
Ref: 2019/1244

Applicant: CC Projects

Description: Outline planning permission for residential development (Use Class C3) of up to 73 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access.

Land South of Darton Lane, Darton, Barnsley

The application is presented to members as a major residential development. The application has been through two rounds of consultation with 188 letters of objection issued to the first round and 165 letters of objection to the second. In addition, Councillor Hunt has objected as has Dan Jarvis MP in his capacity as Member of Parliament for Barnsley Central

Site Description

The Site is circa 3.7 hectares of greenfield land located in Darton. Darton Lane runs along the northern boundary. The Site comprises agricultural land and is currently used for grazing horses. The Site has not been previously developed. As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the site is characterised as Grade 3 Agricultural Land. An existing farm track runs through the centre of the Site and links Darton Lane with the disused railway and countryside to the south.

Darton Primary School is to the west of the Site and the area to the north and east is residential. To the south-west is Darton Business Park, separated from the Site by the rail line. The land to the south is more rural with a dismantled rail spur along the southern boundary and beyond this, agricultural fields. The Site is part of an allocation for housing in the Barnsley Local Plan.

There are no recorded public rights of way across the Site but there are two informal footpaths which run along the dismantled rail line to the south and to the western boundary, accessing the school.

The Site is generally flat, sloping slightly from north to south. The highest part of the Site lies at approximately 76m above Ordnance Datum (AOD) in the eastern portion of the Site. The Site has a gradual south-eastern aspect with the lowest part lying at approximately 60m AOD in the south-eastern corner. The Site sits lower than Darton Road, with a dry stone wall currently used to divide the changes in level.

Proposed Development

The application is in outline with all matters reserved except access. The applicant has provided an illustrative layout showing how 68 dwellings could be accommodated on the Site along with greenspace, retained for its biodiversity value and access to the remaining part of the housing allocation.

The main vehicular access is to the west of the Site and shown as a T-junction with Darton Lane. In addition, 3 private drives are also shown off Darton Lane to the east of the Site, where it narrows. The existing field access is also retained through the site to the agricultural land at the south.

A sustainable drainage feature is located to the south west and a number of easements are retained through the site.

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 for the borough is the Barnsley Local Plan which was adopted on the 3rd January 2019.

Site Allocation: Housing Proposal

Site HS2:-

Land south of Darton Lane. Indicative number of dwellings 86. The development will be expected to retain species-rich grassland meadows at the west of the site. A buffer strip of vegetation should also be retained adjacent to the disused railway line at the south. Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary).

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 43% of new homes to be built in Urban Barnsley.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected

H7 'Affordable Housing' seeks 20% affordable housing in this area

T3 'New Development and Sustainable Travel'. The site is located in Urban Barnsley

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

HE6 'Archaeology'

GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

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.

Consultations

Air Quality: No objections to the development on operational phase air quality grounds. Recommends the installation of electric vehicle charge points in accordance with the Barnsley MBC air quality and planning good practice guidance.

Affordable Housing Officer: Given the outline nature of the application we would just request that the 20% affordable housing is conditioned. The applicant will need to agree the size, type and tenure split of the affordable housing at the reserved matters stage.

Biodiversity Officer: Objects to the partial loss of higher value grassland on the site. Further detail is provided within the report.

Broadband: No objection subject to a condition securing superfast broadband.

Coal Authority: Material consideration. The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to the reserved matter stage.

Conservation and Design: No Objections

Contaminated Land: The Phase 1 Desk Study (ref Wardell Armstrong H12190) has been submitted to support this application. The report has identified potential contamination risks to the

proposed development and recommends that an Intrusive Site investigation will be required to fully assess these risks. This approach is agreed and can be secured through an appropriate condition.

Drainage: The application is supported by a Flood Risk Assessment which describes the outline proposals for drainage of this site. Unfortunately, the plan doesn't show the two culverted watercourses which cross this site and will require easements. The proposals include for a new connection on to one of the existing watercourses crossing the site for which the continuation pipework will require a CCTV inspection to ascertain its condition and location. Whilst there is no objection in principle to the proposals, due to the size of the development and potential impact on the watercourse, full drainage details should be sought early on in any a reserved matters application. This can be secured through an appropriately worded condition.

EA: No comments

Education: Due to the high level of ongoing development within this area (Low Barugh and other developments within the immediate and surrounding areas) a S106 for secondary education is required.

Highways: Initial concerns regarding the access have been addressed and there is no objection in highway safety terms, subject to conditions.

Pollution Control: A satisfactory noise survey has been undertaken as part of the above application. Further details of the mitigation proposed should be conditioned for submission with the reserved matters application. No objection.

