
2017/0577

Applicant: Barratt Homes, C/o PB Planning Ltd

Description: Residential development of 278 no dwellings with associated roads, public open space and landscaping.

Site Address: Land Off Newland Avenue and Carrs Lane, Cudworth, Barnsley.

21 objections have been received from local residents and 1 letter of support.

Members will be aware that this is a re-submission of application 2015/1070. PRB resolved to grant the previous application, subject to a S106 agreement in January 2016. However, the application was subsequently refused by Officers in August 2016 when the Council and Developer were unable to agree an acceptable financial contribution package in relation to the provision of education, formal recreation provision and affordable housing. The matter is now the subject of an Appeal, although the situation has progressed to the point that a figure of £1.8 million has been agreed between the two parties, following independent arbitration from the by the District Valuation Service. Officers shall not be contesting the appeal on that basis.

The application as resubmitted is broadly the same as the 2015 scheme. There has been a change in the house types to reflect an update in Barratt's product range; however, these are broadly the same as the house types previously proposed. In addition there has been a change to the overall housing mix on the site with an increase in 4 bed properties and a reduction in 3 bed properties. This is covered in more detail in the assessment below.

Site Description

This is a large 11.62ha site located immediately beyond the existing south west edge of the built up settlement of the Cudworth. The site is irregular in shape and spans across a number of fields located to the south of houses located on Newland Avenue/Newtown Avenue and to the west of houses located on Carrs Lane.

The site is currently used for agricultural purposes, comprising in the main of large open fields. Field boundaries are defined by established hedgerows. It has varied topography but the prevalent slope falls from north to south east, (approximately 20m). Levels do however, fall to the west from the entrance point located off Newland Avenue.

Large sections of the northern and eastern boundaries abut rear gardens of existing residential properties (Newtown Avenue & Carrs Lane). The site continues to adjoin the countryside to the south and south west. Immediately beyond the south east corner is Ring Farm which was previously home to the horses that were part of the mounted division of South Yorkshire Police.

The land to the west slopes down steeply into a valley before rising again, on the other side of this valley is Lundwood. The preferred route for the HS2 rail line follows the valleys alignment.

Proposed Development

The application is for full planning permission to construct a development of 278 dwellings. The plans are to construct an estate that would contain a mixture of detached, semi-detached and terraced dwellings. The overwhelming majority would consist of two storey houses (263 out of the 278) with the remaining 15 properties being bungalows (9 x 3 bed and 6 x 2 bed). Overall the accommodation split of the properties would be:

22no x 2 bedroom
127no x 3 bedroom
129no x 4 bedroom

The site would be served by two accesses, these being taken from Carrs Lane and Newland Avenue both of which link to Barnsley Road that is the main thoroughfare passing Cudworth.

The plans include a central area of public open space which would include a LEAP standard play area and various footpath linkages. Further provisions would be an area of informal open space in the north western part of the site and a drainage attenuation pond in the south eastern area.

History

Outline planning application B/85/1638/CU was refused permission by the Council 19th December 1985 on a strip of land adjoining the site for a proposed residential development. The 2 reasons were that the site was not allocated for development in the Cudworth and Grimethorpe town map; *1) there was adequate land to meet the housing needs of the locality for the foreseeable future, 2) It would have been an undesirable form of ribbon development along the western side of Carrs Lane into an area of pleasant, open countryside to the detriment of the visual amenities of the locality.*

A full planning application was submitted on the site in 2015 (2015/1070) by Barratt's for a Residential Development of 278 dwellings with public open space and landscaping. Planning Regulatory Board resolved to grant planning permission subject to a S106 agreement in January 2016. However, the application was subsequently refused by Officer in August 2016 for the following reason:-

The proposed financial contribution offered by the developer would not provide sufficient education, public open space and affordable housing provisions necessary to satisfy the NPPF, Core Strategy policies CSP15 'Affordable Housing', CSP35 'Green Space', CSP43 'Education Facilities and Community Uses', along with Open Space Provision on New Housing Developments SPD and Planning Advice Note 33 'Financial Contributions to School Places' despite the Council being in receipt of independent advice that payment of the contribution requested by the Local Planning Authority would not make the development financially unviable. As such the scheme is considered contrary to the aforementioned policies.

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

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'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

SPD's

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

Planning Advice Note's

33- Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

Policy GD1, General Development
Policy H1, The Number of Homes to be Built
Policy H2, The Distribution of New Homes

Proposed allocation: Housing Proposal (H32). The accompanying text states the following:-

Archaeological remains are known/expected to be present on the 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 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 – The policy requirement is for provision equivalent to 15% of the overall number of dwellings on site unless a viability assessment is able to demonstrate that this level of provision would make the construction of the development unviable.

