
2017/1451

Applicant: Mr Tim Love

Description: Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended Description).

Site Address: Land West of Wakefield Road, Barnsley

7 representations from local residents. Cllr Platts has expressed concerns with capacity issues at Athersley Primary School and about the ability of Wakefield Road to accommodate further development given the existing high traffic flows.

Site Location & Description

The application site comprises of 7.73ha of land located west of Wakefield Road between New Lodge, Athersley South and Smithies.

The site shares a boundary with the A61 Wakefield Road to the east. Over half of the eastern boundary is road frontage with the remaining part being set behind a site currently occupied by a car sales business and the staff car park for the Stagecoach bus depot that is located in close proximity further to the south east. The site is in close proximity to the junction with the A633 Rotherham Road and the associated mini roundabout which is located to the north east of the site. Existing residential properties are located opposite to the site on the other side of Wakefield Road. In addition the site is opposite to the Wakefield Road/Rotherham Road recreation ground which includes a range of play equipment and multi use games court.

Located to the south/south east are commercial premises, including the Stagecoach bus depot and plant hire depot which are screened by a substantial tree belt. Located to the south west is a footpath which follows a disused railway line atop a well treed embankment. This forms a visual barrier to the southwest and lies within Green Belt. The northwest boundary is formed by a track/fence line adjacent to a further area of rough grassland to the west. To the north the site is bounded by East Gawber Colliery Fan House, a scheduled ancient monument "at risk" and a commercial area comprising industrial type uses. Beyond these is the residential area of New Lodge.

Whilst the site is now greenfield in nature, it comprises land previously associated with historic colliery uses, including the deposition of material. The map of 1850 shows the site was undeveloped until the 1890s when railways and buildings associated with the East Gawber Hall Colliery were developed across the northern portion of the site. The site will require remediation as there are mine shafts and adits and areas of contamination.

The site's topography generally slopes down from north to south with a variety of gradients. A substantial hedgerow runs in a northeast southwest direction which divides the site with pasture to the northwest and a linear 'valley' running from north to south within the eastern part. The majority of the trees/shrubs within the site are located in or around this valley and a stream runs north to south within it. Besides these features the site has limited vegetation and a limited area of paddock to the northern part. The valley provides natural drainage of the site, resulting in a pond located at the southern-most corner of the site.

The nearest residential development lies at Hill Top Cottages and East Gawber Farm immediately adjacent to the north eastern boundary; and Wakefield Road, with New Lodge

just to the north. The site lies in a sustainable location with schools, shops and public transport close by, as well as Health facilities at New Lodge. The site lies within Flood Risk Zone 1.

Planning History

No previous planning applications have been made on the majority of land associated with the application. However the following applications have been made on the adjacent land at East Gawber Farm involving the private access track which passes through the site:-

B/98/0316/B - Reclamation and regrading of land (part retrospective). Withdrawn.

B/01/0424/BA - Erection of dwelling, alterations to existing dwelling, Formation of Equestrian Centre, Stables, Indoor and Outdoor Arena, Car Parking. (Outline), 31 East Gawber Cottages and land at East Gawber Farm. Approved 13/01/2004.

2006/2021 – Renewal of B/01/0424/BA. Approved 13/03/2007.

2007/0227 - Erection of indoor arena, associated stable block and car park (Reserved Matters). Approved 22/03/2007.

2010/0175 East Gawber Farm (encompassing part of the application site) Erection of dwelling, alterations to existing dwelling, formation of equestrian centre, stables, indoor and outdoor arena and car parking (Reserved Matters) Approved 27/05/2010

2010/1368 East Gawber Farm (encompassing part of the application site) Demolition of existing dwelling and erection of 2 no. detached dwellings Approved 13/01/2011

2018/0722 - Variation of condition 2 of planning permission 2010/1368 to enable plot 1 to be replaced with 2no detached dwellings. No decision has been made at the present time.

In addition records indicate that the following application was refused in 1975:- B/74/1918/BA - To construct access road to serve industrial development.

Proposal

The application initially sought outline planning permission for a development of up to 220 dwellings with associated open space, earthworks, road and drainage infrastructure. The application seeks detailed approval over the means of access for the development with all other matters reserved for subsequent approval. This was reduced to 187 as a result of infrastructure requirements on Wakefield Road, but subsequently increased to 232 to more closely align with the draft Local Plan site allocation.

