



Planning Case Report

Former William Freeman Factory, Wakefield Road, Mapplewell

JohnsonMowat
Planning & Development Consultants

Prepared on behalf of:-
Netherton Homes

In support of an application for outline planning permission
for the erection of circa 85 no. dwellings including details
of access

December 2017



Netherton Homes
Land at site of former William Freeman Factory,
Wakefield Road, Mapplewell

Planning Case Report

Date: 20 December 2017

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1.0 INTRODUCTION

- 1.1 This Planning Case Report has been produced on behalf of our client Netherton Homes in support of an outline planning application for the residential development of circa 85 no. dwellings on part of the site of the former William Freeman Factory, Wakefield Road, Mapplewell.
- 1.2 The application site covers an area of approximately 3.6 hectares of land, proposed as a preferred residential allocation under Policy AC3 of the emerging Barnsley Local Plan. Work on the Local Plan is currently at a sufficiently advanced stage, with hearing sessions on the examination of the Plan having recently postponed pending the outcome of further work required by the Council.
- 1.3 This report supports a residential end use of the site and there to be no technical constraints that would prejudice the development of the site.
- 1.4 This Planning Case Report demonstrates how the above matters have been addressed and should be read in conjunction with the following reports which form this full planning application submission:-

- | | |
|------------------------------------|-----------------------------------|
| • Indicative Site Masterplan | JRP Associates |
| • Design and Access Statement | JRP Associates |
| • Flood Risk Assessment | Topping Engineers |
| • Drainage | Topping Engineers |
| • Transport Assessment | Bryan G Hall |
| • Travel Plan | Bryan G Hall |
| • Phase 1 Geo-environmental Report | |
| • Ecological Appraisal | |
| • Noise Assessment | Environmental Noise Solutions Ltd |
| • Arboricultural Survey | JCA Ltd |

- 1.5 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.



- 1.6 This application for residential development is intended to run in parallel with an application for a new Lidl food store on the remaining extent of the site.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The site is located on the eastern edge of Mapplewell, a settlement identified as a local centre within the settlement hierarchy of the emerging Barnsley Local Plan. The application site is located approximately 2.6 miles north of Barnsley Town Centre and approximately 8.2 miles south of Wakefield. The site extends to approximately 3.6 hectares of brownfield land, the topography of which is relatively flat.
- 2.2 The site occupies the south eastern edge of Wakefield Road, a main route leading north through to the town of Wakefield. Existing residential development is located to the north, east and west of the site. To the immediate south of the site is the Wonderland Nursery together with an Indian restaurant, and local garage/MOT centre. The immediate northern boundary is shared with a small cluster of residential properties.
- 2.3 The site has a protracted history discussed further at Section 3 of this report. The site was formerly occupied by William Freeman (suba seal factory), for the manufacture of rubber & plastic products. The site closed in 2006, with the former factory units having since been demolished. Land to the immediate rear of the factory was a licensed landfill site. There is no question that the site therefore constitutes 'brownfield land'.
- 2.4 The site is located within a highly sustainable location in relation to access to services, facilities, employment opportunities and public transport. Mapplewell is located within Urban Barnsley, which under the provisions of Core Strategy Policy CSP8 is envisaged to accommodate the majority of economic growth across the plan period. Within the emerging Local Plan, Mapplewell identified as a Local Centre, however it should be noted that Mapplewell is the largest Local Centre within the Borough.
- 2.5 The following public amenities are located within 2km of the site:-
- Mapplewell Primary School
 - Wellgate Primary School
 - Athersley North Primary School
 - Nursery
 - Roundhouse Medical Centre
 - Hill Brow Medical Centre
 - Gatehouse Pharmacy
 - Co-Operative Food Store



- Yorkshire Building Society
- Local Shops & Convenience Stores
- Restaurants & Takeaways
- Public Houses
- Mapplewell Village Hall
- Industrial Park
- Indoor Play Area
- Local Garage
- Automotive Parts Store
- Hair & Beauty Salon
- Church

2.6 Land directly adjacent to the site is to be subject to a separate application for a new Lidl store which will further add to the sustainability credentials of the site, offering residents a local food store within walking distance in addition to employment opportunities.

