



TOWN PLANNING

**Proposed Residential Development at
The Old Quarry, Common Road, Brierley**



VOLUME 1: Planning Statement

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Report ref: 10.29 (2) PS
March 2011

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OLIGRA Town Planning

Land at Common Road, Brierley

VOLUME 1

PLANNING STATEMENT

Land at Common Road, Brierley

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Land at Common Road, Brierley

SECTION ONE EXECUTIVE SUMMARY

Land at Common Road, Brierley

Proposal

- 1.1 We are seeking detailed planning consent to develop six dwellings at land at Common Road, Brierley.
- 1.2 The application site is around 0.23 hectares and gives a low development density at around 24 dwellings per hectare.
- 1.3 The local planning authority has opined a preference for one dwelling, or around four dwellings per hectare.

The Site

- 1.4 The site is an old quarry and is therefore defined previously developed land. It is designated urban green space in the local plan. It is located on the periphery of the Brierley Conservation Area
- 1.5 It is populated by self-seeded apple and pear trees that form part of a wider ranging blanket TPO.
- 1.6 It is fly-tipped with commercial and domestic refuse and shows evidence of anti-social activities. Barnsley MBC has raised formal complaints about the fly-tipping and South Yorkshire Police has issued crime numbers for incidents of theft and anti-social behaviour.

Brierley Conservation Area.

- 1.7 The local planning authority in their own words has diluted the Brierley Conservation Area by approving the development of 68 houses very near to the old quarry and all within the Conservation Area. Another nearby 29 proposed houses are the subject of a recent planning application; giving a total of 97 possible new houses inside the Conservation Area and in close proximity to the application site. Many of these also are on designated urban greenspace.

Land at Common Road, Brierley

Detailed Design

- 1.8 The site topography and location lends itself to a bespoke scheme. Influenced by traditional Brierley buildings and other recently approved development within Barnsley Borough, the bold and innovative scheme will enhance its surroundings and the wider conservation area.
- 1.9 Its bespoke design and high quality materials will serve to redress the negative impact on the conservation area of the bland off-the-peg corporate styles of the nearby high volume and high density housing developments.
- 1.10 The proposed housing will remove once and for all a focus for anti-social behaviour, fly-tipping and other activities which blight the Brierley Conservation Area.

Land at Common Road, Brierley

SECTION 2 INTRODUCTION



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

Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 2

INTRODUCTION

- 2.1 OLIGRA Town Planning has been engaged to submit a detailed planning application for six dwellings at Land off Common Road Brierley.
- 2.2 The proposed development has been subject to extensive written pre-application consultation, meetings with planning officials at the council offices and joint site visits with members of the local planning authority.
- 2.3 The application is supported by technical drawings and a tree survey respectively provided by Miles Designs Ltd and JCA Ltd.

Report Structure

- 2.4 At Section 3 we describe the subject site, its former and current uses and any planning designations. Section 3 in particular draws on evidence of anti-social activities that have required the involvement of South Yorkshire Police and Barnsley Metropolitan Borough Council; factors which are material considerations in the determination of this planning application.
- 2.5 At Section 4 we describe the proposed development followed by, at Section 5, a description of the pre-application consultations with the local planning authority that informed the proposed development.

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- 2.5 Section 6 sets out the statutory development plan and at Section 7 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.
- 2.6 At Section 8 we assess the foregoing before offering general conclusions at Section 9.
- 2.7 A very detailed and extensive set of appendices is set out in a separate volume. They are referred to where appropriate in this report.
- 2.8 All photographs and technical drawings have been photo-reduced and their dimensions adjusted for illustrative purposes. Some visual distortion may have occurred.

Land at Common Road, Brierley

SECTION 3 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."

Local planning authority (Appendix 10.5.4)

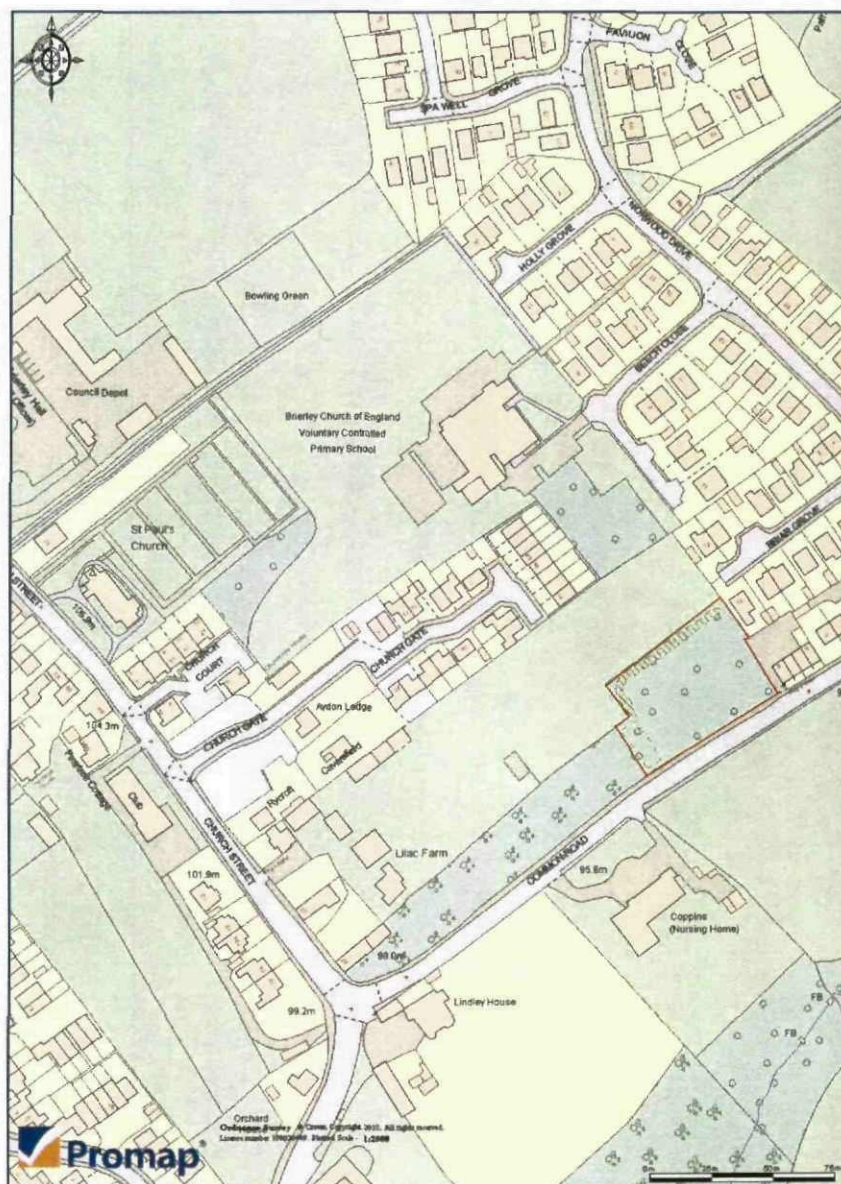
4)

Land at Common Road, Brierley

SECTION 3

SITE AND SURROUNDINGS

- 3.1 The site is approximately 0.23 hectares in area. It is shown below edged in red (Please see Appendix 10.2)