Public Rights of Way: The Dearne Way runs along the disused railway line to the south of the site, with 2 connecting branches to Darton Lane; one through the centre of the site which also provides vehicular access and is stated 'to be retained', and 1 outside the eastern boundary of the site which appears to be unaffected. This section of the Dearne Way is a permissive bridleway: i.e. access is provided via a formal agreement with the landowner. The landowner should confirm how they wish to resolve the status of the path and provide details of any works or proposals on this link route as part of any detailed planning application, including how access is to be managed during development. An informative can be added to the Decision Notice.

South Yorkshire Archaeology Service: The applicant has provided a Heritage Desk Based Assessment with the application which concludes the potential for currently unrecorded archaeological remains to occur is limited. On the basis of current information there are no constraints to the proposed development and it does not conflict with national and local planning policy relating to the historic environment. SYAS have confirmed their agreement with this evaluation.

South Yorkshire Police: No objections, detailed design comments only which have been passed to the developer for consideration at the Reserved Matters Stage.

South Yorkshire Passenger Transport Executive: No comments.

South Yorkshire Mining Advisory Service: The applicant has provided a coal mining risk assessment and phase 1 geo-environmental desk top study report by Wardell Armstrong. The reports indicate the land is potentially at risk from coal mining legacy risks such as ground instability if shallow mine workings are present within a critical depth of the surface. If planning permission is granted, it is recommended that a condition is included within the decision notice to ensure the mining legacy risks are adequately investigated and, where appropriate, remediated.

Tree Officer: No issues with the development of the site in principle but the current arboricultural information appears to be attempting to clear the developable area, which is not appropriate. The

removal of some trees will inevitably be required but emphasis should be put on the retention of larger specimens along with the higher retention category trees and groups and removals must be fully justified. It is accepted however, that the accesses can be achieved as affected trees here are not of any real merit, therefore, no objections at this stage. A further tree survey and Arboricultural Impact Assessment is required at the reserved matters stage and appropriate conditions should be applied.

Ward Councillors: Councillor Hunt has objected to the proposal on a number of grounds including highway safety and the proposed location and number of accesses to the site, existing volume of traffic within the area and along Darton Road in particular and the impact of this and other developments, the loss of biodiversity on the site and small area of retained habitat as well as issues ensuring this is suitably protected, the impact on trees and archaeology. Overall there is too much development proposed in the area and this site in particular is unsuitable for the housing as allocated.

Yorkshire Water: Based on the information submitted, Yorkshire Water has no objection in principle to the proposed building stand-off from public sewer centre-line (of four metres) submitted on drawing 0708-SK10 (revision C) dated 23/06/20 prepared by Edward Architecture.

Representations

The application has been subject to two rounds of public consultation as a result of amended plans being submitted. In both cases the consultation was advertised by neighbour letters, site notices and a press advert.

Dan Jarvis MP has submitted a formal objection to both rounds of consultation raising the following concerns:

- Loss of Greenspace and impact on Biodiversity and ecology;
- Increased risk of flooding.
- Traffic safety and the ability of the highway infrastructure to absorb the increased traffic.
- The impact on infrastructure and amenities in the area.
- The erosion of the boundary between Darton and Mapplewell.

188 letters of objection were received in relation to the first consultation, this includes 2 requests for additional time to comment and 1 request to speak at Planning Board and 1 letter from the neighbouring landowner. The objections raised covered the following issues:

Highways:

- The road infrastructure should be improved before allowing more houses.
- Traffic along Darton Lane is already bad and this will exacerbate the issues.
- Getting out of Darton Village at the Church Street / Huddersfield Rd junction is ridiculous. Traffic is backed up from this junction, all the way up to Darton Lane. Extra traffic will make this situation worse and gridlock Darton in rush hour.
- When the motorway is shut the village becomes gridlocked.
- Increased traffic will impact on safety especially at the junction of Darton Lane and Station Road
- The site entrance, opposite Oaks Farm Drive is dangerous; it is already extremely hard to turn onto Darton Lane because of the blind spot on the right and heavy traffic to the left.
- The existing junction at Oaks Farm Drive is already dangerous as the sightlines are poor and cars travel too fast – needs a roundabout to slow traffic down.
- There was an accident at Pye Avenue / Darton Lane several years ago and this will increase the risk of another.

