
2017/0088

Applicant: Mr & Mrs Phil Mullins, C/o Nathaniel Lichfield & Partners

Description: Residential development of 21 dwellings (Outline including means of access)

Site Address: Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ

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.

110 objections have been received from local residents and 1 letter of support. Penistone Town Council and Angela Smith MP also object.

Site Description

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thulstone Conservation area runs along the eastern boundary of the site. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site currently has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

Proposed Development

The application is in outline form and proposes a development of up to 21 dwellings. All matters of detail are reserved apart from means of access which is proposed via New Smithy Avenue.

The application is accompanied by an indicative site layout plan showing a mixture of detached and semi-detached houses. The properties are arranged around a single cul-de-sac road which features a turning area adjacent to plots 10, 11 and 12. A pedestrian link is proposed through to the existing public footpath along the west. The plans do not show an access through to the remaining safeguarded land to the west.

Whilst the application is in outline, the planning statement states that all dwellings proposed would be two storeys in height. The indicative layout shows a range of house types, ranging in size from 2 to 5 beds. Six of the dwellings (three pairs of semi-detached houses) are proposed to be set aside for affordable housing purposes.

The following documents have also been submitted with the application:-

- Drainage Strategy by Eastwood and Partners Engineers
- Phase 1 and Phase 2 Geo-technical and Geoenvironmental assessment by Eastwood and Partners Engineers
- Transport Assessment by Paragon Highways
- Archaeology desk-based assessment by LS Archaeology

- Preliminary Ecological Appraisal and Preliminary Tree Survey and Arboricultural Impact Assessment by Brooks Ecological

History

No previous planning applications have been made on the land.

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 Penistone Community Area Proposals Map: Safeguarded Land

The site is also located adjacent to the Thurstone Conservation Area Boundary

Saved UDP Policy GS10 'In areas shown as safeguarded land on the proposals map existing uses shall normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the land in question'.

Saved UDP Policy H7 'new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11.'

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'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'
CSP30 'Historic Environment'
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

Other

South Yorkshire Residential Design Guide

Planning Advice Note 22 'Financial Contributions to School Places'

Publication version of the Draft Local Plan

Proposed allocation: Safeguarded Land: SAF21

Policy GB6 – The Council shall only grant planning permission on sites allocated as safeguarded land that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following the adoption of the replacement Local Plan which proposes development on the land in question.

NPPE

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 – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable from our perspective, but we would ask that an overall mix of 80% affordable rented and 20% intermediate housing be provided, in line with the Strategic Housing Market Assessment 2014.

Biodiversity Officer –The Ecological Assessment (Brooks Ecological, October 2016) and with its evaluation is acceptable. The recommendations and ecological enhancements suggested in sections 39 – 42 should be detailed to the satisfaction of the LPA at Reserved Matters stage and the report can be referred to by way of condition. It is requested that any mitigation measures agreed at that stage are evidenced by way of photographic evidence provided to the LPA by the developer within a reasonable period following construction.

Contaminated Land – The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

Drainage – No objections raised subject to conditions

Education – The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school places. There are sufficient primary school places in the local area but there is a shortage of secondary places.

Highways – Raise concerns with regard to the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development.

Penistone Town Council – Objects due to serious access issues, and impact on the Conservation Area

Regulatory Services – Due to the site being surrounded by existing residential developments the service would require some conditions to ensure the residents are not adversely affected by noise and dust issues during the development works.

SYMAS – The site is not located within a Coal Mining Referral Area. Therefore a Coal Mining Risk Assessment is not required in this instance.

Tree Officer – Any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of the landscaping scheme.

Yorkshire Water – Do not object to the development subject to the imposition of conditions.

