

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday 25 October 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2021/1660 & 2021/1631

Please meet at the Town Hall for immediate departure at 11.30 a.m.

Plan Number	Site	Approx Time of Arrival
2021/1660	Planning application for the Widening of highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and shared pedestrian and cycle paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order- Old Mill Lane including Old Mill Lane Bridge and land to the east of the Asda Store, Barnsley, S71 1LN	11.35 a.m.
2021/1631	Erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage, Land off Keresforth Close, Barnsley, S70 6RS	12.10 p.m.

Please note: Members of Planning Regulatory Board should not become involved in discussions with neither the applicant nor local residents when on site visits.

**The remainder of the agenda will be considered at
2.00 p.m. in the Council Chamber**

2. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in relation to the site visits or items on the agenda.

MEETING:

3. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 27 September 2022

Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593.

4. Land off Keresforth Close, Barnsley, S70 6RS - 2021/1631 - For Approval
(Pages 5 - 30)
5. Old Mill Lane including Old Mill Lane Bridge and Land to the East of the Asda Store, Barnsley, S71 1LN - 2021/1660 - for Approval (Pages 31 - 48)
6. Land off Lowfield Road, Bolton Upon Dearne - 2019/0623 - For Refusal (Pages 49 - 62)

Planning Appeals

7. Planning Appeals - September 2022 (Pages 63 - 66)

Member Consultations

8. Member Consultation Report - September 2022 (Pages 67 - 68)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bellamy, Bowler, Cain, Coates, Crisp, Danforth, M. Dyson, Eastwood, P. Fielding, Gillis, Greenhough, Hayward, Leech, Lofts, McCarthy, Mitchell, Moyes, Peace, Shirt, Smith, Tattersall, Webster, White and Wray

Matt O'Neill, Executive Director Growth and Sustainability
Paul Castle, Service Director Environment and Transport
Kathy McArdle, Service Director Regeneration and Culture
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control
Andrew Burton, Group Leader (Inner Area), Development Management
Bob Power, Senior Legal Officer (Locum)

Parish Councils

Please contact Elizabeth Barnard on email governance@barnsley.gov.uk

Monday 17 October 2022

MEETING:	Planning Regulatory Board
DATE:	Tuesday 27 September 2022
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bellamy, Cain, Coates, Crisp, Danforth, P. Fielding, Gillis, Hayward, Leech, Lofts, Mitchell, Smith, Tattersall, Webster, White and Wray

27. Declarations of Interest

There were no declarations of Pecuniary or Non-Pecuniary interest from Members in respect of items on the agenda.

28. Minutes

The minutes of the meeting held on 26 July 2022 were taken as read and signed by the Chair as a correct record.

29. Barnburgh Lane, Goldthorpe - 2020/1439 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2022/1439** – Erection of 68no 2, 3 and 4 bed dwellings with associated access and landscaping, land off Barnburgh Lane, Goldthorpe Rotherham.

Mr M Smith (Applicant) addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr A Staines (Objector) addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to conditions and the signing of a S106 agreement.

30. Planning Appeals - July and August 2022

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2022/23.

The report indicated that no appeal had been received in July, 2022, no appeals had been withdrawn and three appeals had been determined, two of which had been dismissed and one allowed.

In August, 2022, 5 appeals had been received, no appeals had been withdrawn and 5 appeals had been determined, four of which had been dismissed and 1 allowed.

The report also gave details of the cumulative appeals totals for the whole of 2022/23 which indicated that 17 appeals had been determined since 1st April, 2022.

However, three applications were duplicated in the report so the actual number of appeals determined had been 14. This did not change the percentage that were reported to the Board as this remained at 71% having been dismissed and 29% having been allowed since 1st April, 2022.

RESOLVED that the report be noted.

31. Member Consultation Report July 2022

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member Consultation in advance of the late July 2022 Planning Regulatory Board meeting.

RESOLVED that the report be noted.

32. Member Consultation Report August 2022

The Head of Planning and Building Control presented a report summarising the outcomes of the planning applications agenda pack issued as a Board Member Consultation in lieu of a Planning Regulatory Board meeting in August, 2022.

RESOLVED that the report be noted.

Chair

Ref 2021/1631

Applicant: Bowmer and Kirkland (on behalf of the Secretary of State for Education)

Proposal: Erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage

Site Address: Land off Keresforth Close, Barnsley

10.No Objections have been received by local residents.

Site Description

The site measures approximately 7.2Ha and consists of a brownfield, former NHS site to the North East of the site and a disused playing field to the South West. The site is bisected centrally by a public right of way. Mature hedges bound the majority of the site with exception of part of the Keresforth Close boundary. The northern boundary comprises a thicket of mature trees giving the impression of a wooded area. The site has an undulating topography with a 21m level difference from the western boundary to the eastern boundary.

The site is neighboured by housing to the East, primary schools and an existing sports facility to the North/North East, housing and flats off Keresforth Close to the North West and a school and housing opposite Broadway to the West.

Vehicular access to the site is off the A6133 Broadway via Keresforth Close which is served by an existing signalled junction.

The site is allocated for housing and green space under policy MU4, with an indicative number of 150 dwellings along with 3.25ha of greenspace (playing pitches).

Background

On the 18th of March 2020, Cabinet approved a report (Cab.18.3.20/18) recommending a free school as the preferred use for the Keresforth Close site (which was allocated as a mixed use site in the Local plan) and that the site be transferred to the Secretary of State for Housing, Communities and Local Government (DHCLG), subject to the necessary planning consents being achieved.

The approval of this recommendation was based on a requirement for a new secondary school in the central Barnsley area from September 2021 and in recognition of Trinity being identified by the DfE as the successful multi academy trust to provide a new secondary free school. Prior to Cabinet approving the recommendation, Trinity MAT and LocatED, in consultation with Council officers, concluded a comprehensive site search and identified this Keresforth Close site as the only site in the central planning area that meets with the requirements for a new secondary school.

Given the lead in times, including the need to obtain planning permission, it had already been recognised that a permanent school would not be available for use by September 2021 and so the DfE began working up a planning application for a temporary school which was approved by Planning Regulatory Board in February 2021 subject to conditions.

The temporary school was never built out as alternative accommodation was secured instead at Eastgate House, 9 Eastgate in Barnsley Town Centre.

In addition, a prior notification application was submitted to demolish the NHS buildings on the Keresforth Close site utilising the permitted development rights that are available to enable the demolition of existing undesignated buildings. Following the assessment of that application it was established that prior approval was not required for the method of demolition and restoration and the buildings have recently been demolished.

Proposed Development

The application seeks full planning permission for the erection of a new secondary school with associated sports block, sports pitches, hard and soft landscaping, access, parking and drainage.

The school would be a purpose built secondary free school. Trinity Academy St Edwards is already operating from temporary accommodation as set out in the background section above, but this proposal is for a permanent home to the school from September 2024. It would accommodate 900 pupils aged 11-16 when at capacity. Staff numbers are estimated at 90.

In addition to core education use, it is proposed to develop third party use of the internal and external facilities including the sports centre and external pitches, main hall, dining space, library & ICT facilities providing opportunities for community use.

The main school building would be located relatively centrally on the site set behind the playing pitches and be rectangular in shape with a flat roof. Accommodation would be provided over 3 floors (building height approximately 12.5m) and arranged around 2no. central, full height voids. The gross internal floor area over the 3 floors is 5,694m².

Adjacent to the main school building is a relatively square Sports hall building with a multi-level flat roof and floor space of circa 1,087m². The maximum building height would be approximately 10m.

Predominantly to the South of the site the external sports provision proposed includes 2no. 97m x 61m football pitches, a 7-a-side 61m x 43m pitch and a 106m x 70m synthetic turf pitch.

The proposed elevational treatments of both main school and sports centre have a traditional red-brown brickwork treatment to ground floor areas and upper floors are treated with a rainscreen cladding panel in stone grey. Colour is injected into the scheme by the selective use of red in window renewals to reflect the School's branding. The window and curtain wall framing is to be powder-coated aluminium with a neutral grey finish.

The existing boundaries around the site will be replaced by weldmesh fencing in a dark colour. The Public Right of Way running across the site will also be fenced off from the main school site with access gates through.

In the Southern tip of the site adjacent the site frontage with Broadway, an area has been excluded from the development site and would sit outside the school perimeter fencing. This area is for the use of the local residents as an amenity space.

Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site has a mixed-use allocation (MU4) in the Local Plan (residential and green space) and the proposal for a secondary school is therefore a departure and has been advertised as such. As well as site specific policy MU4, and the following policies are relevant:-

Local Plan

Policy SD1 - Presumption in favour of Sustainable Development

Policy I2 - Educational and Community Facilities

Policy GD1 – General Development

Policy T3 – New Development and Sustainable Travel

Policy T4 – New Development and Transport Safety

Policy D1 – Design

Policy GS1 – Green Space

Policy GS2 – Green Ways and Public Rights of Way

Policy CC1 – Climate Change

Policy CC2 – Sustainable Design and Construction

Policy BI01 – Biodiversity and Geodiversity

Policy Poll1 – Pollution Control and Protection

Policy RE1 – Low Carbon and Renewable Energy

SPD's

- Parking
- Residential Amenity and the Siting of new buildings
- Sustainable travel

Other

Sport England provide statutory planning guidance on developments which may affect playing fields. The latest version of the guidance was published in March 2018.

The Playing Fields policy states:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

All or any part of a playing field, or

Land which has been used as a playing field and remains undeveloped, or

Land allocated for use as a playing field.

Unless, in the judgement of Sport England, the development as a whole, meets with one or more of five specific exemptions."

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. For decision-taking this means:-

approving development proposals that accord with an up-to-date development plan without delay; or

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraphs of relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Para 95 - notes that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- Work with schools' promoters to identify and resolve key planning issues before applications are submitted.

Para 99 - considers that existing open space, sports and recreational buildings and land, including playing fields should not be built on, unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

- the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 113 - requires all developments that generate significant amounts of movement to be supported by a Transport Assessment and a Travel Plan.

Para 120 (c) - Planning policies and decisions should:-

give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

Para 126 - The creation of high-quality buildings, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

NPPG

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed

Policy Paper: Planning for School Development – Statement

“The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards. State-funded schools - which include Academies and free schools, as well as local authority maintained schools (community, foundation and voluntary aided and controlled schools) - educate the vast majority of children in England. The Government wants to enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards. For instance, creating free schools remains one of the Government’s flagship policies, enabling parents, teachers, charities and faith organisations to use their new freedoms to establish state-funded schools and make a real difference in their communities. By increasing both the number of school places and the choice of state-funded schools, we can raise educational standards and so transform children’s lives by helping them to reach their full potential”.

“There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework”.

Status of the Cabinet Decision

The approval of the recommendations to cabinet within report Cab.18.3.20/18 represent another material consideration to be weighed against the site-specific local plan policy (MU4).

Consultations

Biodiversity – No objections following the receipt of additional information and subject to conditions.

Design Officer – No objections.

Drainage – No objections subject to conditions.

Education – Fully support the application.

Highways – No objections subject to conditions and mitigation measures.

National Highways – Initially issued a holding direction but following the submission of additional information removed the holding direction and offered no objections.

Pollution Control – No objections subject to conditions.

Public Rights of Way – No objections subject to an informative.

Sport England – No objections and provided guidance on design principles and layouts.

Superfast South Yorkshire – No objections

Tree Officer – No objections subject to conditions

The Coal Authority – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Ward Cllrs – Comments have been received from 2 Councillors. The main points raised are:-

- The highway infrastructure will become overwhelmed with vehicles
- Keresforth Close is a narrow road with limited capacity
- A comprehensive and realistic travel plan is required.
- Parking will take place in surrounding residential streets at pick up/drop off
- Air pollution and noise pollution will affect neighbouring residents
- The playing fields are disused due to lack of maintenance not due to lack of interest
- The sporting facilities need to be readily available for community use
- Potential long travel distances for pupils

Summary of representations

The application was advertised by way of 473 neighbour notification letters, site notice and Press Advert. 10 letters of objection have been received. The main points of concern are:

- The suitability of the site for a secondary school.
- Increase in traffic, especially at peak times, which would exacerbate existing problems and having a negative impact on surrounding road network and junctions.
- Keresforth Close is not adequate to accommodate such a large development.
- Insufficient pick up and drop off places leading to on street parking, including the Kingstone Grange Estate and reduced highway safety.
- Sufficient pedestrian crossings need to be in place.
- Views from Broadway into town would be reduced.
- Negative impact on trees.
- Further loss of Green Space following on from Penny Pie Park.
- Dog walkers who currently use the field will be unable to use the school grounds
- Increased noise and disturbance.
- Public need to be given affordable access to the on-site sporting facilities.
- Sufficient mature replacement landscaping needs to be incorporated.
- The orientation of windows in the school buildings should ensure privacy of local residents.
- The existing sports pitches were well used until the Council stopped maintaining them.
- Pupils would travel from outside the local area.
- Questions raised regarding the age of some of the supporting documents issues with the planning application.

Assessment

Principle of Development

The site is allocated for mixed use in the Local Plan comprising of residential use and greenspace with an indicative residential yield of 150 units. The proposal therefore represents a departure from the Local Plan in land use planning policy terms. However, the Policy statement – Planning for schools development states that there should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework.

Paragraph 95 of the NPPF also notes that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting the requirement of there being a sufficient choice of school places available. Further to this, paragraph 95 also states Local Authorities should *“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”*.

Local Plan Policy I2 ‘Educational and Community Facilities’ states ‘we will support the provision of schools, educational facilities and other community facilities. New Schools...should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport. This is strongly the case given the locational credentials of the site in a central position within Urban Barnsley and the central education area adjacent to densely populated residential areas.

Furthermore, the Keresforth Close Barnsley – Free School Proposal Cabinet Report (March 2020) makes clear that the LPA approved the designation of the Keresforth Close site as suitable for a Free School and that the LPA would work with the DfE and Trinity Multi-Academy Trust to deliver the site, subject to planning permission.

Within both the Local Plan and National Policy there is considerable support for provision of a new school and given that an exercise has previously been undertaken to consider and discount alternative sites, this support attracts great weight in the decision making process.

When establishing the significance of losing the site as a mixed use allocation within an indicative yield of 150 units, it is important to note that this quantum of dwellings represents less than 0.7% of the 21,546 net additional homes anticipated during the period 2014 to 2033. In addition, when the Local Plan was being examined, the Council adopted a relatively cautious approach to our windfall allowance (i.e. the number of new homes anticipated to come forward on sites not allocated specifically for residential development). Such windfall development generally involves future brownfield development or conversion of buildings to residential use. The rationale for this conservative approach was in recognition of the fact that, inevitably, not all site allocations would come forward as per the indicative yields. Typically, this will be because landowners may change their minds and decide not to make their land available for residential use or because of constraints are subsequently identified that could not have been foreseen when the Local Plan was being examined. This conservative approach therefore means that, all things being equal, we should still be able to meet the anticipated new additional homes identified in the Local Plan even if sites such as MU4 do not provide the anticipated housing yield.