The application is accompanied by an indicative masterplan to detail the applicant's intentions concerning future development. This shows the intended locations concerning the position of the houses, roads, public open space, retained and new areas of planting, provision of footpaths including linkages to routes off the site and surface water attenuation areas.

The application has been amended during the course of being considered in order to set aside a corridor of land abutting Wakefield Road to allow for the possibility of a bus lane and 3m wide combined foot and cycle way being constructed along the site frontage. This explains the reduction in dwelling numbers. Earthworks would need to be addressed via a separate application for full planning permission.

The indicative plan proposes blocks of dwellings running northwest and southeast with surface water attenuation basins in the southwest of the site and a play space to the east of the site in the location of the current stream and “valley”. The area of the watercourse is proposed to be dedicated as open space and enhanced. The central hedgerow and a number of trees to the north end of the site are proposed to be removed with a 10m wide woodland buffer to the north west boundary to be planted as mitigation.

Provision of access is proposed via a new give way priority ‘T’ junction that would be created from Wakefield Road. A new right turn lane would be created for southbound traffic. Other off site improvement works are indicated including the upgrading of the existing pedestrian island/refuge located higher up to the north beyond the junction with Wakefield Road and mini roundabout and its replacement with a pelican crossing.

The applicant put forward a case that the development is unable to provide the amount of affordable housing requested as well as the other contributions that have been requested. As such, a viability assessment has been submitted to support the application.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The 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 emerging Local Plan has now reached a very advanced stage with the Council having received the Planning Inspector’s report for fact checking. The Final Report is anticipated to be received between this report being written and the date that planning and regulatory board will consider this application. This means that substantial weight can be given to the policies contained within the Local Plan. Strictly speaking, the Core Strategy and Unitary Development Plan remain the development plan for the borough. However, in light of the fact the Local Plan that is on the verge of being adopted, these are now afforded less weight, particularly where it is clear that relevant policies within either of the documents are superseded by up-to-date policies within the Local Plan

Saved UDP Policies

UDP notation: Urban Land to Remain Undeveloped - saved UDP Policy GS11 and BA11/3. A small corner of land in the northeast of the site is allocated in the UDP as site for expansion of existing firm Saved UDP Policies ED10 and ED11: Growth of Existing Firms.

The Core Strategy

CSP1 Climate Change

CSP3 SUDS

CSP4 Flood Risk

CSP8 Location of Growth – priority for new development will be given to Urban Barnsley

CSP9 The Number of New Homes

CSP10 The Distribution of New Homes

CSP14 Housing Mix & Efficient Use of Land

CSP15 Affordable Housing

CSP19 Protecting Existing Employment Land

CSP25 New Development & Sustainable Travel

CSP26 Development & the Highway Network

CSP29 Design

CSP 30 The Historic Environment
CSP35 Green Space
CSP36 Biodiversity
CSP 39 Contaminated and unstable land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations

Emerging Local Plan

The site is proposed to be allocated for housing in the draft Local Plan as site H42 Land West of Wakefield Road.

Extract from MC5: Proposed Main modifications Version of the Local Plan Document 2018

*Site H42 Land west of Wakefield Road Indicative number of dwellings 250
The development will be expected to:*

- *Be accompanied by plans for the improvement, protection and maintenance of the adjacent Scheduled Ancient Monument known as East Gawber Hall Colliery Fanhouse and its setting. Planning conditions will be used to ensure that details for the improvement, protection and maintenance of the adjacent monument and its setting have been submitted to and approved by the Council before development commences; and*
- *Retain, buffer and manage all hedgerows plus the scrubland/swamp in the depression.*

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

- *Information identifying the likely location and extent of the remains, and the nature of the remains;*
- *An assessment of the significance of the remains; and*
- *Consideration of how the remains would be affected by the proposed development*

Other policies of relevance are as follows:

