OLIGRA

TOWN PLANNING SERVICES

# Proposed residential development at Common Road, Brierley, Barnsley, South Yorkshire





## Planning Statement

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Report ref: 10.29 PS
July 2010

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**Oligra Town Planning**

# Land at Common Road, Brierley


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# Land at Common Road, Brierley

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# Land at Common Road, Brierley

**Executive Summary**

- We are seeking planning consent to develop five dwellings at land off Common Road, Brierley.
- The local planning authority would prefer one dwelling to be proposed for the site which, at around 0.23 ha and in line with PPS3 guidance, could accommodate seven dwellings.
- The site is a former quarry and is therefore defined previously developed land.
- The site is populated by self-seeded apple and pear trees that are subject to a blanket TPO and is now designated urban green space in the local plan.
- The site is located within the Brierley Conservation Area.
- The site is fly-tipped with commercial and domestic refuse and shows evidence of people having squatted there.
- The proposed development will require the re-alignment of a section of stone wall on Common Road.
- The local planning authority acknowledges that they have "diluted" the Brierley Conservation Area by recently approved residential development within the Conservation Area.
- The local planning authority has granted planning permission on defined urban green space covered by a blanket TPO that cuts a new access through the stone wall on Common Road.

# Land at Common Road, Brierley

## SECTION 1

## INTRODUCTION



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

## SECTION 1

## INTRODUCTION

1.1 Oligra Town Planning has been engaged to submit a detailed planning application for five dwellings at Land off Common Road Brierley.

1.2 The planning application has been subject to extensive pre-application consultation and joint site visits with members of the local planning authority.

### Report Structure

1.3 The report is set out in eight sections. At Section 2 we describe the subject site, its former and current uses and any planning designations. We also describe its surroundings for context. At Section 3 we describe the proposed development followed by, at Section 4, a description of the pre-application consultations with the local planning authority that informed the proposed development.

1.4 Section 5 sets out the statutory development plan, which following on from the Government's recent direction to abolish regional spatial strategies, now comprises only the Barnsley Unitary Development Plan 2000.

1.5 At Section 6 we set out a range of material considerations including supplementary planning guidance, the latest Annual Monitoring Report 2008-09, national planning guidance and a range of precedent including approved and implemented residential development within Brierley Conservation Area and along Common Road. We also describe planning appeal precedent across the country for developments similar in character to that proposed.

1.6 At Section 7 we assess the foregoing before offering general conclusions at Section 8. Appendices are set out at Section 9.

1.7 Please note that all photographs and technical drawings have been photo-reduced and their dimensions adjusted for illustrative purposes. Some visual distortion may have occurred.

End of Section 1

# Land at Common Road, Brierley

## SECTION 2

## SITE AND SURROUNDINGS



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

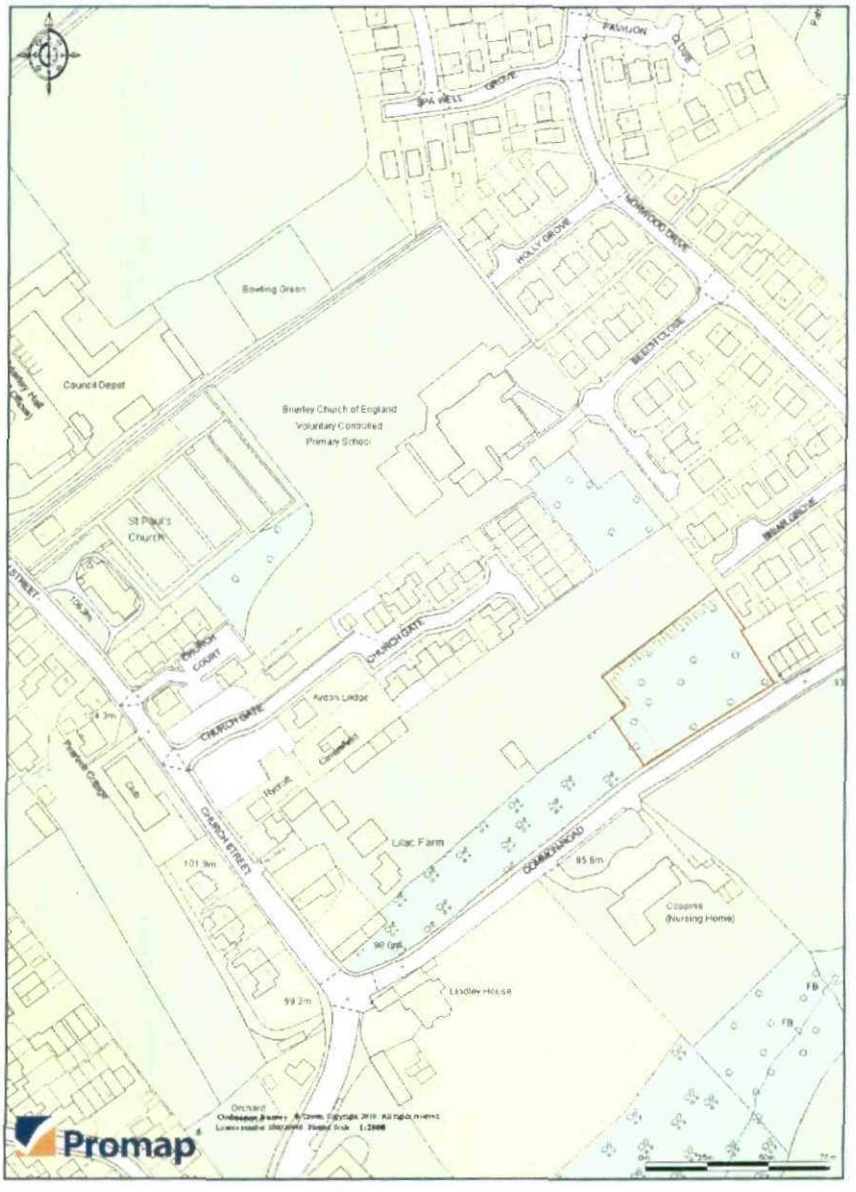
**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

## SECTION 2

## SITE AND SURROUNDINGS

2.1 The site is approximately 0.23 hectares in area. It is shown below edged in red (Please see Appendix 9.2)



# Land at Common Road, Brierley

2.2 The site is located on the northern side of Common Road, which extends southwards from the outskirts of Brierley; a small settlement in Barnsley Borough.

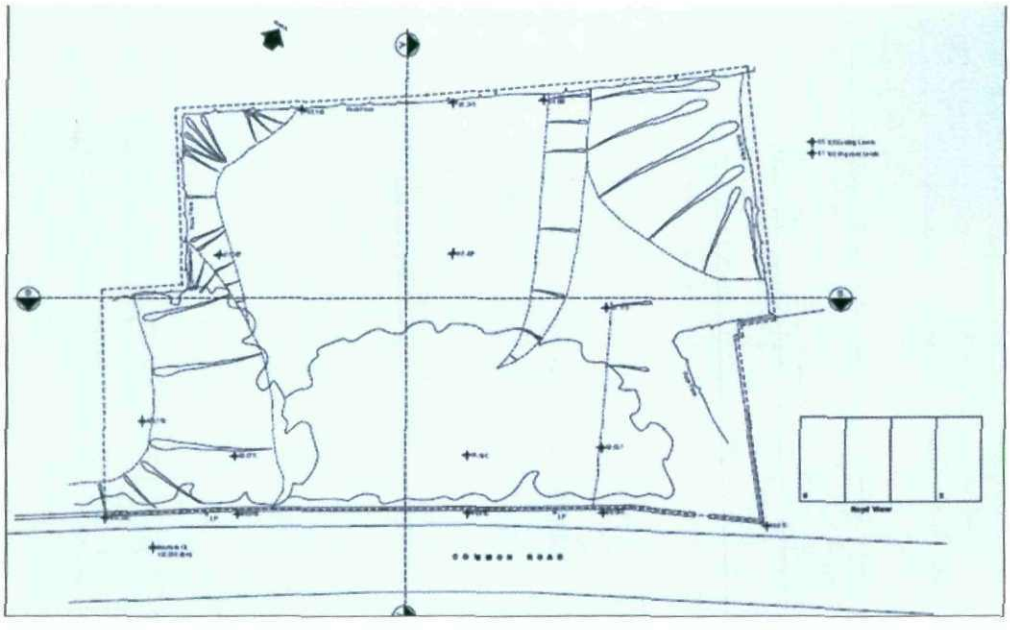
2.3 Brierley is a sustainable settlement offering local goods and services to the resident community. It is centrally located between Barnsley, Doncaster, Pontefract and Wakefield, standing approximately seven miles from each. (Please see Appendix 9.1)

2.4 Common Road is the main road linking Brierley with nearby Grimethorpe to the south; both communities being historically linked with their associations with the coal mining industry.

2.5 We show Common Road below looking east towards its junction with Church Street, which is the main street giving access to local goods and services. The subject site is located beyond and adjacent to the terraced houses seen in the left mid-ground.



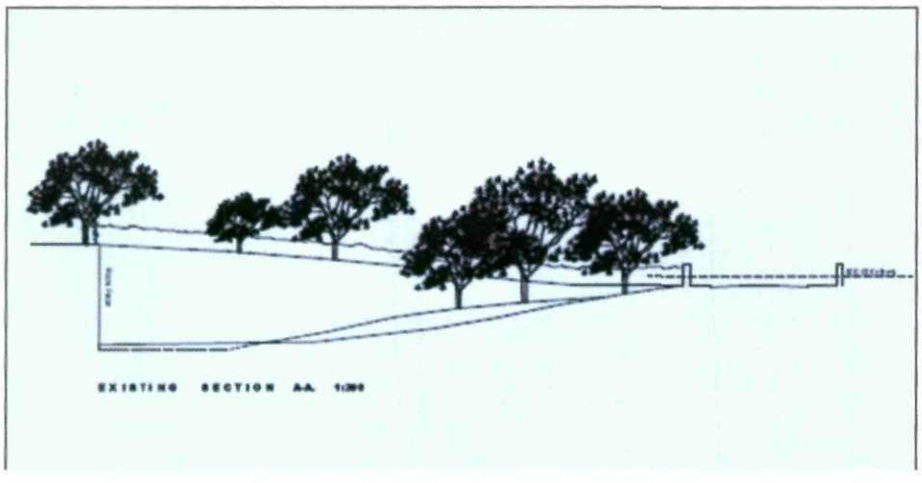
2.6 The site itself was originally quarried for building materials. We below show the site plan. The terraced houses on Common Road shown at the photograph at paragraph 2.5 can be seen to the lower right-hand side.



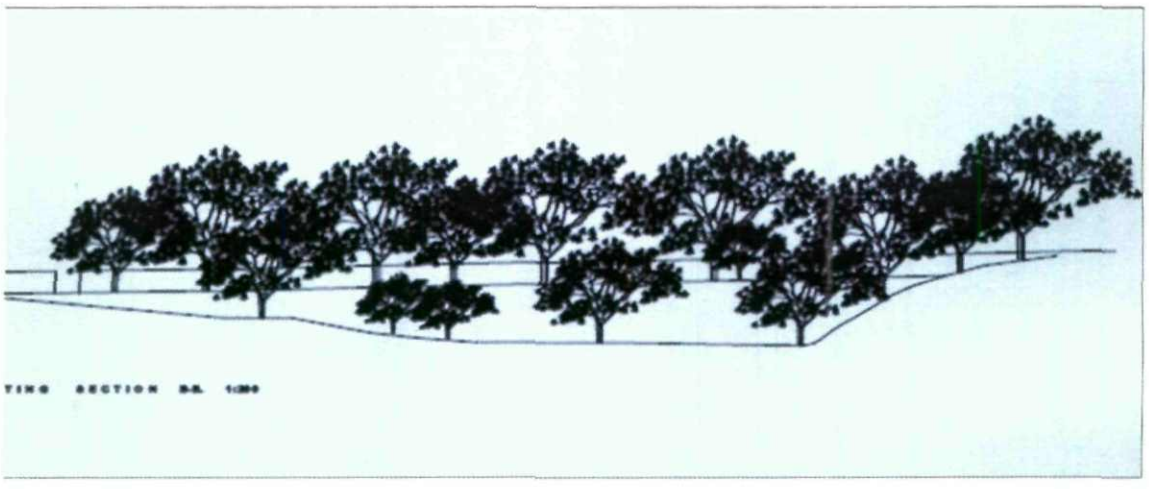
2.7 The quarry workings have resulted in two distinct levels to the site. The site's higher level fronts Common Road. The site drops down to a lower level towards the rear to the quarry face. The quarry face is approximately fifteen metres high. The top of the quarry face is fringed with mature trees that add greatly to the sense of place.

2.8 The quarry was subsequently planted with apple and pear trees. Over the ensuing years these fruit trees have self-seeded within the site. These are indicated on the following cross sections (which are indicated on the site plan, above).

2.9 The first cross section looks along the site to the east. The quarry face is seen to the left hand side. Note how the floor level rises towards Common Road to the right-hand side.



2.10 The second cross section looks into the site from Common Road. Note the quarry face in the rear mid-ground.



2.11 Today the site is unkempt and overgrown. It is the location of habitual fly-tipping; both commercial and domestic. The following photographs illustrate the degraded nature of the site.

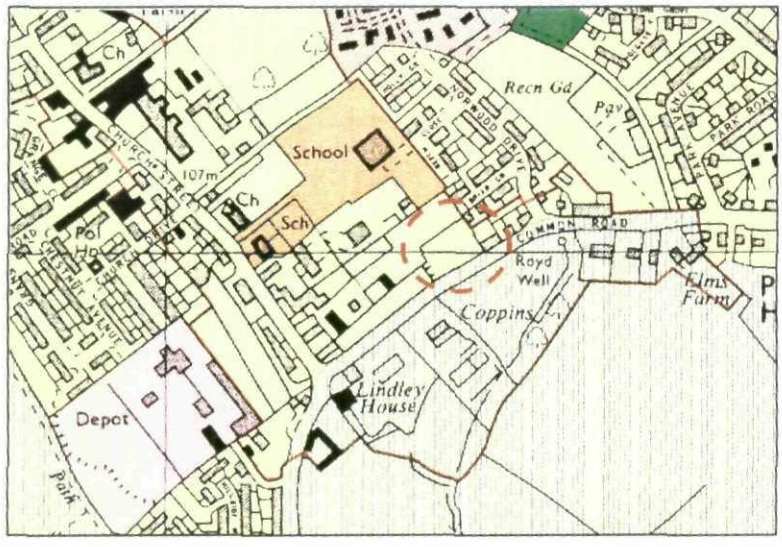


2.11 The following photograph shows a brick built recess that extends into the bedrock on the eastern boundary. This was probably built to serve the original quarrying operation. Today it bears evidence of someone having squatted there.



## Planning Designations

2.12 Central Brierley is the subject of a Conservation Area which is shown edged in red below. This Conservation Area includes Common Road and the subject site, which is shown ringed in red.




2.13 The site falls within a wider area along the northern side of Common Road that is designated in the Local Plan as Policy GS34: Urban Greenspace.