The provision of additional secondary school places will also help to accommodate future needs and this is of particular significance given the absence of alternative options (as demonstrated by the site selection process that informed the cabinet decision - ref: Cab.18.3.20/18). When considering housing delivery throughout the whole of the plan period, it would therefore be counter-productive to resist development of a secondary school on the basis that the site would no longer accommodate a relatively modest housing development (in the context of the overall plan target).

The site is also a predominantly brownfield site, especially where the school buildings and hard standings are proposed. Therefore, the development would represent the effective and efficient re-use of previously developed land on a central site that is located near to Barnsley Town Centre that is preferred to a greenfield or Green Belt site which would have to be explored as an alternative given the amount of land that would be required to accommodate a 900-place secondary school and the associated provisions including access and parking, playing pitches and perimeter fencing etc.

Local Plan Policy LG2 'The Location of Growth' states priority will be given to development in Urban Barnsley. That is because it is the most sustainable location in spatial policy terms. The site is located immediately adjacent to existing infrastructure and is within a sustainable location well positioned in relation to adjoining residential areas and Central Barnsley. Urban Barnsley is the location whereby far the largest number of new homes is due to be located and is the largest existing population centre where the school place demands are the highest. Substantial weight is afforded to the proposal being in accordance with local plan policy LG2, therefore.

Furthermore, by recycling derelict/vacant brownfield land in a relatively central and accessible part of Urban Barnsley the development is a form of sustainable development, which would improve the economic, social and environmental conditions in the area, in accordance with Local Plan Policy SD1 'Presumption in Favour of Sustainable Development'. In addition, paragraph 120 (c) states that substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes and other identified needs.

Given the comments above, there is a compelling justification for the departure from Local Plan policy MU4 and the proposed use of the site for a new secondary school is considered to be acceptable in overall land use planning policy terms given the urgent need for additional secondary school places in the central education area, the level of compliance with other spatial and strategic local plan policies including LG1 'Location of Growth', SD1 'Presumption in favour of Sustainable Development, I2 Educational and Community Facilities which states that the provision of new schools will be supported. Furthermore, the policy support at national level is even more compelling taking into account the great weight that we are required to afford to the need to create schools (NPPF para 95), the support expressed within the Government's Planning for School Development policy in relation to the presumption in favour statement and the substantial weight that is afforded to the value of using suitable brownfield land for identified needs (NPPF 120 c).

Nevertheless, it is still necessary to consider the extent to which the proposal complies with other development plan policies as well as other material planning considerations. The findings in relation to those parts of the assessment is set out below:-

Design/Appearance

The proposed school consists of a main rectangular, multi storey teaching block with an adjacent square sports hall. The combined gross external floor areas of the new buildings equate to 7,050m², only an 8.6% increase over the previous buildings. Both proposed buildings are three storeys high but would sit relatively centrally within the site where development was previously located. This part of the site is lower than the vehicular access from Broadway to the South west and is screened behind the mature trees which run parallel to Broadway and the heavily-planted embankment which subdivides the site. Furthermore, the vast majority of the existing vegetation on the Northern boundaries would also be retained and enhanced. As such, the buildings are relatively well screened from public vantage points.

Where they are visible, they would be viewed in the context of the buildings along Keresforth Close, including the 3-storey block on the corner of Broadway and Keresforth Close. As such, the buildings, although within a relatively insular site, would not appear isolated.

In terms of materials, the elevational treatments intentionally draw upon the material palette within the immediate area with both the main school building and the sports hall having a traditional red-brown brickwork plinth to the ground floor areas. The upper floors consist of a rainscreen cladding panel in a stone grey colour. Colour and interest is injected into the design through hints of red around the windows which reflects the school branding. The remaining window and curtain wall framing is to be powder coated aluminium in a natural grey colour. A comprehensive electronic material sample board has been submitted alongside the application which is considered to be acceptable.

The scheme includes detailed landscaping proposals within the Design and Access Statement and the landscaping masterplan. This includes significant additional tree and shrub planting, soft and hard landscaping throughout the site, which result in a net loss of hardstanding areas compared with the existing arrangement, and as outlined in the Biodiversity Net Gain calculations, there would be an eventual increase in biodiversity across the site. Additionally, the proposed playing fields to the south of the site would be formalised with pitch markings and the provision of a synthetic turf pitch. This will improve the visual amenity of this part of the site, which has for several years been left overgrown and poorly managed.

It is acknowledged that there is a relatively large carpark providing 140 spaces. However, this is split into 2 sections with the pickup/drop off area to the West of the building and the main staff/visitor car park to the North of the building. The parking areas are a significant distance from public vantage points and also sit on the lower land level. The hard landscaping is also softened by the existing and proposed soft landscaping immediately adjacent to those areas as well as the trees and planters interspersed throughout the pick up and drop off area.

Residential Amenity

There are residential properties adjacent to the site. The closest being the dwellings to the North West off Keresforth Close. The proposed building would be located in a similar location as the existing buildings on the site and would be built on a lower level than the dwellings, there would also be a separation distance in excess of 50m. As such, the proposed buildings would not significantly increase overshadowing or be overbearing features, in accordance with Local Plan policy GD1 and SPD 'Residential amenity and the Siting of New Buildings'.

There are further residential properties to the West on Keresforth Court, to the East and South East on Raley Street and beyond Broadway on the Kingstone Grange Estate. However, these properties are over 100m, 120m and 200m respectively from the proposed school buildings. Furthermore, there is mature landscaping and trees around the site boundaries, which are to be largely retained and enhanced, that aids to separate the development from the surrounding residents.

A 900 pupil secondary school would inevitably result in some noise and disturbance, especially during pick up/drop off times as well as break times. However, this needs to be considered in the context of the site previously including noise generating uses.

A Noise Impact Assessment has been submitted alongside the application which predominantly focuses on the external plant associated with the school buildings and the use of the MUGA and playing fields beyond the school hours. The report concludes that the noise generated would be less than 3dB above background, which is imperceptible levels. The Council's Regulatory Services Officer has been consulted on the application and has not raised objection.

Limited information has been submitted regarding the external lighting for the school buildings, the playing pitch provision and the site as a whole, as such, a suitably worded condition is recommended.

Highway's considerations

Access to the proposed school would be from Keresforth Close which is directly accessed from the A6133 Broadway via a signalled junction. The road would lead directly to the school car park and pick up/drop off point and will be the principal access by all travel modes. Pedestrians and cyclists will enter adjacent to the vehicular access. A designated gated entry point would be provided directing pedestrians and cyclists to the main entrance of the school building and cycle parking, away from vehicular activity. This point of access would be used by pupils, staff and visitors.

The school would be provided with 140 parking spaces, including 7 disabled spaces, 10 EV spaces and 7 minibus spaces. This includes also includes space for cars to drop-off / pick up (assessed further below), in the westernmost car parking area. The proposed level of car parking exceeds the standard prescribed in SPD 'Parking' with a view to meeting the anticipated demand generated by the school operator, but more importantly to ensure that school related parking does not 'overspill' onto the public highway. The school would be provided with a total of 32 cycle parking spaces at the outset of the development. This is to comply with the requirements of the SPD of 1 long-term space per 10-30 pupils and 1 long-term space per 40 staff. The spaces would be located between the main school building and the sports block.

Keresforth Close is currently a private road serving the former NHS facility and a number of residential dwellings. A previous application for the conversion of the disused NHS accommodation into dwellings was acknowledged by the Highways Officer as acceptable in principle noting that a future direct connection to the adopted highway would be required. Given the nature of this proposal, it is considered that there is sufficient public utility to warrant Keresforth Close to be brought up to adoptable standards and subsequently adopted. To this end, an indicative general arrangement plan has been agreed to be taken forward to detailed design through the technical approvals process which would include full independent Road Safety Audits to be undertaken and agreed by the Local Highway Authority. The full details of these works would be conditioned and incorporated into future highways agreements.

During the course of the application significant modelling work and local junction assessments have taken place, especially following the opening of Penny Pie Park gyratory. 10 key junctions were identified as requiring assessment in addition to the gyratory. This information and capacity assessments has been assessed by the Councils Highways and Traffic Signals Team and has highlighted junctions/signals requiring mitigation/improvement works.

The package of mitigation measures includes, the introduction of signalised pedestrian facilities across the Keresforth Close arm of the A6133 / Keresforth Close / Assembly Way junction, introduction of (Microprocessor Optimised Vehicle Actuation) MOVA to the Keresforth Close/A6133/Assembly Way junction (including associated assessment to determine if right turn filter is required), introduction of MOVA to the Keresforth Hill/A6133 junction and upgrade of pedestrian facilities at Keresforth Hill/A6133 junction to nearside aspect. These mitigation measures are proposed to be conditioned.

National Highways also initially issued a holding direction to fully investigate the impact of the school on junction 37 of the M1 and the Strategic Highway Network. However, following on from the submission of additional data described above surrounding modal split, pupil trip distribution and junction 37 capacity analysis demonstrated in the TA, TAA and technical note, that holding direction was withdrawn. In their final response they raised no objections to the proposed school

subject to a condition requesting a full Travel Plan being submitted and approved prior to occupation.

A Transport Assessment ('TA') and subsequent Transport Assessment Addendum (TAA) and Technical Note has been submitted with the application. The TA and TAA establishes that the site is well located in terms of proximity to frequent public transport services and established pedestrian/cycle routes which provide alternative travel opportunities for pupils and staff than private car journeys.

A Framework Travel Plan, which is committed to minimising traffic generation particularly by private cars, by both staff and pupils of the school, has also been submitted with the application. The Travel Plan is proposed to be implemented by the School with an appointed Travel Plan Coordinator, who will liaise with the Council to seek to reduce traffic levels associated with the school by encouraging public transport use, cycling and walking. Again the Travel Plan would need to be conditioned.

Concerns were initially raised by Highways regarding the proposed 36no. drop off and pick up spaces given the nature of the access and surrounding road network. However, further information has been presented regarding highway safety and operational concerns including a revised quantum of pick up and drop off spaces (62 spaces) together with an evidence base to justify its suitability. In addition, a car park management plan (traffic management plan) has been prepared by Trinity Academy in order to manage the movement of pupils and visitors to the site together with proposals for monitoring, review and future collaborative working with BMBC in order to mitigate impacts on the public highway associated with school related trips.

The revised quantum of pick up and drop off spaces provides for an additional 26 spaces over that originally proposed. This revised total of 62 spaces provides capacity to enable each space to "turn over" 3 times within a 15minute period rather than the original proposal of 4-5 times based on the provision of 36 spaces.

The evidence base provided is founded on a number of school sites identifying the ratio of pick up / drop off spaces to the number of peak period pupil based trips by car. This ratio has been compared against the level of pick up and drop off spaces for Trinity Academy in order to determine the appropriateness of the revised proposal. Of those sites where pick up and drop off spaces have been provided the average ratio of spaces per pupil based trip by car is shown to be 1:6.3 compared to the ratio of 1:3.7 for Trinity Academy (discounted for pre and post school activities). Indeed, the proposed ratio is in excess of that presented for 6 of the 8 sites studied.

The evidence base suggests that the provision of 37 spaces would be suitable to accommodate demand, therefore, the 62 spaces proposed will be more than capable of accommodating the volume of pick up and drop off trips likely to be generated by the development. On this basis and supported by a conditioned traffic management plan, the technical note concludes that the pick up and drop off proposals will not result in highway safety issues or residual operational impacts on the surrounding road network.

Therefore, on the basis of what has been presented, the revised quantum of pick up and drop off spaces is accepted, subject to the traffic management plan being secured by condition to any future planning approval for this site.

Highway's considerations summary

NPPF Paragraph 109 states '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

It should also be noted that this site was allocated for a mixed-use development (MU4), including up to 150 dwellings during the local plan process, as such, it has been identified that development in and around this site, including traffic generating schemes, is acceptable in principle.

Significant work has taken place throughout the course of the application to gain the required information regarding scoping, pupil trip generation, pupil trip distribution, junction capacity assessments, signalling, modelling, collision analysis etc. Following on from the receipt and analysis of this information, overall it is considered that, subject to suitably worded conditions and mitigation, the proposed development can be accommodated within the strategic highway network without significant impacts upon highway safety, traffic generation or parking stress in the local area. It is therefore considered that the proposed development is acceptable in respect of highways and access matters, in accordance with the NPPF and Local Plan Policies I2, GD1, T3 and T4.

Other Matters

Loss of Playing pitches/Greenspace

The majority of the proposed new school including the sports hall and MUGA are on the site of existing buildings (which will be demolished) and do not encroach onto the existing playing field. Furthermore, the proposed school would bring the existing playing field back into use for pitch sport and this is welcomed by Sport England. This is particularly so as the artificial grass pitch would help address a shortfall in AGPs within the central/eastern area of the borough, as set out in the 2018 Barnsley Local Football Facility Plan.

Sport England have therefore raised no objections to the proposal but have requested conditions requiring full design details of the MUGA and AGP, as well as details of the community use scheme.

In addition to the sports pitches to the south of the site, the applicants have also incorporated a public open space in the very Southern end of the site adjacent to an existing Green Space. The area would equate to circa 0.17Ha and would sit outside the site boundary treatments, open to local residents to use.

Ecology

The application is accompanied by a Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement. An updated Ecology Report (29/09/2022) and associated protected species surveys have also been submitted alongside the application which updates the previous 2020 Ecology Report.

18 tree groups and 95 individual trees have been recorded across the site and a hedgerow dissects the site parallel to the public right of way. A section of this hedge is proposed to be removed to provide an access between the school buildings and the playing fields, but further hedgerow planting is proposed across the site. The vast majority of the trees that were surveyed were deemed to be of low individual value, retention category 'C'. The submitted plans indicate that circa 42 trees, 1 tree

group and the southern section of 1 further group would need to be removed to accommodate the new development. The Tree Report considers the effect of the loss of these trees to be moderate. However, the report also concludes that this loss can largely be mitigated through the planting of suitable species, particularly in the open area to the east of the site and along the north western boundary.

The updated ecology report therefore concludes that with appropriate mitigation and compensation in place, the development would not significantly affect ecological values within the zone of influence.

The recommended mitigation/compensation measures include habitat creation/enhancement/management and installation of ecological enhancement features such as bird and invertebrate boxes. These measures would be secured via a Biodiversity Enhancement Plan (BEMP) condition. Sensitive construction methods are also recommended by the updated Ecology report to minimise/avoid impacts upon protected species. Again, this would be conditioned in the form of a Construction Environment Management Plan.

In terms of Biodiversity Net Gain (BNG) amendments to the Biodiversity Net Gain calculation have been carried out following a request from the Biodiversity Officer and they now take into account trees on site prior to development and removed, retained and new tree planting post-development. The amendment indicates that there will be a greater total on-site net change than the previous calculation where trees were not included, with a net gain of 29.31% in habitat units. The retention of the majority of the hedgerows on site and proposals for new hedgerow planting also indicates that there will be a gain in hedgerow units of 26.03%.

It is acknowledged that the development will result in the permanent loss of six bat day roosts which are present in the NHS buildings, however, the impacts on these roosts and associated mitigation strategy were addressed under a separate application for demolition (Ref: 2021/1160) and the buildings have now been demolished.