2.7 Bus stops are located a short distance from the site along both sides of Bar Lane, the majority of which are located within 400m and therefore adhere to CIHT guidelines for public transport in new development. Regular bus services are provided via the number 1 and X10 services which provide trips to the centres of Barnsley and Leeds. Locations accessible via public transport within an hour of the application site include Barnsley, Wakefield, Penistone and outskirts of Rotherham.

2.8 Residential properties within the vicinity of the site are of varying architectural form and scale, although properties located along Bar Lane do share common design features, including brick/render elevations, tiled roofs and bay windows. Further information can be found within the accompanying Design & Access Statement prepared by JRP Associates.

3.0 PLANNING HISTORY & APPLICATION PROPOSALS

Planning History

- 3.1 The site has a long history dating back to its former use as a factory site, with subsequent planning background with regards to both pre-application enquiries made to the Council together with the promotion of the site through the emerging Local Plan. A timeline of the site's history is set out at Table 3.1 below:-

Table 3.1 – Timeline of Site History

Period	Event
1936 -2006	William Freeman Rubber Factory – site ceased production of rubber in May 2006.
1963 - 2006	Licensed landfill to rear of site.
2006 -2008	Site marketed as vacant for employment.
Dec 2000	Site allocated for employment and employment expansion use. Policies DT 3 and DT4.
Nov 2008	Pre-app with BMBC. Proposed 100% residential use. BMBC Policy opposed 100% residential and sought a mixed use.
March – May 2009	Continued liaison with BMBC. Owners promoting a 50% employment, 50% employment masterplan.
May 2009	BMBC Planning not offering any support for any residential use on the site.
Aug 2009	Mixed use application submitted to BMBC. Site proposed 50% employment uses (B1 and B8) and 50% residential uses.
Dec 2009	Meeting with BMBC Planning and Economic Development Agency. The BDA objected to the application on the grounds of employment use loss. The BDA were in dialogue to re-locate a major local business and considered this site appropriate. Business user not disclosed by BDA at that time.
Dec 2009	Application withdrawn.
2010 – 2012	Site owner enters dialogue with local business user identified by BDA for a potential relocation but ultimately that business decides against a relocation.
2012	Draft Local Plan identifies the site as White Land with Employment Land extension.
2014	Discussions with owners and alternative users consider food store use on part of site
Oct 2014	Pre-App meeting with BMBC on 6 th October was followed by a written response from BMBC dated 9 th January 2015. In short, BMBC supported a mixed use proposal for residential, retail and employment use.
Jan 2015	BMBC Draft Local Plan identifies the site and wider area for 100% Employment uses. On behalf of the owners, we object to this designation given the Oct 2014 pre-app was supportive of a mixed use approach.
Nov – Dec 2015	BMBC Local Plan. Site identified for 100% residential use.
2016 – 2017	Owners in dialogue with Lidl for 50% of site.



Aug 2017	On behalf of owners, we inform Local Plan Examination of a 50:50 split use for retail and residential.
Dec 2017	Detailed Planning Application for Lidl store and Outline Application for circa 82 dwellings submitted to BMBC.

- 3.2 The most recent position, is that the site remains a preferred residential allocation under AC3 of the emerging Barnsley Local Plan. The Local Plan has reached an advanced stage, having been part subjected to examination by an independent Inspector, and pending the outcome of further work by the Council is anticipated to be adopted in the Spring/Summer of 2018. An extract from the Local Plan Proposals Map is included at Appendix 1.

Application Proposals

- 3.3 The application seeks outline planning permission for the erection of circa 85 no. dwellings including details of access.
- 3.4 An indicative layout arrangement has been prepared by JRP Associates in support of the application. The layout would utilise a single point of vehicular access taken from Wakefield Road and would include a mix of dwellings to meet local needs. The development would incorporate a managed an area of open space, including an equipped play area to the north of the site.
- 3.5 The site has been master planned to reflect a separate application submission on land immediately south of the site, subject to proposals for a new Lidl food store. The development can form a compatible end use, and would incorporate a landscaped buffer along the southern boundary to separate the residential uses from the A1 food store.
- 3.6 Further consideration of the design of the scheme can be found within the supporting Design & Access Statement.
- 3.7 A copy of the Council's pre-application meeting written response is provided at Appendix 2.

