

Report Précis

Report of the Head of Planning and Building Control to the Planning Regulatory Board

Date: 28.06.2016

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

This report presents for decision planning, listed building, advertisement, Council development applications and also proposals for works to or felling of trees covered by a Preservation Order and miscellaneous items.

Access for the Disabled Implications

Where there are any such implications they will be referred to within the individual report.

Financial Implications

None

Crime and Disorder Implications

Where there are any such implications they will be referred to within the individual reports.

Human Rights Act

The Council has considered the general implications of the Human Rights Act in this agenda report.

Representations

Where representations are received in respect of an application, a summary of those representations is provided in the application report which reflects the key points that have been expressed regarding the proposal.

Members are reminded that they have access to all documentation relating to the application, including the full text of any representations and any correspondence which has occurred between the Council and the applicant or any agent of the applicant.

Recommendation(s)

That the applications be determined in accordance with the recommendations set out in the main report which is attached. Full report attached for public and press copy (unless Confidential item).

Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at the Central Library, Wellington House, 36 Wellington Street, Barnsley, S70 1WA

INDEX

2016/0439 Approval – Site Visit**Page 8**

Variation of Condition of application 2007/2148: Erection of four industrial units (B1, B2 and B8) each with 3 storey ancillary office accommodation, car parking, service yards and associated works

Land off Wentworth Way, Wentworth Park Industrial Estate, Barnsley, S75 3DJ

2015/1269 Refusal**Page 23**

Change of use of land to a private gypsy and traveller caravan site comprising of 11 no. pitches

Land to the South of Middlecliffe Lane, Little Houghton, Barnsley

2015/0380 Approval**Page 38**

Residential development of 30 no. 2, 3 and 4-bed dwellings (Reserved Matters to application 2013/0813)

Land off Sheffield Road, Penistone, Sheffield, S36 6HH

2015/1388 Approval**Page 50**

Demolition of existing single storey workshop, erection of three storey apartments providing 7 no. flat studios, new reconfigured external works and car parking (Outline)

Land off School Street, Hemingfield, Barnsley, S73 0PS

2015/1157 Approval**Page 60**

Change of use Part (amounting to 222 sq m of total warehouse floor area) of existing warehouse to car dismantling workshop.

Former Dairy Depot, Beaver Street, Goldthorpe, Rotherham, S63 9HT

2013/0373 Approval**Page 70**

Removal of Condition 1 and Variation of Condition 3 of application 2007/0905 - Extension to Planning Permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective).

The Stables, Pleasant View Street, Barnsley, S71 1QW

2016/0288 Approval**Page 79**

Outline application for residential development

Land at Sandygate Lane, Stairfoot, Barnsley, South Yorkshire, S71 5AW

2016/0300 Approval**Page 90**

Erection of two storey medical centre with integrated pharmacy and retail unit including associated parking and landscaping.

Burleigh Street, Barnsley, South Yorkshire, S70 1XY

2015/0097 Approval**Page 100**

Demolition of existing buildings and canopy and construction of development comprising 3 new retail units along with provision of associated access and car parking (amended plans)

Former Aldham Bridge Services, Wombwell Lane, Wombwell, Barnsley, S73 8EL

2016/0436 Approval**Page 114**

Change of use from retail (Class A1) to a flexible use for a trampoline park (Class D2) or retail (class A1)

Former MFI/Powerhouse Retail Unit, Twibell Street, Barnsley, S71 1DG

2016/0567 Approval**Page 123**

Proposed new school playground to rear and change existing playground to staff car park.

Hoylandswaine Primary School, Haigh Lane, Hoylandswaine, Barnsley, S36 7JJ

2016/0413 Approval**Page 129**

Variation of condition 2 (approved plans) of app 2015/0421 (Erection of temporary mobile classroom to primary school for early learning and associated services connections) relocation of mobile classroom and erection of fencing.

Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley, S70 3DT

2016/0479 Approval**Page 135**

Crown lift to 5m and remove epicormic growth from 5 Sycamore trees T5, T6, T7, T8 and T11 and Lime tree T9 within TPO 32/2008.

Barnsley Cemetery, Cemetery Road, Hoyle Mill, Barnsley, S70 1XL

2016/0541 Approval**Page 138**

Crown removal to 100% to reduce future hazards of T4 Sycamore within TPO 8/1974.

Playing Field Perimeter/Public Open Space, Dodworth, Barnsley

Ref 2016/0439

Applicant: Mr Mistry

Description: Variation of Condition of application 2007/2148: Erection of four industrial units (B1, B2 and B8) each with 3 storey ancillary office accommodation, car parking, service yards and associated works

Site Address: Land off Wentworth Way, Wentworth Park Industrial Estate, Barnsley, S75 3DJ

Letters of objection have been received from 6 residents
Comments have been received from 1 resident
Councillor Barnard has objected and requested a site visit by Members

Site Location and Description

The application site forms part of the larger Wentworth Way Industrial Park located just off Junction 36 of the M1 motorway. The site is located on the northern edge of the estate and borders the Green Belt and an Area of Borough Landscape Value to its northern and western sides. There is a residential estate to the north-east. Public footpaths also run along the north, west and east boundaries. The site perimeter along Carr Lane to the north is planted and in particular there is a substantial planting belt subject to a Tree Preservation Order within the western boundary of the site. The site is significantly higher than levels to properties on Carr Lane and largely surrounded by a belt of trees. The Industrial Park can be viewed from higher ground from further afield. The site is cleared and prepared as a development platform.

Planning History

2016\ENQ\00249 Non-material amendment to correct the technical irregularity of the decision notice granted under 2007/2148 and identify the approved plans by a planning condition.

2009/0433 Erection of 3 no. Industrial units each with 3 storey ancillary office accommodation, car parking, service yards and associated works and landscaping. (Resubmission). Refused and dismissed at appeal due to the effect of the proposed development on the character and appearance of the Area of Borough Landscape Value and the visual amenities of the Green Belt.

2007/2148 Erection of four industrial units (B1, B2 and B8) each with 3 storey ancillary office accommodation, car parking, service yards and associated works. Approved 02/04/2008 and a material start made.

2007/0529 Erection of three industrial units with 2/3 storey office accommodation, service yards, car parking and associated works and landscaping (Resubmission).Refused 11/10/2007

2006/1901 Erection of four industrial units with 2/3 storey ancillary offices, security gatehouse, car parking and service yards. Refused 29/01/2007

Proposed Development

A material start was made to planning permission reference 2007/2148 and could have been built out at any time, but the applicant has chosen to vary the layout and as such, this S73 application to vary the permission has been submitted. The proposal remains as four units, with 2 storey ancillary offices to units 2, 3 and 4 (instead of 3 storey as approved) with 3 storey ancillary offices to Unit 1. Unit 1 has been moved away from the residential properties, almost doubling the

distance to the boundary to 80m, and increased to 130m from the boundary with Colliery Yard and the rear boundary of some dwellings of Stone Leigh. The service area is now proposed to be located to the east of the unit, closer to the residential dwellings on Carr Lane, but providing space for additional screening and bunding. The location of Unit 3 has been adjusted due to site constraints and ground conditions.

Three of the units have also been reduced in height from the previously approved plans, units 1, 2 and 3 being reduced in height by approximately 2m.

Initial concerns were raised from Pollution Control Officers about noise mitigation and amended plans were received which include additional bunding to the east of the service yard, topped by an acoustic fence in order to protect existing residents from effects from noise, together with additional landscaping and attenuation pond to the east of the proposed car parking area. This is in addition to the protective bunding approved in the 2007 permission

Access to the development would be created from the existing main estate road through the industrial estate to the south of the site. This would be around the southern perimeter of the site to the service yards, which are located west of their respective units.

The application is accompanied by a suite of supporting documents comprising Transport Statement, Ecological Appraisal, External Lighting Assessment, Drainage and Flood Risk Assessment, Geo-environmental Desk Top Study report and Noise Modelling Report and Whole Site Strategy Planting Plan.

Policy Context

Unitary Development Plan (UDP)

Employment Policy Area

Coal Authority Coal Mining Referral Area

Core Strategy (CS):

CSP1 – Climate Change

CSP19 – Protecting Existing Employment Land

CSP26 – New Development and Highway Improvement

CSP29 – Design

CSP 34- Green Belt

CSP40 – Pollution Control and Protection

Unitary Development Plan (UDP) (Saved policies):

ED4 – Economic Development and Residential Amenity.

National Planning Policy Framework (NPPF):

Core planning principles 3 and 4 state respectively that planning should proactively drive and support sustainable economic development and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Building a strong, competitive economy:

- The planning system should do everything it can to support sustainable economic growth.
- Local planning authorities should plan proactively to meet the development needs of business

Requiring good design:

- Good design is a key aspect of sustainable development.
- Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history reflect the identity of local surroundings and are visually attractive.

Supplementary Planning Documents (SPD):

Residential Amenity and the Siting of Buildings

Parking

Consultations

Contaminated Land Officer – no objections raised

Design – no comments received

Forestry Officer - no objections subject to conditions

Superfast Broadband Manager – no comments received

Biodiversity – no objection

Drainage – confirm that the conditions regarding drainage applied to the original permission 2007/2148 should be applied to the resubmission.

Enterprising Barnsley – support the proposal as it would lead to substantial numbers of new jobs being created and private sector investment being secured. The development would provide premises for potential inward investors and expand local companies. There are virtually no units of this proposed size/quality available in Barnsley and developments such as this are much needed.

Highways DC – no objections

Pollution Control – satisfied that the proposals mitigate against potential noise emissions from the site, conditions proposed.

SYMAS – notes that the Geo-environmental desk top study evaluates the mining legacy issues on the site and the previous investigative and remedial works undertaken, and makes recommendation for further investigative work to take account of mine legacy risks. As such, there are no objections subject to a condition.

Waste Management – no comments received

Tankersley Parish Council - concern that fewer residents have been consulted than previously, and requested an extension in consultation time. Raised concern about structural integrity of the area

Yorkshire Water – no comments received

Representations

The application was advertised by press notice, by 3 site notices and by neighbour notification letter to 55 dwellings. Whilst this is slightly fewer than previously, the Council is not obliged to contact residents individually, and all those immediately adjacent to the site were sent letters.

Objections from 6 local residents were received to the application as submitted, three from Stone Row Court, one from Carr Lane, and one from Stone Leigh. Issues raised include the following:

- effect of noise and pollution from the service yard
- height of buildings causing overshadowing, lack of privacy, loss of light and sunshine, impact on solar panels
- buildings not in character with semi rural village
- lapwings recorded on site
- suggestion that the application is a repeat of the 2009 refusal
- Need and not in character with other buildings on the site
- Unit 1 should be moved closer to dwellings and vehicles routes moved to the west of the unit

One letter was received which made no objections, but noted that the Councils website was not operating properly, this occurred for 3 days in May.

In addition Councillor Robert Barnard attended the Tankersley Parish Council meeting on 16 May and has reiterated issues that were brought to that meeting

- The plans had not been available to view as the Council Website was down
- Concern expressed that fewer residents had been consulted individually than previously
- The height of the screen would be intrusive and adversely impact the openness of the Green Belt
- Concern about the impact of noise on residents.

Following the submission of amended plans, local residents and the Parish Councils were reconsulted for a period of 14 days. Two letters were received:

One original objector responded following the reconsultation that his original objections had not been addressed.

One additional objector raised concerns relating to conditions attached to the previous permission, the bund would be inadequate, the amendment should have been treated as a whole new application, noise of service yards would be unacceptable if running for a 24 hour period, the proposal would affect the health, well being and quality of life of the residents in the neighbourhood.

Assessment

Material Considerations

Principle

Design and Visual Amenity

Residential Amenity

Landscape and Impact on Trees

Highway Safety

Countryside and Biodiversity

Drainage and Flood Risk

Economic Impacts

Other

Principle

The site is designated for employment purposes in the Barnsley Unitary Development Plan. Policy ED7 indicates that business, industrial and storage and distribution uses are normally permitted on such sites which would bring economic and employment benefits for the Borough as a whole and Tankersley in particular. In addition, a material start has been made on the previous planning permission 2007/2148 which was approved on 02/04/2008 and the development could have been built out at any time in the interim. The use of the land for this type of development is clearly established and the proposal is therefore acceptable in principle, but consideration needs to be given to the aforementioned policy requirements and material planning considerations. These are discussed in more detail below.

Design and Visual Amenity Including Relationship with the Green Belt

The site lies adjacent to the Green Belt although it lies within the boundary of an existing and well established industrial estate.

Councillor Barnard has concerns about the impact on the visual amenities on the Green Belt. Members may recall a proposal received in 2009 (2009/0433) which was for 3 larger units on the site which was refused on 29 July 2009. The refusal was subsequently appealed but the Inspector supported the Council's position and the appeal was dismissed on the grounds of impact on the character and appearance on the Green Belt. Those 3 units were considerably larger in scale and massing than the previously approved application 2007/2178 which was for 4 units.

In the 2007/2178 approval, it was considered that four smaller units were acceptable and the units would be assimilated into the landscape. Height was not considered to be an issue in terms of impact on the Green Belt. In the current application, the height of units 1, 2 and 3 are all lower than those previously approved under 2007/2148, and lower than in the failed application of 2009/0433. Instead of 15m to apex, unit 1 measures 14m, unit 2 measures 13m to apex and unit 3 measures just under 13m. Unit 4 remains at 15m to apex, though this is farthest away from the residential dwellings and well screened by the protected woodlands to the west.

As the current proposal comprises relocating two units within the site but with slightly reduced height for 3 of the 4 units, the scale of the development and buildings are the same or slightly smaller than those granted under 2007/2148 and with additional screening landscaping and bunding, it is not considered that the proposed layout would have a greater impact on the Green Belt than the previous permission. The application is therefore considered to be in accordance with CSP 34 Green Belt.

Other objectors consider that the units would be out of keeping with the character of the semi-rural village. However, the site is an established industrial estate with an extant planning permission and is located to the west of the residential areas rather than being part of it. A refusal on these grounds could not be supported at appeal.

In addition, the increase in the distance of Unit 1 away from the residential properties will improve visual amenity, creating a larger area for landscaping and the addition of an attenuation pond. Additional screening will be provided by the additional bunding and landscaping and cross sections provided indicate that due to intervening distances, landscaping, tree screens and bunding, the units are unlikely to create a significant visual impact on the dwellings, despite them being at a higher level. Boundary trees to the north along Carr Lane, and to the eastern boundary adjacent residential areas are proposed to be retained and enhanced where necessary. Councillor Barnard has suggested that the acoustic bund and fence would be intrusive and cause an impact on the openness of the Green Belt. However, the site does not lie within the Green Belt, and the site is well screened from the surroundings, the bund would be landscaped to soften the outline and it is considered unlikely to be visually intrusive on a site of this scale and location.

Residential Amenity

This site is part of a long established employment proposal in the approved Barnsley UDP with an extant permission on site which has made a material start and could have been built out at any time. One of the main considerations in examining the proposals is the relationship between the proposed new development and the adjacent residential properties. Policy CSP 40 seeks to protect residents from the impact of new industrial and warehouse development. This impact can be explored in the following respects:

Light Pollution and Air pollution

The buildings are intended to operate on a 24 hour basis but all external lighting (except for safety and security lighting) can be automatically switched off between the hours of 23:00 hrs and 07:00hrs. Where safety and security lighting is provided between these hours, the lighting systems will comply with the lower levels of lighting recommended by the Institute of Engineers Guidance notes for the reduction of obtrusive lights. In addition, lighting will be required to have downward light distribution for minimising unwanted obtrusive light spill. The pollution control officer has raised no concerns in relation to air pollution from the site.

Noise

The relocation of Unit 1 approximately 37m further to the west than previously permitted has had the benefit of moving the building further away from residential properties, so that it would be 80 metres from the eastern boundary, but has meant that the service area is now in closer proximity to the existing dwellings on Carr Lane. Whilst there is substantial vegetation and an existing bund approved under the 2007/2148 permission, the Pollution Control Officer considered this was insufficient to protect the amenity of local residents and an additional further section of bunding immediately to the east of the access road is now proposed, in addition to the previously approved bund which is located to the southern half of the eastern boundary. The bund will be on average 2.5m high and topped by a 1m high acoustic fence. Additional planting between the boundary to the residential dwellings and to the eastern elevation of the bund will soften the shape of the bund and provide additional visual screening to the building beyond. Acoustic data has been submitted which has now been accepted by the Pollution Control Officer which demonstrates that these mitigation measures are sufficient to ensure that noise emissions from the service area and the site as a whole do not exceed acceptable levels throughout a 24 working period.

Overshadowing, Overlooking & Loss of Outlook from Neighbouring Dwellings.

Conflicting opinions have been received from objectors in regard to the proposed layout of the site: some objections argue that Unit 1 unit should be moved closer to residential dwellings, allowing traffic to be rerouted and the service area to be located to the west of Unit 1. The extant approval of 2007/2148 appears to address these concerns to some degree. However, the permission could not be fully implemented due to ground conditions.

Other objectors argue that Unit 1 is already too close to residential dwellings and would cause lack of privacy, overlooking and overshadowing. The current application seems to address the concerns of these objectors. Whilst the number of objections received is not a material consideration Members may wish to note that the scale of objections to the 2007/2148 application which was granted permission, was considerable, with 126 objections from addresses in Pilley and Tankersley, (plus a further 102 letters from people living further afield) with objections from 5 Councillors. The current proposal has received objections from only 5 local residents and one councillor with a further 2 objections following re-consultation on amended plans with the addition of the acoustic bund.

The proposed buildings are undoubtedly of a large scale and set at a higher level than nearby residential properties. But in this proposal Unit 1 has now been relocated so that it will be approximately 80m away from the boundary nearest to residential properties on Carr Lane, a further 37m than the previous permission. It would also be 130m away from the boundary closest to properties which lie to the southwest of the site at Stone Leigh. Additional screening would be afforded by the additional bunds and additional planting as well as the existing embankment, and the mature trees around the periphery of the site. The unit is also slightly lower in height than previously approved, as discussed elsewhere in this report. As such it is considered that the proposal is an improvement over the previous permission in terms of visual amenity, with the potential for loss of outlook, overshadowing or overlooking reduced. Since Unit 1 would be located approximately 80m from the eastern boundary of the site it would be too far away to have any effect on solar panels which was a concern raised by an objector. Overall the proposal is considered to be of suitable modern design and appropriate layout with sufficient mitigation measures to protect residential amenity. As such the proposal is considered to accord with CSP 29, Design and CSP 40 in relation to noise emissions and protection of amenity.

Landscape and Impact on Trees

It has been confirmed that there are no proposed loss of trees to the northern boundary along Carr Lane as a result of the amendments, although it is accepted that the northernmost part of the additional bund may result in the removal of a few trees to the inner perimeter. The Forestry Officer has raised no concern about this minimal loss of trees due to the creation of this bund. Supplementary planting is proposed in a number of areas throughout the site in the submitted planting strategy. There is no proposed change to the location of Unit 4 from the previously permission, so the protected woodland known as Potters Hole Plantation (TPO 15/1976) would not be affected. However, in line with the previous permission, additional planting is proposed. In the event that permission is granted it would therefore be necessary to impose a condition requiring the applicant to monitor the regeneration of the woodland area and to plant additional trees where necessary. Further conditions are proposed by the Forestry Officer in regard to tree protection requirements, and the submission and implementation of detailed landscape and maintenance plans.

Highway Safety

Access is proposed from the existing access onto the Wentworth Way and the Wentworth Park Industrial, a road designed specifically to accommodate heavy goods vehicles and numbers suitable for employment uses. A Transportation Statement submitted with the application concludes that the traffic generated by the proposed development can be accommodated without having a materially detrimental impact on the immediate highway network. However, should planning permission be granted a condition requiring a Travel plan is proposed in accordance with CSP 25 New Development and Sustainable Travel.

Separate areas of parking are proposed for each unit. The Highways Officer has raised no objections to the proposal and the level of parking provision is considered satisfactory, in accordance with CSP 26.

Countryside and Biodiversity

An Ecological Appraisal has been produced and found no statutory designated sites within 2km of the development. A small outlier badger sett was found on site but is outside the development area and would be shielded from it by a steep embankment. Great Crested Newts are known to occur in the area and have previously been cleared from the site and a TAF installed around the perimeter is still considered to provide an effective barrier against recurrence on the site. Whilst one objector indicated that a protected bird species had been seen "in the area", there is no evidence that this was on the site and the appraisal states that there was no conclusive evidence that there were any protected species on the site.

Despite there being a TAF in place, the biodiversity officer considers that further surveys for amphibians are required, as the TAF is unlikely to have been 100% successful and ephemeral water bodies on site may provide further habitat. The granting of planning permission does not over-ride the safeguards set out for protected species in the Wildlife and Countryside Act and in this case, since the extant permission could have been completed without the requirement for further surveys, and the scale and extent of development within the site remains unchanged from the 2007 permission, it is not considered that the impact of the proposal would be greater than that previously approved.

A condition is proposed which would require the submission of a Method Statement to undertake surveys for amphibians and ensure appropriate mitigation is undertaken in accordance with Natural England requirements, in order to protect any protected species which may have repopulated the site.

Other mitigation recommendations are put forward as part of the Ecological Appraisal to include compensatory planting of both woodland and low growing dense shrubs which may provide suitable nesting sites for small birds, bird boxes and unspecified enhancement for bats

If planning permission is granted a condition is proposed to require a detailed mitigation scheme to be implemented, in accordance with CSP 36.

Drainage and Flood Risk

The Authority's drainage engineer considers the drainage proposals to be satisfactory subject to the imposition of conditions requiring the subsequent agreement of formal details.

Economic Impacts

One objector raised the issue of need, suggesting that other units in the area should be occupied before these are granted planning permission, and also suggested that the size of the units were out of keeping with other units on the industrial estate. However, Enterprising Barnsley support the proposal which is as it would lead to substantial numbers of new jobs being created and private sector investment being secured. The development would provide premises for potential inward investors and expand local companies. There are virtually no units of this proposed size/quality available in Barnsley and developments such as this are much needed.

Other matters

Tankersley Parish Council requested an extension in consultation time due to BMBC IT website issues. It was acknowledged that the Councils website was down for three days in May, but there has still been adequate time given since the consultations were sent out for neighbours and consultees to fully digest the proposals and comment upon them.

Tankersley Parish Council raised concerns about the stability of the land. CSP 39 contaminated and unstable land requires site investigation work to be undertaken to demonstrate what problems there may be and what measures would be needed for development to proceed safely. The application was accompanied by a geo-environmental study and the Contaminate Land Officer has not raised any concerns. In addition, SYMAS notes that the Geo-environmental desk top study evaluates the mining legacy issues on the site and the previous investigative and remedial works undertaken, and makes recommendation for further investigative work to take account of mine legacy risks. As such, there are no objections subject to a condition.

One objector raised comments that the amendment should have been treated as a whole new application. However, procedures have been followed as set out in the regulations and public consultations have been undertaken over and above that statutorily required. It is not considered

that residents have been prejudiced in the consideration of this application as a result of the amendment.

Conclusions

This application amends a previous planning permission on the site upon which a material start has been made. However, the closest unit will be moved an additional 37m away from the eastern boundary with residential development to 80metres but with the service yard to the east. For three of the units, roofs are slightly lower and office accommodation of two floors rather than three. Additional landscaping and an additional landscaped bund topped by an acoustic fence is proposed between the service yard and the eastern boundary, and along the access road which will mitigate against potential noise emissions. Additional planting and landscaped areas are proposed which will also improve the visual amenity of the site. Overall the application is a slight reduction in the scale of the development across the site to the extant permission. The substantial investment of much needed units of this size on a site allocated in a well-established Employment Policy Area is a significant material consideration and the proposal is considered to comply with all relevant policies.

Recommendation

Approve subject to conditions:-

- 1 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:

1979-201-P7 site plan Amended plan received 7 June 2016

1979-210 Site Sections received 7 June 2016

1979-202-P5 Unit 1 Building Plan

1979-203-P2 Unit 1 Elevations

1979-204 Unit 2 Building Plan

1979-205-P3 Unit 2 Elevations

1979-206 Unit 3 Building Plan

1979-207-P4 Unit 3 Elevations

1979-208-P4 Unit 4 Building plan

1979-209-P4 Unit 4 Elevations

PL29L01 PR2 Planting Plan - Whole Site Strategy Amended Plan received 7 June 2016

EX001 P1 External Services External Lighting

Ecological Appraisal by Envirotech Consultants Author dated 11/01/2016

Transport Statement by Wilton Developments version 1.1 date 24 February 2016

Geo-environmental Desk Top Study by JPG referenced MT/DS/4776.v2 dated February 2016

Drainage and Flood Risk Assessment by JPG Reference AMF/DFS/4776.v2 dated February 2016

External Lighting Assessment by MRB Consulting Engineers, dated 23 February 2016

Noise Impact Assessment by Arcus dated December 2015

Tankersley Noise Modelling by Arcus dated May 2016 received 7 June 2016

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 2 No development shall take place until full details of the proposed external materials have been 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 Core Strategy Policy CSP 29, Design.
- 3 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 Core Strategy Policy CSP 40, Pollution Control and Protection.
- 4 The development site is located in a Coal Authority coal mining referral area due to the presence of shallow coal and associated mine workings. The site could therefore be at risk from ground instability and associated mining legacy health and safety risks. Suitable intrusive site investigations must therefore be undertaken by a suitably qualified person to fully evaluate the ground conditions and the potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner
Reason: To ensure mining legacy issues are address and development can proceed safely, in accordance with CSP 39.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any water main on the site.
Reason: To prevent damage to the existing water main and to allow sufficient access for maintenance and repair work at all times.in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 6 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 5 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: In order to prevent damage and to allow sufficient access for maintenance and repair work at all times in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved it shall

be fully implemented and retained as such thereafter.

Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

- 8 Prior to the occupation of the development full details of bin storage and cycle facilities shall be submitted to the Local Planning Authority for consideration. The facilities shall be provided in accordance with the approved details prior to the occupation of any of the units and retained as such thereafter.
Reason: In the interests of visual amenity and in accordance with Joint Waste Strategy Policy WCS7.
- 9 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
Tree protection plan
Arboricultural method statement
- No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.
- 10 The erection of barrier's for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this
- condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 11 No hedges or trees on the site or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing with the Local Planning Authority. 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.
- 12 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of hard landscaping, woodland planting and other 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. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 13 A woodland and landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all woodland and landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The woodland and 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 15 Details of any security lighting shall be submitted to and approved in writing by the Local Planning Authority before the buildings are occupied. The development shall be carried out in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with CSP 40 Pollution Control and Protection.
- 16 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 17 In the event that neighbouring dwellings suffer impaired TV reception following the erection of the units, the applicant shall submit a mitigation scheme to the Local Planning Authority within 28 days of a written request being made. The scheme shall be implemented within 28 days of it being approved in writing by the Local Planning Authority and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interest of residential amenity and in accordance with CSP 29.

18 Prior to commencement of development, full details of the acoustic bund and fence shall be submitted to the Local Planning Authority for consideration. Details shall include how the bunds are landscaped. The bunds and acoustic fence shall be installed in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with CSP 40.

19 The level of noise emitted from all fixed plant(including fans, extraction units, air condition units) at the site shall not exceed 45dBA(Leq(15 mins) at any time, as measured at the boundary of the nearest neighbouring property.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

20 Prior to the commencement of the development, a detailed scheme of ecological mitigation and enhancement shall be submitted to and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

Reason: In the interests of biodiversity and in accordance with CSP 36.

21 The level of noise emitted from the site shall not exceed 49dB LAeq(15 mins) between 0700 and 2300, as measured at the boundary of the nearest neighbouring property.

The level of noise emitted from the site shall not exceed 44dB LAeq(15 mins) between 2300 and 0700, as measured at the boundary of the nearest neighbouring property.

Reason: In the interests of residential amenity and in accordance with Core Strategy Policy CSP 40.

22 Prior to the commencement of the development, a detailed scheme of ecological mitigation and enhancement shall be submitted to and agreed by the Local Planning Authority. This scheme shall include a Method Statement detailing the following:

The Method Statement shall detail measures to be taken to survey and mitigate for the presence of Great Crested Newts on the site prior to any development on the site and shall include the following:

- Methods and timing of presence/absence surveys of the site including ephemeral ponds
- Populations of GCN in size class assessments
- Assessment of the Impacts
- Details of mitigation and compensation proposals, including inspection regime for fall pit traps and where appropriate, relocation of GCN subject to licence from Natural England
- Post Mitigation population monitoring.

