

MEETING:	Planning Regulatory Board
DATE:	Tuesday 26 September 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. 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.

2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 5th September, 2023.

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.

3. Land North of Shaw Lane, Carlton, Barnsley - 2022/0115 - For Refusal (*Pages 5 - 20*)
4. Paddock Road, Staincross - 2022/0965 - For Approval (*Pages 21 - 40*)
5. Land North of Barnburgh Lane, Goldthorpe - 2023/0195 - For Approval (*Pages 41 - 58*)

Enforcement Report

6. Enforcement Report Quarter 1 (2023/24) (*Pages 59 - 66*)

To: Chair and Members of Planning Regulatory Board:-

Councillors Richardson (Chair), Bowler, Burnett, Coates, Crisp, K. Dyson, Greenhough, Hayward, Leech, Lofts, McCarthy, Mitchell, Moore, Morrell, O'Donoghue, Peace, Ramchandani, Risebury, Smith, Sumner, Webster, Wilson, A. Wray, C. Wray, N. Wright and P. Wright

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

Parish Councils

Please contact Mel Bray on email governance@barnsley.gov.uk

Monday 18 September 2023

MEETING:	Planning Regulatory Board
DATE:	Tuesday 5 September 2023
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors Richardson (Chair), Bowler, Burnett, Coates, Crisp, K. Dyson, Hayward, Leech, Lofts, Moore, Morrell, O'Donoghue, Peace, Smith, Webster, A. Wray, C. Wray, N. Wright and P. Wright

In attendance

Councillor Osborne

81. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interests.

82. Minutes

The minutes of the meeting held on 25 July 2023 were taken as read and signed by the Chair as a correct record.

83. Reserved matters at Former William Freeman Site, Wakefield Road, Mapplewell, Barnsley, S75 6DN - 2021/1405 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2021/1405** Reserved matters (appearance, landscaping, layout and scale) application for development of 91 homes, structural planting and landscaping, surface water attenuation and associated infrastructure in connection with outline planning permission 2017/1718 (Outline planning for up to 102 homes) at Former William Freeman Site, Wakefield Road, Mapplewell, Barnsley, S75 6DN.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to conditions and the signing of a Section 106 Agreement.

84. Member Consultation Report - August 2023

The Head of Planning and Building Control submitted a report which summarised the outcomes of the planning applications agenda packs issued as Board Member Consultations in advance of the Planning Regulatory Board meeting held in September 2023.

RESOLVED that the report be noted.

Chair

2022/0115

Applicant: Network Space

Description: Residential development of up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage, with details of a new vehicular access onto Shaw Lane (Outline with all matters reserved apart from means of access)

Site Address: Land north of Shaw Lane, Carlton, Barnsley, S71 3HH

32 letters of objection have been received from local residents.

Site Location & Description

The site consists of a 7.57 hectare area of land that forms part of Mixed Use Allocation MU3 in the Local Plan (indicative number of dwellings 1683 overall within the allocation and green space) and also forms part of the Carlton Masterplan Framework.

This parcel of the Carlton Masterplan site is located to the north of Shaw Lane and is currently used as agricultural land with areas of marshland. It has an irregular shape and is relatively flat. The main body of the site is open agricultural land with vegetation predominately being located around the edges of the site on the field boundaries.

The surrounding area mainly consists of other fields and undeveloped land to the north and south that are also the subject of Local Plan allocation MU3. That includes the former Carlton Colliery immediately opposite to the south of the site. There are a small number of residential properties positioned opposite to the south and a greater number further along Shaw Lane to the west. Premier Foods Carlton Bakery is located to the south west.

To the east the site shares the boundary with a disused former railway line which is positioned on an embankment. Further to the east beyond the disused railway line is the large Boulder Bridge complex of industrial and scrap vehicle uses.

To the west and north are more open fields. The field to the west contains the former Barnsley Canal including sections of it that are still in water. Beyond that to the west is Carlton Park. To the north west is Outwood Academy Carlton.

More built up areas are located further along Shaw Lane to the west in Carlton and at Boulder Bridge and at Weetshaw Lane to the east. The site is separated from Boulder Bridge by a railway bridge that contains thick abutments and long and tall retaining walls that create a small tunnel. The road is narrowed to one lane passing underneath the bridge only allowing one lane of vehicular traffic to pass through at a time and a give way priority system is in place on the road to enable traffic to flow both ways. There are no footpath provisions to pass through. Immediately on the other side of the bridge to the east is an 'S' bend that passes through the Boulder Bridge complex. Eventually Shaw Lane becomes Weetshaw Lane and joins the A628 Cudworth Parkway to the at Weetshaw Lane roundabout to the north west of Cudworth and the south west of Shafton.

Proposed Development

The application is in outline form with all matters reserved except for means of access. The proposal consists of an indicative number of 215 dwellings with associated car parking, garages, access, landscaping, open space and drainage provision.

Vehicular access to the site is proposed from Shaw Lane to the South. It is proposed that this access would allow the site to come forward independently from the rest of the MU3 allocation. The access and internal road layout is proposed to provide access into the wider allocation.

The indicative site layout plan submitted with the application shows public open space with associated equipped play areas to the North West of the site with further informal play areas

located centrally and to the South Western corner. A surface water attenuation basin, along with associated landscaping, is shown to the South Eastern corner.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – Mixed use site MU3 Land off Shaw Lane Carlton.

This site is proposed for mixed use for housing and green space. The indicative number of dwellings proposed for this site is 1683. These are included in the Housing figures for Urban Barnsley in the Housing chapter.

The development will be subject to the production of a phased Masterplan Framework covering the entire site to ensure that development is brought forward in a comprehensive manner.

The development will be expected to:

- Retain areas of woodland, not affected by the road. Should any part of the existing Wharnccliffe Woodmoor green space be developed, an area of compensatory biodiversity-value green space of equivalent size should be created on the land within site MU3 to the east of the existing Wharnccliffe Woodmoor green space. Compensatory areas will need to be linked to Wharnccliffe Woodmoor by wildlife corridors;
- Provide access from Far Field Lane roundabout;
- Provide off site highway works;
- Retain the higher ecological value habitats in the southern part of Wharnccliffe Woodmoor green space, together with the water courses in the centre of the site with a buffer;
- Provide robust measures to mitigate ecological impact where the construction of the access road impacts upon the southern part of the site which has high ecological value and in particular woodland blocks;
- Provide robust mitigation measures to mitigate against noise, odour and other potential impacts arising from the existing industrial operations at Manor Bakeries and Boulder Bridge;
- Provide small scale convenience retail and community facilities in compliance with Local Plan policy TC5 Small Local Shops; and
- Avoid locating built development in parts of the site within flood zone 2 and 3.

In addition mixed use site MU2 'Land between Fish Dam Lane and Carlton Road' is in close proximity to the west and is also the subject of the adopted Carlton Masterplan Framework:-

This site is proposed for mixed use for housing and a primary school. The indicative number of dwellings proposed for this site is 294. These have been included in the housing figures for Urban Barnsley in the housing chapter.

The development will be subject to the production of a phased Masterplan Framework.

The development will be expected to:

- Respect the setting of the listed Manor Farmhouse and the Carlton Conservation Area immediately adjacent to the East by the use of appropriate site layout, sympathetic design that reflects the setting, scaling, massing, details and materials;
- Retain the woodland and grassland to the north west of Manor Street; and
- Retain existing vegetation on the wildlife corridor adjacent the stream at the south and west of the site.
- Archaeological remains are known/expected to be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment.

Other relevant Local Plan Policies include;

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

GS1 Green Space

H1 The Number of New Homes to be Built

H2 The Distribution of New Homes

H6 Housing Mix and Efficient Use of Land

H7 Affordable Housing

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC1 Climate Change

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

Other

South Yorkshire Residential Design Guide
Strategic Housing Market Assessment (July 2021)

Carlton Masterplan Framework

In the Local Plan, the MU2 and MU3 Carlton allocations have been designated to be a combined new mixed-use development for 1977 homes, a small local shop and expanded education provision. However, after working through the masterplanning process, the Masterplan Framework is intended to provide 1500 homes.

The purpose of the masterplan is to ensure coordinated, comprehensive and quality development is brought forward at Carlton. It forms material guidance in the determination of any planning applications on the site.

Applicants are required to present each planning application to the Design Panel at key stages throughout design development and demonstrate compliance with the Masterplan Framework and Design Code.

Carlton Masterplan Framework Delivery Strategy

It is expected that development of the site will come forward in a series of phases. It is noted that phases will not necessarily be delivered sequentially, however the delivery of certain phases will be dependent upon the availability of infrastructure networks (e.g. highways, drainage, utilities, etc.) to serve the respective parts of the site.

The application site is identified as phase 3 in Masterplan framework delivery strategy which states:- *Due to congestion on the existing highway network, access needs to be secured off Royston Lane via the northern access road. This access road fits in with BMBC's wider strategic transport aspirations. The business case, alignment and environmental mitigation measures will need to be developed in detail. Services to be connected to existing infrastructure on Shaw Lane and/or Royston Lane.*

Para 5.4.6. Phase 3 – The site is identified to form the L11 Area. Specific requirements to be placed on land parcel ref L11 in relation to infrastructure delivery are as follows:

- To provide highway infrastructure for adoption by the Highway Authority to permit access to Shaw Lane via parcel L11.
- Make available land to allow improvements to Shaw Lane.
- To provide the active travel route through the parcel as indicated in the Masterplan Framework.
- To provide a wildlife corridor on and around the parcel as indicated in the Masterplan Framework.
- Prior to occupation of 25% of dwellings within parcel L11 complete the public open space shown on the Masterplan Framework within this parcel, in coordination with the developer of parcel L12.
- The surface water drainage system provided in parcel L11, including outfall to the existing combined sewer, shall also cater for the surface water run-off from parcel L12 based on a maximum permissible surface water runoff rate of 5 l/s / Ha.

- In planning, designing and installing the utility supply to parcel L11, the developer shall make provision for utility supply to parcel L12 for residential dwellings assuming an upper bound density as set out in the Masterplan Framework.
- The developer is encouraged to provide occupiers with a choice of telecommunications operator including Openreach and Zayo who both have apparatus in the vicinity of the site, and shall make available infrastructure to permit provision of these services to parcel L12.
- In planning, designing and installing the foul sewerage provision to parcel L11, the developer shall make provision for foul sewerage to parcel L12 residential dwellings assuming an upper bound density as set out in the Masterplan Framework.
- To provide a small local shop as required by the Local Plan and as indicated in the Masterplan Framework.

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. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular 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 65 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership

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

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 131 - Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 134 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Consultations

Biodiversity – Consider that insufficient information has been provided with regards to the wide variety of survey data that is necessary in order to demonstrate that the development would avoid causing harm biodiversity including a number of protected species and upon the SSSI at Carlton

Marsh. In addition, the application would need to achieve 10% net gain (See more detailed comments in the assessment section).

Coal Authority – No objections subject to standard advice.

Drainage – No objections subject to conditions.

Education – Primary and secondary school places are required. Based upon the number of dwellings indicated the total contribution required would be £1,232,000.00.

Highways – Object and recommend refusal (see Highways section of the assessment part of the report for more detailed comments).

Natural England – Consider that insufficient information has been provided and that assessment of the potential impacts on the Carlton Marsh (Dearne Valley Wetlands SSSI) is required.

Public Rights of Way – No objections subject to informatives.

Regulatory Services – No objections subject to conditions.

Superfast South Yorkshire – No objections subject to condition.

The Coal Authority – No objections subject to standard advice.

Trans Pennine Trail – See comments in the assessment section.

Yorkshire Water – No objections subject to conditions.

Yorkshire Wildlife Trust – Object due to lack of baseline information included within the ecology report.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (50no. in total). 32 letters of objection have been received as a result. The main points of concern are:

- Inadequate access
- Road infrastructure cannot cope with additional traffic
- Link Road not included in the plans which will increase pressure on existing roads
- Shaw Lane junction cannot cope with construction traffic and the traffic generated by the completed scheme
- The proposed traffic lights on the Shaw Lane junction will increase congestion
- Lack of bus services within the immediate area of the site
- Close to industrial uses causing noise and disturbance
- Increased overlooking/loss of privacy
- Add to flooding issues at Boulder Bridge
- Loss of fields/green spaces
- Negative impact on local wildlife and neighbouring SSSI
- Local facilities not adequate enough to cope with additional residents

Assessment

Principle of Development

The 7.57Ha site forms part of the much larger 117.2Ha MU3 Local Plan allocation. Together with the MU2 allocation further to the west, south of Carlton, they were initially allocated in the Local Plan to provide 1977 new homes, a small local shop and expanded education facilities. However, after working through the Carlton Masterplan process the number of new dwellings was reduced to 1500 homes.

Development of the site is subject to the Carlton Masterplan Framework and the associated Delivery Strategy to ensure that development and the associated infrastructure provisions are

brought forward in a comprehensive manner. There is flexibility on how phases may come forward and they may not be delivered sequentially. However, the delivery of certain phases could be dependant upon the availability of infrastructure networks to serve the respective parts of the site.

This development parcel is identified as L11 in the Delivery Strategy and is contained within Phase 3 of the phasing part. Within the strategy for Phase 3 it states that *“Due to congestion on the existing highway network, access needs to be secured off Royston Lane via the northern access road. This access road fits in with BMBC’s wider strategic transport aspirations.”* However, in order to secure access to Royston Lane, phased development of the parcels will require L12 to be brought forward in advance of L11. As such the proposal fails to accord with the Carlton Masterplan Framework and associated Delivery Plan as it seeks to gain access from Shaw Lane prior to the northern access being secured from Royston Lane.