Policy SD1 – Presumption in favour of Sustainable Development
Policy GD1 – General Development
Policy LG2 – The Location of Growth
Policy H4 – Uses on Allocated Housing Sites
Policy H7 – Housing Mix and Efficient Use of Land
Policy T3 – New Development and Sustainable Travel
Policy T4 – New Development and Transport Safety
Policy D1 – High Quality Design and Place Making
Policy HE1 – The Historic Environment
Policy HE6 – Archaeology
Policy GI1 – Green Infrastructure
Policy BIO1 – Biodiversity and Geodiversity
Policy CC3 – Flood Risk

Relevant Supplementary Planning Documents and Advice Notes

- Designing New Housing Development
- Open Space provision on New Housing Developments
- Parking
- PAN 33 Financial contributions to School Places
- South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Sections of relevance are:

- Section 2 – Achieving Sustainable Development
- Section 5 – Delivering a Sufficient Supply of Homes
- Section 8 – Promoting Healthy and Safe Communities
- Section 9 – Promoting Sustainable Transport
- Section 11 – Making Effective use of Land

Consultations

Affordable Housing – The policy position is that 15% of the number of houses should be provided as affordable housing if the Core Strategy policy is applied, or 10% using the proposed Local Plan policy. However they accept that provision should be agreed taking into account of viability considerations and other contribution requests.

Air Quality – Calculation of Pollution Emission costs have been submitted. No objection subject to conditions.

Biodiversity – Expresses concern as the ecology report does not propose to retain central hedgerow which should be retained, as should all the vegetation in and around the depression.

Coal Authority – No objections. A condition would be required for intrusive site investigations and implementation of resulting mitigation report.

Conservation – Is supportive of the application given the proposal to secure funds to repair the nearby Scheduled Ancient Monument.

Contaminated Land Officer – No objections. The surveys have identified areas of contamination on the site and remediation works will be required which will require subsequent validation. This can be secured by planning conditions.

Drainage – No objection subject to conditions

Education – Require contributions towards both primary and secondary school provision. This would equate to £4985.47 per dwelling unit.

Forestry-. Raises concerns that the indicative plan does not include provision of the retention of the central hedgerow (category B specimen), as the purpose of a tree survey is to identify high value specimens that should be retained prior to embarking on the design.

Highways – No objections subject to conditions.

Historic England – Initially raised concerns having regard to paras 194 & 196 of the NPPF. However they are now supportive of the application subject to the £109,200 being secured to fund the restoration of the Scheduled Monument.

Pollution Control - No objections taking into account of considerations including noise. Initially raised concerns about the potential of noise nuisance from the electricity substation located next to the south east corner of the site. However this was addressed through the provision of additional information. Consequently there are no objections subject to glazing specifications, ventilation and acoustic barriers being agreed as part of the detailed design stage.

PROW – Issues that need to be addressed at the detailed design stage are the provision of an access ramp to a 6m high embankment in order to connect with public footpath no. 1 (bridleway/cycleway) to west. In addition it is suggested that the proposed footpath links with the land to the north are not taken forward as these would encourage trespass onto 3rd party land.

South Yorkshire Archaeology Service - No objection subject to a condition

SY Police Crime Prevention Officer - Landscaping around dwellings should be below 1m high. Development should be secured by design

SYMAS – No objections. An intrusive site investigation would be required prior to development to investigate and evaluate shallow coal seams and associated ground conditions and the position and condition of mine entries and associated mining legacy risks

Transportation – No objections given that the plans have been amended to set aside the land on the site frontage to allow for the bus and cycle lanes to be constructed at a future date.

Waste – Plans at the detailed design stage should be designed with the requirements of waste management in mind, including covering the costs of the provision of new bins.

Yorkshire Water- no building should lie within 5m either side of public sewer and 4m and 3m of other pipes on site. Development to be undertaken in accordance with submitted FRA

Representations

The application has been publicised by way of a press notice, site notices and letters were sent to 84 local residents. As a result of the publicity, 7 representations were received from local residents from 6 addresses. The main issues raised are as follows:

- loss of view, loss of privacy
- Impact on private access and raise issue that there is no right of way along private road, concern that it could be used as a shortcut
- increased levels of noise and light, including during construction

- pedestrian safety
- landscaping
- increased traffic congestion
- potential health issues caused by dust during construction
- effect on wildlife
- impact on property values
- One of the letters additionally requested that dwellings close to the objectors property be low rise, and further away than the indicative plan suggests, and that no affordable housing be located close by; that trees to the boundary close to the objectors property be retained, and that the objector would like to contribute to the design, size and aesthetics of the boundary wall. The letter also requested that the contractor resurface the private lane as a goodwill gesture in recompense for disturbance including dust noise etc. during construction.

