
2016/1531

Applicant: Hoyland Developments Ltd, C/o Johnson Mowat

Description: Outline application for a development of approximately 100 dwellings (all matters reserved apart from means of access).

Site Address: Land north of Hawshaw Lane, Hoyland, Barnsley

The application was deferred by Councillors at the Planning Regulatory Board meeting held 23rd May to enable a site visit to take place by Members.

10 objections have been received to the application from local residents. The application is also objected to by the Campaign to Protect Rural England (CPRE). No comments have been received from any of the Ward Councillors.

Site Description

The proposal site is a 3.9ha section of a field which is located to the north west of Hoyland Road and Hawshaw Lane in Hoyland Common. The site is irregular in shape and adjoins open green land on either side and to the north, which is uninterrupted for a considerable distance to the north before reaching the A6135 on the section between the roundabouts at Birdwell and Shortwood.

To the south the site is closely related to the existing built up area of Hoyland Common with the site sharing a boundary with many houses which have addresses on Hoyland Road and Hawshaw Lane. Birdwell and Upper Hoyland are located to the north east and north west respectively with medium distance views through those areas. In addition the site is located near to Kirk Balk Academy and West Meadows Primary School which are both located to the east within a short walking distance of the site. Hoyland Lowe Stand and the Church of St Peter are located in the vicinity of the site which are both grade II listed heritage assets.

The site is relatively open and clear of features with varied topography. The majority of the site is located behind the existing houses on Hoyland Road and Hawshaw Lane. However the site does possess a road frontage via a wide gap situated between No.119 Hawshaw Lane and 124 Hoyland Road in the north east corner of the site. In addition there is a smaller gap located further south in between 110 and 112 Hoyland Road. The latter is not apparent at present where the site is screened by a thick line of mature conifers and a boundary wall which does not contain an entry point at present.

Proposed Development

The application is in outline form and proposes a development of approximately 100 dwellings. All matters of detail are reserved for a future application apart from means of access which is proposed by way of a 'T' shaped give way priority junction in the gap between 119 Hawshaw Lane and 121 Hoyland Road.

The application is accompanied by a concept masterplan which identifies the areas of the site which are proposed to be developed and that which are to form greenspace. The proposal is for the majority of land to be developed with the exception of the western part of the site which would form greenspace. In addition the plan indicates that a surface water drainage attenuation pond would be constructed in the field located to the north

west of the site. Furthermore the plans indicate that a new pedestrian and cycle access would be created in the gap between Nos 110 and 112 Hoyland Road. This would pass through the area of greenspace to connect with an existing public footpath which runs alongside the north west boundary of the site.

Relevant History

The majority of land associated with the proposal has not been the subject of any previous planning applications. The application appears to include land currently or previously belonging to 114 Hoyland Road. This particular property has been the subject of a variety of householder planning applications, including B/01/0404/HN which granted planning permission for a new access/driveway for the property.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Safeguarded Land (HN6, GS10)

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17 'Housing Regeneration Areas'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

CSP43 'Education Facilities and Community Facilities'

SPD's

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments

Others

Planning Advice Note 33 'Financial Contributions to School Places'

South Yorkshire Residential Design Guide

The site is within the Hoyland-Wombwell Housing Zone, which was designated by the Homes & Communities Agency earlier this year with the aim of delivering accelerated housing construction.

Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (H16)

The development will be subject to the production of a masterplan covering a number of sites including housing site references H16, H77, AC29 and employment site references HOY2, HOY3, HOY4 and HOY5. This should ensure that:-

- All hedgerows and woodland blocks must be maintained, enhanced and managed
- A wildlife corridor should be created across the site
- All hedgerows and woodland areas within the site are protected and enhanced
- Appropriate access is provided
- Appropriate acoustic measures are provided to mitigate against noise from the road
- Development shall be expected to respect the historic setting of Hoyland Lowe Stand and the churchyard of St Peter's Church to the east by the use of an appropriate site layout, sympathetic design that reflects the setting, appropriate scaling, massing, details and materials.
- 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*
 - *Consideration of how the remains would be affected by the proposed development.*

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.

Consultations

Affordable Housing Officer – Request 15% affordable housing provision in accordance with Core Strategy policy CSP15.