The purpose of the Masterplan is to ensure coordinated, comprehensive and quality development is brought forward at Carlton. It forms material guidance in the determination of any planning applications on the site. Furthermore, the National Planning Practice Guidance states that masterplans *“help to clarify design expectations early in the planning process, set a clear vision for the site, inform infrastructure and viability assessments and identify requirements for developer contributions or other investment”*.

It therefore follows that if planning applications are allowed that do not comply with the masterplan, phasing and delivery strategies then it will undermine the delivery of the wide variety of its requirements and would jeopardise the critical infrastructure that is going to be needed to serve the remainder of the MU3 allocation preventing the coordinated and comprehensive planning of the whole area.

Another problem it would create is that in a scenario where those that obtain planning permission first are not making the required contributions for cumulative infrastructure, the burden will fall on the owners of the remainder of the land. This could mean that either they refuse to release their land or applications come in with requests for concessions. This could stall, slow down or prevent the remainder of the allocation from coming forward and harm housing supply and delivery on a large site that is required to make a significant contribution towards new homes delivery in the Local Plan.

It is noted that the applicants are proposing to make improvements to Shaw Lane and active travel routes in and around the site. The indicative plan also shows road ways from the site which would link with adjacent parcels also, including a section which could form part of the Northern Link Road. However, in section 5.3 of the Delivery Plan ‘Common Infrastructure’ delivery of the Northern Access Road should be provided from the developers of phases 3 and 4 in order to relieve congestion in Carlton and along Shaw Lane. There is no indication from the applicants that a contribution would be made for the section of Road from Royston Lane to parcel L12. If this site is solely accessed from Shaw Lane, contrary to the Delivery Strategy, then a critical part of the Carlton Masterplan required infrastructure would be under threat as there is no commitment within the application to assist with its delivery as is required and as the burden of the Northern Access Road would fall on the developers of the neighbouring sites. As such, the proposal would prejudice the whole of the development envisaged in the masterplan. This conflicts with the Carlton Masterplan, its Delivery Strategy and Local Plan Policy GD1.

The Delivery Strategy also specifically requires parcel L11 ‘to provide a small local shop for the benefit of the local community and as indicated in the Masterplan Framework’. It is noted that the application is only in outline form with only access included, however, the indicative plan and associated documentation states that the shop is not within the applicant’s site and should be within parcel L12. Again, this is contrary to the Masterplan Framework and Local Plan Policy GD1.

Density is also a key consideration. The wider site allocation is divided into 3 density zones, a high density zone adjacent to Shaw Lane with an average density of 40-45 dwellings per hectare (DPH), a medium density zone centrally located within the site with an average density of 35-40DPH and a low density zone to the north of the site with an average density of 30-35 DPH. Combined, the average density across the site should be 40 DPH which is in line with Local Plan Policy H6 ‘Housing Mix and Efficient Use of Land’. The proposal subject to this application falls short within 2 of those density areas, high density and medium density.

As already explained, the application is only in outline form, but the indicative plan submitted shows up to 215 dwellings in total with 133 homes in 3.28Ha in the higher density area (40.6DPH) and 82 dwellings in 2.46Ha in the medium density area which equates to a combined 37DPH. This is below the requirements of Policy H6. The Masterplan compliance statement submitted by the applicant also identifies that the density falls short of the requirement. Again, the absence of a firm commitment to comply with the housing densities in the masterplan is unacceptable from a Local Plan housing delivery perspective.

In addition to the above all new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Highway's considerations

As outlined above, in the section of the report discussing the principle of development, the proposal is not in accordance with the Masterplan Framework and delivery Strategy covering this application site. Within the strategy for Phase 3 it states *"Due to congestion on the existing highway network, access needs to be secured off Royston Lane via the northern access road. This access road fits in with BMBC's wider strategic transport aspirations."* However, in order to secure access to Royston Lane, phased development of the parcels will require L12 to be brought forward in advance of L11 and as such this application is deemed to out of sequence and premature. Shaw Lane and the associated junction at Church Street are not adequate to accommodate up to 215 dwellings.

The applicants argue, through their Transport Assessment, that the site can come forward out of sequence with the delivery of a junction improvement scheme at Shaw Lane/Church Street/Fish Dam Lane. However, that goes against the new road infrastructure requirements set out in the Masterplan Framework and in any case the submitted information has been fully assessed by the Council's Highways service and they thoroughly dispute the claim that the traffic generated by the proposed development would not have a material and detrimental impact on the local highway network when considered both in isolation and cumulatively with committed development. No committed developments have been included in the Highway Assessments, contrary to government guidance, as such, robust "predicted Growth" has not been fully accounted for. Current TAG guidance states "It is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval".

The modelling / network assessment work undertaken includes errors and omissions and cannot be accepted by Highways Development Control. Furthermore, the scope of the Transport Assessment was not agreed with BMBC prior to the submission of the application and the requirements requested by Highways were not fully addressed in revisions.

The site access junction from Shaw Lane has not been designed in accordance with the design requirements of the South Yorkshire Residential Design Guide and gives rise to road safety concerns. The South Yorkshire Residential Design Guide states that the design vehicle should be able to turn without crossing into the opposing lane on the major arm when undertaking left in / left out manoeuvres and leave 0.5m clearance between vehicle body and carriageway edge on the minor arm. Swept paths demonstrate that this requirement has not been fulfilled and therefore, the junction design is not acceptable.

The application has also not demonstrated that foot and cycle links provide appropriate levels of sustainable access to and from the site. The links shown to the TPT cannot be fully achieved without land outside the applicant's control. Walk distances to public transport far exceed the 400m walk distance guidelines at circa 700m. The proposed footway widening along Shaw Lane cannot be accepted as presented given the lack of information, and road safety concerns given the

carriageway would have to be narrowed to accommodate the footway widening. No swept paths have been undertaken to demonstrate that the carriageway narrowing is acceptable from an operational perspective.

The proposal also includes a Toucan crossing which is not acceptable as the site does not have cycle/footway provision on both sides of the road to facilitate a continuous route. This is contrary to NPPF Paragraph 110 which states that *when assessing specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users*. NPPF paragraph 112 goes on to state that developments should *'give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'*.

In terms of the proposed design of the offsite highway works for the Church Lane / Shaw Lane / Fish Dam Lane it has been assessed and in its current form the design is not acceptable and gives rise to road safety concerns. The Road Safety Audit undertaken did not include all changes to the highway network and was undertaken without the Council having the opportunity to review the brief or for the Council (particularly a representative from Traffic) be invited to attend the audit. Furthermore, it does not appear from the information provided that the Road Safety Audit team were provided with the swept path drawings for review / comment before or following drafting of the Road Safety Audit report.

For the reasons set out above, Highways cannot support the application and have recommended refusal given that the scheme is contrary to the Masterplan/Delivery Strategy, the NPPF and Local Plan Policies T3 'New Development and Sustainable Travel' and T4 'New development and Transport Safety'.

Visual Amenity

The application is an outline with all matters reserved with the exception of access. As such, visual amenity would need to be considered in depth at the reserved matters stage. As this site is proposed to be the first development within the Carlton Masterplan area it is an opportunity to set the standard for subsequent development.

In order to justify the access to the site from Shaw Lane the applicants have proposed a number of amendments to the junction between Shaw Lane and Church Street including a 3 way signalised junction and pedestrian crossings. The existing junction is simple in design and bounded by stone walls with little in the way of street furniture except lampposts and signage. This area falls within the Carlton Conservation Area and is close to the historic core of Carlton. The street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policy HE1.

Residential Amenity

Given the application is only in outline form with all matters apart from access reserved, there is limited information to fully assess residential amenity. That is especially in terms of the separation distances between properties and the amenity of future residents regarding internal spacing and garden sizes and as such, that would be considered at the reserved matters stage.

The site does not share a boundary with any existing residential properties and is separated from dwellings to the South by Shaw Lane. However, as has been highlighted in the objection letters there are a number of commercial/industrial uses to the East of the site beyond the railway line on Boulder Bridge Lane and at Premier Foods Bakery to the south west.

A Noise Survey has been submitted with the application which concludes that the proposed development is not expected to have a significant adverse impact on health or quality of life and that mitigation measures can be incorporated into the scheme including higher fencing on the Eastern boundary of the site and appropriate glazing and means of ventilation. Regulatory

Services concur with the report findings and have raised no objections subject to a condition requiring the mitigation measure being installed prior to occupation and maintained.

Ecology

Natural England have objected to the application due to the potential significant impacts on Dearne Valley Wetlands Site of Special Scientific Interest (SSSI). The application was submitted without a SSSI assessment which needed to include the potential impacts on water quality, impacts from increased recreational pressure, impacts on birds using functionally linked land and impacts on air quality. Without this information Natural England object.

The Yorkshire Wildlife Trust drew similar conclusions stating *'The sensitive location of the application site in relation to the surrounding designated sites is not given adequate consideration with the ecological submission, both in terms of potential impacts, but also on the potential to positively contribute to nature's recovery in this location'*.

It is noted that following the initial submission further information has been submitted including a Willow Tit Survey (A key factor in achieving the SSSI status was the stronghold of Willow Tit), a Badger survey, Great Crested Newt letter and Biodiversity Impact Assessment (BIA). However, following assessment of the additional information objections still remain, including from the Council's Planning Ecologist.

Furthermore, the protected/priority species reports do not include data searches undertaken with the Barnsley Biological Record Centre (BBRC) or South Yorkshire Badger Group. Also, as no consultation has taken place with the local record centre the Ecology Report does not detail the proximity of the Barnsley Canal Wildlife site (approximately 45m to the West).

The extended phase 1 habitat report notes the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI) is located within close proximity of the proposals site (approx. 35m to the south-east) and that Natural England may need to be consulted with regards to the proposals. However, the applicant needed to evaluate the proposed developments potential impact upon the SSSI in further detail. As outlined above, Natural England object to the scheme and state *'Proposed developments that have the potential to impact designated sites require environmental assessment before planning permission can be granted. The assessment provides the competent authority with the necessary information to determine a planning application. Therefore, an assessment of the potential impacts on the nearby SSSI is required at outline stage'*.

Public Rights of Way

There are no recorded public rights of way within the site boundary. The Trans Pennine Trail runs around the site, running along Shaw Lane on the southern boundary then along the canal to the west. The alignment of the TPT throughout the documentation is incorrect – this was noted at the pre-app stage.

The application indicates connections to the Trans Pennine Trail that are welcomed but assurance is sought in terms of dedication and future maintenance. This will need dialogue with Barnsley's Public Rights of Way Team. It is also recommended that the route along Shaw Lane is upgraded to bridleway status, not just for walkers and cyclists, as the TPT along Shaw Lane caters for walkers, cyclists and horse riders. Again, this will need to be dedicated and discussed with Barnsley's Public Rights of Way Team.

Historical coal mining risks

The application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach for a Coal Mining Risk assessment to be submitted.

Drainage

The site is within flood zone 1 which is an area with low probability of flooding. The Yorkshire Water drainage records shows a combined sewer crossing the site from the north to the south. A foul pumping station is located to the south of Shaw Lane, adjacent to the site at its South east corner.

The Delivery Strategy in the Masterplan Framework requires the surface water drainage system in parcel L11, including outfall to the existing combined sewer to also cater for the surface water run-off from parcel L12. The applicants have indicated that large scale infiltration SUDS are not considered appropriate but a variety of SUDS techniques maybe suitable to provide attenuation and the indicative plan show an attenuation basin in the South Eastern corner. However, the location of the SUDS pond is distant from parcel L12 with the Flood Risk Assessment stating that the drainage strategy is only intended to serve a development of approximately 200 dwellings. Not only is that short of the maximum number of dwellings indicated in the application (215), but it is well short of the 584 number of new homes that is to be built on parcels L11 and L12 combined. Therefore, the proposals fail to comply with this part of the Masterplan and Delivery Strategy in terms of the drainage strategy not being designed to cater for both parcels L11 and L12 combined.

Furthermore, in planning, designing and installing the foul sewerage provision to parcel L11, the developer is required by the Masterplan Framework and Delivery Strategy to make provision for foul sewerage to parcel L12 which assumes the upper bound density as set out in the Masterplan Framework. Again, this has not been demonstrated especially as the FRA is only indicated to set out foul sewerage provision and not the 584 dwellings that is due to be built on built on parcels L11 and L12 combined.

Planning obligation and infrastructure requirements

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where:-

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

The Council's Education Officer has confirmed this is an area of high development which also borders other areas of high development and this high level is impacting the provision of school places.

The secondary school for this area (Outwood Academy Carlton) will not have sufficient school places to accommodate this development and the primary phase is also under pressure. The pupil yield from this development will require an additional one and a half form entry in primary and an additional form at secondary. As such, an education contribution would need to be sought for both primary and secondary provision. Based upon the indicative number of dwellings the contribution required would be:-

Primary phase – pupil yield of 45 pupils at £16,000 per pupil totalling £720,000

Secondary phase – pupil yield of 32 pupils at £16,000 per pupil totalling £512,000

As such the total education contribution that would be required for 215 dwellings = £1,232,000

Sustainable Travel

The objective of the 'Sustainable Travel' SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency, and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. Based upon the number of 215 dwellings a contribution of £162,250 would be required. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

Affordable Housing

Policy H7 sets out that housing developments of 15 or more dwellings will be expected to provide affordable housing. The percentages required differ depending on the area of the borough, in this particular area 10% is required. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. The developer must show that arrangements have been put in place to keep the new homes affordable.

