
Ref 2021/1282

Applicant: Harworth Group PLC

Agent: Miss Lucy Stephenson

Description: Outline planning permission for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping. All matters reserved with the exception of access.

Site Address: Land at Houghton Main, Park Spring Road, Little Houghton, Barnsley, S72 0HR.

Site Description

The former Houghton Main Colliery is situated on the edge of the Dearne Valley, 5 miles to the east of Barnsley and 8 miles north of Junction 36 of the M1. The site is currently accessed from Middlecliff Lane through the village of Little Houghton.

The site is bound to the northwest by the existing ASOS storage and distribution centre, to the northeast by open countryside, to the southwest by Park Spring Road and the village of Little Houghton is located circa 250 metres to the southeast.

The site is previously developed but has “greened over” and includes young self-set trees. There is an unrecorded but well-worn route which runs through the site from Middlecliffe Lane to the northernmost point of the site. There are no formal Public Rights of Way on the site although there is a public footpath running just outside the north/eastern boundary. The site is identified within the adopted Barnsley Local Plan as an allocated site for employment use (Site ES23).

The A6195, which bounds the site to the south west, and from which access to the employment development is proposed, is identified as forming part of the Local Strategic Highway Network.

The site is located entirely within Flood Zone 1 (Lowest risk of flooding). Based on the vulnerability classifications defined within the Planning Practice Guidance, all types of proposed development are acceptable in Flood Zone 1. The site is also identified as being at very low risk of surface water flooding and from flooding by rivers and the sea.

There are no statutory ecological designations relating to the site which would prohibit its development for employment use, nor are there any listed buildings or scheduled ancient monuments located on or in close proximity to the site.

The Barnsley Local Policies Maps also identifies the site as being located within the Dearne Valley Green Heart Nature Improvement Area. A Green Way is also identified running adjacent to the site to the south east which links Ings Lane, Little Houghton to High Street Great Houghton.

Proposed Development

This application has been submitted in outline form for the erection of c. 19,147m² (206,100 sq ft) flexible employment space (Class E, B2 and B8) including ancillary car parking and landscaping and is seeking approval for access only with all other matters reserved (appearance, landscaping, layout, scale).

The application is supported by a site location plan and access plan for approval and an illustrative site layout, 3D massing study and an existing site plan topographical survey for illustrative purposes. In addition, the following supporting documents have been submitted:

- Application Forms and Certificates
- Air Quality Assessment
- Planning, Design and Access Statement
- Phase I Ecology Survey and accompanying surveys
- Tree Survey
- Transport Statement
- Travel Plan
- Road Safety Audit
- Flood Risk Assessment and Drainage Strategy
- Phase I Ground Conditions Review
- Coal Mining Risk Assessment

The illustrative layout shows 5 larger units across the site which range from 20,000 sqft to 85,000 sqft and maximise the full site. This application seeks consent for 24 hour use of the buildings to reflect the operational nature of the logistics market and industrial nature of the neighbourhood.

Relevant Planning History

B/96/0208/HR- Extraction of coal by opencast. Redevelopment of site and restore to agriculture, woodland etc - Approved

B/96/0728/HR- Outline for use of land for industrial/employment uses B1, B2 and B8 - Approved

B/99/1064/HR- Outline for renewal of Planning Consent B/96/0728/HR for Use of land for industrial/employment uses B1, B2 and B8 - Approved

B/03/0762/HR- Outline for modification of Condition No. 1 of planning consent B/99/1064/HR for use of land for industrial/employment uses - Approved

2009/0070- Mixed use redevelopment comprising B2 employment and residential (Outline)-refused for the following reasons:

1. Saved Unitary Development Plan policy DA4 states that areas unsuitable for employment development will be considered for soft after uses such as agriculture, forestry, open space or nature conservation and Core Strategy policy CSP 8 indicates that priority will be given to development in Urban Barnsley and the Principal Towns. Residential development falls outside the range of uses permitted by Saved UDP policy DA4 and would be contrary to the sustainable, spatial strategy set out in Core Strategy policy CSP 8. It is not considered that any other material considerations outweigh the conflict between the proposed residential development and the spatial strategy set out in the Local Development Framework and the cited UDP policy.
2. In addition, the proposal is contrary to Core Strategy policy CSP 19 - protecting existing and potential employment land, in that the site was last used for employment purposes and in the opinion of the Local Planning Authority, the residential element

of the scheme would significantly reduce the area available for and scope of employment use.