Biodiversity Officer – No objections subject to the imposition of a condition requiring full details of the proposed mitigation and enhancement measures to be provided in association with an application for the approval of the reserved matters. These features should be guaranteed to be maintained for a minimum of 5 years post completion of the development.

Coal Authority - The Coal Authority concurs with the recommendations of the Geoenvironmental Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development. However they are content that the desk study report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, published geological maps, and coal mine abandonment plans. As such provided that a condition is imposed requiring further intrusive surveys to inform any mitigation required to protect the development from land instability they are content not to object to the proposed development.

Contaminated Land – No comments have been received.

CPRE – Object to the application due to current status of the land being Safeguarded Land in the UDP. In their view this is a speculative application which is proposing to pre-emptively use up Safeguarded Land that may result in a potential shortage of safeguarded sites and create a pressure for an additional site to be removed from the Green Belt for safeguarding. In addition they consider that no weight should be afforded to the proposal to allocate the site for housing pending the outcome of the local plan examination and consideration of the objections.

Drainage – No objections subject to conditions.

Education – Require a contribution for the development towards funding additional secondary school capacity. Based upon a development of 100 dwellings a contribution of £211,530 would be required. No contribution is required with regards to primary school places.

Highways – No objections in principle subject to conditions..

Pollution Control – No objections at the outline application stage. However it is identified that proposals need to accompany the reserved matters stage to ensure that the dwellings are constructed with adequate soundproofing measures.

SYAS – No objections. The potential for previously unrecorded archaeological remains was considered to be low in light of the fact that the majority of the site has been subject to open cast mining. SYAS agrees with this conclusion and considers the archaeological potential to be negligible. No further archaeological investigation is required.

SYMAS – No objections. They advise that the site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions would be expected therefore to ensure that the site is not at risk of unstable ground. A condition to require details of intrusive investigations and mitigation measures to prevent the application being objected to.

Trees - No objection to the proposal. A full tree survey will be required with the reserved matters application so that the potential impacts of the construction can be fully assessed and the information in it be used to inform the scheme. Protection details will also be required for this proposal and as there are potentially excavations etc. close to existing trees for the new access roads as well as potential implications from the construction of dwellings and their associated features when they are approved.

Waste Management – Have commented on the need for the layout to provide appropriate facilities for waste collection and lighting.

Representations

The application was originally advertised by neighbour notification letters, site and press notice. 10 representations of objection have been received. In summary the main concerns expressed are as follows:-

Change to living conditions – Concerns that the development would remove the open outlook experienced by the residents of the houses which adjoin the site, which was the reason for many of the residents buying their houses in the first place. In addition concerns are raised about loss of privacy and increased noise.

Change to settlement character – Concerns are raised that the development would further contribute towards the semi-rural character of Hoyland being altered as a result of the new developments taking place in the area. In addition concerns are raised that the changes are being dictated to local residents, rather than being local community led.

Harm to local landscape/loss of green character.

Concerns that Hoyland is becoming a dormitory town feeding Sheffield and Leeds.

The need for additional housing is questioned given the existence of unsold properties in the area and vacant units on industrial estates.

Environmental concerns are raised about the loss of vegetation and natural habitat. In addition it is questioned where local residents shall walk and play because of the development taking place in the area.

Access/Highway safety – It is stated that access to the development should be via the A6135 rather than Hoyland Road/Hawshaw Lane to reduce the risk of accidents occurring due to existing problems with high traffic speeds and conflicts with accesses to existing developments and Kirk Balk Academy and West Meadows Primary School. Concerns are also raised about the potential for accidents to occur during the construction phase.

Network capacity – Concerns that the development would contribute to existing problems in the area with network capacity.

School Place availability - Concerns about the ability of local schools to accommodate children from the development.

Concerns that Barnsley Hospital and other health care related services in the Borough shall not be able to cope with the increased demands on services.

Concerns that the development would lead to an increase in noise, air and light pollution.

Public participation – Concerns are raised that the views of local people are being ignored. In addition it is stated that evidence has not been provided to substantiate the increase in housing numbers proposed in the area despite requests.

Alternatives – It is asserted that sufficient previously developed land exists to build new houses as an alternative to greenfield sites.

The site is mistakenly referred to as being located within the Green Belt.

It is stated that future generations should not be made to pay for the mistakes of the current generation.

Loss of habitat for numerous types of birds, foxes, rabbits, hedgehogs, frogs, toads and a variety of insects.