Following the increase in indicative number of dwellings proposed, a further round of neighbour consultation was undertaken. This resulted in 6 further representations from 5 addresses. Of these, only one was from a resident who had not previously commented. For the most part the new comments reiterated those set out above, only one new issue was raised; that development could affect an adjacent dwelling as it does not have foundations.

Councillor Jenny Platts has commented that Athersley Primary is at capacity and that Wakefield Road is already very busy.

Assessment

Principle of Development

The site is currently designated Urban Land to Remain Undeveloped in the Unitary Development Plan. However Councillors shall be familiar that the policy is classed to be out of date in national planning policy terms (NPPF) for the reason it was adopted nearly 2 decades ago in the year 2000. The Urban Land to Remain Developed Designation was given specific to sites that were on the edge of existing built up areas, keeping them out of the Green Belt to allow for future development needs to be met in whatever subsequent plan replaced the UDP.

The site is located within Urban Barnsley off a classified road (the A61) and is positioned adjacent to the neighbouring residential areas of New Lodge, Athersley and Smithies. As a result it falls within Urban Barnsley which the main focus for growth as set out in Core Strategy Policy CSP8 'The Location of Growth'. Furthermore it is located close to bus stops, local services such as schools, a local health centre, and shops and is located relatively close to Barnsley Town Centre. As a result it has been deemed a suitable site to be proposed to be allocated for housing development in the Local Plan (H42). Whilst the Inspectors final verdict on the Local Plan is still awaited considerable weight can be afforded to this designation given the stage it has reached with the examination and modifications process which has seen the proposed future housing use unchanged concerning this site.

Another significant material consideration is our inability at the current time to demonstrate a 5 year supply of specific, deliverable sites sufficient to meet the boroughs housing requirement (based upon the findings of the latest report on Barnsley Five Year 'Deliverable' Housing Land Supply Report April 2017 – March 2022). The development would contribute towards addressing the current deficiency in the 5 year housing land supply and reduce pressure on the need to find land elsewhere for new housing which is not in the Green Belt in order to meet the identified targets. This would also weigh in favour of the proposal.

Given the above considerations it is considered that the NPPF Presumption in Favour of Sustainable Development (paragraph 11 of the NPPF) should be applied to the assessment of this application.

Historic Environment

A Heritage Assessment was submitted proposing mitigation in the form of a programme of archaeological recording, proportionate to the assets' significance and to the predicted level of impact. However, Historic England initially objected to the proposal as the historic Fanhouse is a Scheduled Ancient Monument (SAM) and is "at risk", and that the redevelopment failed to address the Fanhouse directly, or to minimise the impact on its significance from the loss of part of the associated colliery site. The draft Local Plan policy also requires measures for the protection and maintenance of the monument.

The Conservation Officer also considered that the proposal would cause some harm to the setting of the SAM and the historic environment which needed to be balanced against other overarching public benefits. He therefore agreed with Historic England that measures for the protection and maintenance were required as mitigation for the development.

Following negotiations, officers have secured a developer contribution of £109,200 to fund the full cost of repair to the monument via a S106 agreement. This mitigation and enhancement is sufficient for Historic England and the Conservation Officer to lend support for the application, which adds weight in favour.

For any potential on-site archaeological remains, the South Yorkshire Archaeology Service has proposed a planning condition to undertake archaeological evaluation and to provide a written scheme of investigation and mitigation. Taking all the above into account the proposal is considered to accord with CSP 30 and the site specific draft Local Plan Policy H42 on this point.

Design & Visual Amenity

In terms of design proposed Policy GD1 'General Development' and the site specific policies, which in the case of allocation H42 include an indicative number of 250 dwellings, protection and maintenance of the adjacent monument, retention of the scrubland/swamp in the depression, a buffer and management of the hedgerows, are of relevance. The indicative masterplan submitted with this application demonstrates that the proposal is capable of delivering a residential scheme which generally complies with emerging local plan policies subject to site specific reasons covered elsewhere in this report.