Policy Context

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

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

The 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.

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

The Local Plan

Site Specific Policy ES23

Allocated Employment Site ES23 Land South of Park Springs 8.3 ha:

Habitats at the north of the site comprising swamp, watercourse/banks and semi-improved neutral grassland to the north of the watercourse should be retained by any development, as should the deciduous woodland belt running down the east of the site, including the row of mature black poplars/lime trees and the large horse chestnut tree at the east of the disused bus turning circle.

GD1 General Development – Proposals for development shall be approved if there will be no adverse effect.

SD1 Presumption in favour of sustainable development – Planning applications that accord with other relevant policies will be approved without delay.

LG2 Location of Growth – Urban Barnsley is the highest priority location to accommodate growth in accordance with the adopted settlement hierarchy.

Policy E3 (Uses on Employment Land) on allocated employment sites the Council will allow the following uses: research and development (B1b) and light industry (B1c); general industry (B2); or storage or distribution (B8). The supporting text to the policy advises that the provision of well-located employment land is key to the Borough's future economic growth and it is therefore essential that both new employment land and land currently in use or last used for employment purposes, is protected and safeguarded from non-employment uses.

Other relevant policies include:-

E1 - Providing Strategic Employment Locations
E2 - The distribution of New Employment Sites
E3 - Uses on Employment land'
T3 - New Development and Sustainable Travel
T4 - New development and Transport Safety
T5 - reducing the Impact of Road Travel
D1 - High Quality Design and Place Making
CC1 - Climate change
CC2 - Sustainable Design and Construction
CC3 - Flood Risk
CC4 - SUDS
GI - Green Infrastructure
GS2 - Green ways and Public Rights of way
Bio1 - Biodiversity and Geodiversity
HE1 – The Historic Environment
HE6 - Archaeology
RE1 - Low Carbon and Renewable Energy
CL1 - Contaminated and Unstable Land
Poll1 - Pollution Control and Protection
SD - Presumption in favour of Sustainable development
I1 - Infrastructure and Planning Obligations

Supplementary Planning Documents

- Parking
- Residential amenity and the siting of buildings
- Biodiversity and Geodiversity
- Sustainable Travel
- Trees and Hedgerows
- Planning Obligations

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. 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.

Paragraph 8 of the NPPF states that there are three objectives to achieve sustainable development: economic, social and environmental.

Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 111 of the NPPF states that 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.

Paragraph 124 of the NPPF states that planning policies and decisions should support development that makes efficient use of land.

Paragraph 126 of the NPPF makes specific reference to good design as a key aspect of sustainable development.

Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter-alia) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. The paragraph also states that decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Consultations

Air Quality Officer- Recommend approval subject to condition and s106 to secure damage cost calculation to quantify the air quality impact of the proposed development.

Biodiversity Officer- Recommend approval subject to condition.

Coal Authority- No objection subject to condition.

Contaminated Land Officer- No comment received.

Enterprising Barnsley- Actively support the application.

Forestry Officer-- No objections at outline stage

Drainage –no objections subject to consideration of a potential blocked drain in the site, that there be no increase in surface water run-off from the development, and the use of SUDs is explored

Highways DC- Recommend approval subject to conditions.

Little Houghton Parish Council- Object on the grounds of concerns about traffic on Middlecliff Lane and throughout the Parish Caroline Donovan Clerk to Little Houghton Parish Council. Made an additional representation to ask how the current landowners will be addressing the need to move the memorial. The parish council have the responsibility of the memorial and would have expected to be contacted.

Natural England- No objection, informative note recommended.

Pollution Control- No objections subject to condition

Public Rights of Way- No objection but require further detail regarding the diverted route.