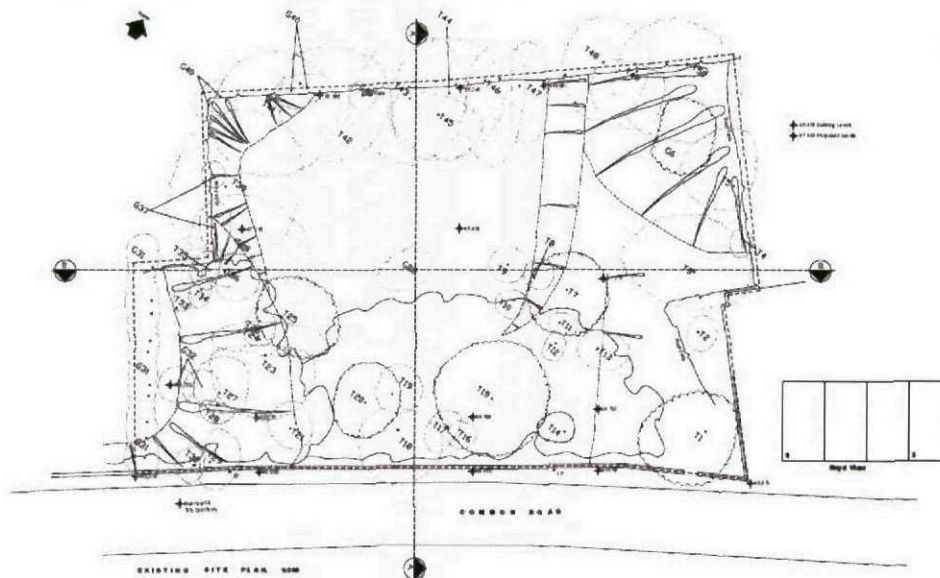
Land at Common Road, Brierley

- 3.2 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.
- 3.3 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 10.1)
- 3.4 Common Road is the main road linking Brierley with nearby Grimethorpe to the south; both communities being historically linked with the coal mining industry.
- 3.5 We show Common Road below looking south-west 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.



Land at Common Road, Brierley

- 3.6 The application site is an old quarry. We show below the topographic survey with trees identified. The four terraced houses on Common Road shown at paragraph 3.5 can be seen to the lower right-hand side.



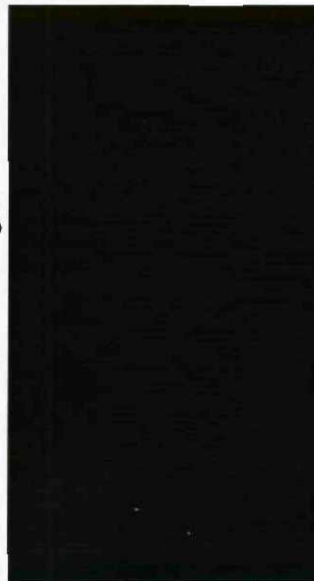
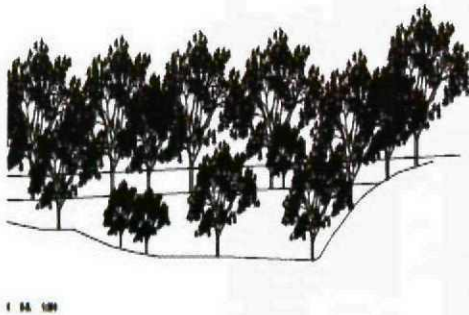
- 3.7 The quarry workings have resulted in two site levels. A higher level fronts Common Road to the south and the site drops down to a lower level towards the rear to the quarry face in the north. The quarry face is approximately fifteen metres high. The top of the quarry face is fringed with mature trees.
- 3.8 The old quarry was subsequently planted with apple and pear trees. Over the 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).

Land at Common Road, Brierley

- 3.9 Cross section looking along the site to the east. The quarry face is seen to the left hand side. The floor level rises towards Common Road to the south.



- 3.10 Cross section looking northwards into the site from Common Road. The quarry face in the rear mid-ground has the trees atop. These trees fall outside the planning application area.



Land at Common Road, Brierley

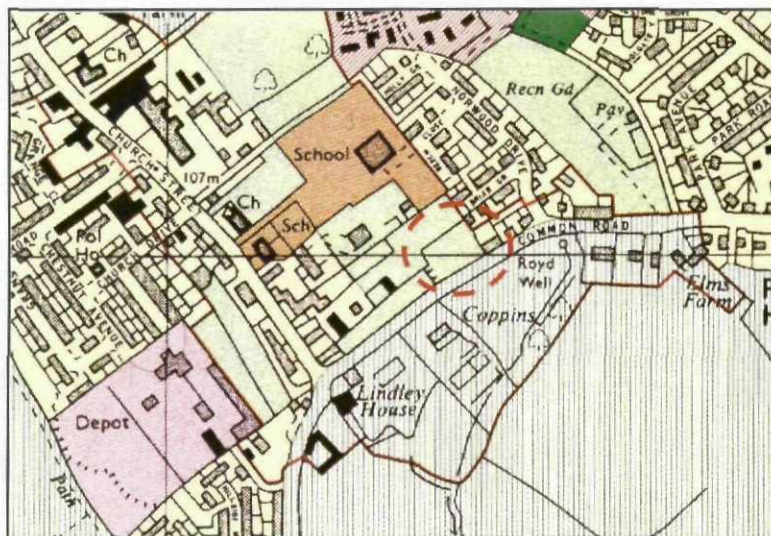
3.11 The trees that fringe the quarry top to the north of the application site can be seen in the following photograph.



Land at Common Road, Brierley

Planning Designations

- 3.11 The old quarry is shown ringed in red below. It is located inside Brierley Conservation Area.



- 3.12 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.
- 3.13 The self-seeded fruit trees within the site are subject to a blanket TPO

Land at Common Road, Brierley

- 3.14 Today the site is unkempt and overgrown. It is the location of habitual commercial and domestic fly-tipping. The following photographs show the degraded nature of the site.



- 3.15 A stone-built depository situated on the eastern side of the old quarry is a particular focus for anti-social activity. We assume it was a safe store for equipment associated with the old quarry workings. We show this overleaf.

Land at Common Road, Brierley



Fly-tipping and Barnsley MBC Regulatory Services

- 3.16 The ongoing problems associated with fly-tipping prompted Barnsley MBC Regulatory Services to contact the applicant. Their letter is set out in full at Appendix 10.3. It states that *controlled waste consisting of bathroom fittings, domestic appliances, tyres, car parts and building waste* continues to be tipped at the old quarry. They also oblige the applicant to tidy up the site and to take reasonable steps to ensure that fly-tipping at the site can no longer be carried out.

Land at Common Road, Brierley

- 3.16 The applicant attended the site to clean up the fly-tipped detritus. They collected 127 tyres, which are shown below left. They also tidied up the site and backfilled the stone built depository, which is shown below right.



- 3.18 Further incidents of anti-social behaviour occurred during and after the site clean up. These are set out in a series of emails from the applicant to the planning agent (appendix 10.4). We summarise the anti-social behaviour below.

November 7th 2010

- 3.19 Bathroom fittings, children's toys and a push chair deposited in the site and evidence of open fires on the land. Coping stones were stolen from boundary wall and wooden fencing and metal security fencing stolen from adjacent building site.

November 17th 2010

- 3.20 New metal wire security gate to application site bent over.

Land at Common Road, Brierley

November 18th 2010

- 3.21 South Yorkshire Police contacted the applicant about the ongoing anti-social behaviour. They said they were aware that young people had been using the stone built depository to imbibe drink and drugs out of public view. (Police incident number 1050)

November 23rd 2010

- 3.22 New metal wire security gate to application site now flattened. We show this below right. Police now pass on details of future incidents to the Safer Neighbourhood Team. Criminal Recording Bureau Reference number B-114 955-2010



November 24th 2010

- 3.23 Applicant contacted by a WPC based at nearby Cudworth Police Station.