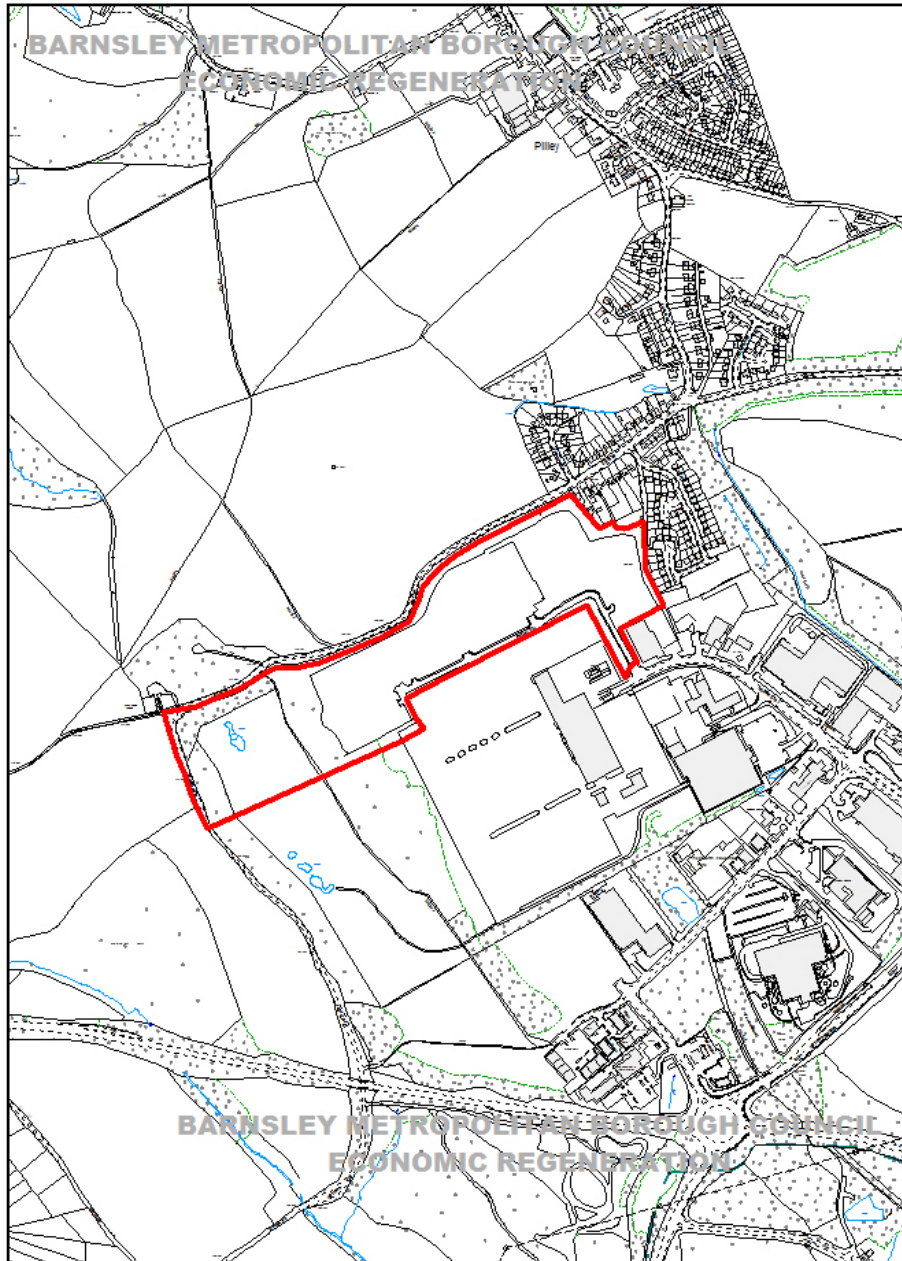
The approved measures, including the Method Statement shall thereafter be implemented in full and survey results shall be provided to the Barnsley Biological Records Centre.

Reason: In the interests of biodiversity and in accordance with CSP 36

- 23 Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Roof water shall not pass through the interceptor.
Reason: To prevent pollution of the water environment and in accordance with CSP 40 Pollution Control and Protection.
- 24 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26
- 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 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 prevent mud/debris being deposited on highway.
 - 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 Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 26 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

PA Reference:-

2016/0439



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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

Ref: 2015/1269

Applicant: Mr Archer Smith

Description: Change of use of land to a private gypsy and traveller caravan site comprising of 11 no. pitches

Site Address: Land to the South of Middlecliffe Lane, Little Houghton, Barnsley

Individual objections from 261 residents, a petition containing 260 signatures and objections from Councillor Saunders and Little Houghton and Billingley Parish Councils.

Site Description

The proposal site is located to the south and east of the village of Middlecliffe. It comprises part of a field and an access track which is in use to serve a Yorkshire Water sewage pumping station within part of the site. The access track joins with the B6723, Rotherham Road in a location adjacent to a cross roads whereby the B6273 Rotherham Road is crossed by Middlecliffe Road connecting Little Houghton and Billingley. No formal junction exists between the junction of the track and Rotherham Road, only a dropped crossing and the footpath forming part of Rotherham Road. The track then passes to the east and south of residential properties located on Rotherham Road and Lesmond Crescent before reaching the main part of the site. This comprises part of a field which is 0.6ha in size and is approximately rectangular in shape.

The majority of the site is currently open. This is with the exception of a small number of sheds and a small amount of vegetation which are located in a central area of the site adjacent to the Yorkshire Water equipment compound that the application red line boundary has been drawn around.

The site adjoins open land on three sides and is in a semi-rural location. A culvert and a public right of way are located alongside the eastern boundary of the site. A watercourse passes immediately beyond the southern boundary of the site and a pond is located to the south west.

Proposed Development

The application seeks planning permission to change the use of the land to provide a site that is stated would be used by named members of the Gypsy and Traveller community.

A layout plan has been submitted which indicates that the site would be divided into 11 plots. 10 of the plots would contain static caravans including a wardens office. The remaining plot, number 11 indicates that the plot would be occupied by up to 4 touring caravans.

The plans make provision for an additional touring caravan within 10 of the plots. In addition each plot would be provided with an amenity block containing toilet and bathroom facilities and parking provision which would be a minimum 2 spaces per plot.

A new 6m wide access road would be constructed within the site. This would connect to the existing track that is located to the east of the houses on Lesmond Crescent and Rotherham Road before connecting with the main road..

History

There have been no previous planning applications on the main part of the site. However the following applications have been determined by the Council on the parcel of land located towards

the northern end of the access track, to the east of Rotherham Road and Lesmond Crescent and adjacent to the site entrance:-

B/86/0574/HR - Residential Development on land to the rear of No.2 Rotherham Road. Decision: Planning permission refused 18th September 1986 for the following reasons:-

1. The proposed access is located at a road junction which is complicated by the presence of a number of shops, a telephone call box and an alignment of roads conjunctive to excessive and therefore hazardous speeds for such conditions. In the opinion of the Local Planning Authority the proposal, by significantly increasing the number of turning movements and potential obstruction at the junction, will introduce an additional source of hazard at the junction.
2. The existing track is considered to be inadequate and unsuitable to cater for the vehicular traffic generated by residential traffic.

B/90/1073/HR – Erection of 3 No. detached dwellings with private garages on land off Lesmond Crescent (Outline). Decision: Outline planning permission granted with conditions 1st November 1990.

B/00/0894/HR - Residential Development - 3 detached dwelling houses (Outline) on land off Lesmond Crescent. Decision: Outline planning permission granted with conditions 29th September 2000.

B/02/1371/HR - Formation of new parking area, seating area, litter bins, block paving, planting box, new hedging and bollards on land at Post Office Corner, Middlecliff Lane/Rotherham Road. Planning permission granted with conditions 20th November 2002.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft 2014 which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction

CSP3 'SUDS'

CSP4 'Flood Risk'

CSP8 'The Location of Growth'

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

CSP34 'Protection of Green Belt'

CSP36 'Biodiversity and Geodiversity'

CSP39 'Contaminated and Unstable Land'

CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Green Belt with the exception of a portion of the access track which is included in the Housing Policy Area notation affecting the adjacent land forming the existing part of the village.

GS6/DA5 'Extent of the Green Belt'

GS7 and GS8 'Development within the Green Belt'

SPD's

- Designing New Residential Development
- Parking

Local Plan Consultation Draft 2014

Proposed allocation: Green Belt with the exception of a small portion of the access track which is included in the Urban Fabric notation affecting the adjacent land forming the existing part of the village.

NPPF

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

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

80. Green Belt serves five purposes:

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

87. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Planning Policy for Traveller sites – DCLG

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections

However, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

Consultations

Biodiversity Officer – Is of the opinion that an ecological assessment is required to determine the effects of the development on biodiversity interests noting that the site and adjoining land contains habitat including grassland, vegetation and wetland features.

Billingley Parish Council – Object based upon the following summary of concerns:-

- Unsuitable location - Consider that the application is contrary to Core Strategy CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople' in relation to the criteria for suitable sites being as there are no schools or doctors within the village.
- Inappropriate development in the Green Belt.
- Harm to the setting of the Billingley Conservation Area.
- Highway safety – A long and narrow access which would not allow for two way vehicle movements and conflict with a section of the highway which is already very busy and difficult.
- Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for.
- Concerns about the site being contaminated from noise, waste water pollution, flood risk.
- Query whether the applicants meet the definition of being gypsies or travellers given the reference to the applicants living on a static site at Ings Road, Low Valley.
- Query whether restrictive covenants are in place.

Contaminated Land – Raise concerns about the potential for the land to be contaminated by the previous use of the site as a waste water treatment works. Therefore consider that intrusive site investigations should be carried out to establish whether the site is affected by contamination, and

what remediation measures would be required to ensure it is suitable for the proposed residential end use.

Drainage – No objections subject to conditions.

Environment Agency – Do not object subject to a condition requiring foul drainage details to be agreed prior to the commencement of development.

Little Houghton Parish Council object to the scheme on the following grounds:

- Inappropriate development in the Green Belt.
- Unsafe/dangerous access.
- Concerns that the width and surface of the access are not adequate for the volumes of traffic that would be using it.
- State the site is unsuitable because of flooding and a stream and a brook on 2 sides.
- Insufficient capacity at the local primary schools.
- Concerns that the septic tanks would not be fit for purpose.
- Harm to the living conditions of existing properties in the area by way of noise and other pollution.
- Harm to biodiversity interests including habitat suitable for birds of prey, barn owls, newts and small mammals.
- Planning history – State that previous applications have been refused on the land and the decision on this application should follow suit.
- Query whether the site forms part of a public bridleway.
- Query whether the access track is under a different land ownership.
- Query whether the applicant would be willing to offer an agreement that the Ings Road would be closed down should they be successful on this site.

Highways – Object on highway safety grounds based upon the following:-

1. The access to the site is located on a heavily trafficked, classified road, in close proximity to a road junction and immediately opposite another road junction. It does not allow two way traffic flows which will result in vehicles waiting on the highway to the detriment of free and safe flow of other traffic on the highway. The access is long and there are no opportunities for vehicles to pass each other, resulting in excessive reversing manoeuvres. Access would be required for a fire appliance including a turning head.
2. The access is not suitable for any intensification of use which this development would represent, and would be detrimental to the free and safe flow of other traffic on the highway, both vehicular and pedestrian.

Pollution Control – Raise concerns about the potential for the residents of the development to be affected by odour nuisance from the waste water pumping station located abutting the site and consider that an assessment should be provided prior to the determination of the application.

PROW - There are no recorded Public Rights of Way on this site and the nearest one is 100 or so from the access point onto Middlecliffe Lane so would not be affected by this proposal

Tree Officer – No objections subject to conditions.

Waste Management – Object based upon the following:-

- The track is unsurfaced and is not wide or substantial enough for any waste collection vehicles to attempt collection of waste.

- Concerns are raised that a collection point near to the site entrance would be dangerous and put operatives and other users of the highway at risk due to the heavy traffic flows and the existing complexity of the road network in this area.

Ward Councillors – Councillor Saunders has objected on highway safety grounds based upon the access point being located on a busy section of road near to a cross roads.

Yorkshire Water – Object on the grounds of land ownership not being resolved with them and the layout showing the siting of a wardens office being built over a sewer.

Representations

The application was publicised by notices in the press and on site and by individual neighbour notification to 67 properties. 261 individual objections have been received and a petition containing 260 signatures. In summary the main concerns expressed are as follows:-

Inappropriate development in the Green Belt. Concerns are raised that the development would blur settlement boundaries with adjacent villages.

Harm to village character and ambience.

Overdevelopment of the village.

Extension of the village by a disproportionate size and that it would be overbearing.

Harm the appearance of the village and concerns that the development would be a local eye sore.

Harm to the living conditions of existing properties as a result of increased noise and disturbance and loss of privacy.

Loss of land used for animal grazing purposes and agriculture.

The applicants very special circumstances case is disagreed with - The assertion is made that the applicants concerns about flooding at the Ings Road site do not take into account of the flood defence work that has been carried out in that area since 2007 and that there has been no flooding since. In addition a point is made that large numbers of other people were affected by the floods in 2007 and that the applicants should be treated any differently because of this. It is also asserted that families are being forced to cohabit it is as a result of a failure to protect themselves with appropriate insurance and that if residents move they will be forced to continue to co-habit. As such it is asserted that they should continue to live on the existing established site. In addition is disagreed that the application site would deliver one of the applicants stated aims of being secluded because it would be overlooked by a number of the dwellings on Lesmond Crescent.

No justification has been provided to demonstrate why the proposal is in the best interests of children.

Concerns about an increase in surface water flooding affecting adjacent land and properties due to the increase in areas covered by impermeable hardstandings.

Concerns about pollution of the local aquatic environment from foul water from the development and vehicles.

It is questioned whether plot 10 is located outside of the site on the farmers field.

It is stated that a legal covenant prevents development on the land, although Councillors will be aware that this is not a material planning consideration.

It is questioned who is the true applicant due to different persons being named as the applicant and client.

A copy of the land sale particulars have been provided dating back to when the site was up for auction showing that the access track is not included in the land title.

Concerns that the proposal site is contrary to the criteria for determining suitable sites in policy CSP18.

It is questioned whether the potential occupiers meet the definition of gypsy and travellers on the grounds that the Ings Road is a static and permanent site.

It is asserted that there are many other suitable alternative brownfield sites that are available

It is stated that the application site is more at risk because of the problems in this area with blocked drains.

It is asserted that the site is unsuitable as it is low lying and as many areas are under water or waterlogged during many months of the year and is near open water.

Highway safety – Unsafe access. Concerns about the section of road near to the proposed access entry being the subject of a large number of accidents and that the development would increase the risk of further accidents occurring. Concerns about the stability of the access track because of flooding and broken pipework under the track.

Concerns that the development would add congestion to an existing overly congested area of the highway network. Congestion at peak times is stated to be particularly problematic.

Concerns that traffic accessing the development would cross a footpath near to a bus stop and would prejudice pedestrian safety, including children.

Concerns are raised that the access and the sections of the highway outside the site are not large enough to accommodate the vehicles and the manoeuvres associated with bringing the static and touring caravans on the site and any other construction traffic.

Planning history – It is stated that previous applications have been refused on highway safety grounds and the decision for this application should follow suit.

Extension of a village that has inadequate amenities, infrastructure and resources.

Concerns that the development would be affected by odours from the Yorkshire Water facility.

Biodiversity – Harm to biodiversity interests including habitat suitable for birds of prey, barn owls, lapwings and sky larks, newts, frogs, toads, bats and small mammals.

Concerns about the ability of local schools and doctors to cope with the additional demands.

Concerns that the development would threaten the structural integrity of the sewerage system which has become blocked in the past and resulted in foul sewage being deposited in the private gardens of houses in the area.

It is queried how waste collection vehicles would access the site and where bin storage and collection points would be within the development.

Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for which would increase all the negative effects associated with the development.

Concerns that private property would be damaged by vehicles and caravans negotiating the narrow access to the site due to the narrow width and proximity of land, walls and fences belonging to existing houses.

Concerns that Billingley roads would be used as a rat run by traffic to avoid the additional congestion.

Land ownership – It is queried whether other parties own some of the land within the application site.

It is queried whether emergency service vehicles could access the site in an emergency.

It is asserted that other available sites exist elsewhere.

Harm to local businesses.

Inadequate bus service.

Proximity to electricity pylons.

Concerns that the proposal for a warden's office indicates that the site will be run as a business for transient occupants rather than the site being occupied by the families stated.

It is questioned how electricity to the development would be supplied and if this would lead to noise nuisance if generators were required.

Localism – It is stated that the amount of local opposition should dictate that the application is refused planning permission.

It is asserted that the problem of this application should never have arisen in the first place should the Council have allowed the proposed gypsy and traveller site at Doncaster Road in Darfield. It is also queried why the Grange Lane temporary transit site was closed down by the Council after a short period.

Concerns about pollution based upon concerns about sewerage from the development and the lack of detail within the application about its disposal.

Concerns that the ground is made of clay and that soakaways would not be an option for surface water drainage.

It is stated that such sites should only be considered if they have been allocated in the local plan process and that potential sites in Middlecliffe such as the application site have already been discounted..

Conflict with the vehicles associated with local residents accessing and egressing their properties.

Light pollution.

A concern the visual impacts of the development could not be mitigated by planting.

Removal of vegetation prior to the application being submitted.

Proximity to watercourses and concerns about the site being unsuitable because of flooding.

Loss of views, although Councillors will be aware that this is not a material planning consideration.

Pollution of local watercourses and ditches from the site.

Concerns that the site will be contaminated from the previous use as a sewage works.

Concerns that the development would increase the burden on the adjacent farm business.

Query whether the applicants meet the definition of being gypsies or travellers.

Reduction in property values, although Councillors will be aware that this is not a material planning consideration.

It is queried who would pay for bin collection and other public services used by the applicants.

Increase in litter and scrap.

Concerns about racial tensions and community cohesion.

Concerns that the Council and tax payers would pick up the cost of addressing any flooding problems once developed.

It is asserted that previously unauthorised work has caused damage to Council land and private property.

Fears about public safety concerns from elderly residents.

Concerns that all local facilities including schools, doctors and shops are located outside of the village meaning that the development would add additional traffic to the roads and the congestion problems.

Drainage – Concerns that the application is insufficiently detailed with regards to surface water and foul water drainage details.

Harm to the setting of Billingley Conservation Area.

The petition requests 3 things of the Council:-

- a) To refuse the application
- b) To investigate alternative sites for those at threat of flooding in Darfield.
- c) To work with the local community in Middlecliffe and Little Houghton to address the concerns raised by residents in response to the application.

Assessment

Principle of Development

The overwhelming majority of land included in the application is in the Green Belt whereby most forms of development are classed to be inappropriate including Gypsy and Traveller sites. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However regard also has to be had to the Government's Planning Policy for Traveller sites. This requires the following issues to be taken into consideration:-

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections*

However, subject to the best interests of the child, the National planning policy states that personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

In terms of need, the Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015 identified that the overall five year requirement (2014/15 to 2018/19) was for 15 Gypsy and Traveller pitches. This number has been reduced to 14 following the granting of planning application 2015/0779. On paper therefore the provision of 11 new pitches would make a contribution towards addressing the unmet need. However the supporting statement states that the majority of proposed residents currently reside on the Ings Road Caravan site in Low Valley and such it would seem that the proposal is mainly about seeking relocation rather than being influenced by problems to do with a shortfall in the number of pitches.

The statement that the majority of residents currently live at the Ings Road site implies that some currently live elsewhere. The applicant has been requested to provide a list of the residents that live at Ings Road currently and information on where the non Ings Road residents live at present. However no response has been received. Therefore I am unable to afford much weight under the needs section of the assessment. On this point it can also be said that unmet need is moving nearer to being addressed due to the stage that the emerging local plan has reached.

In terms of the applicants personal circumstances, the supporting statement states that the development would be occupied by 22 children. In addition it states that the residents of the Ings Road site have suffered from repeated flooding incidents that have ruined people's homes and possessions and left people feeling vulnerable and insecure based upon the fear of future flooding incidents. Potentially more weight should be had to these considerations. However the applicant has not provided details of which schools the school age children forming part of the application currently attend and so it is not possible to understand how the application relates to their needs. In addition the same very special circumstances have already been used to justify planning permission for a 10 pitch site on the site located at Burntwood Cottages several miles to the north of the site. However in the absence of a clear explanation as to why any vulnerable residents were left behind on the Ings Road when the Burntwood Cottages site was developed it is unclear what level of weight should be afforded to this point, or whether this is an attempt to reuse the same argument on a problem that my already have been dealt with.

The national policy statement also instructs Council's to apply locally specific criteria to assess applications that may come forward on unallocated sites. CSP18 of the Core Strategy (Sites for Gypsies, Travellers and Travelling Showpeople) is the relevant policy. This states that new sites in terms of their broad location should have good access to facilities and be primarily located in urban areas. This is not the case with the application site which is located adjacent to a village that is not intended as a location to accommodate growth in the Core Strategy in order to deliver sustainable development. This is reflected in the fact that the site is also remote from schools, health care facilities, supermarkets and other services. The site is therefore judged to be contrary to policy CSP18 which is a development plan policy and needs to be afforded significant weight accordingly.

In summary of land use planning policy considerations the proposal is for an inappropriate form of development in the Green Belt that would have a significant effect on openness and the purposes of including land in the Green Belt including safeguarding the countryside from encroachment and sprawl of the existing village. The proposal is contrary to national and local Green Belt planning policy on that basis. Regard has been had to the National Policy for Traveller Sites. However this reiterates that proposals for such sites within the Green Belt are an inappropriate form of development. In addition little weight can be afforded to the very special circumstances case put forward as it is insufficiently detailed. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area.

Visual Amenity

The proposal site is a sensitive greenfield site that forms countryside located around Middlecliff. Middlecliff is a small village which currently has a neat settlement boundary that is approximately rectangular in shape. The proposal would have the effect of extending the urban boundary of the village to the south east as an isolated finger of development. In addition the development would have an urbanising effect on this land which forms the entrance to the village from the south. These roads including the B6723 and A6195 are heavily trafficked. Land levels rise up from this direction which increase the prominence of the site.

The introduction of 10 or 11 static caravans, 10 or 11 touring caravans, amenity blocks, hard standings including 6m wide road, turning head and parking spaces and the other domestic paraphernalia that would be likely to ensue would have a significant and harmful effect on openness through the site conflicting with the aims of national Green Belt planning policy. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt. These considerations attract significant weight. In addition I would also add that the harm caused to an important view/vista of the village of Middlecliff would place the proposal in conflict with policy CSP29 'Design'.

Residential Amenity

The relationship between the proposed static and touring caravans with existing properties is such that the development should not lead to problems of overlooking and overshadowing. However as access to the development passes immediately behind the gardens of Nos 3-10 Lesmond Crescent I have concerns that noise and disturbance would be a significant problem due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site. In addition I also have a concern about the increase in noise and disturbance levels arising from the development affecting the residents of the existing properties due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use.

In terms of amenity levels for future residents, Regulatory Services have expressed concerns that the residents of the development may be affected by odour from the waste water pumping station and that an assessment of the levels should have been provided. However from discussing the issue with Yorkshire Water I understand that levels of odour would be unlikely to be significant due to the small size of the facility and the nature of the equipment. They would however recommend that their compound is screened by vegetation planted within the application site facility should approval of the proposal be considered.

Highway Safety

The proposal is to access the site via an unmade track. This connects with the B6273 Rotherham Road which is a heavily trafficked classified road in a location that is directly adjacent to a staggered crossroads junction where it is crossed by Middlecliff Lane to Little Houghton and Billingley. Historically the access track has been used on an infrequent basis by service traffic associated with the pumping station on the site. In addition the access is long and there are no opportunities for vehicles to pass each other. Highways consider that the site access is not suitable for any intensification of use taking into account those characteristics due to the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. These concerns also relate to the difficulty fire appliance and refuse vehicles would have with accessing and egressing the site. Furthermore there is also the potential for pedestrian safety to be compromised. Based upon this Highways have recommended that the application should be refused planning permission due to the likelihood of conflicts between vehicles associated with the development and other road traffic.

In addition to the above, the rights of the applicant to use the track to provide access to the development are in question given the representations from 2 different landowners which assert that they own parts of it. Also the sales particulars from the land when it was sold at auction appear to show that it was sold without the access track being included. Ultimately however land ownership is not a material planning consideration meaning that this would be a separate matter for the applicant to resolve outside of the planning process. The same is also true of any legal covenants affecting the land.

Biodiversity

The site is located in the Dearne Valley Nature Improvement Area. In addition the grassland, trees and wetland features located on or near to the site form habitat that is suitable for a range of ecology including protected species. However the application has not been accompanied by an ecological survey to determine the biodiversity value of the site, or the impacts despite a request. Based upon that insufficient information has been submitted with the application to determine whether or not the development would have an unacceptable impact on biodiversity, including protected species having regard to policy CSP36 of the Core Strategy 'Biodiversity and Geodiversity'.

Ground conditions

Regulatory Services and SYMAS have identified that the site is potentially contaminated from being used more extensively in the past as a waste water treatment works and from unstable land given that the site is located in a Coal Mining Referral Area. However the application has not been accompanied by a ground investigation report to identify the risks and any mitigation measures that would be necessary. Again therefore insufficient information has been submitted with the application to determine whether future occupants of the site would be affected by contamination and unstable land having regard to policy CSP39 'Contaminated and Unstable Land'.

Flood Risk/Drainage

Notwithstanding the comments received from residents no part of the site is located in a flood risk area. In addition the site is stated to be less than 1ha in size. Based upon this the Council is not in a position to insist that the application is accompanied by a Flood Risk Assessment. Nevertheless it is likely that this would have been requested if the application had been preceded by any pre-application discussions due to the proximity of the site to the watercourse to the south of the site. This would have helped rule out whether the application would achieve the stated aim of relocating to a site that is not at risk from flooding.

The initial proposals for drainage are soakaways for surface water and a septic tank for foul drainage. An assessment of the ground conditions would need to be undertaken to determine whether the site is suitable for soakaways. In addition it would be necessary to apply the foul drainage hierarchy before determining whether or not a septic tank would be acceptable. However the Drainage section would be content to agree the drainage details under a pre-commencement planning condition. This would need to ensure that a suitable drainage scheme is designed so that surface water run rates do not exceed greenfield run off rates. A further issue however is that the proposed site warden's office would be built over a sewer and this has resulted in an objection from Yorkshire Water to the proposed site layout accordingly.

Public rights of way

Contrary to the assertions made by some of the local residents no public rights of way would be affected by the development according to the Public Rights of Way Officer.

Conclusion

In summary the proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness through the site conflicting with the aims of national and local Green Belt planning policy. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt.

Regard has been had to the National Policy for Traveller Sites. However this reiterates that proposals for such sites within the Green Belt are an inappropriate form of development. In addition little weight can be afforded to the very special circumstances case put forward as it is insufficiently detailed. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area. In addition the site is located adjacent to a village that is not intended to accommodate growth in the adopted Core Strategy.

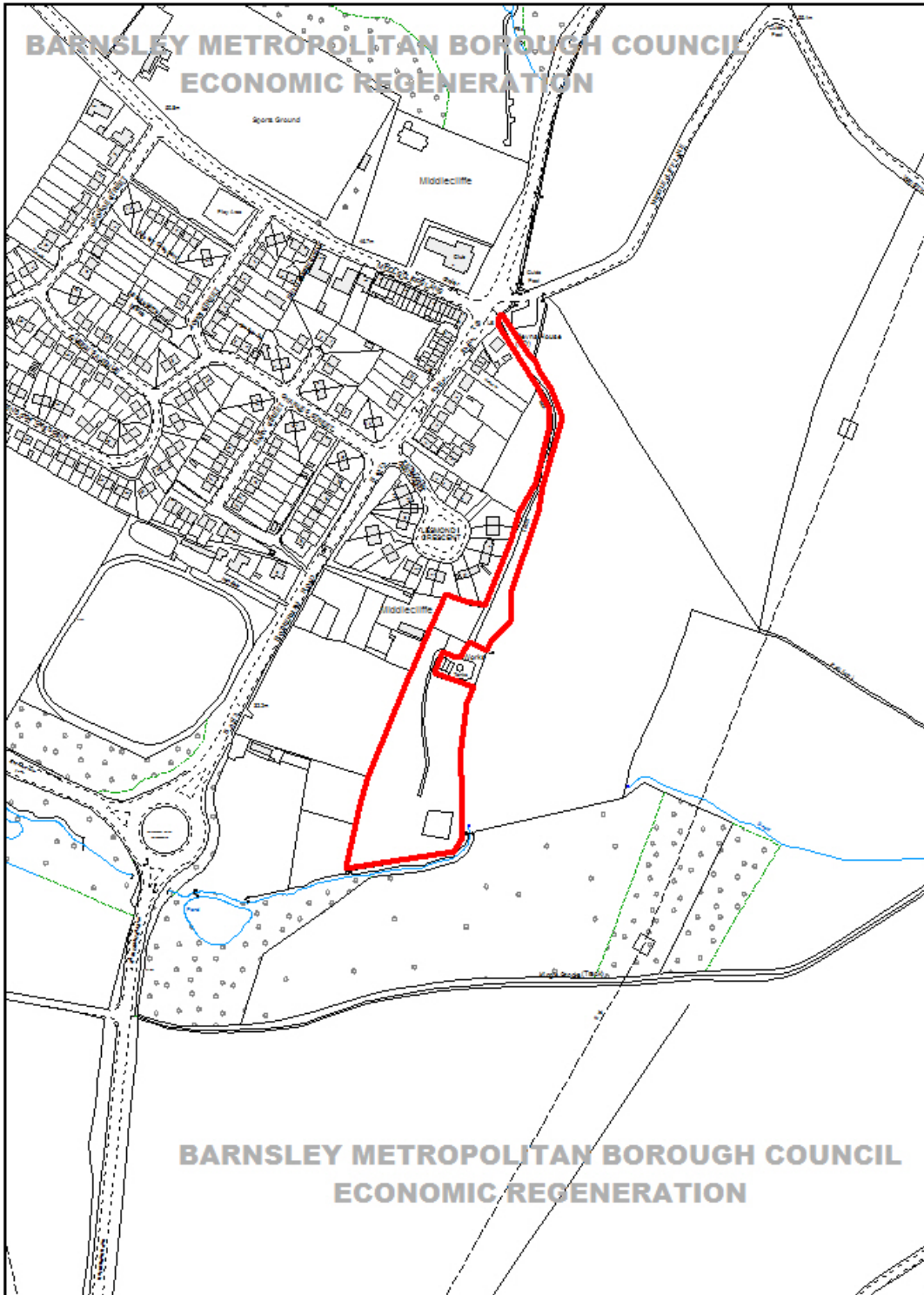
In addition the proposed development is also considered unacceptable on highway safety grounds and due to the likely impact on the living conditions for the residents of existing properties. Furthermore insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from an unstable land and contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Accordingly the proposal is contrary to the National Planning Policy Framework, the National planning policy statement for traveller sites and policies CSP18, 26, 29, 34, 36, 39 and 40 of the adopted Barnsley Core Strategy.