2.14 The self-seeded fruit trees within the site are subject to a blanket TPO

End of Section 2

# Land at Common Road, Brierley

## SECTION 3

## PROPOSED DEVELOPMENT



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

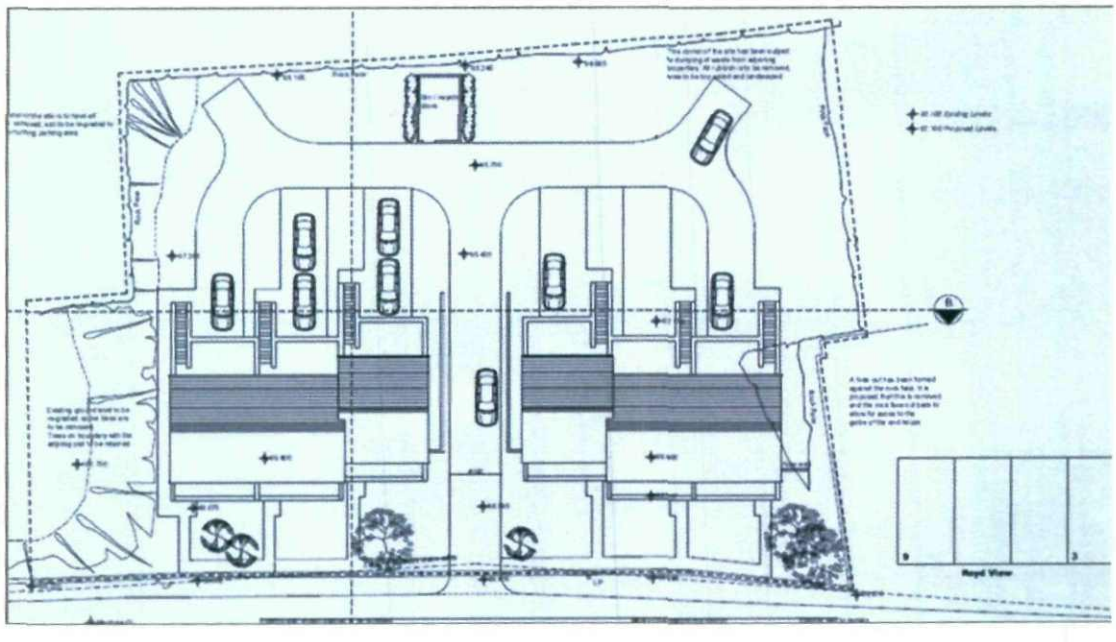
**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

(Appendix 9.3.4)

## SECTION 3

## PROPOSED DEVELOPMENT

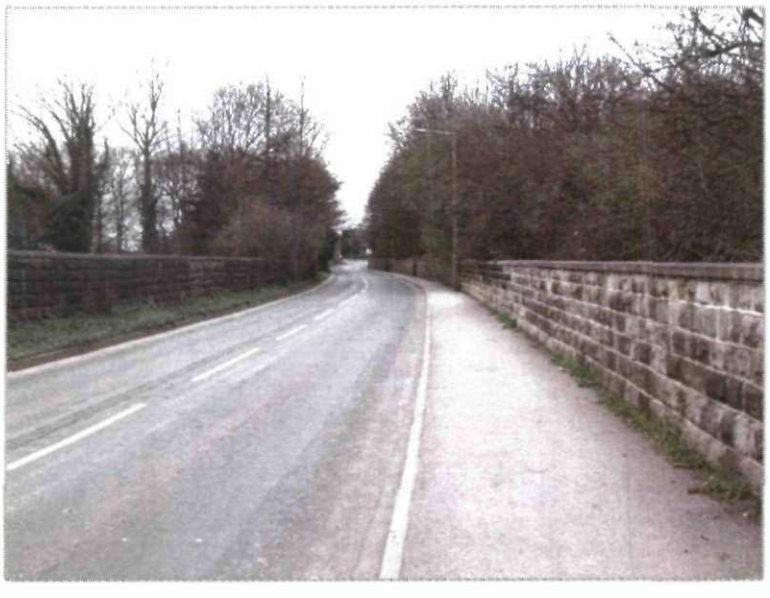
3.1 The proposed development is for six dwellings. We show below the proposed block plan. Note their relationship to the building line established by the existing terraced houses to the east (shown below right).



**Site Access**

3.2 There is an existing means of access into the site off Common Road through the stone boundary shown below. It is proposed to seal this in favour of a newer more centrally placed access. The stones removed to create the new opening will be used to seal the older existing access. This will not detract from the amenity value offered by the stone wall to its setting in the Brierley Conservation Area.

3.3 Sight lines are adequate in each direction:



### Density

3.4 The scheme is lower in density than those recommended by PPs3. At 30 dwellings per hectare, theoretically the site can accommodate seven dwellings.

3.5 With only six dwellings the proposed density is therefore approximately only 85% of site capacity.

3.6 The 15% area not given over to built development will contribute additional soft landscape features and so further enhance the scheme's inherently pleasant setting.

### Massing

3.7 The scale and massing of the proposed dwellings is redolent of the older traditional Brierley buildings that are set out at Appendix 9.4

### Siting

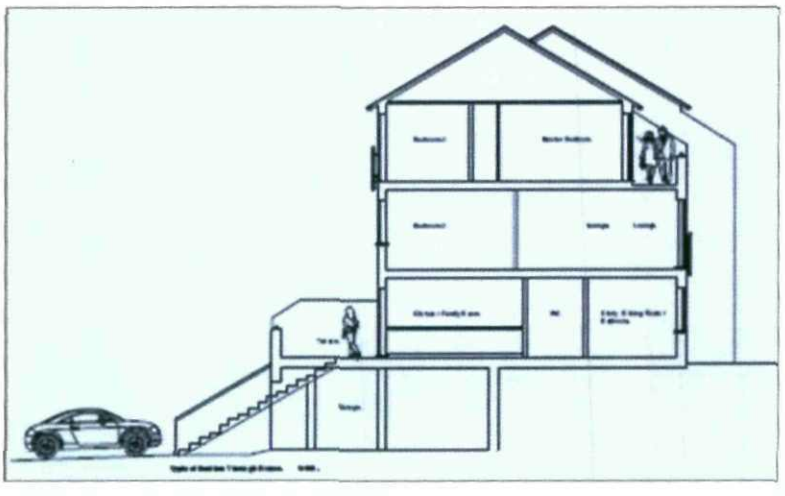
3.8 The siting of the proposed scheme is intended to overcome the reduced levels of natural light in the lower lying area near the quarry face. By bringing the proposed housing to the front of the site we would remove this concern and would also safeguard specific trees in the lower reaches.

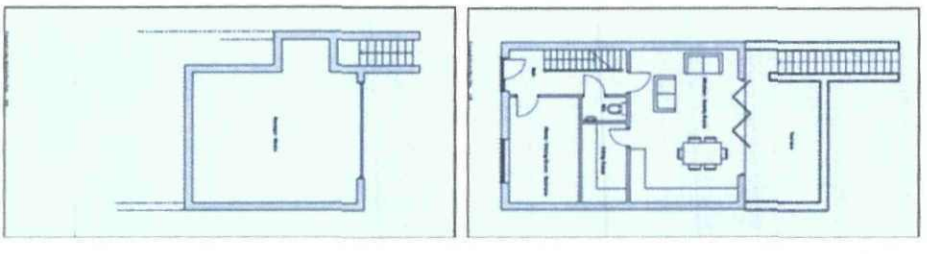
3.9 The proposed siting is intended also to reflect and respect the existing building line at this section of Common Road, which we show below.

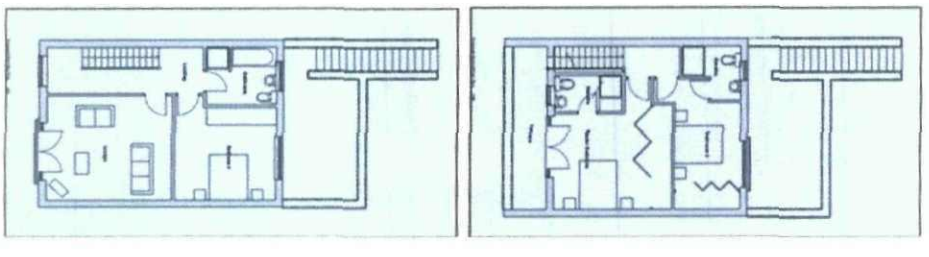


## Design

3.10 The three storey building indicated is designed to maximise the site's unique ambience.



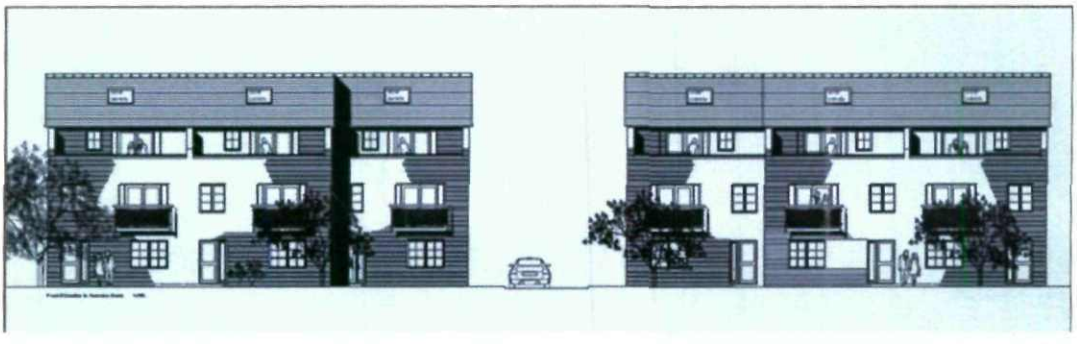




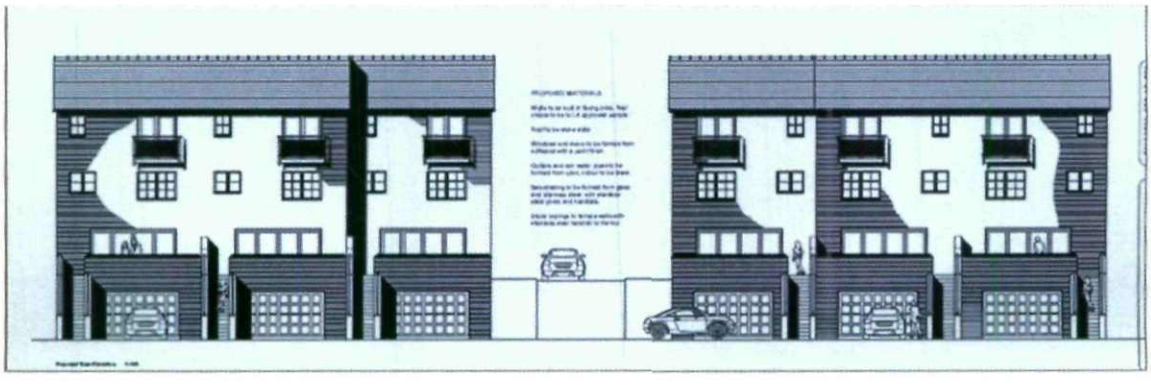
3.11 At the rear ground-floor, the houses provide terrace for tranquil private amenity space with the quarry as backdrop, whilst to the front overlooking Common Road, upper-floor balcony space allows unrivalled views over rolling countryside to the south towards Grimethorpe. We show this view below.



3.12 We show the Common Road elevation below. Design features include the aforementioned balconies and also photo-voltaic cells that exploit the houses' southern aspect for on-site energy generation. The stone boundary wall is not shown on this drawing.



3.13 The rear elevation is shown below. The site topography allows undercroft carparking to be provided beneath each house. These integral garages maximise the amount of soft landscaping. Note the terraced feature to promote maximum resident amenity.



3.14 The concept underpinning the scheme's design is inspired by similar innovative housing at Hall O Shaw Street, Crewe (Please see Appendix 1 to the letter set out at report Appendix 9.3.2)

**Landscape**

3.15 Housing at the front would require the clearance of self-seeded fruit trees and invasive summer undergrowth that dies back each autumn.

3.16 **Household Waste Disposal**

An area for refuse bins would be provided in the rear courtyard.

3.17 Surface water would naturally soak away in the lower reaches. Soakaways and porous surface materials would enhance this.

**Trees, Ecology and bio-diversity**

3.18 The application is supported by tree and ecology surveys.

End of Section 3

# Land at Common Road, Brierley

## SECTION 4

## PRE-APPLICATION CONSULTATION



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

SECTION 4

PRE-APPLICATION CONSULTATION

4.1 The correspondence between the applicant's agent and the local planning authority is set out at Appendix 9.3, where the following communications are shown in full:

- Email from LPA dated 28th July 2010
- Oligra Letter to LPA dated 29th July
- Oligra Letter to LPA dated 11th August
- Email from LPA dated August 12 12:39
- Oligra Email to LPA dated 12 August 2010 12:.48
- Email from LPA dated 12 August 2010 13:07

4.2 Commentary onthe pre-application correspondence is set out at Section 7 (Assessment). At this juncture we offer a summary of four key areas:

1 LPA will support principal of development

2 LPA will not support specific scheme

3 LPA suggested development

4 LPA inconsistent approach

### LPA Will Support Principal Of Development

4.3 The LPA has stated support for development at the site:

- *"I can see some merit in developing the site as it is fly tipped and the trees are unmanaged"*
- *"There are ways and means of improving and sometimes even redeveloping a site, which do not entail wholesale clearance."*

### LPA Will Not Support Specific Scheme

4.4 The local planning authority opine that the proposed scheme; citing is "completely inappropriate" in terms of siting and design; in their opinion it will "eradicate" the trees and the stone wall that fronts Common Road; and the design makes no reference to traditional building designs within the Conservation Area.

### LPA Suggested Development

4.5 The LPA suggested *"that only a very low density high quality development would be acceptable."* When reading the full body of the text, it is obvious this comment refers to a recently approved large detached house on a much smaller site contiguous to the application site.

4.6 In our opinion a large single dwelling on the 0.23 ha application site is completely inappropriate.

4.7 It would not be in keeping with the built form at this section of Common Road. It would result in extensive grounds, as either entire private garden or as a smaller private garden with land beyond the domestic curtilage.

4.8 An entire private garden of over 2 hectares serving one large dwelling could be utilised for domestic paraphernalia which could detract from its setting in the Brierley Conservation Area. We describe similar detractions at Section 5.

4.9 A smaller private garden with land beyond the domestic curtilage could fall prey to future fly-tipping, and especially from domestic garden waste that could be tipped over the quarry face from future residents of the soon-to-be-built houses on the Lilac Garage land, which overlooks the quarry.

### LPA Inconsistent Approach

4.10 The LPA has been inconsistent in their interpretation of Policy GS34; in their interpretation of the affects on the stone wall boundary to Common Road; and in their assessment of the effects on the Conservation Area of approved residential development closer to central Brierley.

### Policy GS 34 Urban Greenspace

4.11 We fundamentally disagree with the LPA interpretation of Policy GS34. They said, with underlined emphasis:

*"The policy states that proposals which are likely to have a significant adverse effect on the function of the greenspace will not be approved."*

4.12 Policy GS34 does not say that. It says:

*"A proposal likely to have a significant adverse effect on the function of the area in any such respect will not **normally** be approved.*

***Where material considerations nevertheless indicate approval, the adverse effects on urban greenspace must be offset by compensatory improvements** or additions within or outside the development site, including where appropriate, through planning conditions or obligations."*

**Stone Wall on Common Road**

4.13 The approved detached house on land contiguous to the application site will also be served by a new access onto Common Road that cuts through the same stone wall that LPA is so keen to safeguard at our site a few yards away.