It is asserted that the development is unsuitable for building on due to both historic and open cast mining and abandoned mine equipment.

It is stated that the site has a high water table.

Concerns that high levels of Methane gas exist beneath the ground.

It is asserted that a give way priority junction would not create a suitable or safe access because of the alignment on Hoyland Road/Hawshaw Lane in relation to the two junctions . It is therefore asserted that traffic signals, along with a pedestrian controlled crossing would be required to create a safe access.

Non-compliance with proposed Local Plan Policy H16 in that the application is not accompanied by a masterplan covering the site and how it should link in with housing site references: H16; H77; AC29 and employment site references: HOY 2; HOY3; HOY4 and HOY5.

Requests for the permission to be limited - It is requested that the Council impose a variety of conditions to limit the development should it be allowed. These should include imposing an upper limit of 120 houses and preventing permanent and vehicular access from the potential entry point at the side of 110 and 112 Hoyland Road and ensuring the provision of the greenspace corridor on the western boundary of the plans.

Concerns about the disruption in the area when development is taking place on the site and elsewhere in the area and the effect on the quality of life for existing residents. A concern is also expressed that the effects could combine with HS2 depending upon which route is eventually built.

It is identified that the site could be directly affected by HS2 if the route reverts back to the Meadowhall route.

Assessment

Principle of Development

For the time being the saved site specific land use planning policy designation affecting the site is Safeguarded Land. The site is not located in the Green Belt as is asserted in some of the objections from local residents. The Safeguarded Land designation dates back to when the UDP was adopted in the year 2000. Councillors shall be aware from previous cases that this is a policy classed to be out of date following the publication of

the National Planning Policy Framework due to the age of the policy. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *specific policies in the NPPF indicate development should be restricted.*

In addition, case law has established that safeguarded land policies restrict the supply of housing and should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This is the present situation that the Council finds itself in prior to the adoption of the new Local Plan. Furthermore Safeguarded Land was land kept out of the Green Belt to allow for development if and when needed. In order to be designated safeguarded land, the characteristics had to be such that it was genuinely capable of development when needed.

The site is located in a priority area intended to accommodate new housing growth in the adopted Core Strategy and this is another consideration that needs to be afforded significant weight. The site is in the Hoyland Principal Town which was targeted to deliver up to 1800 new houses before 2026. Furthermore the site is proposed to be allocated for housing development in the emerging local plan (draft policy H16). This latter consideration can only be afforded limited weight at this time pending the outcome of the forthcoming examination by the Secretary of State. The position therefore reverts back to the presumption in favour of sustainable development stipulated in the NPPF whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or where policies in the NPPF indicate development should be restricted.

The site does only form part of proposed housing allocation site H16 and the draft Local Plan policy states that proposals to develop the land should form part of a masterplan, along with the two other proposed housing allocation sites to the north east (AC29 and H77) and employment land allocation sites HOY2 and HOY5 located to the north and north west. As such it has been necessary to consider whether the release of part of proposed site H16 should be regarded as piecemeal development and whether it would prejudice the remainder of the land being developed. This would seem unlikely to be the case for the reason that the intended access to sites HOY2, HOY5, AC29 (and to a lesser extent from H77) is direct from the A6135 in the location where the roundabouts are located at Rockingham and Shortwood. The draft policies also state that a new link road should be provided between the sites when those sites are developed. The proposed development would not prevent this from happening because of how far south it is in relation to those sites. Also it would not be desirable for the B6096 to be used as the permanent access for the HGV's that would be associated with sites HOY2 and HOY5.

Currently the Council, the applicant and the other land owners involved with these sites are in discussions about the preparation of a masterplan linked to the award of Sheffield City Region Investment Funding (SCRIF) which is intended to ensure that the development of the wider safeguarded land and group of proposed Local Plan allocations around J36/Dearne Valley Parkway is not prejudiced. It is also important to note that the site is within a Housing Zone designated by the Homes and Communities Agency to deliver accelerated construction of housing. The requirement to produce a detailed masterplan in advance of determining this planning application would therefore undermine this objective by delaying the planning process. In itself this isn't a reason not to seek the masterplan but given that the applicant controls land adjoining this site and that the remaining land is in the control of just two other landowners, who are working with the applicant via the SCRIF process, it is in the interest of all parties to work collaboratively to ensure that sites H16, H77, AC29 and HOY2, HOY3, HOY4 and HOY5 are capable of

being comprehensively developed if allocated for residential and employment use following examination of the Local Plan.

