

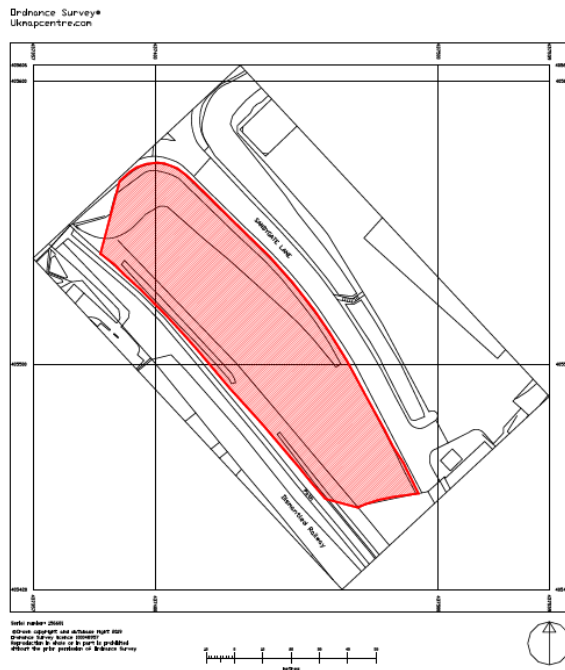


RESIDENTIAL S72

Justification Appraisal to support the Variation of Condition Application to approval number 2018/040 – ‘Residential development of 27 dwellings (reserved matters of outline permission 2018/0029 (as approved by appeal APP/R4408W/18/3213202), seeking approval over access, appearance, landscaping, layout and scale (Changed description/Additional Info/Amended Plans)’

To land at Sandygate Lane, Stairfoot, Barnsley, S71 5AW

On behalf of Blackstone Developments



CLIENT DETAILS	PROJECT	TITLE	REV	DESCRIPTION	DATE
BLACKSTONE DEVELOPMENTS	LAND OFF SANDYGATE LANE STAIRFOOT BARNSELY	LOCATION PLAN			
HUNNINGLEY LA. STAIRFOOT BARNSELY	REFERENCE 19-01-023-01	SCALE DATE	1:1250 @ A3 NOV. 2019		
					Residential S72 Ltd, 9 Malham Close, Shafton Barnsley, S72 6PE T 01226 717079 M 07920 724305

Site Planning & Development History

The site, located at Sandygate Lane, Stairfoot, has a varied planning history dating back to the granting of the first outline planning permission, reference 2016/0288

A further outline planning permission, reference 2018/0029, as approved by appeal APP/R4408W/18/3213202, was granted on the 13th March 2019.

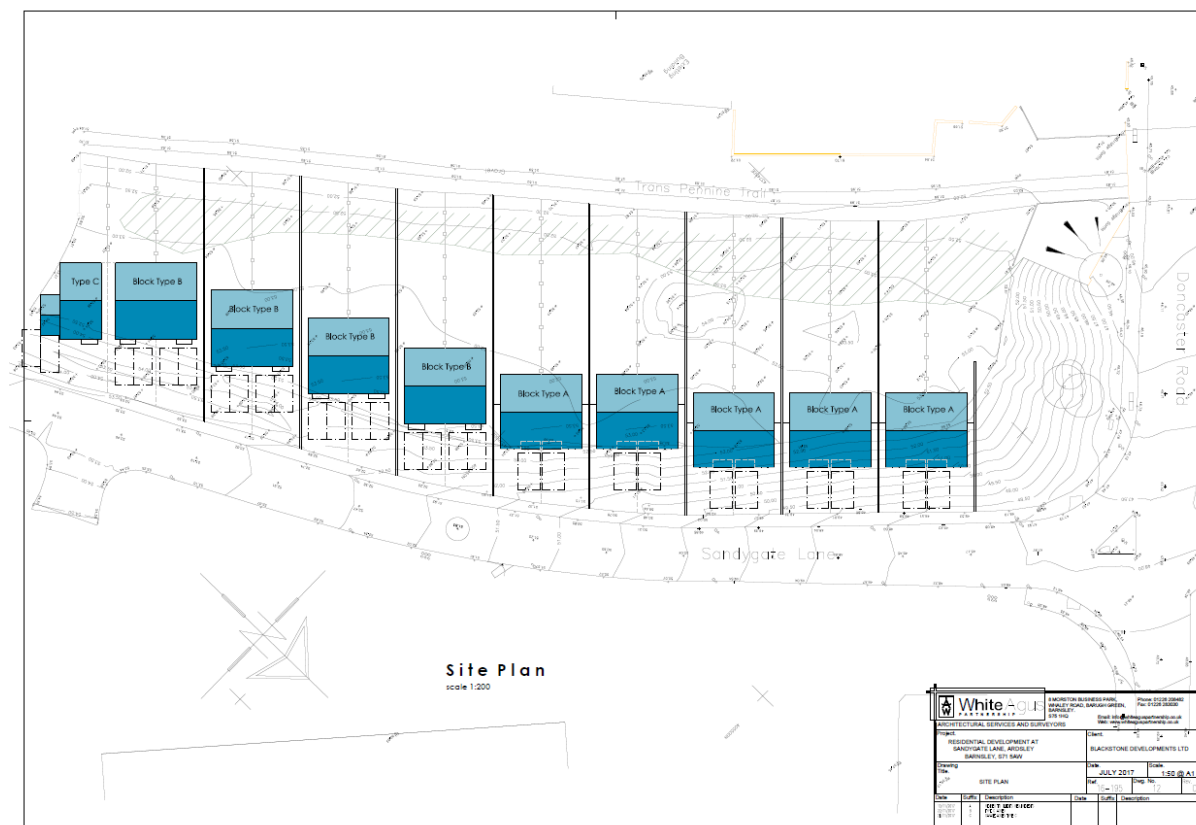
Over the eighteen months, there followed a series of meetings and discussions with Barnsley MBC planning officers around the final layout and form of development that successfully considered and addressed the constraints around this site.