Representations

The application was advertised by neighbour notification letters, site and press notices. 110 individual letters of objection have been received (from 95 separate addresses) Angela Smith MP also objects to the proposal

The following concerns have been raised:-

- The proposal is contrary to the Council's existing and proposed future planning policy designation for the site as Safeguarded Land
- BMBC has already demonstrated it can achieve a 5 year land supply with the site identified within the Local Plan
- The Penistone Neighbourhood Plan is currently being developed in consultation with residents

- The site has already previously been rejected for development due to its village location
- The proposal would harm the character of the village
- Impact on the Conservation Area
- Land should remain safeguarded
- Approving the development would set a precedent for further development in Thurlstone
- Potential impact upon heritage/archaeology
- Loss of trees and ecological impact
- Increased pollution from cars
- The utilities are already overstretched within Thurlstone (Gas/Electricity/Water)
- There is already a lack of school places, increased homes will result in more demand
- Loss of privacy and overlooking to adjacent properties
- Loss of view/overbearing impact/loss of light
- The development would restrict access to properties on High Bank that would need to use the site as a fire escape in an emergency
- The development may impact the retaining wall at High Bank and undermine the structural integrity of these properties at a lower level
- The proposal includes all luxury homes and there is no provision for starter homes
- Photographs submitted with the Transport Statement are misleading
- Parking occurs on the bend of New Smithy Avenue reducing its width
- The majority of properties on New Smithy Avenue do not have off street parking
- Communal garages are not used for parking
- Towngate is heavily trafficked and on street parking occurs which results in passing vehicles and HGV's an issue
- The junction of Towngate and Manchester Road is dangerous and vehicles cannot turn easily towards Penistone
- The bus times used in the traffic statement are incorrect
- The school drop off/pick up times result in Thurlstone becoming congested
- Additional houses would result in significant vehicle movements (110 a day) and would result in more on street parking
- Emergency services would not be able to access due to congestion and parking
- Thurlstone is a small village and is already at saturation point for traffic
- Impact upon highway safety/pedestrians/cyclists
- BMBC previously rejected the site due to serious access issues
- Impact during construction, heavy vehicles, noise, dust, disturbance
- Unsustainable location
- Design/layout does not respect Thurlstone or the Conservation Area which consists of mainly terraced and semi detached dwellings
- The proposed layout does not meet the minimum separation distances and as there is a change in levels on site then greater separation distances should be proposed
- Drainage/flood risk to properties on High Bank

1 letter of support has been received which states:-

- Of all the proposed development sites within Thurlstone this is most suitable
- We have been assured that access from this site to the safeguarded land will not be granted so the prospect of sprawling development is contained
- There are few detached houses in Thurlstone so this enables people to progress up the housing chain
- The houses will provide more council tax and would provide additional business for the local shops and pubs

A letter has also been received from the New Smithy Drive Residents Association which states that NSDRA recognises the very real concerns and distress felt by residents regarding access and future safety and wishes to see these comments adequately addressed by the Planning Committee, beyond this we are unable to comment. NSDRA reserve the right to lodge future detailed objections in light of detailed plans being submitted.

Assessment

Principle of Development

The current 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 safeguarding 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 the Council finds itself in prior to the adoption of the new Local Plan.

This site is not located in a priority area intended to accommodate new housing growth in the adopted Core Strategy. The site is not located within Urban Barnsley, nor is it located in a Principal Town. As the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011. Core Strategy CSP8 'The Location of Growth' states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. The spatial strategy for the Borough is aimed at accommodating the majority of new housing growth in Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan, which does not propose any housing development allocations in the villages and this application site is proposed to remain Safeguarded Land through to the year 2033. Allowing this site to be developed would be contrary to the aims of the spatial strategy for new housing development in the Borough as set out in the adopted Core Strategy and the emerging Local Plan.

The Safeguarded Land allocation (site ref SAF21) has also been carried over to the Publication version of the Draft Local Plan which establishes policies and proposals for the development and use of land up to the year 2033. The supporting text associated with Policy GB6 in the emerging Local Plan, states that '*safeguarded land can only be released in exceptional circumstances which may include a lack of five year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood plan.*'

The Local Plan Publication Draft was consulted upon for eight weeks 2016. Following this consultation and as part of the Local Plan Examination, the Council submitted the emerging Local Plan to the Secretary of State for Communities and Local Government on the 23rd December 2016. The examination to determine whether the plan is sound will be conducted by an independent Inspector with the first of the examination hearings commencing on the 16th May 2017.

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).

In terms of the above, the Council's Statement of Consultation 2016 considered the representations received following the consultation on Barnsley's Local Plan Publication Version 2016. This document sets out how many representations were received and summarises the main issues raised by the representations and contains response to the main issues raised.