Core Strategy Policy CSP14 Housing Mix and Efficient Use of Land seeks a minimum of 40 dwellings per hectare. It goes on to state that lower densities will only be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons. In this instance the number of dwellings has been reduced as a result of infrastructure requirements to be implemented along Wakefield Road, the retention of vegetation and further planting as mitigation for the loss of the central hedgerow, the provision of on site public open space including a play area, surface water attenuation basins and the retention of an existing pond. For these reasons it is accepted that the development can deliver less than the 250 yield anticipated by H42.

Based on a lower number of dwellings than set out in the indicative plan, it would be possible to design a scheme that would deliver an attractive residential environment which would enhance the existing area. To ensure this, it would be necessary to maximise assets within the site such as mature trees and hedgerows. The Tree Officers comments recommend that a tree survey and arboricultural implications assessment are provided to ensure that any

trees worthy of protection are incorporated into the design. A condition is proposed to ensure that this is carried out to inform the layout design at the reserved matters stage.

As regards the indicative layout and its compliance with design principles for children's playspace it is noted that the equipped play area is located on the main pedestrian routes but that the indicative design shows only minimal overlooking. It would be appropriate to condition the application to ensure a stronger regard to the design principles of the Open Space Provision On New Housing Development SPD including adequate overlooking. A greenspace assessment indicates that a mix of on and off site provision is required. On-site should be a minimum LEAP standard with formal provision off-site through developer contributions. Subject to above, it is considered that the proposal adheres to the objectives of CSP policy 29 which stress the importance of achieving high quality design.

Residential Amenity

Subject to required separation distances being achieved at the reserved matters stage, the redevelopment of the site for residential purposes would not adversely affect existing residents although there would be temporary disturbance during construction. To address these concerns relevant conditions can be employed restricting working hours, best practice working can also be secured within a construction method statement. Amongst other things, this would control noise and dust across the site.

The design of the dwellings at reserved matters stage would be expected to provide a mix of housing types and meet relevant adopted internal and external standards and parking and open space requirements as required by the relevant adopted best practice and adopted supplementary development documents.

One objector raised the possibility about loss of privacy. Whilst there are two cottages adjacent to the site, they lie comfortably beyond the minimum distances required between dwellings as set out on the indicative plan. One of the letters additionally requested that dwellings close to the objector's property be low rise, further away than the indicative plan suggests, that no affordable housing be located close by and that trees to the boundary close to the objector's property be retained. Furthermore they would like to contribute to the design, size and aesthetics of the boundary wall and requested that the contractor resurface the private lane as a goodwill gesture in recompense for disturbance including dust noise etc. during construction. In response, there is no legal right to a view and any perceived impact on property values is not a material planning consideration. As such this can have no impact on the determination of this application. As the proposal is outline tree removal proposals within the site are not finalised and are subject to change. The other matters raised are matters which the resident should take up with the applicant at reserved matters stage when layout and materials are being considered.

One objector noted that the road running along the boundary of the site is a private road and is concerned that it could be used as a shortcut. This does not constitute a material planning consideration as this application is in outline only and would not result in the erection of dwellings. The unauthorised use of the private road is not a material planning consideration but would constitute a civil matter of trespass.

The new concern raised about potential impact on a nearby dwelling due to lack of foundations is not material with respect to this application as the application is outline only and would not result in built development.

Noise and Dust

Initial concerns regarding noise from the electric substation adjacent the south east corner were raised. However this was addressed through the provision of additional information. Consequently there are no objections subject to glazing specifications, ventilation and acoustic barriers being agreed as part of the detailed design stage.

Objectors were concerned about increased levels of noise and light, and potential impact on human health during construction. There is no evidence that there would be an impact on human health, and whilst there is disturbance during construction phase, this can be controlled by condition at reserved matters stage. On this basis the proposal is considered to accord with CSP policy CSP 40 on this point.

Central Hedgerow

An area of contention is the proposal to remove the central hedgerow as part of the development. This conflicts with part of the proposed local plan policy for site H42 which states an expectation that all hedgerows shall be retained as part of the development. The draft Local Plan policy highlights the hedge as an important feature and the submitted documents identify the hedgerow as being important both in relation to the Hedgerow Regulations 1997 and BS5837:2012 and identified as retention category B. It also appears to have formed a historic Parish Boundary.