South Yorkshire Mining Advisory Service- No objection subject to condition.

South Yorkshire Passenger Transport Executive- No comment received.

Superfast South Yorkshire- No objection subject to condition.

Yorkshire Water Services Limited- No objection subject to condition.

Ward Councillors- No comment received.

Representations

The application was advertised by press notice, site notice and by 10 individual letters to neighbours. 9 representations were received which are summarised as follows:

- Not all Little Houghton residents have been consulted.
- Concerns over use of Middlecliffe Lane for access to site when finished and for construction traffic
- Dangerous turning onto Middlecliff Lane from Buttercross Drive, speeding motorists accessing the driving range.
- Bus goes on wrong side of road and lorries get stuck
- Factories are known to have loud music emanating from them and from employees vehicles.
- People pay a premium to live at the end of the "track" for peace and quiet.
- Nurses live in the village and work shifts- bad enough with noisy cars going into golf course or driving range- increase NHS worker's burden.
- Multitude of businesses, children's park, multi-sports ground which attract traffic, 3 drinking establishments require patrons to cross the road, as do the sports ground.
- Junction is a bottleneck nightmare for cars to pull out from, let alone the heavier traffic the development would undoubtedly attract.
- Rotherham Road suffers several times a day from standstill traffic at traffic calming measures that back up out of sight towards Great Houghton and the roundabout at Park Springs bypass. The proposed development and involved traffic will without doubt increase the risk of accidents, injury and death of locals in the area and any daily visitors to established businesses.
- Intended junction off Park Springs Road will be a hazard to other traffic- if there isn't a roundabout to exit off there will be numerous accidents.
- Objecting to noise and light pollution especially as development will be in operation 24 hours a day.
- Any development will be a detriment to the extensive wildlife that live there.
- Plans show that bus turnaround and miners memorial will be moved- when will a public consultation take place with local residents about this as plans don't indicate this.
- Memorial is the responsibility of the local parish council- no consultation to date.
- Removal of turning circle could negatively affect future bus services to the village.
- Entrance will create a dangerous junction.
- Development will create a significantly more dangerous driving environment.
- If application gets approval, a condition should be to reduce the speed limit on Park Springs Road to 50mph maximum.
- There is pending approval for an energy plant across the road (2018/1437), this should be taken into consideration when assessing the traffic impact of the new site.
- Time and effort has been given to create a wildlife corridor in this part of Barnsley. The height of the proposed development will be an eyesore for people walking/cycling along this part of the river Dearne. Environmental value will be reduced.

- Height of the buildings need to be restricted as they will become avian predator perches. Breeding wading birds especially breeding lapwings breed across Park Spring Road from the proposed development.
- Area is adjacent to SSSIs so the buildings would be more appropriate if they were green level roofs made suitable for breeding birds that once occurred in this area e.g. little ringed plovers.
- Any offsite biodiversity mitigation in the Dearne Valley or indeed elsewhere in the Barnsley District should focus on acquiring and reinstating important areas such as Darfield Lake

Assessment

The Principle of Development

The proposed site is allocated as employment land in the Local Plan (site ES23) in accordance with Local Plan Policies E1 and E2. Policy E3 supports employment uses (B1 (excluding offices), B2 and B8) on allocated sites. Since policy E3 was adopted the Use Classes Order has been amended with the following uses that were classes as B1 now being positioned with the Class E use:

-the research and development of products or processes

- any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area)

The developer would still want the opportunity to potentially utilise the development for one of the above uses but Class E also contains a number of other uses that would not be acceptable at this location e.g. shops, food and drink outlets etc. As such if permission is to be granted for the proposal then a condition is recommended to ensure that any Class E use is limited to the former B1 uses (excluding offices)

Therefore, in principle this development is largely supported subject to an assessment against the policies in the Local Plan.

Highways

It is noted that the application is seeking outline permission with all matters reserved except for access.

