
2017/0206

Applicant: Blackstone Developments C/o Townsend Planning Consultants

Description: Variation of condition 13 of outline planning permission 2016/0288 - landscape strategy for a link through the site from Sandygate Lane to the TPT, buffer to north and west of site to provide secure boundary to TPT relating to proposed residential development

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

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.

Planning History

2016/0288 Outline application for residential development was granted under on 29/06/16.

Proposed Development

This application seeks permission to vary Condition 13 of the existing outline planning permission granted under 2016/0288. Condition 13 states:

“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”

This application proposes to vary the condition. The reasons given are that there are significant level differences between the TPT and Sandygate Lane and there is already an existing footpath just off site which links Sandygate Lane with the TPT, which is under the ownership of the Council. The applicant is therefore proposing to provide an upgrade to the existing footpath rather than provide an additional link. To secure these improvements to the footpath the applicant is proposing to enter into a S106 Legal agreement and is also seeking to vary Condition 13 to the following:

“A landscape strategy shall accompany the reserved matters submission. It shall identify 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.”

Policy Context

The principle of the permission has already been established and policy context relating to the principle of the development does not need to be reconsidered as part of this application.

The policy relating to the provision/improvement of a link to the TPT is CSP 29 Design - High quality development will be expected that respects, takes advantage of and enhances the distinctive features of Barnsley.

Development should

- contribute to place making and be of a high quality that contributes to a high quality safe and sustainable environment,
- enable all people to gain access safely and conveniently, providing in particular, for the needs of families and children, and disable people and older people

CSP42 Infrastructure and Planning Obligations – Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

Consultations

Forestry Officer - No objections raised.

Highways DC – The footpath does not form part of the adopted highway network and therefore there are no comments on the variation of condition.

Public Rights of Way - The applicant has been provided with a specification for a standard 3m wide combined footway/cycleway to adoptable standards

Ward Councillors - No comments received

Representations

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

Two letters of support have been received. One supporter uses the existing path for cycling and is keen to see improvements to it for linking to the TPT, allowing people to feel safe whilst exploring local nature. The other letter appears to support the principle of developing the site rather than the variation of the condition which is the subject of this application.

Assessment

Principle of Development

The principle of residential development was granted on this site with the outline planning permission. This application deals only with the proposed variation of condition 13 of that permission, it does not revisit the principle of development on the site.

Public Rights of Way

The Public Rights of Way Officer is satisfied with the applicant's proposal to undertake to improve the footpath which lies just outside the site which already links Sandygate Lane to the Trans Pennine Trail, rather than making a new link through the site. Providing this is done to adoptable standards by using the specification provided to the applicant for a 3m wide combined footpath/cycleway, this is an acceptable compromise.

Residential Amenity

The upgrading of the existing footpath just outside the site would not have any effect on residential amenity as there are no dwellings in the vicinity. However, it would need to be taken into account during the design of the layout at reserved matters stage to ensure that dwellings and gardens are appropriately screened from the footpath that boundaries are secure and that users of the footpath do not affect the amenity of future residents

Design and Visual Amenity

The effect of upgrading this footpath just outside the site would need to be taken into account during the design of the layout at reserved matters stage to ensure that dwellings and gardens are appropriately screened from the footpath, that boundaries are secure, and that users of the footpath do not affect the amenity of residents.

Highway Safety

The footpath does not currently form part of the adopted highway network. However, any improvement work would be required to be undertaken to adoptable standards and the Public Rights of Way Section have provided the specifications that would need to be worked to.

Ecology

There are no ecology issues relating to this proposal as the only impact is on the existing footpath. With regards to the residential development, a condition requiring a landscaping scheme is required with reserved matters application.

Drainage

Providing the path is improved to adoptable standards there will be no drainage issues as a result of this proposed variation of condition.

Conclusion

The improvement of an existing footpath/cyclepath linking Sandygate Lane to the Trans Pennine Trail which lies immediately outside the site to adoptable standards is acceptable to the Public Rights of Way Officer. The applicant is agreeable to entering into a S106 Legal agreement to secure this improvement. There are therefore no objections to the rewording of the condition to that proposed.

Recommendation

Approve subject to variation of condition 13 and subject to a S106 Agreement to upgrade the existing footpath to adoptable standards.

- 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 prior to completion of the development in accordance with 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.