4.14 With regard to the proposed development being served by an existing point of access the LPA opined:

*"I am also concerned about the loss of the stone wall and the siting of the dwellings, which does not reflect or respect that of existing and proposed development in the area."*

4.15 With regard to the approved detached house on land contiguous to the application site, which necessitated a wide new access to be cut out of the stone wall in order to attain the required visibility splays, the LPA opined:

*"The creation of a small access in the boundary wall was not considered to be a significant issue as it was necessary to facilitate the redevelopment of the site. "*

### Conservation Area

4.16 The LPA opine that *"development proposed within a Conservation Area should not detract from its special character or appearance"* ***whilst at the same time acknowledging*** that they have "diluted" the Brierley Conservation Area by recently approved residential development within the Conservation Area: *"The Conservation Area has been diluted somewhat overtime by modern infill development"*

4.17 In our opinion the Conservation Area has been *significantly* "diluted" over recent years and the implementation of consented residential development will markedly and permanently change the character of the Conservation Area.

End of Section 4

# Land at Common Road, Brierley

## SECTION 5

## STATUTORY DEVELOPMENT PLAN



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

## SECTION 5

## STATUTORY DEVELOPMENT PLAN

5.1 The regional spatial strategy is no longer part of the statutory development plan, which now comprises only the Barnsley Unitary Development Plan (UDP).

### Barnsley Unitary Development Plan (2000)

### Volume One Part One

5.2 The Housing Strategy Objective seeks to locate new housing development where it will, inter alia, provide a balance of provision to support economic regeneration and meet market demands (Para 2.38). Broad objectives seek to

- provide sites to meet the demand from various sectors of the housing market;
- locate houses near to employment opportunities, transport routes, local services and facilities;
- relate new houses well to existing settlements;
- increase the attractiveness of Barnsley as a place to live with the development of new houses; and to
- improve the housing stock with the development of new houses to assist economic regeneration.

## Volume One Part Two Policies

5.3 **Policy H2:** The council will ensure that sufficient land is available to meet identified housing need and ensure that a five year supply is available at all times during the plan period.

5.4 **Policy GS2: Derelict & Degraded Land**

The council will continue to reclaim and improve derelict, disused, degraded and under used land. Priority will be given to those schemes which:

a) provide sites for new development, especially for industrial, commercial or housing purposes

b) provide for the introduction of large scale areas of open space into the urban area for recreation, nature conservation or wildlife purposes, as appropriate

c) improve the environment of the main transport corridors and industrial and commercial areas

d) improve the environment of housing priority areas.

5.5 **Policy GS22A:** In assessing planning applications the desirability of retaining mature trees and hedgerows will be an important material consideration.

5.6 **Policy GS22B:** The following requirements will apply to planning applications containing mature trees or hedgerows:

a) Planning applications proposing development on a site containing mature trees and hedgerows should include a survey identifying the type, size, location and general condition of all mature trees and hedgerows and details of any remedial surgery required. The survey is the responsibility of the applicant as advised in DOE circular 36/78

b) Where development is acceptable in principle on a site containing mature trees which are to be retained, the layout must ensure that no buildings, access roads, parking areas or drainage systems are located within the spread of any tree and no excavations or alteration to ground levels should be made within those areas.

c) In order to protect trees during construction, temporary fencing should be erected around their canopy spread as advised by DOE Circular 36/78. Where planning permission is granted for development on sites containing trees to be retained conditions will be imposed to this effect.

5.7 **Policy GS34: Urban Greenspace**

Areas designated as Urban Greenspace on the proposals map will normally remain open and undeveloped. Proposals for the development of such areas will be assessed for their effect on the present and potential formal and informal function of the areas as:

a) a facility for recreation

b) an area of amenity value

c) an area of nature conservation value; and

d) a link between adjacent areas

5.8 A proposal likely to have a significant adverse effect on the function of the area in any such respect will not normally be approved. Where material considerations nevertheless indicate approval, the adverse effects on urban greenspace must be offset by compensatory improvements or additions within or outside the development site, including where appropriate, through planning conditions or obligations.

5.9 **Policy BE1 Conservation Areas:** In conservation areas development will only be approved if it enhances or preserves the character or appearance of the conservation area.

5.10 **Policy BE1A:** In considering proposals for development in or affecting conservation areas the following principles will be applied:

a) development should be of the highest quality of design and materials, to enhance or preserve the character or appearance of the conservation area

b) the council will not be prepared to determine applications in conservation areas in outline only

c) applications for development in conservation areas must include drawings which clearly illustrate the proposals in their context, so that their impact on the area may be properly assessed

**Policy BE6: Design Standards**

5.11 The council will seek to achieve good design standards for all types of development. Proposals for development will be assessed using the following design criteria:

a) The quality of layout, and suitability of scale of the development

b) The use, quality, design and landscape treatment of open land within the site and the area around buildings

c) The standard of detailed design and facing materials of proposed buildings

d) The suitability of the whole development for its proposed context and its relationship with adjoining land uses. Designs which the council considers unsatisfactory in terms of any of these criteria will be rejected.

5.12 **Policy BE6A: Design to Avoid Crime**

In assessing any proposed development layout, the council will seek to avoid opportunities for crime. The following criteria may be applied where appropriate:

a) Parking areas and garage courts should be well lit and in a location visible from the highway, not screened by walls or planting.

b) Public open spaces should be visible from highways, and be overlooked by neighbouring dwellings. the creation of dark corners must be avoided

c) High levels of lighting must be installed and maintained to all public areas

d) Walls and planting along public routes should be designed to avoid blind corners and hiding places

e) Developments should be separated into public and private areas. security of private areas must not be reduced by such things as footpaths between rear gardens

f) Housing should be designed into secure groups, probably off culs-de-sac, with no through traffic vehicular or pedestrian, and where strangers are easily identified.

5.13 **Policy BE6C: Pedestrians & Cyclists**

In assessing the design and layout of new housing developments, the council will seek to ensure access to local facilities for pedestrians and cyclists which minimise distance and the use of roads of more than local importance.

**Policy T2: Development and the Highway Network**

5.14 Development will only be allowed if the additional demand for travel generated can be accommodated on the highway network without significant detriment to the environment or the safety and ease of movement of vehicles and pedestrians using the network, or through measures to assist public transport, cycling or walking. Completion of the necessary highway works or other measures may be the subject of conditions attached to the planning permission or be the subject of a planning obligation under section 106 of the Town and Country Planning Act 1990 or other agreement requiring an appropriate contribution from the developer to the cost of the works or measures.

5.15 **Policy T2A**

a) all roads, footways, private drives, vehicle manoeuvring areas and points of access serving development must be designed and constructed in accordance with the appropriate standards of the borough council

b) carriageways and footways should be constructed so as to be usable in a safe and convenient manner before the use of the building which they serve commences.

End of Section 5

# Land at Common Road, Brierley

## SECTION 6

## MATERIAL CONSIDERATIONS



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

## SECTION 6

## MATERIAL CONSIDERATIONS

6.1 We now describe those material considerations that should have a bearing on the determination of the proposed development.

6.2 Section 38 (6) of the Planning & Compulsory Purchase Act 2004 states that *"if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

6.3 Any use that relates to the use and development of land is capable of being a material consideration. Material planning policy considerations include Local Development Framework documents; national planning guidance and precedent. The following are material considerations:

- Supplementary Planning Guidance
- Annual Monitoring Report 2008-09
- National Guidance
- Residential Development on Common Road
- Residential Development within Brierley Conservation Area
- Built Evolution within Brierley Conservation Area
- Planning Appeal Precedent

### Supplementary Planning Guidance

6.4 Less weight can now be attached to Barnsley MBC's Supplementary Planning Guidance.

6.5 They were introduced to explain how UDP policies would be implemented. The latest version - Planning Advice Notes (PAN) - was used to update the UDP after the emergence of newer National Planning Policy Guidance Notes (PPG).

6.6 The PAN version has not been updated with the subsequent move from PPG to Planning Policy Statements (PPS). Moreover, some of the PAN is based on outdated Regional Planning Guidance that was supplanted by the now defunct Regional Spatial Strategies.

6.7 Despite their weakness, the following PAN generally may inform the proposed development:

- PAN 2: The Design and Layout of New Housing
- PAN 20: Open Space Provision on New Housing Developments
- PAN 25: Landscape Design
- PAN30: Sequential Approach to Determining Planning Applications for Residential Development

PAN 2

**The Design and Layout of New Housing**

**Achieving Quality Residential Development**

6.8 PAN 2 recommends that developers look carefully at their sites to identify what natural features should be kept and encourages them to establish how best to develop a site to take advantage of its shape and topography.

6.9 PAN 2 says that development in villages such as Brierley should *"take account of the street context rather than the character of the village as a whole" (Page 15).*

6.10 PAN 2 also says that existing development not be in keeping with the local area should not be replicated. To be in keeping, the scale and massing should be replicated rather than a particular architectural style.

PAN 20

**Open Space Provision on New Housing Developments**

6.11 Pan 20 applies to developments of more than twenty dwellings. However, the subject site is designated as PGS34 Urban Greenspace and its development can require open space provision to be made off-site. Appendix 5 of PAN 20 states that where such provision is

to be made a planning obligation will be required to secure a financial contribution.

**PAN 25: Landscape Design**

6.12 Planning applications proposing development on a site containing mature trees should include a survey identifying the type, size, location and general condition of all mature trees and details of any remedial survey required

**PAN 30: Sequential Approach to Determining Planning Applications for Residential Development**

6.13 The PAN 30 sequential approach aims to ensure that priority is given to residential development on previously-developed land within urban areas that is able to deliver housing within a period of one year. This limiting factor requires the council to take into consideration alternative available sites.

6.14 It is considered unreasonable and impractical to include sites below 0.4 hectare in the Sequential Approach.

6.15 The subject site is approximately 0.23 hectares

### Annual Monitoring Report 2008-2009: Housing

6.16 The year 2008/09 saw a 29% fall in the number of new dwellings built in Barnsley, with 1096 completions compared to 1499 to the year 2007/08.

6.17 The PPS3 Five year supply for the period 2009-2014 shows unimplemented full or outline planning permission for 6,208 dwellings.

6.18 The proportion of dwellings completed in small towns rose from 13.2% in 2002/03 to 29.4% in 2008/09.

### National Planning Guidance

6.19 Central government guidance in the form of Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPS) set out policies on different aspects of land use planning in England. They may be material to decisions on individual planning applications and appeals.

### PPS 1 Delivering Sustainable Development (PPS1)

6.20 PPS1 sets out the overarching planning policies on the delivery of sustainable development through the planning system.

"Sustainable development" is the core principle underpinning contemporary planning.

6.21 PPS1 defines sustainable communities as those *"that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential."*

6.22 Within this broad remit, planning should *inter alia*:

- enhance the quality and character of existing communities by ensuring high quality development through good and inclusive design, and the efficient use of resources.
- support existing communities and contribute to the creation of sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

**Planning Policy Statement 3: Housing**

6.23 PPS3 reflects the Government's commitment to improving the supply of housing in all communities. The delivery of housing should provide high quality housing that contributes to the

creation and maintenance of sustainable rural communities in market towns and villages.

**PPS7: Sustainable Development in Rural Areas**

6.24 PPS7 sets out the Government's planning policies for rural areas. It specifically sets out to:

- **Promote more sustainable patterns of development by** focusing *most* development in, or next to, existing towns and villages; by generally prioritising the re-use of previously-developed sites in preference to the development of greenfield sites. In particular all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

**PPG13 Transport**

6.25 Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.

**PPG 15 Planning and the Historic Environment**

**Conservation Areas (Section 4)**

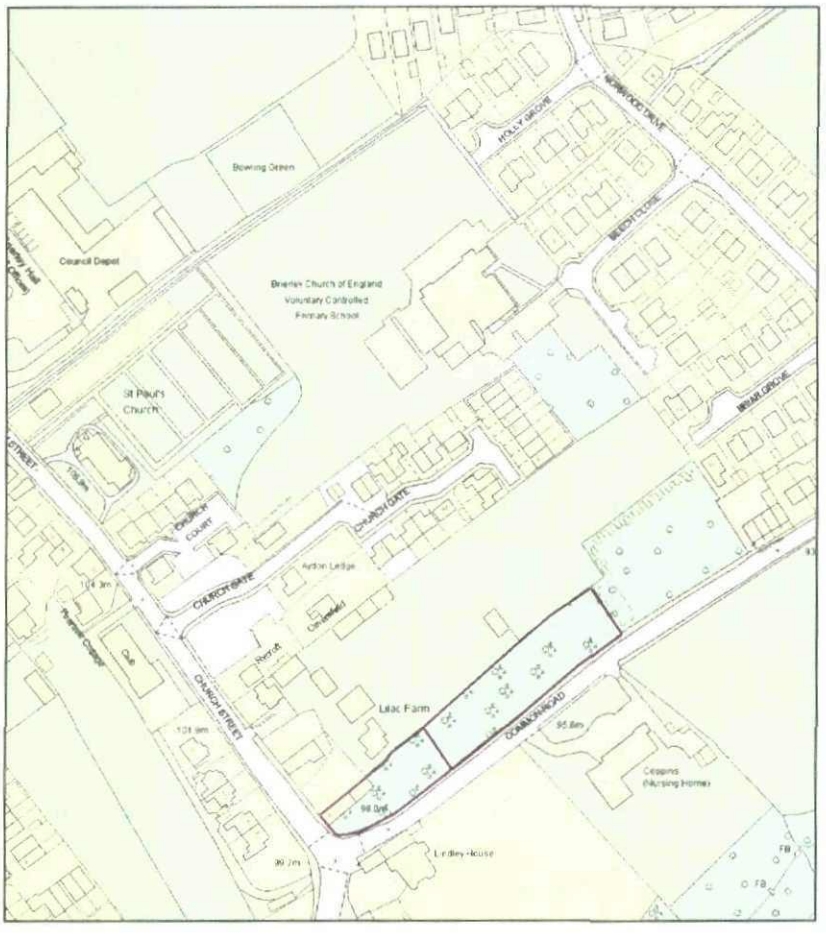
6.26 PPG 15 also provides additional support:

- *"Conservation area status should not prevent all new development: the emphasis being the controlled and positive management of change."* (Para 4.16)

- *"Though choices sometimes have to be made, conservation and sustainable economic growth are complementary objectives and should not generally be seen as in opposition to one another.* (Paragraph 1.4)

### Residential Development on Common Road

6.27 The Policy GS34 Urban Greenspace that runs the length of the northern side of Common Road is shown below. The areas edged in purple have been developed for residential use. The remaining part of the Green Space is the application site.



# Land at Common Road, Brierley

6.28 We will now consider the two sites edged in purple in greater detail. The site nearest the junction with Church Street is shown below. It can clearly be seen that the curtilage has been developed entirely for private garden space.




6.29 This private garden space contains a children's wooden playhouse on stilts and an advertising pole. Both are visually intrusive and neither of them maintain or enhance the Conservation Area. Only the playhouse is seen on the aerial photograph, which suggests the advertising pole is relatively recent. Our planning research has been unable to identify a planning permission for this feature.