The type and tenure of affordable housing and their distribution throughout the site would need to be considered in more detail at Reserved Matters stage.

Open Space

In line with SPD 'Open Space Provision on New Housing Developments' a minimum of 15% of the gross site area of new housing development (of 20 or more dwellings) must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

The submitted indicative plans and associated Design and Access Statement indicate that 15% open space could be accommodated on the site (excluding the Suds area) including informal play space, equipped children's play areas and formal recreational areas. However, the areas of MU3 to the north of Shaw Lane are due to accommodate approximately 584 homes and the application has been submitted out of sequence and in advance of the earlier phase L12. The open space has not been coordinated with phase L12 therefore as the masterplan requires.

Link Road

In section 5.3 of the Delivery Plan 'Common Infrastructure' delivery of the Northern Access Road should be provided from the developers of phases 3 and 4 in order to relieve congestion in Carlton and along Shaw Lane making it an important aim of the Masterplan. There is no indication from the applicants that a contribution would be made for the section of Road from Royston Lane to parcel L12. If this site is solely accessed from Shaw Lane, contrary to the Delivery Strategy, then a critical part of the Carlton Masterplan required infrastructure would be under threat as there is no commitment within the application to assist with its delivery as is required and as the burden of the Northern Access Road would fall on the developers of the neighbouring sites. As such, the proposal would prejudice the potential development of the masterplan area because of the burdens likely to be imposed on other landowners, this conflicts with Local Plan Policy GD1. Connectivity within the site and to the wider area is key to deliver the aims of the Masterplan Framework and should not be overlooked, nor be piecemeal.

Conclusion

In summary, the development of this site and the wider MU3 Local Plan site allocation is the subject to a Masterplan Framework and an associated Delivery Strategy to ensure that coordinated, comprehensive and quality development is brought forward at Carlton, and to guarantee the provision of a wide variety of essential infrastructure that is required to enable the whole of the wider allocation to be delivered.

This development parcel is identified as land parcel L11 which forms part of Phase 3 of the phasing strategy. As has been explained within the assessment section of the report, a Northern Access Road needs to be created from Royston Lane by the developers of phases 3 and 4 in order to relieve congestion in Carlton and along Shaw Lane. However, in order to secure access to Royston Lane, phased development of the parcels will require L12 (also forming part of phase 3) to be brought forward in advance of L11 and as such this application is deemed to ignore one of

the important infrastructure requirements identified within the Carlton Masterplan Framework, its associated Delivery Strategy and is out of sequence and premature. Neither does the application include a commitment to pay a contribution towards its delivery. If this site is solely accessed from Shaw Lane, contrary to the Delivery Strategy, then a critical part of the Carlton Masterplan required infrastructure would be under threat and the burden of the Northern Access Road would fall on the developers of the neighbouring sites. As such, the proposal would have a prejudicial and undermining impact on the Masterplan Framework and would threaten the delivery of the wider Local Plan allocation.

In addition, the plans fail to include a small local shop for the benefit of the local community in this part of the site which is a requirement of the Masterplan Framework.

The proposals also fall short on achieving the minimum housing density figures required by the Masterplan. Again, the absence of a firm commitment to comply with the housing densities in the masterplan is unacceptable from a Local Plan housing delivery perspective.

The Masterplan Framework also requires the surface and foul water drainage systems built as part of this site to cater for all of the housing development taking place to the north of Shaw Lane (parcel L12 as well as the application site L11 = approximately 584 homes in total) and not only sufficient drainage provisions for the application site in isolation. This is another area where the application falls short of the necessary infrastructure provisions and is piecemeal, therefore.

From an open space provision perspective, the application has been submitted out of sequence and in advance of the earlier phase L12. The open space is not coordinated with that phase therefore as the Masterplan Framework requires.

The proposal is in therefore conflict with the Carlton Masterplan, the associated Delivery Strategy and the Local Plan including the allocation policy MU3 and Policy GD1.

The applicants have proposed an alternative Highway improvement scheme to Shaw Lane, the junction between Shaw Lane/Church Street/Fish Dam Lane and active travel routes in and around the site in order to justify this site coming forward outside of the sequencing set out in the Masterplan. However, this proposal does not accord with the Masterplan which requires the Northern Access Road for the broader highways reasons already explained. Furthermore, those works would have a material and detrimental impact on the local highway network when considered in isolation or cumulatively with committed development. Additionally, the modelling/network assessment work submitted to justify the development included errors and omissions. Both the design of the site access junction from Shaw Lane and the offsite highway works for the Church Lane/Shaw Lane/Fish Dam Lane junction are not acceptable and give rise to road safety concerns, contrary to the South Yorkshire Residential Design Guide, NPPF and Local Plan Policies T3 and T4.

Furthermore, the applicant has not demonstrated that foot and cycle links provide appropriate levels of sustainable access to and from the site. The links shown to the TPT cannot be fully achieved without land outside the applicants control and Walk distances to public transport far exceed the 400m walk distance guidelines.

The proposed junction improvements to Shaw Lane/Church Street/Fish Dam Lane fall within the Carlton Conservation Area and are close to the historic core of Carlton. The street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policy HE1.

The site is adjacent to the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI). The applicants have not adequately assessed the impact of the development on the SSSI. As such, the sensitive location of the application site in relation to the surrounding designated sites has not been given adequate consideration with the ecology surveys. That is both in terms of potential impacts, but also on the potential to positively contribute to nature's recovery in this location. As a result, Natural England, Yorkshire Wildlife Trust and the Council's Biodiversity Officer have all objected. The development is therefore contrary to Local Plan Policy BIO1

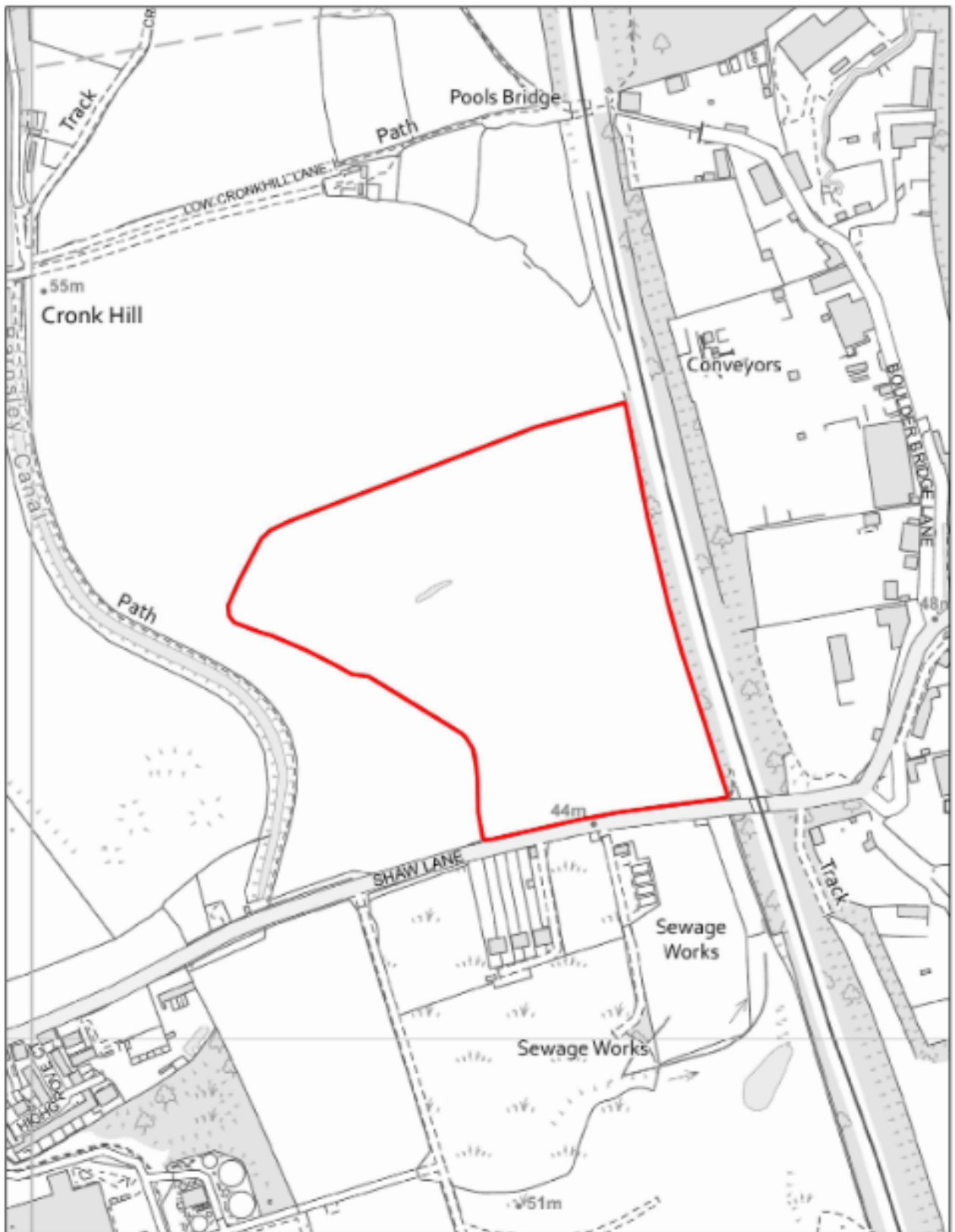
'Biodiversity and Geodiversity'. For the reasons set out, the application is recommended for refusal.

Recommendation: Refuse

1. In the opinion of the Local Planning Authority the proposals would fail to bring forward a coordinated, comprehensive and quality development of the wider Local Plan MU3 allocation and would fail to provide the essential infrastructure that is necessary, including the Northern Access Road, that is required to enable the whole of the wider allocation to be delivered that is set out within the Carlton Masterplan Framework and its associated Delivery Strategy (application site = site ref L11 within that document). In addition, the proposal is also regarded to be an out of sequence, premature and piecemeal form of development. Furthermore, if this site is solely accessed from Shaw Lane, contrary to the Delivery Strategy, then a critical part of the Carlton Masterplan required infrastructure would be under threat as there is no commitment within the application to assist with its delivery as is required, and as the burden of delivering the Northern Access Road would fall on the developers of the neighbouring sites. It is also the case that the plans fail to include a small local shop for the benefit of the local community in this part of the site which is a requirement of the Masterplan Framework. As such, the proposal would have a prejudicial and undermining impact on the Carlton Masterplan Framework and would jeopardise the delivery of the wider MU3 Local Plan site allocation.
2. In the opinion of the Local Planning Authority the proposed site access from Shaw Lane has not been designed in accordance with the design requirements of the South Yorkshire Residential Design Guide and gives rise to road safety concerns. Furthermore, the proposed off-site highway works at the Church Lane / Shaw Lane / Fish Dam Lane junction are not acceptable as they would not help deliver the new Northern Access Road that is identified as being necessary in the Carlton Masterplan in order to relieve existing congestion in Carlton and along Shaw Lane. Furthermore, the proposed works would give rise to road safety concerns in their own right. The application has also not demonstrated that foot and cycle links provide appropriate levels of sustainable access to and from the site. The links shown to the TPT cannot be fully achieved without land outside the applicants control. Walk distances to public transport also far exceed the 400m walk distance guidelines. As such, the scheme is contrary to the Carlton Masterplan/Delivery Strategy, the NPPF and Local Plan Policies T3 'New Development and Sustainable Travel' and T4 'New development and Transport Safety'.
3. The site is adjacent to the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI). The applicants have not adequately assessed the impact of the development on the SSSI, and as such, the sensitive location of the application site in relation to the surrounding designated sites is not given adequate consideration with the ecological submission, both in terms of potential impacts, but also on the potential to positively contribute to nature's recovery in this location, contrary to Local Plan Policy BIO1 'Biodiversity and Geodiversity' and the associated SPD 'Biodiversity and Geodiversity'. Furthermore, the protected/priority species reports do not include data searches undertaken with the Barnsley Biological Record Centre (BBRC) or South Yorkshire Badger Group and do not assess the impacts on the Barnsley Canal Wildlife site (approximately 45m to the West).
4. In the opinion of the Local Planning Authority, the street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policies D1 'High Quality Design and Place Making' and HE1 'The Historic Environment'.
5. In the opinion of the Local Planning Authority, the surface and foul water drainage systems proposed as part of this site are not sufficient to cater for the application site and the neighbouring site (L12) as required by the Carlton Masterplan Framework. The Delivery Strategy requires the surface water drainage system in parcel L11, including outfall to the existing combined sewer, to also cater for the surface water run-off from parcel L12. The

indicative location of the SUDS pond is distant from parcel L12 with the Flood Risk Assessment stating that the drainage strategy is only intended to serve a development of approximately 200 dwellings. Not only is that short of the maximum number of dwellings indicated in the application (215) but it is considerably short of the 584 number of new homes that is to be built on parcels L11 and L12 combined. Furthermore, the applicant has failed to demonstrate that proper provision for foul sewage to parcel L12 has been provided in planning, designing and installing the foul sewerage provision to parcel L11. Therefore, the proposals fail to comply with this part of the Masterplan and Delivery Strategy and are contrary to Local Plan Policies CC1 'Climate Change' and CC3 'Flood Risk'.

6. In the opinion of the Local Planning Authority, the proposed development falls short of achieving the minimum housing density figures required by the Carlton Masterplan Framework. The absence of a firm commitment to comply with the housing densities in the masterplan is unacceptable from a Local Plan housing delivery perspective and is contrary to Local Plan Policy H6 'Housing Mix and Efficient Use of Land' and specific requirements contained within the Carlton Masterplan.