Biodiversity - The Extended Phase 1 Habitat Report (SLR, Sept. 2014) is unaltered since the previous application (2015/1070) which was approved from a biodiversity point of view at that time. It is normal that if a period of 2 years or more elapses that the ecology report should be updated, however, our own ecological assessment (in support of emerging Local Plan decisions) also found the site appearing to be of relatively low ecological value. Therefore the survey is acceptable and the application can be supported subject to conditions.

Coal Authority – No objections subject to the remedial measures in the Geoenvironmental Appraisal report being implemented on the site, where necessary.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council and Yorkshire Water.

Environment Agency – No comments as outside the scope on which they wish to be consulted.

Education – The development raises issues with regards to the availability of primary school places. Therefore a commuted sum of £925,000 would be required to fund the potential expansion of either Birkwood, Churchfield and Cherry Dale Primary school.

Highways – No objections subject to conditions including arrangements to secure off site mitigation works and implementation of the measures set out in the travel plan, a

construction method statement and the proposed parking/manoeuvring arrangements being put in place prior to the occupation of the properties.

Natural England – No comments.

PROW – There are currently no public rights of way on the site, however, the landscaping plan shows potential footpath routes in the POS on site. Maintenance of these should be included in the maintenance agreement for the POS.

Regulatory Services – No objections subject to conditions.

South Yorkshire Police ALO – Comments have been received detailing a number of physical security measures which would assist to enable the development to comply with Secured by Design scheme.

SYAS – No objections subject to conditions.

SYMAS – No objections as they are satisfied with the conclusions of the Geotechnical Report that the risk of mining legacy issues affecting the proposed development is low.

SYPT – No comments have been received in response to this application. Previously they had identified that site was located further than the recommended walking distances of 400m to the nearest bus stops. However they welcomed the applicant's travel plan proposals which includes employing a travel plan co-ordinator as well as the other measures proposed to encourage sustainable transport such as travel information and personalised journey planning.

Tree Officer – No objections subject to conditions.

Yorkshire Water – State that a 381mm diameter public sewer is recorded to cross the site and that no development should take place within an easement along its alignment.

Waste – No objections subject to conditions

Representations

The application has been publicised by press and site notices and individual neighbour notification to 228 households. 28 objections have been received from local residents. And 1 letter of support.

The main objections to the proposals are summarised as follows:-

Highway Safety

Concerns that the safety improvements proposed for Low Cudworth Green are insufficient and will not improve safety on this route for pedestrians, cyclists or horse riders.

Concerns that Carrs Lane is not suitable for the volume of traffic associated with the development. On street parking would create a narrow carriageway unsuitable for the farm vehicles and larger service vehicles. Pedestrian safety will be compromised as there are lengths of the lane with no footpaths and widening the footpath will reduce the width of the carriageway further adding to safety concerns.

There is no mention of speed calming in the application.

The junction at the top of Carrs Lane is dangerous as it is at a blind bend with cars turning into Carrs Lane stopped on the corner and cars exiting on a steep incline.

Issues associated with flooding on Carrs Lane and Newland Avenue making them unpassable which will be worse when the greenfield site has been built on.

Manor Road will be the main access route into the area and is already very busy with parked cars narrowing the road. This is the same for Lunn Road and St Johns Road.

The area is already struggling with the volume of traffic and lack of off road parking spaces. Many cars park in the pavements reducing roads to single lanes and impacting on the ability for emergency services to access the area.

Newland Avenue will become the main access to the development.

Newland Avenue should be used as the only access/egress.

The junction of Manor Road onto Barnsley Road has regular queues and accidents have occurred here. This will get worse.

It is unrealistic to state the proposed will promote sustainable transport when roads are unsafe. People will use cars and not sustainable transport meaning the transport assessment has underestimated the impact on roads.

Where will Barratt's construction traffic and workers parking be?

A bypass is needed to resolve the traffic issues.

Concerns that Summerdale Road will be used as an access and impacts of safety for children.

Don't agree with the traffic counts calculated in the Transport Assessment. Concerns that the Transport Assessment is out of date.

Infrastructure

Primary Schools are oversubscribed and residents have to look outside their catchment areas.

Children have to travel out of the village to access secondary schools with the journey being a safety risk.

The medical services in the area are overstretched.

Dentists are closed to new patients and people have to travel to access other practices in other areas.

The Sewage Works already has to transport sewage sludge from the site by HGVs. The proposed will add pressure to this facility and increase the number of trips made by HGVs.

How will waste water and run off be dealt with without detrimental impact on the surrounding properties.

How will the emergency services and other essential services access the area, particularly during construction.

What will happen to the access to the cycle way through the woods off Carrs Lane during construction?