Public Right of Way

There is a recorded public footpath running at the bottom of the banking between the proposed school buildings to the North of the site and the playing fields and pitches to the South. An access is proposed across this public right of way, served by a ramp and steps, to provide a link between the buildings/carparking and the pitches. Fencing is also proposed alongside the footpath; however, it is set back with a grassed area between.

The footpath is identified as heavily overgrown and not having been used for several years. The Transport Assessment alludes to the footpath potentially being used as a route to school, however, improvement works, including resurfacing and widening, would be required in consultation with the Council's Public Rights of Way team

The Council's Public Rights of Way team have raised no objections to the scheme subject to an informative regarding the temporary closure of the footpath for public safety reasons during construction.

Mining

The application site falls within the defined Development High Risk Area. Therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has provided a coal mining risk assessment. The report indicates the potential for mining legacy risks such as ground instability and potential fugitive gas migration due the presence of shallow coal mine workings and a mine entry.

The report recommended intrusive ground investigations and gas monitoring to confirm the ground conditions so that a remediation strategy can be formulated. Such a ground investigation has recently been undertaken and this has identified a requirement to cap mine entries and consolidation of mine workings by grouting through suitable foundation design.

The Coal Authority and SYMAS concur with the report findings and have raised no objections subject to a suitably worded condition. A suitably worded condition is therefore recommended to ensure such works are undertaken prior to the commencement of the development.

Drainage

Full drainage details have been submitted alongside the application. Both the Councils Drainage Officer and Yorkshire Water are satisfied with the level of information submitted and have raised no objections subject to the development being carried out in accordance with the submitted plans.

Conclusion

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is allocated for mixed use in the Local Plan comprising of residential use and greenspace with an indicative residential yield of 150 dwellings. The proposal therefore represents a departure from the Local Plan in relation to the site specific allocation policy.

However, both the NPPF and the Planning for schools development national policy statement require Local Planning Authority's to afford great weight to the weight need to create new state funded schools and apply a presumption in favour of their creation (NPPF para 95).

Similarly Local Plan Policy I2 Educational and Community Facilities supports the provision of new schools as community facilities and seeks them to be located in such places where they will be accessible by walking, cycling and public transport.

In addition, the site is considered to be suitable in spatial and sustainable development terms for the reason that it would involve the re-development of a brownfield site that is positioned centrally within the Local Plan Urban Barnsley settlement and Central education areas.

The need to provide additional secondary school places across the central planning area is considered to attract substantial weight, particularly in the context of the urgent need for additional places and the lack of alternative sites being available.

In addition, the assessment has determined that the loss of dwellings would not be significant in terms of local plan delivery of new homes as it would represent less than 0.7% of the 21,546 net additional homes anticipated during the period 2014 to 2033 and has the potential to be compensated for by windfall developments.

Overall therefore it is considered that there is a compelling justification for the departure from Local Plan policy MU4 and the proposed use of the site for a new secondary school is acceptable in overall land use planning policy terms given the urgent need for additional secondary school places in the central education area, the level of compliance with other spatial and strategic local plan policies including LG1 'Location of Growth', SD1 'Presumption in favour of Sustainable Development and I2 Educational and Community Facilities and the policy support at national level including NPPF paragraph 95, the Government's Planning for School Development policy and NPPF 120 (c) concerning the re-use of brownfield sites for identified local needs.

Significant work has taken place following the approval of the temporary permission and throughout the course of this application period regarding highway safety. As outlined in the Highway Safety section above this has been carefully considered by the Councils Highways and Traffic Signal Officers in addition to National Highways. Overall, it is considered that, subject to suitably worded conditions and mitigation, the proposed development can be accommodated within the strategic highway network without significant impacts upon highway safety, traffic generation or parking stress in the local area. It is therefore considered that the proposed development is acceptable in respect of highways and access matters, in accordance with the NPPF and Local Plan Policies I2, GD1, T3 and T4.

In terms of the design of the development, the buildings sit comfortably within the site and suitable materials are proposed to harmonise with the surroundings. The development results in a net loss in hardstanding and the comprehensive soft landscaping scheme results in a Biodiversity Net Gain of 29% and a hedgerow net gain of 26%. This is an uplift on the requirements of the Local Plan policy BIO1, the Biodiversity and Geodiversity SPD and the proposed 10% net gain requirement forming part of the emerging Environment Bill. Again this consideration can be afforded a significant amount of weight given that improving the environmental conditions of an area is one of the three dimensions of sustainable development (NPPF para 8 and Local Plan Policy SD1).

The scheme also includes a sports hall, MUGA, Artificial Grass Pitch (AGP) which will not only be of benefit to the school pupils but will be also open to the wider community outside of school hours. In addition, an area of land in the Southern corner of the site will remain public open space available to the community.

Overall taking into account the relevant development plan policies and other material considerations, predominantly Local Plan Policies LG1 'Location of Growth', SD1 'Presumption in favour of Sustainable Development, I2 Educational and Community

Facilities and the policy support at national level including NPPF paragraph 95, the within the Government's Planning for School Development policy and NPPF 120 (c) concerning the re-use of brownfield sites for identified local needs it is considered that the development complies with the most important development plan policies that are relevant to the assessment of the proposal and that other material considerations exist in national policy as set out above that are sufficient to outweigh site specific allocation policy MU4. In addition, the assessment has determined that the development would not lead to adverse impacts that would outweigh the benefits having regard to other development plan policies including GD1, T3, T4, D1, GS1, GS2, CC1, CC2, Bio1, Poll1 and RE1. The presumption in favour of sustainable development that is set out in Local Plan policy SD1 and in paragraph 11 of the NPPF is considered to apply therefore and the recommendation is one of approval accordingly.

Recommendation

Grant planning permission subject to the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

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

FS0954-CPM-01-00-DR-A-2000_GAPLANL00_P02
 FS0954-CPM-01-01-DR-A-2001_GAPLANL01_P02
 FS0954-CPM-01-02-DR-A-2002_GAPLANL02
 FS0954-CPM-01-R1-DR-A-2003_ROOFPLAN_P03
 FS0954-CPM-01-XX-DR-A-2120_GASECTIONS_P02
 FS0954-CPM-01-ZZ-DR-A-2020_GAELEVATIONS_P02
 FS0954-CPM-02-00-DR-A-2000_GAPLANL00_P02
 FS0954-CPM-02-R1-DR-A-2001_ROOFPLAN_P02
 FS0954-CPM-02-XX-DR-A-2120_GASECTIONS_P02
 FS0954-CPM-02-ZZ-DR-A-2020_GAELEVATIONS_P02
 FS0954-ALA-00-XX-DR-L-0021-Site Location Plan
 FS0954-ALA-XX-ZZ-DR-L-0001-Illustrative Masterplan 1 of 2 Rev P03
 FS0954-ALA-XX-ZZ-DR-L-0002-Illustrative Masterplan 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0003-General Arrangement 1 of 2 Rev P04
 FS0954-ALA-XX--ZZ-DR-L-0004-General Arrangement 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0005-Fencing General Arrangement 1 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0006-Fencing General Arrangement 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0009-Site Sections Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0011-Levels Strategy 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0012-Detailed Landscape GA 1 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0013-Detailed Landscape GA 2 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0014-Detailed Landscape GA 3 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0015-Detailed Landscape GA 4 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0016-Detailed Landscape GA 5 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0017-Detailed Landscape GA 6 of 6 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0023-Levels Strategy 1 of 2 Rev P03
 FS0954-ALA-XX-ZZ-DR-L-0025-P02 -Tree Retention and Removal Plan 1 of 2
 FS0954-ALA-XX--ZZ-DR-L-0026-P02 - Tree Retention and Removal Plan 2 of 2

FS0954-ALA-XX--ZZ-DR-L-0030- Planting Plan & Schedule 1 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0031- Planting Plan & Schedule 2 of 2 Rev P03
 FS0954-ALA-XX--ZZ-DR-L-0025-Tree Retention and Removal Plan 1 of 2
 FS0954-ALA-XX--ZZ-DR-L-0026-Tree Retention and Removal Plan 2 of 2
 FS0954-ALA-XX--ZZ-DR-L-0032-Levels of intervention Rev P03

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 The materials used in the development hereby approved shall be in accordance with the details set out on the Materials Sample Boards (Ref: Proposed Materials Choice-Landscape Treatment-P01-September 2022, Proposed Facade Treatments-Teaching Block-P02-October 2022 & Proposed Facades Treatments-Sports Building- P02-October 2022). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 4 Plant noise levels shall be limited to a rating level (L_{Ar},Tr dB) that is 5 dB below background noise levels at the façade of the nearest Noise Sensitive Receptors (NSRs). Individual plant items may need to be designed to a lower limit such that the cumulative noise level of all plant items operating simultaneously achieves the stated criteria. Should the plant contain acoustically distinguishable features such as intermittency, tones or impulsiveness, appropriate penalties (as defined in BS 4142: 2014) shall be applied to determine the maximum acceptable sound pressure level at the façade of the NSRs.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 6 The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal mine workings and a mine entry. As detailed in the Waterman geo-environmental assessment ref WIE17125, dated Nov2020, the land could therefore be at risk from mining legacy risks such as ground instability and fugitive gas migration. Prior to the commencement of development (excluding demolition), and as advised by a suitably qualified engineer, intrusive site investigations must therefore be undertaken to further evaluate ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the

approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"

Reason- Land stability NPPF sections 183 a,b,c. 184 and 174 e & f

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

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policies D1 'Design' and BIO1 'Biodiversity and Geodiversity'.
- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1 'Design'.
- 9 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Local Plan Policies D1 'Design' and BIO1 'Biodiversity and Geodiversity'.
- 10 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2 'Sustainable Design and Construction'.
- 11 No development shall commence on the artificial grass pitch until details of the design, layout and specification of the artificial grass pitch, including details of sports lighting and lux levels, which accord with Football Association design guidance have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details before it is brought into use.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Local plan policy GS1 'Green Space', I2 Educational and Community Facilities and NPPF para 99.
- 12 No development shall commence on the multi use games area until details of the design and layout of multi use games area which accord with Sport England

design guidance have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The multi use games area shall not be constructed other than substantially in accordance with the approved details before it is brought into use.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Local plan policy GS1 'Green Space', I2 Educational and Community Facilities and NPPF para 99.

- 13 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Local plan policy GS1 'Green Space', I2 Educational and Community Facilities and NPPF para 99.

- 14 Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:

- a plan of the areas to be maintained, enhanced and/or created;
- a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
- a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
- schedule of actions to be undertaken in case signs of failing are identified.
- the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.
- measures to be adopted on site to enhance opportunities for wildlife, such as bat and bird boxes and access for hedgehogs, as set out in Table 5 and Table 18 of the Updated Ecological Report by Surrey Wildlife Trust Ecology Services
- A sympathetic lighting scheme as set out within paragraphs 7.3.6 and 7.3.7 of the Updated Ecological Report. The scheme should be supported by a lux levels drawing which indicates that lighting levels at features identified as being used by bats (e.g. hedgerows, tree lines, etc.) are appropriate for continued foraging and commuting use

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

- 15 Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

- 16 Upon commencement of development, full details of improvement works to the Public Right of Way running across the site shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interest of public/pedestrian safety and in accordance with Local Plan Policy 'New Development and Sustainable Travel'.

- 17 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 18 On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety, and in accordance with Local Plan Policy T4

- 19 Within six weeks of first occupation, a detailed school travel plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based on the Framework Travel Plan dated November 2021 and include details of specific measures / initiatives, targets, timescales and budgets to encourage sustainable travel to and allow for regular monitoring and reporting to be undertaken. The plan shall be fully implemented in accordance with the approved details thereafter.

Reason: In accordance with Local Plan Policy T3 - To support sustainable transport objectives in accordance with Local Plan

- 20 The development hereby approved shall not be occupied until full detailed construction, engineering, drainage and street lighting details of the street proposed for highway adoption are to be submitted to and approved in writing by the LPA. The works shall, thereafter be constructed in full prior to first occupation, in accordance with the approved details, and timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Local Plan policy T4 - New Development and Transport Safety.

- 21 No construction shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- Working times
- The parking of vehicles of site operatives and visitors

- Routing of and means of access for construction traffic
- Contractors method for controlling construction traffic, adherence to routes and temporary signage.
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Measures to control mud and dust being transferred to the public highway

Reason: In the interests of highway safety, in accordance with Local Plan policy T4

- 22 No construction works shall commence until a construction phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

Reason: In the interest of highway safety, in accordance with Local Plan policy T4.

- 23 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of signalised pedestrian facilities across the Keresforth Close arm of the A6133 / Keresforth Close / Assembly Way junction:

- Installation of traffic signal equipment
- All associated civil engineering works
- UTC amendments
- Controller configurations/upgrades
- Any other measures necessary to introduce signalised pedestrian facilities.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 24 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of MOVA to the Keresforth Close/A6133/Assembly Way junction (including associated assessment to determine if right turn filter is required):

- Installation of traffic signal equipment
- All associated civil engineering works
- UTC amendments
- Controller configurations/upgrades
- Modelling
- Any other measures necessary to bring the junction to full MOVA control linked to the adjacent junction

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 25 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the introduction of MOVA to the Keresforth Hill Road / A6133 junction:

Installation of traffic signal equipment
All associated civil engineering works
UTC amendments
Controller configurations/upgrades
Any other measures necessary to introduce signalised pedestrian facilities.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 26 The development hereby approved shall not be occupied until details have been submitted to, approved in writing by the Local Planning Authority and implemented, arrangements which secure the following offsite highway improvement works relating to the upgrade of pedestrian facilities at the Keresforth Hill Road / A6133 junction to nearside:

Installation of traffic signal equipment
All associated civil engineering works
UTC amendments
Controller configurations/upgrades
Any other measures necessary to upgrade pedestrian facilities to nearside technology