The applicants were contacted about changing the plans to accommodate the hedgerow. However they consider that when assessed against the Hedgerows Regulations 1997 the hedgerow has only limited (local) heritage significance and limited ecological significance and would be removed as part of the development. To mitigate against the loss, a replacement species-rich hedgerow/10m width woodland buffer is proposed to be planted on the northern boundary of the site to maintain habitat connectivity around the site, create a new bat flyway and to provide foraging and nesting habitat for breeding birds.

Given the length of time any new planting would take to establish both the Forestry Officer and Biodiversity Officer would prefer to see the retention of the existing hedgerow and have retained their original concerns as a result. However the Biodiversity Officer has conceded that the hedgerow would not meet the definition of an 'Important' hedgerow in the Regulations. Furthermore given its central positioning within the site and other constraints which have reduced the size of the development to 232 dwellings compared with the anticipated yield of 250 it is felt that this issue would not be sufficient to tip the balance towards the Council opposing the application given the housing need position and the other benefits associated with the proposal. Furthermore given that the application is in outline form with layout being a reserved matter it is possible to impose all of the conditions insisted upon by the Forestry and Biodiversity Officers.

Ecology

There was concern raised by objectors about the impact the proposal would have on wildlife. The Biodiversity Officer notes that whilst the ecological reports are of a good standard, he does not necessarily agree with the conclusions. The stream is considered a priority habitat and he has concerns about the loss of the central hedgerow. However, given the layout of the site is not under consideration at this stage it is considered that these matters can be dealt with via suitable conditions.

Highways

Objectors raised concerns about pedestrian safety and increased traffic congestion. However detailed capacity assessments have been undertaken at key locations on the local highway network which include the following:-

- The proposed new access junction
- Wakefield Road / Rotherham Road roundabout;
- Carlton Road / Wakefield Road signalised junction; and
- Wakefield Road / Smithies Lane signalised junction.

The assessments have shown that the existing highway infrastructure can accommodate the traffic that is estimated to be generated by the proposed development without being over capacity.

The proposed new access junction has been designed to meet the standards set out in Design Manual for Roads and Bridges for priority junctions with ghost island right turn lanes. Highways have accepted these findings subject to the imposition of a condition to secure the improvement works that are detailed within the Transport Assessment.

Coal Mining and Contaminated Land

The application has been accompanied by a coal mining risk assessment as the site lies within a high risk coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. Intrusive borehole site investigations are required to evaluate mining legacy risks. This can be secured by a condition for ground investigations and any appropriate mitigation. The application is therefore compliant with Core Strategy Policy CSP 39 and paras 178 and 179 of the NPPF.

Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not in an area considered to be at risk of flooding. However surface water management systems will be in place to prevent flooding off the site. The FRA details that a system will be needed to accommodate the 1:30 year rainfall event without any surface water flooding and be capable of retaining the 1:100 year plus 40% climate change storm event on site without flooding any buildings. This is reflected in the indicative plans and both Yorkshire Water and the Councils Highways Drainage Officer have no objections subject to conditions.

Viability Assessment and S106 considerations

A viability assessment has been submitted as the applicant has put forward a case that the development could not support the full suite of contributions required by policy due to the sites coal mining legacy and high abnormal costs. An independent evaluation has been undertaken by the District Valuer (DV) who has determined that a development of 232 dwellings could support the full policy requirements in relation to the provision of education, public open space and affordable housing and the heritage contribution. Whilst the applicant disputes this both sides have agreed on an approach that shall see future provisions calculated at the detailed design stage once the future number of dwellings is established. Furthermore they have agreed to pay the heritage contribution in full. This means that the S106 Agreement would need to be structured as follows:-

- An education contribution equating to £4985.47 per dwelling unit.