The most contentious of these was the unacceptable noise source presented by the operation of a small scrapyards by Stairfoot Metals.

The issue related to the level of noise that would be experienced in the rear gardens of the properties backing onto this nuisance.

The noise levels experienced inside the dwellings could easily be mitigated through the use of constructional tools such as acoustic glazing, acoustic vents and mechanical ventilation systems.

The original site layout, presented a complete frontage to Sandygate Lane and is shown below



The frequency range of the impact noise from the scrapyards negated the effectiveness of any noise mitigation measures that would normally have been used on similar residential developments.

It was considered that a more effective way of mitigating the noise source would be to use the mass of the dwellings to act as a noise barrier to the garden areas of the proposed dwellings.

A layout, for 27No dwellings, was introduced that considered this by turning a block of dwellings perpendicular to Sandygate Lane, as well as proposing a three storey block of apartments overlooking the Trans Pennine Trail to the rear of the site whilst offering protection to communal garden areas located between the apartments and Sandygate Lane.

This layout is shown here for reference:



The form of development discussed above can clearly be identified.

To support this proposal a Noise Impact Assessment of these proposals was prepared by Environmental Noise Solutions, report No. NIA/8529/19/8485/v5/Stairfoot, which concluded that the noise levels now likely to be experienced within the garden areas of the new dwellings was at an acceptable level and within BMBC guidelines.

A meeting was held in Autumn 2019 with senior officers of BMBC Planning, to discuss the new proposals. It was agreed at that meeting that, whilst a development that fronted out onto Sandygate Lane was the preferable option in urban design and placemaking terms, the tabled layout would address the previous concerns raised by officers.

It was further agreed that, should the constraints around this development change, BMBC would not be opposed to receiving revised proposals for this development to front out onto Sandygate Lane for *the full length of the site*.

A full suite of revised information was submitted to BMBC shortly afterwards and the site now benefits from planning permission for 27No dwellings under planning permission reference 2018/1040, dated 21st April 2020.

On the 27th July 2020, Barnsley MBC served an enforcement notice on Stairfoot Metals, for breach of planning permission.

This breach of planning control, under Section 171A(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning And Enforcement Act 1991) alleged –

‘Without planning permission, the material change of use of land to a scrap metal storage and processing facility (Sui Generis).’

The reason for issuing the notice was stated as

'The site has recently commenced operations as a scrap metal storage and processing facility (Sui Generis). The land was previously operating as a garden centre/builders merchants which in turn followed a period when the site was left vacant.'

The site was effectively 'abandoned', in planning terms, so the operation of the scrapyards was without benefit of a planning approval.

The enforcement notice also considered the impact on highway safety in the vicinity of the entrance to the scrapyards.

The requirements the notice placed upon Stairfoot Metals were:

1. *Cease the use of the site as a scrap metal storage and processing facility.*
2. *Ensure all stored scrap metal, including skips, equipment and waste containers are removed from the site including any associated signage relating to the operation.*

Stairfoot Metals had a period of five months to comply with the notice.

They also had an option to appeal the notice in the usual way.

An appeal was submitted and duly considered The Planning Inspectorate.

Mr J. Whitfield BA(hons) DipTP MRTPI was the appointed inspector and a site visit was carried out on the 10th June 2021.

Following the site visit and due consideration of the facts as presented, Mr Whitfield's decision was issued on the 1st October 2021.

The appeal was dismissed and the enforcement notice upheld.

In summary, Stairfoot metals no longer operate from this location and the previously restrictive intrusive noise constraint on this development has been removed.

Revised Proposals & Considerations

With the removal of this constraint, we can now present our amended scheme proposals for consideration by BMBC Planning Officers and Members.

To this end we are applying to vary condition 1 of the aforementioned approval under Section 73 of the Town and Country Planning Act.

We are now proposing a 'frontage' layout (as the previously agreed preferred form of development) that will create a much-improved street scene, together with a reduction in overall numbers from 27 down to 18.

A representation of the new proposal is illustrated below:



This proposal will provide further benefits in terms of appearance, density and private amenity space.

The new form of dwelling, i.e. dormer bungalows, will also improve the scale and massing of the street scene over the previously approved three storey dwellings.

A full suite of information will be submitted by Messrs. White Agus, in support of these new proposals.

Summary

As we have shown, the main constraint on this site, and driving force behind the currently approved details, has now been successfully removed by Barnsley MBC and the Planning Inspectorate, leaving the way open to the submission of an improved and preferable proposal for this site.

We therefore urge Members and Planning Officers to fully support these new proposals contained herein.