The Local Plan Publication Version 2016 was out to consultation for a period of eight weeks from 24 June to 19 August 2016. The document states that 613 representations had been tagged to consultation point Policy GB6, which relates to Safeguarded Land, as the individual sites that are proposed as Safeguarded Land were not individual consultation points. In reference to the application site, known as SAF21, the following comments had been made: *'The eastern edge of this site adjoins the boundary of the Thurlstone Conservation Area. The Council has a statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas.* However, there appears to be no evidence of any assessment having been undertaken of the potential impact which the loss of this open area and its eventual development might have upon the character or appearance of the Conservation Area.' No significant objections have been made in relation to the re-allocation of this land as safeguarded from future development and it is considered that greater weight may be given to this allocation.

In addition to the above, the site is not considered to be a sustainable location. The site was assessed as part of the Local Plan Housing Site Selection process (Site Ref: 255) and was rejected as it scored poorly against a number of sustainability indicators. The site is located in a village, is greenfield, is not well served by public transport and is remote from a Doctor's surgery (a key service). Serious access issues were also identified as a reason for the sites rejection as a Local Plan housing site. The site has therefore been rejected as it is within a village location, at the bottom of the settlement hierarchy, in a location that is not sustainable, and as such it is considered the proposal is contrary to development plan policy.

Impact on Future Development

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans do not show an access through to the remaining safeguarded land, nor has consideration been made to the impact of this development on the adjacent Safeguarded Land. The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for future development needs. It is important to protect areas designated as Safeguarded Land from being constrained in the future by access/development difficulties. The development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of land, should it be allocated in a future plan period, contrary to The SPD Designing New Housing Developments.

Saved UDP Policy H7 also states that new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11. This proposal does not allow for access to the adjacent safeguarded land and would therefore prejudice access and would not allow for the comprehensive redevelopment of the site, if it was allocated as such, in the future contrary to Policy H7.

Highway Safety

A number of objections have been received from residents with regard to the impact of additional traffic upon the highway network. Thurlstone is a traditional village which has developed over the years, resulting in narrow roads and a lack of off street parking. The village is accessed from the main Manchester Road which runs to Penistone to the east and Millhouse Green to the west.

Highways Development Control have raised concerns about the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The transport statement which accompanies the application states that the development would result in an additional 110 vehicle movements per day. The highway network from the junction with Manchester Road is substandard in many places, with narrow carriageway widths, poor pedestrian provision and is the subject of extensive on street parking. The junction with Manchester Road has a severely substandard alignment, resulting in vehicles having to enter the opposing carriageway, to the detriment of the free and safe flow of other traffic on the highway. No improvements to this junction are proposed as part of this application.

The site is accessed via a residential cul de sac off New Smithy Avenue. Significant on street parking occurs to New Smithy Avenue which is only 5m in width, this results in a restricted access to the site. A fire appliance requires a minimum clear running width of 3.1m, therefore would struggle to access the site with parking occurring on both sides of the road as it is at present. The Transport Statement states that many properties rent garages within the garage courts on New Smithy Drive, this is to establish that there is not an on street parking problem. It is apparent from site visits that the garages may be used at night, however, during the day it is more likely that residents would park on the street in front of their houses. In addition the garage courts are private parking arrangements that could cease at any point. As many of the properties do not have the ability to provide their off street parking bays, this has potential to exacerbate the parking issues further.

It is therefore considered that the development fails to provide a suitable and safe access and concerns are raised with regard to the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The proposal is considered to be contrary to policy CSP 26 of the Core Strategy.

Residential Amenity

Objections have been raised with regard to the impact of the proposal upon the residential amenity of the adjacent dwellings. An indicative site plan has been submitted, however the layout of the development does not form part of the outline application.

More detailed information would be required within the reserved matters application including siting, dimensions and elevational details of the proposed dwellings, positions of windows and doors and section plans due to the difference in levels between the existing and proposed dwellings. The relationships between existing and new properties shown on the indicative plan would potentially be satisfactory in relation to the spacing standards required by the Designing New Housing Development SPD.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works.