- Provision of 15% of the site as public open space including a LEAP standard play area within the development and a contribution for formal recreation provision off the site to be calculated in accordance with the formula set out in Appendix 2 of Supplementary Planning Document 'Open Space Provision On new Housing Developments'. For the previous version of the scheme of up to 187 dwellings this equated to a figure of £212,231, although this shall need to be adjusted to reflect the final number dwellings agreed at the reserved matters stage.
- £109,200 Historic costs for repair of the East Gawber Hall Colliery Fanhouse Scheduled Ancient Monument which is "at risk". The repairs schedule and costs have been provided by Heritage England.
- Provision of a Travel Plan.
- Affordable housing provision at 15% of the overall number of dwellings if the reserved matters application is determined at the time when the Core Strategy remains part of the development plan, reducing to 10% if the Local Plan is adopted. The onus would be on the appellant to demonstrate this amount of affordable housing is not viable by submitting a viability appraisal at the reserved matters stage which would then need to be reviewed independently before a final figure is arrived at.

Conclusion

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the Boroughs housing requirement. As a result, applications for residential planning permission in the Borough (including proposals on UDP Safeguarded Land and UDP Urban Land to Remain Undeveloped allocations), where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 11 of the NPPF), relevant development plan policies and any other material considerations. This carries weight in support of the application.

The site is located in the Urban Barnsley, the main priority location for growth within both the existing adopted Core Strategy and the draft Local Plan. In addition, the site is proposed to be reallocated as Housing site H42 publication draft Local Plan which has now been through an examination and modification process attracting considerable weight in support of the application. The site is also in a sustainable location close to shops, public transport schools and health centre, close to an established residential area and the proposals would be readily compatible with adjoining uses and accessible by public transport.

The proposed development would provide up to 232 new dwellings. New homes at a time when the Council cannot demonstrate a five-year supply of housing is a significant benefit. Furthermore, the planning obligation would provide a mechanism to secure the provision of affordable housing and financial contributions towards education and off-site public open space, as well as the repair of a Scheduled Ancient Monument which is at risk. Its repair would be in the public interest and these are all significant benefits of the scheme

The details of the development are reserved for a future application for the approval of the reserved matters subject to conditions. The information provided in relation to other material considerations including biodiversity, flood risk, drainage, contaminated land, and trees is considered satisfactory at the outline planning application stage, subject to conditions.

The proposed access to the site is judged acceptable having regard to highway design standards and capacity. The size of the development is not sufficient to result in severe residual cumulative impact on the highway network.

In the overall balance, the adverse impacts identified would not significantly and demonstrably outweigh the social and economic benefits set out above. The presumption in favour of sustainable development as set out in NPPF paragraph 11 is a material consideration which outweighs limited conflict with the now out of date UDP Urban Land to Remain Undeveloped land use planning policy designation.

Taking into account the relevant development plan policies and other material considerations, set out in the above report and subject to the identified mitigation measures required by planning conditions, it is considered that the impacts of the proposed development would not be at a level to be considered sufficiently significant and adverse to outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole, relevant adopted best practice and guidance and the advice in the NPPF.

Therefore it is recommended to the Board that the application is granted outline planning permission, subject conditions and to a S106 Legal Agreement.

Recommendation:-

Grant outline planning permission subject to conditions and subject to a S106 Legal Agreement for the following:

1. Education contributions at a cost of £4985.47 per dwelling unit.
2. Provision of 15% of the development as open space, including a LEAP play area a contribution for formal recreation provision off site calculated in accordance with the formula in the SPD.
3. Costs for repair of the East Gawber Hall Colliery Fan House SAM £109,200
4. Provision of a travel plan
5. Provision of up to 10-15% affordable housing

Exact contributions to be determined at reserved matters stage.

Conditions

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

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

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

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

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

- 3 Plans accompanying the reserved matters application shall be in substantial accordance with the parameters as shown on the Illustrative Masterplan P17 5091 03 REV A.

Reason: In the interests of the visual and residential amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design and the Designing New Housing Development SPD.

- 4 Upon commencement of the development, a detailed scheme shall be submitted for approval of the Local Planning Authority to show how it is proposed mitigate against the air quality impact of the proposed development, in accordance with requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance and the pollutant emission cost submitted with the air quality assessment. The scheme shall include details of the air quality impact of the proposed bus lane on the nearest proposed dwellings (receptors) to Wakefield Road and details of proposed mitigations against raised air pollution concentrations. The scheme shall also include a timetable for implementation. Thereafter the mitigations shall be implemented in accordance with the approved details.

Reason: In the interests of minimising the impact of the proposal on local air quality in accordance with Core Strategy policy CSP 40.

- 5 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.