BARNSELY MBC - Regeneration & Property



Scale: 1:3796

Item 4

2022/0965

Applicant: RMH Properties Ltd

Description: Residential development of 45 dwellinghouses and associated works (Amended Plans)

Address: 28 Paddock Road, Staincross

Site Description

The subject site of the application is an irregular shaped vacant parcel of land to the north and east of Mapplewell Park and to the south of Paddock Road The site slopes down from north to south with a site area of 1.94ha.

The site was previously predominantly grassland although there were also a number of scattered trees within the site and along the site boundaries along with some hedges. The site was cleared prior to the application being submitted although vegetation does still remain on the site boundaries.

The access into the site is off Paddock Road utilising an access that was created for a small development of 3 properties. This development is currently under construction. The remainder of the site borders onto residential properties to the north and a care home and residential properties to the west. To the south it borders onto Mapplewell park and a small number of residential properties. To the east the site borders onto allotments and an area of open grassland/trees that has planning permission for the development of 239 houses.

Proposed Development

This application seeks full planning for the erection of 45 dwellings with associated access, open space and landscaping. Large housing developers usually have a standard set of house types that they put forward on their developments. In this case the applicant is a local small housing developer who has put forward a very bespoke mix of housing that includes 25 different house types. These house types range in size from one bed apartments through to a 6 bed dwelling although the majority of properties either 3 or 4 bed units. The properties also range in height from single storey bungalows to two and a half storey dwellings.

Access into the site would be off Paddock Road utilising an access that was created for a small development of 3 properties, This access would lead through the development with properties accessed directly off it or from private drives leading off the main access. There are four areas of open space throughout the development site with various tree planting also proposed.

Several documents have been submitted to support the application which are listed as follows:

- Design and Access Statement;
- Planning Statement
- Geo-environmental Appraisal
- Mining investigation report
- Heritage Statement
- Drainage Strategy
- Flood Risk Assessment
- Landscape Strategy
- Arboricultural Impact Assessment
- Ecological Impact Assessment
- Transport Assessment and Travel Plan

History

The majority of the site has no relevant planning history to the site. However, part of the access onto Paddock Road has the following past history:

2017/1387 - Demolition of existing dwelling and outbuildings and erection of up to 6 dwellings (Outline) – Approved

2020/1453 - Reserved matters application for 3 dwellings (in connection with outline permission 2017/1387) – Approved

2021/1420 - Variation of condition 2 of application 2020/1453 (Reserved matters application for 3 dwellings (in connection with outline permission 2017/1387 to allow changes to site layout including alteration to road and addition of detached garage – Approved

2022/1034 - Variation of condition 2 of application 2020/1453 (Reserved matters application for 3 dwellings (in connection with outline permission 2017/1387)) to allow for addition of detached garages to plots 2 and 3

In addition to the above, the adjoining site to the east had the following planning applications approved:

2014/0249 - Erection of residential development of up to 250 no. dwellings. (Outline - All Matters Reserved) (Resubmission)

2016/0337 - Application for approval of reserved matters of outline planning permission 2014/0249 for 46 dwellings including means of access, laying out of internal access roads, open space and associated works.

2017/0520 - Erection of 193no. dwellings, including means of access, laying out of internal access roads, suds, open space and associated works (Reserved Matters)

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Site Allocation: Housing Allocation

Site HS8: Site West of Wakefield Road, Mapplewell Indicative number of dwellings 135

The allocation states the following:

The development will be expected to retain, buffer and manage all the hedgerows; significant areas of the existing grassland and scrub should be retained and managed as the greenspace provision.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

Information identifying the likely location and extent of the remains, and the nature of the remains;

An assessment of the significance of the remains; and

Consideration of how the remains would be affected by the proposed development

Other relevant policies would be as follows:

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

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 20% affordable housing in this area

T3 'New Development and Sustainable Travel'.

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

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

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

Affordable Housing- 20% required in this location. 9 properties have been put forward for affordable housing which meets the requirement. This would need to be secured via a S106.

Biodiversity Officer- Recommend approval, subject to conditions.

Coal Authority- No objections raised

Drainage – No objections raised

Education Services- Contribution only required for primary school places. 10 pupil spaces required so a contribution of £160,000 would be required.

Forestry Officer- No objections subject to conditions to ensure protection for retained trees and adequate landscaping scheme.

Highways DC- No objections subject to conditions. .

Pollution Control- No objections subject to conditions

PROW – No recorded public rights of way across the site but 3 routes well used. Agent has been made aware of this and that applications could be made to claim these routes.

South Yorkshire Archaeology Service- No objections subject to conditions

South Yorkshire Police- No objections. Recommend the development is designed and built to Secured by Design Standards

Superfast South Yorkshire- Standard condition requiring details of measures to facilitate gigabit-capable full fibre broadband for the development recommended.

Urban Design Officer- No objections subject to conditions

Yorkshire Water Services Limited- No objections subject to conditions.

Representations

The application was publicised by notices in the press, on site and by neighbour notifications letters. Re-consultation has also been carried out on the latest plans. At the time of preparing the report 46 representations had been received either objecting to the proposal or raising issues with it. The main issues raised are summarised as follows:

- Too many houses proposed
- Impact on schools
- Impact on doctors
- Impact on surrounding infrastructure
- Concerns over drainage from development
- Don't want existing hedgerow affected
- Concerns over highway safety and access into site
- Impact of traffic on Paddock Road where cars already drive too fast
- Congestion on roads
- Shouldn't have affordable housing on this site
- Decimation of green belt and green space
- Destruction of wildlife
- Concerns for adequate boundary treatment
- Dust and noise from construction activity
- Impact on residential amenity from proximity of houses
- Impact on neighbouring trees
- Affordable housing percentage too small
- Impact on access to paths
- Wait for adjoining site to be developed first
- Flooding on site
- Lack of archaeology survey
- Timescale for development to be completed

A representation was also received from Cllr Hunt which raises the following concerns

- Should extend consultation
- Highway safety and traffic generation
- Planning permission for adjoining site should be developed first
- Drainage concerns
- Concerns over clearing of site and loss of greenspace/grassland areas
- Impacts on local infrastructure

There has been one letter of support for the application.

Assessment

Principle of Development

The Presumption in Favour of Sustainable Development remains at the heart of the National Planning Policy Framework (NPPF) and the Local Plan as set out in Policy SD1. The site is part of housing allocation HS8 and as such would already have been assessed as a sustainable location for housing. The principle of residential development on this site would therefore be considered acceptable.

Policy HS8 makes reference to a large part of the site already having gained planning permission. A figure of 250 homes is mentioned in the policy which references the number granted at outline stage under planning application 2014/0249. Subsequent reserved matters approvals revised this figure to 239 dwellings. Policy HS8 states that the remainder of the site could be developed for an indicative number of 135 dwellings. The proposal for this site is only for 45 dwellings, However, this application only relates to part of the remaining allocation, land to the west of the existing Public Right of Way which bisects the allocation, and therefore the remainder of the allocation could still be the subject of a further planning application.

In addition to the above Policy HS8 also states the following:

“The development will be expected to retain, buffer and manage all the hedgerows; significant areas of the existing grassland and scrub should be retained and managed as the greenspace provision.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

Information identifying the likely location and extent of the remains, and the nature of the remains;

An assessment of the significance of the remains; and

Consideration of how the remains would be affected by the proposed development.”

The aspects of greenspace/hedgerows and archaeology are addressed in the relevant sections of the remainder of this report..

Scale and mix of housing

The application is for 45 dwellings and the density of the scheme would equate to 23 units per hectare. Local Plan Policy H6 ‘Housing Mix and Efficient Use of Land’ states that a density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages. Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons. In this case the irregular shape of the site and the levels differences with the site falling from north to south makes it difficult to design a scheme other than round a central spine road. The predominant character of the surrounding properties on Paddock Road are detached and semi-detached properties with good sized garden areas. The density of the scheme and the properties put forward is therefore reflective of its immediate surroundings. The scheme also provides for open space on site and a potential link road through to the remainder of the allocation. Increasing the density of the scheme is likely to result in a loss of these features, and lead to a more crowded streetscene that would not be reflective of its immediate surroundings. In view of this the lower density is not considered of significant detriment to the scheme.

Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development achieves this by providing a large range of bespoke house types from apartments, through to

bungalows/dormer bungalows, through to semi-detached and detached properties. Although the majority provide 3 and 4 bedroom accommodation, there are 7 properties with 2 or less bedrooms and 3 properties with 5 or more bedrooms. It is therefore considered that this scheme does provide a broad mix of housing types.

In terms of Affordable Housing, the policy requirement for the area is 20%. The Council's Affordable Housing team have agreed that this will be provided in the form of 9 units on site consisting of 2 semi-detached bungalows, 5 apartments and 2 houses. The 9 units will be split over two areas of the site which does provide some disbursement and will provide a mix of affordable rent and first homes. As such, the development is considered to provide a broad mix of house size, type and tenure, in line with policy H6.

Design/Appearance/Layout

The site layout has been designed around a clear spine road which runs from the proposed access off Paddock Road through the site. The main area of public open space is to south of the site although there are smaller areas of open space within the remainder of the development including an orchard area. The scheme will pass 3 houses that are currently being developed by the same developer as this scheme so the dwellings will be of a similar design to those proposed helping to integrate them into the scheme from the main access off Paddock Road into the site.

The 'Design of Housing Development' SPD states that 'all new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create an active frontage'. The SPD goes on to state that blank street elevations facing onto streets should be avoided. The majority of dwellings have been positioned with their plot orientated to front the road hierarchy.. Furthermore the streetscene is benefitted up by proposed landscaping and street trees which helps to break up the street and ensure the built form is not overly prominent or detrimental to the visual amenity of the street scene. Parking has been designed so there is a mix between side parking and front parking to ensure there isn't an over-dominance of on street parking.

The proposal includes a large number house types comprising a mix of bungalows, detached and semi-detached accommodation. The varied house types create a diverse and interesting street scene. Furthermore, the design of the market and affordable house types themselves are appropriate for the site and sit comfortably within their surroundings, in accordance with the SPD and Local Plan Policy D1.

The majority of properties have small gardens to the front or areas to incorporate soft landscaping with suitable private amenity areas to the rear. Further an appropriate landscaping plan will be secured by condition which will aid to soften the development and result in an attractive, greener street scene to the benefit of visual amenity. Additionally, the proposed layout shows a number of street trees proposed in accordance with paragraph 131 of the National Planning Policy Framework.

When taking all of the above into consideration, the proposed development would maintain the visual amenity of the existing area and also puts forth a suitable design and layout in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF.

Residential Amenity

In terms of neighbouring amenities, the site does border a few properties to the north, south, and west. To the south the open space borders onto the properties and ensures that a distance of over 21m is retained between the proposed and existing houses. To the east, Plot 1 borders onto 11 and 13 Elliston Avenue. However, the dwelling at this plot is a dormer bungalow and has its side elevation facing the neighbouring property. There is a distance of 11.5m between the side elevation and the neighbouring property with a conifer hedge in-between. As there are only ground floor windows proposed on the side elevation it is not considered that there would be any significant detriment to

this neighbouring dwelling. Plots 3 and 4 face the backs of properties 15,17, and 19 Elliston Avenue, however there is a separation distance of 21m which meets the required guidelines. Elsewhere along the western boundary adequate separation distances are achieved. To the north of the site the scheme also meets the separation distances to neighbouring properties apart from the small apartment block (plots 25 to 30). At its closest point the edge of the apartment block would be 18m away from Pear Tree Cottage. However, there are a number of trees in-between in the neighbour's garden and due to the orientation of the buildings it is not considered that there will be any significant overlooking of this near neighbour to warrant refusal of the proposal. There will be some noise and disruption during any construction period so conditions have been recommended to allow for the submission of a construction method statement to be submitted and approved by the Local Planning Authority and to control the hours of construction.

In terms of internal amenity, all dwellings proposed meet the overall internal space standards recommended in the South Yorkshire Residential Design Guide.

The Designing New Housing Development SPD states that rear gardens of proposed dwellings should be at least 50m² in the case of two-bedroom houses/bungalows and 60m² for houses/bungalows with three or more bedrooms. The dwellings meets these standards with the one bed apartments also having a communal space to the rear of the building. In addition it is considered that the residents have access to good on site public open space

In terms of the layout proposed the dwellings meets the separation distances between habitable room windows on rear and front elevations including the separation distances across a road.

In taking all of the above, the development has a good standard of residential amenity in compliance with Local Plan Policies GD1 and D1.

Highways

It is acknowledged that a lot of the objectors have raised highway safety and the impact on the surrounding roads as a concern from this development. The applicant has submitted a transport assessment and a travel plan which has been looked at in detail by the Council's Highways Section.

The Transport Assessment (based on 46 dwellings) determines that there is no significant adverse impact on the existing highway network. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The nearest road junction likely to be affected would be the Paddock Road/ Shaw lane junction. Based on the development traffic consisting of just 12 two-way trips at the junction during the peak hours, it is considered that the development would not have a significant impact on the operation of this junction. The impact at junctions further from the site is negligible, it would therefore be difficult to justify the need for any highway improvements/schemes for the level of development proposed.

In terms of the site access, a previous application (2020/1453) for the erection of 3 dwellings at the northern extent of the site included an access from Paddock Road designed to a standard appropriate to accommodate these future proposals. As such, the proposed site access is satisfactory in terms of width, alignment, visibility, footway provision and the informal pedestrian crossing facility that is to be provided across the mouth of the junction.