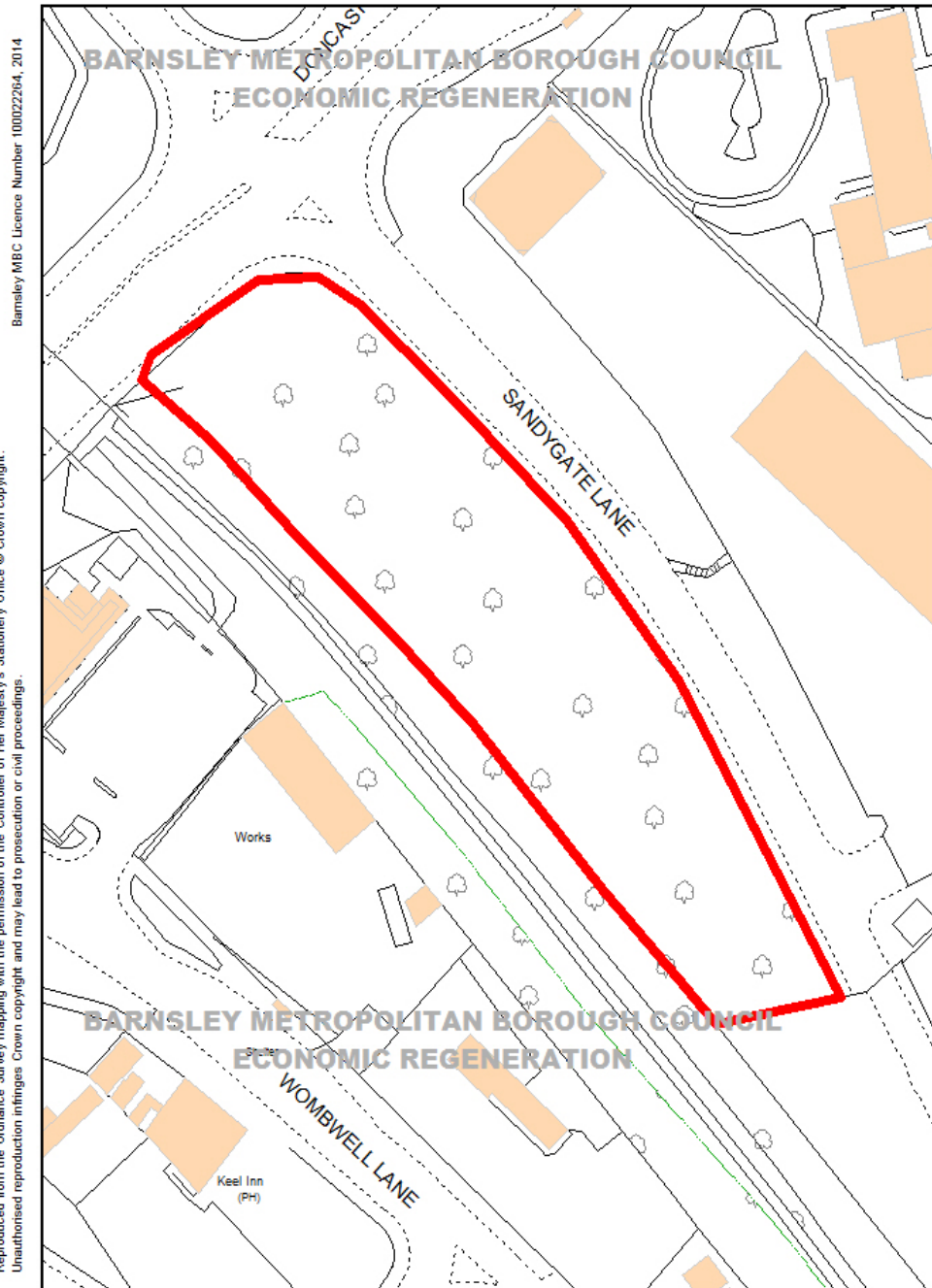
Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40.

- 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
 - 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.**
- 13 A landscape strategy shall accompany the reserved matters submission. It shall identify 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
- Reason: In the interests improving opportunities for recreation and tourism and in the interests of Design, in accordance with CSP 33 Green Infrastructure, and CSP 29 Design.**
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
- Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**


PA reference :-

2017/0206



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