January 8th 2011

- 3.24 More domestic and garden rubbish deposited. Several trees vandalised.

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SECTION 4 PROPOSED DEVELOPMENT



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

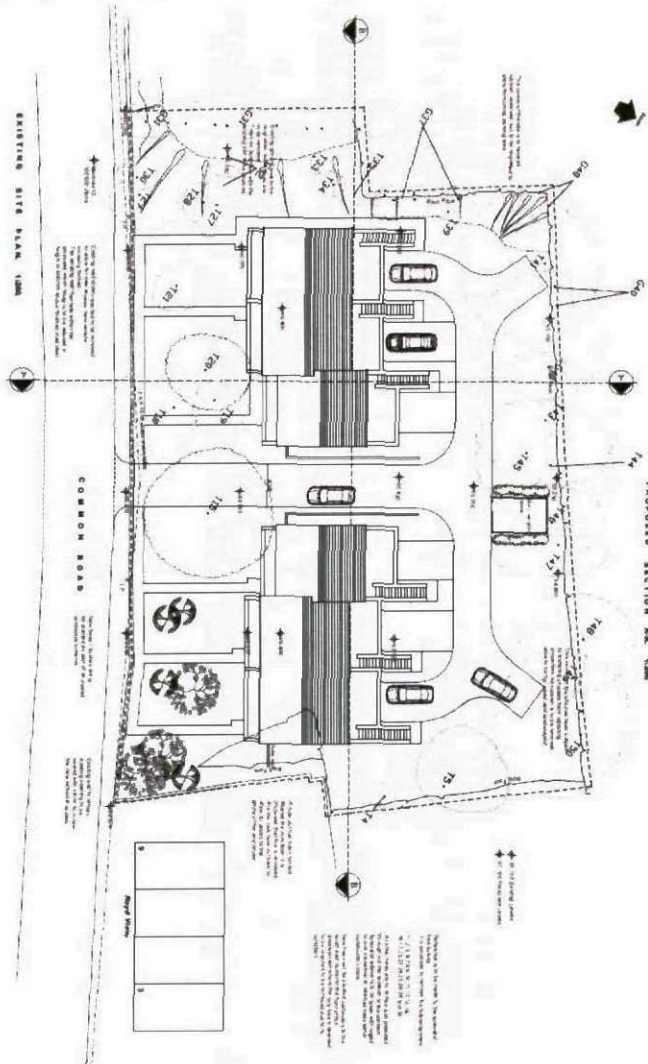
Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 4

PROPOSED DEVELOPMENT

- 4.1 The proposed development is for six dwellings. We show below the proposed layout.



Land at Common Road, Brierley

Justification

- 4.2 The application site is around 0.23 hectares and six houses will give a low development density at around 24 dwellings per hectare.
- 4.3 The local planning authority has opined a preference for one large detached dwelling, which is the equivalent of around four dwellings per hectare (see Section 5 below). In our opinion, one dwelling on such a relatively large site would serve to perpetuate the fly-tipping problem that besmirches the Conservation Area.
- 4.4 Furthermore, it would not be in keeping with the built form at this section of Common Road. Moreover, it would result in extensive grounds, either as one entire private garden or as a smaller private garden with surplus land beyond the domestic curtilage.
- 4.5 Neither is conducive to its setting within the Conservation Area. An entire private garden serving one large dwelling could be utilised for domestic paraphernalia which would detract from its setting in the Brierley Conservation Area. Conversely, a smaller garden with other land beyond could fall prey to the same fly-tipping that currently causes demonstrable harm to amenity.

Land at Common Road, Brierley

Site Access

- 4.6 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. Sight lines are adequate in each direction:



Land at Common Road, Brierley

Tree Survey

- 4.7 The trees on the application site are self-seeded apple and pear trees in generally poor condition. Although of little merit, they are part of a wider ranging blanket TPO. The trees have been surveyed by JCA Ltd. Their report is set out at Appendix 10.10. The survey identified three types of tree category:

- Category A Trees where retention is most desirable
- Category B Trees where retention is desirable
- Category C Trees could be retained.

- 4.8 The survey has established that:

- No trees must be retained.
- There are no trees whose retention is most desirable. (Category A)
- There are two trees which are desired to be retained. (Category B)
- Trees which could be retained predominate (Category C)

Category B

- 4.9 The two trees are T15 and T20. T15 is an unkempt mature apple tree. It is a dominant feature within the site. The survey describes it as a “ gnarley old tree with much deadwood and unmanaged yet still with good potential” (abridged para 5.1.5). Since the tree survey was undertaken T15 has been vandalised. and a main branch ripped off. We show T15 below.



Land at Common Road, Brierley

Category C

- 4.10 Category C Trees predominate. These are trees whose retention is neither desirable nor most desirable. Notable trees are T7 Ash and T20 Sycamore. The Tree Survey states *they are semi mature and could be replaced.*

New Tree Planting

- 4.11 The poor quality fruit trees would be replaced by native species that would mature to give lasting enhancement to this part of the Conservation Area. New tree planting would be concentrated at the site frontage with Common Road to accord with LPA recommendations set out at Section 5 below. New tree planting is set out in a tree planting plan.
- 4.12 At only six houses, the scheme is lower in density than used to be recommended by PPS3. Under the old PPS3, at 30 dwellings per hectare, theoretically the site could accommodate seven dwellings.
- 4.13 With only six dwellings the proposed density is therefore approximately only 85% of site capacity. The 15% area not given over to built development will contribute additional soft landscape features and so further enhance its inherently pleasant setting.

NB An ecological survey of flora and fauna and protected species is provided under separate cover.

Land at Common Road, Brierley

Massing

- 4.14 The proposed six houses are formed into two blocks of three 3-storey houses to give a scale and massing *redolent of the older traditional Brierley buildings* which are shown at Appendix 10. 6

Positioning

- 4.15 The proposed positioning is influenced by PAN 2 (The Design and Layout of New Housing Achieving Quality Residential Development). This encourages developers to establish how best to develop a site to take advantage of its shape and topography.

- 4.16 We show how we meet the PAN 2 guidance below.



- 4.16 The houses are set back from the back edge of the footpath by around 12 metres to achieve six objectives:

- (1) It provides front gardens.
- (2) It does not overbear the Common Road street scene.
- (3) It does not compromise the integrity of the stone wall, as a local feature.

Land at Common Road, Brierley

(4) It provides sufficient area to the front for new native species planting to enhance the amenity at the site, which is a gateway to Brierley when travelling from the south.

(5) It sets the height of the proposed housing lower into the site to make them subservient to adjoining development (a new detached house on higher ground is being built to the west and there is a row of four terraced houses standing on elevated ground to the east)

(6) It respects the existing building line at this section of Common Road, which we show below.