4.0 PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purposed of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

4.2 The development plan for this residential scheme comprises the following local documents:-

- Saved policies contained within the Unitary Development Plan (UDP) – Adopted December 2000
- The Council’s Core Strategy – Adopted 8th September 2011
- The emerging Local Plan (2014 to 2033)

4.3 The UDP Part 1 together with the Part 2 Sites Allocations was adopted in December 2000 and was only intended to cover the plan period 1986 to 2001. The plan is therefore significantly time expired and although the Council continue to refer to saved policies contained within the UDP where compliant with national policy, these can only be attributed little weight.

4.4 Similarly, the Core Strategy was adopted in September 2011 and predates the National Planning Policy Framework which was adopted March 2012. Where a Local Development Plan is out of date, limited weight can be attached to the policies within the document where they conflict with more recent Government policy.

4.5 The Council are currently undergoing examination of the emerging Local Plan which will replace both the saved policies of the UDP and the adopted Core Strategy, forming the statutory development plan for the Borough for the period 2014 to 2033.

4.6 On 15th August, the Local Plan Inspector wrote to the Council to set out her interim findings further to the Stage 1 and 2 hearings which took place over the Summer. The letter sent to the Council by the Inspector did not cover each and every matter raised through the Stage 1 and 2 hearings, but rather set out the main matters where additional work may be required.

- 4.7 Two key matters arose from the Inspector's correspondence, those being the need to plan for a higher Objectively Assessed Housing Need ('the OAHN') than the 20,900 dwellings identified by the Council across the Plan period, and the need to more positively plan for the future of the Borough's villages.
- 4.8 With regards to the OAHN, the comments put forward by the Inspector raised significant concern that the housing need identified by the Council would not align with positive economic growth in the order of an additional 33,000 new jobs through to 2033. The Inspector considered the broad assumptions contained within the Employment Land Review robustly based and noted that the Council's growth strategy and 'jobs-led policy on' scenario are fundamental drivers for the Plan and the assessment of housing need.
- 4.9 At paragraph 16 of the Inspector's interim findings, the Inspector went on to conclude:-
- "Based on the findings of the SHMA and the jobs target set out in the Plan, my view is that the OAHN is a minimum of 1,389 dwellings."*
- 4.10 Following the Inspector's interim findings and conclusions of the Stage 3 Hearings, papers were presented to the Cabinet meeting of 15th November setting out the Council's response. The Council has undertaken further work in respect of the jobs target and concluded that it is no longer realistic to expect 33,000 more jobs to come about during the plan period. Instead, the Council now consider a figure of approximately 28,840 appears more likely.
- 4.11 The implications of a reduced jobs growth forecast, are that the figure of 1,389 d/pa advocated by the Inspector is no longer considered appropriate. The additional work undertaken by the Council does however now consider a revised OAN of 1,134 d/pa, resulting in a need to accommodate an additional 34 d/pa or 646 dwellings across the Plan period. In light of this, the Council have been preparing an additional sites consultation, and are anticipated to consult on revised proposals early in the new year over the course of a six week period.
- 4.12 In terms of the application site, the land remains a preferred residential allocation under Policy AC3 of the emerging Plan. Given that the Council are now tasked with identifying additional housing land and a further review of Green Belt boundaries, there can be no doubt that the application site forms a wholly suitable residential allocation owing to its history as a brownfield site.

Material Considerations

4.13 There are a number of other relevant policies and documents which are material considerations and these are as follows:-

- National Planning Policy Framework (March 2012)
- National Planning Practice Guidance (March 2014)
- Barnsley UDP Saved Policies (December 2000)
- Barnsley Core Strategy (September 2011)
- Emerging Barnsley Local Plan

National Policy

National Planning Policy Framework (March 2012)

4.14 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date (paragraph 14) (underlining our emphasis).

4.15 The Framework is based around the core principle of creating sustainable development. The Framework states at paragraph 6 that all of the policies in paragraphs 18-219 of the Framework, "taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system." There are three dimensions to sustainable development comprising economic, social and environmental roles. These are to be considered as mutually dependent and should not be considered in isolation (paragraph 8). At the heart of the planning system is a new presumption in favour of sustainable development. Paragraph 14 of the Framework identifies how this presumption is to be applied in making decisions on individual applications. This means:-

- "Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent silent or relevant policies are out of date, granting permission unless:
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or



- Specific policies in this Framework indicate development should be restricted.”