Recommendation

Refuse planning permission

1. The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness through the site. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt. Furthermore, the proposed development would harm an important view/vista of the village of Middlecliffe. Accordingly the proposal is contrary to the National Planning Policy Framework, Core Strategy policy CSP34 'Extent of the Green Belt', and Policy CSP29 'Design'.
2. The proposal is contrary to policy CSP18 of the adopted Core Strategy 'Sites for Gypsies, Travellers and Travelling Showpeople' as the site does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area. In addition the site is located adjacent to a village that is not intended to accommodate growth in the adopted Core Strategy.
3. In the opinion of the Local Planning Authority the development would lead to an unacceptable level of noise and disturbance that would harm the living conditions for the residents of existing dwellings located adjacent to the site. The proposed development would be contrary to Core Strategy policy CSP40 'Pollution Control and Protection' on that basis.
4. In the opinion of the Local Planning Authority the proposal is contrary to policy CSP26 'New Development and Highway Improvement' in that the development would not be served by a safe and suitable access and would lead to conflicts that would be prejudicial to highway safety.
5. In the opinion of the Local Planning Authority insufficient information has been submitted with the application to determine the effects of the development on biodiversity interests, including protected species having regard to policy CSP36 of the Core Strategy 'Biodiversity and Geodiversity'.
6. In the opinion of the Local Planning Authority insufficient information has been submitted to demonstrate that the site is suitable and can be made safe for the development from an unstable land and contaminated land perspective Based upon this policy CSP39 'Contaminated and Unstable' has not been satisfied.

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Ref: 2015/0380

Applicant: Harard Developments (Penistone) Ltd

Description: Residential development of 30 no. 2, 3 and 4-bed dwellings (Reserved Matters to application 2013/0813)

Site Address: Land off Sheffield Road, Penistone, Sheffield, S36 6HH

20 letters of objection have been received from local residents
Penistone Town Council object

Background

2013/0813 - Residential development (Outline) (Resubmission of planning application 2012/0801) – Approved with conditions at PRB including conditions which related to the provision of affordable housing and public open space to be submitted with the reserved matters application.

Description

There are two elements to the site, that of the former Jackie's Fancy Dress premises and an adjoining large area of grass land to the rear of Sheffield Road. The immediate locality supports a mixture of industrial, commercial and residential developments.

The former Jackie's Fancy Dress premises is a single storey building located along the frontage of Sheffield Road, it shares the access from the highway with several small business units as well as a steel works to the north and east. The application site also includes a large area of grass/scrub land which is situated to the north west of the premises and to the rear of terraced properties (no.s 25 to 81) Sheffield Road. The River Don runs across the northern boundary with site levels falling gently to its riverbank.

The site can also be accessed from Queen Street, a narrow steep road between houses which also serves Penistone Cricket and Sports Club located to the north of the site. The terraced dwellings currently use part of grass/scrub land for informal parking accessed via Queens Street. It is also understood that the land is informally used for the parking of vehicles to the adjacent cricket pitch.

Proposed Development

The application proposes 30 dwellings consisting of single and two storey properties. The proposed mix is as follows:

- 8no. 2 bedroom bungalows,
- 8no. 3 bed bungalows (2 with detached garages),
- 4no. 3 bed semi-detached,
- 10no. 4 bed detached dwellings with integral garages.

The proposal also includes an 18 space parking area accessed from Queen Street, it is proposed that this would be offered for use by the Cricket Club and residents of Sheffield Road. This would be located to the rear of plot number 12.

This reserved matters application relates to the appearance, landscaping, layout and scale of the development. In terms of site access, this would be taken from the existing access point at Sheffield Road as detailed on the outline planning approval. It is also proposed that an 8m buffer

zone would be provided along the embankment to the River Don. The total site area is marginally short of 1.5ha.

To address affordable housing requirements an off site commuted sum is proposed of £660,000 and an off site contribution of £50,742.60 is proposed to enhance existing Public Open Space.

The following documents have also been submitted in support of the application:

- Design & Access Statement
- Phase 1 Environmental Audit regarding ground conditions prepared by WSP.
- Flood Risk Assessment prepared by Ecus.
- Acoustic Report prepared by Blue Tree Acoustics.
- Transport Statement prepared by LDA Limited.
- Tree Survey by James Royston, Arboricultural Consultant.
- A Phase 1 Habitat and Protected Fauna Survey by Whitcher Wildlife Limited.
- Affordable Housing Statement.
- Landscape Management Plan and Specification Document

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

The site is allocated as an Employment Proposal site on the saved Unitary Development Plan proposals map.

National Planning Guidance

NPPF

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

Paragraphs of particular relevance to this application include:

32 – 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

49 – 'Housing applications should be considered in the context of the presumption in favour of sustainable development.'

58 & 60 – Design considerations

123 – Noise

179 – Viability – The costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure, contributions, or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Core Strategy

Policies of particular relevance to this application include:

CSP2 ‘Sustainable Construction’

CSP4 ‘Flood Risk’

CSP5 ‘Including renewable Energy in Developments’

CSP10 ‘The Distribution of New Homes’

CSP11 ‘Providing Strategic Employment Locations’

CSP14 ‘Housing Mix and Efficient Use of Land’

CSP15 ‘Affordable Housing’

CSP19 ‘Protecting Existing Employment Land’

CSP26 ‘New Development and Highway Improvement’

CSP29 ‘Design’

CSP33 ‘Green Infrastructure’

CSP35 ‘Green Space’

CSP36 ‘Biodiversity and Geodiversity’

CSP40 ‘Pollution Control and Protection’

Saved Unitary Development Plan Policies

UDP Policy PE3 – Employment Proposal

Supplementary Planning Guidance

The following LDF Supplementary Planning Documents are relevant to the proposal:-

-Designing New Residential Development

-Parking

-Open Space Provision on New Housing Development

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design.

Emerging Local Plan

Green Space

Consultations

Penistone Town Council – object for the following reasons:-

The Town Council again reiterates the objections it made to the outline application that the loss of long term car parking for the residents of Sheffield road and the Cricket Club will result in an unacceptable increase in car parking on Sheffield Road.

Environment Agency – No objections subject to imposition of conditions for protection of culvert and details of drainage

Yorkshire Water Services Limited – No objections subject to conditions

Highways DC – Principle of development acceptable in highway terms subject to conditions and amendments

Public Rights of Way – No objections

Drainage – No objections subject to conditions on protection of culvert and surface water drainage

Contaminated Land Officer – No objections subject to conditions

Regulatory Services – Previous comments that the noise assessment concludes that acceptable noise levels can be achieved. No objections raised.

Affordable Housing Officer – Policy requirements are that 25% affordable housing is required in Penistone

Biodiversity Officer - No objections received

Planning Policy – To satisfy the requirements of the SPD, an off-site contribution of £50,742.60 towards green space is required, to be secured through a section 106 agreement.

Sport England - The development as proposed would prejudice the future operation of the cricket field. The planned housing development is high density and the likely level of additional parking demand generated by this when combined with the demand already arising from the occupiers of existing housing, commercial premises and the cricket ground does not appear to have been addressed.

Representations

20 objections have been received to the proposal from local residents. Issues which have been raised include:-

- Loss of parking to the residential properties on Sheffield Road
- Loss of parking to cricket club leading to an increase in parking on Sheffield Road, causing obstructions to emergency services.
- The Cricket Club raise concerns that there will be no adequate access to the club and no parking available for the players and visitors. Potentially the cricket club may need to close due to the lack of parking.
- Incompatible use with the adjacent industrial uses leading to unacceptable noise levels for residents of the proposed dwellings.
- Adverse impact upon highway safety, risk of accidents and fatalities with children walking to grammar school, adjacent nursery and primary school.
- Disruption to existing businesses and potential impact upon these businesses gaining insurance in the future
- Questionable demand for affordable housing as a number of properties have been for sale in the area for over 6 months.
- Only greenspace in the area and is used for walking dogs/children to play on
- The land has a private garage on it which has been used in connection with a property on Sheffield Road for the last 35 years.
- Flooding issues which would be exacerbated by an increase in surface water
- Overdevelopment of Penistone, which is already over-populated with local services such as schools/doctors over-subscribed. Stress on existing facilities.

- Queen Street should not be used for access or parking. The access and allocated resident parking is not practical.
- Impact on mature trees and biodiversity/nature.
- The access is used by HGV's, this access could be potentially blocked. There will be insufficient turning circle for HGV's due to further parked cars on Sheffield Road.
- Loss of privacy, loss of view leading to a reduction in house prices.
- Land ownership boundary appears incorrect.
- Disturbance during construction

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan.

The National Planning Policy Framework (NPPF) is also a significant material consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

Members will recall the granting of outline permission under reference 2013/0813 for residential development of the site which also included detail of the access to Sheffield Road. Therefore the principle of a residential development has been established subject to the conditions set out in the decision notice. This application seeks to approve the reserved matters which include the appearance, landscaping, layout and scale of the development, it is these matters that are the sole consideration for the application.

Affordable Housing

To ensure that affordable housing objectives would be met the following condition was applied to the outline planning consent;

'A scheme for the provision of affordable housing as part of the development shall be submitted as part of any subsequent Reserved Matters application. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need and in order to comply with Core Strategy policy CSP15 'Affordable Housing'

As the development consists of more than 15 dwellings, in accordance with Core Strategy policy CSP 15, new developments are required to contribute towards the provision of affordable housing. Penistone is identified as a higher value housing market area, to address local needs the affordable policy requirement on developments is set at 25% of the overall housing provision, in the circumstances of the application this would equate to 8 units on site.

The applicant has submitted viability appraisal which has been independently assessed by the District Value Office (DV). The DV's appraisal has been undertaken in line with the Homes and Community Agency Development Appraisal Toolkit. It has included an analysis of recent sales of new build properties within the Penistone area. The appraisal identifies that the project is not subject to any significant abnormal costs, and as such it should be viable to deliver 8 affordable homes in line with policy requirements.

The Affordable Housing Officer has identified that a mix of 20% intermediate housing and 80% social rented to be acceptable. This could be achieved through 6 x 2 bed bungalows and 2 x 3 bed semis (or 2 of the 3 bed bungalows), alternatively affordable requirements could also be met by the payment of an offsite commuted sum. Notwithstanding the DV's appraisal, the applicant has maintained that to provide the affordable houses on site or the equivalent commuted sum for off-site provision would render the scheme unviable due to construction and finance costs. After further discussions with the developer, and recognizing the need to deliver homes to meet housing targets especially on those sites which already benefit from a planning permission, it was put to the developer that a commuted based on the cost of providing 8 affordable units on site would be appropriate. This would equate to a cost of £730k. However, it is recognised that the developer is providing a residents/cricket club car park within the site on an area of land that could otherwise be developed for an additional two units which would result in a loss of profit of approximately £70k. Consequently, it has been agreed to reduce the commuted sum to £660k (£730k - £70k for the units lost to the car park). This should be secured by way of a Section 106 Agreement and is considered acceptable in meeting the requirements of the relevant condition.

Visual Amenity

Accessed from Sheffield Road the sites layout is formed around a single residential cul-de-sac with properties double fronted to the highway. The density equates to approximately 20uph, a mixture of house types are proposed, this includes bungalows and traditional two storey properties. Some of the properties also incorporate rooms within the roof space, these dwellings (2.5 storey) would be located towards the rear of the site. The site slopes from Sheffield Road down towards the river Don. The site sections show that the larger 2.5 storey dwellings would sit comfortably to the rear of the site, with the pitched roof bungalows set within the centre of the site. A pair of two storey semi-detached dwellings are set to the site frontage with Sheffield Road, which would sit well with adjacent terraced dwellings. Subject to the submission of material samples there are no objections from a design perspective.

As requested by the Environment Agency, 8m no-build zones have been maintained adjacent to the northern boundary with the River Don and the eastern boundary with Cubley Brook. In addition, to compensate for the loss of the (existing) informal parking area the proposals include 18 space resident car park located on the western boundary with Queen Street.

Overall the layout and appearance of the development is considered to be acceptable. Given the site's location bordering onto the settlement boundary it is considered that a lower density development is appropriate to the locality, giving appropriate regard to the sites constraints and conditions of the outline planning permission.

Residential Amenity

The layout achieves the separation distances set out in Supplementary Planning Document 'Designing New Housing Development' to proposed and existing dwellings. The garden areas for the 2 bed properties generally exceed 50m² and the 3 beds plus properties generally achieve at least 60m², in accordance with the SPD.

The properties themselves, in terms of internal spacing standards, generally comply with the technical requirements of the South Yorkshire Residential Design Guide, with the exception of the 2no. 2 bed affordable units (plots 3 and 4) which are approximately 9sqm short of the spacing standard.

Whilst it is appreciated that a loss of view and loss in house prices are concerns for neighbouring residents, they are not material planning considerations which can be taken account.

The principle of residential use has been established on the outline planning permission, in comparison to the sites saved UDP allocation (employment), residential is considered a more appropriate land use that is likely to result in less disturbance to adjoining properties.

Concerns have been raised by the owners of the adjacent steel works in relation to noise impact on the inhabitants of the proposed dwellings. This matter was considered as part of the outline application, whereby suitable mitigation was secured within the conditions to ensure that the properties internal and garden areas would meet relevant residential standards. Regulatory Services have confirmed that they are satisfied with the proposals.

Biodiversity

In terms of Biodiversity, a Phase 1 Habitat and Protected Fauna Survey of the site has been undertaken. This has evaluated the grassland area as being of poor species diversity. The areas around the River Don Corridor are of greatest wildlife interest, this area will be retained and its biodiversity value enhanced through additional native planting as shown within the Landscape Management Strategy.

The mature trees which were located along the northern and eastern site boundaries represent the best ecological resources of the site as they will support large quantities of invertebrates as well as suitable habitat for bird nesting and bat roosts. The trees retention can be protected by conditions, overall biodiversity enhancement can be achieved through the application of the mitigation measures identified within the report, and this would ultimately satisfy the requirements of policy CSP36.

Drainage

The applicant has provided a Flood Risk Assessment as part of the proposals which considers that 'The majority of the development site is indicated to be within Flood Zone 1 with the northern boundary of the site lying in Flood Zone 2. Hydraulic modelling data provided by the Environment Agency and the agreement of the "No Build Zone" will ensure that the proposed development will be above the 1 in 100 year flood level. The proposed design and layout of the site will not increase run-off or impact on drainage infrastructure of the area. It is considered that the residual risks of flooding to people and property are acceptable and given that in accordance with policy CSP 4 there is a requirement to maintain or reduce existing run-off rates the development will not increase the likelihood of flooding elsewhere.

The Council's Drainage Officer, Yorkshire Water and the Environment Agency have no objection to the proposal subject to the imposition of recommended conditions.

Highway Safety

In accordance with CSP26 new development is expected to be designed and built to provide safe, secure and convenient access for all road users and to take mitigating action where necessary.

Access was considered at outline stage as part of the application 2013/0380. However, this only covered the access onto Sheffield Road as the main link to the adopted highway. The consideration of the internal road layout forms part of this reserved matters application.

Concerns have been raised by the adjacent steel works regarding the incompatibility of the proposed use and the HGV's which currently share the access. The highways section has looked at this aspect and is satisfied that the shared access is acceptable. However, in order to be satisfied that the size of vehicles entering the site is fully catered for, a condition is recommended to establish the number and types of vehicles entering the site. This may require a slight widening of the internal access road but this could be accommodated without affecting the positioning of the plots. The internal layout demonstrates that an appropriate access can be retained into Bird Stainless Steel's site, allowing vehicles to enter and exit their site in forward a gear without having to go through the body of the residential development.

Concerns have also been expressed regarding the loss of parking for residents on Sheffield Road and for the cricket club. In both cases this has been on an informal basis and at the goodwill of the applicant. The applicant has shown an 18 space car park to be accessed from Queen Street and a short walk to the cricket club. This would be open to allow it to be shared by the residents and the cricket club and would be created to a higher standard than the current informal area of parking. The proposed car parking provision is considered sufficient on this basis.

Overall it is therefore considered that the development complies with policy CSP26 in that it will not have an adverse impact upon highway safety. The Council's Highways Section have raised no objections to the scheme.

Greenspace

The site has been previously identified as functioning Greenspace and included on the Council's Green Space Register. The site is listed on the Green Space Register as GS1747 Queen Street Open Space, Local Neighbourhood Green Space and Natural Area. CSP35 states that we will only allow development proposals that result in the loss of green space where an assessment shows there is a surplus of green space in the area which it serves, or an appropriate replacement green space is provided in the area.

Whilst the majority of the site is proposed to be developed with housing, an 8m strip which runs along the top of the bank to the River Don and Cubley Brook will be kept open. A Landscape Management Strategy has been submitted which will allow for a significant enhancement of the 8m no build strip adjacent to the River Don. It is proposed to provide areas of new native planting which will increase biodiversity and plans to improve the existing informal footpath. This open space will provide an attractive circular route along the river banks for local residents. A management strategy will be put in place to maintain the land which should be secured by way of a condition.

In accordance with Policy CSP 35 and the SPD Open Space Provision on New Housing Developments, the developer is required to contribute towards the provision of new, or maintenance of existing open space. As this is not being provided on site, as such, an offsite financial contribution to enhance existing Public Open Space, which is plentiful in the locality, is required. Based on the unit split the contribution would equate to £50,742.60 which should be secured by way of a Section 106 agreement.

Other Matters

Sport England have been consulted and raised an objection to the development, they consider that it would prejudice the future operation of the nearby cricket field due to a loss of parking. They suggest that should the Council be minded to grant planning permission the decision should be referred to the National Planning Casework Unit. Legal advice has been taken in this regard, a referral would not be necessary as the application is for reserved matters and is not an application for planning permission (the outline application).

Concerns were raised during the outline application with regard to a loss of parking for the residents and the cricket club. However, it should be emphasised that the parking that the cricket club refers to does not form part of the cricket club and is on private land owned by the applicant. The landowner could have legitimately restricted access to this land. The cricket club have therefore not had any formal rights to park on this area but have benefitted for a number of years from the goodwill of the landowner, which also benefitted residents and other visitors of the site. In response to representations, it is not considered that the scheme results in a loss of a land used for a sporting function, it falling clearly outside of the cricket clubs curtilage which is not part of a functioning sports field.

However, notwithstanding the above, the applicant has shown an 18 space car park to be accessed from Queen Street and a short walk to the cricket club. This would be open to allow it to be shared by the residents and the cricket club and would be created to a higher standard than the current informal area of parking. The proposed car parking provision is considered sufficient on this basis.

Conclusion

The principle of a residential development of this site has been accepted with the outline approval, given its proximity to existing housing, the proposal for residential development is considered acceptable for this location.

Highways are satisfied that the proposal will not adversely impact on highway safety subject to highway improvement works and the inclusion of parking provision for existing residents and the cricket club. The design, scale and layout of the scheme is considered to be acceptable. Subject to the signing of the Section 106 Agreement in relation to the contribution towards off site affordable housing and Public Open Space, the proposal is considered to be acceptable.

Recommendation

Approve with conditions subject to a legal agreement

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this reserved matters approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990 and the corresponding outline planning application 2013/0813.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans numbered:-
4145-00
4145-01 Rev H
4145-03
4145-04
4145-05
4145-06
4145-07 Rev A

4145-08
4145-09
4145-10

Specifications:-

Landscape Management Specification Document and plan R/1848/1

Design and Access Statement

Phase I Habitat and Protected Fauna Survey dated 23rd February 2015

Flood Risk Assessment prepared by Ecus.

Acoustic Report prepared by Blue Tree Acoustics.

Transport Statement prepared by LDA Limited.

Tree Survey by James Royston, Arboricultural Consultant

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

Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 4 No development or other operations being undertaken on site shall take place until the following documents prepared in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Tree retention and removal plan
Details of any tree pruning/trimming works

No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 7 Prior to the occupation of the dwellings, details of the management responsibilities for the landscaped area adjacent to the River Don shall be submitted to and approved in writing by the Local Planning Authority.. The landscape management of the site shall be carried out in accordance with the approved Landscape Management Specification Document and the agreed management responsibilities.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 8 Prior to the occupation of the dwellings, details of the management responsibilities for the parking area adjacent to Queen Street shall be submitted and approved in writing by the Local Planning Authority. The car park shall then be maintained in accordance with that agreement and retained for public/residents use for the lifetime of the development.

Reason: In the interests of road safety in accordance with CSP 26.

- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before any dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

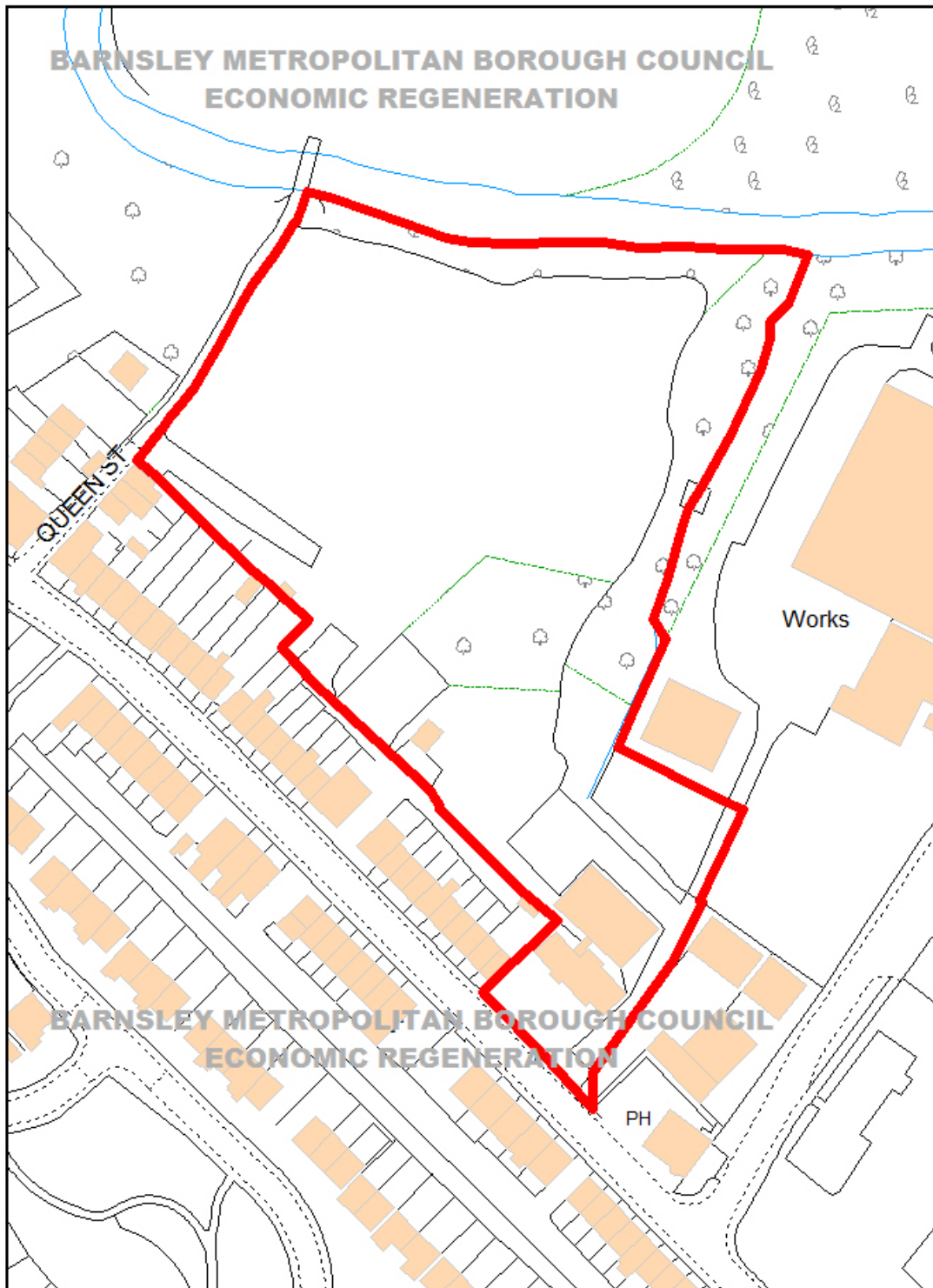
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.

- 10 Development shall not commence until a period of CCTV monitoring, which shall have a minimum duration of 7 days, of the existing access and Sheffield Road has been carried out. The results of the monitoring shall then be submitted to the Local Planning Authority, and the design of the access road reviewed and revised accordingly to the satisfaction of the Local Planning Authority, in the interests of road safety. The review should also include any necessary measures to prevent parking on the access road, and the development shall be carried in strict accordance with the approved plan.

Reason: In the interests of highway safety in accordance with CSP26

PA reference :-

2015/0380



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2015/1388

Applicant: Mr Julian Bowerman

Description: Demolition of existing single storey workshop, erection of three storey apartments providing 7 no. flat studios, new reconfigured external works and car parking (Outline)

Site Address: Land off School Street, Hemingfield, Barnsley, S73 0PS

11 letters of objection were received to the initial plans that were submitted. After re-consultation on amended plans, 5 local residents wrote in again to re-affirm their objections and add further comments.

Site Description

This is a back land site that is to the rear of houses on Heritage Court to the south and Garden Grover to the west. In addition to the east there is a bungalow no 1 Beech Close overlooking the site and a house on Beech House Road adjacent to the access.

The site currently contains an office and associated storage building. Access is from Beech House Road via a private drive that has no footways. This driveway also serves parking at the rear of Heritage Court.

There are mature trees to the back of the site and a mature tree adjacent to the existing office building.

Previous Planning History

2006/0102 – Development comprising 5 apartments in a two storey block, two storey office building with parking spaces and retention of existing storage building approved April 2006

2006/1032 -Modification of Conditions 5 & 10 attached to planning consent 2006/0102 (being the erection of 5 apartments, an office block and the retention of a storage building). Condition 5 limits development to First Choice Developments. Condition 10 precludes the use of the site for open storage approved July 2006

2008/1788 - Vary Condition 1 of application 2006/1032 (being the development comprising 5 apartments in a 2 storey block, 2 storey office building and retention of existing storage building) Condition 1 relates to storage purposes approved February 2009

Proposed Development

This is an outline application although it does seek permission for matters of layout, access and scale. This would leave appearance and landscaping for later approval.

The plans have been amended during the course of the application show a reduced scheme from what was originally proposed. The main changes relate to:

- The deletion of the proposal to convert the office block to residential.
- The roof profile and eaves level has been changed primarily by relocating flat 7 to reduce the impact of the development on the adjacent bungalow 1 Beech Close.
- Cross section drawings have been supplied showing amongst other things, the relationship to 1 Beech Close.

- The layout plans show the position of the bedroom window on the rear of 1 Beech Close in relation to the proposed development.
- Deletion of fire engine/refuse vehicle turning area from within the parking area associated with Heritage Court.
- Relocation of the bin store away from 1 Beech Close.

The latest proposal comprises:

- Demolition of existing storage building and erection of a new three storey (although the third floor is mainly contained within the roof space) 7 apartment block roughly coinciding with the footprint of the existing single storey storage building. The building would have a maximum height of 9.8m to the ridge.
- There are 7 parking spaces proposed adjacent to the apartment block.
- The office is now shown as being retained and two dedicated parking spaces and a visitor parking space are shown for this retained use.
- There are a number of mature trees in the northern portion of the site that are shown as being retained along with the existing tree adjacent the existing offices.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP3 SuDS.
 CSP14 Efficient use of land
 CSP19 Protecting Existing Employment Land
 CSP26 New Development and Highway Improvement
 CSP29 Design.

Saved UDP Policies

The site falls within a Housing Policy Area.

SPDs/SPGs

Designing New Housing Development.

Parking SPD

South Yorkshire Design Guide

Emerging Local Plan

The Draft Local Plan allocates the site as urban fabric.

NPPF

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

Paragraph 17 states that:

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking.

These 12 principles include:

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 56 states that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Consultations

Highways-No objections subject to conditions.

Pollution Control-No objections are raised.

Highways Drainage-No objections subject to conditions.

Tree Officer – No objections subject to conditions.

Representations

Local residents were initially consulted on the original plans and re-consulted on the amended plans.

11 letters of objection were initially received raising the following concerns.

- Overlooking of nearby properties causing loss of privacy. The frequent use of the stairwell and position of living and bedroom windows would allow views into a neighbouring bedrooms and back gardens.
- Loss of sunlight in rear gardens. A three storey development is not appropriate.
- Contravention of Articles 1 and 8 of the Human Rights Act relating to peaceful enjoyment of possessions and maintaining a private and family life.
- The building design is not in keeping with the area.
- Loss of mature trees.
- Road safety issues due to inadequate access arrangements. It is close to a blind bend and a busy junction, visibility is affected by parked cars and bins awaiting collection, it is close

to a school, the lighting is poor and the road is heavily trafficked. Emergency vehicles, dustbin wagons and delivery vehicles would not be able to use it safely.

- The access is not wide enough for two cars to pass causing potential for 'backing up' on to the main road. The access is also in a poor state of repair. It should not serve more than 5 houses as it is not a proper road.
- Insufficient parking and turning space for delivery vehicles is provided. Visitors will have nowhere to park so will park on the road.
- Increased use of the access by vehicles and pedestrians on a 24 hour basis will cause disturbance, pollution and noise issues to residents in Heritage Court.
- Occupiers of Heritage Court have rights over the parking area and it cannot be used for turning of vehicles related to the new development.
- Asbestos could pose a health risk if it is contained in the building to be demolished.
- Concerns about migrating rats.
- Concerns about security.

After amended plans were submitted the occupiers of 5 properties have re-affirmed the above objections and made the following additional comments in numerous letters and e-mails.

- Revised layout shows parking space next to retained office making entrance too narrow for service vehicles.
- Kitchen window on upper floor looks over gardens on Garden Grove and less than 12m separation is provided at one point.
- Residents believe that the recommendation is as a result of undue pressure from the applicants and they have not been allowed sufficient time to comment on the amended plans.
- Although no significant changes have been made to the plans SPD guidelines are now not being applied and are actually being interpreted to local resident's disadvantage. For example the building height is out of character with the area.
- There is no caveat regarding the repair and maintenance of the driveway.
- The occupiers have velux roof lights and will lose natural day light if the development is allowed. Very little sunlight would be received in the house and garden.
- Flat 7 has been moved further back on the roof so there will now be overlooking of 1 Beech Close. The landing a stairwell windows will also overlook the property.
- Concerns are raised about trees shown to screen the car park adjacent to 1 Beech Road. These will block natural daylight and could affect the foundations. The trees could be removed by residents so would serve no purpose.
- The building work would affect the foundations of 1 Beech Close.
- Noise nuisance will occur by people entering and leaving the flats given the close proximity to 1 Beech Close.
- 7 Large bins left on the roadside for collection will add to existing parking issues.
- An arboricultural survey is needed relating to the existing trees on site to the north of the proposed development and in the parking area.
- The fire officer has stated that they object to a parking space close to the entrance.
- There will be a conflict between cars leaving the car park at the rear of Heritage Court and cars leaving the proposed development as there will be limited visibility.
- Residential use has previously been rejected prior to the commercial element on site now being allowed.
- The drainage system is inadequate.