- Existing queuing from the church right back to Bridge Street at 8am - 8.20am, the street cannot cope with any more traffic
- The road infrastructure was built when Darton and Mapplewell were villages and cannot cope with the increased traffic now they have grown. Junctions in Mapplewell are not fit for purpose and getting out of Darton can be the longest part of people's commutes.
- Pavements are too narrow and more traffic will make it dangerous
- When there are problems on the M1 and they have to divert traffic off at Haigh, we then have nose to tail lorries down Huddersfield/Wakefield road which makes it virtually impossible to get out of the village
- Cars drive along the road too fast already more traffic and housing will increase the risk of collisions
- Crossing Darton Lane is already very difficult
- Speed calming measures are required
- The Dearne Way passes just behind the outer perimeter and should be respected for the significance this implies. The infrastructure does not appear to be considered in the application. For many years now the surrounding area has been growing in terms of housing with no thought to the infrastructure
- The increased traffic will impact on air quality, especially as traffic at peak times is already over capacity with long queues.
- The use of the route through Darton by lorries carrying building materials for the construction of the new homes at the proposed development, is likely to cause absolute havoc.
- Poor air quality impacts on school children the most, walking to school.
- Noise pollution from traffic will be a statutory nuisance

Loss of greenspace:

- Loss of valued greenspace, trees and horse grazing land
- This area holds special interest in terms of heritage of Darton. Horses and ponies have grazed there for at least 15 years and I am aware that pit ponies did the same when the site was a railway sidings for collieries.
- This is the only greenspace for residents in this area
- Currently children in the area have to travel up to Mapplewell Park or down to Darton park to find a play area, football area, tennis court; maybe a few less houses and more green space with a play area?
- Loss of green belt, the council has release too much green belt in this area already
- Brownfield sites should be developed first

Ecology:

- It will be a travesty of failure to appreciate the ecology of this area if the development goes ahead. The current tenant of the area sympathetically grazes the area to encourage nature, flora, fauna, birds, small mammals and reptiles
- Loss of trees and impact on trees around the site
- Impact on sparrow hawks, foxes, kestrels and buzzards which have made this area their home
- The removal of this natural land would endanger the whole ecosystem of the wildlife to which it sustains
- The loss of habitat for wildlife is also an unacceptable cost. There are a significant number of bats, birds and other living creatures whose presence is not only welcomed but required to keep a natural balance of biodiversity
- The pond to the north of the site (which is fed by a natural spring) is home to common toads which migrate up to said pond around September / October to go into semi-Hibernation.
- This is one of the few places locally that children can connect with nature.

Flood risk:

- This site floods regularly, what will be done to address this and where will the excess water drain to
- Impact on flood risk and surface water run off – the streets already flood and this loss of greenspace will just make it worse.
- Darton Road floods when there is high rainfall
- The even numbered houses on Oaks Farm drive have an old stream which runs behind them. This stream became blocked with debris from the trees, which are protected by TPO. The stream was placed underground and the run off is on to the proposed development site. Building on the site would cause potential flooding to already existing homes
- The cellars of neighbouring properties already flood, what assurance is there that this will not be made worse by the development. The flood risk assessment does not address this.
- The planning application states that existing sewage pipes will be used which needs to be addressed in light of the recent issues Darton Lane has had with drainage/sewerage
- Risk of generalised and flash flooding. Flash flooding episodes in particular have increased over the last 2 years

Impact on services:

- Pressure on services, GP's already have long waiting list
- Increased pressure on local schools and impact on education quality
- Mapplewell and Darton Schools are already oversubscribed
- Social housing impact on crime and antisocial behaviour
- Impact on local businesses as a result of all the congestion

Overdevelopment:

- Already too much development in Mapplewell and more proposed, the area has already had its share
- Too much urban sprawl
- The communities will merge losing their identity

Construction impact:

- Negative impact on residents during construction from noise, site traffic
- Increased rat activity as a result of construction displacing rat populations

Application detail:

- The application is unclear, is it 73 or 86 houses?
- How will residents be encouraged to walk/cycle to work, shops etc it is unrealistic to expect people to cycle to Aldi / Co-Op
- 1 space for two bed dwellings is not adequate
- Where is the visitor parking? The area can't cope with on street parking.
- Transport Assessment document section 3.3.3 also states that there have not been any fatalities on Darton Lane. On 23rd March 2012, there was been a motorcycle fatality on Darton Lane.
- The Transport assessment included in the application was done back in 2017 and has therefore not taken account of the Carr Green development which has impacted greatly on the Mapplewell, Staincross and Darton areas.
- The travel assessment has no mention of the traffic that will use Spark Lane that has a Grade 2 single track bridge. This road has recently had increased traffic from the new estate in Mapplewell and access to Huddersfield Road is difficult between 7 and 9am.

