
2021/1519

Applicant: AAA Property Group Ltd and Cicely Anne Cowgil

Description: Residential development of up to 19 dwellings and associated works (Outline with all matters reserved apart from means of access)

Site Address: Land to north of Upper Hoyland Road, Hoyland, Barnsley, S74 9EP

5 letters of objection have been received from local residents. The recommendation is the subject of a proposed S106 Agreement.

Site Location & Description

The site is irregular in shape and measures approximately 0.6Ha. It is currently predominantly laid to grass and consists of a paddock which is used for horse grazing purposes. It is enclosed on all sides by trees and hedgerows. The site slopes down from the southern boundary towards the northern boundary. There is an existing vehicular access into the site positioned in the south western corner from Upper Hoyland Road, which is shared with a farm access and is also a Public Right of way that crosses above the Dearne Valley Parkway on a bridge.

The site is bounded by the Dearne Valley Parkway (A6195) to the North, large sized commercial/industrial units, accessed from Ashroyds Way, to the East and residential properties to the South and West. Along the Western boundary is the farm access and Public Right of Way which separates the site from a recently constructed development of 14no. detached and semi-detached, 2 storey stone-built dwellings.

Proposed Development

The applicant seeks outline permission for a residential development of up to 19 dwellings. All matters of detail have been reserved with the application apart from means of access.

An indicative site plan has been provided to show how the future development could be laid out, including the provision of an on-site surface drainage attenuation facility positioned in the North Western corner. The indicative plan only shows only 18 dwellings, as a mix of detached, semis and terraces. The 19th dwelling could be accommodated by subdividing one of the larger detached units.

Existing boundary hedges and trees are shown to be retained on the indicative layout plan and it also includes an acoustic fence on the northern boundary adjacent to the Dearne Valley Parkway.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The site is designated as Urban Fabric land within the Local Plan Proposals Maps and therefore the following policies are relevant:

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

H1 The Number of New Homes to be Built

H5 Residential Development on Large Non-allocated sites

H6 Housing Mix and Efficient Use of Land

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools

Other

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 an up to date development plan should be approved without delay. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consultations

Drainage – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Affordable Housing – No objections subject to securing 10% affordable housing provision on site (based upon the indicative dwelling numbers 2no. affordable rent units would be required)

Air Quality Officer – No objections subject to a condition securing electronic vehicle charging points for the future dwellings.

Regulatory Services – Accept the findings of the noise survey and agree that the development should be carried out with the recommended mitigation measures. Conditions are also recommended to limit noise and disturbance during the construction phase.

SYMAS – No objection subject to the imposition of the Coal Authority standing advice for the parts of the Borough that are located outside of the high risk referral areas.

PROW – No objections subject to the imposition of an informative.

Education – Confirm that the development is required to contribute towards primary and secondary school places (cost based upon the indicative proposal would be £112,000).

Super-Fast South Yorkshire – No objections subject to condition requiring gigabit-capable full fibre broadband.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (22no. in total). 5 letters of objection have been received as a result. The main points of concern are:

- The condition of Upper Hoyland Road is already poor
- Access to the site could result in highway safety issues given its location
- Access to the site is on a bend
- Upper Hoyland Road already suffers surface water during heavy rainfall
- Increase in vehicular movements

Assessment

Principle of Development

The site is in the Hoyland Principal Town area and is designated Urban Fabric in the Local Plan. It is also within the Dearne Valley Green Heart Nature Improvement Area.

Relevant policies include SD1 Presumption in Favour of Sustainable Development, LG2 The Location of Growth, H1 'The Number of New Homes to be Built, H2 The Distribution of New Homes, GD1 General Development and H5 'Residential Development on Large Non-allocated sites.

The significance of the site being located in the Hoyland Principal Town area is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The delivery of up to 19 homes would make a significant contribution towards the overall new homes target in the Local Plan (policy H1). The site is not the subject of a specific allocation policy, but the urban fabric designation allows for development to take place on the site and means that it is not protected subject to an assessment against policy GD1 and other relevant development plan policies.