Residential Amenity

Loss of outlook will be detrimental and properties bordering the site will be overlooked, losing privacy. They will also be affected by noise from the site.

Concerns about severe disruption during the construction period in terms of noise, dust, vibration and traffic and the length of time it will take.

Loss of the existing village character felt by residents living in the area.

Need to consider boundary treatments between the proposed and properties backing onto the field.

Inaccuracies in the Planning Application

There are no banking services in Cudworth.

There is no post office on Darfield Road.

Distances to the Centre and local facilities are underestimated. It is:

- 1.4km to the nearest co-op
- 1km to the Dorothy Hyman Stadium
- 1.5km to Churchfield School.

There are no bus stops within walking distance from the site and the plans refer to bus stops and services which have ceased to be operational.

The site is not within 800m of train services.

Play park will attract anti-social behaviour.

Loss of Greenfield Land

The site is greenfield and worked for agriculture.

The proposed landscaping and children's play park is not a benefit for most people.

Housing should be on brownfield land such as the derelict Barnsley Brewery site or other greenfield sites such as next to Cudworth / Lundwood roundabout.

Will create the joining up of two urban sprawls.

Biodiversity

Concerns about the impact on wildlife and the delicate ecosystems in the area.

There is a bat colony in a disused bomb shelter close to the site with bats flying over the site to forage. There are also bats in the trees surrounding the site. The development will destroy the micro climate as a result of the loss of buildings and increased artificial lighting.

Hedgehogs, snakes and rabbits have all been seen in the area and hedgehogs in particular are in decline. There is also a healthy population of various birds in the area whose habitat will be harmed by the proposed.

Concerns about the impact on the many a varied birds that visit the site including: owls, buzzards, falcons, kestrels, fieldfares, redwings, great spotted woodpeckers and swallows. Roe Deer have been sighted on the site and there is a rabbit warren. All would be lost.

Loss of hedgerows which should be treasured.

Other comments

The development is aimed at profit over the needs of the local community.

It is asserted that the Council should prioritise residents views over monetary gain.

Barnsley Council have been offered more money and this is their only concern, they are ignoring residents' concerns.

Loss of value to existing properties on Carrs Lane with no compensation to residents.

Concerns about emissions from increased traffic and large construction vehicles.

The S106 money is less than what was asked for and less than the independent assessment said would be viable. Who is paying for the shortfall and what infrastructure is not provided?

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The Council has submitted our emerging Local Plan to the Secretary of State containing intended policies and proposals for the development and use of land up to the year 2033. However this cannot be afforded full weight at this stage pending the outcome of the Examination process by the Planning Inspectorate/Secretary of State.

The National Planning Policy Framework (NPPF) is also a significant material consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

The existing Unitary Development Plan notation on the proposed housing site is Safeguarded Land (not Green Belt as is stated in a number of representations). This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was National planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a

slightly misleading term because this designation actually represents “*areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed.*” (PPG2, Annex B, para B2).

The purpose of the Safeguarded Land designation in the UDP was therefore not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may have been required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 and therefore the extent it can be relied upon in terms of current development needs is now very dated. Indeed, the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Given that the Core Strategy has superseded large parts of the UDP and identifies Cudworth as a Principal Town where 1,800 homes are expected to be distributed between 2008 & 2026, it is considered that the Safeguarded Land designation is out of date. Accordingly, the proposal should be judged against relevant Core Strategy policies and the NPPF, in particular paragraph 14, which indicate that planning 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

Furthermore, in accordance with NPPF at para 216, increased weight can be afforded to the allocation of this site for housing in the emerging Local Plan following submission and the ongoing Examination. The site has been included as a housing site in the emerging Local Plan since 2014. The allocation was formally consulted on with the public in 2014 and 2016. In total, 5 representations were made in 2014, 3 objecting, 1 supporting and 1 supportive, subject to conditions. In 2016 only 2 representations were received, one in support and one supporting the allocation subject to the number of units being increased. Concerns related to highway impacts, loss of agricultural land, and the impact on existing residents. All these issues are addressed in the assessment of the planning application below.

Design and Layout

The relevant local planning policies for assessing the plans are the Designing New Residential Development SPD, CSP29 ‘Design’, CSP14 ‘Housing Mix and Efficient Use of Land’. In addition it is necessary to consider the effect of the development on the visual amenity of the adjacent Green Belt.