In terms of the internal layout swept path manoeuvres contained within the TA demonstrate that the proposed turning areas are suitable to accommodate either a refuse vehicle or fire appliance as required. The development provides adequate off-street parking provision as per the requirements set out in Barnsley's Supplementary Planning Document (SPD): Parking (2019) Table 1 including the provision of 11 designated visitor parking spaces at the specified ratio of 1 space per 4 dwellings.

The proposed garages (whether integral or external) are of sufficient size (i.e. 6m x 3m minimum for a single garage) to be counted as parking spaces.

The internal layout also provides a potential route into the remainder of the allocation. This ensures potential connectivity through the allocation but the development of the remainder of the allocation is not a consideration of this application

In view of the above it is not considered that the proposal would result in any significant detriment to highway safety or the highway network and therefore is considered to be in compliance with Local Plan Policy T4.

Ecology

An Ecological Impact Assessment and a biodiversity metric have been carried out for the site. In terms of on-site ecology mitigation the scheme proposes the following:

“The proposed landscaping for the site utilises the areas of public open space and areas that are designated for biodiversity purposes to maximise the biodiversity value of the site. The primary habitat that has been lost on the site is grassland habitat therefore the proposed landscaping incorporates various types of high value grassland habitats where possible. Some scrub was also known to be present on the site therefore some pockets of scrub planting have also been incorporated. One area of grassland habitat will also be planted with fruit trees to create a traditional orchard habitat. Proposed street trees will be planted to allow the canopies to help create green bridges between green spaces. Rain gardens will be provided around the bases of the street trees to maximise use of the space available. The landscaping proposals, including the planting of hedgerows where feasible and enhancement of one of the retained hedgerows, maintain connectivity across the site between adjacent grassland and scrub habitat to the east and the green open space to the west ”

In addition to the above five integrated bat boxes and five pairs of integrated swallow boxes will be incorporated within the site.

Whilst the above provides a number of mitigations for the site the biodiversity metric shows that there will still be a loss of 9.52 units. It is acknowledged that the site was cleared prior to the submission of the application. As there were no trees protected by tree preservation orders this clearance works did not contravene any planning regulations. However, in terms of carrying out the biodiversity metric it was agreed that the original habitats on the site should be the starting point and this has therefore been assessed in retrospect using local knowledge, historical maps and an ecological report provided by Barnsley MBC.

To offset the loss of 9.52 units the applicant has identified two adjoining areas of grassland at Carlton which they are aiming to purchase and improve. The measures they intend to carry out to these areas are as follows:

The areas “will be enhanced through wildflower seeding and a robust management regime to enhance them into ‘other neutral grassland’ with an aim to reach ‘good’ condition. This will include the permanent removal of the horses from the land. In addition to this, ten oak trees will be planted, with an aim to reach a ‘medium’ size in ‘moderate’ condition. These will be planted so that they are spread out across the area to avoid any overshadowing, they will not be planted along the eastern boundary to avoid any issues with the adjacent railway corridor and they will be planted away from the northern boundary to avoid any impact on the adjacent wet habitats. These measures will deliver an additional net gain of 9.60 Bu.”

The Council’s Ecologist is satisfied with this approach but the details will need to be agreed and secured through a S106.

It is considered that taking the above into account that the application would be in accordance with Policy BI01 subject to conditions and the S106.

Archaeology

The applicant has provided a heritage statement which references archaeology and notes that the which says that the site has been largely topsoil stripped, but not subsoil stripped. South Yorkshire Archaeology Service (SYAS) were consulted on this application and have stated that there some potential for earlier evidence to survive on the site, with additional potential on the northern fringes for evidence relating to the development of the settlement along Paddock Road. Their characterisation project described this settlement as likely to have 18th century origins, with occupation here relating to the nail making industry. Given their knowledge of the site they are confident that a suitable condition providing a written scheme of investigation of works to be submitted and approved can ensure that the site can proceed to be developed in a suitable manner. SYAS have therefore raised no objections to the scheme and the proposal is considered to be in accordance with Local Plan Policy HE1.

Geotechnical/Coal

A Geoenvironmental assessment and mining report have been submitted as part of the application. In terms of the Geoenvironmental assessment it concludes that "No elevated concentrations of contaminants were recorded as part of the investigation. It is therefore considered that the existing subsoils present on site do not pose a risk to human health." In terms of future residents of the site the report states that:

"Based on the source>pathway>receptor philosophy and the chemical results obtained as part of this investigation, it is considered that the subsoils present on site pose a negligible risk to end users through ingestion, dermal contact or inhalation and that no remedial action will be required to break this linkage."

In terms of mining both the Coal Authority and South Yorkshire Mining Authority have looked at the assessment submitted and are satisfied with its findings which shows no indication of any past shallow underground coal workings. On this basis they have raised no objections to the scheme subject to the recommendations in the relevant report being conditioned in line with Policy POLL1 of the Local Plan.

Trees

An arboricultural impact assessment has been submitted as part of the application. This notes that none of the trees on site are protected by a TPO and neither are they in a Conservation Area. There are no category A trees on site with the vast majority of the trees categorised as category C or U which are the lowest categories. The Tree Officer did have some initial concerns about the impacts of the apartment building to existing trees in a neighbour's garden. The additional information supplied has satisfied the Tree Officer that the development could go ahead without detrimentally affecting these trees subject to suitable conditions. It is noted that the proposal includes additional tree planting within the site including the creation of an orchard and street trees which is welcomed. Subject to suitable conditions on landscaping and management the Tree Officer has not objected in this instance to the scheme..

Drainage

The site is located within Flood Zone 1 (low risk). The application has been accompanied by a detailed Flood Risk Assessment (FRA) and drainage strategy. Part of the drainage strategy involves the provision of an underground storage tank to the south of the site. This will be about 1m under

the surface and has an outlet which is regulated to 3.5l/s. (This outlet rate has been agreed with Yorkshire Water). The outlet is a surface water sewer. The flow is controlled by a flow control device within a manhole adjacent to the tank. The device will be a vortex type flow control, commonly called a Hydrobrake and will allow for the storage of excess surface water when required.

Yorkshire Water and the Council's Drainage officer have assessed the details and are satisfied that the site can be adequately drained. . As such, it is considered the development is acceptable from a drainage/flood risk point of view in accordance with Local Plan Policy POLL1.

Pollution Control

The submitted documents have been reviewed by the Pollution Control team who consider it compatible with the surrounding environment. Subject to a condition on working hours, and the control of dust and noise during construction they have not raised any objections. The scheme is therefore considered to be in line with or remove adverse with Local Plan Policy POLL1.

Public Rights of Way

There are no PROWs within the site itself although an existing PROW does border the westerns elevation. The scheme does provide an access from the development to this PROW. There are also a number of worn routes across the site indicating that people have walked across it. Whilst these are not designated as PROW the applicant has been made aware that somebody could make an application for them to be registered. The applicant has provided a route through the development between Mapplewell Park and the PROW. However, any such PROW application would be separate to the planning process.

Other Matters

Conditions will be applied to the development to ensure sufficient broadband facilities are provided. In terms of electric charging points, this is now picked up in the Building Regulations Section. With regards to the concerns on whether the planning permission on the adjoining land should be developed first, this would be difficult to substantiate as a planning reason for refusal. The site is not part of the masterplans and policy HS8 does not stipulate that any phasing of development is required. The scheme provides the potential to link through to the remaining housing allocation which could also link through to the site that has planning permission, if it is implemented. This site proposes its own access but with pedestrian links to the PROW it would also provide a potential pedestrian link to the scheme that has approval thereby ensuring connectivity in between if the site was to be developed. In terms of the impact on local GPs and the NHS, the NHS are aware of the allocations in the Local Plan and it will be for them to adapt their services accordingly to meet any rise in need. In terms of the impact on schools the Council's Education Section have been consulted and recommended an education contribution which is covered in the section below.

S106 Agreement

The following contributions will be secured by S106 in order to make the development acceptable:

Affordable Housing- 20%- 9 units on site

Sustainable Travel- £32,250

Education- £160,00

Open Space- £73,236

Ecology- To secure the off-site mitigation works as referenced earlier in the report.

These S106 obligations are compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusion

The detailed scheme will deliver 45 houses with a mix of property types, areas of public open space and ecological mitigation within the development itself and through off site provision. Further suitable contributions related to education, sustainable travel, open space and off site ecology works will be secured through the S106 agreement.

Overall the design accords with the Local Plan and is recommended for approval.

Recommendation

Grant subject to the signing of the S106 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 and specifications as approved unless required by any other conditions in this permission:

- Location plan RMH-PO1

- Site Plan - RMH-P02 Rev R

- Landscape Plan - RMH-P03 Rev C

- House Types - RMH-HT-A-01A;B-01; D-01; D-02A; E-01; F-01B; G-01; H-01A; I-01; J-01; K-01; L-01; M-01; N-01A; P-01C; Q-01; Q-02A; R-01; R-02; R-03A; S-01A; S-02; T-01A; U-01A; V-01A; W-01D; X-01A; Y-01A; Z-01A; Z-02A; AA01;BB01.

- Geoenvironmental Appraisal C398 A

- Coal Mining Investigation Report C398 A

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. Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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. 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, along with details of the management of the open spaces. The approved landscaping details shall be implemented prior to the occupation of the buildings and the management scheme retained as such.

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

5. All out of plot planting, seeding or turfing shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place

6. All in plot planting, seeding or turfing comprised shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, 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 GD1 'General Development' and D1 'High Quality Design and Place Making

7. Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.

8. Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making.

9. 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 details and the tree protection fencing shall be installed in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality

10. No development shall commence until full construction, engineering, drainage and street lighting details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall thereafter be constructed in accordance with the approved details.

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

11. Before any dwelling is first occupied, the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway (Paddock Road) in accordance with details submitted to and subsequently approved in writing by the LPA.

Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 – New Development and Transport Safety

12. The gradient of internal access roads as well as individual vehicular accesses/driveways shall not exceed 1 in 12.

Reason: In interests of the safety of persons using the access and users of the highway

13. Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at driveway entrances/exits. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6m to the rear of the footway/verge which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

14. Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car parking and vehicle turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway; and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety

15. No works shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of encouraging use of sustainable modes of transport

16. Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.

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

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

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

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

18. 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:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. 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.

19. The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of first occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to, and agreed in writing with the LPA. Ongoing monitoring and review shall be in accordance with the Travel Plan monitoring strategy contained within the plan.

Reason: To support sustainable transport objectives, reduce reliance on the private motor car as a primary form of transport and to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.

20. 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.

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."

21 No development (including construction, land raising and demolition if required) shall be carried out other than in accordance with a Construction Environment Management Plan (CEMP) that is first submitted to, and approved in writing by, the local planning authority. The CEMP is expected to include measures to control noise and dust.

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

22. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

23. The site shall be developed with separate systems of drainage for foul and surface water on and off site, details of which shall have been submitted to and agreed in writing prior to the

commencement of development. The separate systems should extend to the points of discharge to be agreed. The development shall then proceed in accordance with the approved details.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC3.

24. 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 in accordance with Local plan Policy CC3

25. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for amphibians, bats (including details regarding the soft felling of trees with bat roost potential) and small mammals has been submitted to and approved in writing by the Local Planning Authority. The PWMS will be completed by a suitably qualified ecologist and the approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

26. A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to the Local Planning Authority prior to the commencement of works on site. The BEMP will include the following:

- o A recent landscape plan detailing the location of mitigation works and the size of each habitat/linear feature to be enhanced and/or created;
- o Management aims and prescriptions detailing the methods required to create and/or enhance each habitat/linear feature at the required quality for a period of 30 years;
- o A timetable of delivery for each habitat/linear feature created and/or enhanced;
- o A schedule of ecological monitoring for a minimum 30 year period, identifying when key indicators of habitat/linear feature maturity should be achieved;
- o Details on the monitoring of habitats and linear features and the provision of a report, which shall be provided to the LPA on the 1st November of each year of monitoring (years one-three after creation, years five, ten and every ten years thereafter), which will assess the condition of all habitats and linear features created and/or enhanced and any necessary management or replacement/remediation measures required to deliver the Net Gain values set out in the BEMP;
- o A 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.
- o A bat and bird box scheme, setting out the location of integral boxes and box types. Boxes shall be provided on at least 50% of the proposed units.