- 4.16 The presumption follows the content of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (see paragraph 2 of the Framework) and states that “*planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.*”
- 4.17 A set of 12 core land use principles are to underpin plan making and decision taking; these are stated at paragraph 17 of the Framework.
- 4.18 There are 13 topic areas which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

Section 1: Building a strong, competitive economy

- 4.19 Paragraph 19 makes it clear that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Planning policies should “recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing” (paragraph 21). The provision of housing is therefore identified as an essential component of economic growth and necessary to job creation and retention.
- 4.20 Paragraph 22 makes clear that Local Authorities should avoid the long term protection of sites allocated for employment use. The Framework states:-

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

Section 4: Promoting sustainable transport

- 4.21 Provisions for the promotion of sustainable transport are set out in Paragraphs 29 to 41. At Paragraph 32 it is made clear that all developments that generate a significant amount of movement need to be supported by a Transport Statement or Transport Assessment.

Section 6: Delivering a wide choice of high quality homes

- 4.22 Paragraphs 47 to 55 provide the policy guidance for plan making and decision taking under the overall aim of significantly boosting the housing supply. Paragraph 47 states that local planning authorities should:

- “Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- Identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward for later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- 4.23 Paragraph 49 states that housing applications are to be considered in the context of the presumption in favour of sustainable development and relevant policies regarding housing supply should not be considered up to date if a five year supply of deliverable sites cannot be demonstrated (underlining our emphasis).

Section 7: Requiring good design

- 4.24 This section of the Framework initially identifies, at paragraph 56, that the Government attaches great importance to the design of the built environment and that it also considers that design is a key aspect of sustainable development. In addition it also recognises that design is indivisible from good planning and should positively contribute to making places better for people.

- 4.25 Paragraph 57 states “it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes”.

Section 11: Conserving and enhancing the natural environment

- 4.26 Paragraph 109 refers to the contribution and enhancement of the natural and local environment including minimising impacts on biodiversity. At the point of determining an application paragraph 118 of the Framework identifies that local authorities should aim to conserve and enhance biodiversity by applying such principles as “development proposals where the primary objective is to conserve or enhance biodiversity should be permitted; and opportunities to incorporate biodiversity in and around developments should be encouraged”.

Decision Taking

- 4.27 In relation to the decision taking section of the Framework, paragraph 187 notes that local planning authorities should “look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.” This includes working proactively with applicants to “secure developments that improve the economic, social and environmental conditions of the area.”
- 4.28 In determining applications, paragraph 196 requires that “applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise” in line with the established plan-led planning system. Paragraph 197 confirms that in assessing and determining development proposals, “local planning authorities should apply the presumption in favour of sustainable development”.

Local Policy

Saved Policies of the Barnsley UDP (December 2000)

- 4.29 The Barnsley UDP was adopted 16 years ago. The UDP looked forward to a notional end date of 2001. The LP is clearly time expired. Indeed a revision to this LP has been awaited for (at least) 14 years.
- 4.30 The site was allocated for employment within the UDP Proposals Map for Mapplewell, owing to the sites former use as a factory. Clearly this use has long since ceased, with the emerging Local Plan now identifying the site for residential development.

(2011 Barnsley Core Strategy)

The Barnsley Core Strategy (CS) was adopted in 2011, prior to guidance set out in the Framework coming into the decision making process. The CS covers the period 2008 to 2026.

- 4.31 The CS was prepared to conform to those policies set out within the Yorkshire & Humber Regional Spatial Strategy (May 2008) which was revoked in July 2010 by Central Government, a matter acknowledged by the spatial strategy of the CS:-

“The Core Strategy has been prepared to be in conformity with the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS). Whilst the RSS has now been revoked our proposed spatial strategy remains the optimum strategy for Barnsley”

- 4.32 The adopted CS is therefore based upon a dated evidence base, with no up to date adopted plan in place.
- 4.33 In the interests of clarity however, relevant CS Policies are considered below.