Land at Common Road, Brierley

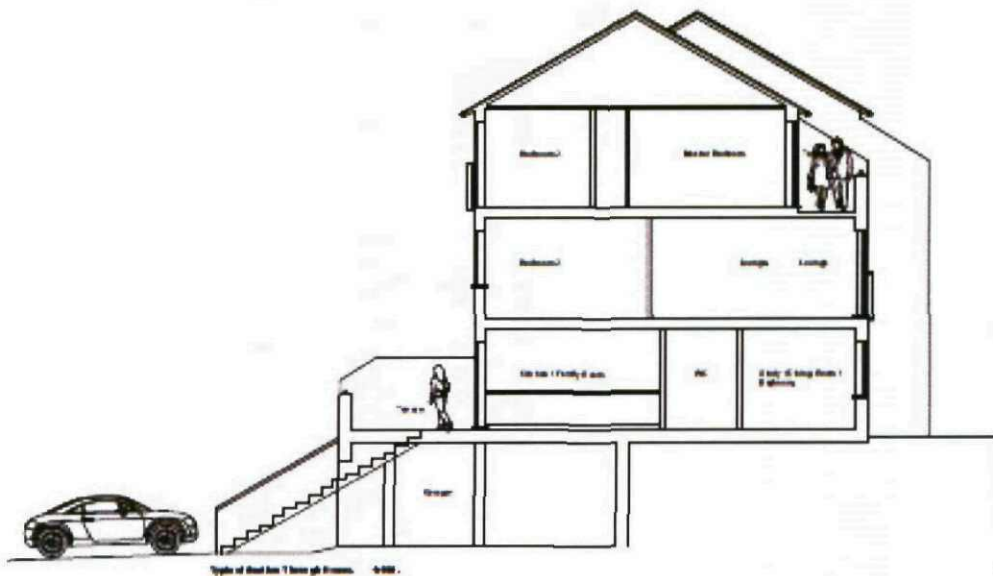
Design

- 4.17 The proposed development is a bespoke scheme Influenced by traditional Brierley buildings and other recently approved development within Barnsley Borough, the innovative scheme will enhance its surroundings and the wider conservation area.
- 4.18 The bespoke design and high quality materials of the proposed houses will serve to redress the negative impact on the conservation area of the bland off-the-peg corporate styles of the nearby smaller, high volume and high density housing developments. For eample, the development at Church Street, shown below, viewed from the Lilac Garage which stands around twenty metres above the old quarry and which itself has planning consent for forty houses.



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4.19 We show the proposed houses below.



tranquil
the front
overlooking Common Road to the south, a discreet second floor roof terrace
allows views over rolling countryside to the south. We show this view below.



Land at Common Road, Brierley

Materials

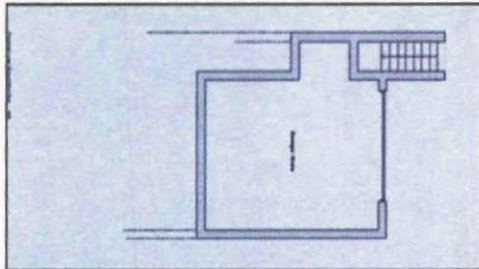
- 4.21 All material details would be conditioned and subject to local authority approval. All are negotiable. They are:

Elevations:	Coursed reconstituted stone to match the local vernacular.
Roof:	stone or slate
Windows	Painted softwood
Gutters and downpipes:	Black UPVC
Balustrading:	Black painted metal
Terrace Copings:	Reconstituted stone.
Garage doors	UPVC, colour to LA approval.
Parking and turning area	Block pavior.
Main access road	Tarmac
Soft landscape Planting	To be agreed

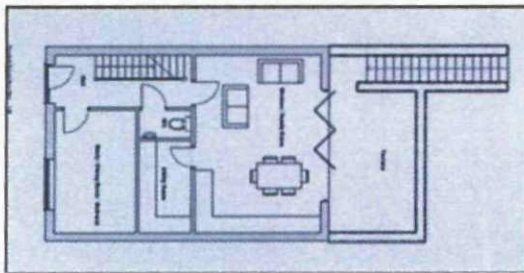
Land at Common Road, Brierley

4,22 The floorplans are shown below

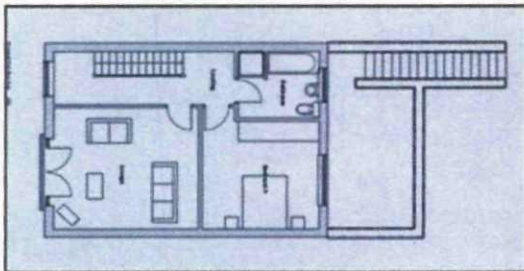
Basement Garage



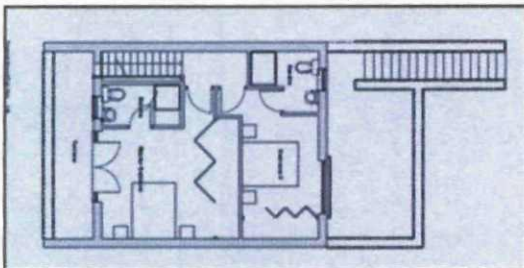
Ground Floor (Kitchen/Dining)



First floor (Living Room)



Second Floor (Bedroom)

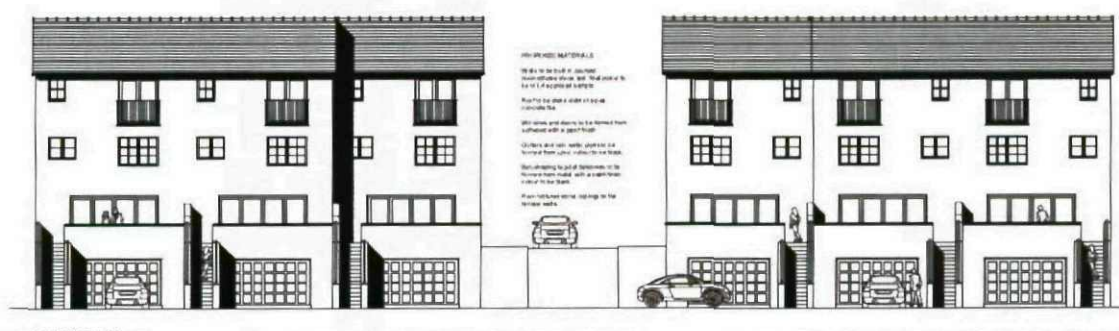


Land at Common Road, Brierley

- 4.23 We show the Common Road elevation below. The stone wall that fronts Common Road is not shown on the drawing (c. 1.25m high). In reality, it would serve to shield from public view part of the groundfloor.



- 4.24 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. No soft landscape planting is indicated. A landscape planting scheme to satisfy the local authority would be planted to soften views of the rear elevation.



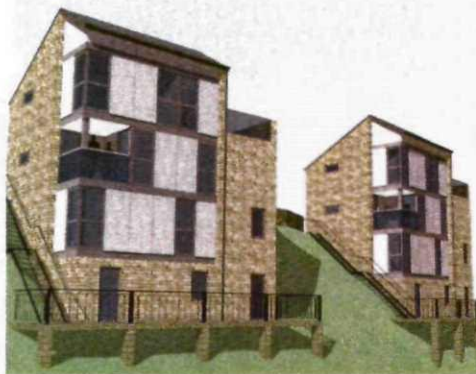
Land at Common Road, Brierley

- 4.25 The proposal is inspired by innovative housing at Hall O Shaw Street, Crewe and Penistone near Barnsley. (Appendix 10.8)

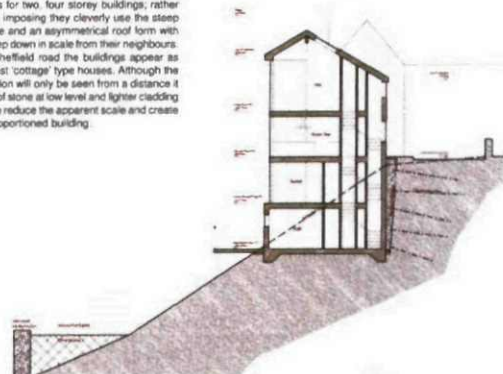
Houses with rooftop patios at Hall O Shaw Street, Crewe



Penistone houses and site topography (approval 2010/0321)



at is for two, four storey buildings, rather than imposing they cleverly use the steep site and an asymmetrical roof form with a step down in scale from their neighbours. In Sheffield road the buildings appear as modest 'cottage' type houses. Although the elevation will only be seen from a distance it is of stone at low level and lighter cladding above to reduce the apparent scale and create a proportioned building.