- o A sympathetic lighting scheme to ensure the site remains attractive for use by foraging and commuting bats.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

27. Notwithstanding the submitted details, before above ground works commence, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- o A drawing showing sensitive areas, dark corridors and buffer areas;
- o Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- o A description of the luminosity of lights and their light colour;
- o A drawing(s) showing the location and where appropriate the elevation, height and luminance of the light fixings;
- o Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- o Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

28. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

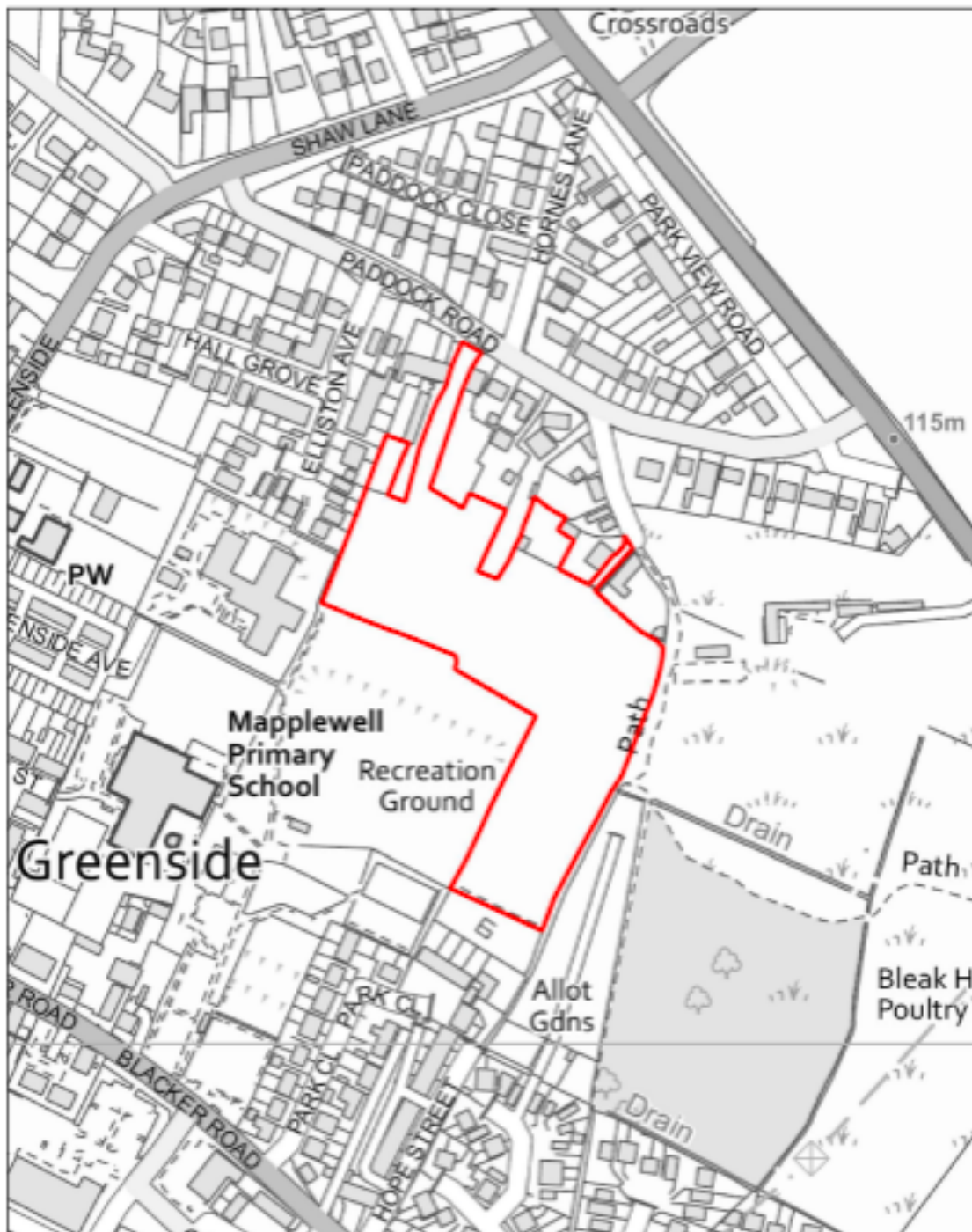
- o Risk assessment of potentially damaging construction activities;
- o Identification of 'biodiversity protection zones';
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- o The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- o Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;

- o The times during construction when specialists ecologists need to be present on site to oversee works;
- o Responsible persons and lines of communication;
- o The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows

29. 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: 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



2023/0195

Applicant: Homes by Honey

Description: Residential development of 95no. dwellings (Amended Plans)

Address: Land North of Barnburgh Lane, Goldthorpe, Rotherham

Site Description

The site is located on the eastern edge of Goldthorpe on Barnburgh Lane and is a former agricultural field. Bordering the western side of the site is a formal tarmac Public Right of Way (PROW) that separates the site from existing allotments. The PROW connects Kingsmark Way, Barnburgh Lane through to Engine Lane and provides access to Goldthorpe Primary School and Goldthorpe High Street. The site is undulating and rises from Barnburgh Lane (southern boundary) to the northern boundary, as well as rising from the eastern corner to the centre of the site. The land to the north of the site contains existing trees and vegetation whilst a partial hedgerow line borders the southern part of the site with Barnburgh Lane. No existing dwellings share a boundary with the site with the nearest housing being the properties on the opposite side of Barnburgh Lane which face the south-western corner of the site. The subject site is accessed from Barnburgh Lane. The site is not within a Conservation Area, nor is it within the Green Belt.

Proposed Development

This application seeks full planning for the erection of 95 dwellings with associated access, open space and landscaping. There will be a single access point off Barnburgh Lane into the site. There will be a central green with the main public open space to the eastern edge of the site.

The mix of dwellings is proposed as follows:

22 two bedroom dwellings

44 three bedroom dwellings

29 four bedroom dwellings

Several documents have been submitted to support the application which are listed as follows:

Transport Assessment

Travel Plan

Flood Risk Assessment and Drainage Strategy

Phase 2 Geotechnical and Geo-environmental Site Investigation

Arboricultural Impact Assessment

Archaeology and Heritage Desk- Based Assessment

Ecological Impact Assessment

Geophysical survey

Geophysical Survey Provisional Interpretation

Design and Access Statement

Planning Statement including an Affordable Housing Statement

History

No relevant planning history on the site

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022.

The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Site Allocation: Housing Allocation

Site HS48 Land north of Barnburgh Lane, Goldthorpe Indicative number of dwellings 109

The allocation states the following:

The development will be expected to retain hedgerows around the periphery of the site.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following: Information identifying the likely location and extent of the remains, and the nature of the remains; An assessment of the significance of the remains; and Consideration of how the remains would be affected by the proposed development.

Other relevant policies would be as follows:

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

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

T3 'New Development and Sustainable Travel'.

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

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

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

Affordable Housing- 10% affordable housing is required and the mix proposed is agreed and accepted.

Air Quality- No objections subject to a condition to provide an Air Quality Assessment report.

Biodiversity Officer- Recommend approval, subject to conditions.

Coal Authority- No objection, standing advice applicable.

Contaminated Land- No objection.

Education Services- 5 houses would produce a pupil yield of 20 primary pupils @ £16,000 per pupil, and 14 secondary pupils @ £16,000 per pupil. Total education contribution required = £540,000. This is due to the predicted need in the area in the coming years across primary and secondary.

Environment Agency- No objections.

Highways DC- No objections subject to conditions.

Parks- No objections

Pollution Control- No objections subject to condition.

Public Rights of Way- There is a Public Footpath (Dearne 17) that runs to the West of the development site, this does not appear to be directly affected by the proposed development, therefore we don't have any objection to the proposals.

South Yorkshire Archaeology Service- No objection subject to condition.

Superfast South Yorkshire- Standard condition requiring details of measures to facilitate gigabit-capable full fibre broadband for the development recommended.

South Yorkshire Mining Advisory Services- No objections

Urban Design Officer- No objections subject to conditions.

Yorkshire Water Services Limited- No objections subject to condition

Representations

The application was publicised by notices in the press, on site and by 355 neighbour notifications letters. Re-consultation has also been carried out on the latest plans. At the time of preparing the report 7 representations have been received which are summarised as follows:

- Homes will take away from countryside. **Page 44**
- Effect landscape, animals' homes and increase pollution.

- Focus and funds on regeneration, not new homes.
- Impact on local infrastructure (school places, childcare, medical appointments, etc).
- Increased vehicular traffic.
- Increase demand on water supply.
- Impact on house prices.
- Development will block existing views.
- Potential land subsidence issues.
- Lack of parking on site.
- No footpath on site- should be improved within this application.

A representation was also received from former Councillor Danforth who stated he had no objections to the application but asked for the following comments to be considered:

- Maintenance of pavements
- Potential problems with north and west boundaries where people currently walk across which may lead to anti-social behaviour and damage to properties
- Barnburgh lane is known for speeding drivers at this point so needs to be considered with regards to access and whether signage would be suitable
- 95 dwellings seems a lot for the site and no bungalows

Assessment

Principle of Development

The Presumption in Favour of Sustainable Development remains at the heart of the National Planning Policy Framework (NPPF) and the Local Plan as set out in Policy SD1. The site has been allocated for housing development as part of the Local Plan and as such would be considered to be in a sustainable location. The PROW on its western edge provides a link through to Goldthorpe High Street and the local primary school

In addition to the above, the site is allocated for housing in the Local Plan under site specific policy HS48 and as such it is acceptable for residential development in principle. The policy sets an indicative number of dwellings of 109 and states that the development will be expected to:

- Retain hedgerows around the periphery of the site.
- Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following: Information identifying the likely location and extent of the remains, and the nature of the remains; An assessment of the significance of the remains; and Consideration of how the remains would be affected by the proposed development.

In terms of the aspects of the policy relating to hedgerows and archaeology, these are dealt with in more detail in the relevant sections in the remainder of the report

Design/Appearance/Layout

The site layout has been designed around a primary route with secondary and tertiary routes in a branch formation with access off Barnburgh Lane.

The 'Design of Housing Development' SPD states that 'all new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create an active frontage'. The SPD goes on to state that blank street elevations facing onto streets should be avoided.

12 different house types are proposed. The design of the market and affordable house types themselves are appropriate for the site and sit **Page 45** within their surroundings, in accordance

with the SPD and Local Plan Policy D1.

The proposed layout creates 15% of green open space equating to 0.61 ha which is in accordance with the 'Open Space Provision on New Housing Development'. The open space is dispersed throughout the site through an arrival green, central green, green corridor and lower green. The central green provides an open area to visitors entering the site whilst the main open area to the west of the development provides the main informal play space area. The open spaces help to soften the development, breaking up the built form, creating opportunities for tree planting and enhancing the proposed street scene.

The properties are predominantly orientated to face onto the roads and/or the open space areas to provide adequate surveillance. Frontage parking is broken up by front gardens and areas of open space. The development aims to provide a balance between density and enabling a suitably well designed layout. The Council's Urban Design Officer has assessed the scheme and subject to conditions is happy with the layout proposed.

When taking all of the above into consideration, the proposed development would maintain the visual amenity of the existing area and also puts forth a policy compliant layout and high quality house types in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF

Scale and mix of housing

The application is for 95 dwellings with a net site area of 2.69ha, giving a density of 35 dwellings per hectare. Local Plan Policy H6 'Housing Mix and Efficient Use of Land' states that a density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages. Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons. It is considered in this instance that the small shortfall in density is acceptable in this instance due to allow for an appropriate layout with a balance of car parking and external separation distances to be achieved to create a high-quality development.

Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development is for 95 dwellings with a mix of 2-, 3- and 4-bedroom dwellings of varying styles, which is considered to contribute to the mix of dwellings already present within Goldthorpe.

In terms of Affordable Housing, the policy requirement for the area is 10%. The 10 units designated for affordable housing have been split into two clusters with a mix of five shared ownership, three first homes and two affordable rent. The applicant has provided a plan which illustrates that the affordable units will be delivered early on within the build programme which can be tied down as a trigger in the S106 agreement. The affordable housing officer accepts the mix and the proposed affordable housing dispersion. As such, the development is considered to provide a broad mix of house size, type and tenure, in line with policy H6.

Residential Amenity

In terms of neighbouring amenities, the site is not directly bordered by any existing residential occupiers, however it is noted there are houses to the south of the site. The development has been designed so that the nearest proposed properties to these existing houses are over 21m away. As such it is not considered that there would be any loss of light or privacy to these existing occupiers.

There will be some noise and disruption during any construction period so conditions have been recommended to allow for the submission of a construction method statement to be submitted and approved by the Local Planning Authority and to control the hours of construction.

In terms of internal amenity, all dwellings proposed meet the overall internal space standards recommended in the South Yorkshire Residential Design Guide. In addition, the Avocado, Dandelion, Eucalyptus, Jarrah, Lavender, Linden and Rosemary house types are capable of conversion to meet accessible property standards (building regulations M4 (2) compliant). This equates to 57 out of the 95 units, therefore being 60% compliant.

In terms of daylight, all habitable rooms of the development are served by large windows to allow for adequate light and sunshine.

The Designing New Housing Development SPD states that rear gardens of proposed dwellings should be at least 50m² in the case of two-bedroom houses/bungalows and 60m² for houses/bungalows with three or more bedrooms. All of the dwellings meet this standard and are therefore acceptable. In addition it is considered that the residents have access to good on site public open space.

In taking all of the above, the development has a good standard of residential amenity in compliance with Local Plan Policies GD1 and D1.

Highways

The site is located within the settlement limits of Goldthorpe, approximately 1km from the recognised centre, and is allocated for residential development under Site Policy HS48. It is intended that access is taken onto Barnburgh Lane by way of a single priority junction. It is proposed that this will have a total width of 9.5m, with 5.5m carriageway and 2m footpath on both sides. Visibility splays of 2.4m x 70m, in accordance with guidance outlined within DMRB in relation to 30mph speed limits, have been demonstrated by the developer's highway consultant.

A Transport Assessment has been produced by the developer's highways consultant and this states that the proposals have the potential to generate 45 and 43 vehicle trips in the AM and the PM peak hours respectively. This equates to less than one additional vehicle movement every minute during the peak hours. These figures are accepted by the Council's Highways Section and at these levels, the existing highway network will easily be able to accommodate the additional traffic.

Off-street resident parking is commensurate with the guidance set out in the council's Parking SPD. For a development of this size, the Council would expect 24 visitor spaces to be included in the design; nineteen of these are supplied within laybys. The shortfall is mitigated by providing localised carriageway widening to allow vehicles to park safely without detrimentally impacting on through traffic; this has been demonstrated by way of submitting swept-path analysis of a refuse vehicle entering and exiting the site in a forward gear whilst maintaining at least a 0.5m gap from all parked vehicles.

