
Application & appeal ref no 2019/0239

Appeal by Mr P Thornton Bellway Homes Ltd (Yorkshire Division), The Strategic Land Group Ltd., and Stuart, Erica Adele and Stephen Thompson

Proposal Residential development of 250 dwellings with associated access, parking, engineering and landscaping and ancillary works.
Land to the south of Lee Lane, Royston

Introduction

Members will recall at the last Planning Regulatory Board meeting a report was presented which advised Members of a forthcoming planning appeal to be heard by Public Inquiry into the non-determination of the above referenced planning application.

The site-specific policy in the Local Plan (MU5) requires the production of a masterplan framework covering the entire site. The Local Plan indicates that such masterplan frameworks shall be subject to public consultation and be approved by the Council prior to determination of any planning applications on the affected sites.

At the meeting it was resolved that Members supported the recommendation that Officers prepare a statement of case based on matters raised in the report in order to defend the appeal at the Public Inquiry (minute 64).

Since the Planning Regulatory Board meeting the Appellant has submitted revised plans and additional documentation on 29th January 2020 and 3rd February. A case management conference with the Planning Inspector who will be determining the Inquiry on behalf of the Secretary of State was held on 4th February 2020.

The Inspector urged the two parties to continue to narrow the areas of disagreement and required the Council to prepare putative reasons for refusal. The report below sets out the changes to the Council's case as a result of the submission of additional information from the appellant, the case management conference, and continued dialogue with the Appellant.

Amended Plans

Officers have accepted that revised planning layout 1867.01 REV M and the substation elevations SS.01 can be used to determine the appeal and the appellant has undertaken a consultation process which will expire on 21/2/20.

Proposed off-site highway works and means of access with internal road layout (Points (d) and (e) of Para 7.2 of Council SOC)

The parties have agreed to prepare a Highway Statement of Common Ground.

Viability and Adequacy of S106 contributions (point (g) of the Council's SOC Para 7.2)

Officers are content that the Appellant has now offered the appropriate level of contributions for secondary education provision, sustainable transport, off-site greenspace, and affordable housing. The appropriate level of contribution for Primary education is still a matter of dispute between the parties and viability remains a concern for the Council with respect to infrastructure requirements and costs which will only become clear upon adoption of a masterplan.

Biodiversity, Trees and Hedgerows (point (i) of Para 7.2 of Councils SOC)

The Council is satisfied that the amended layout 1867.01 REV M addresses the previous objections with respect to impacts on trees and hedgerows, and, subject to the two proposed planning conditions the objection is withdrawn.

The Council has assessed the Ecology Summary response from BWB received on 29 January 2020 and is satisfied that Biodiversity Net Gain and the value of the site/ proposals with respect to bat species are no longer reasons to prevent determination of the application. However, great-crested newt issues have not yet been satisfactorily assessed and further surveying and evaluation is recommended.