- 6 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation scheme shall be implemented in accordance with the approved timetable of works. On the completion of measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.

Reason: To protect the environment and ensure the site is suitable for the proposed use.

- 7 A detailed scheme of noise mitigation measures shall be submitted with the reserved matters application. The scheme shall be accompanied by a plan which clearly identifies where each type of mitigation is proposed and a programme of implementation. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of noise mitigation in accordance with CSP40.

- 8 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:

- Arboricultural impact assessment
- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

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

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

- 9 Plans submitted at reserved matters stage shall include pedestrian links to existing public rights of way. This shall include but not be limited to an access ramp to meet Footpath 1.

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

- 10 No building or other obstruction including landscape features shall be located over or within :

(i) 5 (five) metres either side of the centre line of the 450mm diameter public combined sewers i .e. a protected strip width of 10 (ten) metres;

(ii) 4 (four) metres either side of the centre line of the 450mm diameter public surface water sewer

(iii) 3 (three) metres either side of the centre line of the 225mm diameter public combined sewers and 375mm diameter Yorkshire Water maintained overflow pipe i .e. a protected strip

No trees are to be planted within 5 (five) metres of any public sewer crossing the site. If the required stand -off distances are to be achieved via diversion or closure of the sewers , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 11 The reserved matters application shall be accompanied by full foul and surface water drainage details. 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 unless otherwise agreed in writing with the Local Planning Authority.

To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4.

- 12 The site is located in a coal mining referral area due to the presence of shallow coal, recorded and possibly unrecorded shallow coal mine workings and mine entries. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration.

The coal mining risk assessment undertaken by Rogers Leask Environmental ref 17176-RLE-17-00-RP-O-0003 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate shallow coal seams and associated ground conditions and the position and condition of mine entries and associated mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"

Reason: NPPF section 170, 178 and 179 Land stability.

- 13 A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow but not be limited to the measures set out in, Section 6.5 of Bat Survey Report by Applied Ecological Services Ltd, and Section 5.5 of Breeding Bird Surveys by Applied Ecological Services Ltd.

The scheme shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of biodiversity and in accordance with CSP 36.

- 14 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 112 of the National Planning Policy Framework 2018.

- 15 A detailed landscaping scheme shall accompany the reserved matters application which shall contain full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. 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 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Provision of right turning facilities including pedestrian islands;
- Provision of bus lay by;
- Provision of pelican crossing;
- Provision of 3m footway/cycle track along entire site frontage;
- Provision of/any necessary alterations to street lighting;
- Provision of/any necessary alterations to highway drainage;
- Measures to prevent/control parking/loading;
- Any necessary signing/lining;
- Any necessary reconstruction/resurfacing.

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.

- 19 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 20 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.

- 21 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.

- 22 Upon commencement of the development, details of the siting of the sales cabin, and parking for staff and customers visiting the site, shall be submitted to and approved in writing by the Local Planning Authority. Once agreed such facilities shall be retained for the entire construction period.

Reason: In the interest of road safety to accord with Core Strategy Policy CSP 26.

- 23 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

- 24 Prior to the submission of any reserved matters application, an archaeological evaluation of the application area shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted as part of the reserved matters application. The scheme shall then be implemented in accordance with the approved details.

Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and in accordance with CSP 30.

- 25 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of public open space in accordance with the adopted Supplementary Planning Document 'Open Space Provision on New Developments'. Provisions and arrangements shall address and contain the following matters:

(i) The delineation and siting of the proposed public open space

(ii) The type and nature of the facilities to be provided within the public open space including where relevant the provision of play equipment for a Local Equipped Play standard (LEAP) which shall be supplied and installed to a specification as agreed with the Local Planning Authority.

(iii) The arrangements to ensure that the Public Open Space is laid out and completed during the course of the development

(iv) The arrangements for the future maintenance of the Public Open Space.

The provision of the open space shall be provided prior to completion of the development in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with the adopted Open Space Provision on New Developments LDF SPD.

26 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.

Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.

27 Visibility splays having the dimensions 2.4m x 70m, shall be safeguarded at the junction of Wakefield Road with the site access road 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.

28 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority.

Reason: to ensure a safe and adequate highway network, in the interest of road safety in accordance with CSP26.

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