A Transport Assessment (TA) and Framework Travel Plan have been submitted in support of the application. The transport related impacts of the proposed development are covered within the TA and are considered acceptable. The TA shows that the type of development will not yield a significant level of new traffic generation in the identified network peak hours. However, the application proposes a new junction to be formed with the A6195 Park Springs Road. Whilst the quantum of new trips generated by the proposals in the peak hour will not be high to give rise to capacity concerns, the composition of new trips will be largely goods/freight vehicles. The A6195 forms part of the classified road network and the section where access is proposed is a long, straight and high-speed section of network and the introduction of new and potential slow moving turning traffic against an established high speed throughflow of traffic has been carefully considered. To this end, extensive discussion has taken place between the applicant, Highways Development Control and Highway Authority Engineers to understand the implications and requirements of any new junction to this part of the network.

The application provides an independent Stage 2 Road Safety Audit (Ref: RSI-MM-0322-001 Issue 1.1) and BMBC Highway Authority Engineers have attended site as part of the Road Safety Audit Team. The applicant has provided a suitable Designers Response to the RSA recommendations over access formation and collectively HDC, BMBC Highway Authority and the applicant have agreed the type and form of junction required to enable safe access into the site, as shown on the latest plan. The access will essentially create a new all movements priority controlled (give way) ghost island (right turn bay) junction with uncontrolled pedestrian crossing points, new bus stop layby's and new and improved sections of footway to access the bus stops.

The application provides an acceptable Framework Travel Plan such that a full Travel Plan could be secured by way of a suitably worded planning condition.

Taking the above in mind, the Council's Highways Section do not offer any highways related objection to the above application subject to suitable conditions and informative notes being imposed on any recommendation to approve.

Visual Amenity

Whilst the design, scale and layout of the development are not under consideration at this stage, it is acknowledged that the proposed site would represent a large-scale addition to the area. The applicant has submitted an illustrative layout which shows 5 units on site with an indicative eaves level of 15m (although no overall heights has been shown). It should be noted that the site is directly to the south of the existing ASOS building and the eaves height would be comparable or slightly less than those buildings already present at ASOS. However, the design and scale of the buildings are not under consideration at this stage and aspects such as topography and visual impacts would need to be fully assessed at reserved matters stage. Given the surroundings though it is considered that a suitable scale and massing of employment units could be developed on site. The actual details of the design of the development would need to comply with Local Plan Policy D1, High Quality Design and Place Making, and would be assessed at Reserved Matters stage if outline planning permission was granted.

Residential Amenity

The proposed development is circa 68m from the nearest property off Middlecliff Lane and 104m from Mill Farm Cottage to the south-west of the development.

At this time, no information has been provided regarding the specific end users of the site with the application seeking flexible employment uses under E, B2 and B8. The application form states that the development will operate on a 24-hour basis. There is potentially a significant difference between the types of uses that could operate on this site. However, given the allocation for employment uses and the distance to neighbouring properties, the Council's Pollution Control Section are satisfied that in principle any noise issued can be dealt with through mitigation schemes incorporated into the development and the site once the layout of development, types of buildings and uses are confirmed. They have therefore raised no objections to the scheme subject to a condition to ensure that a suitable noise impact assessment indicating existing background noise levels, expected noise emissions from proposed development and proposed mitigation measures has been submitted at reserved matters stage.

Given the distance to neighbouring properties, and the type of development proposed it is considered that there is sufficient scope to ensure that a suitable development can be built on

site that would not result in any significant impact in terms of overshadowing or loss of privacy to neighbouring properties

Taking the above into account the proposal is considered to comply with Local Plan Policy POLL1 and will protect residential amenity.

Economic Impacts of the Proposal

The site is designated within the Local Plan as Employment use. A key objective of the Local Plan is to provide opportunities for the creation of new jobs and protection of existing jobs. This plan goes on to state this this will be achieved by providing the opportunity to grow the economy by 28,840 jobs, which represents a one third increase in the number of jobs within the borough during the plan period (Nomis estimate that there were 87,000 jobs in 2014).

Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Based on the direct and indirect economic benefits arising from the proposal it will both demonstrably support local economic growth.

