: Site Monitoring taken place; Notice complied with</p>
<p>2022\ENQ\00133</p> <p>Land to the south of Halifax Road, Penistone, Barnsley S36 7EY, otherwise known as Penning Ridge, Halifax Road, Penistone, Barnsley, S36 7EY</p> <p>Without Planning Permission: The contravention of Condition 28 of the Grant of Planning Permission in respect of application 2020/0274 (The</p>	<p>The Local Planning Authority has evidence that BDW Trading Ltd are allowing the delivery of construction materials to be unloaded at the site entrance which is blocking vehicular access to the site. As a result, this working practice is not in line with the agreed Construction & Environment Management</p>	<p>Enforcement Notice served 20th October 2022 requiring:</p> <p>Ensure that all deliveries to site are unloaded in accordance with the agreed Construction & Environment Management Plan relating to condition 28 of the Grant of Planning Permission (Reference 2020/0274).</p>

<p>Unauthorised Works).</p>	<p>Plan.</p> <p>Furthermore, Barnsley Council are in receipt of complaints that mud, and earth is regularly being deposited on the highway as a result of the Unauthorised Works. The Local Planning Authority is concerned that activity on site is continuing in the absence of the correct mitigation measures with the working practice being pursuant to the agreed Construction & Environment Management Plan.</p>	<p>Ensure that all mitigation measures are in place with regards to mud and earth being deposited on the highway; in conjunction with condition 28 of the Grant of Planning Permission (Reference 2020/0274) and the agreed Construction & Environment Management Plan.</p> <p>Comply with condition 28 in all other respects. Effective: 20th November 2022</p> <p>Time Period for compliance: 3 Days</p> <p>Status: Site Monitoring taken place; Notice complied with</p>
<p>2022\ENQ\00199</p> <p>75 Brierley Road, Grimethorpe, Barnsley, S72 7EL (“the Land”)</p>	<p>Without planning permission, the material change of use of the Land and buildings from a residential dwellinghouse (C3 use class) to one of a house in multiple occupation (C4 use class) - (“The Unauthorised use”).</p>	<p>Enforcement Notice served 31st October 2022 requiring:</p> <p>Cease the unauthorised use of the Land as a house in multiple occupation (C4 use class).</p> <p>Restore the dwelling to its previous condition prior to the change of use taking place; including the restoration of the previous configuration of internal rooms and other domestic facilities.</p> <p>Effective 30th November 2022</p> <p>Time period for compliance; Three Months</p> <p>Status: Still within compliance period</p>

<p>2022\ENQ\00228</p> <p>39 The Arcade, Barnsley, S70 2QP (“the Land”)</p>	<p>Without Planning Permission, the execution of development comprising the removal of the original 1920’s metal framed shopfront, with associated internal alterations including a change to the position of the shop unit threshold, and removal of the original inlaid terrazzo floor to a building located within a Conservation Area and the replacement of the shopfront with an inappropriate shopfront as illustrated in photos 1 and 2 attached hereto. (The Unauthorised Works).</p>	<p>Enforcement Notice served 4th November 2022 requiring:</p> <p>(i) Restore the shopfront and the land to its original condition, prior to the breach of Planning Permission taking place</p> <p>Time period for compliance: 2 Months</p> <p>Effective 4th December 2022</p> <p>Status: Still within compliance period</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
<p>2022/ENQ/00360</p> <p><u>2</u> Pollitt Street, Barnsley</p>	<p>Clearance & maintenance of of Land – Dilapidated Garages</p>	<p>11th December 2022</p> <p>12 weeks to improve or demolish the garages</p>
<p>2022/ENQ/00346</p> <p>46 Foster Street Stairfoot</p>	<p>Clearance and Maintenance of Land and Property</p>	<p>9th December 2022</p> <p>Two Months to comply</p>

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
<p>2020\ENQ\00202</p> <p>27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ</p>	<p>Non-compliance with S215 Notice</p>	<p>Court Hearing: September 2022</p> <p>Magistrates adjourned hearing until 23rd February 2023 to allow property owner to complete remedial works. Court will review progress thereafter and council officers to visit property prior to court</p>

		hearing.
Land at Clayton Lane, Thurnscoe, S63 0BG	Unauthorised use of land for residential occupation of caravans	Court hearing 26 th January 2023, interim injunction granted to prevent further works to the land and for the use of the land to cease. Status: injunction granted pending planning appeal determination