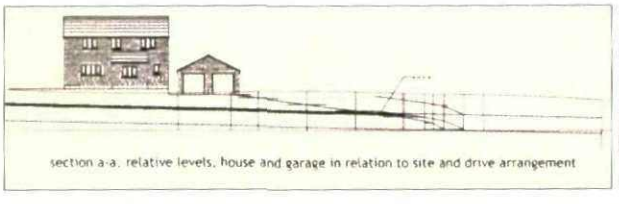




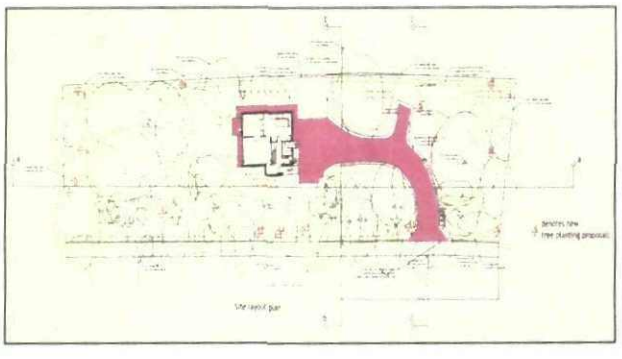
# Land at Common Road, Brierley

6.30 The other site edged purple has just received planning permission to erect a large detached dwelling with detached double garage (Planning Application 2010/0338)

6.31 We show the approved elevation and block plan below. Note the approved new access onto Common Road shown in pink which will be taken through the stone wall at the point where pedestrian access to the amenity space is obtained. (See photos below right)





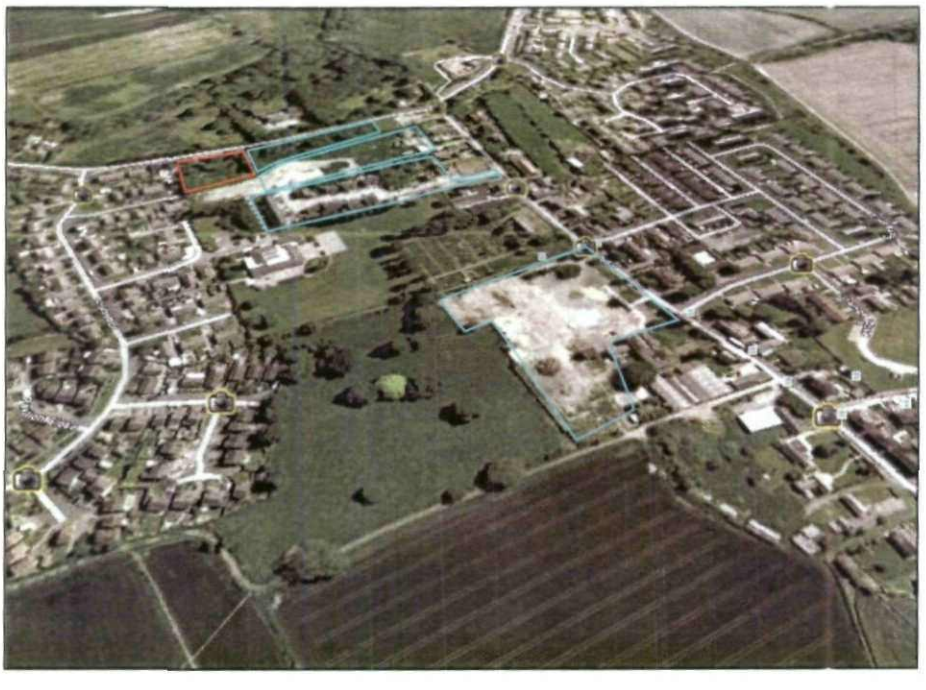


6.32 In our opinion, this land, with its stepped pedestrian access onto Common Road, offers far greater potential as amenity space than the litter strewn quarry which is the subject of this planning application.

# Land at Common Road, Brierley

## Residential Development in Brierley Conservation Area

6.33 Much land within Brierley Conservation Area is being residentially developed. Some approved residential development has been implemented, some remains unimplemented and some is proposed development subject to determination. These sites are shown below edged in turquoise. They all are inside the Brierley Conservation Area. The application site is edged in red.



# Land at Common Road, Brierley

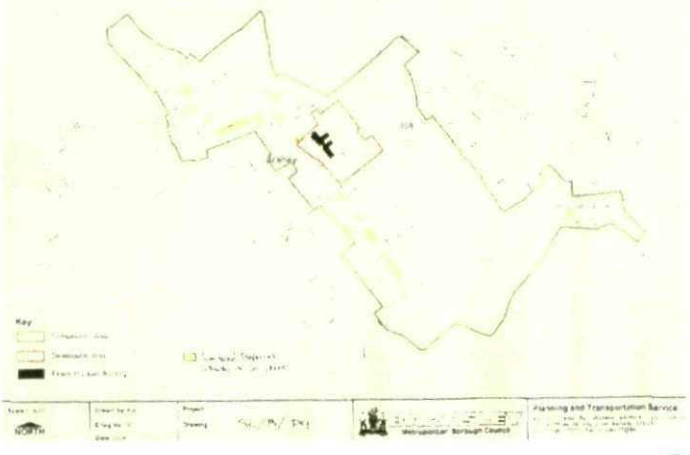
**Proposed**

**Residential Development in Brierley Conservation Area**

**Brierley Hall and grounds, Church Street.**

6.34 Planning Applications 2010/0413, 0432 and 0433 are submitted to convert the old Brierley Hall into 3 dwellings and erect 29 new build dwellings in the grounds. At the time of writing these are pending determination. We show the site below edged in turquoise.





# Land at Common Road, Brierley

**Approved**

**Residential Development in Brierley Conservation Area**

6.35 Details for the following two sites, and also a number of smaller residential infill developments in and around Brierley, are set out at Appendix 8.5.

- Approval for 27 houses at land at 23 Church Street. This development has been implemented (see below).




- Approval for 40 houses at land to rear of Lilac Farm, Church Street. The approved site is the urban greenspace shown in the central mid-distance below



### Brierley Conservation Area

6.34 As well as the planning consents for modern housing that has "diluted" the traditional character of the Conservation Area, at the same time individual buildings and spaces between buildings within the Area can be seen to have undergone significant change.

6.35 We show below the orginal Church Street looking towards St Paul's Church (below left). The same view was transformed with the development of the Board School on land adjacent to St Paul's (below right)



A charming view of Brierley village looking down Church Street in 1906. The Church of St Paul's is built in 1869 by John Wade from the contributions of George Savile Eyhamby



Brierley Church and the Board School on Church Street c. 1905

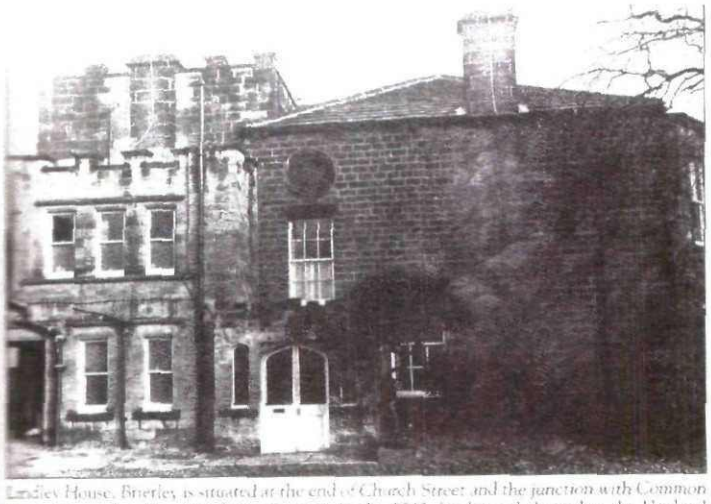
# Land at Common Road, Brierley

6.36 Today the same view has been transformed once again with the demolition of the Board School and its replacement with modern volume housing.



# Land at Common Road, Brierley

6.37 In a similar vein, individual buildings can be seen to have been adapted. We show below Lindley House as originally built and as it is today further below. Note the significant changes.



Lindley House, Brierley, is situated at the end of Church Street and the junction with Common Road (known locally as Cordeaux Corner). In the 1840 this house belonged to the Howland family and was actually called Brierley Hall. The site of the present Brierley Hall was at this stage farmland; this land was purchased by the Rev. John Howland and the the present Hall was



# Land at Common Road, Brierley

6.38 The castellated building can be seen to have been extended to the second storey, with the introduction of three new windows. The massing of the building to the right forefront remains almost level with the first floor windows to the castellated building, but on closer inspection it has been marginally lowered when the hipped roof was replaced with the modern ridge; windows and doorways and a chimney stack have been removed from the front elevation.





### Planning Appeal Precedent

6.39 Planning appeal precedent for developments similar in character to that proposed are shown at Appendix 9.6 and are discussed at Section 6 Assessment. Briefly, they are:

- Avon (100-066-898) Allowed
- Devon (100-068-51) Allowed
- Surrey (100-067-195) Allowed
- London (100-967-682) Allowed
- London (100-0680191) Allowed
- Monmouthshire (100-067-620) Allowed
- Newport (100-067-231) Allowed
- Wiltshire (100-067-379) Allowed

End of Section 6

# Land at Common Road, Brierley

## SECTION 6

## MATERIAL CONSIDERATIONS



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

(Appendix 9.3.4)

SECTION 7

ASSESSMENT

7.1 We assess the proposed development in following five areas:

- Local Plan Policy
- Conservation Area
- Pre Application Consultation
- Material Considerations
- Precedent

**Local Planning Policy**

7.2 The proposed development satisfies the broad objectives set out at the Barnsley Unitary Development Plan which seek to locate new housing development where it will generally provide a balance of provision to support economic regeneration and meet market demands (Para 2.38). It also satisfies more specific Part One objectives.

7.3 The new houses would meet the demand from the housing market for contemporary housing set in a unique setting in a desirable rural settlement in the Barnsley hinterland; they would be located in a sustainable location near to employment opportunities,

transport routes, local services and facilities; they would increase the attractiveness of Barnsley borough as a place to live; and they would improve the housing stock to assist economic regeneration.

7.4 The houses also satisfy specific policies: the bringing forward of the degraded subject site for housing broadly chimes with the local authority's aim to improve disused or underused land by prioritising schemes which "provide sites for new development, especially for industrial, commercial or housing purposes" (Policy GS2: Derelict & Degraded Land)

7.5 Under LP Policy GS34 the subject site is designated Urban Greenspace. Policy GS34 states that proposals will not *normally* be approved where they are likely to have a *significant adverse effect* on the informal or formal function of an area as a facility for recreation; an area of amenity value; an area of nature conservation value; or as a link between adjacent areas

7.6 The local authority has stated that the subject site serves no function as a facility for recreation or as a link between urban areas. They think it may have merit as an area with amenity or conservation value; we cannot agree. The site is a magnet for fly-tipping and is litter strewn with domestic and commercial waste.

This illegal use degrades the site's amenity value and forms justifiable "material considerations to indicate approval".

7.7 Policy GS34 requires that where material considerations nevertheless indicate approval, any adverse effects on urban greenspace "must be offset by compensatory improvements or additions within or outside the development site, including where appropriate, through planning conditions or obligations." Although the subject site is degraded by being fly-tipped, the applicant will willingly enter into an agreement to make financial contributions towards ongoing

**Brierley Conservation Area**

7.8 The subject site is located within Brierley Conservation Area and Policy BE1 and BE1A are applicable. Policy BE1 (Conservation Areas) permits development that enhances or preserves the character or appearance of the conservation area and Policy BE1A requires development of "the highest quality of design and materials" to enhance or preserve the character or appearance of the conservation area.

7.9 In our opinion the proposed design satisfies these requirements.

7.10 Although Policy BE1A does not qualify "the highest quality of design and materials", the applicant has sought at all times to exceed the benchmark standard set by recently approved housing in the near vicinity. For example, the recently implemented Barratt Housing estate, which is located closer to the heart of the Brierley Conservation Area, is designed in the typical corporate style and with no reference to the traditional, vernacular design inherent to Brierley and cannot be said to satisfy Policy BE1A's requirement for development of "the highest quality of design and materials" to enhance or preserve the character or appearance of the conservation area.

7.11 Policy BE6 assesses the use, quality, design and landscape treatment of open land within an application site. In our opinion the proposed development is an exemplar in this respect. The proposed houses are sited to the front to add to the existing streetscene and building line. In this manner, by lifting the houses away from the lower reaches of the site, the scheme promotes private amenity space and levels of natural light; the open land in the lower reaches being retained for landscaped communal parking and to provide a secluded sylvan backdrop.

7.12 Turning to the siting and layout of the proposed scheme, the scheme is created to respect Policy GS22B which requires development containing mature trees to be retained to ensure that no buildings, access roads, parking areas or drainage systems are located within the spread of such trees.

7.13 The siting also satisfies Policy BE6A (Design to Avoid Crime) which requires housing ideally to be "designed into secure culs-de-sac with no vehicular or pedestrian through traffic" and Policy T2A which requires proposed roads, footways, private drives, vehicle manoeuvring areas and points of access to have a design construction in accordance with borough council standards.

**PAN 2**

**The Design and Layout of New Housing Achieving Quality Residential Development**

7.14 The siting of the housing towards the front of the site takes careful consideration of existing topography and accords with PAN 2, which *"recommends that developers look carefully at their sites to identify what natural features should be kept and encourages them to establish how best to develop a site to take advantage of its shape and topography."*

7.15 Moreover, housing to the front would give visual continuity to the existing street scene looking east to the terraced houses and beyond, which we show below - and it therefore accords with PAN 2 page 15, which says that development in villages such as Brierley should *"take account of the street context rather than the character of the village as a whole"*

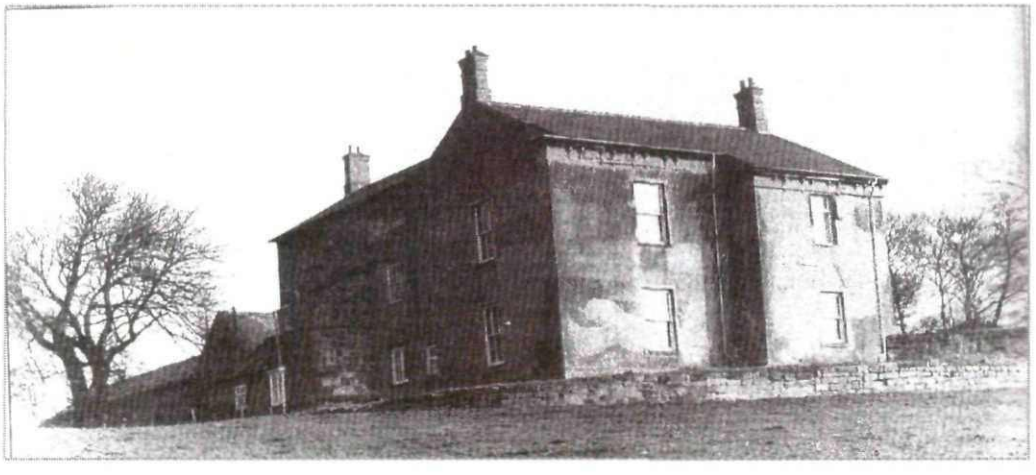



7.16 In the light of recently approved residential development for volume house-builders, we are particularly mindful not to replicate their homogenously bland styles; styles which pay little heed to their setting within the Brierley Conservation Area.

7.17 In this regard, PAN 2 says that existing development not in keeping with the local area should not be replicated. To be in keeping, the

scale and massing should be replicated rather than a particular architectural style.

7.18 For this reason, the scale and massing of the proposed development is influenced by the traditional Brierley buildings, such as that shown below (Please see Appendix 8.4 for more examples)



### Pre Application Consultation

7.19 All correspondence is set out at Appendix 9..3

7.20 The correspondence from the LPA demonstrates a degree of inconsistency in the interpretation and implementation of development control policies.

7.21 With regard to Planning Policy GS 34, in their first letter the LPA stated with underlined emphasis *"proposals which are likely to have a significant adverse effect on the function of the greenspace will* ***not*** *be approved."*

7.22 This is incorrect, Policy GS34 says:

*"A proposal likely to have a significant adverse effect on the function of the area in any such respect will not normally be approved. Where material considerations nevertheless indicate approval, the adverse effects on urban greenspace must be offset by compensatory improvements or additions within or outside the development site, including where appropriate, through planning conditions or obligations."*

### Open Nature, Amenity Value and the Stone Wall

7.23 The LPA opined that the site has an "open nature" and has an amenity value afforded by some of the trees and the stone wall.