CSP9 – The Number of New Homes to be Built

- 4.34 This policy commits the Council to delivering a minimum of 21,500 homes across the plan period 2008 to 2026, a rate of 1,194 dwellings per annum. The housing requirement set out in the CS is based upon the now revoked RSS and therefore does not represent an up to date Objectively Assessed Housing Need (OAN) for the district.

CSP10 – The Distribution of New Homes

- 4.35 This spatial policy provides the distribution of the minimum 21,500 homes targeted to be delivered across the CS period, with Urban Barnsley to accommodate 9,800 dwellings and therefore represent 46% of the overall CS requirement, being the key area for growth.

CSP14 – Housing Mix and Efficient Use of Land

- 4.36 This policy affirms that housing proposals will be expected to include a mix of house size, types and tenures to create mixed and balanced communities. The policy confirms that priority will be given to the development of previously developed land and that a minimum density of 40 dwellings per hectare will be expected to be achieved.

CSP15 – Affordable Housing

- 4.37 This policy sets an affordable housing threshold of 15% on site units subject to the viability of the site.

National Planning Practice Guidance (March 2014)

- 4.38 The Planning Practice Guidance was published as a live 'working' document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

Emerging Local Plan (July 2016 Consultation Draft)

- 4.39 The Council's Draft Local Plan is currently at an advanced stage, having partly gone through examination and currently pending further work by the Council on the OAN and future growth of the identified villages. Once adopted, the Local Plan will replace both the saved policies of the UDP and the policies contained within the adopted CS.
- 4.40 Policy H2 of the emerging Local Plan proposed a total of 680 dwellings to be distributed across the Plan period in other locations outside of Urban Barnsley and the Principal Towns. This figure sits somewhat below the 1,000 dwellings apportioned to the villages within the Core Strategy and has been subject to scrutiny by the Local Plan Inspector. Within the 15th November 2017 Cabinet papers the Council acknowledge a main modification to the Local Plan attributing greater growth to the villages will be 'inevitable'.
- 4.41 Policies contained within the emerging plan relevant to the proposal are considered below.

Policy SD1 – Presumption in Favour of Sustainable Development

- 4.42 In line with the objectives of the NPPF, this policy details the presumption in favour of sustainable development and the Council's positive approach toward working with applicants to find solutions to delivering development proposals that improves the economic, social and environmental conditions of the area.

Policy GD1 – General Development

- 4.43 This policy details a series of criteria of which development meeting each of the requirements will be approved without delay. Such considerations include impacts on amenities of existing and future occupiers, compatibility with neighbouring uses and environmental impacts.

Policy H7 – Housing Mix and Efficient Use of Land

- 4.44 This policy aligns with Policy CSP14 of the adopted Core Strategy and seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare.

Policy H8 – Affordable Housing

- 4.45 This policy will supersede Policy CSP15 of the adopted Core Strategy and sets an onsite affordable housing requirement subject to the viability of the site.

Barnsley Five Year ‘Deliverable’ Housing Land Supply Report (August 2017)

- 4.46 The Council have recently published an updated position paper on the deliverable five year housing land supply for the District. The paper provides an assessment of deliverable supply for the period 1st April 2017 to 31st March 2022 and considers both a current five year supply position based upon the CS target and an emerging position based upon the adoption of the emerging Barnsley Local Plan.
- 4.47 For the present position, the Paper informs of a deliverable supply of 8,056 dwellings against an adjusted five year requirement of 10,050 dwellings inclusive of a 5% buffer. The Council consider a housing land supply of broadly 4 years, some 2,000 dwellings short of the quantum of supply deemed to be required by the Council across the five year period.
- 4.48 Therefore in the context of the paragraph 49 of the Framework, relevant policies for the supply of housing should cannot currently be considered up to date and the tilted balance in Paragraph 14 of the Framework is engaged as set out at Section 5.
- 4.49 A five year supply position is also set out within the same paper based upon the emerging Local Plan target, and a readjusted base date for assessing the shortfall of 1st April 2014. In this respect, the Council consider that when incorporating emerging Local Plan allocations which can contribute to the forward supply and taking a revised OAN of 1,100 dwellings, a five year supply of broadly 6.5 years can be demonstrated.
- 4.50 The Council’s perceived five year supply position based on the emerging Local Plan can presently be given little credibility. Notwithstanding the position set out within the Council’s Cabinet Papers of 15th November 2017, the Local Plan remains subject to concerns by the



appointed Inspector that the Plan would not meet the fully objectively assessed housing need for the District, with the Council acknowledging the 1,100 d/pa figure no longer remains good.