Assessment

Principle of Development

The site is designated as within a Housing Policy Area and represents brownfield land within predominantly residential surroundings. The principle of development for residential purposes would therefore be acceptable subject to consideration of other material aspects.

The site is in existing employment usage so consideration needs to be given to Policy CSP19 in connection with protecting existing employment land. In this respect, the change during the course of the application to retain the office building ensures some employment use is kept on site. Furthermore, residential usage of the site would be more compatible than the existing storage/building that is present on the site. For these reasons it is considered that the proposal complies with the principles of CSP19 to allow a re-development of this site.

Residential Amenity

The SPD Designing New Housing Development sets out minimum distances that should be achieved between a new development and existing dwellings. However, these are linear distances measured at right angles and oblique views are not specified. Clearly, where the new development is offset there needs to be an assessment made of the potential impact based on other factors such as orientation, changes in levels and the presence of existing mature screening.

The nearest dwelling is 1 Beech Close and this has a bedroom window and bathroom window facing the site at close quarters. The bathroom is classed as being non habitable so there would be not policy reason to seek a particular separation distance. The position of the bedroom window is shown on the submitted plans that indicate that it looks due west past the front part of the proposed building, which is at a distance of approximately 10m. Looking to the north-west from this window the occupiers would see the stairwell that is set back from the front portion of the proposed building and has a sloping roof down to 4.4m at the closest point to the dwelling.

The building orientation is to the north so overshadowing of 1 Beech Close would not be of significance. The oblique views from the bedroom window would be of a reduced height structure containing non-habitable room windows. There would clearly be a greater sense of enclosure and a loss of outlook to the north west. The main view would be of parking but there is an opportunity to screen this with new planting.

For all of the reasons outlined above it is considered on balance that there would not be material harm caused to the occupiers of 1 Beech Close.

In relation to houses on Garden Grover to the west, the applicants have agreed to obscure glazing on the upper floor secondary window and this can be regarded as a blank wall. A 12m separation is required by the SPD. The distance between the proposed building and the terrace of houses diverges to the south from 10.6m to 14.7m. It would be possible to rotate the building and meet the 12m in all respects but the result would be to take it closer to the rear garden of 1 Beech Close. On balance the proposed position is the optimum location for this constrained site.

Concern has been raised by residents of houses facing Beech House Road being overlooked by the proposed flats. It should be noted that the recommended SPD separation distances are comfortably met in relation to these properties.

There is concern about increased usage of the access into the site which is between a house fronting Beech House Road and Heritage Court. This access is used for commercial traffic but there are hours of use restrictions and if this proposal is allowed traffic would pass next to habitable room windows at all times of day and night. It should be noted that Heritage Court

residents already use the access after office hours. Moreover, only 7 flats are proposed and it is considered that the additional after office hours traffic would not be sufficiently frequent to cause a significant enough nuisance to warrant an objection being raised.

Visual Amenity

The existing non-conforming commercial uses would be replaced in part by a new residential development more in keeping with the surrounding area. There would be limited visual impact on the surrounding area by virtue of the site being set back behind Heritage Court. It has been stated that the building height is out of character with the surroundings but there is not a consistent picture with buildings of varying heights and styles in the immediate surroundings.

If this was a highly prominent site in the street scene and there were no existing commercial buildings then greater weight could be attached to considerations of the impact on character and appearance but in this location and given the current condition refusal would not be sustainable. It should also be noted that design and external appearance are a reserved matter so issue of materials and appearance of the development would need to be assessed in more detail at a later stage.

Highway Safety

The site is served by an existing access which serves both the business uses and Heritage Court. There is already greater use of this access in relation to the permitted residential and business use granted in 2006. On this basis the proposal would not increase usage and there are no objections to the proposed development in a highway context, subject to conditions.

Local residents have raised a number of other concerns including poor visibility onto for vehicles exiting onto School Street/Beech House Road and the close proximity of the entrance to a bend, parked cars and school entrance. However, these matters have been looked at by the Highways Officer but, given the existing usages of the site, it is not considered that the development would result in any significant detriment highway safety to warrant refusal of the application.

Trees

The trees to the back of the site and adjacent to the office building are covered by a Tree Preservation Order. However, the applicant is not proposing to remove any of these trees and the Council's Tree Officer is satisfied that with a suitable condition, the trees should not be detrimentally affected by the development.

Conclusion

This is an outline application but only detailed design and landscaping are left for later approval.

This is a highly constrained site that presents a number of challenges to producing an acceptable scheme. However, the applicant has amended the scheme during the course of the application to respond to a number of the concerns raised. The site is within a Housing Policy Area where residential development is considered acceptable in principle and, given the current usage of the site, it is not considered that the scheme would result in any significant detriments to highway safety, residential amenity, or visual amenity. The scheme is therefore recommended for approval subject to conditions.

Recommendation

Grant subject to conditions

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
(a) the design and external appearance of the proposed development.
(e) 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 scale, layout and access hereby approved shall be carried out strictly in accordance with the amended plans (Nos. PL100B, PL101A, PL102B and PL103B) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.
- 5 Prior to occupation of any of the residential units all upper floor windows in the east and west elevations shall be obscure glazed and thereafter retained as such.
Reason: In the interests of the living conditions of nearby residential properties in accordance with Core Strategy policy CSP29 Design.
- 6 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement

The scheme shall then be carried out in accordance with the approved schemes.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.
- 7 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 Core Strategy Policy CSP 26, New Development and Highway

Improvement.

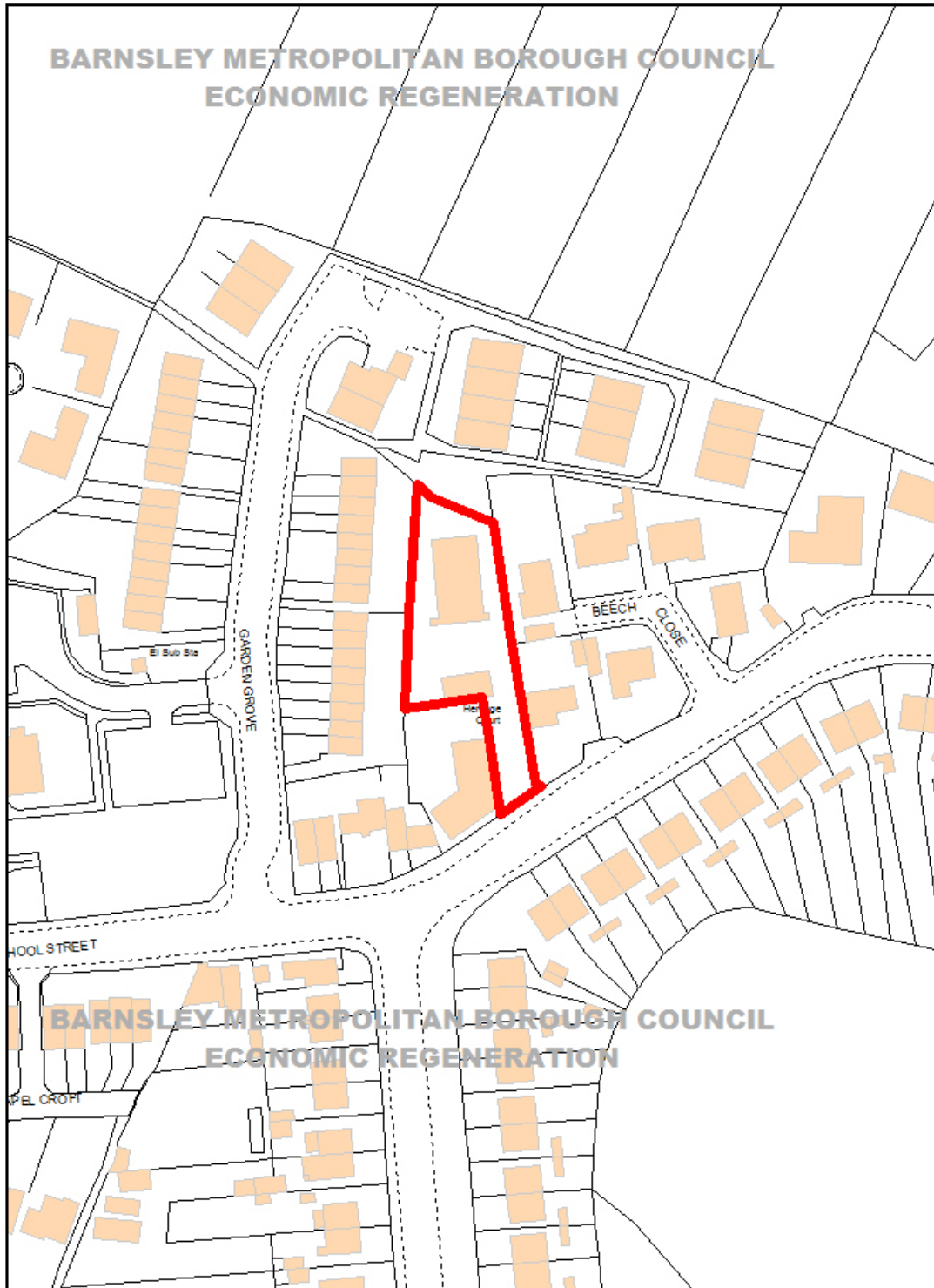
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 9 Sightlines, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access/egress with School Street, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 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 Core Strategy Policy CSP 40, Pollution Control and Protection.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 12 No development shall take place unless and until
- (a) full foul and surface water drainage details, including a scheme to reduce surface water run-off by 30%, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority.
 - (b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways .
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.
are all approved in writing by the Local Planning Authority @ To ensure the proper drainage of the area
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the

Local Planning Authority.

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2015/1388



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2015/1157

Applicant: Maxis Trading Ltd

Description: Change of use Part (amounting to 222 sq m of total warehouse floor area) of existing warehouse to car dismantling workshop.

Site Address: Former Dairy Depot, Beaver Street, Goldthorpe, Rotherham, S63 9HT

5 individual objections and a petition with 154 signatures received.

Site Description

Beaver Street is close to the centre of Goldthorpe and its junction with Doncaster Road is opposite where a new school is currently being constructed.

To the south of Doncaster Road there is a cluster of residential streets, (Cooperative Street and Victoria Street) which are closely knit and connected to Beaver Street by Cross Street

Whilst, the top end of Beaver Street contains predominantly terraced housing there are also some commercial uses including an auto repairs business. Beyond Cross Street Beaver Street takes on an industrial nature with GM Asquith Fabrications and open storage.

The site was a dairy depot but most recently has been used for the storage of second hand clothes.

Relevant Planning History

2013/1330

The adjacent land has an extant outline planning permission for an indicative number of 125 dwellings as specified within the application. This was a renewal of outline planning permission from 2006 and 2010 and was granted on 22 April 2014.

One condition states that there shall be no vehicular access from the site to Beaver Street other than for emergency vehicles.

Proposed Development

This application has been amended since its original submission. Originally the application sought permission to change the whole of the existing warehouse to a proposed scrap metal and motor salvage centre. However, the proposal has now been considerably scaled down so that the use change would be for just over a third of the warehouse floor area i.e. 222 square metres, compared to the overall building size of 700 square metres.

The applicants have clarified that this proposal is for about one third of the existing building only and that the existing clothes warehouse use would be retained in the remainder. The red line has been amended to only include that part of the site where the dismantling is proposed. The remainder of the site is shown in blue as it is under the applicant's ownership. The amended plan also shows vehicular turning areas for both the existing and proposed use and 14 parking spaces (and overspill parking if required).

The proposal is car dismantling of end of life vehicles, which would be classed as sui generis in planning terms.

The applicants have supplied the following details in support of their application:

“The proposed motor salvage area will be open for business six days per week with opening hours Mon – Fri 9am – 5pm and Sat 9am -2pm. No work will take place on Sundays or bank holidays. The business will be closed for three weeks during December and for a further three weeks being the last week in July and the first two weeks in August. The above working hours are the same for the existing business.

One full time staff member and two part time staff members. If the application is approved the client will employ one further staff member on a full time basis. The first shutter door in the building will be used for the recovery vehicle. A new staff door that will have a shutter cover will be located facing Beaver Street.

The motor salvage area will house one hydraulic stand and only one car will be worked on at any one time. Work will be carried out using hand tools and no crushing machines will be used in the operation. Cars will not be kept outside of the workshop. The door to the workshop will be kept closed at all times except for the delivery of vehicles to the workshop/one vehicle per week.

Two parking spaces are proposed as per SPD parking guidelines.

Type/dimensions of Recovery truck would be a 2.43m x length 6m. Maxis Trading Ltd will purchase the truck, if application is successful, to deliver one vehicle per week for dismantling. The truck will be kept inside of the workshop for security reasons.

The recovery truck does not have to reverse on the public road. The recovery vehicle will enter the site in forward gear and reverse back into the motor salvage area. The car will be unloaded allowing the recovery vehicle to move forward and leave the site in forward gear.

The total length of the area available for turning is 24m with 10.5m stopping area available before reversing into the workshop and 10.2m stopping area available when moving forward in the direction of the gates to way out.

For the past three years the warehouse is used for the storage of recycling clothes. The clothing items are delivered to the site via Ford Transit van at the end of each working day. The delivery vans operate on the strict time table basis and leave the yard after unloading.”

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP19 Protecting Existing Employment Land
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP40 Pollution Control and Protection

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

Relevant to this application are:

WCS1 – refers to the overall strategy and states that provision will be made to maintain, improve and expand the network of waste management facilities to achieve sustainable waste management across all waste streams. Whilst existing strategic facilities are safeguarded and three sites allocated for new strategic facilities, new or replacement smaller-scale facilities (to deal with municipal, commercial and industrial waste) will be supported where these are required to serve local catchment areas and communities. Waste proposals will be directed towards accessible locations with good transport links, particularly in and around urban areas.

WCS4 – refers to waste management proposals on non-allocated sites and states that they will be permitted provided they demonstrate how they; do not significantly adversely affect the character or amenity of the site or surrounding area; contribute towards the aims of sustainable waste management in line with the waste hierarchy; and do not undermine the provision of waste development on strategic sites. The types of location where waste proposals may be acceptable in principle include existing waste sites and designated employment and industrial areas/sites.

WCS6 – covers general considerations for all waste management proposals (access, highway capacity, noise, dust, drainage, wildlife and habitats etc). Proposals must include sufficient information to demonstrate that they comply with the requirements within the policy.

Saved UDP Policies

The site is within an Employment Policy Area on the UDP.

SPDs/SPGs

Parking

Emerging Local Plan

The Draft Local allocates the site as a large housing allocation but this carries little weight due to it being in the early stages of preparation.

NPPF

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

The Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Some useful paragraphs are:

Paragraph 120.

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should

be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 122.

Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

In respect of this application, other relevant general policy statements include:

Building a strong, competitive economy.

The planning system should support sustainable economic growth.

Promoting sustainable transport

Decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Developments should be located and designed to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts etc.

Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by (amongst other things), preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Planning decisions should ensure that new development is appropriate for its location. The effects of pollution on general amenity should be taken into account.

Local planning authorities should assume that the control of processes or emissions where subject to approval under pollution control regimes will operate effectively.

Planning decisions should aim to avoid noise from giving rise to significant adverse impacts.
Planning Policy Statement 10 (PPS 10)

PPS 10: Planning for Sustainable Waste Management has not been superseded by the NPPF. The overall objective is to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

The key aim of PPS 10 is to break the link between economic growth and the environmental impact of waste by moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and only disposing as a last resort. Applicants for waste disposal facilities should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. In considering planning applications, waste planning authorities (WPA) should consider the likely impact on the local environment and on amenity.

Waste Strategy for England 2007

The strategy builds on the Waste Strategy 2000 and reiterates the need to apply the waste hierarchy. Most products should be re-used or their materials recycled and encouragement is given to the waste management industry to invest in facilities to recycle and recover waste.

Consultations

Highways- No objection to the amended plan showing parking and turning areas.

Pollution Control- Confirm that they have no objections or further comments to make.

Highways drainage/YWA-No comments

Representations

The application was originally made with the whole warehouse being considered for a change of use. As a result 5 individual objections and a petition with 154 signatures received.

The matters raised are as follows

1. Poor Environment close to people's homes. The use would be unsightly.
2. The doors and windows of the building will be left open so the use will cause disturbance if dismantling takes place. Furthermore, scrap will be moved around the site.
3. Air pollution if burning takes place causing health problems
4. Noise nuisance will result from use and increase in traffic.
5. Contrary to efforts to regenerate the area including new school, new housing and demolition of older houses.
6. Will cause road safety and other hazards for school children.
7. Scrap yards already exists in the area but these are away from houses.
8. Will attract criminals and result in more crime in adjacent residential area. There will also be more anti-social behaviour.
9. Who will want to buy a house next to a scrap yard thereby putting proposed any new housing into question. The Ogden Group who own the housing land has objected
10. Only 2 jobs are created (the applicants state that there will be 5 jobs, which will not benefit local people.
11. Will attract vermin.

The applicant clarified the nature and extent of the use and the application was re-advertised on 8th March and this exercise has resulted in the following responses:

Two individual letters and an e-mail that included

1. The size of the area is irrelevant, we do not want a scrap yard.
2. The company will do as they like once permission is granted.
3. The applicants have already cut down trees and done other works.
4. Beever Street needs to be improved.
5. There are already too many scrapyards in the area.
6. There is a new school being built at the top of the street.
7. Commercial traffic is already causing major problems in this residential street.
8. More commercial traffic, noise and pollution result if this allowed and residents will suffer reduced quality of life.

Assessment

Principle of Development

The draft Local Plan designates the land for housing and planning permission exists for residential development on adjacent land. However, the UDP designates the site as being within an Employment Policy Area. The UDP is the adopted policy and the draft Local Plan carries little weight at present.

It is considered that the proposed uses are compatible within an existing industrial area and this site which is designated as an employment policy area. As such Core Strategy policy CSP19 on Protecting Existing Employment Land is met. Development would provide much needed jobs, albeit only 5 jobs are proposed.

The existing depot and the adjacent fabrication unit are precedents for many industrial or warehousing uses. However, a car dismantling use is outside of any planning use class (sui generis) so it could reasonably be argued that there is not a precedent for the proposed use.

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) states that the types of location where waste proposals may be acceptable in principle include existing waste sites and designated employment and industrial areas/sites.

This is an existing employment land is close to the centre of Goldthorpe and as such Core Strategy policies CSP8 Location of Growth and CSP25 New development and sustainable travel will also be met.

Car dismantling would be regarded as a small scale waste management facility contributing towards the aim of sustainable waste management in line with the waste hierarchy. As it is serving a local catchment area on an existing employment area, and being within the settlement boundary with good transport links it is considered to comply with relevant policies WCS1 and WCS4, SD1, GD1 and PPS 10 and the Waste Strategy for England 2007.

Residential Amenity

A major concern is the potential for noise and other nuisance resulting from the dismantling process, associated commercial traffic movements and general activity on the site. It is feared that the noise generated and disturbance could affect residents on nearby residential streets. Officers in Pollution Control have considered the submitted noise report, hours of operation and clarification on the nature of the use and advised that the proposed mitigation measures would overcome noise issues.

A noise report has been submitted that gives the distance to the nearest residential property as 30m. It is claimed that the noise generated by the adjacent fabrication plant is 100 dB but this reduces by 41 dB to 59 dB breakout from the building. It is assumed that the breakout noise from a car dismantlers would be 37dB, which results in a noise estimate of 29 dB when measured at the nearest noise sensitive boundary.

Additional mitigation measures are proposed to allay the concerns about potential noise and other nuisance. There would be limited hours of opening (8.30 am to 5.00pm Monday to Friday and 9.00am to 2.00pm on a Saturday with no working outside these hours) and all dismantling and other works would be carried out within part of the building.

The type of vehicle to be used has also been clarified. Assurances have been given that a car transporter would not be used to visit this and other dismantling businesses in various locations in the area.

Reference is made by objectors to potential for air pollution from burning of tyres. This would be a matter that is prohibited and the business controlled by the Environment Agency. A Waste Management Licence will be required before the use can be brought into operation and the Environment Agency would monitor any breaches. Other concerns in terms of residential amenity would be similarly affected by the other existing employment uses adjacent to the site that could change hands without any need for a planning application.

Given the above measures to mitigate the specific noise and the fact that the site is within an existing employment designation no objections are raised in terms of compliance with policies CSP40 Pollution Control and Protection.

Visual Amenity

The site forms part of an established employment area where similar buildings with parking and storage at the front exist. There is open countryside and housing around these uses. A public footpath passes to the north of the site.

It is stated that all of the processes will take place in the building there will be no external storage. There is a parking plan that indicates that existing boundary treatments will be retained. Local residents have claimed that trees have been removed so replacement planting would be required.

If the assurances outlined above are conditioned the proposal would meet the requirements of Core Strategy policy CSP29 on Design.

Regeneration of Goldthorpe

There is concern expressed that this development would prejudice the development of adjacent land for housing. Planning permission has been granted in 2006 so has existed for a long time. This permission was obtained and has been renewed in the knowledge that this is an employment allocation in the UDP. Whilst, the land is allocated for residential development in the draft Local Plan this carries little weight and on the basis of current policy it would be difficult to defend the position that allowing this application would prevent an historic residential development taking place.

Highway Safety

Beever Street is predominantly residential and normally commercial/industrial use should not be served by a residential street. However, this is an existing unit which is being split to form a small workshop. The submission states that it will be a small scale operation with only one vehicle being dealt with at any one time, and that vehicle will be brought in by a recovery type vehicle or small flat back lorry. This is unlikely to be any worse than the vehicles which serve the existing unit, and a recommendation of refusal on highway grounds could not be sustained. In order to prevent multiple vehicles being brought in on much larger vehicles, which would be totally inappropriate for a residential street with extensive on street parking, a condition preventing external storage would be appropriate.

The applicants were also required to show suitable parking and turning facilities for both the existing and proposed uses. This has been done and suitably amended plans have been received that meet highway requirements.

Conclusion

Whilst it is acknowledged that the scheme has generated a lot of public opposition, the proposal has been reduced since the original submission to ensure that the size of the area to be used allows only one car can be operated on at once. The opening times proposed are consistent with normal working hours and conditions can be imposed to ensure there is no external storage of vehicles or materials. The site is in an existing employment unit and will create employment opportunities. Whilst there are residential properties nearby, and potentially could be others built in the futures, the Council's Pollution Officer is satisfied that the scheme would not be of detriment to residential amenity. The proposal has also not met with any objections from the Highways Section. Given these circumstances it is not considered that there would be any significant detriments from the proposal to warrant refusal of the application. The scheme is therefore recommended for approval subject to conditions.

Recommendation

Grant subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans CP1/AR/RevB and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The use hereby permitted shall be carried on only between the hours of 09.00 to 17.00 Mondays to Fridays, 09.00 to 14.00 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 Core Strategy Policy CSP 40, Pollution Control and Protection.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works (boundary screening), 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. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 6 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.

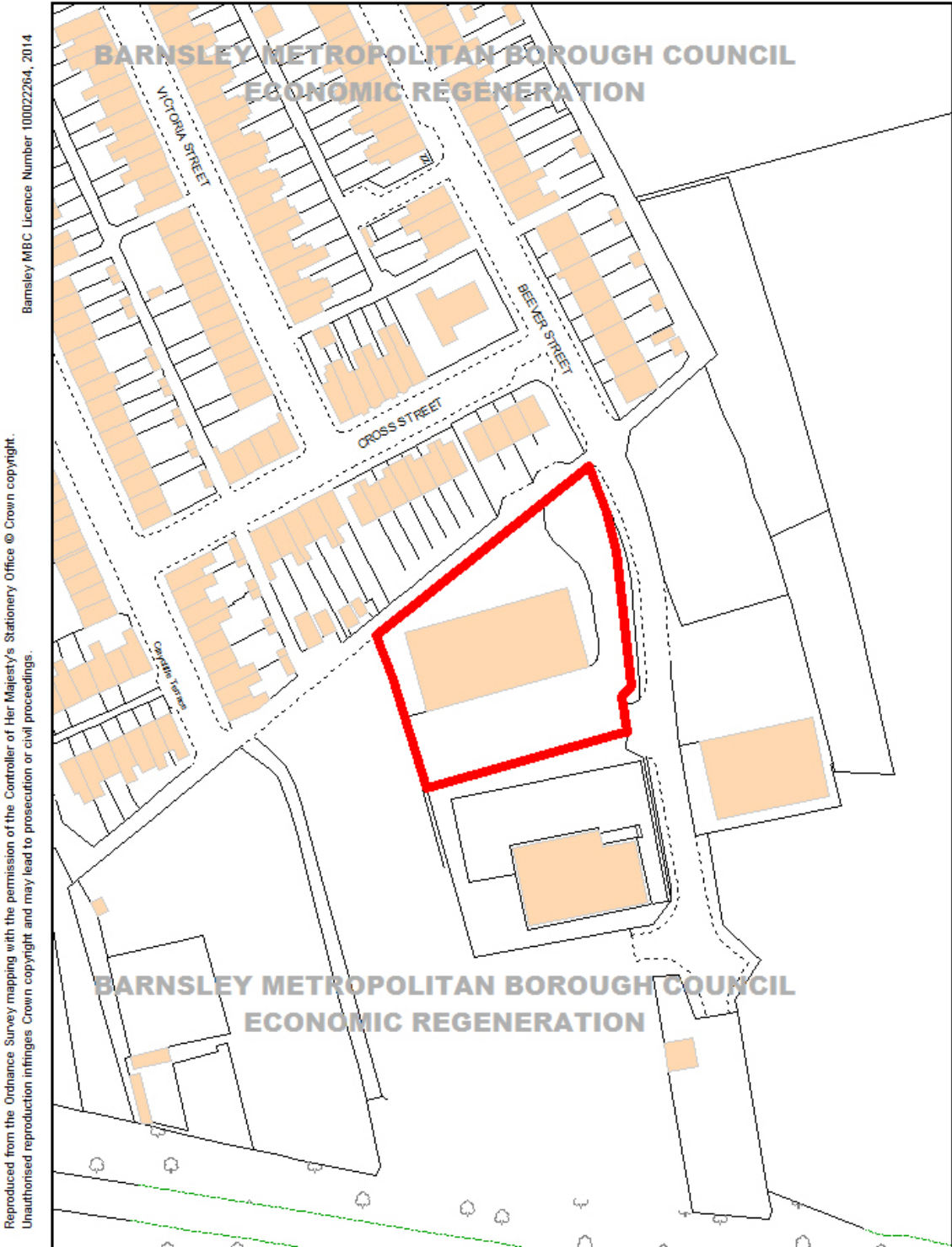
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 7 There shall be no external storage of vehicles or materials.

Reason: To ensure adequate on-site parking/manoeuvring areas, discourage the use of larger delivery vehicles, in the interests of road safety and prevent visually intrusive clutter in the interest of the visual amenities of the area and in accordance with Core Strategy policies CSP26 New Development and Highway Improvement and CSP29 Design.

PA reference :-

2015/1157



BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2013/0373

Applicant: Alan Hanrahan

Description: Removal of condition 1 and Variation of Condition 3 of application 2007/0905 - Extension to Planning Permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective).

Site Address: The Stables, Pleasant View Street, Barnsley, S71 1QW

4 letters of objection have been received

Site Location & Description

The site is located at the rear of 40-54 Smithies Lane covering approximately 580sqm. The site is flat and has been largely hard surfaced. A timber clad amenity building is located to the West of the site with 2no. touring caravans (1no. to each side of the amenity block) adjacent. Access is taken from Pleasant View Street which joins Smithies Lane at a point immediately east of No. 54 Smithies Lane. The site boundaries are defined by boundary treatments and associated soft landscaping. To the north, east and west of the site is open Green Belt land, which slopes from west to east. The land across the northern boundary is also within the ownership of the applicant, it comprises of grassed paddock used for animal grazing.

Planning History

B/81/1590/BA - Erection of private garage granted in December 1981.
B/84/1444/BA - Erection of dwelling (outline) refused in January 1985.
B/97/0586/BA - Erection of two detached dwellings (outline) refused in June 1997.
B/01/0964/BA - Erection of stable block with store room granted in November 2001.
B/05/0837/BA - Erection of bungalow (outline) refused in June 2005.
B/05/1379/BA - Erection of one block of two stables and wash room granted in September 2005.
2007/0905 – Siting of a static residential caravan and use of stable block as an amenity building (retrospective) – approved for a temporary period of 5 years.

Proposed Development

The applicant now seeks permission for a change to allow 2no.touring caravans on the site (retrospective) compared to the previous allowance of 1 no, and the permanent use of the site i.e. they are applying to remove condition 1 and vary condition 3 of application 2007/0905.

Family Circumstances

The site is owned by Alan and Eileen Hanrahan and is home to their 5 children:-

Gerry Hanrahan
Michael Hanrahan
Alan Hanrahan (Junior)
Annalise Hanrahan
Esta-Rose Hanrahan

Mr Hanrahan runs a roofing business. He has 1no. work vehicle at the site, however, he does not use the site for work purposes. All materials are either delivered to the relevant site where he is working or picked up on the way to the site in his van. No materials will be stored on the site. Mr

Hanrahan has acknowledged that there has been some material at the site in the past but these have since been removed.

Mr Hanrahan keeps the associated tools within the van and any waste generated from the site he is working on is either put in a skip at that property or put in his van and taken to a licenced waste disposal site.