They especially expressed concern about the loss of the stone wall and the siting of the dwellings, which, in their opinion *"does not reflect or respect that of existing and proposed development in the area."*

7.24 As a matter of fact the stone wall is not lost; the same length of existing stone wall remains after the proposed development is implemented.

7.25 Moreover, the approved detached house on adjacent land - which is higher placed on Common Road and causes visual impact to baseline levels of amenity - is served by a new access onto Common Road that cuts through and loses part of the same stone wall that the LPA is so keen to safeguard at our site a few yards away.

7.26 In the same vein, their concern that the siting of the proposed dwellings *"does not reflect or respect that of existing and proposed development in the area"* is equally misguided. The proposed housing would give visual continuity to the existing street scene looking east to the terraced houses and beyond, which we show below once again.




7.27 LPA comments about the proposed development not respecting or reflecting the existing development make no reference to their own guidance set out in PAN 2, which states that development should *"take account of the street context rather than the character of the village as a whole"*

7.28 Turning to "open nature," we do not agree that the site has an open nature. A site with an "open nature" would not display evidence of homeless people having squatted there and would not render the site susceptible to the evident domestic and commercial fly-tipping, which the LPA acknowledge to be a specific problem

**Siting and Design**

7.29 The LPA opined that the proposed design and siting is *"completely inappropriate"* on this site.

7.30 We cannot agree with this opinion, however informal.

7.31 The siting of the proposed scheme overcomes the reduced levels of natural light at the lower lying area near the quarry face. By bringing the proposed housing to the front of the site we would also safeguard specific trees near, within and atop the quarry face.

7.32 Forward siting also respects and reflects the building line at this section of Common Road and is thereby in accordance with the authority's own guidance set out at PAN 2.

7.33 Despite the recent approvals for upwards of sixty houses near to the application site - houses built in a homogenous corporate style at locations more visually prominent in the Brierley Conservation Area - the LPA opined that our proposed design does not *"make reference to the more traditional buildings which fall within it"*

7.34 In our opinion the proposed dwellings, especially in terms of scale and massing, make greater reference to traditional buildings in the vicinity than does the approved and/or built out housing nearby.

**Visual Impact**

7.35 The LPA has opined significant visual impact caused by the site when viewed from the south. We cannot agree with this assertion, which seemingly disregards the visual impact that will be caused when the approved forty houses at Lilac Garage built out. These houses are on land overlooking the proposed development.

7.36 When built, they will be highly visible to remote receptors when viewed from the south. (Although the tree cover in and above the quarry wall - which will be retained by our proposed development - will mitigate the impact from the south when they are in leaf between April and September.)

**Conservation Area**

7.37 On the matter of the Conservation Area, the LPA stated that *"development proposed within a Conservation Area should not detract from its special character or appearance"* before going on to concede that it *"has been diluted somewhat overtime by modern infill development."*

6.38 In our opinion they are understating this diluting effect. The Conservation Area has been significantly diluted over recent years and the implementation of consented residential development will markedly and permanently change the character of the Conservation Area.

7.39 With regard to the application site, in our opinion it is located in a neutral backwater to the central Brierley Conservation Area, it is also worth noting that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve (South Lakeland DC v Secretary of State for the Environment, [1992] 2 WLR 204).

**Urban Greenspace**

7.40 The LPA opined that the proposal would "*seriously jeopardise the sites ability to continue to function as area of amenity value and eradicate it ability to function as an area of nature conservation value. // In addition, views of the site from Common Road would be of built development as opposed to of trees and the site would appear as a high density housing site.*" (**Appendix 9.3.4 Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**)

7.41 We cannot agree with this informal opinion.

7.42 The proposed five dwellings represent only 70% of site capacity when measured against the density standards set out at PPS3. The 30% surplus will be given over to soft landscape planting to enhance the site and will be a marked improvement on the existing site with its fly-tipping and generally degraded nature.

7.43 Despite their general negativity to the proposed scheme, the LPA has suggested that a very low density high quality development, similar to that approved on higher adjacent land, would be acceptable:

*"For the redevelopment of your site to be supported I would suggest therefore that you take some time to look at the approved scheme and try to achieve*

*something of a similar nature. I suspect that only a very low density high quality development would be acceptable. "*

7.44 The approved detached house is located on high ground within the same Urban Greenspace, at a location that better fulfils the Policy GS34 policy objectives. Not only will this detached house cause visual impact to its surroundings, it will also be served by a new access onto Common Road that cuts through and loses part of the same stone wall that the LPA are so keen to safeguard at our site a few yards away.

7.45 Despite the forgoing, the LPA approved the detached house *"on the basis that the proposal would retain and enhance the site's ability to function as an area of amenity value and as an area of nature conservation value and as a consequence as the above the proposal was not considered contrary to policy. "*

7.46 In our opinion this is a moot point. We believe the approved site's domestic nature will over time undermine the LPA justification; domestication of defined urban greenspace has already been allowed to happen next door to the approved site.

# Land at Common Road, Brierley

7.47 We show below the existing dwelling and extensive garden next door to the approved detached house. Its extensive garden - which is shown as Urban Greenspace on the Local Plan Proposals Map - has been intensively domesticated and has totally eradicated any features for which it was designated greenspace.



7.48 In our opinion the LPA suggestion that a large detached house would better suit the 0.23 ha application site is completely inappropriate.

7.49 A large detached house here would not be in keeping with the built form at this section of Common Road. It would result in extensive grounds, as either entire private garden or as a smaller private garden with land beyond the domestic curtilage.

7.50 An entire private garden of over 2 hectares serving one large dwelling could be utilised for domestic paraphernalia which would detract from its setting in the Brierley Conservation Area.

7.51 Conversely, a smaller garden with other land beyond could fall prey to the same fly-tipping that currently causes demonstrable harm to amenity.

**Material Considerations**

7.52 The latest Annual Monitoring Report (2008-2009) states that, despite a 29% fall in the number of new dwellings built in Barnsley, and with 6,208 un-built dwellings (with full or outline planning permission), the proportion of dwellings completed in small towns such as Brierley rose from 13.2% in 2002/03 to 29.4% in 2008/09.

7.53 We believe these figures show that locations such as Brierley are bucking the borough downward trend. Moreover, planning consent for six dwellings at the application site would contribute to the growing problem of unimplemented planning consents that and would be in keeping with the broad objectives set out at the Barnsley Unitary Development Plan which seek to locate new housing development where it will generally provide a balance of provision to support economic regeneration and meet market demands (Para 2.38 )

### National Planning Guidance

7.54 The proposed housing is designed to appeal to the discerning home-owner; to positively contribute to the general ambience of Brierley Conservation Area; and to contribute to making Brierley a more sustainable community and better able to assist in Barnsley borough's economic regeneration.

7.55 In this respect the proposed development satisfies PPS 1, which promotes growth to support existing, liveable and mixed communities with good access to jobs and key services *"that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential."*

7.56 It also satisfies another PPS1 goal to enhance the quality and character of Brierley and its Conservation Area by ensuring high quality development through good and inclusive design, and the efficient use of degraded, fly-tipped land.

7.57 The proposed development at the former quarry - which is by definition a previously developed site - is supported by PPS7, which promotes more sustainable patterns of development by focusing *most* development in, or next to, existing villages and by generally prioritising the re-use of previously-developed sites.

7.58 We also believe that the design of the proposed houses draw on local traditional influences and therefore meets the spirit of PPS 7's aim for well designed development in rural areas to be in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

7.59 Finally, the proposed development - like the 67 houses approved on other sites inside the Brierley Conservation Area - is supported by PPG 15, which states that *Conservation Area status should not prevent all new development: the emphasis being the controlled and positive management of change." (Para 4.16)*

**Planning Appeal Precedent**

7.60 There are a number of successful appeals around the country for proposals that share attributes similar to that proposed. These are set out at Appendix 8.6

7.61 The proposed development is directly similar to a successful appeal for four dwellings at open land to the side of a row of terraced houses where the LPA opined an unacceptable loss of urban greenspace. (Surrey 100-067-195)

7.62 The scale of the proposed development is smaller and the planning application is less sensitive than the twenty five dwellings allowed on an allotment on the edge of a village that required a replacement allotment with greenhouses, shed and shop to be created in an Area of High Value Landscape. (Newport 100-067-231)

7.63 The location of the proposed development in the Brierley Conservation Area - which the LPA acknowledge has been diluted by high volumes of modern housing - offers lower levels of amenity than the ten house allowed on former allotment land with proven demand in a Conservation Area and World Heritage Site (Avon 100-066-898)

7.64 The proposed development is set within an area covered by a blanket TPO as was the five dwelling redevelopment of a large dwelling set within large TPO (London 100-0680191). Being set in urban greenspace it is also very similar in nature to the successful appeal for four dwellings on vacant grassland within a settlement boundary (Devon 100-068-51).

End of Section 7

# Land at Common Road, Brierley

## SECTION 8

## GENERAL CONCLUSIONS



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

**(Appendix 9.3.4)**

## SECTION 8
## GENERAL CONCLUSIONS

8.1 We are seeking planning consent to develop six dwellings at land off Common Road, Brierley which is designated urban greenspace.

8.2 The site is a former quarry and is therefore defined previously developed land. It is now populated by self-seeded apple and pear trees that are subject to a blanket TPO.

8.3 The site is fly-tipped with commercial and domestic refuse and shows evidence of people having squatted there.

8.4 The proposed houses would meet the demand from the housing market for contemporary housing set in a unique setting in a desirable rural settlement in the Barnsley hinterland; they would increase the attractiveness of Barnsley borough as a place to live; and they would improve the housing stock to assist economic regeneration.

8.5 Their design better reflects the traditional building styles than the 67 houses approved at land off Church Street

8.6 Their siting respects and reflects the existing building line at this section of Common Road and accords with LPA guidance set out in their PAN 2, which says that development in villages such as Brierley should *"take account of the street context rather than the character of the village as a whole"*

8.7 The local planning authority acknowledges that they have "diluted" the Brierley Conservation Area by recently approved residential development within the Conservation Area.

8.8 The local planning authority has granted planning permission on the same defined urban green space, also covered by a blanket TPO. The approved house cuts a new access through the stone wall on Common Road.

6 CREWE ROAD, SHAVINGTON, CHESHIRE CW2 5JB

TEL 07864 104 109

# Invoice Number: 118

Friday August 27th 2010

**INVOICE REF: OLIG 10.29.3**

**TO**: Sue Wright
**REF: Land at Common Road, Brierley, Barnsley South Yorkshire**

| | | |
|---|---|---|
| Total 41 hours | | £3,075 |
| Digital OS Mapping: | | £50 |
| Printing reports x 2 and forms/certification x 5 cop | | £94 |
| Packaging and recorded Delivery | | £10 |
| | FEE | £3319 |
| Less £1600- Cheque no 100009 28 July 2010) | | |
| | BALANCE | £1,719 |

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RTPI
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# Land at Common Road, Brierley