4.51 The Inspector has yet to conclude on the suitability of the emerging allocations, many of which are currently subject to Green Belt constraints and through the Hearing sessions which have taken place, the Council have acknowledged that the capacities and delivery assumptions on some of the identified allocations will reduce.

4.52 In addition to the above, we note the following concerns with the Council's position:-

- Figure 1 details net completions since the start of the CS period, however the undersupply recorded for the 2008/09 monitoring year does not appear to match with net completions. This should be increased to -354 dwellings, giving a total undersupply for the 2008/09 to 2016/17 period of 3,950.
- We do not consider a 5% buffer in any way appropriate. The CS target has not been met in each of the 9 years since the start of the Plan period. Even substituting the CS requirement for the Council's latest OAN figure of 1,134 d/pa would see a significant shortfall of over 3,000 dwellings against assessed housing need. The backlog is currently equivalent to over 3 years housing requirement and there can be no doubt the Council are a Paragraph 47, 20% buffer authority.
- At paragraph 3.14, the draft proposals under the Housing White Paper (February 2017) are cited as justification for a 5% buffer, given that the White Paper advocates a 20% buffer from November 2017 where delivery has been less than 85% of the requirement. The Council have sought to use the 2014 base household projections of 797 d/pa rather than the emerging Plan target, currently at 1,134 d/pa. Once the Local Plan is adopted there would be no doubt the Council are a 20% authority given delivery across the last three monitoring years is little over half the current OAHN.
- Whilst we have not undertaken a full review of the Council's housing trajectory, using either five year supply scenario, the Council place heavy reliance upon sites without planning permission, with over 50% of the quantum of forward supply falling into such category.

5.0 THE PLANNING CASE

- 5.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

- 5.2 The Council's Development Plan currently comprises the saved policies of the Council's UDP together with the adopted Core Strategy. The Council are currently working toward the adoption of a new Local Plan, that would set both spatial policies to guide development together with specific land use allocations.
- 5.3 The Local Plan has reached an advanced stage, having been part subjected to scrutiny by an independent Inspector and pending the outcome of further work by the Council to identify additional sites for development in order to align the OAHN with projections on employment growth.
- 5.4 Within the emerging Local Plan, the site forms a preferred residential allocation under reference AC3 'former William Freeman site, Wakefield Road'. The site is brownfield in nature, having previously been occupied factory buildings which have since been demolished. The re-use of brownfield land forms one of the core 12 principles of the Framework, which states that planning should:-
- *"Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of a high environmental value."*
- 5.5 Irrespective of the preferred allocation within an emerging Development Plan, the proposals should therefore be given significant support, aligning with a key objective of the Framework. This is recognised at §3.45 of the emerging Local Plan, which in addressing sustainability credentials, sets local support for proposals which deliver:-

"efficient use of land and infrastructure, particularly by utilising previously developed 'brownfield' land, achieving housing density targets to minimise the use of 'greenfield' sites and promoting appropriate mixed land uses integrated with the existing built form"