No clients visit the site as they phone him and he visits the property to provide a quote.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and the Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

CSP29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context.

Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015 identified that the overall five year requirement (2014/15 to 2018/19) was for 15 Gypsy and Traveller pitches. This number has been reduced to 14 following the granting of planning application 2015/0779.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites (PPTS)

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Ministerial Statement 31st August 2015 – Green Belt Protection and intentional unauthorised development.

Intentional unauthorised development should be treated as a material consideration to provide stronger protection for the Green Belt. The Government is concerned about the harm, that is caused where the development of land has been undertaken in advance of obtaining planning permission.

Consultations

Drainage – No objections

Regulatory Services: - No objections

Yorkshire Water – No objections

Ward Councillors – one Councillor has no objections and another Councillor has no objections to further temporary permission but object to permanent.

Representations

The application has been advertised as a departure, a site notice was erected and a press notice published. As a result, 4no. of objections have been received, two of which are the same letter but with different signatures and one of the letters is anonymous. The main points of concern are;

- Inappropriate development in the Green Belt
- Doesn't comply with CSP 18 'Sites for Gypsies, Travellers and Travelling Showpeople'
- Need can be met elsewhere
- Site access is not suitable
- No evidence provided that drainage system is appropriate
- Poor amenity for future residents

Assessment

The occupation of the site is technically unauthorised with the previous temporary consent having expired. With regard to the Ministerial Statement on Green Belt Protection, the fact that the applicant has been trying to obtain a lawful consent, is considered a material consideration. Limited weight is therefore attached to the statement in the applicant circumstances.

The site previously benefited from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is within urban Barnsley and therefore has good access to relevant services and amenities. It is not in an area of high flood risk or affected by any known contamination, Adequate vehicular and pedestrian access from the highway is also established. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

All parties acknowledge that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case the applicant has put forward the following points in an attempt to demonstrate that, cumulatively, they represent very special circumstances capable of outweighing the harm associated to the Green Belt by inappropriateness:

- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant and his family

- Continuing uncertainty for the applicant with a temporary permission
- No other suitable site for the family to go.

As such, there are four main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy 3 and the PPTS.
- Whether there are other considerations which favour the proposal including the general need for gypsy sites and future provision, the accommodation needs of the present occupiers and their personal circumstances.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Openness and visual amenity

The site lies within the Barnsley Urban Community Area and shares a boundary with a row of terraced dwellings which are located immediately to the South. The site previously gained permanent planning permission for the erection of 1 block of 2no. stables and associated wash room under application 2005/1379, this is now used as the applicants amenity building. As such, that building would likely remain whatever the outcome of this application and cannot be considered to impact on the openness of the Green Belt under this application.

The only additions to the site to be considered are the 2no. touring caravans, which would be located either side of the amenity building. This is a change from the previous temporary permission which consisted of a single static caravan adjacent to the utility building. The touring caravans are located adjacent to the Western boundary and have a close relationship with the amenity building between them. Views of them from the highway are limited given the position of the neighbouring properties and the associated land levels which provide very effective screening. There are views from the Green Belt land beyond the site but the caravans would be generally viewed against the amenity building and the terraced row. Therefore, the retention of the caravans would not result in a significant loss of openness or be significantly different to the previously approved single static caravan.

It is acknowledged that in comparison to the previous temporary consent the Northern boundary of the site has been extended. This has included the erection of a retaining wall to address the change in level of the land across this boundary, the top of the wall is level with the sites ground level, and it is topped by railing which allows for open views to the north across the adjacent paddock. These works have not significantly affected the openness of the Green Belt, it should also be noted that boundary treatments and areas of hardstanding often do not require planning permission, and, could therefore be accommodated even if a different use existed with similar impact.

In summary, it is considered that the caravans and outbuildings on the appeal site sit comfortably within this urban fringe setting and there is little adverse impact on visual amenity.

Planning policies

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The appeal site satisfies the criteria with the exception of the requirement that in terms of their broad location sites should be located primarily within urban areas. However, in practice there are no gypsy sites in Barnsley within the urban area. The policy

is not prescriptive, there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not in the open countryside, it has a close relationship to existing properties in Smithies Lane and is largely screened from view. As such there it not considered to conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. It is not considered that any additional harm arises from the effect of the proposal on gypsy policies wither within the Core Strategy or in the PPTS.

General need

The South Yorkshire Gypsy and Traveller Accommodation Needs Assessment (2011) identified that 46% (64 households) of the current population of Gypsy and Travellers in Barnsley, were residing in caravans and trailers and 54% (76 households) in bricks and mortar housing. The 2014 Caravan Count identified, of the 64 households that live in caravans and trailers, 8 were on unauthorised encampments.

The latest Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015 identified that the overall five year requirement (2014/15 to 2018/19) was for 15 Gypsy and Traveller pitches. This number has been reduced to 14 following the granting of planning application 2015/0779.

As such, it is acknowledged that there remains an existing shortfall in gypsy site provision at present. The granting of this permission would go a small way to reducing this shortfall.

Accommodation needs of the appellant

The applicant and his sons work as roofers within the local area. They have lived on the site for in excess of 10 years and have a strong local connection, including their youngest daughter attending a local school. A permanent permission would allow the family to feel settled within the area in which they have strong ties, providing comfort and reassurance which is not provided with a temporary permission. The permission would allow the applicants to have a strong secure base but still allow the family to travel to fairs during the summer months, especially as the applicant also operates as a horse trader.

It is also part of the gypsy culture that family members travel and live together, providing social and economic mutual support to each other. The present site is of sufficient size to accommodate the immediate family. These accommodation needs and strong community ties give considerable further support to the proposal.

Personal circumstances

When temporary permission for five years was granted in 2008 it was on the understanding that an alternative site would become available through the development plan process by the end of that period. The previous temporary approval expired some 2 years ago and the family have now been living on the site for circa 10 years.

The stress to the family associated with an extended period of uncertainty together with the effect on the education of the children adds some further weight to the case for the creation of a permanent permission.

Balancing harm against other considerations

Substantial weight must be accorded to inappropriate development in the Green Belt and further significant weight to loss of openness. However the site relates well to the built form such that there is little adverse visual impact or conflict with the objectives of Core Strategy Policy CS18.

On the other side of the balance the accommodation needs of the appellant give considerable support to the proposal and the general need for gypsy sites and lack of site provision both attract further significant weight. The continuing uncertainty associated with a further temporary permission adds some additional weight.

Whilst the matter is finely balanced in this instance the harm to the Green Belt by reason of inappropriateness and loss of openness, is outweighed by these other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Since the previous temporary permission additional factors have come into play, notably the assimilation of the family into the local community and the failure of alternative sites to come forward within the temporary period.

Other Planning Considerations

The site previously benefited from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is located within Urban Barnsley and therefore has good access to relevant services and facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity both for existing occupants in and around the site and future occupants. The scheme has received no objections from any of the consultees including Highways, Drainage and Public Rights of Way.

Overall Conclusion

The site is relatively self contained and screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and the access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located within Urban Barnsley and adjoins an existing residential area it is also well located in terms of accessibility to the town centre, bus routes and public facilities.

Given the above, it is concluded that the site is well integrated into the built up area and into its social structure and generally accords with Core Strategy Policy CS18. This consideration, together with the combined weight of the accommodation needs of the appellant, the serious shortfall in the provision of gypsy sites in Barnsley and the continuing uncertainty for the appellant associated with an extended temporary permission, clearly outweighs the harm to the Green Belt. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

Recommendation

Grant subject conditions

- 1 The site shall not be occupied by any persons other than the applicant and his family.
Reason: The very special circumstances used to justify the permission relate specifically to the applicant.

2 No more than 2no. caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (or any Act revoking or re-enacting that Act with or without modification) , shall be stationed on the land at any time.

Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with in accordance with Core Strategy Policy CSP 34 'Protection of the Green Belt.

3 No commercial activities shall take place on the land, including the storage of materials.

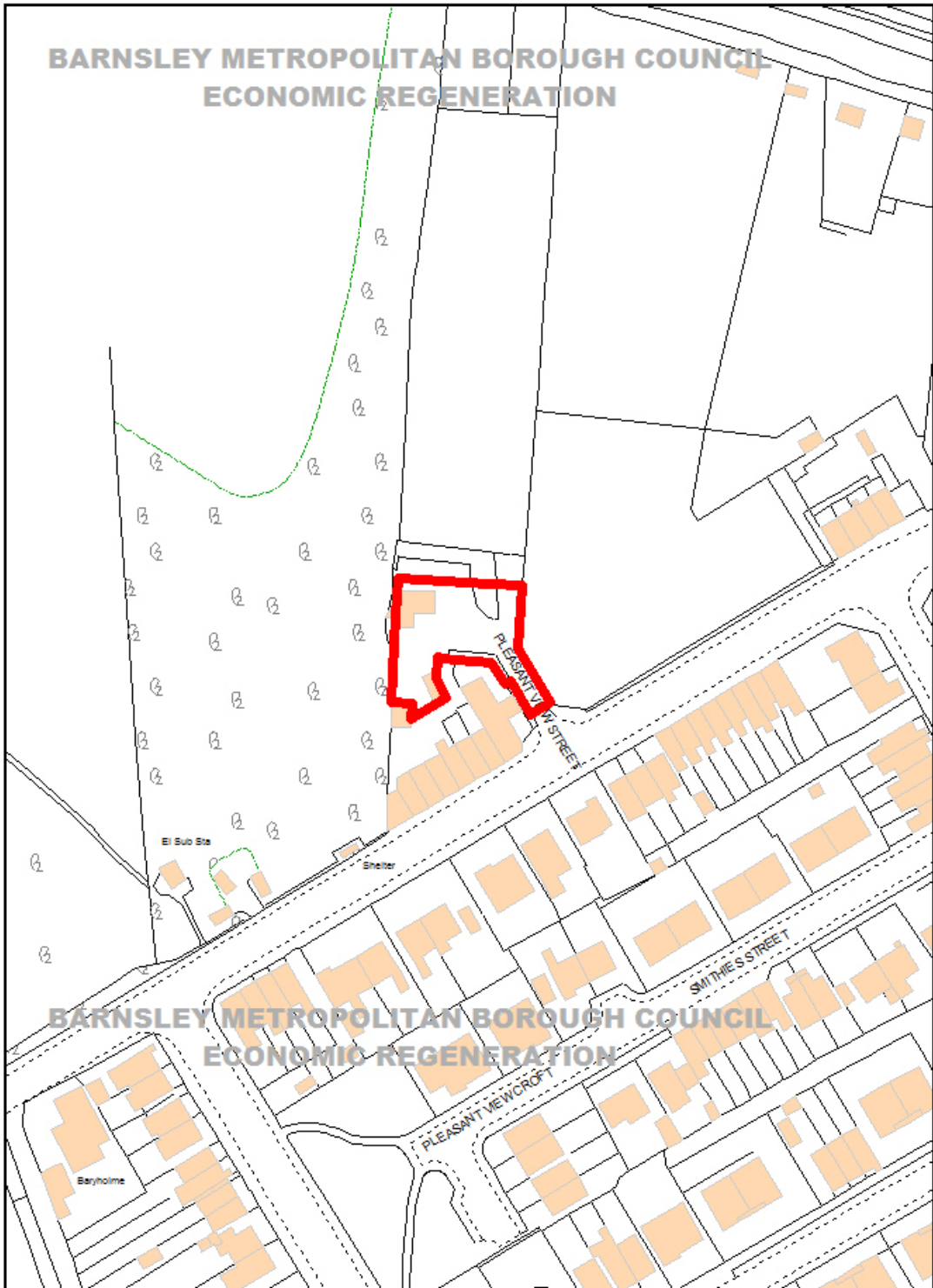
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with in accordance with Core Strategy Policy CSP 34 'Protection of the Green Belt', and, to safeguard residential amenity levels.

PA reference :-

2013/0373

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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 20160288

Applicant: Blackstone Developments

Description: Outline application for residential development.

Site Address: Land at Sandygate Lane, Stairfoot, Barnsley, S71 5AW

Councillor Karen Dyson supports application
One letter of objection has been received

Site Location & Description

The site lies close to Stairfoot Roundabout on the eastern outskirts of Barnsley. It lies just off the main A635 Doncaster Road which lies to the north, accessed from it by Sandygate Lane, a non-through road which currently serves only 3 commercial premises, all of which lie on a raised embankment to the east of and overlooking the site.

The site is approximately 0.5ha in size, approximately 35-40m wide and approximately 140m long, roughly rectangular in shape, bounded to the east by Sandygate Lane, and to the west by the Trans Pennine Trail, beyond which are commercial properties including a car wash and a McDonalds. To the west of those is Wombwell Lane.

The site has recently been cleared of vegetation, apart from a steep embankment at the Doncaster Road end and a narrow belt to the eastern edge fronting Sandygate Lane, the remaining vegetation consisting of scrub, and saplings of birch and hawthorn.

Site History

The supporting statement suggests that the site was formerly railway sidings but that it has remained unused for the last 25 years under the applicant's ownership. This is borne out by the established vegetation which was on the site until it was recently cleared. Documentation has been submitted in support of the application to demonstrate that it has been marketed for commercial use by Smiths pre-2005, by the applicants from 2005-2010, and by Sorbys from April 2010 to May 2016. However, the statement notes that marketing has been unsuccessful due to the small size of the site.

Proposed Development

The application seeks outline planning permission for residential usage of the site. All matters are reserved for future consideration so the main matter under assessment at this stage is the principal of the development. The applicant has provided indicative drawings showing a layout of 14 dwellings on the site with access off Sandygate Lane. However, these drawings are indicative only and are not under consideration at this stage.

Policy Context

UDP Employment Proposal BA4/11

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a

series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP5 Including Renewable Energy in Developments.
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations

Consultation Draft Local Plan

Following the 2014 Consultation Draft of the Local Plan the Council has recently undertaken an additional consultation, which proposes new allocations for the period to 2033. In it the site is proposed to be reallocated as Green Space as when the site was surveyed the site had high ecological value (Site AC20: Land south of Doncaster Road, Stairfoot). The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Unitary Development Plan

The site is allocated in the Barnsley UDP (adopted December 2000) as saved Policy Employment Proposal BA4/11 Doncaster Road, Stairfoot. The UDP states that the site has good access to the main Barnsley to Doncaster Road. It has potential for the development of small industrial and commercial units which could support proposed employment training outreach projects in nearby areas of high unemployment. The prominent position of the site in relation to the main road and to the proposed strategic footpath along the adjoining disused railway will need to be taken into account in the design of the Development.

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
Open Space provision on New Housing Developments
Parking
PAN 30 Sustainable Location of Housing Sites
PAN 33 Financial contributions to School Places

NPPF

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

Paragraphs of particular relevance to this application include:

Para 7 – 3 dimensions to sustainable development

Para 14 – Presumption in favour of sustainable development

Para 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 49 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites

Para's 58 & 60 – Design considerations

Para 123 – Noise

Consultations

Affordable Housing Officer - The scheme falls below the minimum threshold which would require affordable housing contribution

Biodiversity Officer - Information submitted from Middleton Ecological Consultancy is acceptable. Proposals acceptable subject to conditions

Coal Authority – Recommend adding informative containing Coal Authority Standing Advice

Contaminated Land Officer – No objections subject to a condition

Design – No comments received

Drainage – No objection subject to a condition

Forestry Officer - Tree survey will be required and should be used to inform any reserved matters layout

Highways DC – Sandygate Lane itself and the adjoining dual carriageway suffer from extensive on street parking at school arrival and departure times. Stairfoot roundabout operates over capacity at peak times, and any development which exacerbates the situation would be resisted on highway grounds. The Transport Assessment indicates that there is no significant adverse impact on the surrounding highway network. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Consequently, there are no objections to the proposed development in a highway context, subject to the imposition of conditions

Public Rights of Way - Verbal comment that a link to TPT would be supported and encouraged

Regulatory Services - Air Quality Officer recommends that a condition be attached relating to mitigating air quality impacts of the proposal, specifically through electric vehicle charging points.

Superfast Broadband Programme Manager – Recommends informative for developer.

SYAS – No comments received

SYMAS – No objections, but a condition should be attached to outline stipulating a Phase 2 site investigation should be undertaken and a geo-environmental report submitted.

SYPALO – Has raised concerns, relating to security – fencing would be required to plots backing onto TPT; car parking on some plots is remote from plots and could create opportunistic thefts, an enhanced gateway feature would benefit the site, buildings should conform to Secured by Design, Homes 2016.

Yorkshire Water – No objections subject to conditions

Representations

The application has been publicised by way of a press notice, site notices and letters were sent to neighbouring properties.

Councillor Karen Dyson supports the application. She states that she does know the applicant but the land needs to be developed so housing would be good.

Councillor Johnson recommends that a footpath be incorporated into the scheme at the northern end of the site linking the TPT with Sandygate Lane.

One letter of objection has been received. The objector considers that the applicant must be certain of the Councils approval since the site has already been cleared of vegetation, but that the Council should require the retention of any hedgerows and remaining trees if possible.

Assessment

The site is within an Employment Policy Area on the UDP proposals map, where policy ED7 states that such areas will remain in employment use. Core Strategy Policy CSP19, which seeks to protect existing employment land, also applies and was adopted relatively recently (2011). Whilst it pre-dates the NPPF, it is considered up-to-date and consistent broadly with paragraphs 18-20 of the NPPF which seek to secure economic growth, and which require local planning authorities to plan proactively to meet the development needs of businesses. This is a particularly important consideration given that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The case made by the applicant is that the Council cannot currently demonstrate a five year supply of specific deliverable sites for residential development. As a result, it is argued that the NPPF presumption in favour of sustainable development applies and that planning applications should be approved unless there are impacts that significantly and demonstrably outweigh this.

They suggest the following:

- The site is located within the Urban Area of Barnsley where the majority of housing is to be located in line with the principles of the council's Core Strategy.
- The site constitutes part brownfield land and is therefore considered appropriate for development.
- Extensive marketing has taken place for the site and it is not considered a desirable location for future employment uses

CSP 19 – Employment Land Considerations

CSP19 requires a number of criteria to be met in order for redevelopment away from employment uses to be allowed. The first criterion requires that redevelopment would not result in the loss of jobs or employment potential. The site is currently vacant and has been vacant since it was reclaimed from a railway siding, despite marketing for commercial business over an extended period of time.

If the site is developed for housing, any employment potential will be lost. However, there never has been employment uses on the site and consideration has to be given to the intention of the Council to reallocate the land from employment to Green Space in the draft Local Plan which suggests that the LPA no longer considers the site to be appropriate for employment uses.

Paragraph 22 of the NPPF states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose'. It is accepted that the market attractiveness and potential viability of a scheme to comprehensively redevelop the site for employment purposes is poor and that the age, size and location of the site has resulted in it remaining unused.

Consequently, referring back to paragraph 22 of the NPPF it must be concluded there is no reasonable prospect of the site being used for an employment purpose. Accordingly, it is considered that paragraph 22 of the NPPF applies in this particular case.

In light of the above, whilst the site has been allocated as land for employment use in the UDP, despite being marketed for commercial use over an extended period of time, no employment uses has ever taken place at the site. Furthermore, the direction of travel for the Development Plan in terms of the Draft Local Plan, draft allocations intend to reallocate this site as Green Space. Overall, it is considered that the proposal complies with the requirements of policy CSP 19 in that this development for residential would not result in a loss of jobs on the site and there would be no reasonable potential of this site being used for employment purposes, particularly if the reallocation of the site through the Local Plan is confirmed.

Housing Supply Considerations

For decision taking, paragraph 14 of the NPPF states that the Presumption in Favour of Sustainable Development means:

- Approving development proposals that accord with the development plan without delay.
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
- specific policies in this framework indicate development should be restricted

It is acknowledged that the Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement. In this situation the NPPF is clear, at paragraph 49, that relevant policies for the supply of housing should not be considered up to date. As a result applications for residential planning permission in the borough, where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF

Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

Green Space Considerations

Although not allocated as greenspace on the UDP, the site is on the Greenspace Register. However, the site has recently been cleared so there are no significant ecological benefits to leaving the site as it is. Furthermore, the current UDP allocation is for employment purposes which, if it were built out as such, would offer little opportunity for greenspace provision. By proposing residential usage of the site there is the ability to provide beneficial open space provision on the site which can be of benefit both to future residents and the overall environmental quality of the site. A condition is also recommended to ensure the provision or enhancement of off-site open space agreed upon prior to the development commencing.

Highway & Pedestrian Safety

The Highways Officer notes that Sandygate Lane itself and the adjoining dual carriageway suffer from extensive on street parking at school arrival and departure times. Stairfoot roundabout operates over capacity at peak times, and any development which exacerbates the situation would be resisted on highway grounds. However, the applicant has submitted a Transport Assessment which concludes as follows:

“The site is considered to be in a very sustainable location within walking distance of the local services and amenities within the Stairfoot area of Barnsley, including Barnsley Retail Park. Primary health facilities exist within walking distance of the site, and the site is within close proximity of the local bus services on Doncaster Road and Wombwell Lane. It is considered that both capacity and safety elements of the proposals are acceptable given the sustainable transport initiatives and that the anticipated increase in the level of traffic generated by the proposed development would not be discernible from the daily fluctuations in flows that could be expected on the highway network.”

The Transport Assessment has been looked through by the Council’s Highways Section. They acknowledge the outcomes of the Assessment and, given that the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe, they have raised no objections to the scheme. Consequently, there are no objections to the proposed development in a highway context, subject to the imposition of conditions

Residential Amenity

Subject to required separation distances being achieved, the redevelopment of the site for residential purposes would not adversely affect existing residents given the site is currently remote from residential properties and has remained unused for a considerable period. However, the layout would also need to ensure adequate residential amenity for future residents of the site but this would need to be fully assessed at reserved matters stage if the outline application was approved.

Design & Visual Amenity

The application is in outline but the indicative layout demonstrates that it would be possible to design a scheme that would deliver an attractive residential environment which would enhance the existing area. To ensure this, it would be necessary to maximise assets within the site such as established vegetation and hedgerows and to supplement this with additional planting and landscaping. Subject to this, it is considered that the proposal adheres to the objectives of CSP

policies 14, 17, 29 which stress the importance of achieving high quality design, despite the comments above regarding residential amenity.

Ecology

The majority of the site has recently been cleared of vegetation. Whilst the site was on the Council's Green Space Register as Sandygate Lane Natural Area (GS2178) due to its overgrown nature and potential biodiversity attributes, it was not statutorily protected, and the clearance of vegetation does not require planning permission. A subsequent statement of the remaining biodiversity interest of the site by a qualified ecologist is considered to be acceptable to the Biodiversity Officer, providing the applicant is prepared to retain boundary vegetation at the north and west and look at boundary treatment adjacent to the TPT.

Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not in an area classed to be at risk of flooding. In addition Yorkshire Water and the Highways Drainage Officer have no objections subject to conditions.

Conclusion and Recommendation

In summary, the proposed housing development would be built upon land which has been allocated as land for employment use in the UDP, but despite being marketed for commercial use over an extended period of time, no employment uses has ever taken place at the site. Furthermore, the direction of travel for the Development Plan in terms of the Draft Local Plan, intend to reallocate this site as Green Space, providing an indication that its use for employment purposes in the future was not likely.

The impacts of the development have been considered. The development would lead to the loss of area of allocated greenspace within the urban area, some trees and vegetation and some loss of habitat. However, the site has already been cleared but as the site was not statutorily protected the owner was at liberty to do so. Both the Tree Officer and Biodiversity Officer agree that the effects of the development can be adequately mitigated and compensated for at the reserved matters stage and the owner has agreed that a link to the TPT would be considered.

The site is also located in a sustainable location with close access to a primary school, shops at Stairfoot and bus stops. In addition the development would contribute towards addressing the deficiency in the 5 year housing land supply.

Highways have resolved not to object to the application in safety terms subject to the imposition of conditions as have responses from the drainage officer, SYMAS, the Coal Authority, Yorkshire Water and Pollution Control are all content that the effects of the development can be mitigated against through the use of appropriate conditions.

Therefore it is recommended to the Board that outline planning permission is granted subject to the conditions.

Recommendation

Grant with conditions

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this

permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) 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 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.

- 4 Detailed plans shall accompany the reserved matters submission relating to existing trees both within and adjacent to the site which should inform the layout of the development. These documents shall be prepared in accordance with BS5837: 2012 (Trees in relation to design, demolition and construction Recommendations) and shall include the following:

Root Protection Area plan

Tree constraints plan

Tree protection plan

Arboricultural impact assessment

Arboricultural method statement

Details of no-dig construction proposals for areas of car park areas and drives including cross-sections and plans showing relevant area.

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

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

- 5 The development hereby permitted shall not begin until a scheme, including a timetable for implementation and long term maintenance agreements, has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policy CSP35. The provision or enhancement of the off-site open space shall as a minimum mitigate for the loss of the sites existing Green Space function or potential and shall be provided in accordance with the agreed timetable in the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.

- 6 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 7 Prior to commencement of development, details of the proposals to mitigate the air quality impact of the development as set out within section 4.2.8 of the submitted planning statement, for the installation of electric vehicle charging points to all new housing developed on site, and associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The specifications shall be in accordance with the BMBC Air Quality and Emissions Good Practice Guidance. The development shall thereafter be undertaken in accordance with the approved details.
- Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40.**

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

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

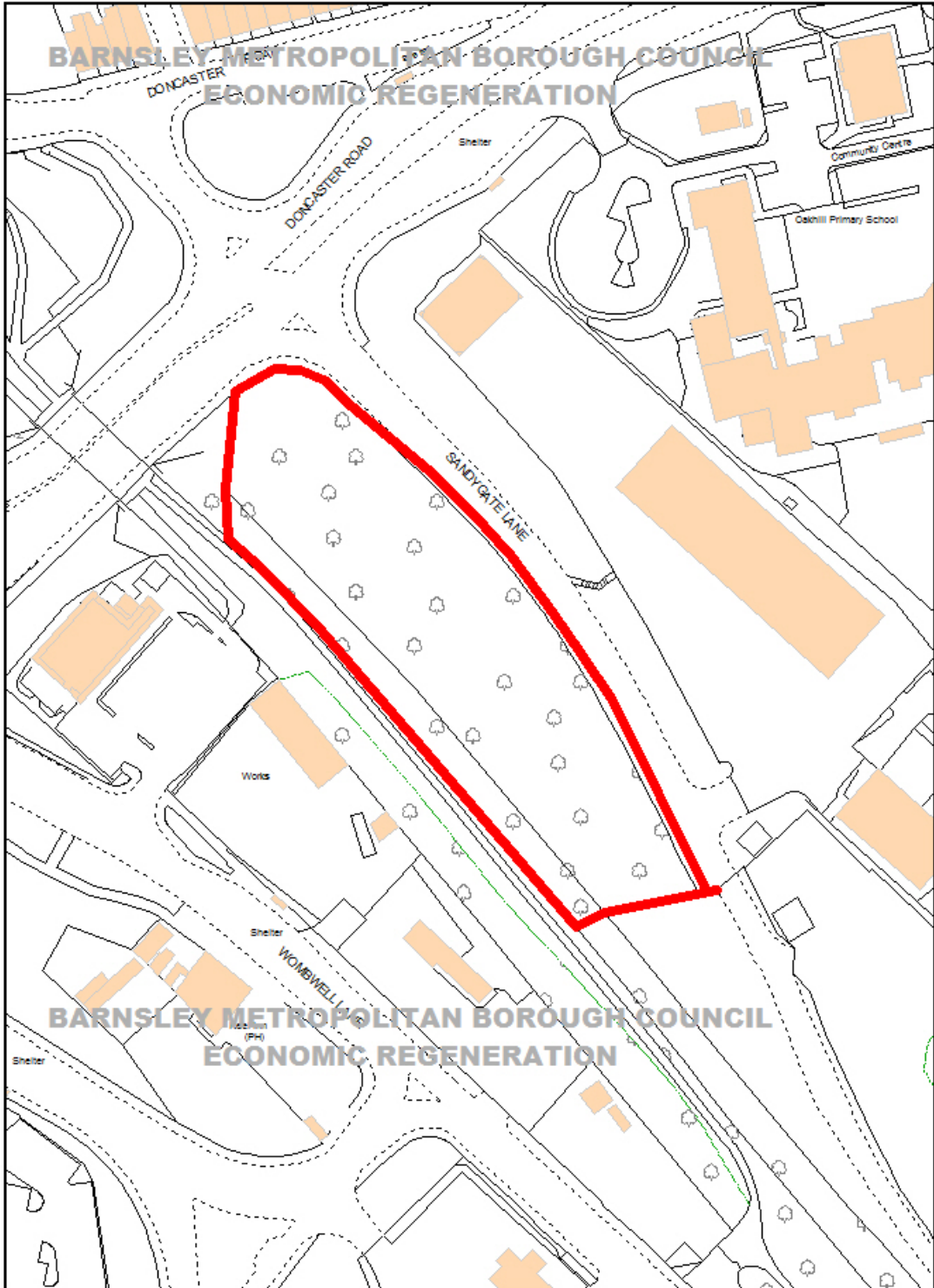
Reason: To protect against pollution and in accordance with CSP 40.

- 9 All on site vehicular parking/manoeuvring facilities shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement**

- 10 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1: 12
Reason: To ensure safe and adequate access.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
 - Siting of sales cabin
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 13 A landscape strategy shall accompany the reserved matters submission. It shall identify a route for a link through the site from Sandygate Lane to the TPT, identification of boundary vegetation buffer to the north and west of the site and the location of a vegetation buffer strip on the southern end of the site adjacent to the Trans Pennine Trail. Where the plan details the footpath link to the TPT it should specify that the footpath link shall be surfaced in tarmac with concrete edging, shall be a minimum of 1.5m wide and be DDA compliant. Details of access control at TPT boundary shall be described and the boundary to TPT shall be secure.
Reason: In the interests of visual amenity and the interests of ecology and biodiversity in accordance with CSP 36.
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the link to the TPT, 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA reference :-

2016/0288



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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2016/0300

Applicant: Dr Sumanth Chikthimmah

Description: Erection of two storey medical centre with integrated pharmacy and retail unit including associated parking and landscaping.