- The house plots are too small compared to the wider area, there should be a reduction in numbers and increased housing plots.
- There is no evidence an assessment been made of the impact of turning right off Darton Lane eastbound on to the new estate.
- The report provided with the application states that the location is “well connected” for cycling with the TPT being in close proximity. This is absolutely false. “The site is therefore considered to be accessible by bike and is within an acceptable walking distance of key destinations across the local area” is nothing but offensive. My children cannot cycle to school in safety despite living 400m away. Perhaps the author would be happy for his/her six year old to ride their bike along Darton Lane with speeding SUV’s, and articulated vehicles thundering up and down it, but I am not

Other:

- Why haven’t the whole of Oaks Farm Drive been notified.
- The views of the community are rarely acted upon and this in turn makes us feel like we are not being listened to and that consultations are merely a paper exercise
- The land was sold during the liquidation of British Coal’s assets. British Coal policy at the time was to sell land with extensive “no build” covenants and clauses. My first objection is to why these covenants and clauses have been abolished.
- The site was previously part of a small colliery and is likely to have been mined leading to possible subsidence.
- Loss of a view
- Loss of value to properties which have an open aspect now and will lose this.

The second round of consultation resulted in a further 165 letters of objection. These repeated a number of the concerns summarised above and raised the following additional points:

- The revised plans don’t address any of the concerns raised previously by residents.
- The blocks of housing shown on the revised plans are out of keeping with the area which is mostly detached and semi detached.
- There are now 4 accesses onto an already dangerous road.
- Reduced vehicular traffic during lockdown has resulted in improvements for asthma sufferers therefore the increased traffic associated with this development is worrying.
- The increased number of accesses onto Darton Lane are of concern because of highway safety.
- The value of greenspaces and footpaths has been highlighted during lockdown and we shouldn’t be building on these.
- The reduction from 73 to 68 will make little to no difference to issues raised previously with this application.
- One of the new entrances is where a resident was knocked down and killed in 2012. There have been 3 accidents in this area with the most recent in August 2020.
- There are a number of sites already with planning approval or where houses are planned and the overall impact of these on the area is unacceptable.
- How has this site been removed from the Green Belt so easily?
- The south of Barnsley is crying out for regeneration with lots of brownfield land that should have been used for housing. Why are BMBC allowing so much housing in this area and on greenfield sites instead?
- Why have the supporting documents not been updated with the amended proposals?
- The TA includes the proposed roundabout at the Sackville Road junction, this has not been built and the planning application for this is not approved.
- No play facilities are included and there is already a lack of these in the area.
- There should be a hold on development given the current pandemic and time allowed to see how the world will change as a result i.e. more home working.

- Covid 19 has made it harder to get an appointment with the GP and the staggered starts at the school are increasing the parking issues associated with drop off and pickup.
- The impact on wildlife is unacceptable particularly with the current climate emergency and extinction issues.
- There are lots of empty houses in Darton and Woolley Village
- Concerns about the retained area of biodiversity being too small, having no access to residents and the management plan being inadequate.

Assessment

The site is located in Darton, within Urban Barnsley where Policy H1, the distribution of new homes, confirms 43% of the boroughs overall housing supply will be delivered. It is part of a wider allocated site for housing in the Local Plan, as such the principle of residential development is established as acceptable.

Site Specific Policy HS2 sets the number of dwellings to be achieved at 86 dwellings and states that development will be expected to:

- retain species-rich grassland meadows at the west of the site and a buffer strip of vegetation adjacent the disused railway line to the south; and
- archaeological remains may be present therefore proposals must be accompanied by an appropriate archaeological assessment.

The application has been accompanied by a Heritage Desk-Based Assessment which found the site has been in agricultural use since the medieval times with no records of archaeological finds previously and limited landscape features of historical significance. It concludes the likelihood of archaeological remains being present on the site is low. This has been reviewed and accepted by South Yorkshire Archaeology Service and no further investigation is required. In this aspect the second requirement of policy HS2 is met.

The applicant provided a parameters plan and indicative layout which sought to demonstrate that the site can be developed in accordance with policy HS2. However, through the application process it has been established that it is not possible to retain the species-rich meadow to the west of the site in its entirety and secure the anticipated yield of 86 dwellings. This is due to the constraints on site including sewers, the levels which fall sharply from Darton Lane and the shape of the site which is linear and narrows substantially from west to east. The species-rich grassland comprises 1.8ha and is in the wider, western portion of the site. Running north - south, it cuts the site in two with the area beyond it to the west not accessible from Darton Lane. To the east the site narrows with largely only single-sided development possible.