Enterprising Barnsley actively support this application that will help to create much needed new industrial units in a strategically important area of the borough , that will help to both attract future inward investors and retain growing indigenous local companies. Enterprising Barnsley believe the size of the units can be designed help to full fill a clear gap in the development pipeline market, that will help to support a number of enquiries that they are having to turn away due to the limited available stock levels.

This development is essential in helping BMBC and SCR to create future employment opportunities (jobs) as per the existing strategic economic and corporate plans, as well as contributing to a jobs lead recovery from COVID.

Biodiversity

Initial Biodiversity comments recommended the application be deferred until updated ecology reports were provided. A Biodiversity Impact Assessment, Net Gain Calculations, Bat Report and Breeding Bird Report were subsequently submitted during the process of the application as requested.

The Biodiversity Impact Assessment provides an assessment of the current biodiversity value of the site and then utilising the biodiversity metric calculates the impact of the development. The site largely comprises of a mix of broadleaved woodland, predominantly of self-sown silver birch and grey willow and species poor neutral grassland . The habitats to be lost are not deemed to be of high value or distinctiveness..

Proposals have sought to retain boundary woodland habitat where possible. The retention of these areas will maintain established habitat corridors around peripheral areas, allowing continued connectivity and will be maintained in their current condition. The retention of these woodland areas include the mature tree lines and ditch within the woodlands

Overall though, the proposal would result in a net loss of 34.75 units from the site. Whilst some gains can be provided for through the layout of the site, in order to provide a net gain then off-site mitigation works would be required. In this case the applicant has put forward that the majority of the losses will be compensated for by enhancement of woodland within the client's control located at Barrow Colliery LWS, a part of the Dearne Valley Wetlands SSSI, currently supporting a large extent of woodland of moderate value. Calculations indicate that 6.5ha of this woodland would be required to be enhanced into good condition,

which the Barrow Colliery LWS can more than sufficiently accommodate. This would include the following:

- Improvement to age class of trees through strategic removal and planting
- Continued exclusion of damage from wild and domestic herbivore damage via appropriate means
- Monitoring and removal programme for any invasive species as appropriate
- Maintenance and enhancement of native tree and scrub species diversity through removal and planting as necessary
- Creation and management of open spaces, and other woodland management practices to ensure sufficient open space and enable successful regeneration
- Monitoring of tree health and remediation measures to ensure tree mortality, die back and pest/disease levels are maintained as far as is ever feasibly practicable or foreseeable.
- More diverse ground flora allowed to develop
- Ongoing management to enhance woodland structure to develop better and discernible layers across woodland
- Management and incorporation of dead wood into woodland as naturally arises
- Continued management to ensure nutrient enrichment and disturbance levels remain low

In addition to the above, it is also proposed to enhance the condition of the habitat from moderate to good condition and the creation of wildflower grassland on arable habitat, the location of which is yet to be determined. Whilst not part of the considerations of the metric, the applicant has also indicated that there would be other ecology measures incorporated within the scheme including bat boxes, log piles, and suitable hedgehog boundary fencing. Taking all the factors into account, the proposal would result in a net gain of biodiversity of 6%. This complies with the requirement of gaining a net gain on site and the Council's Biodiversity Officer has recommended approval of the scheme subject to suitable conditions and S106 to secure the requirements put forward.

In taking all of the above into account, the proposal is deemed to accord with Local Plan Policy Biodiversity & Geodiversity policy BIO1, Green Infrastructure policy GI1, and the SPDs Biodiversity & Geodiversity and Trees & Hedgerows subject to necessary conditions and a S106 agreement.

Trees

A full tree survey has been submitted as part of the application. However, as this is an outline application with only access considered the main area of concern at this stage is where the access is coming into the site. To facilitate the access then a section of category C trees will need to be removed which are relatively young consisting of highway planting and self set natural regeneration. The Council's Tree Officer has inspected the plans and can confirm that there is no objection to this subject to adequate replacement planting equal to the number of/area of the trees to be removed and the provision of tree protection details to deal with the retained trees. These can be secured by condition. The overall landscaping of the site can be assessed at reserved matters stage.