The first aim of CSP14 ‘Housing Mix and Efficient Use of Land’ is to ensure that housing developments achieve a mixture of house size, type and tenure. There has been a change to the housing mix from that previously applied for in the 2015/1070 application. The table below sets out the previous housing mix and the mix proposed now:

2015	2017
22 x 2 bedrooms	22 x 2 bedrooms
150 x 3 bedrooms	127 x 3 bedrooms
106 x 4 bedrooms	129 x 4 bedrooms

Whilst there has been a change in the mix, the fundamental aim of this policy is still considered to be satisfied given that the plans contain a variety of house types including detached, semi-detached and attached houses and bungalows. These would host a mixture of two, three and four bedroom dwellings that would be suitable to meet a range of needs.

Policy CSP14 also aims to achieve a minimum density of 40 dwellings per hectare in the interests of making efficient use of land. However, this is difficult to achieve in some areas where current market conditions do not lend themselves to apartments. The proposed density equates to 34 dwellings per hectare of the sites developable area, this considered to represent an appropriate balance when having regard to relevant design and separation distances, the scale is also considered to be more reflective of the existing housing stock within the vicinity.

The plans are to build on a greenfield site and so the development would not contribute towards one of the aims of CSP14 being satisfied which targets the building between 55% and 60% of new dwellings on brownfield land. However there is insufficient brownfield land available to deliver the new homes target in the Core Strategy and draft local plan without greenfield sites being needed. In addition the Council is currently unable to demonstrate a deliverable 5 year housing land supply. These considerations would significantly outweigh this aspect of the policy.

The development would comprise of 14 different house types, which adds to the vibrancy of the estate. There would be 4 character areas to the development (Central Court/Central Street/Boulevard/Landscape Edge) where different material pallet would be used. This variation in materials should avoid the development appearing monotonous. In addition, the plans incorporate tree planting proposals, including a tree lined boulevard around the primary estate road serving the development, at a level which are considered satisfactory to the Council's Tree Officer.

The broad mix of house types would appeal to a range of accommodation needs from family housing to older person's accommodation, it is especially welcomed that some bungalows would also be provided. The range of the accommodation meets the policy aspirations of CSP14.

The layout includes two areas of POS, a central area with LEAP and an area to the west of the site, located adjacent the access from Newland Avenue. In addition, there is an area to the south of the site, albeit this forms part of the SUDs strategy for the site reducing its accessibility. The overall quantum of POS on site is considered to be acceptable and complies with the SPD. However, although the landscaping plan submitted with this revised application includes some planting details and the general layout of POS on the site (including potential footpath routes) further information is required regarding the detailed landscaping works, including the species of planting proposed, ecological enhancements to be provided on site and equipment to be included in the LEAP. This can be secured through conditions and the S106 agreement.

The western and southern boundaries of the site are located adjacent to the Green Belt. In these instances the houses are set back from that boundary and include space for tree planting which has been informed by a landscape assessment.

In summary the plans are assessed to be acceptable in relation to housing planning policy and design/visual amenity considerations taking into account a range of policies including CSP14 'Housing Mix and Efficient Use of Land', the Designing Residential Development SPD and CSP29 'Design'.

Residential Amenity

The application is sensitive because the site borders a number of existing properties which have established open views across the sites fields. However, loss of view is not a material planning consideration.

In the main the plots have been designed so that they are compliant with SPD spacing distances. An exception to this is the relationship of plots 140, 141 and 145 on the eastern boundary to No.s 18 and 26 Carrs Lane. However, to provide a greater degree of openness and privacy, bungalows are proposed on these plots.

Some of the plots within the site fall slightly short of the minimum back to back separation distance and minimum garden sizes aimed for by the SPD. This is mainly a problem for the plots turning corners and where space is lost in order to accommodate the number of parking spaces required by the SPD and connections between some of the houses and remote parking spaces. However, as the difference between what is proposed and the SPD standards is marginal, it is considered that removal of permitted development rights will be sufficient to ensure adequate levels of amenity for potential occupants of the dwellings affected.

Proposed levels for the plots have not been fully detailed. Therefore it would be necessary to agree plot levels prior to the commencement of development by way of a condition. The usual construction method statement would also need to be put in place to mitigate the effects of noise and dust during the construction phase.

Highway Safety

It is recognised that highways concerns form the crux of the majority of objections to the proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development would be severe.

The development is predicted to generate some 161 and 164 vehicle trips in the respective morning and evening peak hours. This equates to less than two vehicles every three minutes during the AM and PM peaks. A Transport Assessment and an independent Phase 1 safety audit have been undertaken. They conclude that the local road network would operate safely and within capacity following the addition of traffic flows from the development.

A level of mitigation would be required in the form of improvement to some of the existing footpaths on Carrs Lane. These details would be addressed by a condition that would ensure they are delivered within an appropriate timescale.

The site layout plan reflects revisions made during the previous planning application process to ensure that the design of the roads meets the required standards in terms of carriageway width, visibility, speed calming, manoeuvrability and parking. The amendments undertaken meet with approval Highways Officers but will continue to be refined as part of a S38 agreement associated with the eventual adoption of the estate roads by the Council.