Visual Amenity

The land is allocated as Safeguarded Land in order to retain land on the edge of settlements which may be required for future development needs. The application is in outline form with all matters of detail reserved for a future application, with the exception of the proposed means of access to the development. An indicative layout plan has been submitted which shows a mixture of detached and semi detached properties which could be designed and built to a high standard in order to complement the adjacent Conservation Area. There are no objections raised at this stage from a visual amenity perspective.

In terms of impact upon trees, the Tree Officer states that any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of any future landscaping scheme.

Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts.

Contamination/Coal Mining Risk

The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

SYMAS state that the site is not located within a Coal Mining Referral Area therefore a Coal Mining Risk Assessment is not required in this instance.

Biodiversity

The Biodiversity Officer is satisfied with the Ecological report and no objections are raised on biodiversity grounds subject to conditions requiring the recommendations to be followed.

S106 – Affordable housing, public open space, education

Affordable Housing – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable number of units however an overall mix of 80% affordable rented and 20% intermediate housing would be required, in line with the Strategic Housing Market Assessment 2014

Education - The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school place. There are sufficient primary school places in the local area but there is a shortage of secondary places. A S106 contribution would be required for the 4 additional secondary pupils at £14,102 per pupil, which equates to a total contribution of £56,408.

Public open space – In accordance with CSP35, CSP42 and the Supplementary Planning Document (SPD): Open Space Provision on New Housing Developments, all residential development proposals of 20 or more dwellings are required to provide a minimum of 15% of the gross site area as appropriate open space. Where this is not possible off site improvements will be sought.

The indicative layout provided does not indicate any green space provision on site. However, it is considered that the site affords little opportunity to accommodate a green space of sufficient size. In the context of the greenspace assessment, it is likely that an off-site contribution will be sought in entirety.

Based on the layout plan provided by the applicant, and in accordance with the figures provided in Appendix 2 of the SPD, the off-site contribution for this application would be as follows:-

£1436.82 x 2 two bed dwellings = £2,873.64
£1723.66 x 8 three bed dwellings = £13,789.28
£2013.13 x 11 four bed dwellings = £22,144.43
21 dwellings totalling £38,807.35

Additional Commuted Sums - The applicant is proposing to make an additional fixed contribution of £58,000 towards sustainability initiatives within Thurlstone. The applicant is also proposing to allocate a fixed fund of £20,000 towards car parking improvements on New Smithy Avenue.

Conclusion

The site is designated Safeguarded Land in the UDP and this allocation has been carried over to the Publication version of the Draft Local Plan *Safeguarded Land Allocation SAF21) which establishes policies and proposals for the development and use of land up to the year 2033.

The release of the site for housing would not comply with the aims of the spatial strategy for the Borough that is contained within the Core Strategy, or the emerging Local Plan which aims to direct new housing growth to Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan which does not propose any housing development allocations in any of the Western Rural villages, including the application site, which is proposed to remain Safeguarded Land through 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. Given that the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011 and the proposals maps accompanying the Publication Version of the Local Plan. The site is greenfield, located in a village, it is not well served by public transport and is remote from key services. The site is not considered to be in a sustainable location and as such, the proposal is contrary to development plan policy.

The development of this land is also considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land contrary to The SPD Designing New Housing Developments and contrary to Saved UDP Policy H7.

In addition to the above, the access to the site is constrained by existing on street parking. The proposal fails to address this issue and does not provide a suitable and safe access. Significant concerns have also been raised with regard to the suitability of the highway

network to facilitate safe vehicular and pedestrian access to/from the proposed development. The applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