Drainage

The application was accompanied by a Flood Risk Assessment & Drainage Strategy. Whilst preparing these documents, it was observed that the outfall headwall to a culvert/pipe was fully blocked with debris and this has since been removed. The drainage strategy proposes discharging surface water into the watercourse crossing the site which ultimately discharges to the River Dearne. The rate at which it discharges will be controlled. Foul water will be discharged to the public foul sewer that runs through the site and across Park Spring Road.

Given the above it is considered that the submitted Flood Risk Assessment & Drainage Strategy is acceptable subject to condition to protect the local aquatic environment and Yorkshire Water infrastructure..

Coal Mining Legacy

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

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site. Our records also indicate the presence of two recorded mine entries within the site, that the site has been subject to past surface mining operations and that within 50m of the planning boundary there is a mine gas site.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site; including a Coal Mining Report and BGS geological mapping. This information has been used to inform the Coal Mining Risk Assessment (June 2021, prepared by RSK Environmental).

Based on this review of existing mining information, whilst the report correctly identifies the mine entries within the site, any risks are discounted on the grounds that all have very likely to have been removed by past surface mining operations. Notwithstanding this, the report makes appropriate recommendations for intrusive site investigations to confirm their absence. Given that there may be recorded mine entries within, or within close proximity of the site boundary, after they have been investigated, the Coal Authority would expect the finalised site layout to be informed by their presence, which at this time remains indicative.

On the basis that the investigations are proposed to extend to establish the exact situation regarding conditions in relation to any risks posed by underground shallow coal workings and gas, the Coal Authority has no objection to this planning application subject to the imposition of a suitably worded planning condition on any consent given in regard to a scheme of intrusive site investigations and a report of findings arising from the intrusive site investigations/gas monitoring and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones.

Further, the South Yorkshire Mining Advisory Service has no objection subject to condition.

Air Quality

The site is not located in an Air Quality Management Area. The application was accompanied by an air quality assessment which has been appraised and there are no objections to the proposed development on operational phase air quality assessment grounds.

The assessment has also provided a calculation to estimate the additional pollutant emissions from the proposed development. This uses the Defra Emissions Factor Toolkit and also the methodology described within the BMBC Air Quality and Emissions Good Practice Planning Guidance. A damage cost calculation to quantify the air quality impact of the proposed development has been undertaken with a subsequent calculated this cost of £51,864. This can be secured via a S106 with an additional condition to ensure that an Air

Quality Mitigation Strategy should be submitted under reserved matters to demonstrate how this estimated amount shall be spent on air quality mitigation actions.

Public Rights of Way

There is a public footpath running around the north / eastern boundary of the site and at least one unrecorded but well-worn route running directly across the site. The main unrecorded path is shown to be diverted on the plans.

It is recommended that once the layout is agreed in principle an application for diversion be submitted, as such this can be done at reserved matters stage. A temporary closure would also be required, at cost, if the new footpath is not open to the public before the existing route is blocked, and the temporary closure would only be granted after the permanent diversion application has passed through public consultations without objection (i.e. at confirmation stage).

Other Matters

A number of neighbour representations were received objecting to the application. It is considered that a full consultation was undertaken with the application being advertised in the press and by site notice. The proposed access, subject of this application, will be a ghost island priority access from the A6195 Park Spring Road and not from Middlecliff Lane. Appropriate conditions will be implemented on any decision notice to ensure that the proposal will not negatively impact neighbouring properties and to protect biodiversity and wildlife. Further, confirmation was received from the architect that the memorial on the site will be retained, albeit it is likely to be rotated through 90 degrees or moved to the side. Lastly, some of the comments received do not represent material planning considerations and as such have not been taken into consideration.

Planning Balance & Conclusion

In summary the proposal relates to development on a site which benefits from an existing employment allocation. The proposal is an outline application with access to be considered which has been deemed to be acceptable from a Highways DC point of view in accordance with Local Plan Policies T3 and T4.