(d) Enforcement Appeals

Case Reference & Location	Breach of Planning Control	Appeal Decision
APP/R4408/C/20/3258711 Land to the rear of 1 Pleasant View Street, Barnsley S71 1BF (formerly known as 2 - 44 Pleasant View Street, Smithies, Barnsley S71 1QW)	The breach of planning control as alleged in the notice is: Without planning permission the material change of use of land for the siting of a static mobile home for human habitation and the carrying out of operational development comprising of the construction of hardstanding, walls to provide bays for the mobile home ('The Unauthorised Works').	Appeal Decision Issued 7 th October 2022 Appeal dismissed The material change of use is inappropriate development which has resulted in harm to openness and the encroachment of residential development into the Green Belt. In accordance with paragraph 148 of the Framework I attach substantial weight to the harm to the Green Belt. The development has also caused harm to the character and appearance of the countryside and I attach limited weight to that harm on account of the localised and relatively concealed nature of the impact. Overall, the development is contrary to the policies of the development plan with respect to the Green Belt, character of the area and the provision of sites for Gypsies and Travellers.

<p>2021/ENQ/00354</p> <p>APP/R4408/C/22/3302325</p> <p>Dance Lane Farm, Dance Lane, Crane Moor, Sheffield S35 7AW</p>	<p>The breach of planning control as alleged in the notice is without planning permission; The material change of use of the Land to a mixed use for agriculture and as holiday accommodation (the accommodation also described as a Shepherd's Hut).</p>	<p>Appeal Decision issued 6th December 2022</p> <p>Appeal dismissed</p> <p>“The development is inappropriate development in the Green Belt. This is harmful by definition and to which I attach substantial weight. The development would reduce the Green Belt’s openness, which gives rise to additional harm, and it does not assist in safeguarding the countryside from encroachment. The substantial harm renders the development contrary to the requirements of the Council’s Development Plan policies and in conflict with the Framework.</p>

Compliance Monitoring

Enforcement Notices served 2022/23 (year to date)	Enforcement Notices Complied with 2022/23
44	23

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/>

Conclusion

Quarter 3 of 22/23 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 now ranks 4th highest nationally (excluding London Authorities) in terms of formal actions taken to ensure effective enforcement. The service has issued 63 enforcement notices in the last financial year (2021/22) 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

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BARNSELY METROPOLITAN BOROUGH COUNCIL

**SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS
BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE DECEMBER 2022
PLANNING REGULATORY BOARD MEETING**

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2022/0846	<p>Installation of new air source heat pumps to rear, fresh air unit on rooftop, replacement shopfront glazing on building frontage and blocking up window on the existing side elevation, at Dodworth Library, 12 Dodworth Green Road, Dodworth, Barnsley, S75 3RP</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none">1. Three responses indicating they had no issues with the scheme.	<p>To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.</p>

Signed:



Joe Jenkinson
Head of Planning and Building Control

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BARNSELY METROPOLITAN BOROUGH COUNCIL

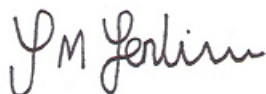
SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE JANUARY 2023 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2022/0941	<p>Removal of 20no trees, removal of overhanging branches from 13no trees which overhang, footpaths, driveways and parking areas, the pollarding of 8no trees, the crown lift of 2no trees to give 2.5m clearance above footpaths, the coppicing of 1no tree, the creation of 1no monolith habitat pole and the pruning to give signage clearance of 2no trees. Totalling works to 40 individual trees and 7 groups of trees within TPOs, 1/1953, 48/2009 and 1/2018 for the purposes of health and safety works at Worsbrough Mill Museum, Worsbrough Mill, Park Road, Worsbrough, Barnsley, S70 5LJ</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One response which indicated they understood the main reason for the works was due to Health and Safety and the safety of the public. With the replanting as well to mitigate the loss they were fine with the scheme. 2. One response indicating they were fine with the proposal 	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.
2022/1092	<p>Alterations to roof at BMBC Dearne Valley Playhouse, Washington Road, Goldthorpe, S36 9EF</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One response indicating they were fine with the proposal. 	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.
2022/0963	<p>Removal of outbuildings and erection of 2 storey side extension at 2 Wainwright Avenue, Wombwell, Barnsley, S73 8LS</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One response indicating they were fine with the proposal. 	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.
2022/1126	<p>Repair the westerly wooden structure, replace rotten and missing timber framework and shutters, repoint the brickwork and replace missing bricks on the main structural wall, to replaster the internal walls with lime</p>	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set

	<p>mortar and to redecorate the wooden glass frame and tool shed windows (Listed Building Consent) at Cannon Hall Museum, Bark House Lane Cawthorne Barnsley S75 4AT</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One response indicating they were fine with the proposal. 	<p>out in the officer report.</p>
2022/1127	<p>Creation of new public open space at Land adjacent Goldthorpe Library, Barnsley Road, Goldthorpe, S63 9NE</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One response indicating they were fine with the proposal. 	<p>To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.</p>

Signed:



Joe Jenkinson
Head of Planning and Building Control