Aside from those points it is considered appropriate that development on this part of H16 is accessed from and is connects with the existing Hoyland settlement to the south to services to the shops, services and public transport services on offer for sustainable development reasons. Also the fact that the application is in outline form and the layout is a reserved matter allows for flexibility for the plans to be designed to maintain access routes through to adjoining land as longer term development options. I do not feel that this is an issue worthy of resisting the application therefore.

Visual Amenity

The proposal could be considered sensitive from a visual amenity perspective given that the northern part of the site adjoins a considerable area of open greenfield land. However as has been explained above the site forms part of an area of UDP Safeguarded Land and was therefore kept out of the Green Belt to allow the site to be developed if needed.

There are few existing features within the site to prevent a constraint to the development with the majority of the site being open. There are a small number of trees and hedgerows located on and adjacent to the boundaries of the site. However being as layout and landscaping are reserved matters the Tree Officer is content that a tree survey is carried out at that stage to inform the design of the layout.

Because layout, appearance, scale and landscaping are all reserved for a future application it is not possible to carry out a detailed assessment of visual amenity considerations at this stage. These would all have to be assessed as part of a reserved matters application therefore where the plans would need to comply with the relevant SPD in order to be judged acceptable. I am satisfied however that at 4ha the site is of a size to accommodate 100 dwellings and could be designed to comply with the spacing standards in the SPD.

The reserved matters application shall also need to detail the variety and form of the houses proposed, proposed levels and future landscape, parking solutions and boundary treatment proposals. Hoyland Lowe Stand and St Peter's Church are located in the vicinity of the site and are grade II heritage assets. However neither are located immediately adjacent to the site and so the effects on their setting would be relatively minor and akin to existing developments in the area.

Residential Amenity

The application is sensitive from a residential amenity perspective given that it is overlooked by many existing houses located on Hoyland Road and Hawshaw Lane which currently benefit from views across the site in its existing open form. In addition the proposed new vehicular and pedestrian accesses would be located in gaps between two existing houses, No.119 Hawshaw Lane and 124 Hoyland Road and 110 and 112 Hoyland Road respectively. However loss of view is not a material planning consideration and as such provided that the relationships between new and existing dwellings are designed to meet the standards in the SPD the Council shall not be in a position to resist the application on such considerations as the change to conditions of outlook, privacy and daylight. This will be a matter to be assessed at the reserved matters stage when the detailed site layout and unit type plans are considered and is not a consideration for this application.

The gap in the houses where the road would be constructed is a wide gap that is approximately 35m wide and the alignment is such that a separation distance of several metres would be afforded to the nearest property No.119 Hawshaw Lane. Traffic noise is already a feature of the area for the residents of existing dwellings because of Hoyland Road/Hawshaw Lane being a classified road. Furthermore the noise survey has identified that noise can be heard from traffic using the A6195 and the M1 which are further afield. As such the change in living conditions would not justify planning permission being refused over this issue.

Regarding the new dwellings the noise assessment has determined that the new dwellings would need to be constructed with sound insulation measures to ensure that adequate amenity standards are provided for future residents. This is acceptable to Pollution Control in principle, although it shall be necessary for the proposed scheme to be submitted with the detailed reserved matters application. A suitable condition would need to be imposed therefore. The usual conditions would need to be imposed to limit the effects of noise and disturbance during the construction phase.

The provision of the footpath and cycle link in the gap between Nos 110 and 112 Hoyland Road would inevitably lead to some disturbance experienced by existing residents. However conditions could be used to ensure that suitable planting is put in place as a buffer. Also the footpath would connect to the existing public footpath located to the south west of the site which would open up a recreation route open for all local residents to use.

Highway Safety

The proposal is an outline application to develop the site to provide approximately 100 dwellings. However the Transport Assessment has tested the site for delivery of up to 120 dwellings with the aim of providing a robust analysis.

As has already been stated the proposal is to access the site via a new priority junction with the B6096 Hoyland Road/Hawshaw Lane along the site's southern frontage, to the east of West Street. In addition a dedicated pedestrian / cycle only access into the site is also proposed connecting to the existing footway provision located along the north side of the B6096 Hoyland Road, opposite its junction with the B6097 Fearnley Road.