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

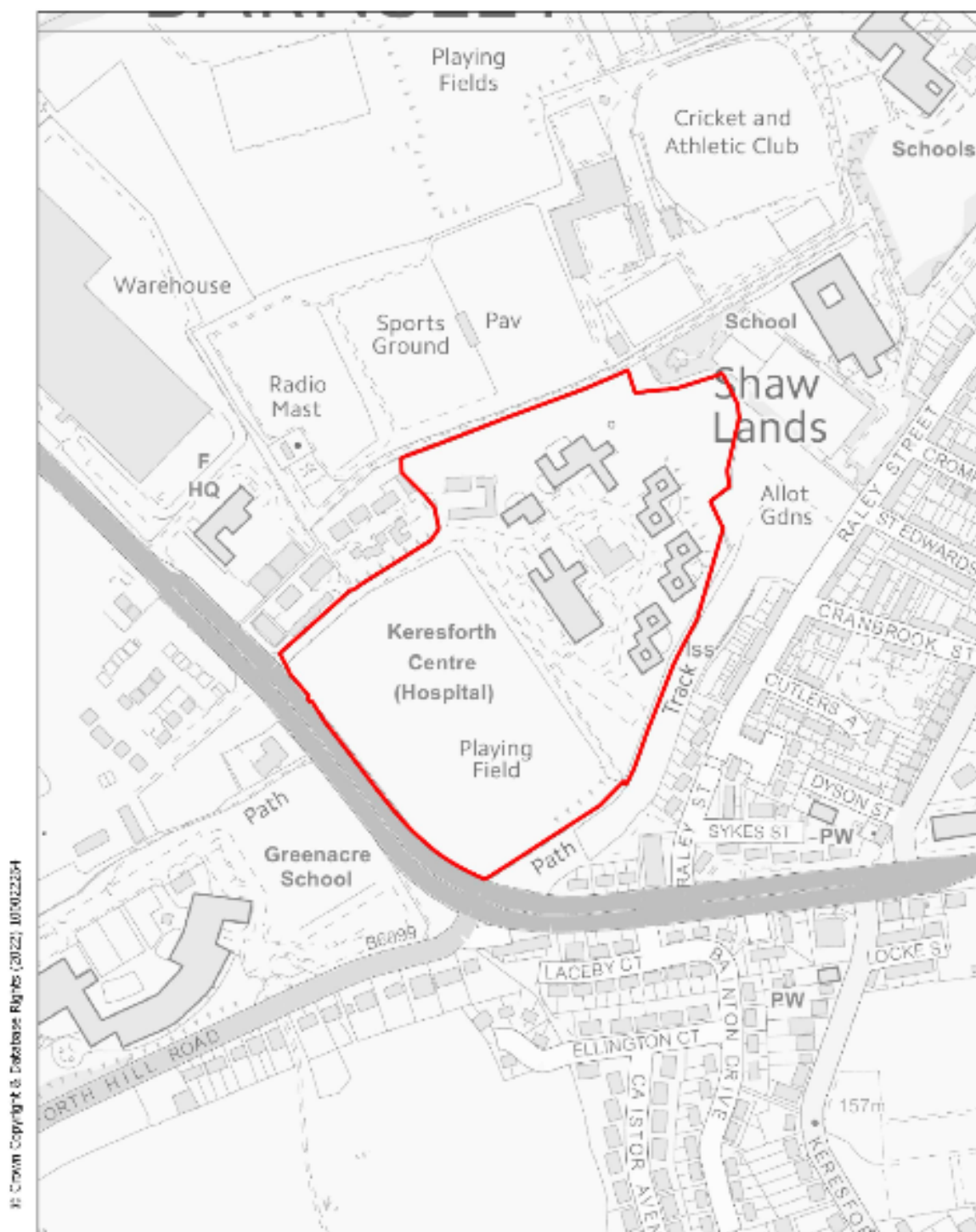
Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 27 The Trinity Academy St Edwards Traffic Management Plan hereby approved shall be implemented in accordance with the measures, monitoring and review regime contained therein.

Reason: In the interests of highway safety, in accordance with Local Plan policy T4

28. Prior to occupation of the building, full details of the lighting across the site shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Local Plan Policy GD1 'General Development'.



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BARNSLEY MBC - Regeneration & Property



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2021/1660

Applicant: SYPTE

Description: Widening of highway including Old Mill Lane Bridge from three lanes to five lanes to include provision of bus lane and widened paths. Alterations to bridge structure to support extension to bridge deck. Realignment of riverside access track and repositioning of access stairs. Relocation of gas governor, memorial, bus shelter and Asda recycling centre. Removal of trees covered by Tree Preservation Order.

Site Address: Old Mill Lane including Old Mill Lane Bridge to the east of the Asda Store. Old Mill Lane bridge crosses over the River Dearne

2no objections have been received from local residents

Site Description

The Old Mill Lane Bridge is located to the north of Barnsley Town Centre and forms part of the A61 leading to Wakefield Road. The bridge is part of the route connecting Barnsley Town Centre to Wakefield to the north and the M1 to the south, which forms part of the Strategic Road Network (SRN) for a short stretch between the A616 and the M1 junction 36 at Tankersley.

To the north of the site are large commercial units including Greggs and the Salvation Army donation centre. Further large retail units including Aldi and Wickes are also located to the east of Old Tannery Road to the east side of the A61 Old Mill Lane. The River Dearne passes under the Old Mill Lane bridge from west to east, with extensive tree cover lining the River Dearne corridor.

To the south of the site is a large retail unit containing a B&M Store, to the west is an Asda Superstore and its associated car park, a McDonalds Drive through restaurant and further tree planting. The site includes the north eastern corner of the Asda car park, which leads to an access track onto the riverside path, a gas governor, pedestrian access and egress onto Old Mill Lane.

Background

The application site forms part of the A61 corridor, which is a strategic route linking Barnsley to Wakefield and the M1 motorway. The route currently suffers from congestion, significant delay and journey time variation for buses and general traffic.

Arup undertook a feasibility study in 2017 to assess the impacts of a range of potential interventions along the A61 corridor in Barnsley. The study found that the Old Mill Lane bridge is a bottleneck for southbound traffic (towards the town centre), and that the benefits of other junction improvement schemes along the corridor would only be realised once the bridge widening scheme is in place. The bridge widening is therefore considered to be a crucial starting point to deliver other potential interventions in the future.

Proposed Development

The applicant seeks permission to widen the existing highway at Old Mill Lane, including the Old Mill Lane Bridge. The existing bridge currently comprises three lanes, with a pedestrian footway on either side of the carriageway.

The proposals would widen the highway to provide five lanes each measuring 3.5m in width. This would include four vehicle lanes and a separate bus lane. A widened 3m wide footpath would be provided on either side of the carriageway. The bridge would be widened by approximately 7m to accommodate the additional lanes, resulting in a total width for the bridge of approximately 25m.

Alterations would be made to the bridge structure to support the proposed extension. Access stairs leading from the bridge to a public right of way (PROW) below would also be repositioned to take into account of the relocated edge of the widened bridge. The widening of the A61 would require

the relocation of the existing bus stop and bus shelter, an existing gas governor and a memorial located within landscaping between Old Mill Lane and the Asda car park. A number of trees would be lost including trees covered by a Tree Preservation Order (TPO) on the northern bank of the River Dearne.

Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is located within and in close proximity to a number of designations and constraints.

The A61 Old Mill Lane is shown on the proposals map as being part of the Local Strategic Highway Network as a road that has more than local importance.

Greenspace known as 'Fleets Dam' and 'Dearne Valley Old Mill' is identified on the Council's policies map within the Dearne Valley river corridor. This land is also identified as a Local Wildlife site recognised as having biodiversity and/or geological value (Old Mill Lane). It is designated for a Daubenton's bat roost within a culvert to the east of Old Mill Lane. The greenspace is also within the Green Belt, defined as land to be kept mainly free from development. Land east of Old Mill Lane is defined as a Nature Improvement Area on the Council's policies map.

Flood risk maps identify the site as being within Functional Floodplain (Flood Zone 3) because the Old Mill Lane bridge crosses the River Dearne.

To the north-west side of the application site is a group (G1) of trees covered by Tree Preservation Order (TPO) No. 38. To the north-east side of the site is a mixed deciduous woodland (W1) covered by TPO reference no. 5.

The main development plan policies that are relevant to the assessment of the proposal are as follows:-

Policy T1 Accessibility Priorities

Policy T4 New development and Transport Safety

Policy T5 Reducing the Impact of Road Travel

Policy LG1 The Location of Growth

Policy TC1 Town Centres

Policy BTC9 Cycling

Policy BTC10 The Green Sprint

Policy SD1 Presumption in favour of Sustainable Development

Policy GD1 General Development

Policy GI1 Green Infrastructure

Policy GS1 Green Space

Policy GS2 Green Ways and Public Rights of Way

Policy G12 Canals – Safeguarded Routes

Policy GB1 Protection of Green Belt

Policy D1 High Quality Design and Place Making.

Policy HE6 Archaeology

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC3 Flood Risk

Policy AQ1 Development in Air Quality Management Areas

SPD's

Those of relevance to this application are as follows:

- Sustainable Travel
- Trees and Hedgerows
- Biodiversity & Geodiversity

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. For decision-taking this means:-

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraphs of relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Para 98 – Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

Para 100 – Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including national trails.

Para 104 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

Para 105 - The planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 147 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 150 – Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include [b] engineering operations and [c] local transport infrastructure which can demonstrate a requirement for a Green Belt location.

Para 174 – Planning policies and decisions should contribute to and enhance the natural and local environment.

Para 180 - When determining planning applications, local planning authorities should apply the following principles: [...]

d. development whose primary objective is to conserve or **enhance biodiversity** should be supported; while opportunities to **improve biodiversity in and around developments** should be integrated as part of their design, especially where this can secure **measurable net gains for biodiversity** or enhance public access to nature where this is appropriate

Consultations

Air Quality Officer – No objections

Biodiversity – No objections subject to a S106 Agreement to secure biodiversity net gain and conditions.

Conservation Officer – No objections.

Drainage – No objections subject to a condition.

Environment Agency – No objections subject to the applicant obtaining Environmental Permit from them prior to the commencement of development.

Highways – No objections subject to conditions

Pollution Control – No objections.

PROW – No objections.

SYMAS – No objections subject to conditions.

The Coal Authority – No objections subject to conditions.

Tree Officer – See the assessment section of the report on the tree implications.

Yorkshire & Humber Drainage Boards – No objections.

Yorkshire Wildlife Trust – No objections subject to conditions and licences.

Representations

Letters were sent to 18no. neighbouring properties, a site notice was erected within the area and a press notice was published in the Barnsley Chronicle. 2no. letters of objection have been received. The main points of concern are:-

- The signalised junction at the South side of the site needs modifying.
- Loss of trees, some with Tree Preservation Orders.
- Detrimental impact to wildlife.
- Potential knock on effect to surrounding road network.
- Planned/future development within the area would have a detrimental impact.

Assessment

Principle of development

The A61 Old Mill Lane is designated in the Local Plan as being part of the Local Strategic Highway Network as a road that has more than local importance. The main part of the Local Plan that is relevant to the assessment of the proposal is the transportation section therefore.

The proposal stems from a feasibility study undertaken in 2017 to assess the impacts of a range of interventions along the A61 corridor, a strategic arterial route linking Barnsley to Wakefield and the M1 motorway. The study concluded that the Old Mill Lane bridge is a bottleneck for southbound traffic and notwithstanding the benefits that this proposal would bring, the benefits from other junction improvements along this corridor would only occur once this scheme has been implemented. The overall aim of the proposal is to reduce congestion and delay and improve journey time reliability along this key route.

The Accessibility Priorities Diagram accompanying Local Plan Policy T1 identifies Urban Barnsley within the Accessibility Improvement Zone (AIZ). The proposals are supported by modelling evidence which demonstrates that the development would improve sustainable transport and circulation in the AIZ and part of the core bus network. In particular, the proposal is predicted to improve journey times through this section of the A61 which is highly trafficked and is subject to queuing and congestion at busy times. Bus connections which are more reliable and would encourage more greater modal shift/sustainable travel through increased walking and cycling. Accordingly, the development helps to achieve the accessibility priorities set out in Policy T1 of the Local Plan.

Similarly, the proposal would satisfy one of the aims of Local Plan Policy T5 'Reducing the Impact of Road Travel' via implementing measures to ensure the current road system is used efficiently and because the widened footpaths that would be created on both sides is sufficient corridor width to enable them to be converted into a shared cycle/footway in the future. In addition, the proposal would link with the network of existing footpaths and crossings in the area, public rights of way and the off road active travel corridor that is in the process of being created from Barnsley Town Centre to Royston where there is a connection around both sides of the Asda site to link with the

section of the route that passes alongside the Fleets towards Smithies. The proposals would therefore benefit all modes of travel including public transport, walking and cycling.

The proposal would also attract significant weight in support from national policy in the form of the NPPF which instructs that opportunities to promote walking, cycling and public transport use are identified and pursued (para 104 (c)). Paragraph 105 of the NPPF also applies which states the planning system should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.

In spatial development policy terms LG2 identifies Urban Barnsley as the main focus for housing, employment, shopping, health, leisure, business and public services in the Borough. The A61 currently forms a key route connecting Barnsley Town Centre south to Wakefield and north to the M1. The development proposals would help to address existing issues along this section of highway. The policy also outlines the importance of Barnsley Town Centre and the proposed works would provide a sustainable transport solution by helping to encourage future development in Urban Barnsley and support its role as a sustainable location and focus for growth.

The development provides accessibility improvements to Barnsley Town Centre and would help to fulfil its sub regional role to support existing town centre uses and encourage new retail and town centre development. The transport improvements would help to maintain and enhance the vitality and viability of the town centre, improving the attractiveness of town centre facilities and services in accordance with Policy TC1 of the Local Plan.

It must be acknowledged that the extension of the width of the bridge encroaches outside of the land that is designated urban fabric in the Local Plan which is in the Green Belt. However, paragraphs 149 and 150 set out certain forms of development which are not inappropriate within the Green Belt where they would preserve its openness and do not conflict with the purposes of including land within it. Parts b) and c) of paragraph 150 list engineering operations and local transport infrastructure as being forms of development that are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it. The proposal is considered to satisfy both of those tests in that it would represent a modest extension of the width of an existing multi-laned road bridge by 7m. Furthermore, as a highway and combined cycle and footpath it would remain a predominately open structure. The proposal also avoids conflicting with the 5 purposes of including land within the Green Belt which are:-

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

In Green Belt planning policy terms therefore, the proposal is considered to be an appropriate form of development that does not require very special circumstances in order to justify. That said there are compelling transportation benefits associated with the proposal which would readily have provided the necessary level of justification had very special circumstances been required.

The area in which the bridge is located is within the Dearne Valley Green Heart Corridor which forms part of Barnsley's Green Infrastructure network. Policy GI1 of the Local Plan seeks to protect open space within these corridors as a multi-functional Greenspace asset. In the main the proposal would result in a relatively small and localised form of harm to the asset because the majority of work would take place above the River Dearne and as public access would be maintained to the existing public right of way that runs to the north of Old Mill Lane. However there some of the asset would be harmed as a result of loss of habitat and trees in order to carry out the development. The assessment of the proposal in relation to the impact on trees and biodiversity is set out in separate sections of the report below.

Visual Amenity

The bridge deck extension would be constructed using precast concrete with a 1.5m high vehicle parapet with mesh infill. The deck would be supported by 900mm diameter reinforced concrete piles. The carriageway proposes a widened highway finished with a black bituminous combined 3m wide footway and cycleway on both sides.

The proposals would impact on existing landscape features alongside Old Mill Lane in order to deliver the physical works and enable construction. This includes the loss of trees alongside the Asda car park and the bridge, including the loss of trees forming part of the protected group to the northern bank of the River Dearne. However, earthworks would tie the proposed development into existing levels adjoining the site. This would enable soft landscaping and replacement planting along the western extent of the development which would provide a high-quality environment following completion of the works and once established. In addition, the works would be viewed against the backstop of the majority of the trees and vegetation that would be retained in the immediate area. As such, the proposed works would not have a significantly detrimental impact on the visual amenity of the streetscene in accordance with Local Plan Policy D1.