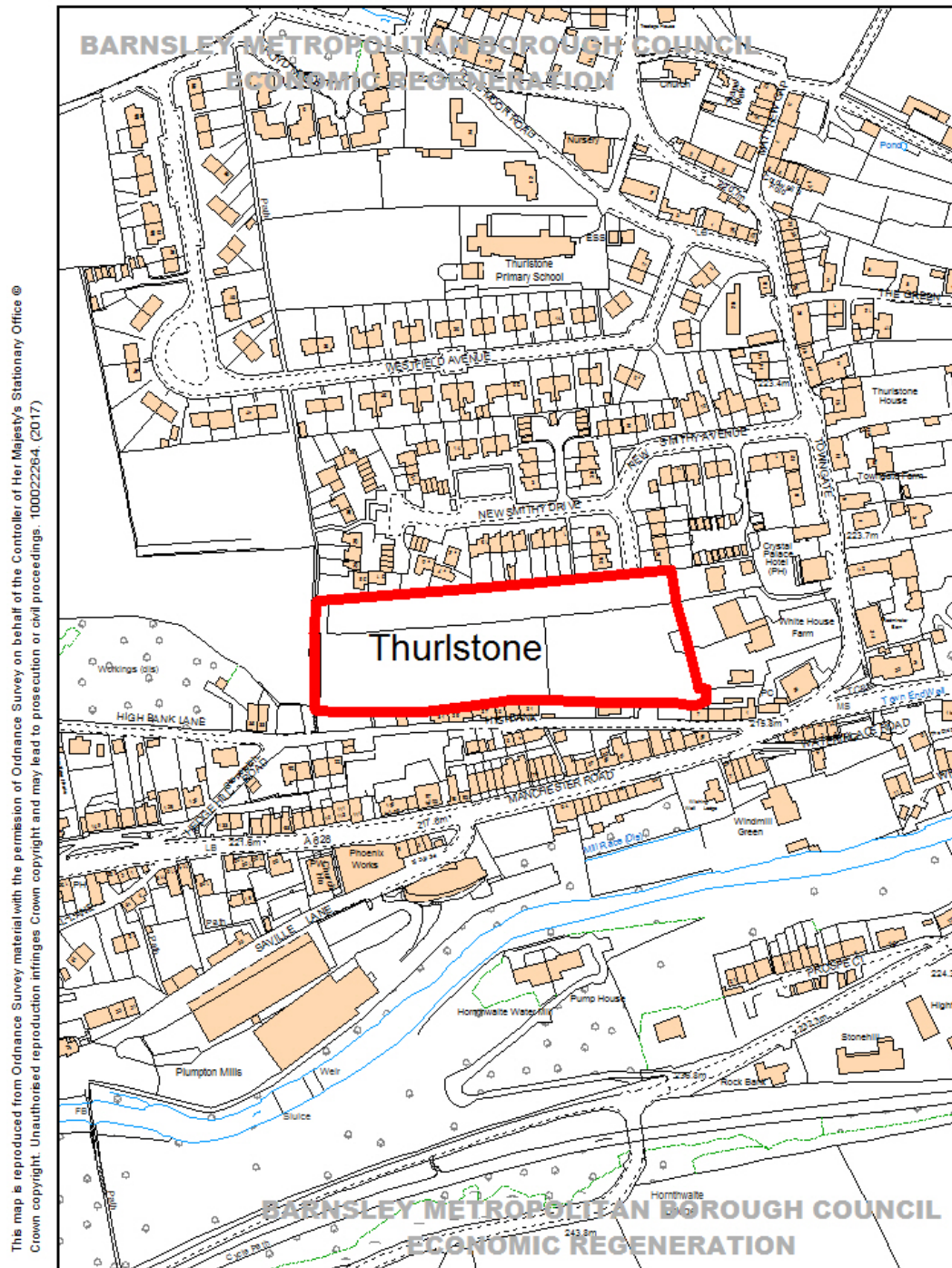
Recommendation

Refuse planning permission

- 1 In the opinion of the Local Planning Authority, due to the site's current allocation as Safeguarded Land, which is due to be carried forward within the Local Plan Publication Draft, and it's location outside of Urban Barnsley and the Principle Towns, the proposal for residential development would be contrary to the Core Strategy Policy CSP8 which states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. In addition the site is considered to be in an unsustainable location and is therefore contrary to Paragraph 14 of the NPPF.
- 2 In the opinion of the Local Planning Authority the development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land should it be allocated in a future plan period, contrary to the SPD Designing New Housing Development and Saved UDP Policy H7.
- 3 In the opinion of the Local Planning Authority the access to the site is constrained and narrowed by existing on street parking. In addition the applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

PA Reference:-

2017/0088



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