The application site does not include the full allocation with an area to the west excluded because it is under different ownership. Access to this part of the site is only possible through the development and will be secured through condition to ensure the future development of this part of the site. The applicant initially sought to deliver houses with only a small area of the grassland retained and a portion relocated within the site. This was unacceptable, in part because of the lost grassland and because relocation is often not successful. However, it was also demonstrated that retaining the species rich grassland in its entirety and meeting other policy requirements on the site would reduce the housing numbers to circa 29. Therefore, the proposed approach has been progressed. This retains 0.68ha of the species-rich grassland in its current location, the linear habitat to the south of the site with a buffer within the site and achieves circa 68 houses. This approach, and specifically the area of grassland to be retained, can be secured through conditioning the parameters plan provided and is accepted as the right balance in seeking to comply with the requirements of HS2.

To mitigate the onsite loss of grassland, the applicant has provided a detailed ecological assessment in accordance with the Defra Guidance on calculating biodiversity loss and net gain. This has established the total loss of habitat units on site and has been agreed by the Council's Biodiversity Officer. In addition, discussions have been progressed with Yorkshire Wildlife Trust and the Council's Parks Team regarding the funding of habitat enhancements on land at Wilthorpe Canal and Smithies Marsh. The final detail of this mitigation will be agreed prior to commencement of development and funded for 30 years. This is being secured through the S106. The Biodiversity Officer has raised concerns that the detail of this off-site mitigation should be secured before permission is issued in accordance with best practice. However, as there is a likely delay between when planning permission is granted and development commences, particularly with outline applications, there is uncertainty about what the most appropriate mitigation would be on these sites. Therefore, securing this through a S106 to be agreed at the time development starts on site is considered the best solution in this case. On this basis no net loss in habitat can be secured and the proposed is in compliance with Local Plan Policy BIO1.

Visual Amenity

As the application is in outline with all matters reserved, there is no detailed design information at this stage, limiting any assessment of the impact on visual amenity. Nevertheless, there will undoubtedly be an impact, given the green and open nature of the site currently. This can be mitigated in part through the detailed design and landscaping to be agreed at reserved matters stage. The retention of a large portion of the grassland to west of the site will also mitigate the visual impact.

In terms of other visual amenity considerations, the Tree Officer has confirmed that the proposed accesses can be achieved without impacting on existing trees. A tree survey has been provided with the outline, however, although the removal of some trees is accepted as being likely it is not accepted that it is appropriate at this stage to seek to agree the detail of these. A further tree survey is conditioned with the reserved matters and should be used to inform the final layout.

As such the proposal acceptable in visual amenity terms, complying with Local Plan Policy D1.

Residential Amenity

The application is in outline and there has been a significant number of objections, including loss of a valued open space. Several existing dwellings on Darton Lane are orientated to overlook the site and it is clearly valued by residents generally in its open and green form. The site is not, however, currently publicly accessible and is used as grazing land for horses. There is a footpath through the site which accesses a path running along its southern boundary, both are promissory and not formal PROW. This route is shown as retained on the parameters plan which will be conditioned. Further mitigation is provided through the retention of some of the grassland on site which will become publicly accessible. Therefore, whilst there is an undoubted impact on residential amenity, this is balanced with the benefits of providing housing and the mitigation.

The detailed housing layout will need to accord with the separation distances as set out in the Design of Housing Development SPD and South Yorkshire Residential Design Guidance and this can be assessed in full at the reserved matters stage with residents offered another opportunity to comment.

On this basis, the impact on residential amenity is neutral as assessed in accordance with Local Plan Policy D1 and the Site-Specific Policy HS2.

Highways

The application is in outline, however, access is under consideration. There have been several objections relating to highway safety and the impact on traffic in the area from local residents, the Ward Member and MP. The highway officer has been made aware of these concerns.

The proposal includes an adopted access from Darton Lane with three private drives. The Highway Officer initially raised concerns regarding the accesses and more details have been provided confirming the levels at access points, visibility along Darton Lane and distance to existing accesses on Darton Lane. This has demonstrated that the proposed site can be safely accessed with the required vertical and horizontal visibility achieved. The applicant has also provided a robust Transport Assessment which is over and above what is required for a site of this scale. The Highway Officer has agreed the traffic impact is acceptable on this basis with no mitigation required. Therefore, the proposed has been judged to be acceptable in accordance with Local Plan Policy T4.

With regards to Policy T3, sustainable transport. The application is in a sustainable area with a primary school directly to the west and the Local Centres of Darton and Mapplewell both within 800m. In addition, Darton Lane is on a bus route and Darton train station is circa 1km to the west. Finally, a condition has been added requiring details of EVCP and cycle parking to be agreed at reserved matter stage and the S106 includes a requirement to pay the Sustainable Travel SPD payment which will be calculated based on the final layout agreed.