The Barnsley Landscape Character Assessment from 2002 identifies the site within the C3 character area. The 2016 review confirms that the character area is largely unaffected since the 2002 assessment. Key characteristics of the C3 Landscape Character area include that transport and communication routes. Bridges over the valley floor are recognised as a key feature of the landscape within the Landscape Character assessment. There would be some loss of mature trees to accommodate the widened bridge, although the bridge will continue to be viewed in the context of the existing highway infrastructure. The group of trees to the north of the bridge will largely be retained and will continue to provide a transition to the Dearne Valley Green Heart Corridor along the river valley.

Trees

An Arboricultural Report and Arboricultural Impact Assessment has been submitted alongside the application.

There are 2no. Tree Preservation Orders (TPO) in force on this site, a woodland TPO (Ref: 5, number W1) to the East of the site and a group TPO (Ref: 38, number G1) to the West of the site. The presence of a Tree Preservation Order (TPO) represents the Local Authority's desire to retain trees within the landscape. As such, trees covered by a TPO are generally more likely to require retention within a proposed scheme and this should be taken into account during the design process. In some cases, the removal of TPO trees may be agreed upon, providing the benefits of the proposed development are deemed greater than the material loss of the trees.

It should be noted that there is little room for the proposed road layout without the removal of trees. 6no. category 'B' trees/groups/woodlands and 1 category 'C' tree are proposed to be removed which include a section of the woodland TPO.

Ultimately in order for the road improvements to go ahead the tree removals highlighted are required. Whilst the removal of these trees will be of detriment to the arboricultural values of the site, it is recognised that the retention of trees is only one consideration in the planning decision process. The loss of these trees must be weighed against the benefits of the proposed development in the usual manner.

Throughout this report the benefits of the road widening scheme have been highlighted, particularly in the principle and highways section above. As such, on balance, although the loss of trees is regrettable it is not a significant enough reason to outweigh the benefits brought by the scheme. The Councils Tree Officer has been consulted on the application and has, on balance, no raised objections subject to a suitably worded landscaping condition for replacement and conditions for the protection of the retained trees during construction.

Biodiversity

Local Plan policy BIO1 Biodiversity and Geodiversity sets out that proposals will be expected to follow the national mitigation hierarchy (avoid, mitigate, compensate) and to achieve no net loss.

As has been established the proposal would result in the loss of mature trees as existing forms of ecology habitat. Regrettably however that loss of vegetation is unavoidable in order to enable the development to be carried out. The scenario with this application therefore is one of mitigation and compensation.

The application is accompanied by a Preliminary Ecological Appraisal and Otter and Bat Surveys which consider the effects of the proposed development on protected species. The assessment has looked at the implications for a range of protected species including nesting birds, bats, otters, badgers.

The survey identified that a Daubenton's bat roost is present within the site boundary within an existing culvert that passes below Old Mill Lane. Due to proposed piling works taking place in proximity to the roost and road re-surfacing works occurring above the culvert, a licence for disturbance would be required from Natural England post planning permission prior to works starting on site.

The areas of broadleaved woodland, introduced shrub, scattered scrub and broadleaved trees offer suitable habitat for common nesting bird species. The nests of wild birds and eggs are protected under national legislation and so the report recommends that vegetation clearance and demolition activities should be completed outside of the bird nesting season (March –August).

In addition to the protected species and ecology reports the application has been accompanied by a biodiversity metric to quantify the value of the existing habitat and to calculate the level of compensation that is required. The latest Biodiversity Net Gain Metric submitted with the application indicate a loss of 2.27 Habitat Units (61.33%) and 0.05 River Units (15.22%). As such, the applicant would need to enter a section 106 agreement with the Council to pay a tariff which would be used for appropriate off-site mitigation projects. The tariff is currently £25,000 per unit, as such, the payment in this instance would equate to £58,000. The ecology report also recommends that the trees that need to be removed are replaced on a 2:1 ratio.

On balance Biodiversity Officer has raised no objections to the proposal subject to the S106 agreement and suitably worded conditions requiring a Biodiversity Enhancement Management Plan (BEMP), a Construction Environmental Management Plan (CEMP) and a Bat Method Statement.

Highway's considerations

Transport modelling has been undertaken to identify resultant journey time benefits and a Transport Statement has been submitted in support of the application. In addition, as part of the submission and continued design refinement both Stage 1 and Stage 2 Road Safety Audits have been undertaken and reviewed by the Local Highway Authority as well as the requisite Approval in Principle (AIP) for both existing and proposed bridge structures, accepted by BMBC, as the Technical Approval Authority.

The Transport Statement that has been submitted with the application is summarised below in terms of highway safety and highway capacity:

Highway Safety

Personal Injury accident data was reviewed for the five year period 2016-2020 covering a study area of the proposed scheme and 150 metre approaches to and from A61 and A635. A total of 26 collisions occurred within the study area during this period, of which 8 were "serious" and 18 "slight". Of the 26 collisions, 5 occurred within the scheme extents. The review concluded that there are not any road safety concerns on the highway network that are likely to be exacerbated

by the proposal. Notwithstanding this conclusion, the scheme is subject to full independent road safety audit process in accordance with the requirements contained within DMRB GG119.

Highway Capacity / Scheme Impact Assessment

The performance of the scheme and local highway network was undertaken using an Aimsun microsimulation model covering Old Mill Lane and A61 to the south, Bar Lane and A61 Wakefield Road to the north and B6132 Carlton Road to the east. This covers periods of greatest traffic impact namely weekday PM peak (16:30-17:30) and Saturday peak (12:15-13:15) identified from baseline traffic survey data. A number of assessment scenarios were used for the local highway network covering 2023 and 2040.

To assess the impact of the scheme on the performance of the highway network, model outputs were produced including vehicle journey times for a number of routes (*subpaths*) through the model as well as system statistics outputs for the model as a whole. The results demonstrate that the additional capacity provided by the scheme helps to alleviate congestion and delay at this bottleneck on the network. Whilst these are minimal in the PM peak (due to the dominance of the outbound traffic flow), the Saturday peak results show significant journey time savings for both bus services and general traffic. Furthermore, the flow statistics indicate a significantly higher number of vehicles are able to pass through the modelled network as a result of the scheme.

Therefore, in highways terms, the proposed development provides improvements to the capacity of the local highway network in this locality and network resilience for the future. Accordingly there are no objections to the proposed development from a highways perspective subject to suitably worded conditions and informatives being applied to any subsequent planning consent.

Loss of Parking Space

The proposal results in the loss of 13no. spaces within the Asda car park. These spaces are under utilised at present and are located in one of the furthest points from the store entrance, as such, the loss is not considered to have a material impact on the operation of the car park nor operation of the highway network.

Residential Amenity

Although there are residential properties within the area these are generally a significant distance from the application site. The uses immediately adjacent to the proposed improvement works are generally more commercial in nature. In any case, the improvement works are not anticipated to generate additional traffic but to allow the existing traffic to flow through the area better, as such, arguably the proposed works would be of benefit to local residents and neighbouring land users, in accordance with Local Plan policy GD1.

There would be noise and disturbance during construction but this would be controlled through method statements and suitably worded conditions.

Coal Mining

The application site falls within the Coal Authorities defined Development High Risk Area. Therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Coal Authority records indicate that part of the site is in an area of likely historic unrecorded coal mine workings at shallow depth. If shallow coal workings are present, they may pose a potential risk to surface stability and public safety.

The planning application is supported by a Geotechnical and Geoenvironmental Desk Study Report, dated 24th July 2018 and prepared by ARUP and a Ground Conditions and Contaminated Land Assessment Report, dated 5th April 2019 and prepared by ARUP. Both of these reports have content which considers the potential risks posed by coal mining legacy issues to the development proposed.

The Geotechnical and Geoenvironmental Desk Study Report concludes that coal seams may be present at shallow depth and that any voids or workings present may be within influence of the foundations. They note that this should be confirmed by ground investigations.

Section 6.2 of the Ground Conditions and Contaminated Land Assessment Report addresses issues of coal mining legacy. The report makes reference to ground investigations carried out in 2018 with coal seams encountered at depths of 17.5m and 38.9m with no evidence of workings. The report authors state that the shallowest seam has a low likelihood of workings due to its limited thickness and poses a very low risk to the development with no further works necessary. In respect of the deeper coal seam the report authors comment that this lies at sufficient depth such that it also represents a very low risk to the development and that no further works in this respect are necessary. It is assumed that the report authors are satisfied that the investigatory works carried out are adequate to properly assess the risks posed by past coal mining activity.

On the basis of the information submitted, and the professional opinions of the report authors, the Coal Authority and SYMAS have raised no objections to the proposed scheme.

Drainage

A Flood Risk Assessment (FRA) has been submitted in support of the application. The site location is within fluvial Flood Zone 2 and 3 with a high risk of flooding. Due to the project being deemed *essential infrastructure*, an Exception Test has been conducted and showed the wider benefits to the community outweigh the change to flood risk. The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

Fluvial flooding is the largest risk to the site. The river cross section would remain as existing. The existing and extended section of bridge will remain as a clear span deck constructed between the abutments, therefore, no additional supports etc. will be located below the bridge soffit level causing intrusion, potential blockage or interference with continuity of flow in the watercourse.

Impacts in all events modelled do not impact any sensitive receptors. The increase in peak flood extent does not encroach on any property or receptors, there is no additional hazard to any roads and it does not significantly increase flood risk to third parties.

The mitigation measures proposed include increasing the steepness of embankments at the base of the bridge on the upstream side. This prevents additional water being held in storage upstream or downstream and prevents increase to fluvial flood risk. It also negates the addition of a retaining wall in the scheme.

The Environment Agency, Yorkshire & Humber Drainage Boards, Yorkshire Water and the Councils drainage team have been consulted on the application and not raised objections, subject to suitably worded conditions.

Air Quality

An Air Quality Management Area (Barnsley AQMA No. 4) is located to the south of the site at the base of Harborough Hill. An Air Quality Assessment has been prepared which includes a review of existing air quality conditions in the vicinity of the proposed development and provides an assessment of the potential changes in air quality arising from the construction and operation of the proposed development.

There is no predicted change in traffic movements from the widening and re-decking of the A61. The proposed scheme would relieve congestion and the effect of the proposed scheme on local air quality is therefore not considered to be significant. The Councils Air Quality Officer concurred with the findings and raised no objections to the proposal.

Contamination

The applicants have submitted a Ground Conditions and Contaminated Land Assessment Report alongside the application. The report concludes that there is no evidence of significant ground contamination, however, they acknowledge that sampling was limited due to access issues and therefore recommend a supplementary ground investigation to be carried out during site enabling works to confirm the anticipated ground conditions. This will be subject to a suitably worded condition.

Archaeology

An archaeological desk-based assessment and monitoring of preliminary ground investigation works has been undertaken and accompanies the application. An assessment of the significance of any recorded heritage assets within a 500m zone has been undertaken, together with an assessment of any potential impacts. A map regression exercise and walkover survey identified remains relating to a 19th-century water management system to the north of the river.

The desk-based assessment established that there is potential for buried archaeological features of interest to be encountered during the proposed works. These are likely to relate to mill buildings that previously occupied the site, as indicated by the remains of the mill race noted immediately to the west of the proposed development area.

Given the potential archaeological implications South Yorkshire Archaeological Service (SYAS) have not raised objections to the proposal but have requested a suitably worded condition requiring the submission and approval of a Written Scheme of Investigation (WSI).

Public Rights of Way

The plans show a diverted public right of way to join onto Old Mill Lane adjacent to the corner of Asda Car Park, with low level fencing provided to segregate the route from the car park. The applicants have been liaising with the Councils Public Rights of Way (PROW) team to agree a mutually acceptable design and layout.

The PROW team have raised no objections to the current proposal but have reiterated that the only way that a PROW can be moved is via a formal diversion order, which is an entirely separate process to planning and subject to its own consultations and fees. Applications have to pass through both informal (i.e. pre-legal order) and formal consultation stages before a temporary closure is granted to enable works to start.

Summary

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The proposed widening of the existing bridge from 3 lanes to 5, including the creation of a dedicated bus lane would reduce congestion and delay and improve journey time reliability along the A61 Old Mill Lane. The A61 Old Mill Lane is designated in the Local Plan as being part of the Local Strategic Highway Network as a road that has more than local importance and so the benefits attracts substantial weight under Local Plan policies that are most relevant to the proposal -T1 Accessibility Priorities, T5 Reducing the Impact of Road Travel, LG1 The Location of Growth and TC1 Town Centres for the following summary of reasons:-

- The proposals are supported by modelling evidence which demonstrates that the development would improve sustainable transport and circulation in the AIZ and part of the core bus network. In particular, this would provide improved journey times, bus connections

which are more reliable and will encourage more sustainable travel through walking and cycling. Accordingly, the development helps to achieve the accessibility priorities set out in Policy T1.

- The development would put measures in place to enable the road system to be used more efficiently which is consistent with Local Plan policy T5 'Reducing the Impact of Road Travel'.
- The improvement of traffic flows through this section of the strategic road network is complimentary to two of the most important strategic policies in the Local Plan, namely Policy LG2 which encourages development in Urban Barnsley as the main focus for housing, employment, shopping, health, leisure, business and public services in the Borough and TC1, which expresses support for maintaining and enhancing the viability of Barnsley Town Centre.
- The proposal would deliver active travel improvements as a result of the new 3m wide footpath that would be created on both sides of the extended and reconfigured bridge. Also, links would be maintained to the existing public right of way and the off road active travel corridor that is in the process of being created from Barnsley Town Centre to Royston and the section that already exists alongside the Fleets towards Smithies. The proposals would therefore benefit all modes of travel including walking and cycling.

The proposal also attracts significant weight in support from national policy in the form of the NPPF which instructs that opportunities to promote walking, cycling and public transport use are identified and pursued para 104 (c) and 105 which is that the planning system should actively manage patterns of growth to help to reduce congestion and emissions, and improve air quality and public health.

The proposal would encroach slightly into the Green Belt. However, the assessment has determined that the proposal is an appropriate form of development that does not require very special circumstances in order to justify due to engineering operations and local transport infrastructure being forms of development that are not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it which are both satisfied. That said there are compelling transportation benefits associated with the proposal which would readily have provided the necessary level of justification had very special circumstances been required.

As outlined in the report, the development accords with the majority of local and national policies, however, there is some conflict. The area in which the bridge is located is within the Dearne Valley Green Heart Corridor which forms part of Barnsley's Green Infrastructure network. Policy GI1 of the Local Plan seeks to protect open space within these corridors. In addition, policy BIO1 expects development to conserve and enhance the biodiversity and geological of the borough. As has been established the proposal would result in the loss of mature trees as existing forms of ecology habitat, including those protected by a Tree Preservation Order. Regrettably however that loss of vegetation is unavoidable in order to enable the development to be carried out and so the focus has been on mitigation and compensation as per the national hierarchy. The application has been accompanied by the necessary surveys which has identified the risk to protected species and the value of the existing habitat. No highest value category A trees would be impacted and the applicant has acknowledged a need to re-plant trees on a 2:1 basis and apply for a protected species licence from Natural England due to a Daubenton's bat roost being found within the existing culvert that passes below Old Mill Lane post planning permission prior to works starting on site to agree the mitigation methodology.