The development would not give rise to any other identified areas of harm with the development and is not expected to give rise to harm to residential amenity due to the separation distance and small number of residential properties in the vicinity of the site. Appropriate conditions will be implemented on any decision notice to ensure the development is acceptable and is in accordance with the Barnsley Local Plan.

Overall, the development is considered acceptable when considered against relevant local and national planning policies and is supported by Officers accordingly.

On this basis, the proposal is deemed a sustainable form of development and is acceptable in planning terms subject to the recommended Section 106 agreement and planning conditions.

Recommendation

Grant subject to conditions and S106

1. Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) the layout of the proposed development.

(b) scale of building(s)

(c) the design and external appearance of the proposed development.

(d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3. 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:

- 002/HOU/NAT/A3 Site Location Plan received November 3 2021
- Travel Plan- 21034- received November 3rd 2021.
- PRA Full report by RSK Geosciences received November 3rd 2021
- CMRA Full report by RSK Geosciences received November 3rd 2021
- Coal Mining Risk Assessment- 322835-R02 (00)- received November 3rd 2021
- Air Quality Assessment- 784-B029722 by Tetra Tech received November 3rd 2021
- Arboricultural Assessment by FPCR received November 3rd 2021
- Topographical Survey 1A- received November 3rd 2021
- Planning Statement- received November 3rd 2021
- Flood Risk Assessment and Drainage Strategy by RWO-RWO/FRADS/Y21011 Version 1 - received November 3rd 2021
- RSA Brief- GG19 REV 4- received December 2022.

- CD123 Design Compliance Document Version 3 dated 08.11.2022.
- D1001- Section 278- TOPO Overlay REV 6- Received December 2022
- Accessibility Audit received March 14th 2022.
- D1003- Section 278 Road Markings REV 8 Received December 2022.
- D1000- Section 278 GA REV 9 received December 2022.
- D1006 Section 278 Signage REV 7 received December 2022.
- D1004 Section 278 Kerbing REV 7 Received December 2022.
- D1005 Section 278 Surfacing REV 6 Received December 2022.
- D1009 Section 278- Vehicle Tracking REV 5 Received December 2022.
- D1010 Section 278 Vehicle tracking Bus REV 6 Received December 2022.
- D1008 Section 278 Drainage Layout REV 4 Received December 2022
- GG119 RSA Designers Response S278 REV 2- received December 2022
- Transport Assessment REV 2- received April 14th 2022.
- Walking, Cycling and Horse- Riding Assessment dated 28.11.2022
- Design Compliance Document- Bus Lay-bys CD169 received April 14th 2022
- Bat report by FPCR received April 14th 2022
- Breeding Bird Report REV A received July 7th 2022.
- Biodiversity Impact Assessment REV B- received July 5th 2022
- Ecological Appraisal REV B received July 5th 2022.
- BNG Calculation REV B received July 5th 2022.

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. Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of buildings and associated structures, road levels and any proposed alterations to 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 in accordance with Local Plan Policy D1.

5. All buildings within the proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Local Plan Policy CC2 Sustainable Design and Construction.

6. A noise impact assessment shall accompany the reserved matters submission indicating existing background noise levels, expected noise emissions from proposed development and proposed mitigation measures. Thereafter the development shall proceed in accordance with the approved details.

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.

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 by, the local planning authority. The CEMP shall include but not be limited to the following details:

- Reasonable avoidance measures that should be adopted on site to avoid adverse impacts to great crested newts during construction works on site.

- Precautionary measures to be adopted on site for species such as bats (sympathetic lighting during construction), breeding birds, badgers, hedgehogs and retained habitats on site.

- Protection measures during construction works of the horse chestnut tree identified as having bat roosting potential to the south of the site.

Reason: In the interests of biodiversity in accordance with Local Plan Policy BIO1.

8. During the construction phase, except in case of emergency, operations and the entering or leaving of heavy goods vehicles should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

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.

9. Upon commencement of construction works, details of electric vehicle charge points (EVCPs) shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.

Reason: To ensure the new units are provided with infrastructure that conforms with the requirements of LP Policy T3 – New Development and Sustainable Travel.