The access arrangements provide visibility splays of 2.4 x 82.5m to the north and 2.4m x 70.4m to the south. The site access has been located as far north as possible in order to maximise the stagger distance to West Street and visibility to the south.

Internal design matters including the new roads and parking provision are for a future reserved matters application due to layout being a reserved matter.

The assessment has identified that the site is in an accessible and inclusive location which is conveniently located in relation to local services and amenities. The site would also benefit from an acceptable level of access to public transport with the distance and the range of service provision being located within recommended standards. 2 of the bus services, 72 and 72A stop at Elsecar Train Station which has service provision to Barnsley, Leeds, Meadowhall and Sheffield. A travel plan is proposed as a formal means of working with the residents of the development to reduce the amount of car journeys. This can form part of any S106 Agreement.

The transport assessment has also considered the effect of the development on network capacity, including the A6135 Sheffield Road / B6096 Hoyland Road / Tankersley Lane four armed signalised junction. The development is predicted to give rise to generate 90 and 85 two-way vehicle trips during the Weekday AM and PM peak hours respectively. It

has been identified that this junction shall operate above saturation levels on occasions during the future in its present format. As such the report proposes that mitigation should be provided at that junction in the form of the provision of more formalised / clearer lane markings along the B6096 Hoyland Road arm and opposing right turn 'box' markings along the A6135 Sheffield Road.

Subject to this mitigation the development would not give rise to residual cumulative effect that would be regarded as severe, the threshold by which the Government regards that development may be resisted on transport grounds. Highways have resolved not to object to the proposed development taking into account of the advice within the NPPF and considered acceptable and Core Strategy policy CSP26 'New Development and Highway Improvement'.

Other considerations

Drainage/Flood Risk

The site is located in an area that is categorised to be at low risk of flooding and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Other sources of flooding have been assessed to be low.

The application is accompanied by a proposed drainage strategy. This indicates that sub-soil conditions are unlikely to support the use of soakaways. As such discharge to a local watercourse is proposed (Shortwood Dike). Discharge would be at a restricted rate of 10.3 litres/second which would be achieved via the construction of a surface water storage attenuation pond which would be built adjacent to the development. Following consideration of this information Council's drainage engineer and Yorkshire Water are content not to object to the proposals subject to suitable conditions being in place.

Ground Conditions

The site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions are likely to be required to ensure that the development is not the subject of any problems arising from land instability. SYMAS and the Coal Authority have considered the information with the application and have resolved not to object subject to a condition being in place requiring intrusive investigations to be carried out prior to the commencement of development to inform the precise nature of the mitigation measures that shall need to be put in place. This is acceptable in principle to the Council's land drainage section and Yorkshire Water who have not raised any concerns with the application subject to a condition being in place to agree the specific details prior to the construction of the development.

Archaeology

No objections have been received from SYAS. This is because any archaeological remains that did exist within the site were likely to have been destroyed when it was the subject of open cast mining.

Biodiversity

The ecological report has identified that the value of the site is low due to it mainly consisting of improved grassland which is mainly open and clear of features. In addition no harm to protected species has been identified. The survey did identify a hedge worthy of retention on the north east boundary. This would need to be retained along with the

range of other mitigation and enhancement measures proposed by the ecological survey which includes the following:-

- The planting of native trees in the landscaping scheme
- The removal of Japanese Knotweed
- The provision of an open SUDS pond to create a habitat suitable for amphibians, reptiles and invertebrates
- The provision of bird nesting boxes in the development
- The provision of bee nest boxes
- The protection of all retained vegetation

The Biodiversity Officer accepts the findings and has raised no objections against policy CSP36 'Biodiversity and Geodiversity' subject to the imposition ensuring that the proposed mitigation and enhancement measures are delivered.

Trees

The application has not been accompanied by a tree survey. However the Tree Officer is content that this is not required in the circumstances that layout is a reserved matter and as there is not any vegetation of note within the site, with what vegetation there is limited to the boundaries. He has therefore determined that a survey should be carried out prior to the submission of a reserved matters stage to inform the design of the proposed layout. As such there is not an objection subject to suitable conditions being in place.

Archaeology

A desk based assessment report has been identified stating that the potential for the site to contain archaeological remains is low. No objections have been received from SYAS to the contrary.