In addition to the biodiversity metric has quantified the habitat losses 2.27 Habitat Units (61.33%) and 0.05 River Units (15.22%) which would require a financial contribution of £58,000 towards for off site enhancements to deliver a position of no net loss of biodiversity. This combined with the other mitigation and compensation proposals involved are considered to mean that the limited areas of harm would be outweighed by the benefits of the proposal.

Similarly, it is considered that the moderate impact caused by the loss of trees is unfortunately unavoidable and, on balance, is outweighed by the wider benefits of the scheme. However re-planting shall be required by a condition.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including flood risk, visual and residential amenity, drainage, contamination risk, coal mining risk, Air Quality, Archaeology and the relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Overall taking into account the relevant development plan policies and other material considerations, predominantly Local Plan Policies T1 Accessibility Priorities, T5 Reducing the Impact of Road Travel, LG1 The Location of Growth and TC1 Town Centres and NPPF para 104 (c)) it is considered that the development complies with the most important development plan policies that are relevant to the assessment of the proposal. In addition, the assessment has determined that the development would not lead to adverse impacts that would outweigh the benefits having regard to other development plan policies including GD1, CC3, GS1, T4, GS1, GS2, Bio1 and Poll1. Where the development conflicts with these policies, the moderate impact is considered unavoidable and, on balance, is outweighed by the wider benefits of the scheme as a whole. Furthermore, compensation arrangements and mitigation measures will be put in place to minimise these impacts. The presumption in favour of sustainable development that is set out in Local Plan policy SD1 and in paragraph 11 of the NPPF is considered to apply therefore and the recommendation is one of approval accordingly subject to a S106 agreement the conditions listed below.

Recommendation

Grant subject to a S106 agreement (compensation for loss of biodiversity) and the following conditions:-

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

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

2. The development hereby approved shall be carried out strictly in accordance with the plans (Nos A61-ARP-XX-XX-DR-CB-00101-P02, A61-ARP-XX-XX-DR-CB-00102-P02, A61-ARPPX-XX-DR-CB-00104-P02, A61-ARUP-GY-XX-SK-CH-00020-P04 & A61-ARP-XX-XX-DRCB-01055 - P01) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area

4. No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.

- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

5. No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- A plan to a scale of 1:1250 showing the location of all defects identified
- A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety and in accordance with Local Plan Policy T4

6. No construction works shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

Reason: In the interest of highway safety, in accordance with Local Plan policy T4.

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

- Working times
- The parking of vehicles of site operatives and visitors
- Routing of and means of access for construction traffic
- Identification of agreed access point
- Contractors method for controlling construction traffic, adherence to routes and temporary signage.
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Measures to control mud and dust being transferred to the public highway
- Measures to protect the watercourse within and close to the site

Reason: In the interests of highway safety, in accordance with Local Plan policy T4

8. Prior to any works commencing on site full details shall be submitted to and approved in writing by the Local Planning Authority that secure the following works:

- Highway engineering
- Bridge widening
- Provision of / any alterations to highway drainage
- Provision of / any alterations to street lighting
- Any necessary signing / lining details
- Any necessary resurfacing / reconstruction
- Measures to prevent/control parking and loading
- Provision of / any alterations to bus stops

- Signal controlled pedestrian crossing and signal controls

The works shall subsequently be constructed in accordance with the approved details and timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

9. Development shall not commence until full highway engineering construction details have been submitted to and approved in writing by the Local Planning Authority.

Reason: In interests of highway safety, in accordance with Local Plan Policy T4.

10. No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details

Tree protection plan

Arboricultural method statement

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

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved landscaping details shall be implemented in the first planting season following the completion of the works

Reason: In the interests of the visual amenities of the locality.

12. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply

13. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network.

14. Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:

-a plan of the areas to be maintained, enhanced and/or created;

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-a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;

-a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30;

-schedule of actions to be undertaken in case signs of failing are identified.

-the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

The BEMP will be supported by a Defra Metric and will include condition assessments of baseline habitats and condition assessments of habitats proposed for creation, with details of the condition assessment criteria anticipated to be passed/failed.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

15. Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats, otters and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

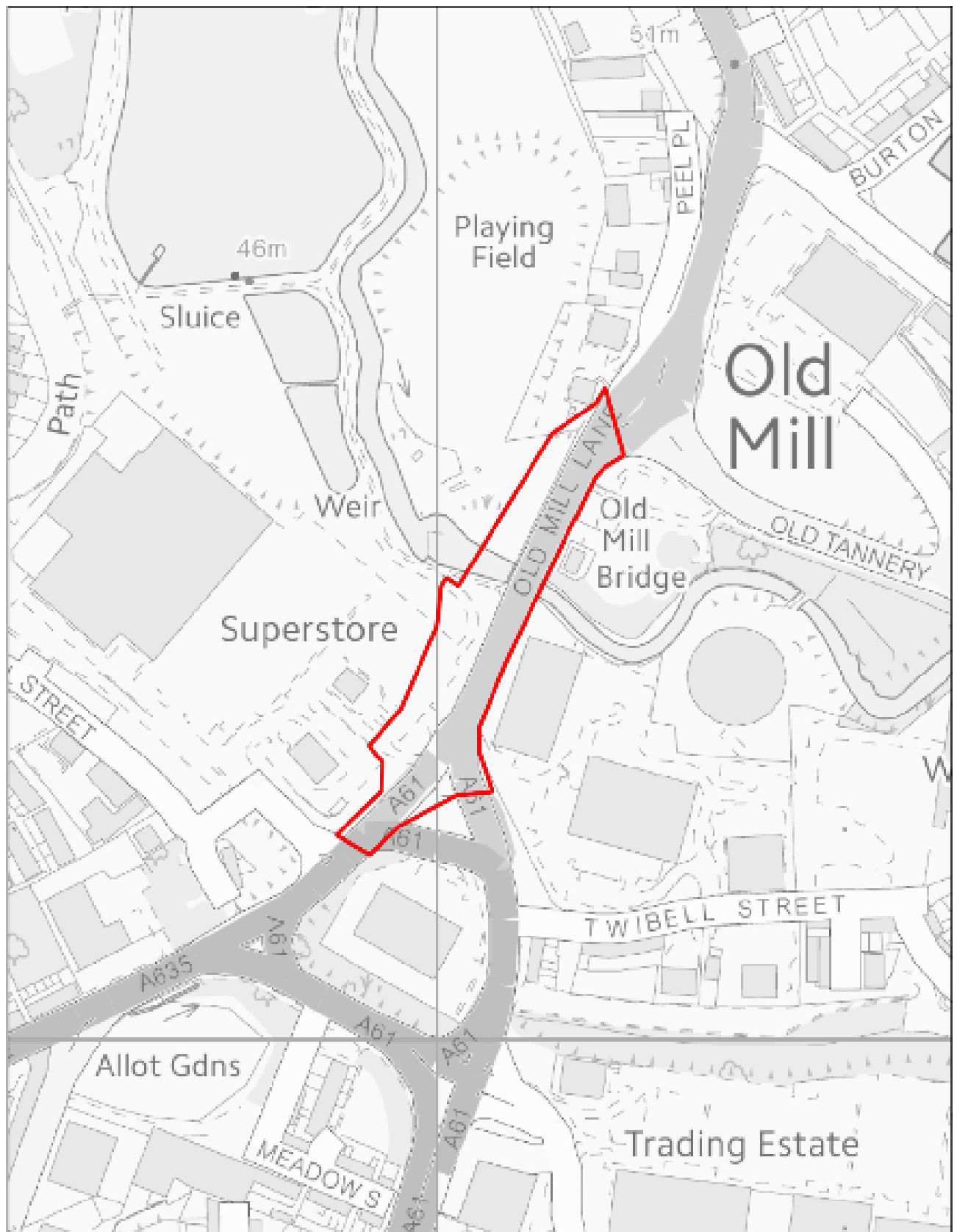
16. Prior to the commencement of the development a bat method statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Method Statement shall detail how the proposed works will be carried out to avoid adverse impacts to bats, including timing of works, sympathetic lighting used during construction works and once the widened road becomes operational, and, monitoring surveys to be undertaken following completion of works.

Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In accordance with Local Plan Policy BIO1 'Biodiversity and Geodiversity'.

17. Upon commencement of development, findings from supplementary ground investigations carried out during site enabling works shall be submitted to, and approved in writing by, the Local Planning Authority to confirm the anticipated ground conditions. The development shall be carried out in accordance with the recommendations/mitigation works resulting from the findings, and retained as such thereafter.

Reason: In accordance with Local Plan Policy CL1 'Contaminated and Unstable Land'.



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Ref: 2019/0623

Applicant: Gleeson Developments Ltd

Description: Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers.

Lowfield Road, Bolton Upon Dearne

This application is a resubmission of a previously refused scheme and Members will be aware that there has been a long planning history with this site and others developed by Gleesons in the borough. This culminated in several planning appeals and enforcement action related specifically to the use of loose aggregate material for driveways. This matter has now been resolved and driveways on existing developments have either been, or are in the process of being, hard surfaced.

Site Description

The site is located on the field adjacent to an existing housing estate constructed by Gleeson Homes at Lowfield Road in Bolton-Upon-Deane which is known as Lowfield Park. The application is effectively for a 3rd phase of the development with the first phase of 60 dwellings approved under 2011/0963 and the second phase of 58 dwellings approved under 2013/0960).

The proposed development is on a greenfield site. This currently comprises an open field which is used for horse grazing purposes and is 2.65ha in size. The development would extend the existing urban settlement to the south east where the site would adjoin further open countryside located to the east and south. To the north and west are located existing houses. The site is separated from the existing Gleeson development by a banking containing vegetation. Houses located on Lowfield Road and Lowfield Grove overlook the site. Located to the south west is Bolton Upon Dearne Waste Water Treatment works.

Access to the development entrance on Lowfield Road is via a humpback bridge passing over the main Sheffield to Leeds railway.

Proposed Development

The application proposes a 3rd phase development of 97 houses. This would increase the size of the estate to 215 houses overall across the 3 phases.

The houses would be two storeys in height and would be either detached or semidetached which would be of a similar form and layout to the existing estate. Overall, it would consist of 28 no. two bedroom, 60 no. three bedroom and 9 no. four-bedroom properties.

Access would be via the roads built to serve phases 1 and 2 (Prior Croft). This road adjoins Lowfield Road in a location to the northwest of the site via a 'T' shaped junction. Thereafter road and pedestrian traffic has to cross over the railway using a humpback bridge prior to the site connecting with the main road network via the junction between Lowfield Road and Station Road/Angel Street (the B6098).

A suds pond is proposed off site, in the field to the east.

History

Phase 2

2015/0720 - Variation of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities (Phase 2). Refused by the Council 09/10/2015 (Appeal Withdrawn)

2016/1041 - Variation of wording of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities. Refused 22/11/2016 (Appeal Dismissed)

Phase 3

2015/0725 - Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers. Refused 22/11/2016 on grounds of lack of affordable housing, inappropriate driveway specifications, odour issues, and lack of justification of release of safeguarded land. The subsequent appeal was dismissed and whilst the Inspector did not agree that odour was an issue, they did feel that the combination of a lack of affordable housing and issues over the driveway specifications were sufficient to dismiss the appeal.

2017/0638 - Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers – Refused 27/06/2018 on grounds of inappropriate driveway specifications. The subsequent appeal was dismissed.

Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

Site Allocation: Housing Proposal and Safeguarded Land

Site HS42:-

Land south of Lowfield Road, Bolton on Dearne, Indicative Number of dwellings 86.

Development is expected to:

- Provide traffic signals at the railway bridge on Lowfield Road;
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaped buffer;
- Be designed, managed and mitigated to ensure that there are no adverse impacts on the neighbouring Adwick Washlands nature reserve (to the east of the site) which is of significant ecological interest; and

- Be accompanied by details for the improvement, protection and maintenance of the adjacent Scheduled Ancient Monument known as Heavy Anti-aircraft gun site 330m south east of Lowfield Farm (Entry 1019872) and its setting. Planning conditions will be used to ensure that details for the improvement, protection and maintenance of the monument have been submitted to and approved by the Council before development commences.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected

H7 'Affordable Housing' seeks 10% affordable housing in this area

H8 'Housing Regeneration Areas'

T3 'New Development and Sustainable Travel'. The site is located in the Dearne

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

HE6 'Archaeology'

GB1 Green Belt

GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Consultations

Air Quality: No objection to the development on operational phase air quality grounds, however would recommend the installation of electric vehicle charge points in accordance with the Barnsley MBC air quality and planning good practice guidance.

Affordable Housing Officer: There is a requirement for 10% in this area at an 80/20 split.

Biodiversity Officer: The Supplementary Ecological Information report (SLR, v1, Dec 2020) is a welcome addition to the existing ecology information and it responds positively to many of the concerns raised in my response of 16/10/20 to previous information. Whilst there are still shortcomings, the updated proposals are sufficiently improved that I am prepared to recommend approval of the proposals if the applicants guarantee maintenance of the biodiversity features for at least 10 years post-construction.

Broadband: No objection subject to a condition securing superfast broadband.

Conservation and Design: Initial issues with the information received in relation to the Scheduled Ancient Monument (SAM) to the east of the site have been resolved.

Contaminated Land: No comments to make regarding the application with regards contaminated land issues.

Danvm Drainage Commissioners: The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area. The planning application may relate to work in, on, under or near a watercourse within the Internal Drainage Board (IDB) Drainage District and requires consent from the IDB in addition to any landowner agreements for works, access, easements and planning permissions.

Drainage: No objections subject to conditions

EA: Our current Flood Map for Planning shows that part of the site lies within Flood Zone 1, with a low probability of flooding from rivers and/or sea. The information provided for the development is applicable to the scale and nature of the development. We note from the information provided the intention is to discharge surface water into the River Dearne, which is classified as main river. Any works within 8 metres of the river will require a permit in place before any works will be able to commence.

Education: There is a need to provide contributions to fund both 20 primary and 15 secondary education places.

Highways: Have objected to the scheme and maintain the view that the proposal is unacceptable from a highways perspective. More details of this are given in the assessment section of the report.

Natural England: Standard advice only, no objection. For the Council to ensure ecology is suitably addressed.

Network Rail: With reference to the protection of the railway, Network Rail has no objection in principle to the development but has requested potential contributions towards improvements at the station.

Pollution Control: I have reviewed the odour assessment document and the previous Planning Inspector decision reports that relate to this application. They have concluded that odour at the site would not be sufficient to refuse the application and that it should be allowed. Therefore have no objections to this application subject to standard conditions relating to noise & dust management, working/delivery times and the requirement to have an adequate water supply.

Public Rights of Way: There are no recorded public rights of way on or abutting the site.

RSPB: No response received.

South Yorkshire Police: No objections, detailed design comments only which have been passed to the developer for consideration at the Reserved Matters Stage.

South Yorkshire Mining Advisory Service: The site is not located in a coal mining referral area. The applicant has submitted a site investigation report which confirms the land is not affected by mining legacy issues. No objections, standing advice only.