Site Address: Burleigh Street, Barnsley, South Yorkshire, S70 1XY

Site Location and Description

The site comprises two areas; one is roughly rectangular in shape and covered in grass, bounded by shrubbery. It is located on Burleigh St Barnsley, on the corner of Sheffield Road to the northeast and Burleigh St forming the eastern boundary. Whilst reasonably level itself, the site is elevated above Sheffield Road separated by a retaining structure. To the southwest is Joseph Locke House with the proposed car park site adjacent (which is already a pay and display car park). To the west are three storey small scale business premises dwellings, however, the side elevations face towards the site and have no windows facing. To the southeast are dwellings of Britannia Close raised well above the site. The site is accessed from Burleigh Street with a bus stop located close by on Sheffield Road. The site is approximately 0.78ha in size.

Proposed Development

Following pre-application advice, the applicants undertook an options appraisal to determine the most suitable site for a new clinic. Four sites were identified and stakeholders, including patients, NHS Estates and BMBC were consulted. Of the four sites, this application site was determined to be the preferred option.

Planning permission is sought for a two storey medical centre with integrated pharmacy and retail unit including associated parking and landscaping.

The planning statement notes that the existing Park Road surgery is based in an end of terrace house which cannot now achieve the necessary requirements for accessibility, infection control and clinical space.

The building is proposed to comprise a predominantly two storey pharmacy and medical centre in two wings to provide an L-shaped building with a pitched roof to accommodate primary medical care with associated administrative spaces and expansion space to future proof the building. The footprint of the purpose building is 620sqm.

External works include 18 new parking spaces, of which 3 are accessible. An additional area of existing parking provides 28 spaces. Cycle parking spaces will also be provided in accordance with the travel Plan.

The planning statement states that local community consultation has taken place through a public event which was positive.

Elevations are proposed to be of fibre cement panels, particularly to the Alhambra roundabout side, to provide a durable stain resistant finish with contemporary appearance with a masonry plinth round the remaining elevations, rising up on the Sheffield Road side intended to create a dynamic appearance to the elevation, with powder coated aluminium windows.

Roof mounted solar panels are proposed to the southwest roof elevation, when approaching the town centre from Sheffield Road, and the southeast roof elevation, facing towards Joseph Locke House.

The application was accompanied by a suite of documents including Transport Statement and Travel Plan, Tree Survey and arboricultural Report, Site investigation report, Drainage strategy and layout, site waste management plan, landscape proposals, ecological appraisal, sustainability and energy statement.

Opening hours are proposed to be 08:00 to 20:00 Mondays to Fridays, 09:00 to 12.30 Saturdays and at no time on Sundays and Bank Holidays.

Planning History

B/91/0666/BA erection of offices - granted 12/9/91

B/90/1412/BA erection of 5 storey office block – granted 5/10/90

Policy Context

Coal Authority Referral Area

UDP allocation TC58/13 Burleigh Street Development Site

Allocated as Green Space on Green Space Register

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation. The site is proposed to be allocated as Green space in the Consultation Draft Local Plan

Core Strategy

CSP 19 Protecting Existing Employment Land

CSP 25 - New development and sustainable travel

CSP 26 – New Development and Highway improvement

CSP29 – Design

CSP 31 – Town Centres.

CSP 35 Green Spaces

CSP40 'Pollution Control and Protection'

CSP 42 Infrastructure and Planning Obligations

CSP43 – Educational Facilities and Community Uses.

Barnsley Unitary Development Plan adopted 2000 (UDP) (saved policies):

The site is allocated as TC58 a Development Site number 13 in the adopted Unitary Development Plan in the southern development area of Barnsley Town Centre. The site is identified in the UDP as Burleigh Street suitable for B1 business and goes on to state that the site has the benefit of a detailed planning consent for offices with car parking and will complete the comprehensive development of a larger site with access onto Sheffield Road. It should be noted that this permission was never implemented.

National Policy Planning Framework:

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

Core planning principles relating to high quality design and taking account of and supporting local strategies to improve health and deliver sufficient community facilities and services to meet local needs are relevant.

Requiring good design:

- Good design is a key aspect of sustainable development.
- Planning decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Supplementary Planning Documents (SPD):

Residential Amenity and the Siting of Buildings

Parking

Consultations

Contaminated Land Officer – no comments received

Design – no comments received

Forestry Officer - no objections subject to compliance with all arboricultural and landscaping documents submitted.

Housing and Energy – no comments received

Superfast Broadband Programme Manager – no comments received

Ward Councillors – no comments received

Biodiversity – no comments received

Drainage – no objection subject to a planning condition relating to foul and surface water drainage.

Enterprising Barnsley – no comments received

Highways – no objection subject to conditions

Public Health – no comments received

Regulatory Services – the only concern is the potential location of air conditioning plant since there are residential dwellings adjacent. However, there are likely to be high background levels of noise in the area so providing the units are located on the Sheffield Road façade there are likely to be no problems. A construction method statement is also requested by condition.

SYMAS – no objections subject to a condition that the development should be undertaken in compliance with the conclusions and recommendations of the phase 2 site investigation report.

Waste Management – no comments received

Coal Authority – no objection

SY Policy Liaison Officer – This building will be vulnerable to crime in this high crime area. It is recommended that the developer refers to the Police Secured by Design document “Commercial Developments 2015” for the security standards required for the physical security of the building and stores that have been proposed.

SYPTTE – no comments received

Yorkshire Water – no objections subject to a condition relating to foul and surface water drainage

Estates/Asset Management – no comments received

Representations

The application has been advertised by way of a site notice, press notice and neighbour notification letters. No representations have been received.

Assessment

Principle of Development

The site lies within an area allocated as a development site in the adopted Unitary Development Plan. Two permissions have previously been granted for office development on the site. Whilst a clinic does not constitute B1 use, the allocation does not preclude D1 use and it is considered that the proposed development would have some similarities to a B1 use. Policy CSP43 supports the provision of community facilities whilst the NPPF also encourages the development of facilities and services for the benefit of the community.

Generally the provision of new community facilities is encouraged where there is an identified need and such uses would be readily accessible to and convenient for the intended catchment population. In this regard the proposal is required to accommodate the relocation of existing Doctors Surgery within the area. The proposal would provide a modern state of the art health centre offering a range of services and facilities which is conveniently accessible and in a sustainable location.

However the site is also allocated as Green Space on the Green Space Register. The site falls within Central Wards where there is a recognised deficiency of functional greenspace. In such circumstances the LPA would normally be reluctant to grant permission for proposals on the site unless an appropriate replacement green space is provided. In this case the applicant is not able to provide alternative greenspace but has agreed to provide a compensatory figure of £32,000 which can be put towards the improvement to existing greenspace or alternative greenspace within the area. This figure is consistent with similar types of development in similar situations and in this situation is considered acceptable to comply with policy CSP35..

Having regard to the above, in principle the proposal complies with saved UDP policy BA35 and Core Strategy policies CSP35 and CSP43. However the scheme also has to be assessed in terms of its impact on neighbouring residents, the character and appearance of the area and on highway safety.

Residential Amenity

The nearest residential dwellings are over 30m away from the proposed building and are separated by Burleigh Street and existing hedging. The elevation facing towards the existing three storey commercial buildings on Burleigh Street has a gable design, reflecting the gable walls of the dwelling in this location. Although the proposed building has windows to this elevation there would be no overlooking as the gable walls to the dwellings at this point are blank and have no windows.

Parking /delivery areas are located away from the parking areas of these commercial properties. General activity (coming and going of clients and deliveries etc.) and those associated with the retail (pharmacy) function would largely be contained to the front of the premises therefore not causing a significant problem. Proposed opening hours are acceptable in amenity terms and should not present any conflicts.

The dwellings at Britannia Close lie well above the site and the windows would be at a sufficient distance and at a sufficiently different height not to cause any impact on privacy. Hours of operation are unlikely to cause any impact, again due to intervening distance.

Overall the impact of the proposal is considered to be acceptable and would be compatible with the surrounding existing uses. This is considered acceptable from an amenity perspective and it is considered that amenity standards would be maintained to a reasonable degree.

Visual Amenity

The building would be appropriate in scale and design for this corner plot, and would not overwhelm the neighbouring buildings by being of overbearing size, scale or massing. The layout delivers high standards by avoiding (amongst other things) the proximity of outside compounds or storage areas.

The building would be very visible from the Alhambra Roundabout and for a short distance when travelling towards the town centre along Sheffield Road and being in a prominent location placed well above the highway. The bold L shaped building makes best use of the limited size of plot, and the subdued but high quality palette of materials and strong design linear elements enhance quality of the design and it would provide a gateway feature to this part of town.

The roof would be a medium/dark grey aluminium with the walls being a mix of coated metal cladding and masonry roman stone.

Solar PV panels proposed to south west elevation facing Joseph Locke House would not be visible from the main highway, although would be seen from a short distance when approaching along Sheffield Road from the southeast. No solar panels are proposed on the east elevation facing Sheffield Road.

The proposals are considered to be acceptable from a design perspective, in that they are considered to fully accord with the provisions of policy CSP 29.

Highway Safety

Access would be from Burleigh Street and parking is provided both on site and at the pay and display car park close by. There is, in addition, on-street parking on Burleigh Street. However, due

to its sustainable location close to the Town Centre and the local bus stops, it is anticipated that a significant proportion of visitors will arrive on foot. There are no objections in highways safety terms subject to the imposition of conditions.

Trees

The scheme requires the removal of two small insignificant trees from within the site itself which is not considered an issue. The remaining trees can be adequately protected by barriers as highlighted in the arboricultural documents provided. The tree protection information and the landscaping information is acceptable and as such there is no objection to this proposal from an arboricultural perspective.

Drainage

The applicant has submitted a drainage strategy which has been inspected by the Council's Drainage Section as acceptable subject to a suitable condition. Yorkshire Water have also been consulted and raised no objections to the proposals.

Conclusion

The site lies within an area allocated as a development site in the adopted Unitary Development Plan and two previous permissions have established the principle of use of the site for built development.

However, the site has been entered on the greenspace register and lies within Central Ward where there is a recognised deficiency of function greenspace. In such circumstances the LPA would normally be reluctant to grant permission for proposals on the site or where planning permission is minded to be granted, compensation is usually required where alternative greenspace cannot be provided. Whilst a limited justification has been provided to demonstrate the need to use this location, and Policy CSP43 supports the provision of community facilities, compensation in accordance with CSP35 is still payable and can be secured via a S106.

The proposal is for a high quality, well designed state of the art health centre, benefiting the local community whilst being located in a sustainable location. It benefits from good public transport links and as a gateway site is well designed with a muted palette of quality materials and makes best use of a small site, with no significant impacts on highways or local residents.

Recommendation

Approve subject to conditions and to a Legal agreement for the payment of £32,000 for compensation for loss of green space.

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

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

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

2562-D-20-001 REV E Elevations sheet 1 amended plan received 27 May 2016

2562-D-20-002 REV E Elevations sheet 2 amended plan received 27 May 2016

2562-D-20-003 Sectional Plans Showing Context

2562-D-22-001 REV F Proposed Floor Plans amended plan received 20 May 16
2562-D-90-002 REV B Proposed site layout and roof plan Amended plan received 20 May 16

Planning Statement

2562-D-90-001 OS Site Location Plan

2562-D-90-003 Proposed Site Layout and Context

12864-108 Topographical Survey

12864-108 Utility Location Survey

Y379/00/01 Drainage Layout (preliminary)

Copy of Letter from Yorkshire Water dated 1st February 2016

YK5053M-001 Site visibility

YK5053M-002 Vehicle swept path analysis

Sustainability and Energy Statement by CJR Maintenance Solutions Ltd dated March 2016

Ecological Appraisal by Ecus Environmental Consultants dated March 16

BS5837 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement dated March 2016

L7570/1 Figure 2 Tree Survey and Tree Constraints Plan

L7570/02 Figure 3 Tree Protection Plan

L7570/03 Landscape Proposals and Planting Schedule

L7570/04 Outline specification and maintenance schedule

Transport Statement by Matrix Transport Planning dated March 2016

Phase I Desk Study 12864/5006 by Met Engineers dated December 2014

Phase II Desk Study 12864/5006 by Met Engineers dated July 2015

Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

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

- 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 Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

4. No development shall take place until:

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

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

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

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

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
6. Prior to occupation of the building, full details of lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.
7. Prior to occupation of the building, a waste management plan, detailing how waste generated by the development is dealt with, shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the approved waste management plan shall be fully implemented and complied with for the life of the development.
Reason: To ensure that all waste generated by the development is properly managed in accordance with policy WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan.
8. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.
9. Sightlines, having the dimensions 2.4m x43m, shall be safeguarded at the entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
10. Visibility splays, having the dimensions 2.4m x 43mm, shall be safeguarded at the junction of Burleigh Street such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
11. 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 Core Strategy Policy

CSP 40, Pollution Control and Protection.

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

Measures to prevent parking on Burleigh Street.

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.

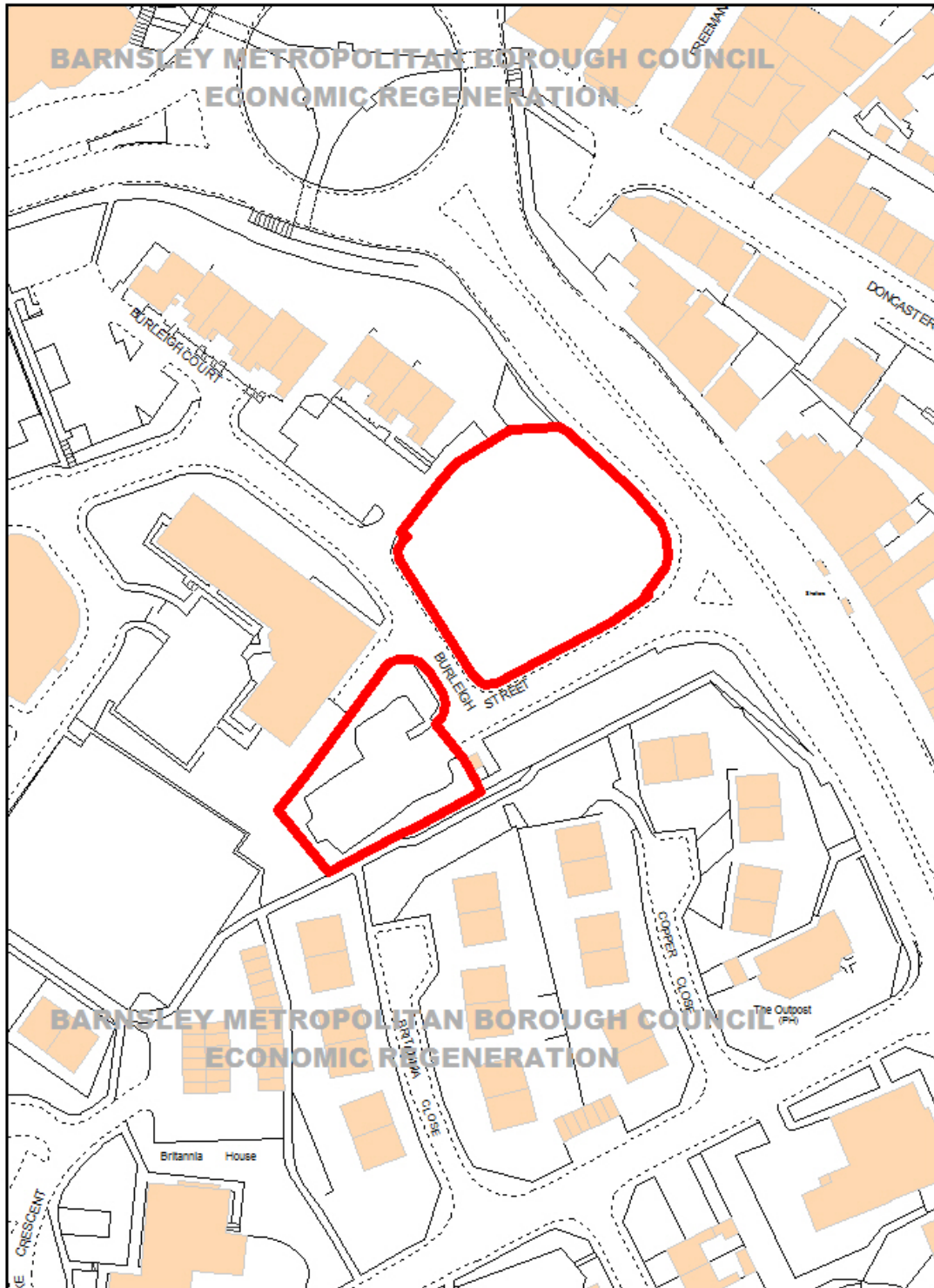
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

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

Reason: In the interests of highway safety in accordance with CSP26.

PA reference :-

2016/0300



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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
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Scale 1:1250

Ref: 2015/0097

Applicant: Mr Jonathan Lawson-Brown

Description: Demolition of existing buildings and canopy and construction of development comprising 3 new retail units along with provision of associated access and car parking (amended plans)

Site Address: Former Aldham Bridge Services, Wombwell Lane, Wombwell, Barnsley, S73 8EL

3 objections to the initial set of plans accompanying the application. 2 objections to the amended plans which are now due for determination. No objections have been received from Ward Councillors.

Site Description

The site is the former Aldham Bridge petrol station site which is located between Wombwell and Stairfoot on the A633 Wombwell Lane.

The site is an irregular shaped area of land that amounts to 0.7ha in size. The site is partially occupied by buildings, the canopy associated with the former petrol station and is partially open. A long but narrow and single storey building occupies a position towards the rear of the site. This is currently occupied by a bed shop, car repair garage and an off licence. In addition a cabin, solid metal fencing and a variety of signs are located in the south eastern part of the site associated with a hand car wash business which is also being operated from the site. Immediately to the east of the car wash is a group of substantial trees which are protected by a Tree Preservation Order.

The site is located immediately adjacent to the River Dove which lies to the east. To the north is an embankment containing the Trans Pennine Trail. This separates the site from open countryside to the north. To the west and south west of the site are houses with addresses on Old Farm Lane, Wombwell Lane and Aldham Crescent. Also located opposite to the site to the south is ATS Euromaster car repair garage.

Proposed Development

The proposal is to demolish the existing buildings, the former petrol station canopy and remove cabins associated with a hand car wash business and to erect a development consisting of 3 new retail units.

The new units would be housed in a single building that would be subdivided as follows: - Unit 1 (656m²), Unit 2 (290m²) and Unit 3 (441m²). The building would be located on the north part of the site where the existing buildings are located.

The building would be 'C' shape and the maximum dimensions would be 60m x 30m x 6m in height. Facing materials would be a mixture of red brick, charcoal brick and cladding on the external walls. The building would have a pitched roof that would be clad in metal.

Access is proposed via one of the existing accesses. Formation of a new right hand turn lane is indicated. This would need to be the subject of a S278 Highways Agreement.

The plans also detail the marking out of parking bays within the existing areas of hard standing in the site to provide a car park for up to 60 vehicles. In addition the plans also detail the proposed service yards. Units 1 and 2 would share a service yard which would have a new separate access

from Old Mill Lane. The service yard for unit 3 would be in front of the building and would be accessed from the main site entrance.

History

Previous planning applications at the site include:-

B/74/0246/WW - Extension to garage to form repair workshop. Approved 7 Mar 1975.

B/75/3784/WW - Erection of a canopy to provide cover for car sale area. Approved 2 Feb 1978.

B/77/1470/WW - Extensions to garage to provide paint spray bays and toilet facilities. Refused 8 Jun 1978.

B/83/1264/WW - Use of part of DIY Centre for car auctions/sales. Decision: Refused 10 Jan 1984

B/83/1266/WW/AD - Display of two pole mounted illuminated signs. Decision: Refused 5 Oct 1983

B/83/1802/WW - Outline for erection of dwelling and private double garage. Decision: Refused 14 Mar 1984.

B/85/0914/WW - Change of use to vehicle repair garage petrol filling station. Decision: Approved with conditions 30 Aug 1985.

B/86/0448/WW - Alterations to enclose open storage area use of workshop as showroom/shop/office. Decision: Approved with conditions 23 May 1986

B/87/1261/WW - Erection of petrol filling station and car wash. Granted planning permission with conditions 6 Apr 1989.

B/88/1632/WW - Redevelopment of former service station/car showroom. Decision: Approved with conditions 8th September 1990.

B/88/0499/WW - Erection of car wash Decision: Approved with conditions 7 Apr 1990.

B/89/0645/WW/AD - Display of illuminated signs. Refused 8 Sep 1990.

B/91/1364/WW - Modification of Condition 8 on planning permission B/88/1632/WW. Approved 10 Jul 1993

B/91/1702/WW/AD - Display of illuminated signs. Approved 12 Dec 1992

B/92/1624/WW - Erection of car wash building (retrospective) and erection of 1.8 m high wall. Granted planning permission with conditions 4 Oct 1994.

B/03/0803/WW - Erection of two industrial units, extension of existing retail unit into adjacent industrial unit and extension to retail unit. Granted planning permission with conditions 4 Jun 2004.

2010/1457 - Certificate of Lawfulness for existing use of two units for A1 retail use and associated car parking. Granted 2 Dec 2012.

2013/0696 - Felling of trees T4, T5, T6 and T7 within TPO 6/1984. Approved with conditions 02/08/2013.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft 2014, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of the Green Belt'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Green Belt

WW 'Western Rural Green Belt'
GS6 'Extent of the Green Belt'
GS7 and GS8 'Development within the Green Belt'

SPD's

-Residential amenity and the siting of buildings
-Parking

Draft Local Plan

Proposed allocation: Green Belt and Functional Floodplain

NPPF

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

Consultations

Biodiversity Officer – Does not object following the amendments that have been made to the application.

Contaminated Land – No objections subject to a condition.

Drainage – Do not object subject to conditions.

Environment Agency – Do not object subject to conditions.

Highways – Do not object following the amendments that have been made to the application subject to conditions.

Regulatory Services – No objections subject to conditions to limit the effects of noise and disturbance during the construction phase and to restrict delivery times.

Tree Officer – Does not object following the amendments that have been made to the application. Conditions would be required however.

Yorkshire Water – No objections subject to conditions.

Representations

3 objections to the initial set of plans accompanying the application. 2 objections to the amended plans which are now due for determination. In summary the remaining concerns not addressed by the amendments to the application are as follows:-

Harm to a sensitive site which is located in the Green Belt. It is stated that the site is in an inappropriate location for the type of development proposed which should be directed to one of the towns.

Overdevelopment – Concerns that the site cannot accommodate the amount of development proposed having regards to the areas of the site that would be occupied by buildings, cramped parking and manoeuvring arrangements and the difficulties experienced by existing service vehicles.

Traffic – Concerns that the development would add to the existing problems with traffic flow and congestion along the stretch of the A633 between the site and Stairfoot roundabout. In addition concerns are raised that the single access point design and right hand turn lane proposal would lead to vehicle conflicts with the existing road junction on Aldham Crescent, the access to the allotments and the ATS tyre fitting garage located opposite.

Residential amenity – Concerns are raised that the proposed hours of opening are not specified within the application and that late night or 24 hour opening would lead to noise and disturbance harming the living conditions for the residents of existing properties. Related concerns are expressed about the times that service vehicles would bring deliveries to the site and the noise from refrigeration units on the associated lorries.

Flood risk – Concerns that the causes from previous incidences of flooding in the area have still not been solved and that the River Dove requires dredging. In addition it is asserted that the flood risk assessment is inaccurate as the site has flooded up to a meter of water three times in the last 9 years and is part of the natural flood plain. In addition concerns are raised that allowing development would result in an increase in flooding off the site as the natural dispersal of water would be affected leading to devastating effects for tenants and residents of the area.

Biodiversity/habitat destruction and harm – It is stated that the site is part of an important wildlife habitat due to its relationship with the River Dove and mature trees. Concerns are raised that the ecological report submitted with the application is inadequate and that a suitable report should be provided prior to the determination of the application. In addition it is asserted that recent tree felling work carried out by the applicant's disturbed bats and nesting birds which is a criminal offence and that spraying of the river bank with weedkiller led to dead fish being spotted in the river for a number of weeks afterwards. In addition it is stated that the increase in noise, light pollution and litter would have negative implications for biodiversity interests. It is also questioned whether the applicant and existing uses on the site have encroached into the wooded/river corridor area to increase the size of the site at the expense of causing harm to biodiversity interests. A comprehensive list of species has been provided of biodiversity that has been spotted on the site including a variety of birds, bats, reptiles, newts, hedgehogs, mammals that is valued for recreation purposes. The assertion is also made that the applicant and their existing tenants use the river as a dumping ground.

Allotments – Concerns that the development would harm the enjoyment of the allotments located to the east of the site.

Localism – Concerns that the views of members of the public shall be ignored by the Council when the decision on the application is made.

Deliberate neglect – It is asserted that the run down appearance of the site is due to the deliberate neglect of the site by the applicant.

The existing businesses – Concerns are raised that the development would lead to the displacement or closure of the existing businesses located on the site.

Assessment

Principle of development

The main issues to consider in land use planning policy terms are:-

- Green Belt planning policy
- Retail policy

Green Belt

Notwithstanding the existing amount of development on the site and previous land use as a petrol station the site is located in the Green Belt. However this would not automatically preclude development in this case as the NPPF allows for the redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it (paragraph 89).

The plans would see the demolition of the existing buildings on the site, the removal of the site cabins associated with the existing hand car wash use and the canopy dating back to when the site was in use as a petrol station. The proposed replacement building would be built upon approximately the same area of the site as the existing retail units. It would occupy a larger footprint in terms of depth. However as the petrol station canopy and cabins and fencing associated with the car wash business would be removed the development would not have a greater effect on openness than the existing development and would improve openness from some views on the approaches to the site. In addition the development would not lead to any greater conflict with the purposes of including land in the Green Belt than the existing development. Based upon this the proposal is judged to be an acceptable form of development from a Green Belt planning policy perspective.

Retail policy

The site is located outside a designated centre. Accordingly, in line with CSP31 and the NPPF, it is necessary for the applicant to undertake an assessment of sequentially preferable sites to determine whether development should be directed there instead. The sequential assessment has looked at for the availability of land in Wombwell and Stairfoot as the nearest centres to the site and this has concluded that there are no sequentially preferable sites to the proposal site. Accordingly it is judged that the sequential test is satisfied.

Visual amenity

The existing site is in a poor condition from a visual amenity perspective. The site retains the canopy from when it was in use as petrol station, redundant totem sign and car wash business give the site a semi-derelict appearance. The other permanent buildings are dated in appearance having roofs containing solid metal and untreated roller shutters. The car wash is carried out in a temporary building and all the various different shapes and sizes of signage give it a cluttered appearance. The clearance of these buildings, structures and signage is therefore not opposed from a visual amenity perspective.

Whilst not being particularly ground breaking in my opinion the proposed plans are of a reasonably modern and attractive design that would significantly improve the appearance of the site. In addition the siting of the buildings towards the rear of the site and the single storey design would prevent the development from dominating the street scene. In addition the plans would now retain all of the existing mature trees that are located in the eastern part of the site.

Overall therefore I am satisfied that the proposal would deliver one of the aims of policy CSP29 'Design' which is to *help 'transform the character of run down environments that have become run down and are lacking in distinctiveness'*. In summary the plans are assessed to be acceptable in relation to design/visual amenity considerations having regard to policy CSP29 'Design'.

Residential Amenity

The site is located next to a busy main road where there is a mixture of land uses, including housing. Therefore it has been necessary to consider the potential effects of the development on the living conditions of existing properties.

The Residential Amenity and the Siting of Buildings SPD indicates that any building should be a minimum 25m from the windows of any habitable room in any nearby dwelling, or the distance required by the 25 and 45 degree rules. This is achieved and so the development should not give rise to any significant impacts by way of dominance or overshadowing.

Noise arising from deliveries to the units and from any air conditioning and cooling plant required on the external parts of the buildings is potentially more of a concern. However the residual cumulative impacts would be reduced given that the site is located on a heavily trafficked main road and taking into account the existing uses on the site. The site would also have been the subject of regular movements to and from the site when it was in use as a petrol station. A noise assessment has been submitted and this has concluded that predicted noise levels from the development would not give rise to noise at a level that would indicate that the application should be refused, subject to restrictions on delivery times. A suitable condition would need to be imposed therefore. I also agree with residents that a condition should be imposed to prevent night time opening of the units.

No details of lighting for the building and car park have been provided. However as this has the potential to be a source of nuisance affecting residents another condition would need to be

imposed. In addition to the above the usual conditions would need to be imposed to limit noise during the construction phase.

In summary the plans are assessed to be acceptable in relation to residential amenity considerations having regard to the Residential Amenity and the Siting of Buildings SPD and CSP40 subject to the imposition of suitable conditions.

Highway Safety

The main criteria for assessing this issue are CSP26 'New Development and Highway Improvement' and CSP25 'New Development and Sustainable Travel'.

Highways have considered the implications of the proposal. The NPPF states that planning permission should not be refused on highways grounds unless the residual cumulative impacts of the development would be severe. Due to the number of movements that would be expected compared with when the site was previously in use as a petrol station, and the previous uses and the existing uses in site at present, Highways are of the view that such a case could not be substantiated and that the test in the NPPF would be satisfied in principle. However, acknowledging that Wombwell Lane is a heavily trafficked classified road Highways consider that the site access and a new right hand turn lane would need to be created in Wombwell Lane in order to make the site suitable for development.

Regarding internal layout issues the amount of parking proposal would achieve the number of spaces required by the SPD. In addition tracking plans have been provided which demonstrate that the plans are functional from a vehicular manoeuvrability perspective including for HGV's. However highways also would wish to see a condition imposed requiring a service yard management plan and a method statement for the demolition and construction phases of development.

Other Considerations

Drainage/Flood Risk

According to the Environment Agency Flood Map the site is located within the 1 in 100 year and 1 in 1000 year flood risk areas and is therefore classed to be in flood zones 2 and 3. The source of the flood risk is the River Dove and the watercourse known as Dob Sike which are located adjacent to the site.