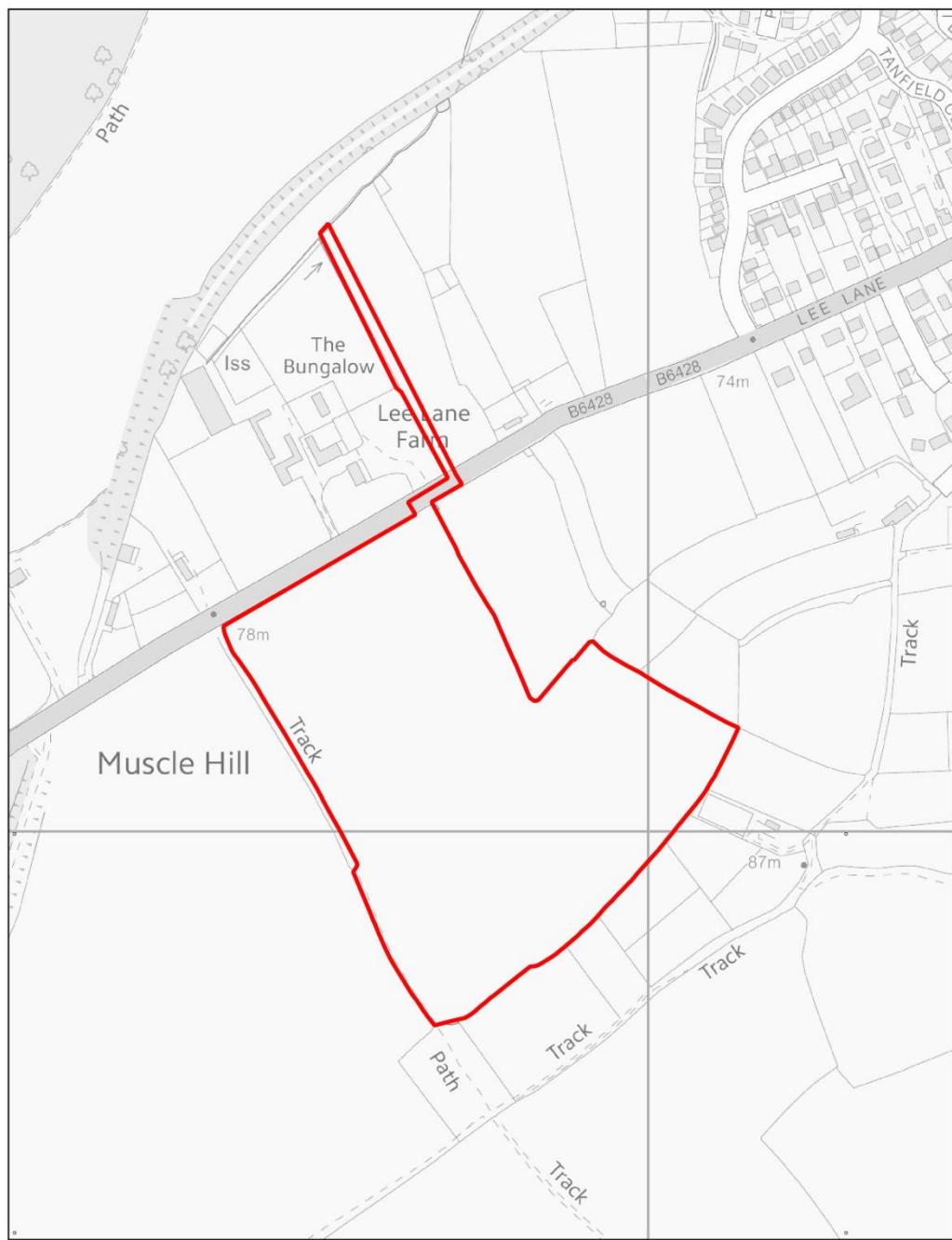
Recommendation – Members agree the following putative reasons for refusal

1. In the opinion of the Local Planning Authority, the proposal is contrary to Local Plan MU5 (indicative number of 828 dwellings) in that determination of the application is sought in advance of the adoption of a Masterplan Framework. It has not therefore addressed how the proposal would fairly contribute towards cumulative infrastructure requirements, in particular the provision of a primary school within the allocation and the off-site highway works. It would therefore prejudice the comprehensive delivery of the site, contrary to Local Plan policies MU5 and I1 and the Financial Contributions to Schools SPD.
2. In the absence of an adopted masterplan framework, the applicant has failed to demonstrate that the proposal represents the optimal use, design and layout for the site having regard to the requirements of Local Plan policies SD1, GD1, H6, D1, T3, T4, GS1, BIO1, CC1, CC2, CC4 and the Design of Housing Development and Open Space Provision on New Housing Development SPDs all of which will be explored fully as part of the master planning process. In the absence of this masterplan, the proposal is not considered to contribute towards place making or be of high-quality design and it therefore substantially conflicts with Local Plan Policy D1.
3. The proposed Transport Assessment fails to accurately assess the impact of the development on the highway network and the proposed off-site mitigation is deemed prejudicial to highway and pedestrian safety. Means of access to the site by way of a priority junction is also considered unsafe and the internal layout fails to achieve required design standards. The proposal has not therefore been designed to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. Accordingly, it substantially conflicts with the requirements of Local Plan policy T4 and Local Plan Policy D1, adopted Supplementary Planning Documents “Parking”, “Design of Housing Development and the “South Yorkshire Residential Design Guide”.
4. By virtue of its housing mix, the proposal fails to achieve the required density. In the absence of an adopted masterplan framework, no justification exists to depart from the density requirement, which seeks to ensure that land is used efficiently in order to deliver sustainable development. The proposal therefore conflicts with Local Plan Policy H6.

5. Despite the relatively low density of the scheme as a whole, there are a substantial number of dwellings where occupants would be afforded substandard levels of amenity by virtue of their internal size and layouts and the inadequate separation distance between dwellings the equipped play area. The proposal therefore conflicts with Local Plan Policy D1, GD1, the “Design of Housing Development and Open Space Provision on New Housing Development SPDs and the “South Yorkshire Residential Design Guide”.
6. Insufficient information has been provided to assess if the proposal would have an adverse effect on Great Crested Newts, contrary to Local Plan Policy BIO1 Biodiversity and Geodiversity which expects development to protect and improve habitats and species.

PA Reference:-

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