Access to local services and public transport are other considerations in terms of judging the overall sustainability of the site in a highways context. The Transport Statement indicates that essential facilities are located within 800m of the centre of the site. These include a primary school, greenspace area, a convenience shop, a sports centre, and church. In terms of public transport, the nearest bus stops are located between 600m and 1000m from the site following the cancellation of the number 31 bus service. The site therefore does not score as well as it did previously for public transport accessibility but it is noted that the site

is located within 1200m of Cudworth town centre, which is a principal town and provides immediate access to a variety of shops including a supermarket, a health centre, a dentists practice, pubs and banks. For these reasons, the site is considered to represent a sustainable location. The cancellation of the number 31 bus service is unfortunate but it is not considered that the loss of this service materially affects whether or not the site should be judged as sustainable. It remains within a Principal Town, scores well when judged against other criteria and, unlike many of the allocations proposed in the Consultation Draft Local Plan and the subsequent Additional Sites Consultation, it is not within the Green Belt. The applicants have also agreed to continue discussions with SYPTE and the operator about getting the bus service restored (these have been delayed since the previous application refusal) although no weight is being given to this because a resolution is yet to be identified. In addition, mitigation is proposed in the form of a travel plan. Measures set out aim for a reduced reliance on individual car usage include the appointment of a travel plan-coordinator who would be tasked with working with the residents to prepare personalised journey plans, information on public transport, car sharing, cycle routes and discount purchase options. The plan also sets out a regime for monitoring and sharing the results with residents. This would be important in order for the development to comply with CSP25 'New Development and Highway Improvement'.

Section 106 considerations

Education – The Head of School Organisation has considered the effect of the development on Birkwood, Churchfield and Cherry Dale Primary Schools. It has been identified that a contribution would be required in order to increase capacity at one of these schools. The commuted sum has been calculated as £925,000, which will be secured within a section 106 agreement.

Open space provision – The plans include a central area of public open space which is indicated to host a LEAP standard play area with at least 4 items of play equipment. Maintenance of POS on site (including footpaths) will fall to the developer or a private management company. This complies with the SPD insofar as the area being a minimum of 15% of the developable area. However the formal recreation (sports pitches, courts and greens etc) is not covered as the needs assessment have indicated that existing facilities in the area would be in greater need of enhancement. An off site contribution of £273,306.92 is therefore required.

Affordable housing – The policy requires an affordable housing provision of 15% of the overall number of dwellings unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. In this case, it has been determined that provision would be met best via the payment of a commuted sum to the Council to invest in provision off the site. The Housing team have calculated that the commuted sum equivalent to the value of 15% of the dwellings forming the plans would be £2,839,064.00. The applicant has indicated that this figure would render the proposed development unviable taking into account the other contributions that have been requested. The District Valuation Service has independently assessed the applicant's viability appraisal and agreed that the maximum contribution towards affordable housing that is achievable, taking account of the other contributions agreed above and costs associated with the development including off site highway improvements, is £601,693.00. Whilst this figure is well below the Policy requirement, Policy CSP 15 does allow for issues of viability to be considered and a reduced contribution where appropriate. In this respect the reduced contribution is acceptable.

The applicants have agreed to the above contributions and a S106 agreement has been drafted.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is located outside of flood zones 2 and 3. This means that the site is not classed to be at any significant risk of flooding complying with CSP4 'Flood Risk' and the advice in the NPPF. Management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding off the site. Surface water run off from the development is proposed to be channelled to a large attenuation basin in the south eastern most part of the development. This has been designed with sufficient capacity to accommodate surface water run off associated from the development. Water will then be discharged into Small Bridge Dyke at a restricted rate equivalent to the present Greenfield conditions (5l/s/ha).

In terms of foul sewerage, Yorkshire Water has confirmed that there is capacity in the local network to accommodate the development. However, given that they have identified that a public sewer has the potential to be affected by the development, a condition would be required preventing development until such a time that the applicant has entered into agreement regarding a diversion.

Ground Conditions

The site is located in a Coal Mining Referral Area. The submitted Coal Mining Risk assessment has concluded that the layout has been appropriately designed taking into account the constraints posed by areas of risk on the site.