Superfast South Yorkshire: Standard condition requiring high speed broadband.

Tree Officer: The site is generally unconstrained in terms of trees and hedges with only a short section to the south being implicated in the scheme. Therefore no objections to the proposed development from an arboricultural perspective as the remaining trees around the boundaries can be retained and protected as part of the proposed development. Tree protection measures as part of an arboricultural method statement will be required to specify where the barriers will be utilised along with any other protection measures or specialist construction techniques required. The proposed landscaping is also acceptable as it will lead to a significant increase in the tree population of the site which is ultimately an improvement. As such there is no objection.

Ward Councillors: Former Councillors Johnson and Noble strongly objected to this application until all phase 2 obligations have been met. As the application was first submitted in the early days of the pandemic Councillor Noble also raised concerns about the pandemic and dealing with

applications when residents were in lockdown or shielding as well as regarding flooding issues on the fields.

Councillor Danforth has raised enquiries related to the additional traffic on Lowfield Road and whether it cannot sustain another 194 cars. Has also commented that it was originally designed for the farm and a small number of terraced houses with only one pavement on the railway bridge and being not wide enough for two prams to pass or a mobility scooter. The works required for the 2013 application have not been implemented and the Transport Assessment for this application is out of date (2015). Lowfield Road is an in / out access and there is no alternative route. In addition, the developments eastern boundary is only 50m from Adwick Wash an RSBP reserve and the extra noise will have an impact.

Yorkshire Water: Based on the information submitted, no observation comments are required from Yorkshire Water.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. 215 objections have been received from local residents, the majority of which have been submitted by residents who are a member of the Friends of Lowfield Road Action Group. In summary the main objections are summarised as follows:-

Numerous concerns are raised about the ability of Lowfield Road to safely accommodate the increase in traffic as a result of the development. Namely these are:-

- The humpback bridge: Its narrow width, poor forward visibility. It is also pointed out that the bridge has been identified to be a public safety risk by Network Rail.
- It is asserted that subsidence has occurred on Lowfield Road as a result of the existing amount of traffic using the road and that this would be made worse by the development.
- Concerns that the narrow width of Lowfield Road is such that drivers exiting the existing Gleeson development are unable to turn left without driving onto the other side of the road into oncoming traffic.
- It is also stated that the kerb to the south of the junction between the new development and Lowfield Road is still unfinished causing a safety concern due to it jutting out into the highway.
- Concerns that Lowfield Meadows, or the access serving Lowfield Lakes fishing lodge may be required to provide additional future accesses to serve the development and that both are unsuitable as they would increase the level of conflicts with cars leaving Lowfield Meadows and Lowfield Farm Close/Woodside View.
- Conflict with on street parking due to Lowfield Road containing a number of terraced houses. In addition it is stated that the number of vehicles parking on street on Lowfield Road has increased since the homes on the applicant's site started to become occupied, including vans. Concerns are also raised regarding conflict with visitor traffic to the nature reserve and recreation land to the east of Lowfield Road which includes many bird watchers and dog walkers.
- Concerns that the development shall lead to additional queuing at the junction between Station Road and Angel Street (B6098) causing a further inconvenience for existing residents.
- Concerns are again raised about the narrow width of footpaths on Lowfield Road and the difficulties for users with wheel and push chairs and that this will become more difficult to use with more people living in the area.

Residential amenity - It is stated that the development would lead to a reduction in the quality of life for existing residents due to loss of light, outlook and enjoyment of gardens.

Safeguarded land - Development of the site would be contrary to the relevant UDP policies which designate the site to be Safeguarded Land. Concerns are raised therefore that the release of the site for housing would be contrary to this designation and that other sites should come forward first.

Urban sprawl - Concerns that the development would result in the loss of countryside. In addition it is stated that the high amount of properties in the area for sale and for let in the area indicate a lack of demand for further housing in the area.

The supporting documents - Concerns that the number of traffic movements recorded in the transport assessment is improbable. Concerns are also raised that the supporting documents cut and paste text from the reports accompanying the previous application which is not relevant to the proposal. An example is that the site is referred to as being brownfield rather than greenfield.

Concerns that the applicant has attempted to scaremonger the local community into supporting the development by suggesting that the train station may be closed unless the development is allowed.

The applicants assertions that the site benefits from good access to public transport is disagreed with based upon the following points:-

- Trains to Leeds and Sheffield are only available on an hourly basis.
- There being no bus service to Doncaster
- There is no public transport service to Manvers
- The frequency of other bus services in the area is only once every half an hour

Flood risk – It is asserted that the site is located in a flood plain and that a number of properties on Lowfield Road have been evacuated in the past in flooding events.

Harm to the Lowfield Lakes fishing business – Concerns are raised that the housing development would spoil the rural setting of the site. In addition, concerns are raised that the living conditions of the residents who live in the dwelling would be harmed as a result of proximity issues. The owners also question whether the development would affect the existing septic tanks and water tanks located in the field leading to pollution control issues.

Concerns about low water pressure/poor electricity supply and sewage disposal facilities due to existing outdated infrastructure not being brought up to date despite all of the development in the area over the last 30 years.

Loss of agricultural land and land used for equestrian purposes.

Harm to the open countryside landscape and views from Adwick on Dearne.

Harm to biodiversity – Specific concerns are raised about the proximity of the site to an RSPB nature reserve.

Potential harm to broadband speeds for existing residents.

Proximity to a WW2 archaeology site.

Concerns that the residents of the houses would have a poor standard of amenity due to being affected by odour from the waste water treatment works.

It is stated that there are other sites around the Dearne Valley which would be better suited to accommodate a large housing development.

It is questioned whether the track located on the far eastern edge would be used as an emergency access.

Concerns that the maintenance costs associated with the greenspace in phase 2 will increase if phase 3 is not approved or is developed by a third party.

These concerns are addressed in the report below.

Assessment

The site is allocated in the adopted Local Plan for housing under site specific policy HS42. Therefore, the proposed housing scheme is acceptable in principle subject to being assessed against the wider Local Plan policies and the following site specific requirements:

- Provide traffic signals at the railway bridge on Lowfield Road;
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaped buffer;
- Be designed, managed and mitigated to ensure that there are no adverse impacts on the neighbouring Adwick Washlands nature reserve (to the east of the site) which is of significant ecological interest; and
- Be accompanied by details for the improvement, protection and maintenance of the adjacent Scheduled Ancient Monument known as Heavy Anti-aircraft gun site 330m south east of Lowfield Farm (Entry 1019872) and its setting. Planning conditions will be used to ensure that details for the improvement, protection and maintenance of the monument have been submitted to and approved by the Council before development commences.

Taking these matters in turn:

A scheme for the proposed traffic lights has been provided by the applicant, along with a Road Safety Audit. However, Highway Officers have objected to this scheme and as a result the proposed does not comply with this aspect of Policy HS42. This, along with highway safety issues, are covered in more detail below.

An odour assessment was provided with the earlier applications and the required buffer zone agreed at appeal. This application includes the area as landscaping with a 6m buffer strip of trees proposed to screen odour and visual impacts associated with the Waste Water Treatment Works.

An ecological assessment has been provided which sets out the approach to ecological mitigation and assesses impacts on the Adwick Washlands nature reserve. This is covered in more detail below with the findings and mitigation proposed accepted by the Biodiversity Officer.

With regards to the Scheduled Ancient Monument (SAM), located to the field to the east of the site, following consultation with Historic England the option to secure improvements or long-term maintenance of the SAM has been discounted as access is an issue. Instead, the applicant has agreed to provide a contribution of £13,000 to cover the cost of a detailed building record including laser scans and level 3 / 4 analytical historic building record. This will provide a detailed record of the SAM for the future and is considered to be the most appropriate solution at this time.

In addition, the scheme as proposed is consistent with the layout submitted under application 2017/0638. This application was refused and subject to an appeal, however, the focus of the appeal was the proposed driveways with all other matters agreed. This has set a precedent for the development of the site.

Notwithstanding the above, this amended scheme includes a proposed SUDs pond located in the adjacent field which is in the Green belt where Local Plan Policy GB1 applies which seeks to protect the green belt in accordance with the National Planning Policy Framework (NPPF). Paragraph 150 of the NPPF lists certain forms of development which are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, this includes engineering operations such as the proposed SUDs pond. Looking first at the impact on openness, the SUDs pond is a single retention basin with sloping sides circa 50m in length and 20 meters in width and with a depth of 1 meter. It is stated to be wildlife friendly, providing potential breeding conditions for amphibians and habitat for grass snakes, with further detail on this aspect included in the supplementary ecological information. In this respect the SUDs feature will be green and appear more as a natural pond, therefore, it will not impact on the openness of the green belt or conflict with the purposes of including land within it.

Highway Safety

The proposed development has been assessed through two previous applications and appeals. The design of the site access, internal highway layout and parking were deemed acceptable previously and were not objected to through the appeal process (other than the driveway materials which has been resolved and can be conditioned). As such this will not be revisited.

Notwithstanding the above, there has been a material change in circumstances since the previous applications when a scheme for the signalisation of the railway bridge on Lowfield Road was being progressed by Network Rail. As this is no longer the case, the applicant has been required to provide an alternative signalisation scheme to address the known issues on the bridge and mitigate the intensification of its use associated with this development. This material change is reflected in the wording of Site Specific Policy HS42 in the adopted Local Plan.

The applicant initially submitted the original Transport Assessment (TA) dated June 2015 which was unacceptable and a revised, updated TA dated June 2020 has been provided. The revised TA utilises actual surveyed trip rates from the Phase 2 development, as these are greater than the most up to date (at the time of writing the TA) trip rates within the TRICS database. In addition, appropriate growth flows have been applied to reflect changing traffic patterns. This provided the basis for the 2025 future year predicted flow and is considered an acceptable approach. In addition, the revised TA acknowledges Local Plan Policy HS42.

The TA indicates that the Station Road / Angel Street junction operates over capacity under the 2025 AM peak period future year assessment (with development flow) scenario. The TA states that this is considered acceptable for an existing junction and that following completion of the proposed development, the highway network will continue to operate safely and within capacity. However, the results demonstrate that the junction operates over capacity and as such the Council would expect some form of improvements to be investigated to mitigate this negative impact.

With regards to the HS42 policy requirement in that "The development will be expected to: Provide traffic signals at the railway bridge on Lowfield Road", this assessment takes account of the view of the Highway Authority which includes BMBC network management, road safety and traffic signal engineers. The primary issue to appreciate at Lowfield Road is the current bridge structure is insufficient to provide a highway width to accommodate both 2-way traffic movements and pedestrian movements. The policy requirement to introduce traffic signals is to enable a reduction to single flow vehicle movements and provide a new pedestrian footway. Improvements to the public highway are therefore in the interests of highway safety and not a highway capacity requirement.

The latest design submitted by the applicant proposes to introduce a new traffic signal installation that is a resubmission of a solution rejected by Highways on previous phases of the development

site. It essentially seeks to provide a traffic signal and stop line at both east and west approaches of Lowfield Road

From a feasibility perspective, the main issue is the allowance for the side road on the east side approach. The swept path analysis submitted with the application does not demonstrate that all manoeuvres (entering and exiting the public highway) can be safely undertaken, resulting in vehicles overhanging the highway or centre line. Under the current highway operation, a vehicle can exit the access uncontrolled under the give way conditions and join the highway. However, the proposed mitigation and new traffic signal operation does not permit an appropriate vehicle to complete the manoeuvre and wait in the relevant position (i.e. before the stop line). This, coupled with the potential for vehicles approaching from the west to do so on a green signal, with an inference of comfort that the way ahead is free from obstruction, is the primary reason why the proposals are considered to increase the risk of collision and injury to users of the public highway and cannot be supported in their current form.

Furthermore, from a buildability and maintenance perspective, the Council also has a duty of care to its operatives on the public highway network. Within the current proposals, the positions of the traffic signal controller and signal poles are deemed to be located in such a way to prevent them being maintained safely without possible significant civil engineering works.

For the reasons above, as the proposals currently stand, they are unacceptable from a highways perspective as they are contrary to policies T4 and HS42 of the Barnsley Local Plan and, are detrimental to highway safety and efficiency, contrary to NPPF (July 2021) paragraph 111.

Previous comments in relation to the Travel Plan requested that the Targets and Action Plan at Appendix D of the 2015 Travel Plan Addendum be reviewed, updated and appended to the approved full Travel Plan. Whilst the revised TA makes reference to a proposal to extend the scope of the existing Travel Plan to cover all the properties in Phase 3, it would appear that this revision has not been forthcoming. As such this remains an outstanding item but could be resolved through an appropriately worded condition

Visual Amenity

The existing site is largely clear of vegetation, is relatively flat and is used for the grazing of horses. The trees of value identified on the tree survey are located outside of the site and will not be affected.

The layout plan has been designed to comply with the space between building standards in the SPD. The house type plans are consistent with the houses approved under the previous two phases. There is a good mix of designs with 11 different house types proposed, with variations in elevation detailing providing some visual interest. The materials schedule proposes a mix of buff and red bricks with dark grey or red roof tiles, again this is consistent with the wider area which is characterised by red or buff brick properties.

The landscaping scheme includes a mix of shrubs, grass area and new trees across the site. In the south eastern corner, a 6m buffer strip of planted trees provides screening from the nearby waste water treatment works and there is an area of open space adjacent this which is in an identified odour contour. This is the only green space on the site, however, there is a play park in phase 2 and an area of open space to the south of this. On this basis, a contribution to off site greenspace is acceptable.

Finally, the ecological enhancements proposed off site to the west, include the landscapes Suds pond and additional tree planting which will also have a positive impact on visual amenity.

Residential Amenity

An important consideration for the application is the relationship between the development and the Waste Water Treatment Works (WWTW). This matter was discussed in length at the appeal for 2015/0725 and the odour contour areas and required landscape buffer was agreed. This is retained on this layout. In addition, the appellant agreed to include a minimum 10m wide landscape buffer on the southern boundary of the phase 2 site (in the ownership of the appellant) where it meets the boundary with the WWTW. Subject to the imposition of these tree planting areas, the Inspector was satisfied that any perceived adverse odour / psychological effects arising out of the proximity of proposed dwellings 203-208 to the WWTW could be suitably mitigated. This planting and its maintenance can be secured through conditions on this application as the land has been included in the blue line.

The development would be sensitive from the perspective of removing the existing open outlook for residents of a number of existing dwellings located on Lowfield Grove. Loss of view is not a material consideration, however, and the plans have been designed to achieve the separation distances between new and existing properties required by the Design of Housing Development SPD.

The relationship between the dwelling positioned on the Lowfield Lodge site is closer, with that dwelling located very near to the boundary between the two sites. However, the plots 189 and 202 are orientated side on and to the north of rear garden of this property mitigating any overlooking and overshadowing impacts. Plots 181 – 188 back onto the front garden / driveway of the property but as this is not a private area the impact is acceptable. None of the new houses face onto existing windows and privacy in the rear garden is maintained.