Household Waste Disposal

- 4.26 Main Sewer Connection is available on Common Road. Surface water would naturally soak away in the lower reaches. Soakaways and porous surface materials would enhance this. An area for refuse bins would be provided in the rear courtyard. (See Appendix 10.16 Water and Sewer Legends)

Land at Common Road, Brierley

SECTION 5 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.”

Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 5

PRE-APPLICATION CONSULTATION

- 5.1 This planning application is a resubmission of planning application 2010 1097 which was withdrawn on the 6th October 2010.
- 5.2 For this reason, the local authority commentary falls into two distinct categories: those made before the original submission and those made following a meeting with local authority officials prior to withdrawing that first application.

CONSULTATION BEFORE THE ORIGINAL SUBMISSION (2010 1097)

- 5.3 The correspondence between the OLIGRA and the local planning authority prior to the original submission is set out at Appendix 10.5.
- 5.4 We offer a summary of the LPA commentary over four key areas:
- 1 Support for the principal of development
 - 2 Do not support specific scheme
 - 3 Suggested development
 - 4 Inconsistencies

Land at Common Road, Brierley

SUPPORT FOR THE PRINCIPAL OF DEVELOPMENT

5.5 The LPA 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; and*
- *There are ways and means of improving and sometimes even redeveloping a site, which do not entail wholesale clearance.*

DO NOT SUPPORT SPECIFIC SCHEME

5.6 The local planning authority opined that the proposed scheme:

- *Is completely inappropriate in terms of siting and design;*
- *it will eradicate the trees and the stone wall; and*
- *it makes no reference to traditional building designs within the Conservation Area.*

Suggested Development

5.7 The LPA opined that *only a very low density high quality development would be acceptable."*

5.8 In our opinion a large single dwelling on the 0.23 ha application site is completely inappropriate. It would not be in keeping with the built form at this section of Common Road. It would result in extensive grounds, either as entire private garden or as a smaller private garden with open land beyond the domestic curtilage.

5.9 On the one hand, an entire private garden of over 0.2 hectares serving one large dwelling could be manicured lawn and used for domestic paraphernalia which would detract from its setting in the Brierley Conservation Area.

Land at Common Road, Brierley

- 5.10 On the other hand, 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 approved houses on the Lilac Garage land which overlooks the quarry.

INCONSISTENCIES

- 5.11 The LPA was 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

- 5.12 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.*”
- 5.13 Policy GS34 does not say that. 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. It also says, where material considerations indicate approval, the adverse effects on urban greenspace must be offset by compensatory improvements*”

Land at Common Road, Brierley

Common Road Stone Wall

- 5.14 The approved detached house on TPO land next door to the old quarry is now served by a new access onto Common Road that cuts through the same stone wall that the LPA is so keen to safeguard at our site.
- 5.15 Despite the fact that the old quarry is served by an existing access through the stone wall, 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."*
- 5.16 With regard to the approved detached house on land next to the old quarry, which required a wide new access to be cut out of the stone wall 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. "* We show the small access below.



Land at Common Road, Brierley

Conservation Area

- 5.17 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 “ *The Conservation Area has been diluted somewhat overtime by modern infill development*”
- 5.18 In our opinion the Conservation Area has been *significantly* “ diluted” over recent years and the implementation of 68 approved houses will deleteriously and permanently change the character of the Conservation Area.

Land at Common Road, Brierley

CONSULTATION PRIOR TO WITHDRAWING FIRST APPLICATION.

Alexandra Cotton, Local Authority Planner (Appendix 10.11)

- 5.19 Retain as many trees on the site as is reasonably possible - particularly along the site frontage and along the boundaries of the site - to ensure that the site will continue to perform as an area of amenity value. I would anticipate that a development comprising only a very small number of dwellings could achieve that end.
- 5.20 Adverse effects on the functioning of the greenspace would need to be offset by a financial contribution to improve other areas of Urban Greenspace within the local area. Based on previous applications I would expect that we would require contributions of approx £2000 per dwelling.
- 5.21 It is not appropriate for a development on this site to follow the existing building line.
- 5.22 Retain as much of the existing boundary wall site frontage
- 5.23 Ensure that the design and scale of the dwellings proposed reflects that of the more traditional dwellings within the Conservation Area and that the build incorporates high quality materials.
- 5.24 The application to be accompanied by a bat survey, tree survey and tree planting plan and relevant ecological/wildlife surveys (i.e. protected species including bats/breeding birds/flora and fauna).

Land at Common Road, Brierley

Edward Jowett Tree Officer (Appendix 10.12)

- 5.25 There appears to be many trees on site which are worthy of retention and indeed should be retained. The proposed development as it stands has a complete disregard for any of the trees on site and would result in many of the better specimens being lost.

OLIGRA COMMENT: Edward Jowett has opined that the site contains many trees which should be retained, and that the proposed development completely disregards better specimens. This assertion is groundless. The fruit trees on the site have been subjected to a full tree survey and not one tree is deemed desirable to keep.

Land at Common Road, Brierley

Tony Wiles Conservation Officer (Appendix 10.13)

- 5.26 The principle of residential development on the site is not one I would necessarily object to.
- 5.27 The proposal is simply too large, although the floor to ridge height of the proposed 3 storey houses on the Common Road frontage is the same as existing 2 storey buildings to the east.
- 5.28 The open second floor terrace contributes to the over bearing nature of the frontage and the development sits uncomfortably with the small scale vernacular style.
- 5.29 The roadside trees significantly contribute to the character of the area and provide a useful visual buffer. Any development should replace or retain trees that would maintain this green screen.

Highways: Sheridan Pashley (Appendix 10.14)

- 5.30 There are no highways, engineering or waste management objections to the proposed development.

Yorkshire Water: Stephanie Walden (Appendix 10.15)

- 5.31 There are no objections. Foul and surface water disposal are subject to standard conditions. (See Appendix 10.16 Water and Sewer Legends)

Land at Common Road, Brierley

SECTION 6 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.”

Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 6

STATUTORY DEVELOPMENT PLAN

- 6.1 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

- 6.2 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.

Land at Common Road, Brierley

Volume One Part Two Policies

- 6.3 **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.
- 6.4 **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.
- 6.5 **Policy GS22A:** In assessing planning applications the desirability of retaining mature trees and hedgerows will be an important material consideration.
- 6.6 **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

Land at Common Road, Brierley

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.

6.7 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

6.8 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

Land at Common Road, Brierley

greenspace must be offset by compensatory improvements or additions within or outside the development site, including where appropriate, through planning conditions or obligations.

6.9 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.

6.10 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

6.11 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

Land at Common Road, Brierley

- 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.

6.12 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.

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6.13 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

- 6.14 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.

6.15 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.

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SECTION 7 MATERIAL CONSIDERATIONS



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

Local planning authority (Appendix 10.5.4)

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SECTION 7

MATERIAL CONSIDERATIONS

- 7.1 We now describe those material considerations that should have a bearing on the determination of the proposed development.
- 7.2 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."*
- 7.3 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
 - Brierley Conservation Area
 - Planning Appeal Precedent

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SUPPLEMENTARY PLANNING GUIDANCE

7.4 Supplementary Planning Guidance was introduced to explain how UDP policies would be implemented. The latest version - Planning Advice Notes (PAN) - was used to update the UDP. The following PAN 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

- 7.5 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.
- 7.6 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).
- 7.7 PAN 2 also 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.