PROW

The Dearne Way runs along the disused railway line to the south of the site, with 2 connecting branches to Darton Lane; one through the centre of the site which also provides vehicular access and is stated 'to be retained', and 1 outside the eastern boundary of the site which appears to be unaffected. This section of the Dearne Way is a permissive bridleway: i.e. access is provided via a formal agreement with the landowner. The landowner should confirm how they wish to resolve the status of the path and provide details of any works or proposals on this link route as part of any detailed planning application, including how access is to be managed during development. The parameters plan shows the path through the site as retained and an informative has been applied confirming the need for further details at reserved matters stage.

In addition, the parameters plan shows a new link from the site to a path running along the western boundary. This would provide an alternative walking route to the Primary School with further details to be agreed at reserved matters.

Based on the illustrative layout, the development will improve existing public rights of way, in accordance with Local Plan Policy GS2 Greenways and Public Rights of Way and T3 Sustainable Travel.

Drainage

The site is located within Flood Zone 1 (low risk), however, several the objections have raised issues with flooding on the site at times of heavy rainfall. The flood risk assessment (FRA) provided by the applicant confirms surface water routes from the residential areas to the north enter the site and appear to be partially blocked by the railway embankment to the south. This results in a build-up of water on site at times of heavy rainfall. In addition, the FRA confirms the site has underlying mudstone bedrock affecting ground infiltration.

The proposed drainage strategy is to use a combination of a Suds pond located on site to store water at times of heavy rainfall with connections to the existing sewer system. This approach and the run off rate has been agreed in principle by Yorkshire Water and the Council's Drainage team with further detailed design to be secured at reserved matters stage.

The proposed is therefore acceptable with regards to flood risk and drainage considerations in accordance with Local Plan Policies CC3 and CC4. This includes the requirement to not increase flood risk elsewhere in the catchment.

S106 Agreement

A S106 agreement is required with this Outline application to secure the off site biodiversity mitigation in accordance with BIO1 and the accompanying SPD which requires no net loss of biodiversity.

Furthermore, as this is an outline application provisions and contributions towards specific infrastructure requirements would need to be based upon the final number of dwellings allowed at the detailed reserved matters stage. The S106 can be written using suitable formulas that are based on the contents of the SPD covering the following topics:-

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 20% affordable housing provision expected in the Darton area.

Education – There is a requirement for an education contribution towards secondary school provision only, based on the proposed number of houses and current capacity within the schools.

Greenspace – The illustrative masterplan meets the 15% onsite greenspace but this is informal only. Therefore there is a requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. The site is located in the Accessibility Improvement Zone therefore this contribution is required. EV charging points would need to be conditioned for each dwelling as would cycle storage.

Subject to these S106 obligations and conditions, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusions

The proposed application is in outline with all matters reserved except access. The site is heavily constrained by sewers, power lines, levels and the location of species-rich grassland. In addition, the linear nature of the site creates challenges. The proposed approach is considered to deliver the best solution taking account of the various requirements of Local Plan Policy HS2 and the wider local plan.

Highways Safety and drainage concerns have been addressed sufficiently at this stage for the application to be supported in this regard and conditions added to secure further detailed design. In addition, the applicant has agreed to enter into a S106 Agreement to secure no net loss in biodiversity and obligations to ensure a policy compliant development with regards to necessary provisions in relation to greenspace, education, affordable housing and sustainable travel. The proposed is therefore recommended to Members for approval.

Recommendation

Grant subject to conditions and S106 Agreement:

- 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 The detailed design submitted with the reserved matters application(s) shall be in accordance with the parameters plan (ref:0708-EA-A-S20201130D) with access to the remaining parcel of the site allocation (HS2) provided.
Reason: To ensure the development is in compliant with Local Plan Policies HS2 and BIO1.
- 4 Detailed plans shall accompany the reserved matters submission(s) 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 Local Plan Policy D1 High Quality Design and Place Making.
- 5 Upon commencement of development details of measures to facilitate the provision of high speed full fibre 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 with Local Plan Policy I1.
- 6 Upon commencement of construction works, details of electric vehicle charge points shall be submitted and approved in writing by the LPA. The EVCPs will have a minimum "Mode 3" (7 kW, 32 AMP) capability and shall be installed in accordance with the approved details prior to first occupation of the development and thereafter in accordance with the approved details.
Reason: To ensure the new residential units are provided with infrastructure that conforms with the requirements of LP Policy T3 - New Development and Sustainable Travel.