Other risks to the development including geological fault lines and the potential for any contaminated land have been considered as part of a desk top ground investigation report (previously submitted) and the intrusive site investigation undertaken to support the Geoenvironmental Appraisal Report (April 2017) submitted with this revised application. The updated report confirms that there is no significant contamination on site and no specific remedial measures are required. The report makes recommendations with regards foundation design of individual properties. The Coal Authority, SYMAS and the Contaminated Land Officer are satisfied that the risks have been appropriately assessed, and have not objected to the application.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by a phase 1 habitat survey which has concluded that the ecological potential of the site is low taking into account the habitat on site and its potential to support protected species including bats and Great Crested Newts. The report does identify that bird nests would have the potential to be affected during site clearance works. Provided that such works are undertaken outside of March to August the relevant legislation would not be breached.

The report does also contain details of mitigation proposals which would include the planting of trees favourable towards nesting and foraging birds as part of the landscaping scheme. In addition it is proposed to include a number of bird nesting boxes within the development. The Biodiversity Officer has considered the report findings and recommendations and has not raised any CSP36 objections subject to a condition requiring further details of the mitigation proposals, and some enhancements to reflect the sites location within a Nature Improvement Area as designated on the emerging Local Plan, prior to the commencement of development.

Archaeology

SYAS have advised that although there are no known heritage assets within the application area, there is potential for unrecorded heritage assets with archaeological interest to exist within the site. Any groundworks associated with the development could cause harm and destroy finds or features of archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded as mitigation. SYAS have therefore requested that a condition is imposed to secure the necessary archaeological investigation work. As a first stage, a geophysical survey of the site followed by trial trenching should be undertaken to quantify any potential and inform any necessary mitigation strategy.

The Balancing Exercise

The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision.

The NPPF also states that development proposals which accord with the development plan should be approved without delay. As has been established above, the proposal does not accord with the existing site specific land use policies affecting the site. However, in this case, the UDP policy is classed as out of date by the NPPF and as such the NPPF indicates that planning 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 NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted

The proposal is compliant with the Core Strategy insofar that Cudworth is identified as a Principal Town which is prioritised for housing growth (1800 net new dwellings before 2026). The proposals therefore accord with policies CSP8 and CSP9. These are considerations that need to be afforded significant weight in the consideration of the application.

The proposal is also compliant with the emerging Local Plan Policies H2 and H3 relating to the distribution of homes and housing site allocations. The development of 278 dwellings here will help to meet the Council's target for new homes as set out in Policy H1. Policies which can be afforded more weight since the submission of the Local Plan in 2016, taking account of the limited number and nature of objections.

In addition to the above, the NPPF states that there are three dimensions to sustainable development; economic, social and environmental.

The delivery of 278 net new homes would make a significant contribution towards the Borough wide and local targets being met. The development would also contribute towards addressing the deficiency in the 5 year housing land supply. The proposal would therefore score highly in terms of the economic and social aims of the Borough that are set out in the Core Strategy. In addition, the plans include proposals for policy compliant levels of public open space on site and a commuted sum for the enhancement of formal recreation facilities off site. The development does raise issues for the availability of primary school places off site, but this would be appropriately mitigated through the payment of a commuted sum. This would not be a negative social consequence therefore. In addition, payment of a commuted sum for the provision of affordable housing off the site will also be a social benefit.

The environmental considerations of the development have been assessed. The site would contribute housing delivery without requiring loss of any Green Belt land which is a positive. Whilst green field, the ecological value of the site has been assessed to be low and can adequately be compensated for by the measures set out in the ecological report. In addition,

the site is not classed to be at risk of flooding and includes acceptable measures to prevent an increase in flood risk downstream. Furthermore the Transport Assessment identifies that the local road network would continue to operate within capacity without any significant impacts, and mitigation would be provided in the form of a travel plan and improvements to footpaths on Carrs Lane. In addition, the plans appropriately take into account ground conditions and the risks posed by shallow coal workings. Overall, it is judged that the environmental implications of the development would not be significant or adverse.

The development would therefore deliver a number of benefits which would indicate that the presumption in favour of sustainable development would apply and is also considered acceptable when taking into account other development plan policies and material considerations.

It is also worth recognising that the assessment of the previous application concluded in support of the development. The issues that arose subsequently were about the financial package offered by the development being insufficient in relation to the provision of education, formal recreation and affordable housing requirement. The £1.8 million figure that has been agreed during the Appeal process (following independent arbitration) would ensure that the education and formal recreation provision requirements are met in full, whilst a substantial contribution of approximately £600,000 would be available to be invested in affordable housing provision in the Borough. As such these matters have been satisfactorily resolved.