S106 – Affordable housing, public open space, education and additional proposal

Education have confirmed that a contribution is required towards funding additional secondary school places at Kirk Balk Academy Based upon a scheme of 100 dwellings a contribution would be required amounting to £239,734.00. Education are not seeking a contribution towards primary school provision based upon current forecasts.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. The development would need to provide a minimum of 15% of the developable area of the site public open space which would need to include a mixture of formal and informal play. In addition it is likely that a contribution for formal recreation provision off the site would be required. A suitable condition would need to be imposed at the outline stage and it is likely that a S106 Agreement would be required at the reserved matters stage once the detailed design is known.

AH – Under current policy CSP15 15% of the houses should be provided as affordable housing in this area of the Borough. This is proposed to change to 10% within the emerging local plan. It was been agreed with the applicant that the 10% threshold shall be applied if the reserved matters application is made if the new policy is adopted following the local plan examination. If it isn't for any reason, or prior to that point in time the 15% requirement would be applied to the development. This can be secured by way of a S106 Agreement.

Conclusion

In summary, the saved site specific land use policy dating back to the Unitary Development Plan is Safeguarded Land. However this policy is classed to be out of date by the National Planning Policy Framework. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *specific policies in the NPPF indicate development should be restricted.*

The site is located in the Hoyland Principal Town which is a priority to accommodate new housing growth. In addition the Council is currently unable to demonstrate a 5 year housing land supply. As such considerable weight has to be afforded to the benefits associated with the development in terms of the contribution that the development would make towards boosting housing land supply and the economic benefits associated with the development of the houses. This is particularly so given the site is located within a designated Housing Zone and the fact the proposal will not prejudice the wider delivery of adjoining sites proposed to be allocated in the emerging Local Plan.

The site is not in the Green Belt. In addition it is not the subject of any special designations and subject to the completion of a S106 agreement and the inclusion of the suggested conditions, it is judged to be accepted when assessed against the development plan as a whole and having regard to other material considerations. Accordingly, it is considered that the presumption in favour of sustainable development applies and the application is therefore recommended for approval.

Recommendation

Grant planning permission subject to conditions and a S106 Agreement (provision of education, public open space, affordable housing and a travel plan).

- 1 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.

- 2 Application for approval of the matters reserved in Condition No. 1 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.

- 3 Plans at the reserved matters stage should have regard to the details indicated on drawing 2053-2001 rev A 'concept masterplan for the residential development of Hoyland Lowe' and the KPP Architects Design, Access and Heritage Statement and the PWP Design 'Landscape Strategy Handbook' ref PWP164 100 (rev02) 12.12.16.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 Vehicular access to the development shall be carried out in accordance with Fore plan ref 3406 SK004 001 'Preliminary Access Arrangement onto B6096 Hawshaw Lane' which forms part of the Transport Assessment Version 1 dated 14th December 2016.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 5 Visibility splays, having the dimensions 2.4m x 82.5m to the north and 2.4m x 70.4m to the south, shall be safeguarded at the junction with the B6098 Hoyland Road/Hawshaw Lane, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of new signing/ lining at the junction of Sheffield Road/ Hoyland Road/ Tankersley Lane junction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings 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 and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 8 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:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. 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: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain or reduce surface water run-off from existing greenfield rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 12 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 survey
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken 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 Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