The proposal would therefore classify as a type of windfall development which is a part of the Council's 5 year housing land supply as is permissible within the National Planning Policy (NPPF paragraphs 70 & 71). The most up to date supply note April 2021-March 2026 published December 2021 assumes that an average number of 29 windfall allowance dwellings shall be built per annum and so the development would contribute with helping that number is sustained. Indeed, the site is located immediately next to a recently completed residential windfall development of 14no dwellings on the western side of the site (planning permission 2018/0447) and there is also another housing development nearing completion to the South West for 7no. dwellings (planning permission 2018/1264).

The site is greenfield at the present time and of a pleasant character comprising a small paddock type field that has vegetation located around the edges. However, it is relatively small in size and is neighboured by the built environment on all four sides. The proposed development would therefore be of an infill nature that would be compatible with its surroundings which is a requirement of policy GD1.

In addition to the above it is considered that there are no special factors that would warrant a stance to protect the site from development in that it is not the subject of any statutory designations and is neither designated as Green Belt, nor Green Space in the Local Plan. Furthermore, the site is in private ownership with no public access (apart from the public right of way that passes alongside the site) and it is relatively well hidden not providing any wider landscape, heritage or public value as has been evidenced by the technical reports that have accompanied the application. No net loss of biodiversity is still required but this can be secured via a S106 Agreement.

The Local Plan does also contain policy H5 relating to residential developments on large non allocated sites amongst the suite of policies. To term the site large in scale seems overly punitive because at 0.6ha it is only 0.2ha above the stated threshold for small non allocated sites where no specific criteria apply beyond the General Development policy GD1. In addition, the site area of 0.6ha is below the 1ha threshold for major developments on site area alone. However with such sites that are above the 0.6ha threshold Policy H5 looks to ensure that the following assessment criteria are applied:-

Proposals for residential development on sites above 0.4 hectares which are not shown as housing sites on the Policies Map will be supported where they:

- *Are located on previously or part previously developed land;*
- *Are located within Urban Barnsley, Principal Towns and Villages;*
- *Are accessible by public transport; and*
- *Have good access to a range of shops and services.*

The application is accompanied by a planning statement which explains how the site proposal relates against that particular policy. The site is not previously developed, but as has been established already the urban fabric designation allows for development to take place on such land and it is in priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. That point is outweighed therefore especially given the need for suitable windfall sites to contribute towards housing supply and delivery which this is considered to be given the built environment surroundings and is urban infill nature.

Policy H5 goes onto to state the recommended criteria for the distance to the core public transport network is 400m and that facilities such as schools, doctors, shops and services should be located within 800m. The planning statement and transport statement explain that the site is located 700m

from the nearest bus stops which are south of the site across the Upper Hoyland Road junction with Hawshaw Lane and 850m south east on Hawshaw Lane/Croft Road, with Elsecar Train Station being 2.5km away. In addition, the nearest primary and secondary schools and supermarket are located 1.2km-1.4km away with Hoyland Town Centre being 1.7km away. Those are all distances that are slightly further away than is advocated by policy H5 and therefore it should be acknowledged that the proposals are not strictly in accordance with the desired distances set out within the policy and H5 as a whole. However, the site does have a lot of sustainable development credentials in its favour and so adopt a stance that the site is in an unsustainable location would be unjustifiable taking into account its overall locational context as a site that is neighboured by the built environment on all sides including the Dearne Valley Parkway and would be an infill form of development. The site is very close to both the older and new units at Ashroyd Business Park, Platts Common Industrial Estate, Shortwood Business Park and the Hoyland North Masterplan area/Gateway 36 and so benefits from good accessibility to local employment facilities. In addition, the public right of way passes immediately in front of the site and so the site benefits from access to those employment sites on foot and for recreation purposes. Overall, therefore in relation to policy H5 specifically it is considered that the areas of conflict should only be afforded limited weight and would not outweigh the benefits of allowing the development that have been explained in the above paragraphs. Furthermore, it is considered that the other areas of local plan compliance assume greater and more substantial weight (i.e. compliance with policies LG2, H1, H2, GD1 and therefore SD1 Presumption in Favour of Sustainable Development).

Policy H6 'Housing Mix and Efficient use of land' is also relevant which states;

Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population.

Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

A density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages.

The proposed indicative plan shows there is the potential to provide a mix of house size, type and tenure. The density proposed is approximately 32 dwellings per hectare which falls short of the 40 dwellings per hectare required in Urban Barnsley and Principal towns. However, Policy H6 does go on to state;

Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons.

In this case, the site is on the fringe of the urban area and the development pattern of the area reflects a lower density. That is also the case with the recent developments carry out along Upper Hoyland Road under reference numbers 2018/0447 and 2018/1264 which were developed out at a density of 24 dwellings per hectare and 18 dwellings per hectare respectively. It is therefore considered that the indicative number of dwellings would achieve a suitable balance between making an efficient use of land and housing delivery with the need for the future development to be suitably in character with the neighbouring forms of residential development. Furthermore there is a need to retain the vegetation around the edges of the site and to ensure sufficient stand off distances so as to avoid pressures on that vegetation in the future and to safeguard amenity via over shading and insufficient outlook.

In addition to the above all new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Residential Amenity

An environmental noise survey and noise impact assessment have been undertaken to assess the suitability of the site for residential development given its proximity to Dearne Valley Parkway (A6195) and commercial/industrial units. The reports conclude that, much like the recently completed development to the West, the site is suitable for residential development subject to the implementation of mitigation measures. These measures include a sound insulation scheme which incorporates glazing and alternative ventilation strategies and would create appropriate internal noise levels.

In order to reduce noise from the A6195 road as much as possible, it is recommended that earth bunding and fencing are installed on the northern boundary of the development. The earth bunding should be a minimum of 2m high, with a 2m tall close-board timber fence erected on top. It is also recommended that 2m high tall close-board timber fences are installed around all other garden areas. All fencing should contain no holes or gaps and must have a minimum surface mass of 10 kg/m².

A number of properties would back onto the proposed bund and acoustic fencing which would total 4m in height. However, that part of the site is lower than the rest and so that should ensure that they would avoid causing excessive overshadowing and appearing as an overbearing feature. The features would also be directly comparable to the 4m high acoustic barrier approved on the neighbouring residential development along the North West perimeter with a number of properties also backing onto that.

Residential amenity levels would be assessed in greater detail at reserved matters stage. However, the indicative plan demonstrates that adequate separation distances could be created between the proposed dwellings and the existing neighbouring dwellings. It also shows adequate separation distances within the site between proposed properties could be created, in accordance with SPD 'Design of Housing Development'. Adequate garden areas and domestic curtilage could also be accommodated.

Design & Visual Amenity

The application is only at outline stage, as such, design and visual amenity would need to be assessed in greater detail under the reserved matters application. However, the submitted indicative layout demonstrates that a development of 18/19 dwellings could be accommodated on the site and reflect the development pattern of the area. It also shows an adequate mix of housing could be accommodated in accordance with Local Plan Policy H6.

The indicative plans show that a mix of parking solutions could be achieved, and car domination avoided. Adequate space for soft landscaping to the front and rear of the dwellings is achievable and each property could have pedestrian access to the rear to avoid bins/recycling containers being stored in prominent positions to the front of the dwellings.

The development would also be softened by the mature off-site trees and hedgerows being retained adjacent to all boundaries.

The plans show an on-site attenuation solution in a prominent position within the site. However, it could be set back from the building line with soft landscaping being used to provide some screening.

Highway's considerations

Access is the only detailed matter under consideration with this outline application and this relates to the access into the site from Upper Hoyland Road rather than the layout within the site.

The submitted information shows that the development would generate a total of 9 vehicle trips during the AM peak hour and 12 vehicle trips during the PM peak hour. This equates to 1 vehicle trip every 5 minutes during the busiest hour and it is considered this level of additional traffic to not impact significantly upon the local highway network.

The access arrangement contained within the submitted plans shows a carriageway width of 5.5m with 2.0m footways to either side of the access way running from the footways of Upper Hoyland Road to approximately 15m into the site. The proposed access has been designed to accommodate a refuse vehicle and it is also shown that the required visibility splays of 2.4m x 43m are achievable in both directions at the site access junction with Upper Hoyland Road. The proposal is therefore acceptable in relation to policy T4 New development and Transport Safety.