## SECTION 9

## APPENDICES



*"in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value."*

**Email from local planning authority dated Thursday, August 12, 2010 12:39 PM**

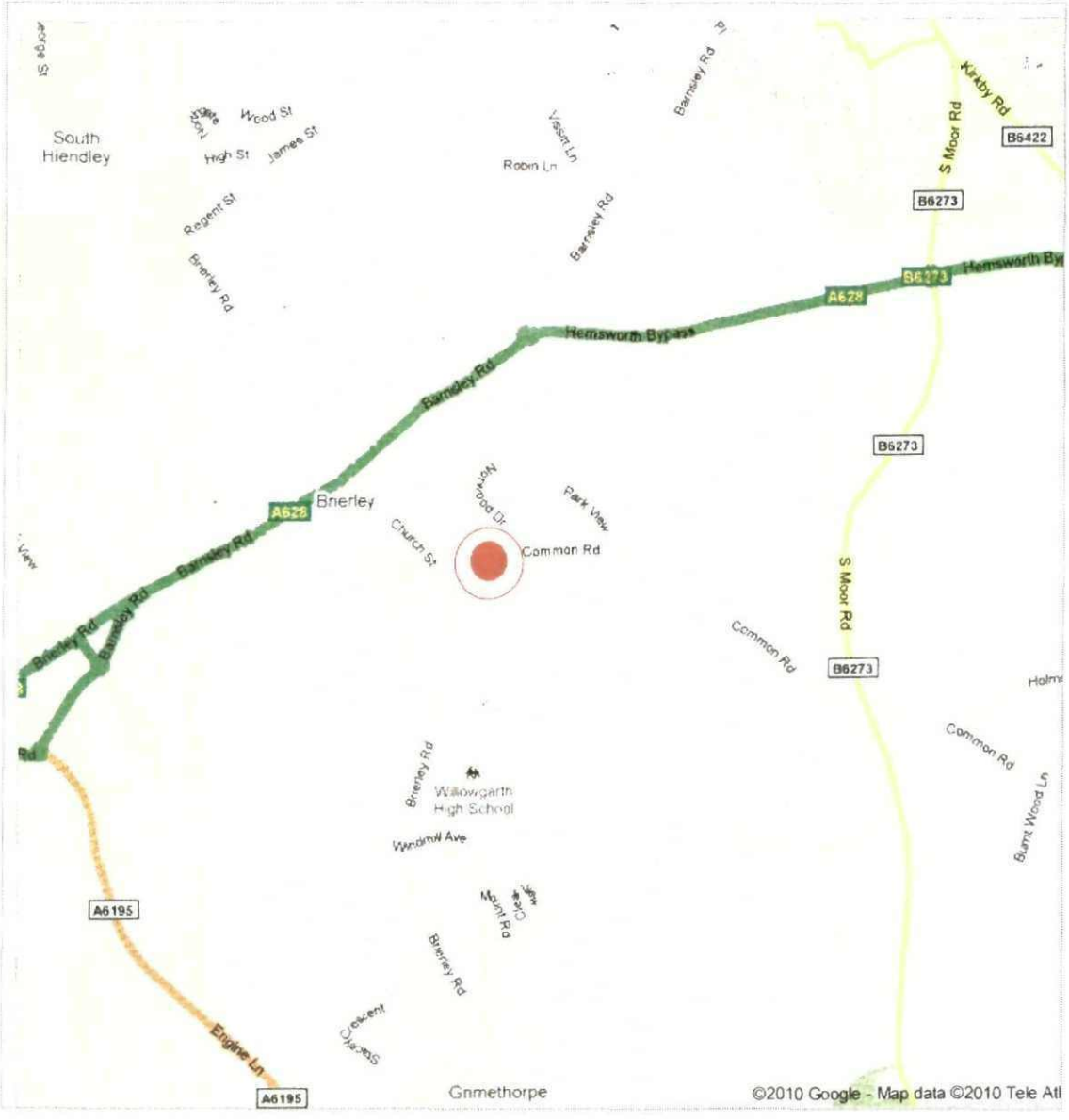
**(Appendix 9.3.4)**

# Land at Common Road, Brierley

Appendix 9.1

Location Map

# Land at Common Road, Brierley





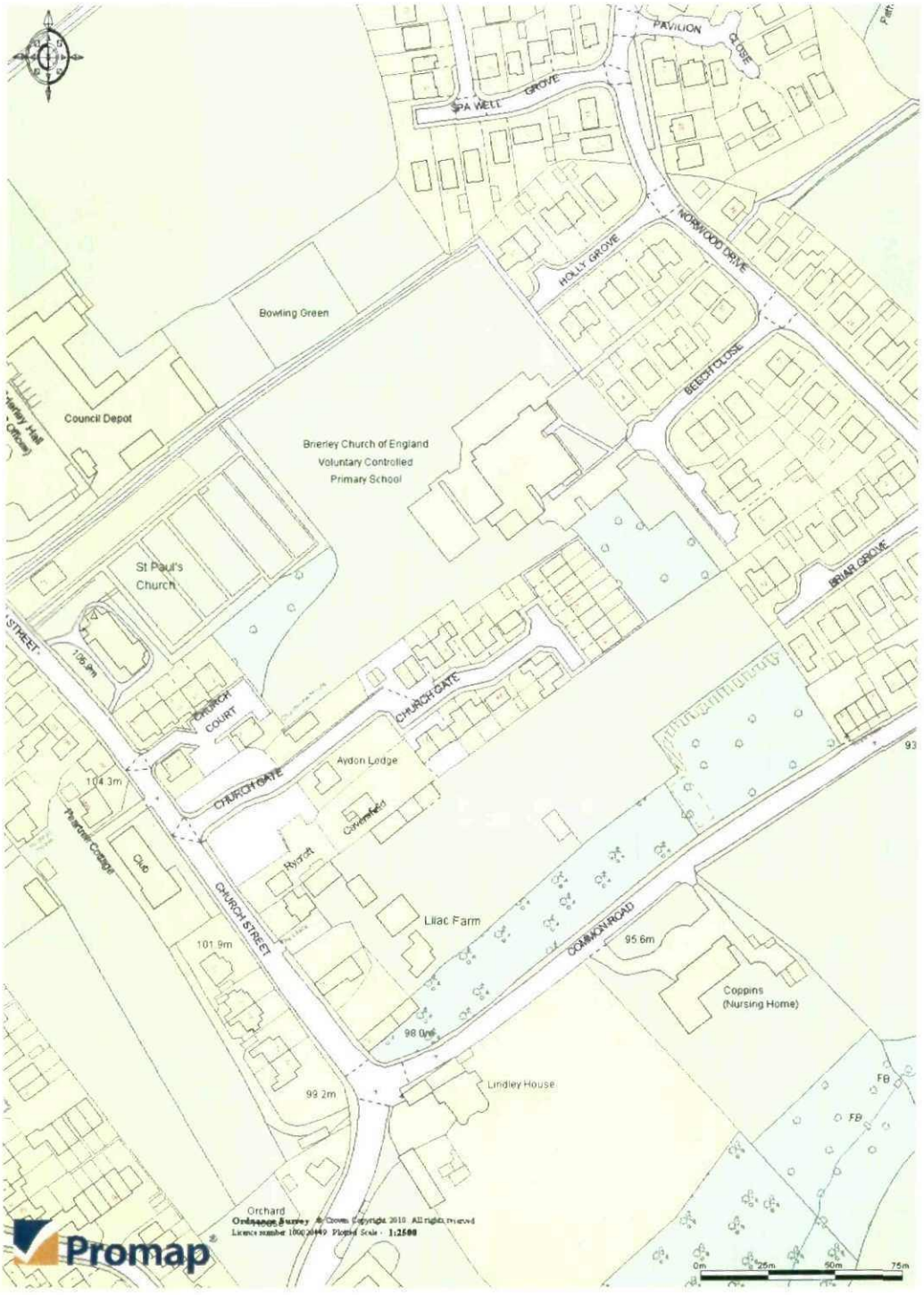

**Oligra Town Planning**
Planning Statement
**OLIG 10.29**
JAugust 2010

# Land at Common Road, Brierley

Appendix 9.2

1:2500 OS Map

# Land at Common Road, Brierley






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JAugust 2010

# Land at Common Road, Brierley

## Appendix 9.3 Pre-Application Consultation

Appendix 9.3.1 LPA email dated 28th July 2010

Appendix 9.3.2 Oligra Letter to LPA dated 29th July

Appendix 9.3.3 Oligra Letter to LPA dated 11th August

Appendix 9.3.4 LPA email dated Thursday, August 12, 2010 12:39

Appendix 9.3.5 Oligra email dated 12 August 2010 12:48

Appendix 9.3.6 LPA dated 12 August 2010 13:07

# Land at Common Road, Brierley

Appendix 9.3.1

LPA email dated 28th July 2010

# Land at Common Road, Brierley

Hi David

I have looked at the preliminary scheme and as it stands would not be able to support it.

As you are aware the site is allocated as Urban Greenspace on the Unitary Development Plan proposals maps. Additionally it falls within the boundaries of the Brierley Conservation Area.

Policy Context

UDP policy relating to Urban Greenspace, in particular Policy GS34, states that whilst areas designated as urban greenspace should normally remain open and undeveloped, proposals for the re-development of areas of greenspace will be assessed for their effect on the present formal and informal function of the area as:

a) a facility for recreation
b) an area of amenity value
c) an area of nature conservation value
d) a link between adjacent areas.

The policy states that proposals which are likely to have a significant adverse effect on the function of the greenspace will not be approved.

UDP policy relating to Conservation Areas states that development proposed within a Conservation Area should not detract from its special character or appearance.

Discussion

Although I do not consider that the site functions as a facility for recreation or provides a link between areas, I do consider that the site has an amenity value and potentially even some conservation value, particularly when viewed from Common Road. This amenity value is afforded by the trees and the stone wall and its green and open nature.

The total eradication of these elements therefore, which would occur if the submitted scheme were implemented, would significantly adversley affect its functions as an area of amenity value and an area

of conservation value in that the site would no longer function as either. I therefore cannot support your proposals as I consider that the scheme would be contrary to UDP Policy GS34.

In addition to the above, I consider that the design and siting of the dwellings would be completely inappropriate on this site. The site falls within a designated Conservation Area and regard should be had to this when designing a new development. Although I am aware that the integrity of the Conservation Area has been diluted somewhat overtime by modern infill development, I would expect the design of any new development in the area to make reference to the more traditional buildings which fall within it. The modern three storey dwellings proposed do not make any visual reference to those important features. I am also concerned about the loss of the stone wall and the siting of the dwellings, which does not reflect or respect that of existing and proposed development in the area.

As a consequence of the above I would not therefore recommend that you submit an application for the scheme. Although I can see some merit in developing the site as it is fly tipped and the trees are unmanaged, there are ways and means of improving and sometimes even redeveloping a site, which do not entail wholescale clearance.

I hope you find the above useful.

If you wish to discuss any of the above, please do not hesitate to get in touch.

Kind regards

Alexandra Cotton

Planning Officer

Development Management

Barnsley Metropolitan Borough Council

Planning and Transportation Service

PO Box 604

Barnsley

# Land at Common Road, Brierley

Appendix 9.3.2

Oligra Letter to local planning authority dated 29th July

# Land at Common Road, Brierley

Barnsley Metropolitan Borough Council.

Planning & Transportation,
PO Box 604,
Barnsley,
S70 9FE

Thursday 29th July 2010

Our Ref. OLIG 10.29

FAO Alexandra Cotton

Dear Alexandra,

**LAND AT COMMON ROAD BRIERLEY**

1 Thank you for your emailed comments dated 28th July regarding the indicative scheme we recently submitted for your consideration as part of our ongoing pre-application consultation. Your comments are informative and gratefully received.

2 As you say, the subject site is allocated as Policy GS34 Urban Greenspace on the Unitary Development Plan proposals maps and it also falls within the boundary of the Brierley Conservation Area.

3 Policy GS34 states proposals for the re-development of areas of greenspace will be assessed for their effect on the present formal and informal function of the area as:

a) a facility for recreation
b) an area of amenity value
c) an area of nature conservation value
d) a link between adjacent areas.

4 We agree with you that the site neither functions as a facility for recreation nor provides a link between areas. We also agree with you that the site has an amenity value afforded by some of the trees and the stone wall, although we cannot agree with you that the site has an "open nature".

5 A site with an "open nature" would not display evidence of homeless people having squatted there and would not render the site susceptible to the evident domestic and commercial fly-tipping, which you acknowledge to be a specific problem:

*"I can see some merit in developing the site as it is fly tipped and the trees are unmanaged"*

6 On the matter of trees, in our opinion it is the trees set within and to the top of the quarry face that add amenity and conservation value, rather than the unmanaged self-seeded apple and pear trees that populate the lower levels.

7 The trees in and atop the quarry face are untouched by the proposed development and it is therefore inaccurate of you to claim:

*"**The total eradication of these elements therefore, which would occur if the submitted scheme were implemented**, would significantly adversely affect its functions as an area of amenity value and an area of conservation value in that the site would no longer function as either. I therefore cannot support your proposals as I consider that the scheme would be contrary to UDP Policy GS34."*

8 We also fundamentally disagree with your interpretation of Policy GS34. You stated, with underlined emphasis:

*"The policy states that proposals which are likely to have a significant adverse effect on the function of the greenspace will not be approved."*

9 Policy GS34 does not say that. It says:

*"A proposal likely to have a significant adverse effect on the function of the area in any such respect will not **normally** be approved.*

***Where material considerations nevertheless indicate approval, the adverse effects on urban greenspace must be offset by compensatory improvements** or additions within or outside the development site, including where appropriate, through planning conditions or obligations."*

10 Material considerations that could nevertheless indicate approval would include the anti-social fly-tipping across the site, the evidence of homeless people having lived there and the planning precedent created by recently approved numerous schemes for residential development near to the site.

11 This planning precedent is wholly within the Conservation Area, and sometimes within defined Policy GS34 Urban Greenspace.

12 On the matter of the Conservation Area, you state that *"development proposed within a Conservation Area should not detract from its special character or appearance."*

13 We broadly agree with you on this, and we are of the opinion that sensitive development at the site - which in our opinion is a neutral area - will not undermine the setting of the built elements of the nearby central Brierley Conservation Area

14 Policy Guidance 15 (Planning and the Historic Environment: Section 4. Conservation Areas) also provides additional support:

- *"Conservation area status should not prevent all new development: the emphasis being the controlled and positive management of change." (Para 4.16)*

- *"Though choices sometimes have to be made, conservation and sustainable economic growth are complementary objectives and should not generally be seen as in opposition to one another. (Paragraph 1.4)*

15 Although the subject site is located in a neutral backwater to the central Brierley Conservation Area, it is also worth noting that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve (South Lakeland DC v Secretary of State for the Environment, [1992] 2 WLR 204).

**Indicative Scheme**

**Siting**

16 We cannot agree that the proposed siting is *"completely inappropriate"* on this site.

17 The proposed scheme is intended to overcome your concerns that the lower lying area near the quarry face has reduced levels of natural light. By bringing the proposed housing to the front of the site we would remove this concern and would also safeguard specific trees in the lower reaches. Housing at the front would not entail the wholesale clearance you have opined. (We assume you are referring to trees and not normal summer undergrowth that dies back each autumn).

*"There are ways and means of improving and sometimes even redeveloping a site, which do not entail wholescale (sic) clearance."*

18 Moreover, housing to the front would give visual continuity to the existing street scene looking east to the terraced houses and beyond.

**Design**

19 We cannot agree that the design is *"completely inappropriate"* on this site.

20 The design has had regard to the site and its setting.

21 As you say, the site is within a Conservation Area, the integrity of which, you admit, *"has been diluted somewhat overtime by modern infill development."*

22 We feel you are understating this diluting effect and the impact on the Conservation Area of approved residential development.

# Land at Common Road, Brierley

23 In our opinion this part of the Conservation Area has been significantly diluted over recent years and the implementation of consented residential development will markedly and permanently change the character of the Conservation Area.

24 Turning back to the indicative scheme - which, as you know, for an outline application is purely indicative. You say:

*"I would expect the design of any new development in the area to make reference to the more traditional buildings which fall within it. "*

25 You express an opinion that new housing should make reference to "more traditional buildings" which fall within the Conservation Area when this evidently has not been the case with the recently approved and developed Barratt housing on the former Danny Oates site and the forty houses approved but still unimplemented on Lilac Garage (where Barratt was planning agent)

*"The modern three storey dwellings proposed do not make any visual reference to those important features. "*

26 The three storey building indicated is designed to maximise the site's unique ambience. At the rear ground-floor, the houses provide terrace for tranquil private amenity space with the quarry as backdrop, whilst to the front overlooking Common Road, upper-floor balcony space allows unrivalled views over rolling countryside to the south towards Grimethorpe.

27 The concept underpinning its design is inspired by similar innovative housing at Hall O Shaw Street, Crewe, which has been developed by another Oligra client. (Please see Appendix One)

28 Having said that, at your behest the details of the indicative scheme can be revised to make visual reference to those *"important features"* to which you refer. We would therefore be grateful for further guidance on this point.

*"I am also concerned about the loss of the stone wall and the siting of the dwellings, which does not reflect or respect that of existing and proposed development in the area."*

29 Although we share your concern about the stone wall and can revise the indicative scheme accordingly, we cannot agree that the housing proposed to the site frontage does not reflect nor respect the existing bye-law terraced housing that extends to the east along Common Road.

30 Similarly, we cannot agree that the indicative scheme does not reflect or respect the recently developed Barratt housing on the former Danny Oates site to the north.

31 As to *"proposed development in the area"*, we are not aware of any proposed development in the area and can only assume you mean either the approved detached house to the west further along Common Road or the approved but unimplemented forty houses at Lilac Garage.

32 The approved detached house is located on high ground within the same Urban Greenspace, at a location that better fulfils the Policy GS34 policy objectives.

33 Not only will this detached house cause visual impact to its surroundings, it will also be served by a new access onto Common Road that cuts through and loses part of the same stone wall that you are so keen to safeguard at our site a few yards away.

34 The approved forty houses at Lilac Garage are on land overlooking the proposed development. We have not seen the approved layout but would assume it is akin to that built out by Barratt's on adjacent land to the north.

35 When Lilac Garage is built out it will be highly visible to remote receptors when viewed from the south. The tree cover in and above the quarry wall - which will be retained by our proposed development - will mitigate the impact from the south only when they are in leaf between April and September.

36 In our opinion neither of these two approved developments will be affected by the siting of the proposed dwellings.

37 In conclusion, we would suggest the following six steps are taken to support an outline planning application:

37.1) Although there already is an access into the site, the indicative scheme is to be revised to show the existing wall retained.

37.2) The indicative design detail is revised to show reference to "traditional design".

37.3) Trees to be retained would be indicated.

38 We would submit the revised indicative scheme for your opinion prior to executing next three steps:

38.1) A Tree survey is undertaken of the unmanaged and self-seeded fruit trees and the trees in and atop the quarry.

38.2) A PPS9 Bio-diversity survey is undertaken

38.3) Section 106 Heads of Terms are prepared for commuted sum payment towards provision and maintenance of open space. This should be borne by an eventual developer as part of their development costs.

We would be grateful for your comments on the points we have raised, and in particular the point on the proposed siting (our paragraph 16)

With kind regards,

Yours sincerely,

**David Taylor BA (Hons) DMS MRTPI ARIBA MCMI**
***Oligra Town Planning***

# Land at Common Road, Brierley

Appendix One: Housing at Hall O Shaw Street, Crewe





# Land at Common Road, Brierley

Appendix 9.3.3

Oligra Letter to LPA dated 11th August

# Land at Common Road, Brierley

Barnsley Metropolitan Borough Council.
Planning & Transportation,
PO Box 604,
Barnsley,
S70 9FE
FAO Alexandra Cotton

Tuesday 11th August 2010

Our Ref. OLIG 10.29

Dear Alexandra,

**LAND AT COMMON ROAD BRIERLEY**

We wrote to you on 29th July regarding your observations on our proposed residential development at Common Road Brierley; you had opined that the siting and design of the indicative scheme was "completely inappropriate". (Your email dated 28th July)

Unfortunately, your comment is too general for our needs, and to be able to review and re-present the indicative scheme we need more specific commentary from you.