The NPPF and CSP4 seek to prevent development that would be at unacceptable risk of flooding by applying the sequential test on proposal sites in flood zones 2 and 3 and where appropriate the exception test.

As has already been established the sequential test has determined that there are no sequentially preferable sites in the Wombwell or Stairfoot centres to accommodate the development. In addition there is no requirement to apply the exception test on retail developments in flood zone 3a based on the advice in the National Planning Practice Guidance. Based upon this the proposal is considered to satisfy the tests in CSP4 and National planning policy in principle.

Concerns have been raised by members of the public about the development increasing the risk of flooding off the site and it is the case that the finished floor level of the building would have to be built 1m to 1.3m higher than the existing retail building. However the development would reduce the impermeable areas of the site compared with existing. In addition 330m³ of compensatory storage would be provided in the form of underground storage tanks which would reduce the amount of surface water being discharged into the existing public sewer network by 50%

compared with the existing site. The development would therefore achieve a net benefit to the area from a managing flood risk perspective.

Trees and Biodiversity

The initial set of plans that accompanied the application raised concerns as it proposed to remove a number of mature trees from the site that are protected by a Tree Preservation Order. However this has been addressed via the submission of amended plans. This is no longer an issue with the proposal therefore.

Associated concerns had been raised by the Biodiversity Officer due to the potential added implications on biodiversity interests including protected species. Again however the fact that the development would not disturb the protected trees and would be located further away from the river has significantly reduced the biodiversity implications of the development. Members of the public have raised concerns about works being carried out to some of the trees in this area. However all works appear to have been authorised under application 2013/0696 which approved the removal of 4 diseased and defective trees. The representations also include allegations that protected species were disturbed during the work and more recently by the spraying of weedkiller adjacent to the river. However these would be offences that would need to be reported and investigated under criminal rather than planning legislation. In addition the development would achieve a net benefit to biodiversity via the removal of the existing hard standings associated with the existing car wash business and to the east of where the existing buildings are located which would be replaced by planting of wildflower and some new trees. In short a soft landscaping buffer would be restored between the built up edge of the site and the river.

Ground conditions

The desk top investigation has advised that there is a low to moderate risk of the site being contaminated at present arising from previous land uses. The report recommends that an intrusive site investigation is carried out prior to the commencement of development to identify any mitigation works that would be required as part of the development including the treatment of underground infrastructure associated with the former petrol station. Having had regard to policy CSP39 'Contaminated and Unstable Land' Pollution Control are content that the risks to the development are being adequately assessed and are sufficiently comfortable for application to proceed subject to such a condition.

Conclusion

In summary the proposals are considered to constitute redevelopment of a previously developed site which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. As such the test for assessing whether the proposal complies with Green Belt planning policy in paragraph 89 of the NPPF is satisfied.

The site is located outside of a designated centre and as such it has been necessary for the application to be accompanied by a sequential test. This has demonstrated that there are no sequentially preferable sites to accommodate the development in Wombwell and Stairfoot centres and accordingly there is no conflict with policy CSP31 'Town Centres'.

In addition to the above the development would achieve a number of benefits including a significant improvement in the appearance of the site and the construction of a new development that is considered to be of a good standard of design. In addition the removal of existing hard standings and the restoration of a soft landscaping buffer between the built up areas of the site and the river which would also be of benefit to biodiversity interests. The development would also lead to the any legacy issues associated with contaminated land being dealt.

The site is located in flood zones 2 and 3a. However the proposal complies with the sequential test approach set out in the NPPF and CSP4. In addition national planning policy advice is that the exception test would not need to be applied. In addition the flood risk assessment has demonstrated that there would be net benefits to the area in terms of preventing an increase in the risk of flooding via a reduction in the impermeable areas of the site and compensatory flood storage being provided as part of the development which would enable a reduction in the rate of surface water being discharged into the existing public sewage network by 50%.

The main impacts of the development are likely to be highways and residential amenity related. However Highways consider that the test in the NPPF would be satisfied in terms of the impacts of the development not being severe when taking into account the scale of the development proposed and the increase of movements compared with existing and previous uses. However mitigation would be required in terms of works to the highway including the provision of a new right hand turn lane into the site and a management plan for service vehicle traffic. A noise assessment has been submitted to consider the effects on residential amenity. However this has concluded that the increase in noise and disturbance levels would not increase above the existing background noise levels to an extent that nuisance would be caused subject to conditions limiting delivery times and requiring details of any external plant to be submitted for prior approval. These findings have been accepted by Pollution Control. Furthermore the proposed building is judged to be an acceptable distance from existing residential properties not give rise to any significant impacts by way of dominance or overshadowing having regard to the Residential Amenity and the Siting of Buildings SPD. Over therefore the proposals are judged to be acceptable and as such it is recommended to the Board that the application is granted planning permission subject to conditions.

Recommendation

Grant planning permission subject to conditions

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

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

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

3RI1-0-000 rev A 'LOCATION PLAN'

3RI1-0-050 rev B 'DEMOLITION PLAN'

3RI1-0-100 rev K 'PROPOSED SITE PLAN'

3RI1-0-200 rev C 'PROPOSED PLAN'

3RI1-0-300 rev D 'PROPOSED ELEVATIONS'

Smeeden Foreman plan LL01 rev E 'Landscape Proposals'

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3. No development shall take place until full details of the proposed external materials have been 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 LDF Core Strategy Policy CSP 29, Design.

4. 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
5. Sight lines, having the dimensions 2.4m x 90m, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
7. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
 - a) Provision of a right turn facility;
 - b) Widening of the access to the site;
 - c) Any necessary alterations to/provision of street lighting;
 - d) Any necessary alterations to/provision of highway drainage;
 - e) Any necessary resurfacing/reconstruction;
 - f) Any necessary signing/liningThe 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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.
8. Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

9. No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
10. All planting, seeding or turfing comprised in the approved details of landscaping (Smeeden Foreman plan LL01 rev E 'Landscape Proposals') shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
11. Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
12. 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 Core Strategy Policy CSP 40.
13. Deliveries and opening times for the approved development shall be only take place between the hours of 0730 to 2200 hours Monday to Saturday and 0900 to 1900 hours Sundays and Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
14. Prior to occupation of the building/commencement of the use, full details of any security lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.

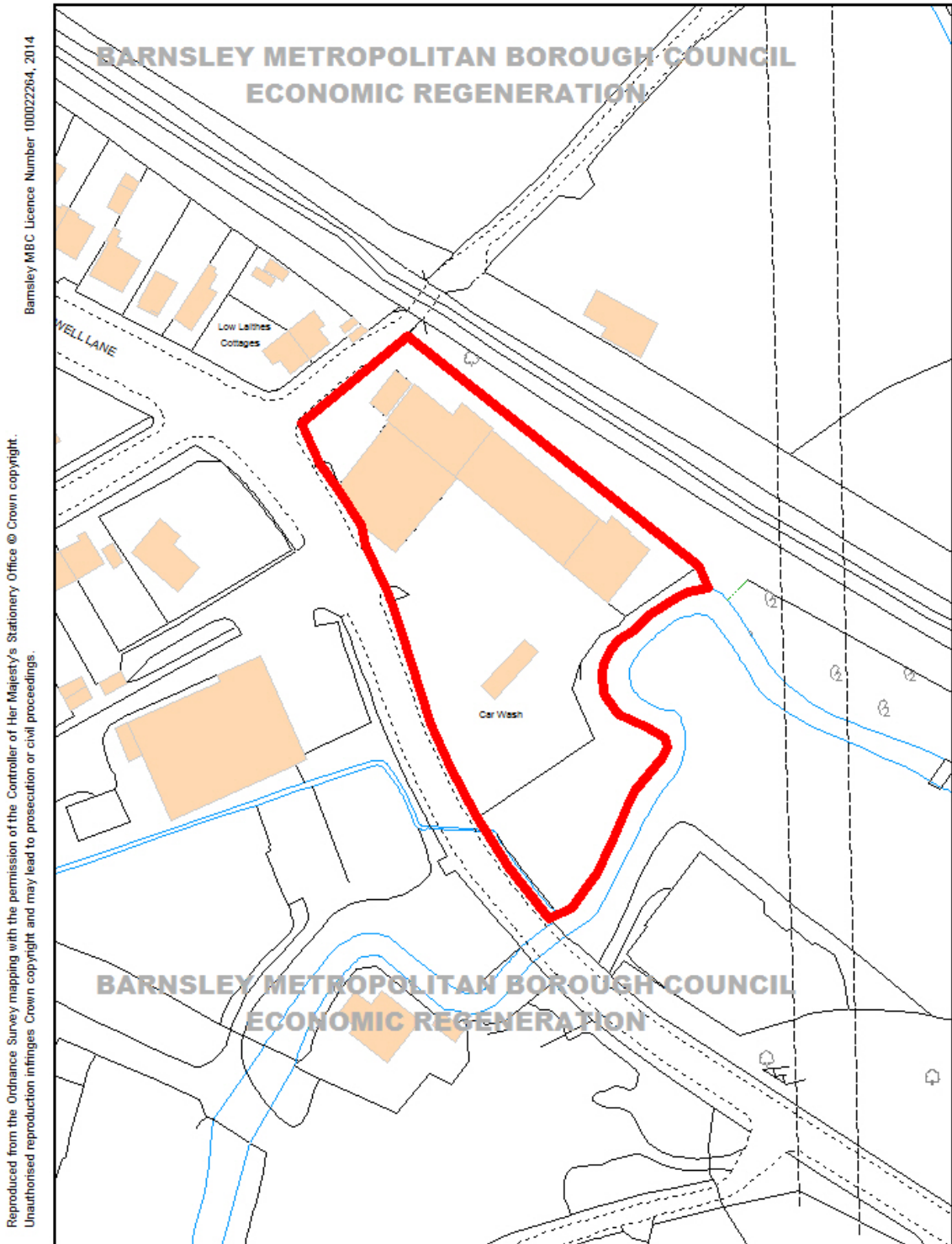
15. Prior to occupation of the building/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority 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 Core Strategy Policy CSP 40.
16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
17. The development hereby approved shall be carried out strictly in accordance with the recommendations of the Flood Risk Assessment (prepared by Weetwood - Report 2560/FRA Final v1.2 dated April 2016).
Reason: In the order for the development to comply with policy CSP4 'Flood Risk'.
18. All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
19. The development shall not be brought into use until a service yard management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include for the management of all delivery vehicles, customers vehicles, pedestrians, the use of banksmen, and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery. The development shall be carried out in accordance with the approved scheme at all times.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
20. Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
21. Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

PA reference :-

2015/0097



BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2016/0436

Applicant: C/o Savills (UK) Limited

Description: Change of use from retail (Class A1) to a flexible use for a trampoline park (Class D2) or retail use (class A1)

Site Address: Former MFI/Powerhouse Retail Unit, Twibell Street, Barnsley, S71 1DG

No Objections Received.

Site Description

The site comprises a vacant warehouse unit measuring approximately 2,550sq.m. The site is located at the junction of Twibell Street and Harborough Hill Road, to the North of the established Peel Centre retail park. The site is accessed via a signalised gyratory junction with Harborough Hill Road (A61). Vehicular access is taken from the South Eastern corner of the site from Twibell Street and to the South and West of the building is car parking for 78 vehicles including 9 no. disability spaces.

Two warehouse and retail units are situated adjacent to the site, and share the same access road. The larger unit of the two is occupied by a plumbing supplies business and the smaller unit is currently vacant. The closest residential properties are located directly to the south on Twibell Street.

Planning History

Planning permission was granted for the site in 1982 (B/82/0131/BA) 'erection of retail sales unit (27,000ft²) for self-assemble furniture and one warehouse unit (19,000ft²) and construction of 133 car parking spaces and access roads.

Proposed Development

The application seeks permission to change the use of the unit from A1 'retail' to a flexible use for D2 'Assembly and Leisure' or A1 retail. The A1 retail has been considered on the basis of the existing use and the existing permission that restricts that use.

The site would operate as an indoor trampoline park, however, if the trampoline operators ceased in the future the unit could be utilised by a further trampoline operator or revert back to the existing A1 use. This application will focus mainly on the D2 use as the A1 use is already established.

No external changes are proposed as part of the application. Internally the unit will be refurbished and comprise trampoline facilities, party rooms at mezzanine level, changing rooms, a café and staff areas.

The proposed occupier operates a similar business in Rotherham in a similar sized unit which provides for a range of leisure activities including free jumping, structured fitness classes, toddler session, coaching, group and corporate entertainment, parties and sports.

The operators have just obtained planning permission on a site a Meadowhall, Sheffield on a similar scale. They plan to open 10no. sites in the UK by the end of 2017.

The proposed hours of operation are from 10.00 to 22.00 daily. Sessions will begin and end every 30 minutes. Bookings will be managed online.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Saved UDP Policies

BA27 'Other Large Scale Retail Development' – 'proposals for the development or redevelopment of those site currently accommodating out of centre retail uses in the Old Mill Lane area, and which are shown as such on the proposals map, will be judged on their individual merit taking into account the effect they would have on the character and appearance of the area, car parking requirements and traffic and highways considerations, and any impact on the town centre and other designated shopping centres arising from a possible intensification of the existing use or uses'

Policy GS40 – The Council will promote the full use of existing or new indoor recreation and leisure facilities.

Policy ED4 'Economic Development and Residential Amenity' – proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity.

Core Strategy

Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:

- *Urban Barnsley*
- *Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston*

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy...'

Policy CSP31 'Town Centres' relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of Planning Policy Statement 4'.

CSP 40 – Pollution Control and Protection – We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

NPPF

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

In respect of this application, relevant paragraphs include:

Paragraph 7 – 12 Core Planning Principles

Paragraph 19 - Significant weight should be placed on the need to support economic growth.

Paragraph 24 – Sequential test

Paragraph 26 – Impact Assessment

Paragraph 32 - Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 72 - The Government's objectives include to promote the vitality and viability of town centres and meet the needs of consumers for high quality and accessible retail services.

Paragraph 77 - Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

Paragraph 78 - Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraphs 95 -99 – Low carbon future, adaptation to climate change.

National Planning Practice Guidance – 'Ensuring the Vitality of Town Centres'

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- The progress made towards securing the investment (for example if contracts are established)
- The extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

Caselaw

Tesco Stores Ltd v Dundee City Council (2012)

The Supreme Court in *Tesco Stores Ltd v Dundee City Council* ([2012] UKSC 13, 21 March 2012) considered how the sequential test should be applied, concluding that ‘it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.’ The Supreme Court was clear that a developer or retailer should not be required to fundamentally change their proposed development so as to operate in some artificial world. Lord Reed states at paragraph 38 of the transcript:

‘The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer... ‘But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’

Therefore in terms of flexibility, the applicant should not be expected to significantly alter the size of the proposed development so that it can be accommodated on an alternative smaller site, especially where the retailer has confirmed that the application site is the most suitable available site in terms of size and location.

Relevant Appeal Decision – Cortonwood Retail Park (ref. APP/P4415/A/13/2197947)

In the Cortonwood appeal decision, the Inspector applied the Dundee judgment to conclude at paragraph 22:

‘In this case there is no prospect of the retail units being developed, in full or in part, at any other location. The proposal is wholly specific to the appeal site as a means of redeveloping a partially used warehouse for a more commercially viable return.’

Zurich vs North Lincs and Simons Developments (2012)

The High Court’s decision in *Gunness* (Scunthorpe) confirms that *Dundee* applies in England.

It also confirms, with the following wording, that if a decision maker is not convinced the sequential test has been satisfied, a balancing exercise is still required of positive and negative factors: ‘*The applicant having failed to persuade the officer that the sequential test is passed, the officer performs the exercise which he must perform to see whether the presumption of refusal...is outweighed by other material considerations’ and ‘to determine whether the presumption is displaced, the extent and consequences of the breach of sequential provisions may be relevant.’*

In other words, in such cases, the local planning authority is not required to automatically refuse permission, notwithstanding the wording of the NPPF.

Consultations

Highways – No objections

Air Quality Officer – No objections subject to conditions

Ward Councillors – Concerns regarding incremental development

Waste Management – No objections

Representations

No representations have been received.

Assessment

Principle of development

Policy CSP31 'Town Centres' states *'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role, the majority of new retail and town centre development will be directed to Barnsley Town Centre.'*

The application site is out of the town centre and is allocated for large format comparison retail in the Adopted UDP Plan. For robustness, the application is accompanied by a thorough sequential assessment. To be sequentially preferable a site must be suitable, viable and available. Jump Inc's requirements are: a large unit of circa. 2,500 sq.m, low cost rental, sufficient and free on-site parking, high-bay buildings for maximum floor to ceiling distance and positioned in an easily accessible location.

Vacant units and allocated development sites in the centre of Barnsley have been considered, none are suitably viable and available. The Better Barnsley development is not yet available, and in any event is not considered to be a realistic option on the grounds of viability – the rental costs would be too expensive for Jump Inc's business model, and/or size, a large floor area and height are required.

In the light of *Dundee*, none of the sites can be suitable for a proposal to meet the requirements of the Jump-Inc format. Therefore, the overall conclusion is that application site is the most sequentially preferable location for the proposed development. The proposal therefore accords with Paragraph 24 of the NPPF, Core Strategy Policy CSP31 and Saved UDP Policy S3.

In accordance with saved UDP policy BA27 'Other Large Scale Retail Development', proposals for the redevelopment of those sites currently accommodating out of centre retail uses in the Old Mill Lane area, and which are shown as such on the proposals map, will be judged on their individual merit taking into account the effect they would have on the character and appearance of the area, car parking requirements and traffic and highways considerations, and any impact on the town centre and other designated shopping centres arising from a possible intensification of the existing use or uses. These aspects will be assessed under the headings below.

Saved GS40 promotes the full use of existing or new indoor recreation and leisure facilities by the Council, subject to meeting the requirements of other relevant policies.

As outlined above, the application is for a flexible use for D2 'trampoline park' and A1 'retail'. The reason behind this is that the trampoline business is a new industry and there is a lack of certainty in the medium term if the industry is not successful. If the business is not successful then the

owners could market the building for a further trampoline operator, or, could revert back to the existing retail use without further permission. The business currently operates as an A1 use so reverting back would be no different from if the trampoline use was never implemented, therefore, the principle is established. The existing A1 use is restricted by conditions that would limit the type of goods that could be sold. These conditions were necessary to protect the viability and vitality of the town centre. It is considered that these conditions are still necessary and applicable and therefore they are recommended to be re-imposed on any approval.

Planned Investment

The principle planned investment is the Better Barnsley town centre regeneration scheme. As well as providing new public realm/open space and associated access and infrastructure, the scheme intends to deliver around 38,000 sq.m of refurbished floorspace, including up to 4,500 sq.m of class D2 floorspace which is proposed to accommodate a multiplex cinema.

The harm to the deliverability of the Better Barnsley scheme would not be significant as the proposed trampoline centre is an entirely different use to the cinema that forms the leisure element of the Better Barnsley scheme. As such, it is not anticipated that the proposal will result in any trade diversion from the town centre. It follows that the proposal will not result in a significantly adverse impact on the town centre.

The close proximity of the application site to Barnsley Town Centre means the proposal could help to support the delivery of the Better Barnsley scheme by attracting more visitors to the area. Furthermore, as there are currently no similar trampoline centres operating in the area (there are 2no. recent applications for similar proposals, 1no. at Barugh Green – 2016/0431- which is still under consideration and 1no. at Birdwell – 2015/1381 – which has been refused on loss of Employment use grounds), visitors from outside the catchment area are potentially more likely to visit Barnsley.

Economy

The clear advice in the NPPF is to encourage economic growth which means granting planning permission unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development proceeding'.

The applicant has argued that the balance of impacts such as investment, economic, as well as, sustainability, and health benefits, overall weigh strongly in favour of the proposal. The proposed staff numbers would be similar to the applicants existing business in Rotherham which occupies a comparable unit. That site employs 58 people in a unit which is 5500sq.m less. As a result, Enterprising Barnsley, who was consulted on the application, is in support given the level of employment and investment it would generate with the local area.

It should also be noted that the unit subject to this application has been stood vacant for a number of years, therefore, has not been generating any employment within the local area. The proposal seeks to bring vacant floorspace back into productive use in a highly sustainable location.

Highways

The transport statement prepared by TTHC concludes that the site is easily accessible on foot and by cycle, with a significant residential area covered by the sites walk and cycle catchments, as such, the site is within a highly sustainable location. Further, the report goes on to state the site is also easily accessed by public transport. The closest bus stops are approximately 300m walk away, and Barnsley Transport Interchange is less than 1km walk from the site.

The report concludes that the proposal will cause no traffic or highways issues, and states that the transport implications of the proposed development have been examined using a robust worst case analysis. Despite this, the redevelopment would result in a net reduction in site related trips during the AM peak hour, and with only a slight net increase in the PM peak. Highways DC largely agree with the findings and raise no objections, as such; the redevelopment will not have any material detrimental increase on the surrounding highway network, in accordance with the NPPF and CSP 26.

Supplementary Planning Document 'Parking' states that a maximum of 1 space per 22-100 sq.m floor area should be provided for developments over 2500sq.m, with 4% of the total spaces being for disabled parking. This equates to a minimum of 25 spaces and a maximum of 114 spaces. The proposal will retain the existing total of 69 standard car parking spaces and 9 disabled parking spaces and therefore meets the policy requirements.

Visual Amenity

There are no external alterations proposed as part of the application, signage would be required but that would be subject to a separate Advertisement Consent application which will be considered on its own merits.

The use of the site after years of vacancy and neglect would be beneficial in terms of visual amenity as it means the building, and site as a whole, would be subject to a maintenance programme rather than falling into a state of disrepair.

Residential Amenity

There are a number of residential properties in relatively close proximity to the site off Twibell Street, which provides vehicular access to the building and associated car park. However, the dwellings are surrounded by existing retail and commercial uses and the building subject to this application was formerly a retail use, which could commence again in the future with no permission required.

Furthermore, the previous retail use was for bulky goods which will have required relatively large vehicles to visit the site for deliveries/pickups. As such, given the nature of the area, the nature of the previous use and the nature of the proposed use, residential amenity is unlikely to be significantly affected by the proposal; therefore, residential amenity would be maintained to a reasonable degree.

Summary

The applicant has demonstrated that there are no sequentially preferable sites to accommodate the proposed development and that the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme.

There is no evidence that the impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. Accordingly, the presumption in favour of sustainable development applies and the application is therefore recommended for approval.

Recommendation

Grant planning permission subject to conditions

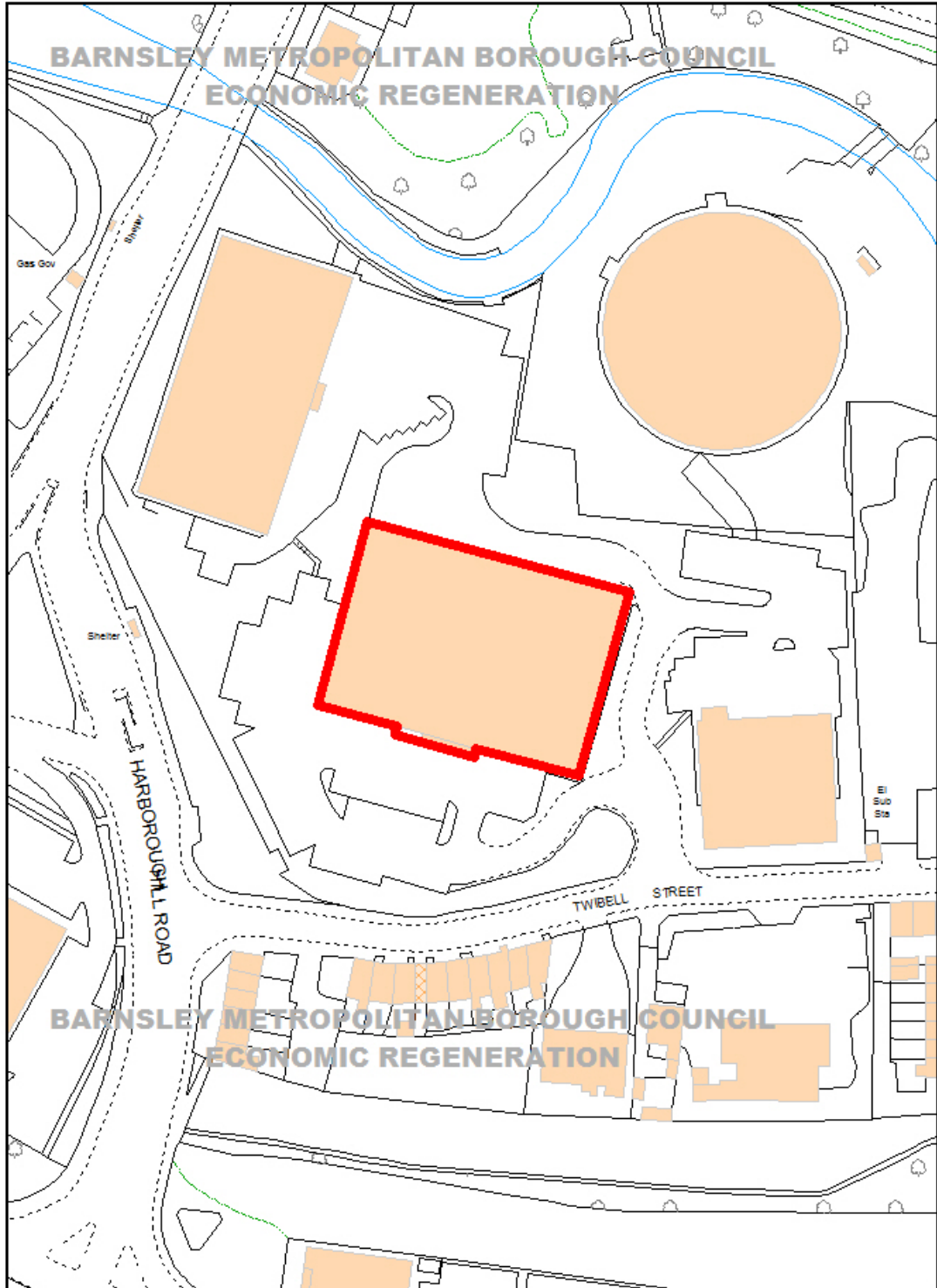
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The permission to change to a D2 use relates solely to the change of use described in the application form i.e. trampoline park. No other uses falling within the D2 use class are hereby permitted as part of this permission.
Reason: To ensure that alternative D2 uses are subject to a planning application and further sequential assessment, in accordance with CSP 8 'The location of Growth', CSP 31 'Town Centres' and BA27 'Other Large Scale Retail Development'.
- 4 The A1 use shall be solely for the sale and storage of furniture, DIY products, ancillary and complementary electrical goods, carpets and other flooring materials, household furnishings, lighting and bathroom fittings and for no other use.
Reason: To ensure that alternative A1 uses are subject to a planning application and further sequential assessment, in accordance with CSP 8 'The location of Growth', CSP 31 'Town Centres' and BA27 'Other Large Scale Retail Development'.
- 5 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 Prior to the commencement of the D2 use (trampoline park), details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing to the Local Planning Authority. Specifically, these are the preparation and implementation of a Travel Plan to reduce the reliance on the private car and improve awareness and usage of alternative travel; the installation of two electric vehicle charging points; and, the installation of cycle parking spaces. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority
Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policies CSP 40
8. There shall be no external storage of goods within the site.
Reason: In the interests of visual amenity in accordance with CSP29.

PA reference :-

2016/0436



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2016/0567

Applicant: Ms Rebecca Grummet

Description: Proposed new school playground to rear and change existing playground to staff car park.

Site Address: Hoylandswaine Primary School, Haigh Lane, Hoylandswaine, Barnsley, S36 7JJ

No objections have been received from local residents or the Ward Councillors.

Site Description

Hoylandswaine Primary School occupies land located at the junction between Haigh Lane and Cross Lane at the northern end of the village.

The existing site layout consists of the school buildings occupying the eastern and central parts of the site adjacent to Haigh Lane. The existing playground is located to the foreground of the school from the north of the site adjacent to Cross Lane. The areas to the west of the school building consist of informal and formal playing fields.

The school is located in a semi-rural setting with fields located on three sides to the north, east and west of the school site. However the site is joined to the existing village to the south and north east where existing dwellings are located. In addition the site adjoins the David Wilson Homes development of 67 dwellings which is under construction at the present time (planning application 2014/0754).

Despite extensions over the years the school does not have a car park at present.

Proposed Development

The proposal is to convert the existing playground located to the north of the school buildings into an 11 space staff car park. Access would be via an existing gateway positioned on the Cross Lane side of the school site. To compensate for this a new 362m² playground would be constructed to the west of the existing buildings on the site. In addition the plans include a footpath from the playground to development taking place to the south of the school site.

History

B/01/0902/PU - Siting of Portakabin toilet unit. Decision: Granted planning permission 11/09/2001.

B/02/0536/PU - Erection of a covered walkway. Decision: Granted planning permission with conditions 25/06/2002.

B/02/1215/PU - Erection of single-storey extension to provide new classroom, staff room and entrance. Decision: Planning permission granted with conditions 27/09/2002.

B/05/1254/PU - Erection of single-storey store room 'infill' extension to school. Decision: Planning permission granted with conditions 10/08/2005.

2012/1038 - Erection of rear extension to school building and formation of new deliveries access. Decision: Planning permission granted with conditions 21/11/2012.

2013/0430 - Erection of a rear extension to school building (Revision of approved application 2012/1038). Decision: Granted planning permission with conditions 29/05/2013.

2014/1124 - Erection of boundary fencing and gates. (Up to 3m in height). Decision: Planning permission granted with conditions 19/11/2014.

The David Wilson Homes development of 67 dwellings on land to the south of the site was approved under planning application 2014/0754. This permission was subject a S106 Agreement which included a developer contribution of £40,000 to enable the construction of a car park on the school site.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft 2014, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Existing Community Facility

SPD's

Parking

Draft Local Plan

Proposed allocation: School Grounds

NPPF

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

Consultations

Drainage – No objections.