Recommendation

Grant planning permission subject to a signed S106 Agreement (Education, Public Open Space, Affordable Housing, Maintenance of the SUDS facility and a Travel Plan) and the planning conditions listed below.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-
 - YW-04-03, Site Location Plan
 - YW-04-03 AA, Proposed Site Layout
 - BALD 00CD Drawing 01, Embassy range, Alderney Classic (Det)
 - BCSR 00CD Drawing 01, Embassy range, Chester Classic (Det)
 - BENN 00CE Drawing 01, Ambassador range, Ennerdale Classic (Det)
 - BENN 00CE Drawing 01, Ambassador range, Ennerdale Classic (End)
 - BHLN 00CD Drawing 01, Embassy range, Halton Classic (Det)
 - BESK 00CS Drawing 01, Embassy range, Eskdale Classic (Semi)
 - BESK 00CD Drawing 01, Embassy range, Eskdale Classic (Det)
 - BFKS 00CI Drawing 01, Statesman range, Folkestone Classic (Mid)
 - BFKS 00CE Drawing 01, Statesman range, Folkestone Classic (End)
 - BKEY 00CD Drawing 01, Embassy range, Kingsley Classic (Det)
 - BMAI 00CI Drawing 01, Statesman range, Maidstone Classic (Mid)
 - BMAI 00CE Drawing 01, Statesman range, Maidstone Classic (End)
 - BRAD 00CD Drawing 01, Embassy range, Radleigh Classic (Det)
 - BRIP 00CD Drawing 01, Embassy range, Ripon Classic (Det)
 - BWA1 00CI Drawing 01, Statesman range, Washington Classic (Mid)

- BWA1 00CE Drawing 01, Statesman range, Washington Classic (End)
- BWIE 00CD Drawing 01, Embassy range, Windermere Classic (Det)
- BBLD 00CS Drawing 01, Statesman range, The Beadle Classic
- BAOD 00CD Drawing 01, Statesman range, The Alford Classic
- Garage Type SSGIS, single detached side gable
- Garage Type SD2S, single semi detached side gable
- Tanalised Timber Post & 4 Rail Stock Proof Fence
- ST-04-04, Boundary Treatment A, 1800mm high screen wall
- ST-04-04, Boundary Treatment B, 1800mm high close-boarded timber fence
- SCP report ref GWB/14923/TA/01 'Transport Assessment'
- SCP report ref GWB/14923/TP/01 'Travel Plan'
- Bryan G Hall stage 1 road safety audit
- SCP/14923/SK014 Rev A, Off site highway works White Cross Road and Low Cudworth Green Footway Improvements
- SCP/14923/SK016 Rev A, Proposed Footway Improvements, Carrs Lane
- ARP report ref 1048/69r1a 'Flood Risk Assessment'
- FDA Landscape Ltd 'Landscape Appraisal'
- Sirius report ref C6138A Rev 3 'Geo-environmental appraisal'
- Sirius letter C6138/JL/6572 rev 2 'Gas assessment letter (rev 2)'
- C6138B/MB/6765 Rev 3, Sirius Supplementary Mining Investigation letter

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 6 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

- 7 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:

- a) Footway widening on Carrs Lane
- b) Provision of footway on the south side of Low Cudworth
- c) Provision of footway to connect the western footway on Low Cudworth to the steps to White Cross road
- d) Provision of signs warning of pedestrians in carriageway on Low Cudworth in the vicinity of White Cross Road
- e) Provision of new road markings at the Carrs lane/Lunn Road/White Cross Road junction
- f) Provision of "junction ahead "warning sign on Lunn Road
- g) Measures to control footway parking on Lunn Road Manor Rd/Barnsley Rd need to give this further consideration
- h) Provision of/any necessary alterations to street light lighting
- i) Provision of/ any necessary alterations to highway drainage
- j) Any necessary resurfacing/reconstruction
- i) Any necessary signing/lining

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.

- 8 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Carrs 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.

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

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 10 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 11 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.
- 12 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. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining 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.
- 13 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 14 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to limit surface water run off to the greenfield run off rate 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. 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 CSP 40, Pollution Control and Protection.

- 15 Notwithstanding the Landscape Masterplan (R/1789/1B) submitted with this application, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs (updated to reflect ecological mitigation measures); together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 17 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 18 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- 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.**
- 19 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 safeguard existing trees, in the interest of visual amenity.
- 20 Deliveries shall be only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 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.

- 21 The boundary treatment as shown on the Landscape Masterplan (R/1789/1B) shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details unless required by any other conditions in this permission.
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.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 90, 91, 140-145, 153, 154, 172, 173, 191-192, 195-197, 200-201, 215-217 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.
- 23 Notwithstanding the details shown on the Landscape Masterplan (R/1789/1B), prior to the completion of the surface water attenuation pond, a plan indicating the position of boundary treatment to be erected for the area located around the attenuation pond should be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the pond is brought into operation or in accordance with a timescale to be agreed. 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
- 24 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (SLR Ref: 424-03696-00024), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 25 No construction of buildings or other structures within 5m of the sewer that is laid within the site shall take place until measures to divert or otherwise formally close those lengths of sewer that would otherwise conflict with the proposed development have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.
Reason: In the interests of satisfactory and sustainable drainage.
- 26 The development shall be carried out in accordance with the recommendations in Sirius report ref C6138A Rev 3 'Geo-environmental appraisal', and Sirius Supplementary Mining Investigation letter C6138B/MB/6765 Rev 3
Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.