Given the above, the scheme is considered acceptable from the perspective of the Highways Section and is seen to be in accordance with Local plan Policy T4

Public Rights of Way

There is a Public Footpath (Dearne 17) that runs to the West of the development site, this does not appear to be directly affected by the proposed development. An access point is provided through to this PROW but the development will not impinge on it. As such, subject to informing the applicant that the PROW should not be obstructed then the proposal is not considered to be detrimental to the PROW

Ecology

The applicant has submitted an ecological assessment and a biodiversity metric. The site mainly comprises an arable field, with marginal modified grassland, a small area of scrub, ditches (which were mostly dry and considered to be dry throughout spring and summer), and short sections of managed hedgerow. The arable land, modified grassland, scrub and section of dry ditch will be lost due to the development.

The results of the biodiversity net gain feasibility assessment for the habitat areas demonstrated that the post-development habitats proposed for the site have the potential to achieve a net change of +0.74%. This can be achieved with the habitats proposed to be utilised within the feasibility assessment including wildflower grassland, amenity grassland, native hedgerow planting, native and ornamental tree planting, as well as areas of ornamental shrub planting. In addition the dwellings would incorporate bat roosting and bee blocks as well as swift boxes. Hedgehog highways are also to be installed in all fencing. The proposals have been assessed by the Council's Ecology Officer who is satisfied that the proposals are sufficient and subject to conditions has raised no objections to the scheme.

The proposals will ensure that there is a no net loss in terms of biodiversity on the site in relation to the current situation in accordance with Policy BIO1 and guidance in the NPPF

Archaeology

An archaeological assessment was submitted as part of the application. This states that there no known nationally important archaeological remains on the site. The archaeological potential of the site is considered to be low to moderate. The assessment has been looked at by SYAS who have liaised with the applicant on further information. SYAS are now satisfied that they have no objections to the scheme gaining approval subject to the imposition of a suitable condition

Geotechnical/Coal/Air Quality

The application has been accompanied by a Phase 2 Geo-technical and Geo-Environmental report. This has been assessed by the Council's Land contamination officer along with the Coal Authority and SYMAS. None of the consultees have raised any objections to the scheme subject to a condition for an air quality assessment to be carried out and any mitigation measures provided if needed.

Trees

The application mainly consists of an open arable field with no trees within it although a few do exist on the boundaries of the site. The application is accompanied by an Arboricultural assessment. None of the trees are characterised as category A with the majority being classified as C or U. However, given the trees are on the boundaries the scheme does not require any significant removals with the only area of significance affected being a corridor of small self set stems to facilitate a pedestrian route in the east of the site. This can be mitigated through a suitable replanting scheme through the development which can be conditioned. The proposal is therefore not considered to be detrimental to the tree coverage.

Drainage

A Flood Risk Assessment (FRA) and Drainage Strategy has been undertaken by Eastwood Consulting Engineers. Within the report, the Environment Agency's Flood Map for Planning demonstrates the site to be within Flood Zone 1, and is shown to be of very low risk of surface water flooding. Therefore, the site is acceptable for all uses of residential development. Initially Yorkshire water raised concerns with regards to the proximity of the proposed tree planting to the public sewerage system. This has now been amended with the tree planting relocated and Yorkshire Water have therefore confirmed they have no objections to the scheme subject to a suitable condition.

Pollution Control

The submitted documents have been reviewed by the Pollution Control team and who consider it compatible with the surrounding environment and subject to a condition on working hours and the submission of a Construction Environment Management Plan (CEMP), have not raised any objections. The scheme is therefore considered to be in line with or remove adverse with Local Plan Policy POLL1.

Other Matters

Conditions will be applied to the development to ensure sufficient broadband facilities are provided. In terms of electric charging points, this is now picked up in the Building Regulations Section. With regards to the concerns in terms of the impact on local GPs and the NHS, the NHS are aware of the allocations in the Local Plan and it will be for them to adapt their services accordingly to meet any rise in need. In terms of the impact on schools, the Education section has asked for a contribution which is covered in the section below. Concerns raised by the objectors in relation to loss of view, impact on house prices, and potential anti-social behaviour are not considered to be planning matters that can be taken into account in the determination of the application.

S106 Agreement

The following contributions will be secured by S106 in order to make the development acceptable:

Affordable Housing- 10% on site

Sustainable Travel - £71,250

Education: £540,000

Greenspace/Open Space: £153,281.43

These S106 obligations are compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusion

The proposal seeks to develop a site which has been allocated for housing in the Local Plan. The scheme is considered to be able to deliver a high quality development that would meet the relevant policies of the Local Plan. It is therefore recommended for approval subject to relevant conditions and the signing of the Section 106.

Recommendation

Grant subject to the signing of the S106 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 and specifications as approved unless required by **Page 49** conditions in this permission:

- Planning Layout -008 Rev F

- Soft Landscape Proposals GL204701B
- Soft landscape Proposals GL204702B
- Boundary Treatment Plan 700 Rev B
- Garden Areas Plan 101 Rev B
- Phase 2 Geotechnical & Geo-Environmental Site Investigation Report in regard of the proposals, as prepared by Eastwoods Consulting Engineers Ltd ref: 47619-004 dated 19th January 2023
- Elevation and floor Plans submitted in relation to the following house types: The Acacia, The Avocado, The Buckwheat, the Beechwood, The Dandelion, The Chestnut, The Clover, The Eucalyptus, The Jarrah, The Lavender, the Linden, and The Rosemary

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. Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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. 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 details and the tree protection fencing shall be installed in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy BIO1.

5. 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, along with details of the management of the open spaces. The approved landscaping details shall be implemented prior to the occupation of the buildings and the management scheme retained as such.

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

6. 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
- 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.

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

7. No development (including construction, land raising and demolition if required) shall be carried out other than in accordance with a Construction Environment Management Plan (CEMP) that is first submitted to, and approved in writing by, the local planning authority. The CEMP is expected to include measures to control noise and dust.

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

8. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.

9. The development shall be carried out in strict accordance with the details indicated within the submitted Flood Risk Assessment Report prepared by Eastwood Consulting Engineers Dated 22/02/23,

Reason: (In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC3.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site, details of which shall have been submitted to and agreed in writing prior to the commencement of development. The separate systems should extend to the points of discharge to be agreed. The development shall then proceed in accordance with the approved details.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Local Plan Policy CC3.

11. No building or other obstruction including landscape features shall be located over or within :

- 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site.

Furthermore, 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 in writing by the Local Planning Authority.

The details shall include but not be exclusive to Page 51 of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the

required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public sewer network in accordance with Local Plan Policy POLL1 and CC3.

12.No development shall commence until full construction, engineering, drainage and street lighting details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall thereafter be constructed in accordance with the approved details.

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

13.Before any dwelling is first occupied, the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway in accordance with details submitted to and subsequently approved in writing by the LPA.

Reason: To ensure satisfactory development of the site and in the interests of highway safety, in accordance with Local Plan policy T4 – New Development and Transport Safety.

14.The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.

Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.

15.Pedestrian visibility splays having dimensions of 2m x 2m shall be safeguarded at driveway entrances/exits. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.6m to the rear of the footway/verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

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

16.Areas to be used by vehicles shall be surfaced in a solid bound material (i.e. not loose chippings) and adequate measures shall be so designed into these areas to avoid the discharge of surface water from the site on to the highway.

Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.

17.Prior to the first occupation of the development hereby permitted, visibility splays at internal junctions shall be provided in full accordance with the details indicated on the approved plans. The splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05m above the level of the adjacent highway carriageway.

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

18.Upon commencement of development a scheme for the parking of bicycles shall have been submitted to and approved in writing by the LPA. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of encouraging use of sustainable modes of transport in accordance with

Local Plan Policy T5.

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

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic including measures to prevent, so far as is reasonably practicable, the arrival/departure of construction traffic at school drop- off/pick-up times.
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.
- vi. Measures to minimise dust.

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

20.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:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. 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 in accordance with Local Plan Policy T4.

21.The Travel Plan hereby approved shall be implemented in accordance with the measures set out therein. Within three months of first occupation, evidence of the implementation of measures set out in the Travel Plan shall be prepared, submitted to, and agreed in writing with the LPA, unless alternative timescales are agreed in writing.

Reason: To support sustainable transport objectives, reduce reliance on the private motor car as a primary form of transport and to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.

22.Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.

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

23.The development shall be completed in strict accordance with the Defra Metric (BLG-BWB-ZZ-XX-BNG-LE-0001_Biodiversity Metric 3.1_Update 230515) the Ecological Impact Assessment (BLG-BWB-ZZ-XX-RP-LE-0001_Ecological Impact Assessment-S3-P01), BNG Assessment (BLG-BWB-ZZ-XX-RP-LE-0002_BNG Assessment-S2_P3) and the conditions of the planning permission. If there are changes to the landscaping scheme an update version of the metric and BNG

assessment will be required. All the recommendations shall be implemented in full according to the timescales laid out, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

24. The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of the site, and full details including photographic evidence provided to the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority; the features shall thereafter be permanently retained.

- 100% of the dwellings on site to comprise integrated bat roosting boxes to be installed in suitable locations on the new buildings;
- 100% of the dwellings on site to comprise integrated swift bricks to be installed in suitable locations on the new buildings;
- 20% of the dwellings on site to comprise integrated bee bricks;

- Fencing on site will be sympathetic to allow the passage of small mammals, particularly hedgehog through the site. Holes should be cut in boundary fencing to allow this and the holes marked to prevent occupiers from blocking the holes; and
- The arisings from felled trees will be left in suitable locations in wooded areas on site to provide refuge habitat for hedgehog.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

25. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for amphibians, bats (including details regarding the soft felling of trees with bat roost potential) and small mammals has been submitted to and approved in writing by the Local Planning Authority. The PWMS will be completed by a suitably qualified ecologist and the approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

26. A Biodiversity Enhancement Management Plan (BEMP), completed by a suitably qualified ecologist will be submitted to the Local Planning Authority prior to the commencement of works on site. The BEMP will include the following:

- o A recent landscape plan detailing the location of mitigation works and the size of each habitat/linear feature to be enhanced and/or created;
- o Management aims and prescriptions detailing the methods required to create and/or enhance each habitat/linear feature at the required quality for a period of 30 years;
- o A timetable of delivery for each habitat/linear feature created and/or enhanced;
- o A schedule of ecological monitoring for a minimum 30 year period, identifying when key indicators of habitat/linear feature maturity should be achieved;
- o Details on the monitoring of habitats and linear features and the provision of a report, which shall be provided to the LPA on the 1st November of each year of monitoring (years one-three after creation, years five, ten and every ten years thereafter), which will assess the condition of all habitats and linear features created and/or enhanced and any necessary management or replacement/remediation measures required to deliver the Net Gain values set out in the BEMP;
- o A 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.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and **Page 54**, and Trees and Hedgerows.

27. Notwithstanding the submitted details, before above ground works commence, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be provided by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- o A drawing showing sensitive areas, dark corridors and buffer areas;
- o Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- o A description of the luminosity of lights and their light colour;
- o A drawing(s) showing the location and where appropriate the elevation, height and luminance of the light fixings;
- o Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- o Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

28. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- o Risk assessment of potentially damaging construction activities;
- o Identification of 'biodiversity protection zones';
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- o The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- o Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
- o The times during construction when specialists ecologists need to be present on site to oversee works;
- o Responsible persons and lines of communication;
- o The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows.

29. 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: 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

30. No development (including construction, land raising and demolition if required) shall be carried out other than in accordance with a Construction Environment Management Plan (CEMP) that is first submitted to, and approved by, the local planning authority.

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

31. Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car parking and vehicle turning shall be laid out in accordance with the approved plan. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway; and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety

32. Prior to the commencement of development, the developer shall submit an Air Quality Assessment Report, for approval by the Local Planning authority. This report shall consider the advice provided within the 'Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance', with regards the Air Quality impact, and any mitigation measures that may be required. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Local Plan Policy Poll

33. As per the EclA an update badger survey of the site shall be undertaken prior to the commencement of works and a report of findings shall be submitted to the Local Planning Authority. If an active badger sett is present and would be affected by the development, a licence issued by Natural England may be required for the works to legally proceed. If an active sett is located a mitigation strategy shall be submitted to and agreed by the LPA.

Reason: To conserve and enhance biodiversity in accordance with Local Plan BIO1 Biodiversity and Geo Diversity and the SPD's Biodiversity and Geodiversity, and Trees and Hedgerows

34. Upon commencement of development details, including plans and elevations, of the substation and pumping station shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then proceed in accordance with the approved details.