Highways – No objections subject to conditions

Regulatory Services – No objections subject to conditions.

Ward Councillors – No objections have been received.

Representations

The application was advertised by neighbour notification. No representations have been received.

Assessment

Principle of development

The proposals involve ancillary works to serve the school which would be of benefit given the absence of any existing on site car parking facilities. Based upon that there are no conflicts with policy CSP43 'Educational Facilities and Community Uses'.

Visual amenity

In my opinion there are no significant visual amenity considerations. The conversion of the existing playground to a car park would lead to minimal impacts on the appearance of the site. The new playground and footpath link would be constructed on areas that are currently green. However these areas do not have a particular function at present other than being amenity grassland and the proposals would still allow for the recreational aspect to be retained for the school children, albeit through a different form. The loss of part of this area therefore does not raise any issues from a functional or visual amenity perspective. I am therefore satisfied that there is no conflict with policy CSP29.

Residential Amenity

Due to the nearest houses being set away from the proposed car park and playground the development would be unlikely to give rise to any new amenity issues affecting living conditions. However it would be prudent to impose the usual conditions to limit the amount of disturbance during the construction phase.

The proposed footpath link to the David Wilson Homes site is more sensitive. However the commitment to deliver the footpath link was approved as part of that planning permission and the part of the footpath within the school site would not result in any new implications. In addition the provision of the footpath accords with the objectives of policy CSP25 'New Development and Sustainable Travel'.

Highway Safety

There are currently no parking facilities at the school. This results in high levels of on street car parking on Haigh Lane which is narrow and Cross Lane which is even narrower. The development would help alleviate some of these problems and is viewed positively in this sense having regard to policy CSP26 'New Development and Highway Improvement'. The Council's Highways Section have assessed the plans and raised no objections subject to conditions including the widening of the access into the car park. However careful thought would be needed at the construction stage due to the site being a primary school, the potential for conflict with the David Wilson Homes

construction traffic, the narrow roads in the area and the amount of on street parking. Therefore a construction method statement would need to be secured via a condition.

Drainage

The plans would increase the amount of hard ground within the school site. However the plans demonstrate that regard has been had for the management of the increased amounts of surface water within the site. This would be via the provisions of drains and an attenuation tank which would enable water to be stored on site before being discharged off site at a restricted rate. Based upon this the plans are considered satisfactory to the Council's land drainage section.

Conclusion

The proposals involve ancillary works to serve the school which would be of benefit given the absence of any existing on site car parking facilities and the problems with levels of on street parking in the area on Haigh Lane and Cross Lane as narrow roads. There would be no adverse impacts given that the existing playground would be replaced by a new playground of slightly larger dimensions and as an appropriate drainage scheme is in place for the management of surface water.

In addition the proposals would deliver the footpath link from the school site to the David Wilson Homes site to tie in with the details agreed under planning permission 2014/0754. I would therefore recommend that planning permission is granted having had regard to Core Strategy policies CSP 3, 4, 25, 26, 29 and 43.

Recommendation

Grant planning permission with conditions

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

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

101 'Proposed site layout'
102 'Site plan/location plan'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

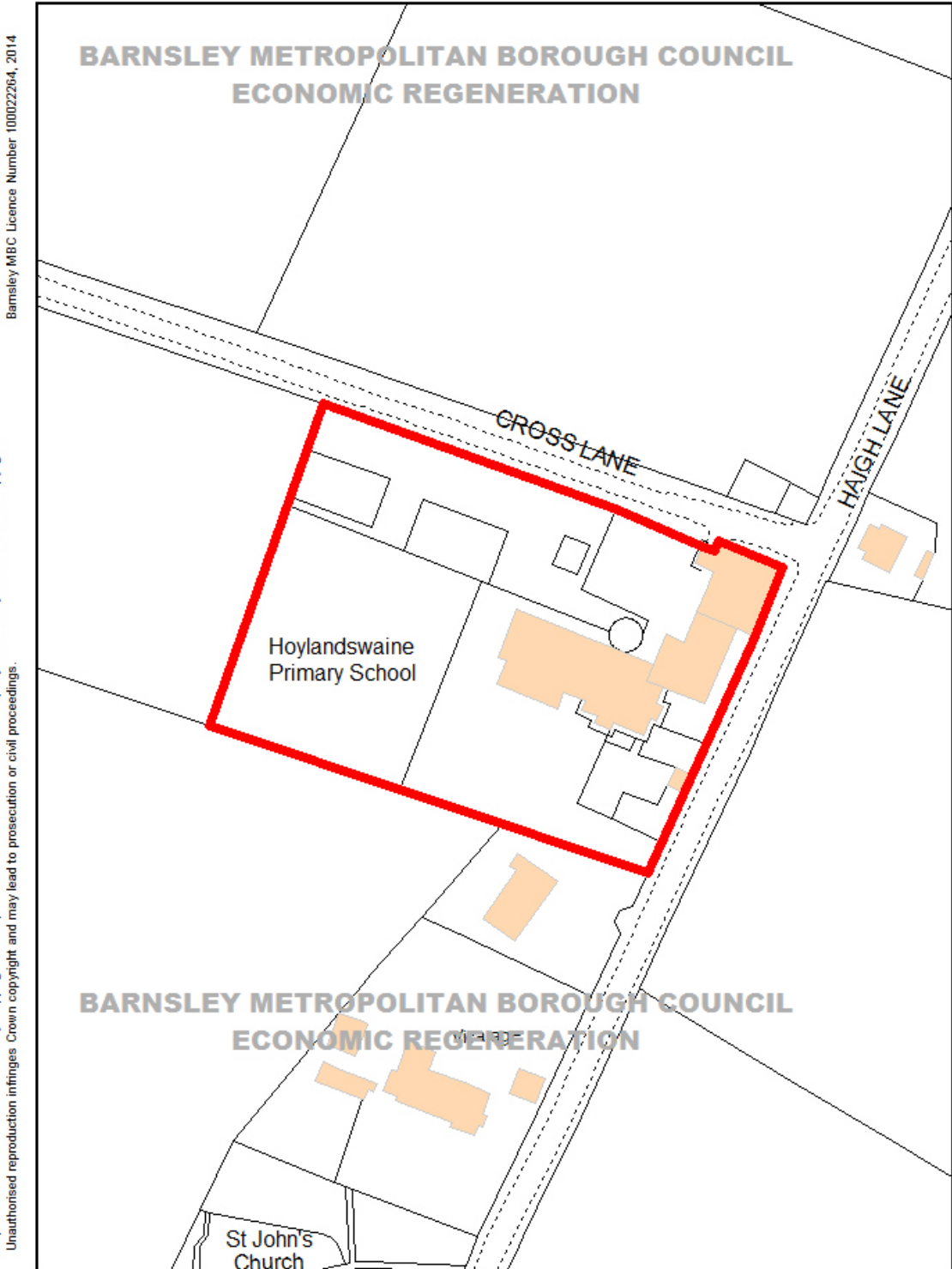
- 3 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - 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
 - 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, in accordance with Core Strategy Policies CSP 26 and CSP 40.

- 4 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 Core Strategy Policy CSP 40.
- 5 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interests of the proper drainage of the area in accordance with Core Strategy Policy CSP4 Flood Risk.
- 6 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 The vehicular access/egress to the site shall be widened to 5m prior to the development being brought into use and shall thereafter be retained as such.
Reason: To allow two way traffic flows, in the interests of road safety in accordance with CSP26.

PA reference :-

2016/0567



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
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Tel: 01226 772621



Scale 1:1250

Ref: 2016/0413

Applicant: Mr Richard Waterhouse

Description: Variation of condition 2 (approved plans) of app 2015/0421 (Erection of temporary mobile classroom to primary school for early learning and associated services connections) relocation of mobile classroom and erection of fencing.

Site Address: Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley, S70 3DT

No objections received.

Site Description

The application relates to Hunningley Primary School which is located to the East of Hunningley Lane between Stairfoot and Worsbrough. The site is triangular in shape with vehicular and pedestrian access, fields and a MUGA to the North West of the building and a playground and playing field within the 'tip' of the triangle to the South East. The school building is predominantly single storey and brick built with a mixture of pitched and flat roofs. There are a number of off shoots and additions to the original building which are generally laid out in a 'U' shape.

The surrounding area is predominantly residential with semi-detached properties off Lockleafash Crescent to the South West and a mixture of detached and semi-detached properties opposite Hunningley Lane to the North West. The main Sheffield to Leeds/Huddersfield train line runs along the Eastern boundary of the site with allotment gardens beyond. To the South East of the site is Ardsley Cemetery.

The school currently accommodates 333 pupils with 55 staff members, 388 people in total.

This application relates specifically to the green space to the West of the site and to the South of the access road. The site is mainly laid to grass and has a number of mature trees, shrubs and hedges to the Western and Southern boundaries. Hunningley Lane sits to the East, residential properties to the South, the School building to the East and a further green space beyond the access road to the North.

Proposed Development

The applicant seeks permission to relocate the previously approved mobile classroom, approved under application 2016/0413 by varying condition 2 of that application. The building measures 18.3m long and 7.36m wide with a height of 3.2m. The building would accommodate a 64.5m² nursery classroom, a 7.8m² small group room, a staff amenity area, store, cloakroom and WC. The proposed classroom would accommodate an additional total of 22 people including 20 pupils and 2 staff members. In terms of size and scale therefore, the building would be no bigger than that previously approved.

The main change is therefore the relocating of the classroom from the south-eastern area of the site, i.e. behind the school building, to the north-western part of the site, i.e. in front of the school building. The reason for the change is so that the nursery room can be totally separate from the main school given that it operates at different hours. It would also be convenient for drop off and pickups, given its location within close proximity to the access road and Hunningley Lane, with parents not having to go through the school or use the schools car park.

As part of the relocation the mobile classroom would sit on a new hardstanding pad with a newly created 10 space car park adjacent. A 1.2m high mesh fence is proposed to the North, East

and South immediately around the building to create a play area and protected pedestrian route and a new 3m high perimeter fence is proposed adjacent to the West and South West boundaries, adjacent to the tree belts.

2.4m high fencing is proposed to the north of the access road to create a separate pedestrian access for the school pupils.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

Core Strategy policy CSP 26 'New Development and Highway Improvement' states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

Core Strategy Policy CSP 29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is to be applied to new development and to the extension and conversion of existing buildings.

CSP 43 'Educational Facilities and Community Uses' – We will support the provision of schools, educational facilities and other community facilities.

SPDs/SPGs

SPD 'Parking' – sets out the parking requirements for all types of development.

NPPF

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

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Consultations

Highways DC – No objections

Drainage – No objections

Tree Officer – No objections subject to conditions

Representations

The application has been advertised by way of a site notice and properties which share a boundary to the site have been consulted in writing. No objections have been received as a result.

Assessment

Principle of development

The extension and alteration of an existing school building is acceptable in principle where residential and visual amenity is maintained and where adequate parking, turning and maneuvering facilities are provided. Furthermore, the nursery/classroom has been approved under application 2015/0421, albeit in a different position, so the principle of the mobile classroom on the site has already been established. This application will concentrate on the acceptability of the new location and access arrangements.

Residential Amenity

The building would be located to the West of the site and would be closer to residential properties than its current position. However, it would still be approximately 25m from the rear elevations of the neighbouring dwellings. Furthermore, it would be separated from the dwellings on both Lockeafash Crescent and Hunningley Lane by a mature tree/bush belt.

The floor area of the building is 126m² which is relatively small in comparison to the floor area of the school as a whole. There would be no increase in pupil numbers compared to the previous approval as the building is already on site and is simply being moved from one location on the school grounds to another. Furthermore, the building would only be utilized during sociable hours when the school operates and it is only to provide temporary accommodation while the school considers further extensions in the future.

As a result of the above comments, the proposal would not significantly increase noise and disturbance levels above and beyond those currently experienced. In addition, given the size of the unit and its separation distances to surrounding properties, it would not increase overshadowing or be an overbearing feature.

Visual Amenity

The building would be located to a more prominent location from behind the existing school buildings to a space to the front. However, there is a mature tree/shrub/hedge belt to the West and South of the proposed location which would significantly reduce views of the building from Hunningley Lane and public vantage points. The vegetation would also soften the appearance of the building as it would be viewed against it.

In any case, the unit is a modest addition of a simple design. As such, visual amenity would be maintained to a reasonable degree, in accordance with Core Strategy Policy CSP 29.

The proposed 1.2m fencing would be used to enclose the new car park area and create a play area to the North West of the repositioned unit. It would also create a separate pedestrian access to the building, separated from the school pedestrian access and vehicular access.

The 3m high fencing would also be a mesh design and would be positioned immediately adjacent to the tree belt. The fence would be softened by, and viewed against, the tree belt, which is a much greater height than the 3m height.

A 2.4m mesh fence is also proposed to the North of the vehicular access road which would create a separate pedestrian access for the pupils of the school, which would reduce the conflict between pedestrians and vehicles which currently exists.

The fencing would be a mesh/paladin design which allows light and views through and is less visually intrusive than some of the alternative fencing options. As such, it would not result in a visually intrusive addition or have a negative impact on the streetscene, in accordance with CSP 29.

Highway Safety

The proposed 10no. spaces more than comply with the SPD requirements for a classroom/nursery of this size and would provide adequate parking for both parent drop offs and full time staff members. Highways DC have been consulted on the application and have no objections to the proposal subject to the parking area being completed prior to the use commencing.

The proposed fencing to both sides of the existing vehicular access would provide 2no. Separate pedestrian walkways, 1no. for the pupils of the nursery and 1no. for the pupils of the school. By physically separating pedestrians from vehicles, highway safety would be improved compared to the existing situation.

Trees

A small number of the trees/hedges would need to be removed and some cut back to accommodate the perimeter fencing. The Tree Officer has been consulted on the application and has visited the site with the applicants to discuss the proposals. He is content with the level of work proposed and has no objections subject to conditions.

Summary

The relocated unit and associated boundary treatments would be respectful to their surroundings, in accordance with CSP 29, and would not be detrimental to the amenities of the neighbouring uses and residents. Highway safety would be maintained to a reasonable degree and adequate parking would be provided on site in accordance with SPD 'Parking'. As such, the application is recommended for approval.

Recommendation

Grant subject to conditions

- 1 The development hereby permitted shall be begun before 15/06/2018.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and condition 1 of application 2015/0421.

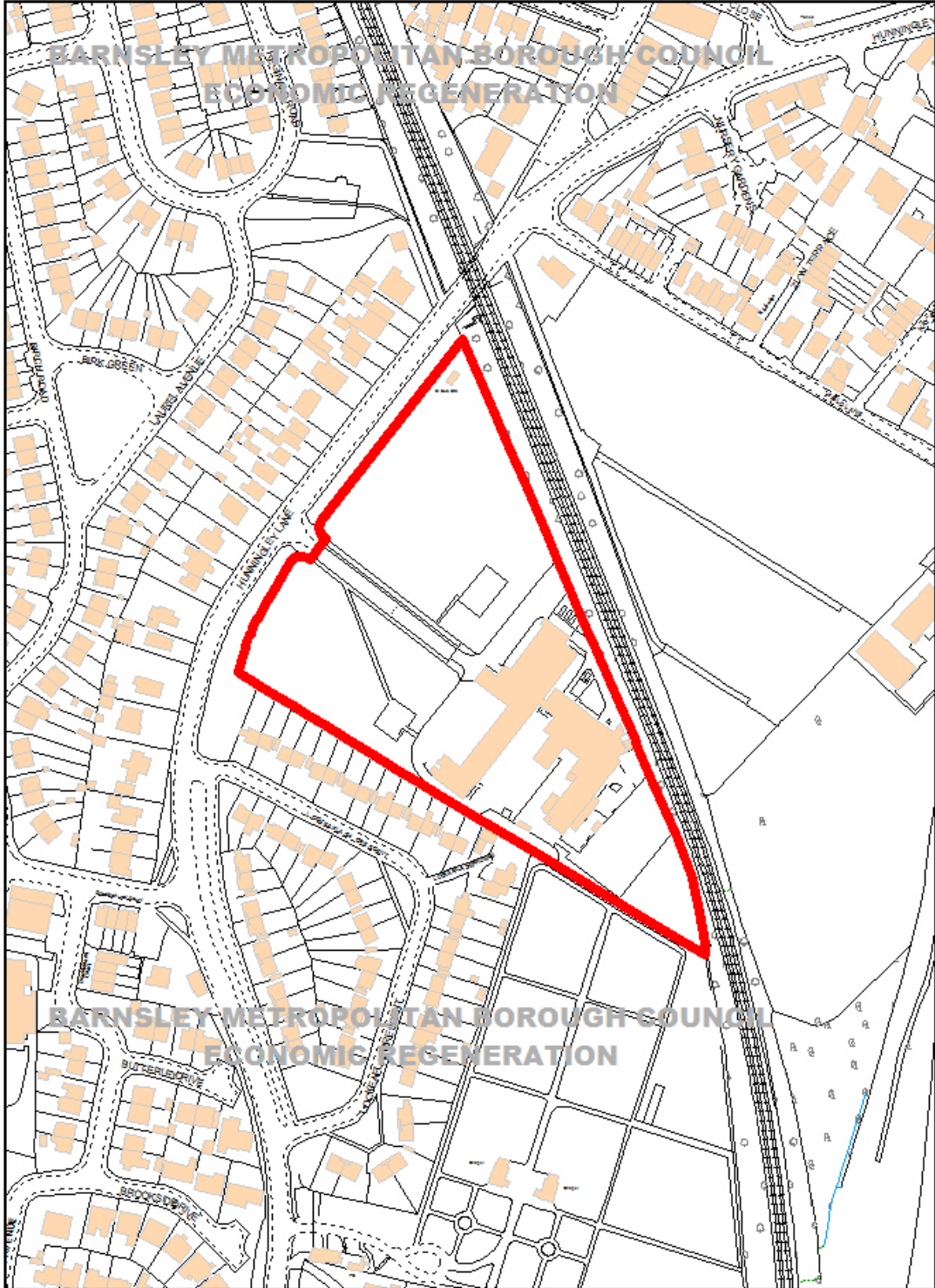
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (NosNPS-00-00-DR-A-(21)-012-P1 & NPS-DR-A-(00)-120-C1) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 4 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 UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.

PA reference :-

2016/0413

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BARNSELY MBC - Economic Regeneration

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Scale 1:2500

Ref: 2016/0479

Applicant: Mr Andie Nixon (BMBC)

Description: Crown lift to 5m and remove epicormic growth from 5 Sycamore trees T5, T6, T7, T8 and T11 and Lime tree T9 within TPO 32/2008.

Site Address: Barnsley Cemetery, Cemetery Road, Barnsley, S70 1XL

Description

The trees in question are Council owned trees located within the cemetery off Cemetery Road. The trees are located along the rear boundaries of properties 16-22 (even) and 27 – 31 (odd) Calabria Grove.

Proposed Development

The applicant seeks permission to crown lift to 5m and removal of epicormic growth from 5no Sycamore trees, T5, T6, T7, T8 and 1no Lime tree T9 within TPO 32/2008

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – approve subject to conditions

Representations

Neighbour notification letters were sent to surrounding residents, no comments have been received.

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The trees are all large prominent specimens with high amenity value located within Barnsley Cemetery, to the rear of properties located on Calabria Grove

The works proposed are to remove the epicormic growth from the base of the trees and to crown lift to a height of 5m to give clearance over the gardens of neighbouring dwellings.

The works proposed are acceptable and should prevent issues for the adjoining property owners, in ensuring that the canopies adequately clear the garden of these properties and that the basal growth does not push on or through boundary fences.

There is no objection to this proposal as the works are appropriate and in line with current best practice.

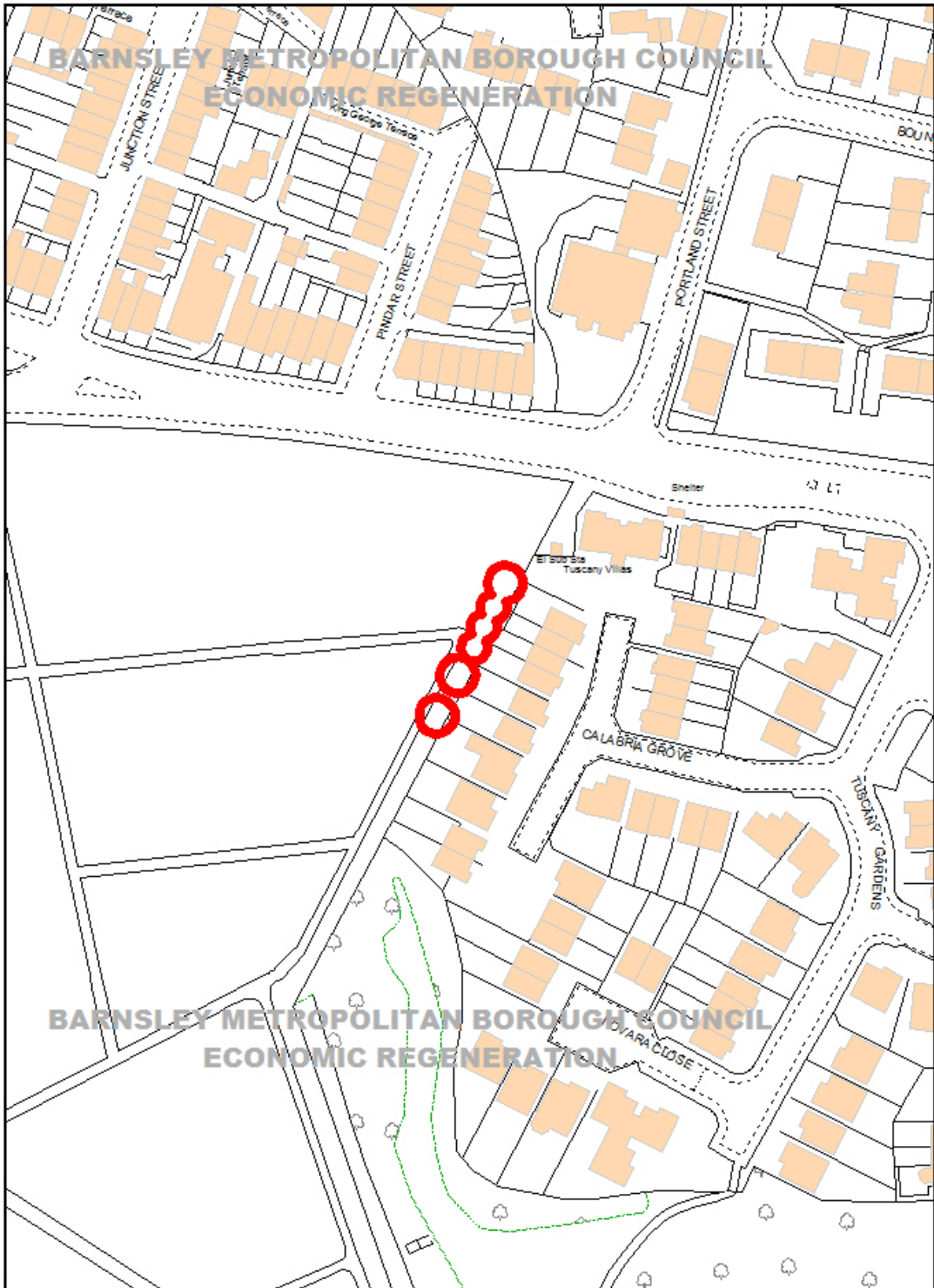
Recommendation

Approve with conditions

1. The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be **inspected and approved by the Local Planning Authority**.
2. Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.

PA reference :-

2016/0479



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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

Ref: 2016/0541

Applicant: Mr Andie Nixon (BMBC)

Description: Crown removal to 100% to reduce future hazards of T4 Sycamore within TPO 8/1974.

Site Address: Playing Field Perimeter/Public Open Space, Dodworth, Barnsley

Description

The tree in question is situated to the rear of 44 and 46 Bowden Grove, along the eastern boundary of the Playing Field located on the Keresforth Road/High Street Dodworth, opposite the junction with Strafford Avenue.

Proposed Development

The applicant seeks permission to remove 100% of the crown of Sycamore tree T4 within TPO 8/1974 and to retain the stem as a habitat pole for birds and insects.

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – approve subject to conditions

Representations

Neighbour notification letters were sent to surrounding residents, no comments have been received.

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The Sycamore tree is a large mature specimen located in a prominent position adjacent to the boundary of the playing field. A site visit was undertaken by the Tree Officer and it was noted that the tree has extensive decay throughout which is visible at various points on the stem.

It is proposed to remove the crown of the tree and therefore the weight from the stem lessening the risk of the tree, and to retain the stem of the tree as a habitat pole for birds and insects. Given that the tree would otherwise have to be fully removed due to the level of decay and risk of failure, and that there is little room to establish a new specimen, this proposal seems reasonable and acceptable.

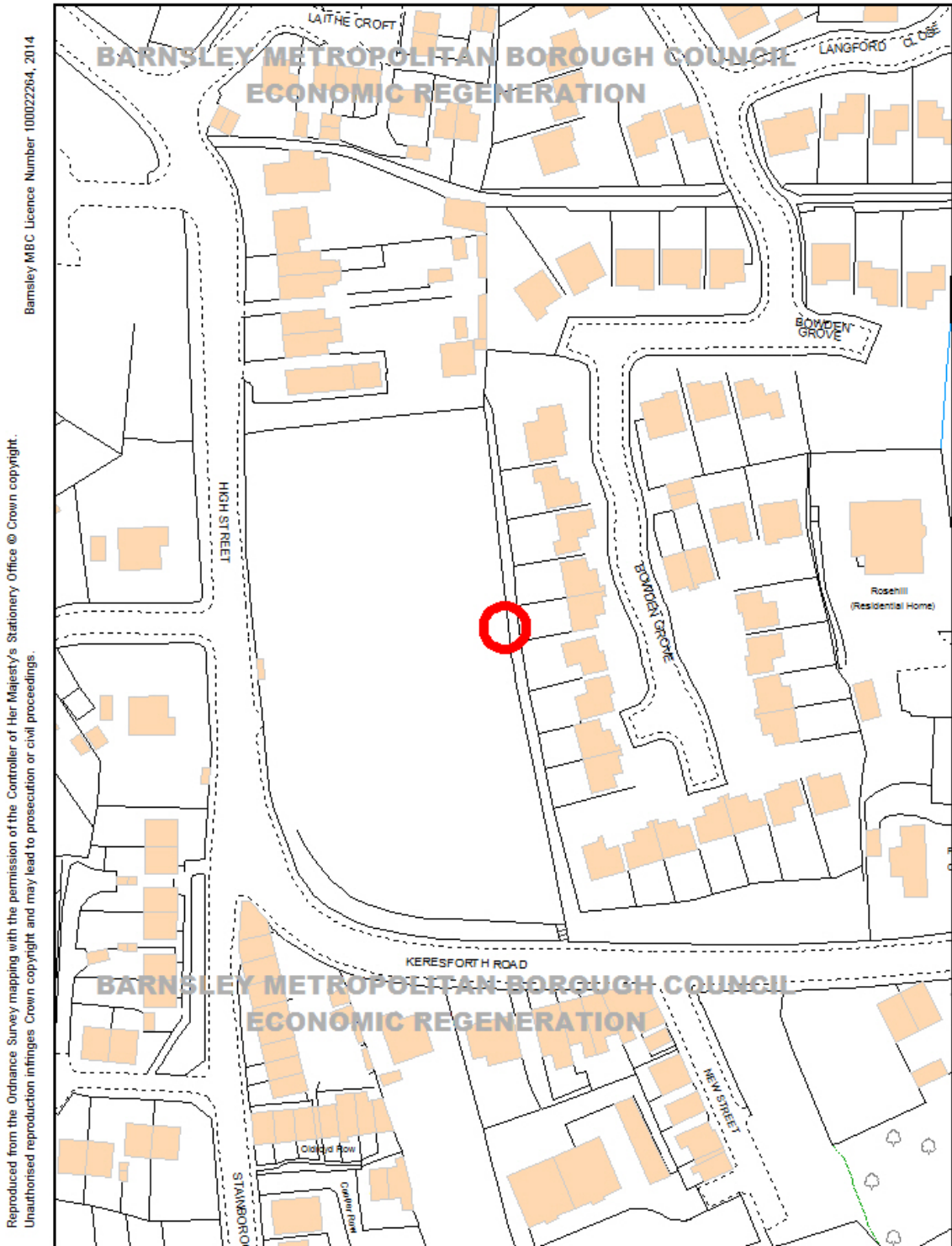
Recommendation

Approve with conditions

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.

PA reference :-

2016/0541



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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 May 2016 to 31 May 2016

APPEALS RECEIVED

1 appeals was received in May 2016:

| <u>Reference</u> | <u>Details</u> | <u>Method of Appeal</u> | <u>Committee/ Delegated</u> |
|-------------------------|---|--------------------------------|------------------------------------|
| 2016/0286 | Outline application including details of access and layout for the development of 4 dwelling houses - 2 no. detached houses & 2no. semi-detached houses (re-submission) at 55 Woodstock Road, Barnsley, S75 1DX | Written representation | Delegated |

APPEALS WITHDRAWN

No appeals were withdrawn in May 2016.

APPEALS DECIDED

2 appeals were decided in May 2016:

| <u>Reference</u> | <u>Details</u> | <u>Method of Appeal</u> | <u>Committee/ Delegated</u> | <u>Decision</u> |
|-------------------------|---|--------------------------------|------------------------------------|------------------------|
| 2015/0199 | Erection of 5 no. dwellings including demolition of existing property at 315 Dodworth Road, Barnsley, S70 6PN | Written representation | Delegated | Dismissed |
| 2015/0768 | Demolition of existing agricultural building and erection of agricultural workers dwelling at Hill Top Farm, Eastfield Lane, Hood Green, Sheffield, S35 7AY | Hearing | Delegated | Dismissed |

2016/2017 Cumulative Appeal Totals

- 3 appeals have been decided since 01 April 2016
- 3 appeals (100%) have been dismissed since 01 April 2016
- 0 appeals (0%) have been allowed since 01 April 2016