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PAN 20

Open Space Provision on New Housing Developments

- 7.8 Pan 20 applies to developments of more than twenty dwellings.

PAN 25:

Landscape Design

- 7.9 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

- 7.10 The 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.
- 7.11 It is considered unreasonable and impractical to include sites below 0.4 hectare in the Sequential Approach.
- 7.12 The subject site is approximately 0.23 hectares

Land at Common Road, Brierley

ANNUAL MONITORING REPORT 2008-2009: HOUSING

- 7.13 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.
- 7.14 The PPS3 Five year supply for the period 2009-2014 shows unimplemented planning permissions for 6,208 dwellings.
- 7.15 The proportion of dwellings completed in small towns more than doubled in the six years between to 2008/9 (13.2% in 2002/03 to 29.4% in 2008/09.)

Land at Common Road, Brierley

NATIONAL PLANNING GUIDANCE

- 7.16 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)

- 7.17 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. Sustainable communities are those “ *that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential.* ”
- 7.18 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.

Land at Common Road, Brierley

Planning Policy Statement 3: Housing

- 7.19 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.

Planning Policy Statement 5: Planning for the Historic Environment

- 7.20 PPS 5 safeguards heritage assets in accordance with the UK' s obligations as a signatory to the Council of Europe' s Convention for the Protection of the Architectural Heritage of Europe; The European Convention on the Protection of the Archaeological Heritage; The European Landscape Convention); and the 1972 UNESCO World Heritage Convention.
- 7.21 PPS 5 seeks to conserve England' s heritage assets in a manner appropriate to their significance whilst at the same time recognising that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. This should achieved by
- ensuring that planning decisions are based on the nature, extent and level of that significance, investigated to a degree proportionate to the importance of the heritage asset;
 - ensuring that heritage assets are put to an appropriate and viable use that is consistent with their conservation; and
 - ensuring that the positive contribution of such heritage assets to local character and sense of place is recognised and valued.
- 7.22 PPS 5 does not define the term “ heritage asset” but its Policy HE3 says planning authorities should set out a positive strategy for the conservation and enjoyment of the historic environment in their area, taking into account the variations in type and distribution of heritage asset, as well as the

Land at Common Road, Brierley

contribution made by the historic environment by virtue of, inter alia, its influence on the character of the environment and an area's sense of place; its potential to be a catalyst for regeneration in an area, in particular through leisure, tourism and economic development; and the stimulus it can provide to inspire new development of imaginative and high quality design

PPS7: Sustainable Development in Rural Areas

- 7.23 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

- 7.24 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

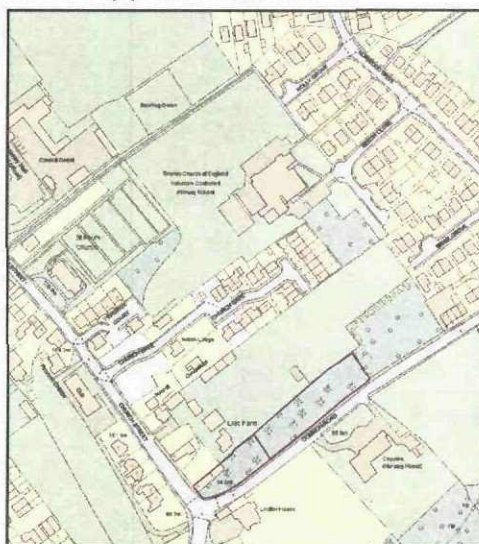
Conservation Areas (Section 4)

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

Land at Common Road, Brierley

RESIDENTIAL DEVELOPMENT ON COMMON ROAD

7.26 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.



7.27 We now consider the two sites edged in purple in greater detail. The site nearest the junction with Church Street is shown below. The curtilage has been developed entirely for private garden space.

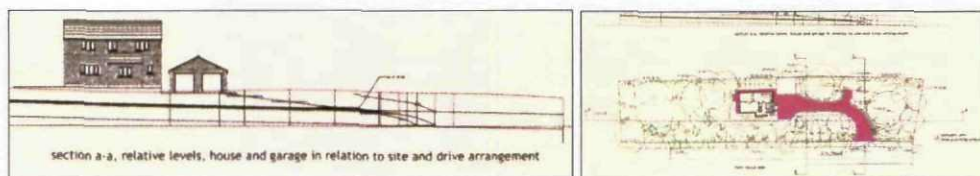


Land at Common Road, Brierley

- 7.28 This private garden space contains a 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. (This feature has now been removed)



- 7.29 The other site edged purple has planning permission to erect a large detached dwelling with detached double garage (Planning Application 2010/0338). We show the approved elevation and block plan below. A new access onto Common Road shown in pink has been taken through the stone wall.



Land at Common Road, Brierley

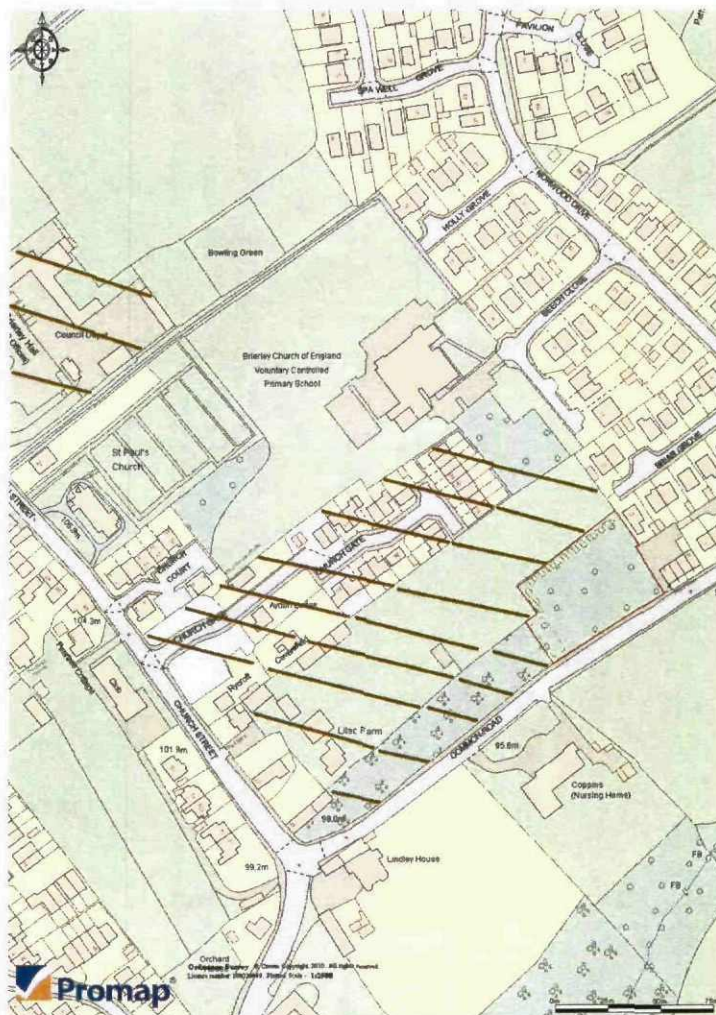
- 7.30 We show below the actual new access. In our opinion this land, which is served by a stepped pedestrian access onto Common Road, offered far greater potential as amenity space than the litter strewn quarry which is the subject of this planning application. The house will sit in a visually intrusive high level and will overbear Common Road at this section.