- 7 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
 5. A Validation Report to confirm remediation works have been undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land.

- 8 The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow coal. As detailed in the Wardell Armstrong coal mining risk assessment and Phase one geo-environmental desk top study reports, the land could therefore be at risk from mining legacy risks such as ground instability if shallow coal mine workings are present. Prior to the commencement of development, and as advised by a suitably qualified engineer, site investigations must be undertaken to confirm ground conditions. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned Mine Workings Manual" where applicable.

A report detailing the findings of the investigation 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 development rests with the developer and/or landowner.

Reason: In accordance with Local Plan Policy CL1 Contaminated and Unstable Land and NPPF sections 178 a,b,c. 179 and 170 e & f.

- 9 No building or other obstruction including landscape features shall be located over or within 4 (four) metres either side of the centre line of the public sewer i .e. a protected strip width of 8 (eight) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with Local Plan Policies CC3 and CC4.

- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to accord with Local Plan Policies CC3 and CC4.

- 11 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
Reason: To ensure that the site is properly drained and in order to prevent overloading in accordance with Local Plan Policy CC3 and CC4.
- 12 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. 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.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4.
- 13 The Reserved Matters Application(s) shall be accompanied by a scheme for the provision and implementation of a surface water run-off limitation into the culverted watercourse. Once approved in writing by the Local Planning Authority, the scheme shall be implemented in accordance with an approved programme and details.
Reason: To prevent the increased risk of flooding in accordance with Local Plan Policy CC3.
- 14 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 building or structure shall be placed or erected within 3 metres, measured horizontally, of any watercourse.
Reason: To prevent damage to the existing culverted watercourse in accordance with Local Plan policy CC3.
- 15 Full details of the structural condition, including CCTV survey, and exact route of the watercourse shall be submitted with the Reserved Matters Application and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.
Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Local Plan Policy CC3.
- 16 The reserved matters application(s) shall include a lighting design strategy for light-sensitive biodiversity in the Darton Lane development. The strategy shall show how external lighting in the Darton Lane development will be installed. Through the provision of external lighting contour plans and technical specifications, it must be clearly demonstrated that it will not disturb or adversely affect the use of the semi-natural areas of the site by bats and other species of wildlife. The strategy shall be informed by the Institute of Lighting Professionals/Bat Conservation Trust, Guidance Note 08/18: Bats and Artificial Lighting in the UK. All external lighting shall be installed in accordance with the specification and locations set out in the strategy and maintained as such. Any luminaries used should be of the LED type which provides a lower intensity of light. Lighting in the warm white spectrum (preferably 2700Kelvin) should be adopted to reduce the blue light component with a wavelength exceeding 550nm. The lighting plan should also take into consideration the light spill from internal areas of the properties and measures to reduce this light spill such as low light transmission glazing.
Reason: In accordance with Local Plan Policy BIO1.

- 17 The reserved matters application(s) shall be accompanied by the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree Survey
Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with policies BIO1 and D1.

- 18 Prior to the first occupation of the development hereby permitted a vehicular access (and / or pedestrian / cyclist) shall be provided and thereafter retained in at the position shown on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety n accordance with Local Plan Policy T4.

- 19 The gradient of the vehicular access shall not exceed 1 in 12 as measured from edge of the adjacent carriageway.

Reason: In interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.

- 20 Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) a visibility splay shall be provided in full accordance with the details indicated on the submitted plan(s) (AMA_20276_SK008.1, AMA_20276_SK008.2, AMA_20276_SK008.3, AMA_20276_SK008.4 and AMA_20276_SK008.5). The splay shall thereafter be maintained at all times free from any obstruction exceeding 900mm above the level of the adjacent highway carriageway.

Reason: In interests of highway safety in accordance with Local Plan Policy T4.

- 21 No building or use hereby permitted shall be occupied (or use commenced) until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety in accordance with Local Plan Policy T4.

- 22 Prior to the first occupation of the development hereby permitted, parking provision will be in accordance with the standards set out within Barnsley's Parking SPD November 2019 (or its successor). Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard in accordance with Local Plan Policy T4.