The indicative plans demonstrate there would be adequate in curtilage parking for the dwellings to accord with SPD 'Parking'.

Trees

Given the site is currently a grazing field it is mainly laid to grass with the only trees and hedging around the boundaries of the site and predominantly outside the redline boundary. The indicative plans demonstrate that the proposed dwellings can be accommodated within the site without having a detrimental impact on the trees and the shading plan provided within the Tree Report demonstrates the trees would not have a significantly detrimental impact on the future residents. Conditions would need to be imposed.

Ecology

Ecological surveys, site appraisals and impact assessments were carried out with respect to the site and a preliminary Ecological Appraisal and Badger Report has been submitted in support of the application.

The proposals site falls within the impact risk zone of a parcel of the Dearne Valley Wetlands SSSI. However, advice provided by Natural England is that the LPA should consult Natural England on likely risks from a residential development of 50 units or more. Due to the proposals comprising up to 19 units, the potential impact upon the SSSI is not considered to warrant consultation with Natural England. The proposals site is not considered to represent a rural residential development, as it is proposed adjacent to existing settlements.

Recommendations have been made within the Preliminary Ecological Appraisal in regards to the retention and protection of existing hedgerows within the site and adjacent woodland habitat. In addition to this, precautionary working methods have been recommended for a number of protected and priority species including amphibians, bats, birds, mammals and reptiles. If planning permission is granted, a condition for a Construction Environmental Management Plan (CEMP) would be included to further detail protection measures as set out within the PEA.

The vegetation to be cleared within the core development area has a low ecological significance in the local area. The woodland surrounding the survey area would be retained and protected within the proposed scheme. However, within Barnsley's Biodiversity and Geodiversity SPD it is stated that the LPA will not support applications that would cause a net-loss in biodiversity. As the metric provided shows a loss we would seek the applicant to provide provide mitigation and cause 'no net loss'.

Guidance provided by Defra for outline applications advises that a method of securing the principles around how biodiversity net gain ('no net loss' is currently accepted within this area of the borough) will be delivered needs to be in place when outline planning permission is granted, with a further approval process once details are submitted. As the metric provided indicates a relatively substantial loss (approx. -40%) it is unlikely that no net loss can be achieved on-site without a reduction in property numbers and so off-site mitigation is likely to be required therefore. It should be noted that the provision of bat and bird boxes does not contribute to the BNG calculation, though should still be provided on site as an enhancement for wildlife. Discussions have been held with the applicants about this matter who have agreed to enter into a S106 agreement to ensure there is 'no net loss', with a range of solutions available for achieving this depending on the final layout of the reserved matters application. The recommendation is the subject of a S106 Agreement been completed therefore.

Public Rights of Way

A public bridleway runs north from Upper Hoyland Road along the bridge over the Dearne Valley Parkway, which includes the first part of the proposed access into the site. The bridleway has a recorded width of 3 metres. Public bridleways provide access rights for pedestrians, horse riders and cyclists.

A new footway appears to be shown on either side of the new access road, cutting across the bridleway. Details of the proposed footway should be agreed with both Highways and PROW, as a pre-commencement condition, to minimise disruption to bridleway users. Levels should remain even on the bridleway.

The proposed access arrangement would involve changes to the existing connection to the bridleway adjacent the western boundary of the site. The existing gate is to be removed and re-provided to the north accordingly to restrict vehicular access to the bridleway. The precise details of this will be addressed by means of a planning condition.

The Public Rights of Way Officer has assessed the proposal and raised no objections subject to conditions and informatives. That includes the need for the applicant to apply for a temporary closure whilst the access road construction works are being undertaken within the bridleway area for public safety purposes.

Air Quality

Due to the proposed development's proximity to the A6195 Dearne Valley Parkway, the Air Quality Officer required an operational phase air quality assessment to evaluate the impact of introducing exposure to traffic emissions near to this road. The methodology of the assessment was agreed with the Air Quality Officer and submitted in support of the application.