Land at Common Road, Brierley

RESIDENTIAL DEVELOPMENT IN BRIERLEY CONSERVATION AREA

- 7.31 Land cross hatched brown on the following map is being residentially developed for almost 100 houses. Some built, some unimplemented and some the subject of current planning applications. They all are inside the Brierley Conservation Area. The application site is edged in red.



Land at Common Road, Brierley

Brierley Hall (Planning Applications 2010/0413, 0432 and 0433)

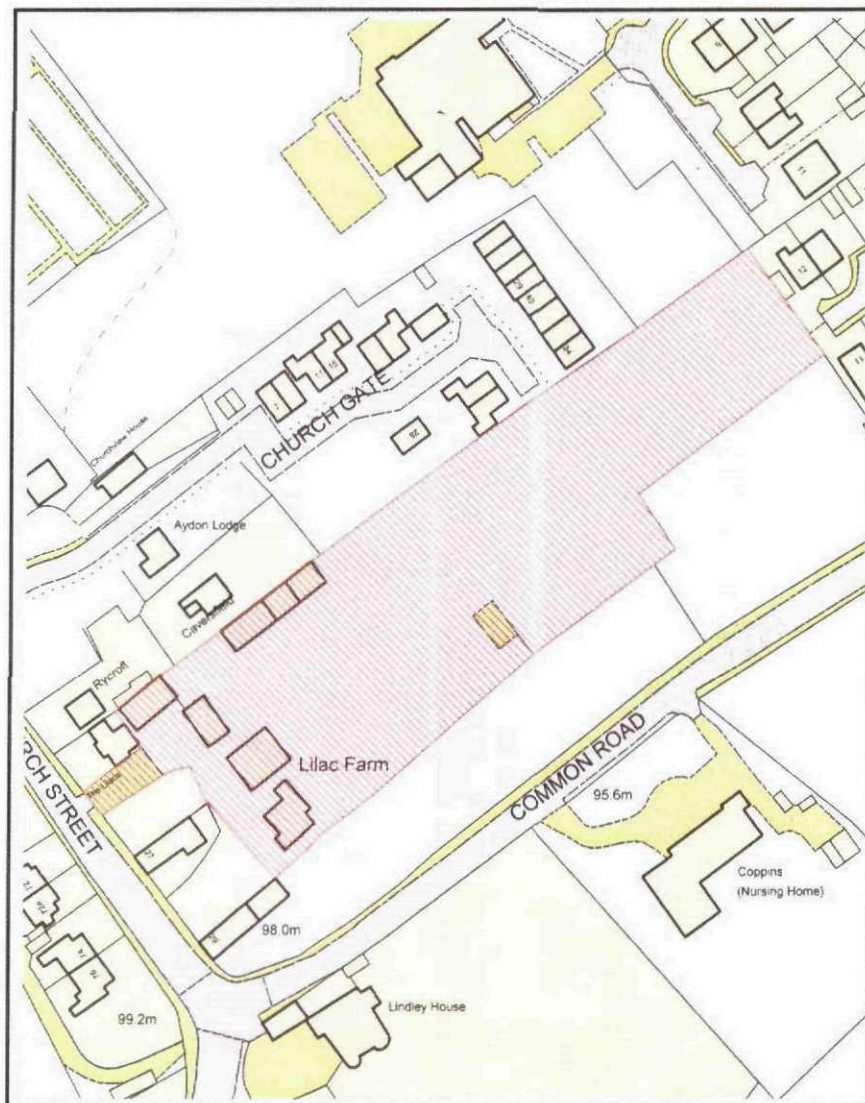
- 7.32 This current planning application is proposed to convert Brierley Hall into 3 dwellings and erect 29 new build dwellings in the grounds. Brierley Hall is the northernmost cross hatched zone at paragraph 7.33 above. We show the proposed scheme below.



Land at Common Road, Brierley

Approved Residential Development

- 7.33 Details of all residential development in and around Brierley Conservation Area are set out at Appendix 10.7. The development at Churchgate and Lilac Farm is particularly noteworthy. We show these below.



Land at Common Road, Brierley

Churchgate (land to rear of 23 Church Street)

- 7.34 The entrance to the twenty-seven (27) house Churchgate development is shown below.



Lilac Farm, Church Street

- 7.35 Forty (40) houses have been approved at land to the rear of Lilac Farm, Church Street. The approved site is defined urban greenspace and offers amenity to surrounding houses. It can be seen centre- mid-distance below



- 7.36 The design of these sixty-seven (67) houses off Church Street seemingly has had no regard to the traditional buildings within the Brierley Conservation Area. Similarly, the numerous smaller residential infill developments in and around Brierley that are set out at Appendix 10.7 show house designs that also seemingly have also had no regard.

Land at Common Road, Brierley

BRIERLEY CONSERVATION AREA

- 7.37 As well as the planning consents for volume 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.
- 7.38 We show below the original Church Street looking north towards St Paul's Church.



- 7.39 The same view was transformed with the development of the Board School on land to the south of St Paul's (left). Today the same view has been transformed once again with the demolition of the Board School and its replacement with the 27 houses at Churchgate, Church Street (right)



Land at Common Road, Brierley

- 7.40 In a similar vein, individual buildings have been adapted over time. We show below left Lindley House on Common Road as originally built, and as it is today below right.



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



- 7.41 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 original building to the right 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.



Land at Common Road, Brierley

PLANNING APPEAL PRECEDENT

7.42 Planning appeal precedent for developments similar in character to that proposed are shown at Appendix 10.9 and are discussed at Section 8 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

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SECTION 8 ASSESSMENT



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

Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 8

ASSESSMENT

8.1 We assess the proposed development in following four areas:

- Local Plan Policy
- Brierley Conservation Area
- Material Considerations
- Planning Appeal Precedent

LOCAL PLANNING POLICY

8.2 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.

8.3 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.

Land at Common Road, Brierley

- 8.4 The houses also satisfy specific policies: the bringing forward of the degraded quarry 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)
- 8.5 The old quarry is designated Urban Greenspace under Policy GS34. 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
- 8.6 The local authority opines that the old quarry serves no function as a facility for recreation or as a link between urban areas, but it may have amenity value and possibly some 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 any amenity value and is a material consideration in the determining of the application.
- 8.7 Under Policy GS34, where material considerations indicate approval, any adverse effects on urban greenspace can be offset by compensatory measures through planning obligations. The applicant is agreeable to this.

Land at Common Road, Brierley

Policy GS34 Urban Greenspace

- 8.8 The LPA opined that the proposal would “ *seriously jeopardise the site’ s ability to continue to function as area of amenity value // 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 10.5.4 Email from local planning authority dated Thursday, August 12, 2010 12:39 PM)
- 8.9 We do not agree.
- 8.10 The proposed six 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.
- 8.11 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. “*

Land at Common Road, Brierley

- 8.12 The approved detached house is located on high ground within the same blanket TPO and within the same defined Urban Greenspace. Its location better fulfils the Policy GS34 policy objectives. Not only will this detached house cause visual impact to its surroundings, it is 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.
- 8.13 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.* “
- 8.14 In our opinion the grounds of the approved house - which is shown as Urban Greenspace on the Local Plan Proposals Map - will become domesticated with associated garden paraphernalia and will over time undermine the LPA justification. This already has happened with the extensive domestication of defined urban greenspace next door to the approved site which effectively has sterilised the garden of any features for which it was designated greenspace.