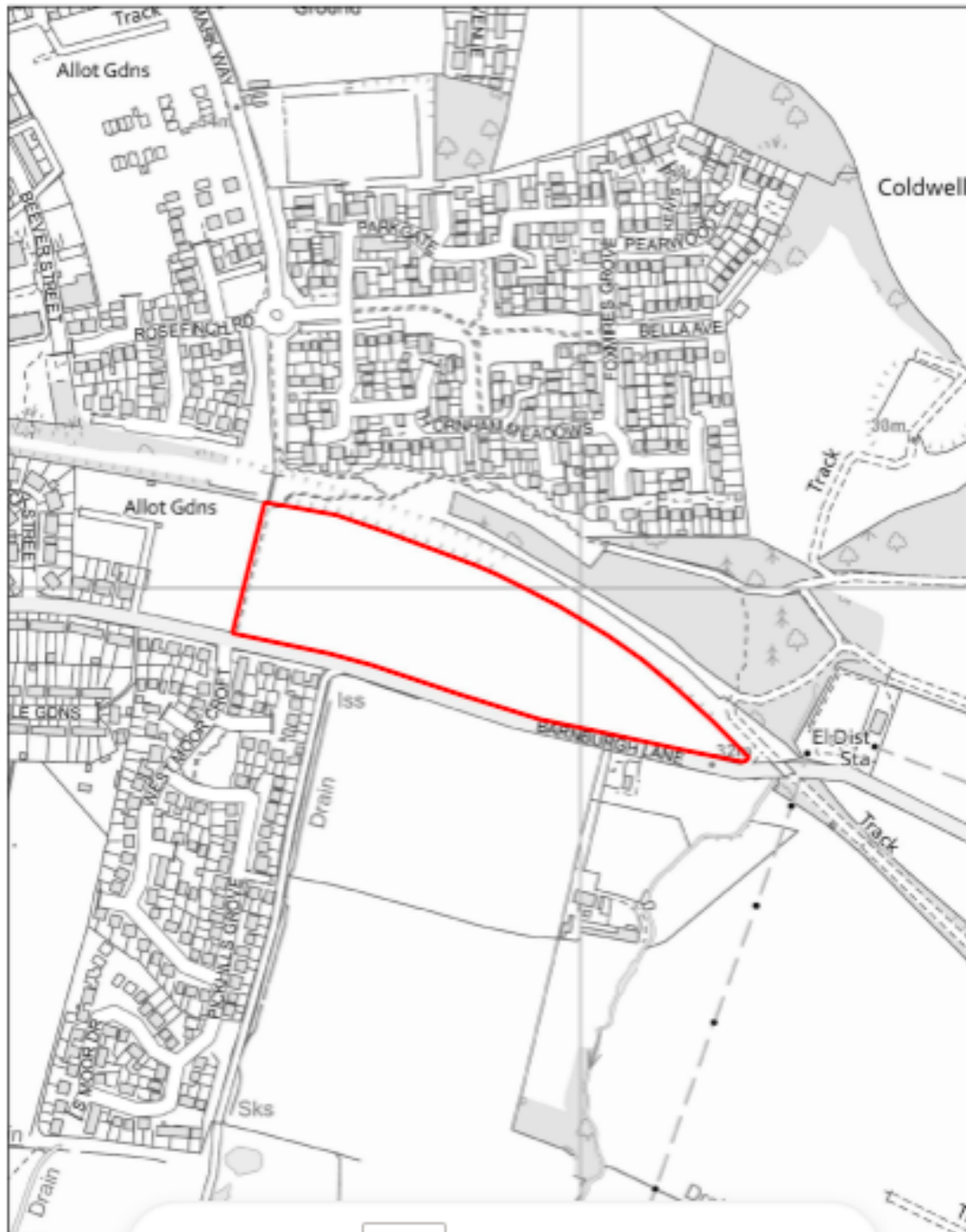
Reason: In the interests of visual amenity in accordance with Local Plan Policy D1

35. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with local plan Policy CC3

36. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 4.75 (four point seven five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with Local Plan Policy CC3.



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Item 6

Planning Enforcement Report to Planning Regulatory Board

Quarter 1 April – June 2023 Inclusive

Introduction

This report is to provide elected members with an update on Planning Enforcement service activity covering the Quarter 1 of the last reporting period 2023/2024 (April 2023 – June 2023). The report includes a breakdown of the requests for service received and includes details of key actions and enforcement case outcomes during the quarter.

Overall number of Planning Enforcement service requests Quarter 1:

April	2023	48
May	2023	55
June	2023	62

Total number of requests for service Quarter 1 2023/24 **165**

	Cases Received	Investigated/Resolved	Under Consideration
Quarter 1 (23/34)	165	98	67

A comprehensive update and benchmarking against other local authorities was provided in the QTR 2 (July-Sep 22/23) report to planning board in January. This latest report brings planning board up to date on formal actions taken in QTR 1 and the details of cases with formal actions are outlined below.

Summary of Case Activity

(a) Issuing of Formal Notices (displayed in order of date issued)

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Details of Service/Appeal</u>
2023\ENQ\00113 Former garage site, Martin Croft, Silkstone, Barnsley	The permission granted by the Council on 14th July 2020 (ref: 2020/0634) for Residential development of 4 no. dwellings.	Non-compliance with condition 3 (Tree Protection) Reinstate Banking (28 days) 10 new standard trees (Girth of 10 to 12cm) comprising 3 Limes (Tilia cordata), 4 Field Maple (Acer campestre) and 3 Rowan (Sorbus aucuparia)

		<p>shall be planted and affixed (with flexible tree ties) to a tanalised tree stake (minimum diameter 75mm) at a height of no more than 1m above ground level within the reinstated banking.</p> <p>Notice dated 25th May 2023</p> <p>Trees to be planted in next planting season (October 2023 onwards).</p> <p>Status - Monitoring site</p>
<p>2022\ENQ\00276</p> <p>Land to the West of Clayton Lane, Thurscoe, Rotherham, S63 0BG</p>	<p>3(i) The undertaking of Operational Development comprising the creation of a hard surface (shown hatched green on Appendix 1), as well as the erection of fences (shown edged yellow on Appendix 1) and gates (etched blue on Appendix 1) on the Land.</p> <p>3(ii) The change of use of the land to use for the residential occupation of caravans and the storage of vehicles, timber huts, gas bottles, a shipping container, and other domestic items association with the residential use of the Land (shown in photographs referenced Appendix 2).</p>	<p>Enforcement notice served 5th June 2023 requiring:</p> <p>(5.1 In relation to paragraph 3(i) of this notice:</p> <p>(i) Remove the hard surface and the fence and gates from the Land</p> <p>(ii) Remove from the Land any materials or waste arising from the compliance with paragraph 5.1(i) (iii) Restore the Land to its previous condition.</p> <p>5.2 In relation to paragraph 3(ii) of this notice: (iv) Cease the use of the Land for the residential occupation of caravans (v) Remove the caravans and vehicles from the Land (vi) Remove the timber huts, the shipping container, gas bottles and other domestic items from the Land..</p> <p>Notice Effective 6th July 2023</p> <p>Time period for compliance Four Months</p> <p>Status: Appeal Lodged</p>

<p>2023\ENQ\00208</p> <p>10 Dearne Close, Wombwell, Barnsley, S73 0ST</p>	<p>Without planning permission, the siting of an outbuilding forward of the principle elevation of a dwellinghouse (marked with a blue arrow on Appendix 1)</p>	<p>Enforcement notice served 8th June 2023 requiring:</p> <p>Remove the outbuilding described in paragraph 3 of this notice and shown in Appendix 1 marked with the blue arrow. (ii) Restore the Land to its previously condition following compliance with paragraph 5(ii)</p> <p>Effective 8th July 2023</p> <p>Time period for compliance One Month</p> <p>Status: Notice complied with</p>
<p>2020\ENQ\00293</p> <p>Land on the East side of Cat Hill Lane, Hoylandswaine, S36 7GD</p>	<p>Without planning permission; the carrying out of operational development under S55 Of the Town and Country Planning Act; namely engineering operations including excavations to alter the profile of the land and laying aggregate material.</p>	<p>Enforcement Notice served 16th June 2023 requiring:</p> <p>Remove all unauthorised materials in their entirety, ensuring that the land is restored to its original condition before the breach of planning control took place.</p> <p>Status: Notice withdrawn after discussions with the landowner, works are agricultural permitted development and do not require planning permission</p>
<p>2023\ENQ\000207</p> <p>Lewden Spring Fishery, Station Road, Worsbrough, Barnsley, S70 4SZ</p>	<p>Without planning permission:</p> <p>The material change of use of the Land to one of a mixed use comprising of an angling lake and the use of a caravan (shown approximately edged blue in Appendix 1) for human habitation</p>	<p>Enforcement Notice served 23rd June 2023 requiring:</p> <p>Cease the use of the Land for the human habitation of a caravan.</p> <p>Remove the Caravan from the Land.</p> <p>Remove from the Land any items associated with the</p>

		<p>occupation of the Caravan.</p> <p>Effective 25th July 2023</p> <p>Time Period for compliance: Three Months</p> <p>Status: still within compliance period</p>
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(b) S215 Untidy Land and Buildings Action

<u>Case Reference & Location</u>	<u>S215 Notice Details</u>	<u>Details of Service/Appeal</u>
2022-ENQ-000235 37 Canberra Rise, Bolton on Dearne, S63 8DN	Clearance & maintenance of of Land – Dilapidated	14 th April 2023 4 weeks to improve/maintain land
2022\ENQ\000421 125 Lindhurst Road, Athersley North, S71 3DG	Clearance & maintenance of of Land	20 th May 2023 4 weeks to improve/maintain land
2023\ENQ\00053 28 Cross Street Goldthorpe	Clearance & maintenance of of Land	26 th May 2023 4 weeks to improve/maintain land
2023\ENQ\00197 Fmr Salvation Army, Wellington Street, Bansley	Clearance & maintenance of of Land	24 th June 2023 4 weeks to improve/maintain land

(c) Legal action

<u>Case Reference & Location</u>	<u>Case Details</u>	<u>Prosecution Status</u>
2020\ENQ\00202 27 Ashbourne Road, Mapplewell, Barnsley, S71 3DQ	Non-compliance with S215 Notice	Court Hearing - Trail: 3 rd August 2023 The Magistrates found after trial that defendants have no grounds for appeal. They explained to the defendant that the Local Authority are required to act in these circumstances.

		<p>Since 2019 there is no prospect of work completed. The defendant had had ample time to remedy this. The LA have not acted unreasonable in their request under s215 TCPA 1990. <u>The Magistrates ordered the defendant pay the Authority's costs totalling £1268 .</u></p>
<p>Land at Clayton Lane, Thurnscoe, S63 0BG</p>	<p>Unauthorised use of land for residential occupation of caravans</p>	<p>Court hearing 26th January 2023, interim injunction granted to prevent further works to the land and for the use of the land to cease.</p> <p>Status: injunction granted pending planning appeal determination</p>

(d) Enforcement Appeals

<u>Case Reference & Location</u>	<u>Breach of Planning Control</u>	<u>Appeal Decision</u>
<p>APP/R4408/C/22/3304164</p> <p>Land at Lund Hill Lane, Royston, Barnsley S71 4BD otherwise known as Monckton Colliery Site, Lund Hill Lane, Royston, Barnsley S71 4BD)</p>	<p>The breach of planning control as alleged in the notice is the material change of use of the Land for the importation and storage of construction and other waste materials (the Unauthorised Works).</p>	<p>Appeal Decision Issued 20th February 2023</p> <p>Appeal dismissed</p> <p>Furthermore, there is clear evidence from the Council that the alleged breach has occurred. This includes the complaints received, detailed photographic evidence taken by complainants showing large piles of construction and waste materials across parts of the site and aerial photographs which show how materials have accumulated on parts of the site since May 2019.</p> <p>The aerial photographs also appear to show vehicle tracks from the main vehicular access across the site to the area where materials have</p>

		<p>been deposited in the northern area of the Land in question. It is also my understanding the enforcement action has been taken following investigations including a multi-agency meeting between the Council, The Environment Agency, South Yorkshire Fire and Rescue and South Yorkshire Police.</p> <p>Therefore, in the absence of clear evidence and based on the information before me and my own site observations, construction and other waste materials have been imported.</p> <p>Time period for compliance 8 Months (from 20th Feb 2023)</p>
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Compliance Monitoring

Enforcement Notices served 2022/23 (year to date)	Enforcement Notices Complied with 2022/23
48	27

The remaining notices may be subject to revised planning applications, appeals or where partial compliance has already been achieved. Most Enforcement notices are usually complied with in the specified period, but on occasion it will be necessary for the service to pursue legal action.

Timescales for Determination of Appeals

The Planning Inspectorate is taking on average 41 weeks to determine enforcement appeals by written representation and longer for matters considered under the informal hearing and public inquiry procedure. These delays are leading to frustration for complainants, the Council and those wishing to appeal enforcement notices. The Planning Inspectorate has advised us they are working to improve this performance by recruiting additional planning inspectors to deal with appeals. The information above shows that increasing numbers of appeals have been moving through the system with several appeal decisions now received. A number of formal hearings have now taken place or dates have been set which should allow these cases to progress.

Website and customer contact improvements

Recent improvements have been made to the council's website in accordance with the Digital First agenda and it is now easier for customers to report breaches of planning control on-line. A new e-form enables us to identify the specifics of the complaint more easily and includes the ability for customers to attach photographs of the issues which are causing concern. This improved functionality helps the service assess the issue more quickly and improves customer service. The revised webpage can be found by following this link:

<https://www.barnsley.gov.uk/services/planning-and-buildings/carrying-out-building-work-without-planning-permission/>

Conclusion

Quarter 1 of 23/34 has continued to see consistent high demand for investigations and enforcement action which is reflected in the high level of development taking place within the borough. The service will seek to continue to work with elected members and local communities to achieve the desired outcomes. The number of formal actions undertaken by the service has significantly increased prior to additional resources being devoted to planning enforcement and this is filtering through to an increase in appeal work and the number of appeal decisions being received.

Please contact the service through the details provided below should you wish to make further enquires in respect of specific cases.

Email: Planningenforcement@barnsley.gov.uk

Customer Services 01226 773555

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