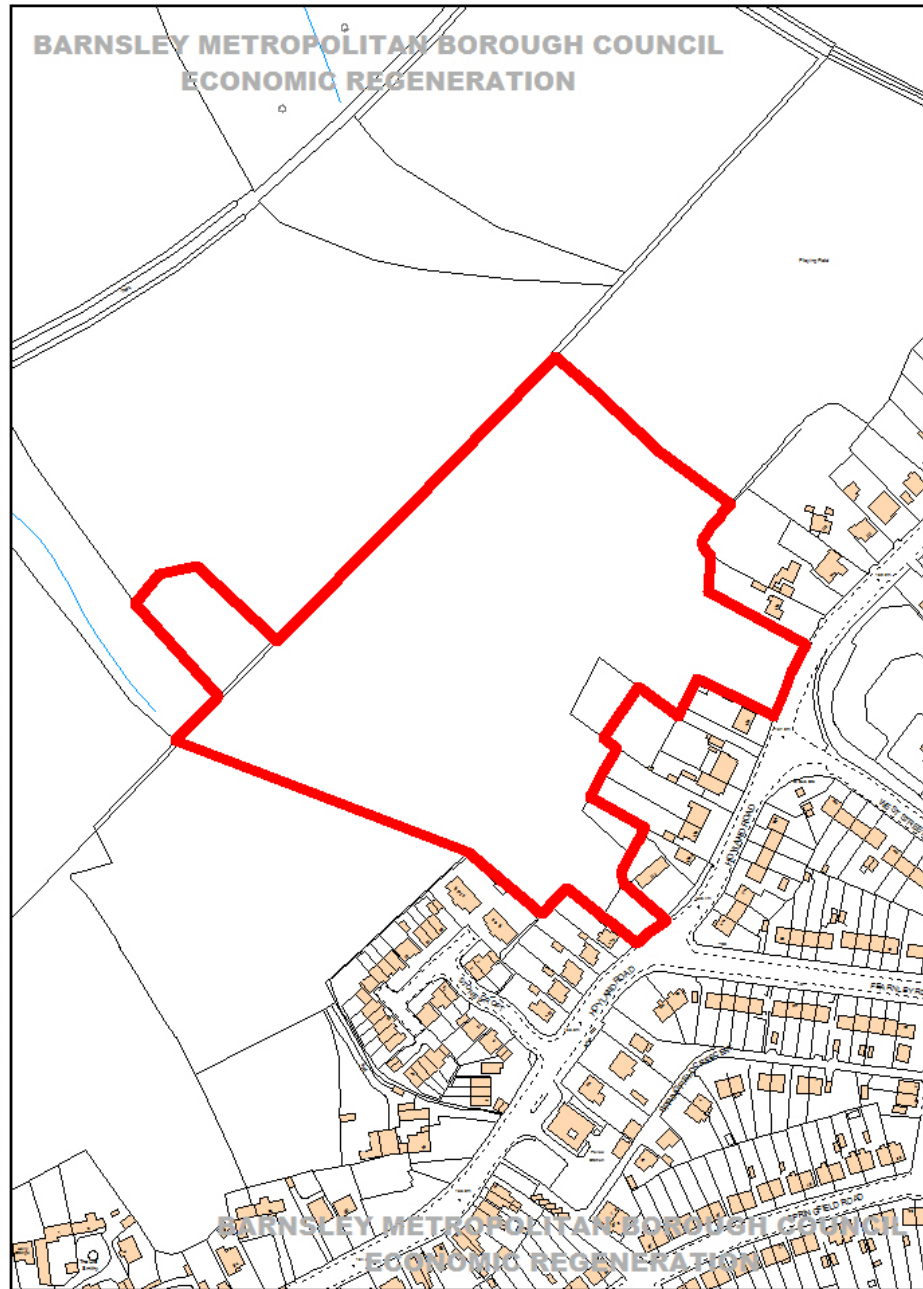
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 14 Detailed proposals shall accompany the reserved matters submission of a scheme of sound insulation measures to ensure that adequate amenity standards are provided for future residents. Proposals shall be designed in accordance with the recommendations contained within the Kilmartin, Plowman and Partners Planning Noise Assessment report ref DC2106-R1
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 16 Detailed proposals shall accompany the reserved matters submission of a scheme of biodiversity mitigation and enhancement. Proposals shall be designed in accordance with the recommendations contained within EnviroTech report 3457, version 4 received by the Local Planning Authority 5th April 2017.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 17 An intrusive site investigation shall accompany the reserved matters submission. The investigation must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- The submission of a scheme of intrusive site investigations for the high walls within the site for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
 - The undertaking of both of those schemes of intrusive site investigations.
 - The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
 - The submission of a layout plan which identifies the opencast high walls and the definition of suitable 'no-build' zones;
 - The submission of a scheme of remedial works for the shallow coal workings for approval.
- Thereafter the development shall be carried out in accordance with the approved report including any remedial options.
Reason: To ensure that the development meets the requirements of the NPPF by demonstrating that the application site is, or can be made, safe and stable for the proposed development.

- 18 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved report including any remedial options.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 19 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD. The provision or enhancement of the off site open space shall be provided prior to completion of the development in accordance with the approved scheme.
- Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.**
- 20 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

PA Reference:-


2016/1531

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100022264, (2017)



BARNSELEY MBC - Economic Regeneration

Service Director: David Sheherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621


Scale 1:2500