Whilst writing, we understand that the subject site is designated Urban Greenspace on the online Barnsley MBC Proposals Map. We have checked defined greenspace in and around Brierley - such land is shown shaded turquoise - and can find no reference to the subject site. We feel we may have misinterpreted the Proposals Map and would be grateful for confirmation that the site is indeed defined urban greenspace on the proposals Map.

We are in the process of preparing a planning statement to accompany a future planning application and would therefore be very grateful for a prompt response.

With kind regards,

Yours sincerely

**David Taylor BA (Hons) DMS MRTPI ARIBA MCMI MIOD**

**Oligra Town Planning Services**

# Land at Common Road, Brierley

Appendix 9.3.4

LPA email dated Thursday, August 12, 2010 12:39 PM

# Land at Common Road, Brierley

David,

In response to your letters dated the 29th July 2010 and the 10th August 2010, I write to confirm that the site is indeed allocated as Urban Greenspace and falls within the Brierley Conservation Area on the Barnsley Unitary Development Plan Proposals Maps.
Please find below an extract from the relevant proposals map entitled 'North East Towns'.

I have identified the location of the site using a dashed red line, for your convenience. The area coloured light green demarcates land allocated as Urban Greenspace and the thin red line demarcates the boundary of the Brierley Conservation Area. The policies which link to the Urban Greenspace allocation and Conservation Area designation are as follows: NE14/1, BE1, BE1A, NE12 and GS34.

From my previous comments you are aware that I consider that the site performs some of the functions of Urban Greenspace, in particular it functions as an area of amenity value and also, albeit only potentially, as an area of nature conservation value. I therefore would have hoped that your proposal would have regard to, retain and enhance its ability to perform those functions. As, in my opinion, your proposal failed to achieve either, retention, or enhancement of those function, I stated that it was, with particular reference to the siting of the dwellings, and potentially even the number of dwellings, unacceptable.

My concerns revolved around the fact that your proposal, if built out, would result in the loss of most, if not all, of the trees on the site, which would, in my opinion, seriously jeopardise the sites ability to continue to function as area of amenity value and eradicate it ability to function as an area of nature conservation value. In addition, views of the site from Common Road would be of built development as opposed to of trees and the site would appear as a high density housing site, rather than an area of greenspace, which in my opinion is contrary to the objectives of the Urban Greenspace allocation.
You will be aware that planning permission was granted, subject to a S106, on an area of Urban Greenspace to the west of the site (BMBC Ref: 2010 0338). The application was recommended on the basis that the proposal would retain and enhance the sites ability to function as an area of amenity value and as an area of nature conservation value and as a consequence as the above the proposal was not considered contrary to policy. The approved layout incorporates a single dwelling only, positioned to the rear of the site, which will ensure that a large proportion of it remains open and undeveloped. In addition, a significant number of trees on the site, particularly along the site frontage, will be retained and where they are proposed for removal, will be replaced.
For the redevelopment of your site to be supported I would suggest therefore that you take some time to look at the approved scheme and try to achieve something of a similar nature. I suspect that only a very low density high quality development would be acceptable.

I hope you find the above useful. If you wish to discuss the matter further, please do not hesitate to get in touch.

# Land at Common Road, Brierley

Appendix 9.3.5

Oligra email dated 12 August 2010 12:48

# Land at Common Road, Brierley

**From:** Oligra [mailto:oligra@btinternet.com]

**Sent:** 12 August 2010 12:48
**To:** Cotton , Alexandra
**Subject:** Re: Land at Cotton Road, Brierley

Thanks for this point in particular Alex

*BMBC Ref: 2010 0338). The application was recommended on the basis that the proposal would retain and enhance the sites ability to function as an area of amenity value and as an area of nature conservation value and as a consequence as the above the proposal was not considered contrary to policy. The approved layout incorporates a single dwelling only, positioned to the rear of the site, which will ensure that a large proportion of it remains open and undeveloped. In addition, a significant number of trees on the site, particularly along the site frontage, will be retained and where they are proposed for removal, will be replaced.*

(Why no mention of the new access through the stone wall frontage on Common Road?)

# Land at Common Road, Brierley

Appendix 9.3.6

LPA email dated 12 August 2010 13:07

# Land at Common Road, Brierley

David,

The creation of a small access in the boundary wall was not considered to be a significant issue as it was necessary to facilitate the redevelopment of the site.

Regards

Alexandra Cotton
Planning Officer
Development Management
Barnsley Metropolitan Borough Council
Planning and Transportation Service
PO Box 604
Barnsley
S70 9FE
Tel: (01226) 772577
Fax No: (01226) 772591
Email: alexandracotton@barnsley.gov.uk

# Land at Common Road, Brierley

Appendix 9.4

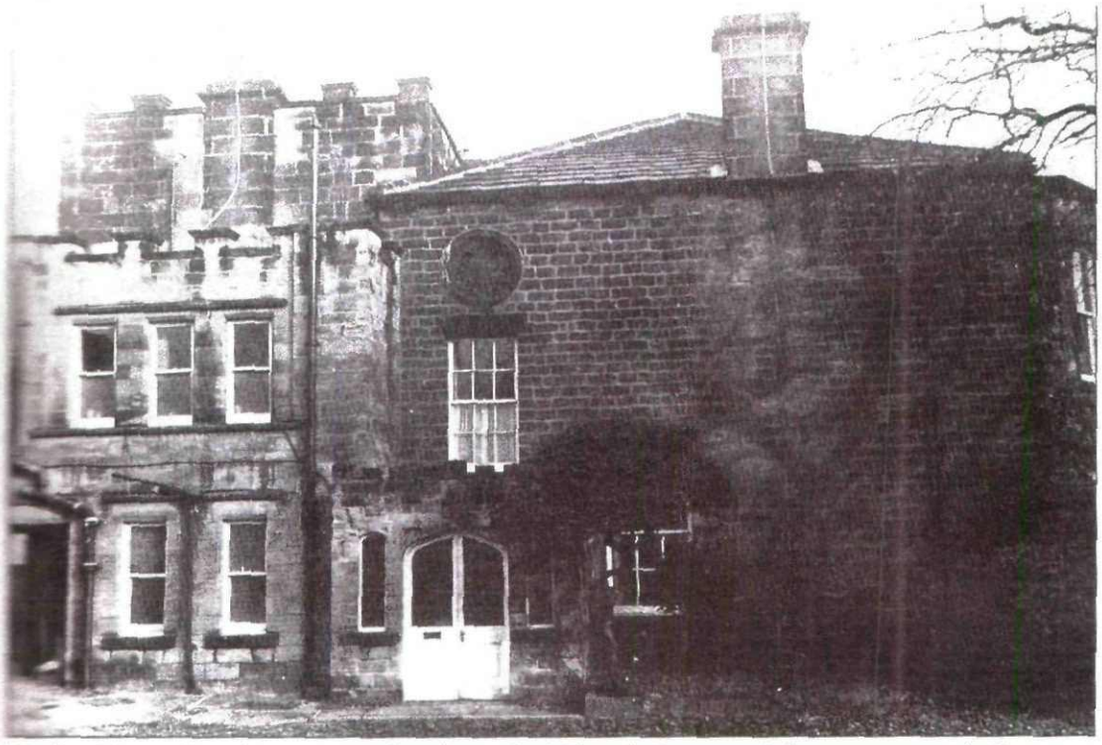
Traditional Building in Brierley

# Land at Common Road, Brierley



The old Brierley Post Office *c.* 1976.

# Land at Common Road, Brierley

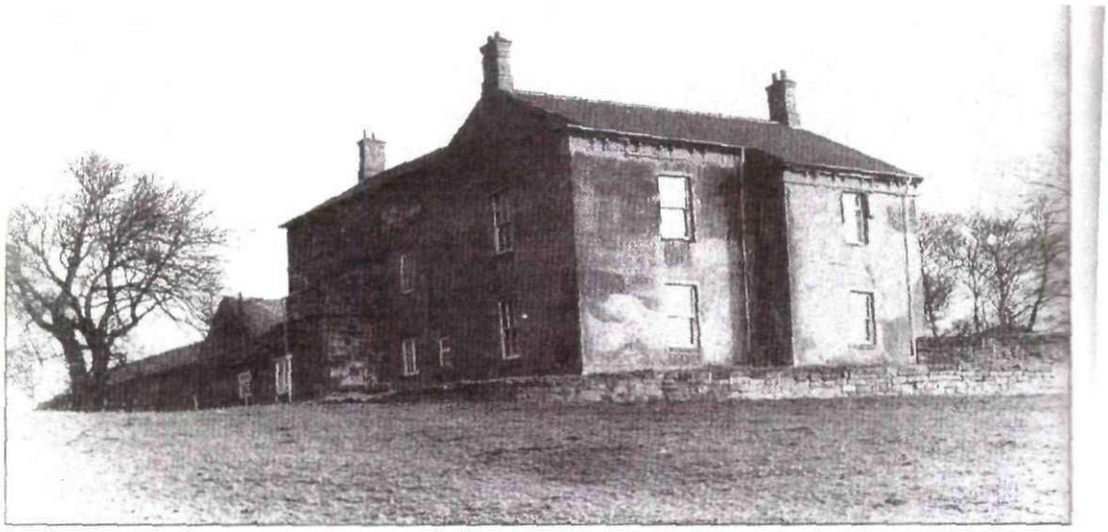


Lindley House, Brierley is situated at the end of Church Street and the junction with Common Road (known locally as Cordeaux Corner). In the 1840 this house belonged to the Hoyland family and was actually called Brierley Hall. The site of the present Brierley Hall was at this stage farmland; this land was purchased by the Rev. John Hoyland and the the present Hall was built.



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# Land at Common Road, Brierley



Brierley Manor House *c.* 1970. The house is actually closer to Grimethorpe than Brierley and can only be reached by track extending from Burntwood Road. The farm house is essentially eighteenth and nineteenth century but retains fragments of the late medieval period at the rear of the building. It is a listed house under the protection of the Department of Environment. In their excellent history of Brierley M.R. Watson and M. Harrison have noted that following the succession of the Saville family to the Manor in 1617 large sums were spent on renovating the house (M. Harrison and M.R. Watson, *Brereley. A History of Brierley*). (1975). For many centuries the Manor of Brierley (Brereley) was one of the most important in Yorkshire and extended south through what is today Grimethorpe. In the seventeenth century the Lord of the Manor (Lord Talbot) extended his parkland and the village of Grimethorpe almost vanished from the map. Only after the sinking of the pits and the arrival of the railways did Grimethorpe's population begin to increase beyond that of Brierley.

# Land at Common Road, Brierley

Appendix 9.5

Approved Residential Development within the Brierley Conservation Area

# Land at Common Road, Brierley

Appendix 9.5.1

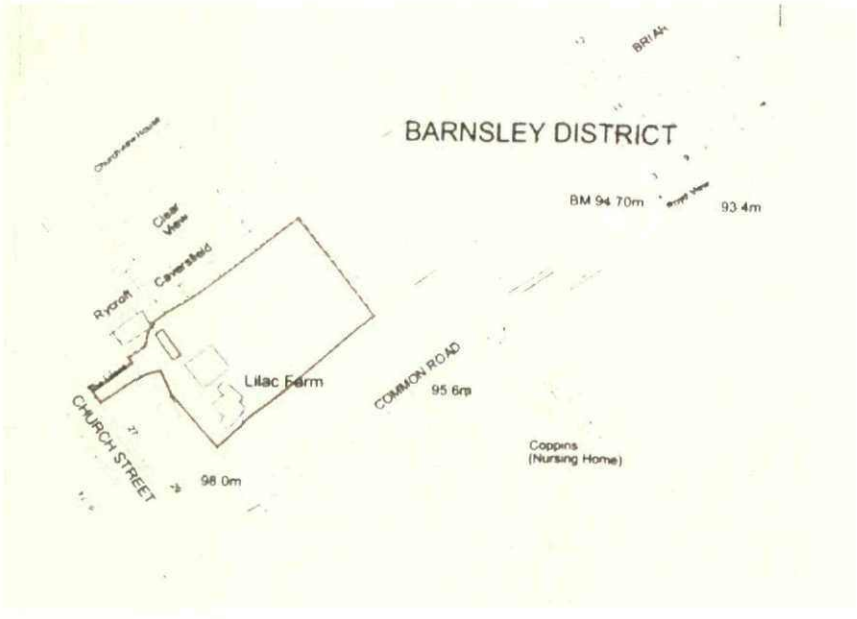
Planning Applications 2008/0971 [CAC] and 2008/0764

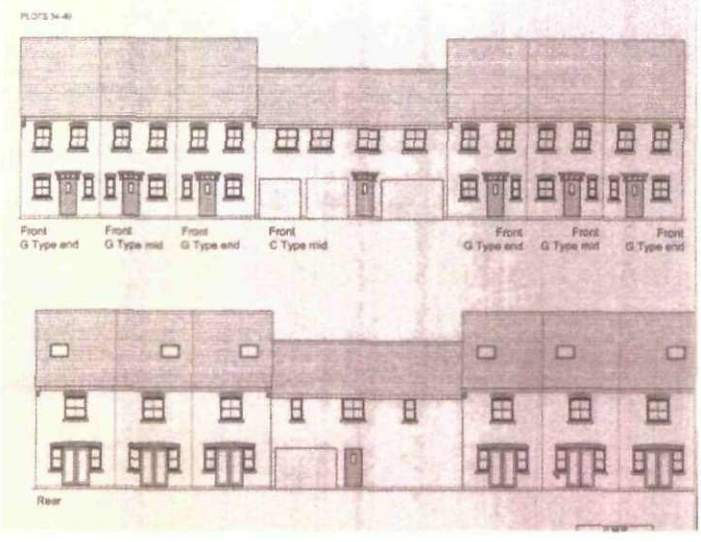
# Land at Common Road, Brierley

**Planning Applications 2008/0971 [CAC] and 2008/0764**

Land to rear of Lilac Farm, Church Street, Brierley, Barnsley

Demolition of existing bungalow and outbuildings and erection of 40 no. dwellings and area of open space






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# Land at Common Road, Brierley

Appendix 9.5.2

Planning Applications 2006/1991 & 2006/1998 [CAC]

# Land at Common Road, Brierley

**Planning Applications 2006/1991 & 2006/1998 [CAC]**

Land at 23 Church Street, Brierley, Barnsley.

Demolition of 23 Church Street and industrial buildings (former ice cream factory) and residential development of 27 dwellings.