Within the development the separation distances between existing buildings and the private rear garden sizes would meet the standards required by the SPD in the majority of cases.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not in an area that is classed to be at risk of flooding either from the River Dearne or overland flows and drainage infrastructure., i.e. it is located outside of EA flood zones 2 and 3. The Environment Agency have been consulted on the development and amended layout, which includes the SUDs pond on land outside the site, Their response confirms that part of the site is at low risk of flooding and they have no objection to the proposed development, however, they have recommended further permits will be required with them prior to agreeing any works adjacent the River Dearne.

The management of surface water run off from the development is another important consideration and the development proposes a SUDs pond, located to the south west of the site. This will hold water at times of high rainfall, allowing it to be released to the nearby River Dearne at a greenfield rate. The Internal Drainage Board (IDB) have raised no objections but confirmed their consent is required for this and that discharge rates must be agreed and set at greenfield a rate so as to not increase the risk of flooding in the wider network.

In terms of foul sewerage Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development.

Final details can be secured through appropriate conditions. On this basis the proposed complies with local plan policies CC3 and CC4.

Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. In addition, the site is located outside of a Coal Mining Risk Area. No objections have been received from Regulatory Services accordingly.

Ecology

Whilst this development has been the subject of various appeals and previous applications included limited ecological mitigation, the Local Plan Policy position has changed and the applicant has therefore been required to provide further assessment and mitigation in support of this scheme. As a result, an Ecological Impact Assessment and Supplementary Ecological Information has been provided.

With regards to the impact on Aldwick Washlands, the report acknowledges the RSPB previously objected to the development because of the proximity to this site and lack of appropriate impact assessment. The ECIA mitigates this by assessing the impact, identifying that the washlands are 50m away, robustly designed to accommodate visitors, have existing public rights of way through them and connecting to the Lowfield Road area and is screened by scrub vegetation between the development site. Furthermore, the development is stated to not be functionally linked to the reserve given its use as grazing land for horses. On this basis, no appreciable impact on the Aldwick Washlands RSPB Reserve is predicted.

The Supplementary Ecological Information builds on the ECIA, proposing various mitigation measures:

- The planting of 64 oak trees within a 1.4 hectare area of land located to the west of the Site (land within the blue line, to the south of Phase 2);
- The balancing pond will include appropriate wildflower mix for pond edges and the pond sides as well as a scrub buffer;
- A tree lined buffer to the western edge, albeit this can only be provided to the north of the access, which connects to existing trees and scrub on phase 2;
- A scrub buffer planting to the south western corner of the site;
- Native hedgerows in gardens along the southern boundary of the site;
- The provision of integrated bat boxes, to be built within the fabric of suitable properties, as they are constructed;
- The provision of integrated bird boxes (suitable for starling, house sparrow and swift), to be built within the fabric of suitable properties, as they are constructed.

Whilst these mitigation measures and the impact of the development on existing habitats on the site have not been subject to detailed assessment using the Defra Metris, the Biodiversity Officer has reviewed them and accepted that they represent an enhanced offer for this site which is welcomed. On this basis, although compliance with BIO1 and the requirement to meet no net loss has not been demonstrated, there is no objection to the development on Biodiversity Grounds.

S106 Requirements

Education –

- 20 Primary School places at £16,000 per place = £320,000
- 15 Secondary School places at £16,000 per place = £240,000

TOTAL = £560,000

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In

this instance and accepting that there is a play area as part of the phase 2 development, it is deemed appropriate to allow no open space on site and instead seek an off-site contribution to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £152,425.80 would be sought.

Affordable housing – The site is an area where affordable housing provision required under policy H7 is 10%. Strategic Housing have confirmed that the split would be 80/20 rent and intermediate.

Sustainable Travel – This is sought in accordance with Local Plan Policy T3 and the accompanying Sustainable Travel SPD. As the area is in the Accessibility Improvement Zone the overall contribution would be £72,750.

SAM - A contribution of £13,000 to cover the cost of a detailed building record including laser scans and level 3 / 4 analytical historic building record.

Conclusion

The submitted proposals to signalise Lowfield Road at the railway bridge have been assessed by Highway Officers and found to be contrary to the safe operation of the Highway as required by Local Plan Policy T4. On this basis the proposed development does not comply with local plan policies T4 and Hs 42.

In addition, insufficient information has been provided to demonstrate that the impact of the proposed on the wider highway network, and in particular the Station Road / Angle Street junction, can be adequately mitigated to ensure safe, secure and convenient access and movement as required by Local Plan Policy T4.

As a result refusal is recommended.

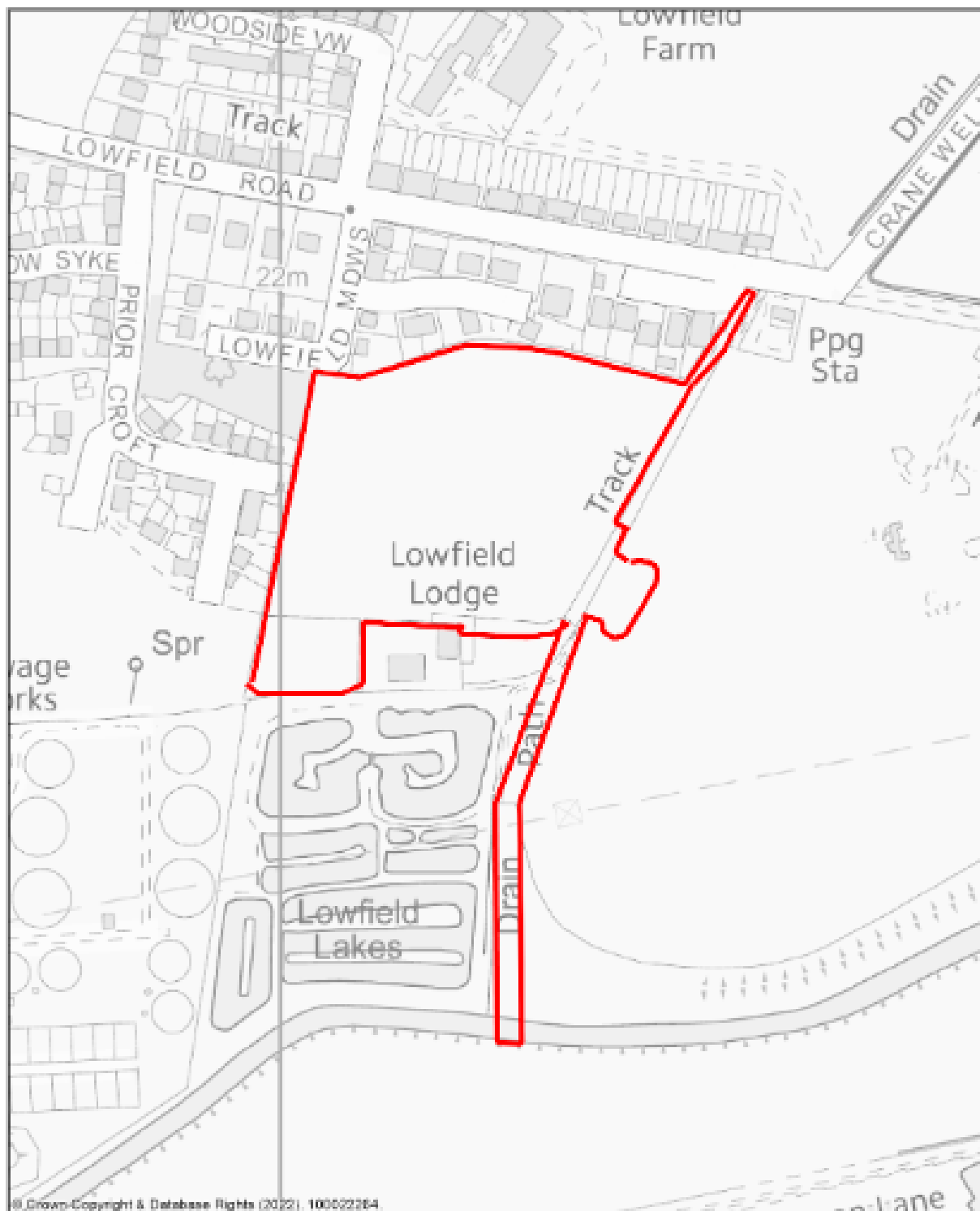
Recommendation

Refuse for the following reasons:

1. The proposed would result in an unacceptable impact on highway safety due to the intensification of use of the railway bridge over Lowfield Road, a known substandard access route. Furthermore, the traffic signal scheme, proposed as mitigation, has been assessed as unacceptable in highway safety terms. Therefore, the development is contrary to Local Plan Policies T4 and HS42 as well as NPPF (July 2021) Paragraph 111.
2. The applicant has not submitted sufficient details to demonstrate that the impact of the development and associated traffic on the wider highway network, and in particular the Station Road / Angle Street junction, can be adequately mitigated to ensure safe, secure and convenient access and movement as required by Local Plan Policy T4.

PA Reference:-

2019/0623



BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

September 2022

APPEALS RECEIVED

1 appeal was received in September 2022:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee / Delegated</u>
2022/0316	Erection of single storey extensions to the front, side and rear of existing detached garage and upward extension to the roof height to a create double garage with storage rooms to the rear 28 Tenters Green, Worsbrough, Barnsley, S70 5HG	Written Reps	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in September 2022.

APPEALS DECIDED

2 appeals were determined in September 2022:

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2022/0159	Change of use of part of house (garage) to beauty salon with external changes 7 Longwall Close, Mapplewell, Barnsley, S75 6NY	Dismissed 27.09.2022	Delegated
2021/1437	Change of use from residential (C3) to guest house (C1) 131 Dodworth Road, Barnsley, S70 6HL	Dismissed 30.09.2022	Delegated

2022/2023 Cumulative Appeal Totals

- 16 appeals have been decided since 01 April 2022
- 12 appeals (75%) have been dismissed since 01 April 2022
- 4 appeals (25%) have been allowed since 01 April 2022

	<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
1	2021/0713	Wrap around balcony to rear of house	Dismissed	Delegated

		34 Staincross Common, Staincross, Barnsley, S75 6NA	01.04.2022	
2	2021/1243	Display of double-sided freestanding 48-sheet sized digital LED advertising unit Land at Westway, Corner of New Street, Barnsley, S70 1SW	Dismissed 29.04.2022	Delegated
3	2021/1335	Erection of front porch and creation of access to parking space to front (Part Retrospective) 4 Sycamore View, Sheffield Road, Oxspring, Barnsley, S36 8YW	Allowed 29.04.2022	Delegated
4	2021/1276	Change of use of agricultural building to dwellinghouse (C3) (Prior Notification) Elmhirst Farm, South Lane, Cawthorne, Barnsley, S75 4EF	Dismissed 17.05.2022	Delegated
5	2021/1108	Erection of extension to eaves and roof height of dwelling to create attic bedroom within the roofspace and provision of associated rooflights 3 Colster Close, Gawber, Barnsley, S75 2LR	Dismissed 09/06/2022	Delegated
6	2021/1221	Erection of detached outbuilding (Lawful development certificate for a proposed development) Gransden House, Church Street, Royston, Barnsley, S71 4QZ	Allowed 06/06/2022	Delegated
7	2020/1221	Residential development of 28 no dwellings and associated works Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ	Allowed 19/07/2022	Committee
8	2022/0140	New pair of free standing illuminated 48-sheet digital advertisement displays. Land at Shambles House, Shambles Street, Barnsley, S70 2RN	Dismissed 25/07/2022	Delegated
9	2021/0892	Demolition of existing detached treble garage and erection of replacement one and a half storey outbuilding with a first floor located within the roof space. 362 Pontefract Road, Lundwood, Barnsley, S71 5JY	Dismissed 27/07/2022	Delegated
10	2021/0791	Erection of bungalow Rear of 109 Barnsley Road, Wombwell, Barnsley, S73 8JH	Dismissed 09/08/2022	Delegated
11	2021/0940	Erection of detached outbuilding to rear housing garage and garden room at ground floor and store within roof space 21 Mount Vernon Crescent, Worsbrough Common, Barnsley, S70 4DN	Allowed 17/08/2022	Delegated
12	2022/0141	The erection and display of a single wall-mounted 48-sheet sized digital LED advertising unit. 92 Sheffield Road, Near Junction with Taylor Row, Barnsley, S70 1HY	Dismissed 17/08/2022	Delegated
13	2022/0214	Additional level to part of building and associated alterations. The Cottage, The Kennels, Renald Lane, Hoylandswaine, Sheffield, S36 7JX	Dismissed 18/08/2022	Delegated

14	2021/1156	Erection of 1no dwelling (Outline with All Matters Reserved) - Resubmission of application 2021/0465 11 Willow Bank, Barnsley, S75 1EF	Dismissed 30/08/2022	Delegated
15	2022/0159	Change of use of part of house (garage) to beauty salon with external changes 7 Longwall Close, Mapplewell, Barnsley, S75 6NY	Dismissed 27.09.2022	Delegated
16	2021/1437	Change of use from residential (C3) to guest house (C1) 131 Dodworth Road, Barnsley, S70 6HL	Dismissed 30.09.2022	Delegated

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Item 8

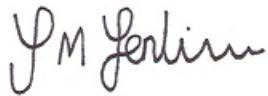
BARNSELEY METROPOLITAN BOROUGH COUNCIL

SUMMARY OF OUTCOMES - PLANNING APPLICATIONS AGENDA PACKS ISSUED AS BOARD MEMBER CONSULTATIONS IN ADVANCE OF THE SEPTEMBER 2022 PLANNING REGULATORY BOARD MEETING

LIST OF APPLICATIONS WITHIN THE AGENDA PACKS:-

<u>Reference</u>	<u>Details</u>	<u>Committee/ Delegated</u>
2022/0442	<p>Installation of various equipment in order to improve Wi-Fi connectivity (Listed Building Consent) at Cannon Hall Museum, Bark House Lane, Cawthorne, S75 4AT</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. No comments received 	To proceed delegated for approval in accordance with the officer recommendation, and the conditions set out in the officer report.
2022/0286	<p>Formation of car park at St John the Baptist Church of England Primary School, High Street Penistone, Sheffield, S36 6BS</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One query raised on electric vehicle charging points. Query responded to and member replied to say thanks for the response and raised no further queries or comments. <p>Officer response- query responded to and no comments raised against the recommendation.</p>	To proceed delegated for approval in accordance with the officer recommendation and the conditions set out in the officer report.
2020/1473	<p>Erection of 5no. dwellings (3no. two storey properties and 2no. bungalows) including garages and private drive at Land to the rear of Lesmond Crescent, Middlecliffe, Barnsley, S72 0EZ</p> <p>Summary of consultation comments received:-</p> <ol style="list-style-type: none"> 1. One query raised on access by fire appliance vehicles. Query responded to and member replied to say thanks for the response and raised no further queries or comments. <p>Officer response- query responded to and no comments raised against the recommendation</p>	To proceed delegated for approval in accordance with the officer recommendation subject to the signing of the S106 and the conditions set out in the officer report.

Signed:

A handwritten signature in black ink, appearing to read 'J M Jenkinson', written in a cursive style.

Joe Jenkinson
Head of Planning and Building Control