The assessment concluded;

The impacts on air quality at the proposed development due to emissions from the local road network have been shown to be acceptable, with predicted concentrations being below the air quality objectives.

The operational air quality impacts on the development are judged to be insignificant. This professional judgement takes account of the conclusion that no residents of the proposed development will be exposed to exceedances of the objectives.

There should be no constraints to residential development at the application site with regard to air quality, as the proposed development is consistent with the relevant parts of:

- *The NPPF; and*
- *Policy Poll1 and Policy AQ1 of the Barnsley Local Plan.*

The Council's Air Quality Officer agrees with the conclusions and has raised no objections and requested no additional mitigation measures.

Historical coal mining risks

The site is not located within a Coal Authority development high risk referral area and therefore the site is not deemed to be at risk from coal mining legacy issues.

Given the scale of the development it would be prudent to undertake limited near surface site investigations to evaluate the depth and suitability of bedrock and finalise foundation design.

SYMAS have raised no objections to the proposal subject to the Coal Authority's Standing Advice being included on the decision notice.

Drainage

The site is located in Flood Zone 1, as such, is at a 'very low' risk of fluvial flooding. The indicative plan also allows space within the site for the required amount of surface water drainage attenuation which is required as part of the development to ensure that run off rates do not exceed the existing greenfield run off rate.

The application is accompanied by a Flood Risk and Drainage Strategy (19317 Rep01(A)). Yorkshire Water have stated that the report requires amendments but are content that the amendments can be addressed through conditions. As such, they have raised no objections.

The Council's Drainage Officer has also raised no objections subject to conditions.

Infrastructure and Planning Obligations

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where:-

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

As Hoyland falls within a Masterplan area an education contribution would need to be sought for both primary and secondary provision due to the high level of planned development and the subsequent impact on school places. Based upon the indicative number of dwellings the contribution required would be:-

- Primary – 4 primary pupils at £16,000 per pupil totalling £64,000
- Secondary – 3 secondary pupils at £16,000 per pupil totalling £48,000

That would equate to a total of £112,000. Again, this would need to be secured via the proposed S106 Agreement.

Sustainable Travel

The objective of the 'Sustainable Travel' SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency, and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. Based upon the indicative number of 19 dwellings a contribution of £14,250 would be required. This is another matter for the proposed S106 Agreement therefore. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

The SPD also requires that 1 electric vehicle charging point (EVCP) will be provided per unit. A condition requesting the EVCP will be imposed on any permission.

Affordable Housing

Policy H7 sets out that; *'Housing developments of 15 or more dwellings will be expected to provide affordable housing...10% in Hoyland, Wombwell and Darfield...These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable...The developer must show that arrangements have been put in place to keep the new homes affordable...'*

In areas where the affordable housing requirement is 10%, the SHMA sets out that the Council will expect 60% affordable rent and 40% affordable home ownership, and 25% First Homes.

Therefore, for this application the Affordable Housing Officer has requested 2 affordable rent dwellings. The units would need to be secured through the proposed S106 Agreement.

Conclusion

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

In summary the proposed residential development is considered acceptable in principle as a housing windfall site due to the land being designated urban fabric in the local plan and it being within the Hoyland Principal Town which is a priority to accommodate housing growth. The provision of 19 dwellings would make a significant contribution to housing delivery and supply on a site that has been assessed to be compatible to accommodate housing development being positioned adjacent to existing residential developments and by virtue of being a form of infill site that is surrounded by the built environment on all 4 sides. Furthermore, it is in a suitable location that is related to the Hoyland Principal Town settlement that is located near to existing facilities including the employment developments located at Ashroyd Business Park, Platts Common Industrial Estate, Shortwood Business Park, the Hoyland North Masterplan area and the public rights of way network. The proposals therefore achieve compliance with local plan policies LG2, H1, H2 and therefore SD1 Presumption in Favour of Sustainable Development is applicable.

The proposals are only in outline stage at the moment, but the indicative layout plan shows an acceptable yield of dwellings taking into account the location of the site which is out towards the edge of the urban settlement and the site constraints including the need to retain and safeguard suitable relationships with the existing vegetation. In addition, the plans indicate that the development could achieve the required spacing and garden sizes to provide and maintain the required standards of residential amenity for existing and future occupiers.