**NO INFORMATION AVAILABLE**

# Land at Common Road, Brierley

Appendix 9.5.3

Planning Application 2008/0308

# Land at Common Road, Brierley

**Planning Application 2008/0308**

Land to the rear of Briercliffe House, Cliff Lane, Brierley

Erection of 3 detached houses

**NO INFORMATION AVAILABLE**

# Land at Common Road, Brierley

Appendix 9.5.4

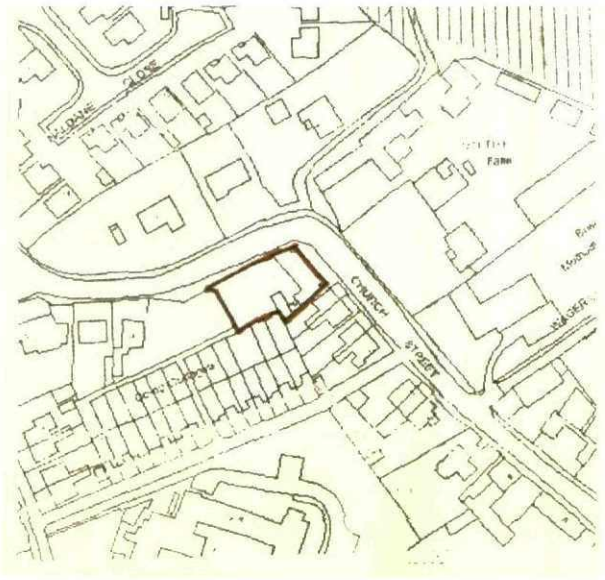
Planning Application 2008/0902

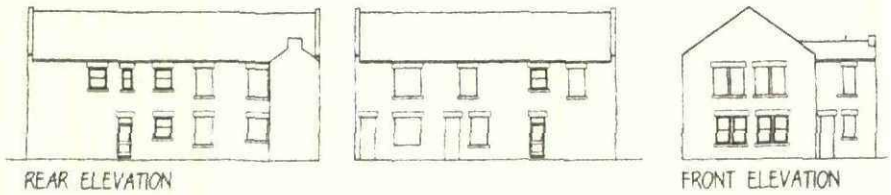
# Land at Common Road, Brierley

**Planning Application 2008/0902**

24 Church Street, Brierley, Barnsley.

Conversion of workshop/flats into three dwellings and one detached dwelling.






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# Land at Common Road, Brierley

Appendix 9.5.5

Planning Application 2008/1577



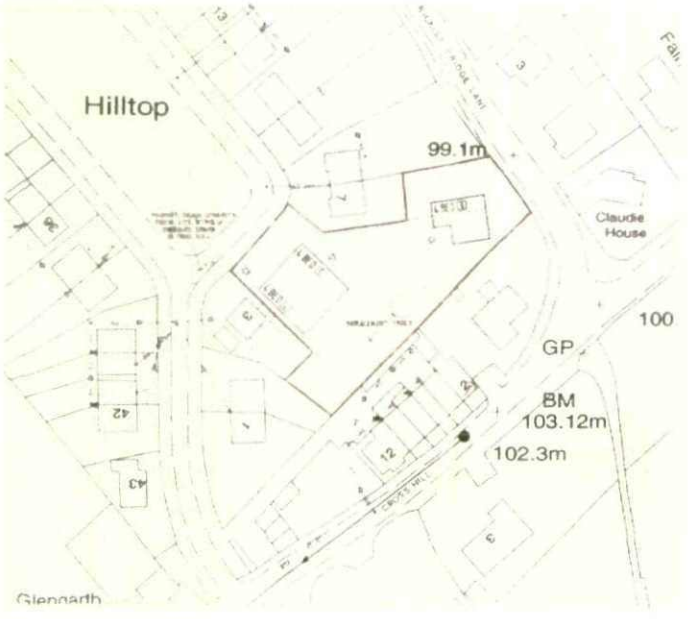
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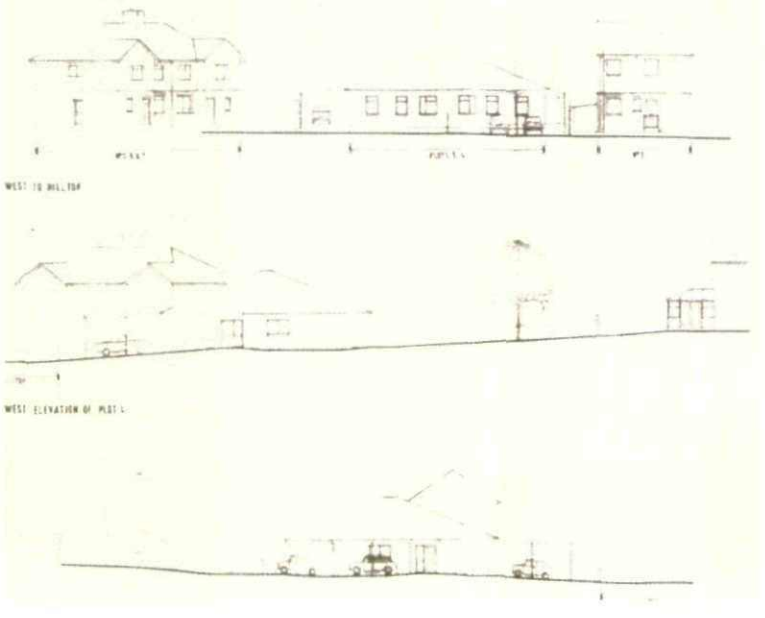
# Land at Common Road, Brierley

**Planning Application 2008/1577**

Land between 3 & 7 Hilltop, Brierley, Barnsley, S72 9LF

Erection of 3 bungalows for the disabled.





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# Land at Common Road, Brierley

Appendix 9.5.6

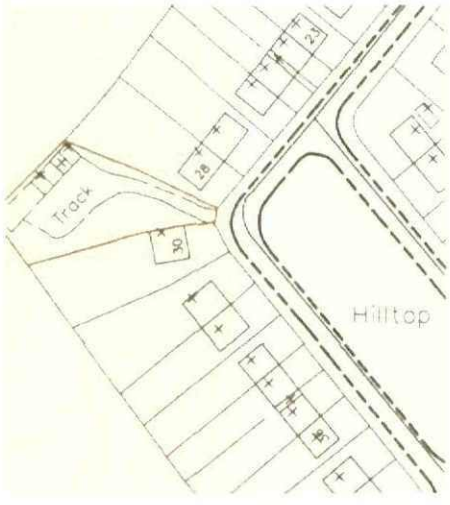
Planning Application 2009/0453

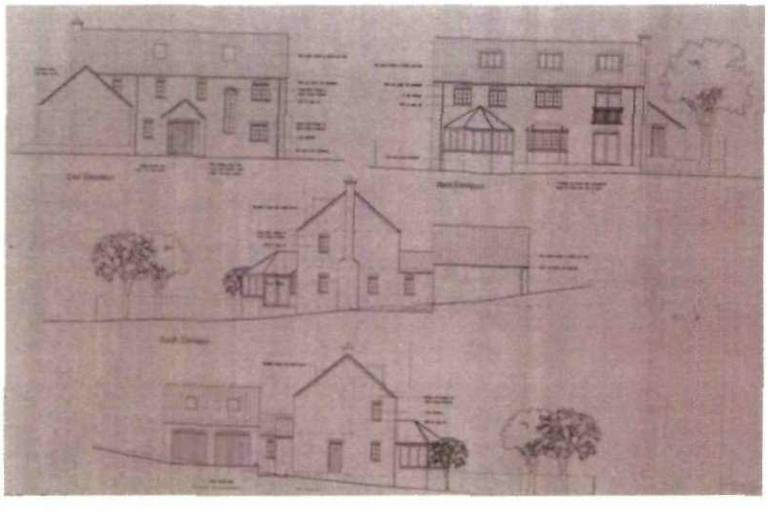
# Land at Common Road, Brierley

**Planning Application 2009/0453**

Land adjacent 30 Hill Top, Brierley, Barnsley, S72 9LF

Erection of a detached dwelling and double garage





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# Land at Common Road, Brierley

Appendix 9.5.7

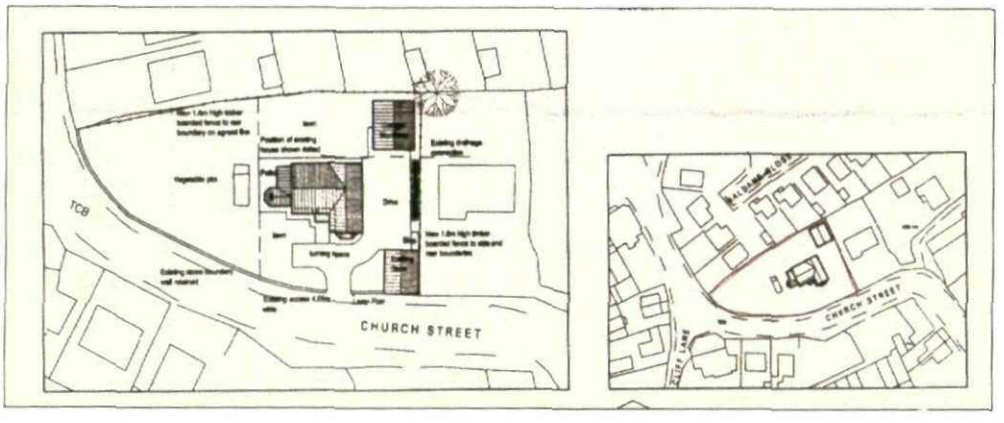
Planning Application 2009/0593

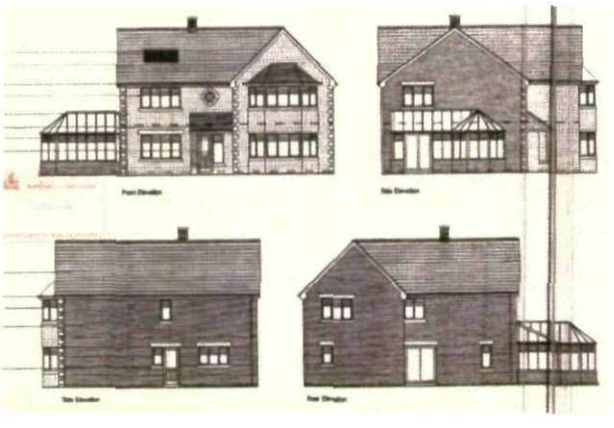
# Land at Common Road, Brierley

**Planning Application** 2009/0593

1 Church Street, Brierley, Barnsley, S72 9JR

Demolition of existing dormer bungalow and erection of 2 storey dwelling with detached garage





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# Land at Common Road, Brierley

Appendix 9.5.8

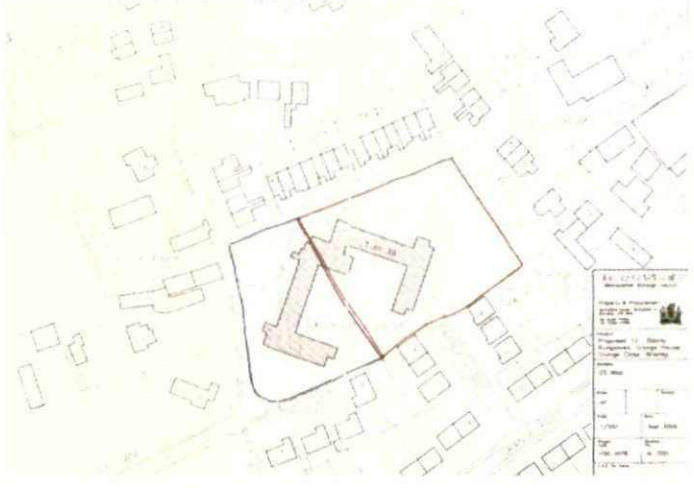
Planning Application 2009/1473

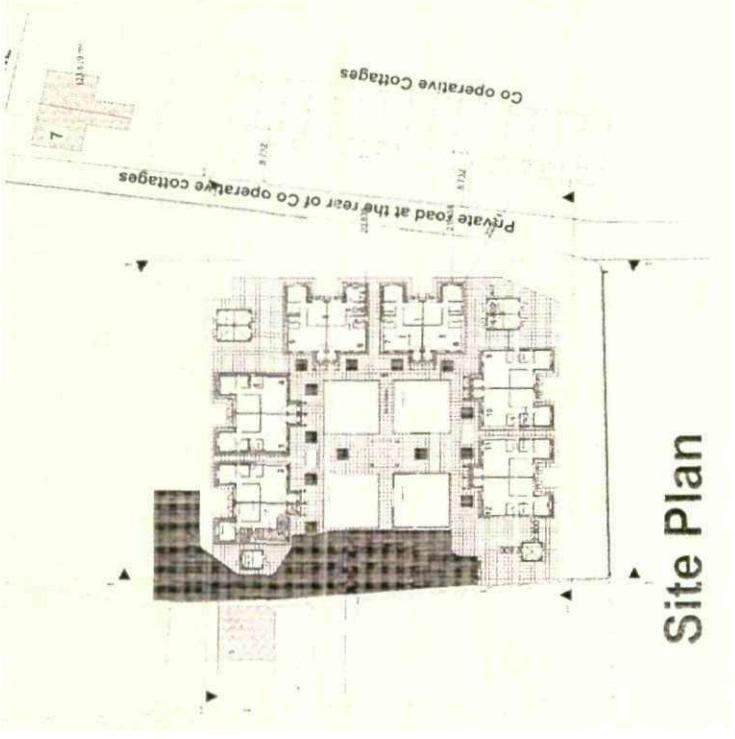
# Land at Common Road, Brierley

**Planning Application 2009/1473**

Land adjoining Grange Close/Cliff Lane, Brierley, Barnsley

Demolition of Grange House and erection of 6 no. pairs of semi detached bungalows for the elderly.








**Oligra Town Planning**
Planning Statement
**OLIG 10.29**
JAugust 2010

# Land at Common Road, Brierley

Appendix 9.6

Planning Appeal Precedent

# Land at Common Road, Brierley

ALLOWED 100-067-195 (Surrey)

- **Proposed Development**: 4 x semi-detached two storey houses
- **Siting**: Open land to side of row of terraced housing in urban area.
- **Council Case**: Unacceptable loss of urban land.
- **Appellant Case**: Undefined land considered as "other" open land which makes little contribution to the area character. Incorporates adjacent garden land to give 56 DPA which is less dense than neighbouring terraced housing.
- **Inspector**: Break in building line would just be following flow of bend in the road.

ALLOWED 100-067-682 (London)

- **Proposed Development**: Contemporary designed 6 flats in 3 and 4 storey blocks
- **Siting**: Bloomsbury Conservation Area.
- **Council Case**: piecemeal appearance and of limited architectural coherence. Poor design , form , scale and height
- **Appellant Case**: Neutral contribution
- **Inspector Comment**: A contemporary scheme which would make a positive contribution with conservation area character maintained

ALLOWED 100-067-620 (Monmouthshire)

- **Proposed Development**: 2 semi-detached (affordable) homes
- **Siting**: Local Plan "Green Wedge" on settlement edge set in Special Landscape Area
- **Appellant Case**: Would meet local need.
- **Inspector Comment**: No significant harm to adjacent residential outlook, privacy or daylight

ALLOWED 100-068-191 (London)

- **Proposed Development:** Demolition of large dwelling and replacement with five dwellings.
- **Siting:** Residential suburb with Tree Preservation Order
- **Appellant Case**: No harm to sylvan character of area from proximity of development to road given no fixed building line.
- **Inspector Comment:** In keeping with surroundings with no harm to residential amenity or protected trees.

# Land at Common Road, Brierley

ALLOWED 100-068-051 (Devon)

- **Proposed Development:** Four dwellings.
- **Siting:** Vacant grassland site within settlement boundary.
- **Appellant Case:** Acceptable design proposed in residential area of mixed type and design and noting both hipped and gabled roof forms. In scale, density and layout with area character Access from adjacent suburban housing estate spur and hammerhead turning area.
- **Inspector Comment:** Access not out of keeping with street pattern. Loss of neighbours privacy and outlook not significant

ALLOWED 100-067-379 (Wiltshire)

- **Proposed Development**: Demolition of large dwelling and replacement with eight dwellings (3 affordable).
- **Siting:** Village Conservation Area.
- **Appellant Case:** No harm to residential amenity due to no overbearing or overlooking given screening and distances. No harm to highway safety due to adequate and improved visibility, pedestrian improvements and sufficient parking.
- **Inspector Comment:** Whilst increased density and some loss of landscaping for access, no harm to sylvan and verdant character and appearance of Conservation Area due to appropriate design, layout and retained and proposed landscaping.

OLIGRA

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RTPI

mediation of space · making of place