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

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

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

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.

28 Notwithstanding the Landscape Masterplan (R/1789/1B) and Proposed Site Layout Plan (YW-04-03 AA) submitted with this application, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of bin storage areas. The approved bin storage shall be implemented in accordance with the approved details prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29 and in the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

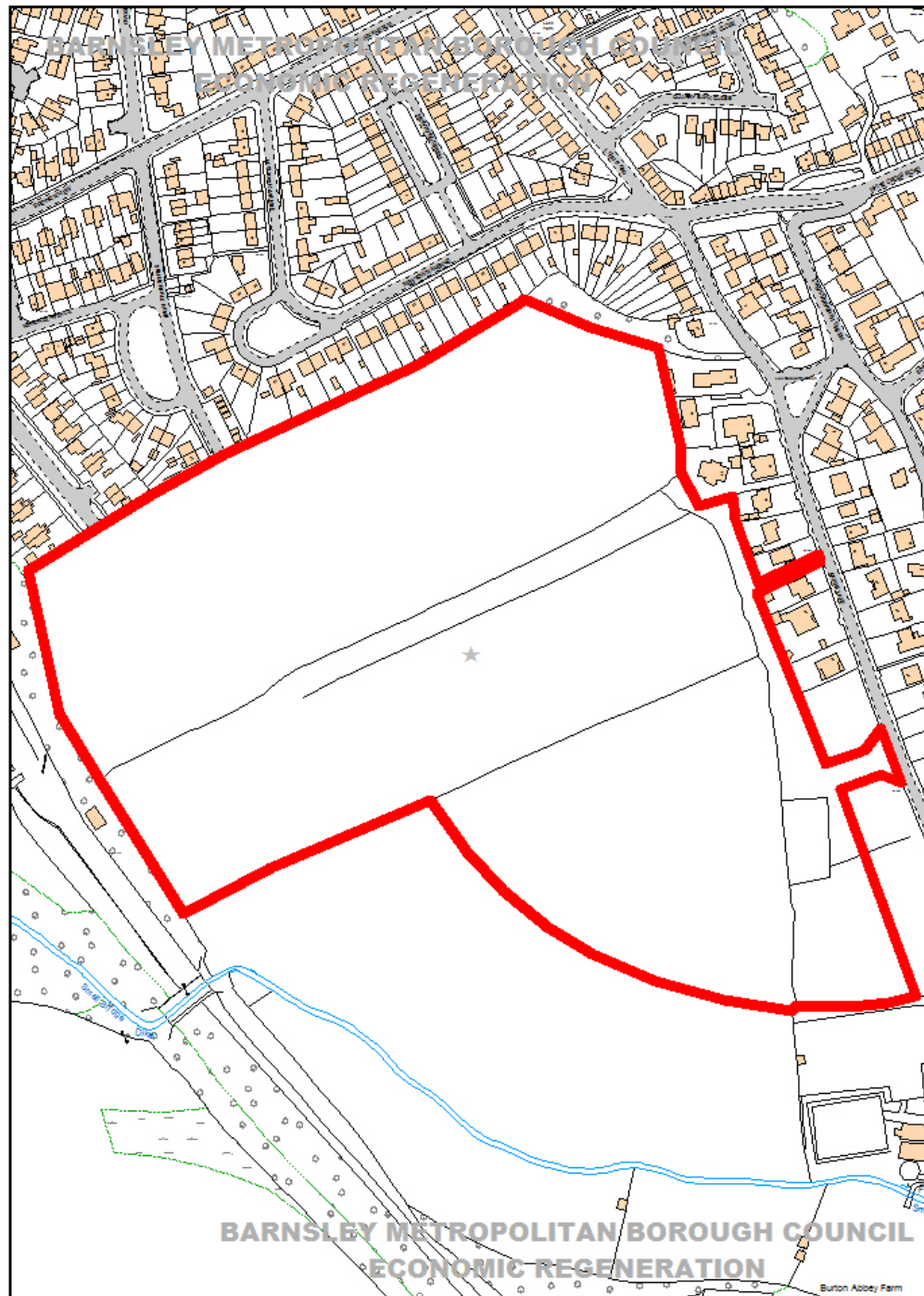
29 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be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

Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.

PA Reference:-


2017/0577

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BARNSEY MBC - Economic Regeneration

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


Scale 1: 3000