Biodiversity habitat on the site is generally of a low value and it is not the subject of any special designations. However the metric assessment has quantified that a 40% loss of value would occur and so a mixture of on site and off site solutions are likely to be required to arrive at a position of no net loss of biodiversity. A S106 Agreement is required therefore to ensure that the requirement is delivered as part of the future development. The development would also need to deliver 10% affordable housing provision on site and contributions towards primary and secondary school places and sustainable travel in full compliance with the amounts and formulas set out in the SPD's.

The site is located near to the Dearne Valley Parkway. However, the application has been accompanied by noise and air quality surveys which conclude that the development would deliver acceptable standards for residential amenity subject to the recommendations of the noise survey being complied with including the provision of a 4m acoustic barrier on the northern edge of the development (2m bund + 2m fence). Again this makes the proposal satisfactory to local plan policy GD1.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including highways matters, drainage, coal mining risk, relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan taken as a whole (most notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

The recommendation is one of approval therefore subject to the completion of a S106 Agreement and the conditions listed below.

Recommendation: Grant subject to conditions and a S106 Agreement (10% affordable housing provision on site and contributions towards primary and secondary school places and sustainable travel in full compliance with the amounts and formulas set out in the SPD's and to ensure the required biodiversity provisions to prevent net loss)

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. The development hereby approved shall be carried out in substantial accordance with the plans (Nos 2337-2002-P1 & 3966-100-SK-004) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

4. 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 Local Plan Policy D1 High Quality Design and Place Making.

5. Upon commencement of development details of the proposed external materials 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 the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

6. Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making

7. 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.

8. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

9. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.

10. All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'

11. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

12. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

13. No development shall take place until:

- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

14. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Noise Assessment carried out by Nova Acoustics, dated 22/09/21, Project Number 6504AC, Version Reference: 001 and retained as such thereafter. Prior to the commencement of development, precise details of the required noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details which shall be retained thereafter for the lifetime of the development.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

15. The development hereby approved shall be carried out in strict accordance with the mitigations/recommendations set out in section 7 of the Preliminary Ecological Appraisal by Envirotech dated 17/09/2021. Prior to the commencement of development, precise details of the required mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

16. 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 Local Plan Policy T4 New Development and Transport Safety.

17. Upon commencement of construction works, details of electric vehicle charge points (EVCPs) 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.

18. Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction with Upper Hoyland Road in both directions, 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 Local Plan Policy T4 New Development and Transport Safety.

19. The development hereby approved shall be carried out in strict accordance with the mitigation measures/recommendations set out in the Badger Report by Envirotech dated 17/09/2021.

Reason: In the interest of Biodiversity and in accordance with Local Plan Policy BIO1.

20. Prior to the commencement of the development, full details of the repositioned public bridleway gates shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be completed prior to the first occupation of the site and retained as such thereafter.

Reason: In the interests of pedestrian, horse riders, cyclists and motorists.

21. 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:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

22. Prior to commencement, a Construction Environmental Management Plan (CEMP: Biodiversity) detailing precautionary measures to be adopted on site during construction works to protect retained habitats and to avoid harm/disturbance to protected and priority species such as nesting birds, amphibians, reptiles, foraging and commuting bats and hedgehogs shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

23. Prior to commencement, a Biodiversity Enhancement Management Plan (BEMP) which would include the following shall be submitted to, and approved in writing by the Local Planning Authority:
- a plan of the areas to be maintained, enhanced and/or created;
 - a schedule of actions to create or enhance and maintain each habitat at the required quality for a period of 30 years;
 - a schedule of ecological monitoring for the 30 year period identifying when key indicators of habitat maturity should be achieved. Monitoring would be required within years 2, 5, 10, 20 and 30; and
 - schedule of actions to be undertaken in case signs of failing are identified.
 - the schedules must include details of technique(s) to be used, equipment to be used, roles and relevant expertise of personnel and organisations involved and timing of actions including submission of monitoring report to the Council.

Thereafter the approved scheme shall be carried out in accordance with the approved details and timescales.