Land at Common Road, Brierley

- 8.15 In our opinion the LPA suggestion *that only a very low density high quality development would be acceptable at the* 0.23 ha old quarry is completely inappropriate.
- 8.16 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.
- 8.17 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.
- 8.18 Conversely, a smaller garden with other land beyond could fall prey to the same fly-tipping that currently causes demonstrable harm to amenity.

Land at Common Road, Brierley

BRIERLEY CONSERVATION AREA

- 8.19 In pre-application consultation the LPA stated that “ *the Conservation Area has been diluted somewhat overtime by modern infill development.*”
- 8.20 In our opinion they have understated this diluting effect. The Conservation Area has been significantly diluted over recent years and the implementation of consented residential development has markedly and permanently changed the character of the Conservation Area.
- 8.21 With regard to Local Plan policy, in our opinion the innovative design proposed at the quarry satisfies the requirements of Policies BE1 and BE1A, both of which permit development that employs the highest quality of design and materials and preserves the character or appearance of a conservation area.
- 8.22 Although Policy BE1A does not define what constitutes the highest quality of design and materials, the proposal endeavours in every respect to exceed the standard set by recently approved housing in the near vicinity.
- 8.23 For example, the Churchgate development at land to the rear of 23 Church Street, which is located in the heart of the Brierley Conservation Area, is designed with no reference to the traditional, vernacular inherent to Brierley and cannot be said to satisfy the Policy BE1A requirement for development of the highest quality of design and materials to enhance or preserve the character or appearance of the conservation area

Land at Common Road, Brierley

- 8.24 In our opinion the proposed housing at the quarry fully satisfies Policy BE6, which assesses the use, quality and landscape treatment of open land within an application site. The proposed houses are sited near to the front of the quarry to respect the existing street scene without being overbearing, and by siting the houses to the front and upper part of the site, the open land in the lower reaches is retained for landscaped communal amenity space in a secluded sylvan setting.
- 8.25 The proposed housing scheme also satisfies Policy BE6A (Design to Avoid Crime), which requires housing ideally to be designed with no vehicular or pedestrian through traffic."

Visual Impact and the Conservation Area

- 8.26 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 are built out on land that stands around twenty metres above the old quarry on its north eastern boundary. When built, they will be highly visible to remote receptors when viewed from the south.

Common Road Stone Wall

- 8.27 The approved detached house on TPO land next door to the old quarry is now served by a new access onto Common Road that cuts through the same stone wall that the LPA is so keen to safeguard at the old quarry, which actually has an existing access. This is inconsistent.

Land at Common Road, Brierley

- 8.28 With regard to the proposed six houses and the relocation of the existing access, the planning officer in question opined: “ *I am also concerned about the loss of the stone wall*” ; at the same time the officer opined with regard to the approved detached house: “ *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.* ” We show the small access below.



Land at Common Road, Brierley

MATERIAL CONSIDERATIONS

- 8.29 The LPA opined that the proposed design and siting is “ *completely inappropriate.*”
- 8.30 The siting of the housing towards the front of the quarry takes careful consideration of PAN 2, which encourages developers to establish how best to develop a site to take advantage of its shape and topography.” (PAN 2: The Design and Layout of New Housing Achieving Quality Residential Development)
- 8.31 The siting also endeavours to maintain a degree of visual continuity with the existing street scene and, in so doing, further accords with PAN 2 which says that development should “ *take account of the street context rather than the character of the village as a whole*” (page 15).
- 8.32 PAN 2 also says that existing development not in keeping with the local area should not be replicated.
- 8.33 In the light of the recently approved and proposed 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.
- 8.34 However, in our attempt to combat the negative and deleterious effect on the Conservation Area of this housing, the LPA has opined our scheme “ *does not reflect or respect that of existing and proposed development in the*

Land at Common Road, Brierley

area.” We think the LPA opinion is diametrically at variance with its own planning guidance set out at PAN 2.

- 8.35 Furthermore, the LPA opined that our proposed design “ *does not make reference to the more traditional buildings which fall within it.*” But, unlike the approved homogenous housing, our scheme is inspired by the scale and massing of traditional Brierley buildings, such as that shown below (Please see Appendix 10.6 for more examples)



Land at Common Road, Brierley

Annual Monitoring Report (2008-2009)

- 8.36 The latest Annual Monitoring Report (2008-2009) states a 29% fall in the number of new dwellings built in Barnsley, with 6,208 approved dwellings remaining unbuilt. It goes on to say the proportion of dwellings completed in small towns such as Brierley rose from 13.2% in 2002/03 to 29.4% in 2008/09.
- 8.37 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 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 meet market demands (Para 2.38)

Land at Common Road, Brierley

National Planning Guidance

- 8.38 The proposed housing is designed 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.
- 8.39 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.*”
- 8.40 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.
- 8.41 We also believe that the design of the proposed houses draw on local traditional influences and therefore meets the spirit of PPS 7, which aims 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. Finally, the proposed development 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)

Land at Common Road, Brierley

PLANNING APPEAL PRECEDENT

- 8.42 There are a number of successful appeals around the country for proposals that share attributes similar to that proposed. (Please see Appendix 10.9)
- 8.43 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)
- 8.44 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)
- 8.45 The location of the proposed development at an old quarry in the “ diluted” Brierley Conservation Area is less sensitive than the ten house allowed on former allotment land in a Conservation Area and World Heritage Site (Avon 100-066-898)
- 8.46 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).

Land at Common Road, Brierley

SECTION 9 GENERAL CONCLUSIONS



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

Local planning authority (Appendix 10.5.4)

Land at Common Road, Brierley

SECTION 9

GENERAL CONCLUSIONS

- 9.1 Planning permission is being sought to develop six houses at the old quarry at Common Road, Brierley. The quarry is inside Brierley Conservation Area and is defined previously developed land. It is designated Urban Greenspace in the Local Plan and is now populated by self-seeded apple and pear trees that are subject to a blanket TPO.
- 9.2 The site is fly-tipped with commercial and domestic refuse which serves to blight the area. Other forms of anti-social behaviour are also evident, including theft and criminal damage. These incidents have required the involvement of Barnsley Borough Council Regulatory Services, South Yorkshire Police and the Safer Neighbourhood Team.
- 9.3 The proposed houses would remove once and for all a focus for anti-social activities that serve to blight the Brierley Conservation Area. The development would therefore enhance the conservation area.
- 9.4 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.

Land at Common Road, Brierley

- 9.5 The siting of the housing towards the front of the quarry takes careful consideration of PAN 2, which encourages developers to establish how best to develop a site to take advantage of its shape and topography." The siting also endeavours to maintain a degree of visual continuity with the existing street scene and, in so doing, further accords with PAN 2 which says that development should "*take account of the street context rather than the character of the village as a whole*" (PAN 2: The Design and Layout of New Housing Achieving Quality Residential Development)
- 9.6 The houses are set back from Common Road by around 12 metres to allow front of site tree planting to enhance the amenity of this part of the conservation area.
- 9.7 The local planning authority acknowledges that they have "diluted" the Brierley Conservation Area after recently approving the development of around seventy houses inside the conservation area.
- 9.8 The bespoke design and high quality materials of the proposed houses will serve to redress the negative impact on the conservation area of these bland high volume and high density housing developments.
- 9.9 PAN 2 recommends that existing development not in keeping with the local area - such as the aforementioned - should not be replicated.

Land at Common Road, Brierley

- 9.10 The local planning authority has granted planning permission for a detached house on an adjacent smaller site. This site is part of the same defined urban green space and also part of the same blanket TPO. The approved house cuts a new access through the stone wall on Common Road.
- 9.11 The proposed development accords with the Development Plan and other national guidance. It is supported by planning appeal precedent from around the country.



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