10. No development shall take place until an Air Quality Mitigation Strategy shall be submitted to and approved in writing by the LPA. Thereafter the development shall proceed in accordance with the approved details.

Reason: In the interest of air quality, in accordance with Local Plan Policy POLL1.

11. Prior to the first occupation of the development hereby permitted, the proposed access roads, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plan. Access roads and vehicle parking areas 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 in accordance with Local Plan Policies T3 and T4.

12. Prior to occupation of any of the development, a Travel Plan shall be prepared, submitted to and agreed in writing. The development shall then proceed in accordance with the approved 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 standard in accordance with Local Plan Policies T3 and T4.

13. Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:

- Measures for controlling parking on the access road within the development.
- Any necessary amendments to signing/lining

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

14. No works shall commence on site until a scheme to provide Disabled Parking to comply with Barnsley Supplementary Planning Document: Parking (2019) 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 interests of highway safety and equalities standard in accordance with Local Plan Policies T3 and T4.

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 interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T5.

16. No works shall commence on site until a scheme for the parking of powered two wheeled vehicles 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 interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T5.

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

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

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

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

18. No construction works, with the exception of those required to gain/implement the approved access, shall commence until a phasing plan and arrangements have been submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and timescales.

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

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

- Working times
- The parking of vehicles of site operatives and visitors
- Routing of and means of access for construction traffic
- Identification of agreed access point

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

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

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

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

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

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

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

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

22. 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.

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

24. 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 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. 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 CC3.

25. Upon commencement of development details of measures to facilitate the provision of gigabit-capable full fibre broadband for the 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: To accord with Local Plan Policy I1.

26. Prior to, or concurrent with the submission of the first reserved matters application, a scheme of intrusive site investigations shall be undertaken, including ground gas monitoring, which shall be designed by a competent person in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable in order to establish the exact situation regarding coal mining legacy issues on the site;

As part of the reserved matters application a report of findings arising from the intrusive site investigations/gas monitoring and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones shall be submitted for approval in writing by the Local Planning Authority.

The development thereafter shall be carried out in accordance with the approved details. In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

27. Prior to, or concurrent with the submission of the first reserved matters application a Biodiversity Enhancement Management Plan (BEMP) for on and off-site mitigation measures proposed shall be submitted to in writing and approved by the Local Planning Authority. The BEMP shall be supported by an associated Defra metric and shall relate to/ include the following details:

- The management and monitoring of retained/created habitat on and off-site as set out within the BNG calculation.
- The on-site habitat creation and retention proposals as set out within the Biodiversity Impact Assessment (BIA) report and associated Defra Metric 3.0 as well as include all additional enhancement measures as set out under paragraph 4.2.4 of the BIA report.
- The off-site BEMP should relate to off-site habitat enhancement and creation measures proposed within the BIA report and associated metric, which includes positive management of woodland within unit 21 of the Dearne Valley Wetland Site of Special Scientific Importance (SSSI) to enhance the condition of the habitat from moderate to good condition and the creation of wildflower grassland on arable habitat, the location of which is yet to be determined.
- The on and off-site BEMPs should include detail on how on-site and off-site woodland will be managed with the aim to benefit willow tit, taking into account recommendations within the Back from the Brink Willow Tit Conservation Handbook.
- a plan of the areas of habitat to be maintained, enhanced and/or created;
- a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
- a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved; and
- schedule of actions to be undertaken in case signs of failing are identified.
- Installation of six boxes onto retained trees/poles on site and the adoption of a sympathetic lighting scheme to ensure bats can continue to utilise the site.

The schedules must include the following details:

- details of the 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 Geodiversity, and Trees and Hedgerows.

28. Notwithstanding the description of development as submitted, any proposed use under Class E shall only be for a use within Class E (g) and no change of use from Class E (g) which would otherwise be permitted by Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) shall be carried out at anytime during the lifetime of the development.

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 and to safeguard the amenities of neighbouring residents in line with Local Plan Policy GD1.

PA Reference:-

2021/1282