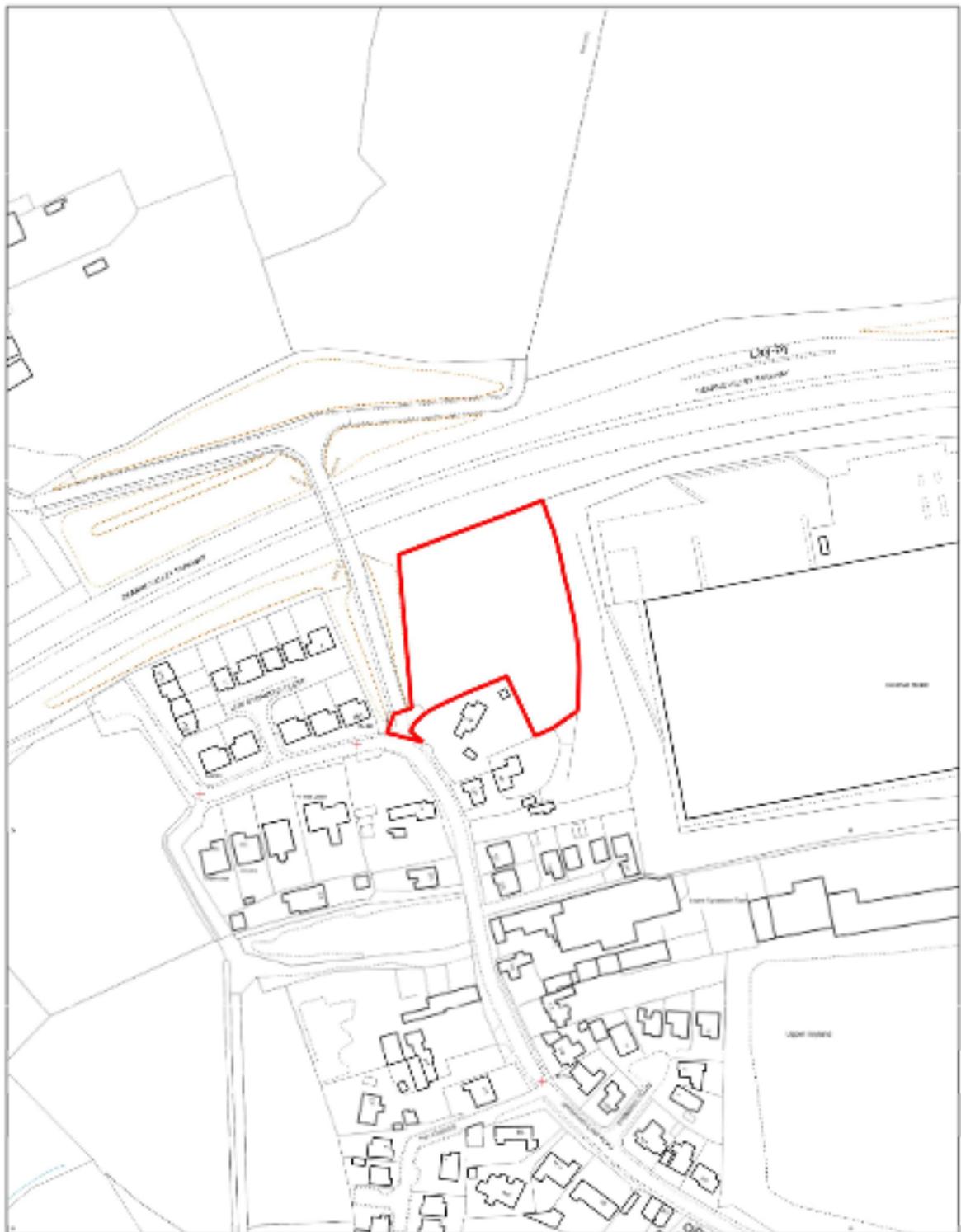
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1

24. No development or other operations being undertaken on site shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority:

Tree protective fencing
Tree protection plan (TPP)
Arboricultural Method Statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.



BARNSELY MBC - Regeneration & Property



Scale: 1:2236