- 23 Before the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
Reason: To ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety. In accordance with Local Plan policy T4.
- 24 The gradient of individual vehicular accesses/driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.
Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4.
- 25 The reserved matters application(s) shall include details of secure and covered parking for bicycles for every dwelling to be agreed in writing by the LPA. The agreed scheme shall be implemented, and secure cycle parking provided before individual dwellings are occupied.
Reason: In interests of encouraging use of sustainable modes of transport in accordance with Local Plan Policy T3.
- 26 No development shall be commenced until full engineering, drainage and street lighting and construction details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.
Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.
- 27 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Darton Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 28 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
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety and to accord with Local Plan Policy T4.**

- 29 No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:
- i. A plan to a scale of 1:1250 showing the location of all defects identified
 - ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

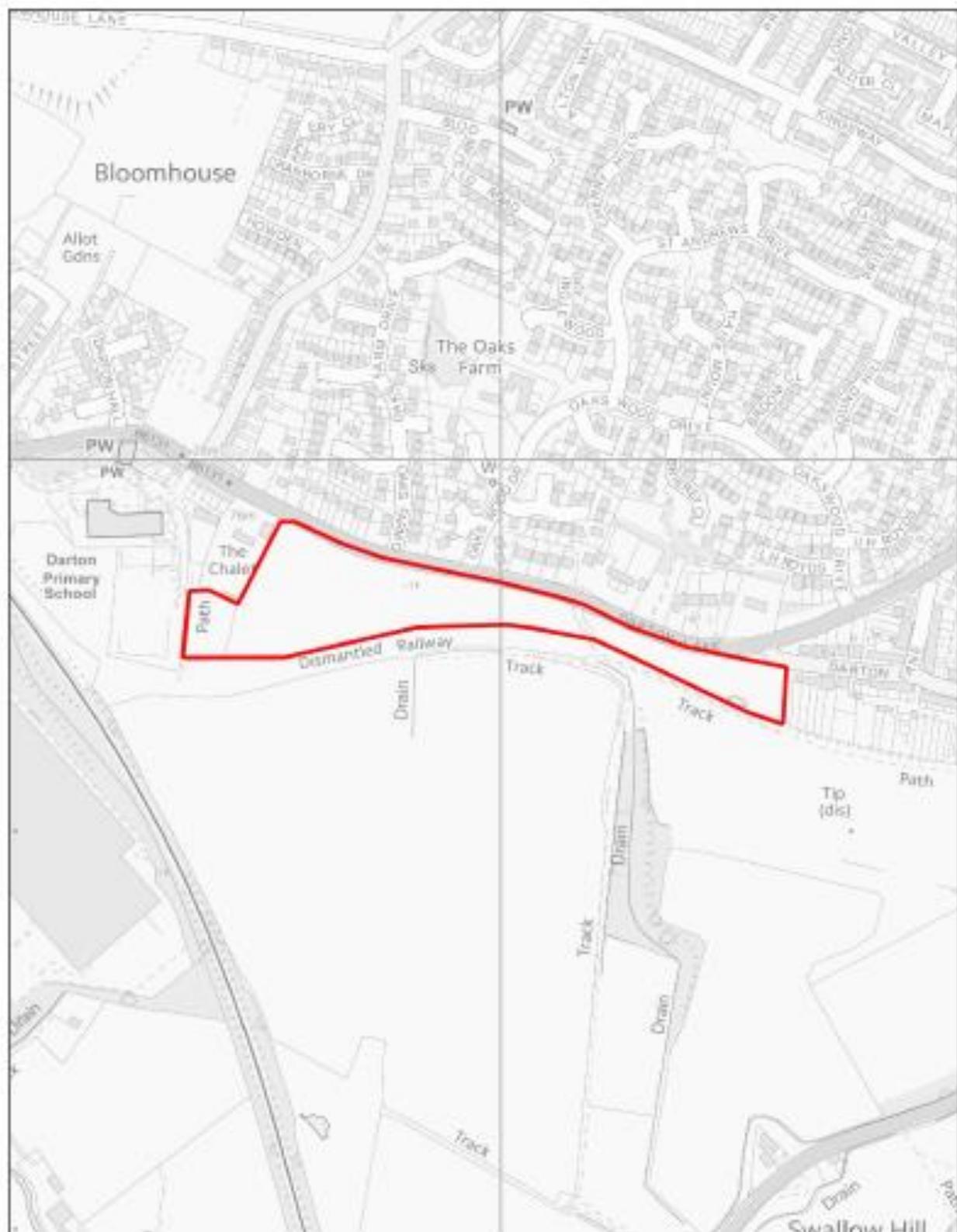
On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety in accordance with Local Plan policy T4.

- 30 The development hereby permitted shall not be commenced until a Travel Plan has been submitted, approved and signed off by the LPA. The scheme shall then proceed in accordance with the approved details.
- Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with Local Plan Policy T3.**

PA Reference:-

2019/1244



BARNSELY MBC - Regeneration & Property



Scale: 1:4893