- 5.6 Although the site was previously allocated for employment use within the former Barnsley UDP, the site has been vacant for over 10 years and in the context of paragraph 22 of the Framework the Council are correct to consider an alternative use of the site. The site has failed to be brought forward for commercial use in the time since the site was vacated, and the emerging Local Plan has been prepared to plan for both housing and economic needs over the plan period.
- 5.7 The site is located in Mapplewell, the largest identified Local Centre in the borough. Mapplewell is located within the urban Barnsley area, which under Policy H2 of the emerging Local Plan is to accommodate around 45% of the District's housing growth across the Plan period. The development of the site is therefore wholly in accordance with the spatial strategy of the emerging plan.
- 5.8 As set out at Section 2 of this report, the site is situated in a highly sustainable location. A number of amenities are located within the preferred maximum distance of 2km advocated by the CIHT publication 'Guidelines for Providing Journeys on Foot' including a number of shops, schools, restaurants and a medical centre. The proposed Lidl store to be submitted in tandem with this application further enhances the sites sustainability credentials and will offer local employment opportunities.
- 5.9 The development would help to support the vitality of existing local businesses including local shops, pubs and restaurants. New residents would provide local expenditure on goods and services that would support existing businesses.
- 5.10 The proposals would also bring a number of additional economic benefits, the merits of which should not be underplayed. These would include:-
- Approximately £680,000 New Homes Bonus for Barnsley MBC to spend on local facilities and infrastructure
 - Circa £105,000 in Council Tax receipts for Barnsley MBC to spend on local facilities and infrastructure
 - Around £450,000 spent on first occupation
 - Around £2 million of gross potential spending power generated by residents of the scheme each year, a proportion of which would be spent locally
 - Estimated to create 22 temporary construction jobs per year of build
 - Circa 26 jobs could be supported in the supply chain per year of build

- 5.11 In addition to the policy position, the merits of the scheme, and the economic benefits set out above, the Council currently accept that a five year housing land supply cannot be demonstrated. The August 2017 paper discussed at Section 4 of this report suggests a figure of circa 4 years for the period 1st April 2017 to 31st March 2022.
- 5.12 Within our review set out at Section 4, we however note that the Council's undersupply has been calculated incorrectly and we further disagree with the application of a 5% buffer. When rectifying these matters alone, the Council's five year supply position only worsens and puts in doubt the delivery of a five year supply upon adoption of the Local Plan.
- 5.13 It is therefore imperative that sites are able to contribute in the short term. In the case of the application site, the development is of a scale that could comfortably seek reserved matters approval and make a meaningful contribution to the five year supply within the immediate five year period.
- 5.14 The site would further meet full compliance with policy GD1 'General Development' of the emerging Local Plan, complying with each of the criteria of the emerging policy. The site is of low environmental value and would bring back into use a vacant piece of brownfield land in accordance with the core planning principles of the Framework.

Prematurity

- 5.15 The National Planning Practice Guidance states that in the context of the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional cases, where it is clear that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such grounds may include:-
- i. The development would be so substantial, or its cumulative effect would be so significant that to grant planning permission would undermine the plan making process.
 - ii. The emerging plan is at an advanced (submission) stage but not yet part of the development plan for the area.
- 5.16 In this instance the site is identified as a preferred housing allocation within the emerging Local Plan under Policy AC3. The Council are currently in a position where a five year supply of housing land cannot be demonstrated, and the proposals would wholly support the delivery of the emerging Plan which has reached an advanced stage. The proposals



would provide a short term boost to the Council's five year supply position, and would assist with the delivery of both market and affordable housing.

- 5.17 In terms of the overall scale of the development, the proposals would allow for circa 85 no. dwellings, which would represent around 0.4% of the current OAN advocated by the Council of 21,546 dwellings. The site is therefore not at all significant in scale to anyway prejudice the emerging Local Plan.

Other Material Considerations

- 5.18 Having regard to the sites suitability in principle for residential development, other material considerations are summarised in detail below. For clarity, further detail can be found within each of the supporting technical reports which accompany the planning application submission.

Design & Sustainability

- 5.19 The indicative layout would utilise a single point of vehicular access to the site taken from Wakefield Road, together with a point of pedestrian access. The indicative layout demonstrates an area of public open space to the eastern edge of the site together with an equipped area of play. The development has been designed to reflect the requirements of the Council's 'Open Space Provision on New Housing Development' SPD, and would incorporate in excess of the SPD requirements for 15% gross site area of public open space.
- 5.20 The proposals would integrate well with the planned Lidl food store adjacent to the site, and have been master planned to include soft landscaping throughout the development to create a good quality mixed use environment.
- 5.21 The indicative scheme shows a mix of detached, semi-detached and terraced properties that would deliver choice and meet local needs in accordance with Policy H7 of the emerging Local Plan. The development would also provide new affordable homes subject to viability.
- 5.22 Consideration has also been given to CABI Building for Life 12 (2012) and the Design & Access Statement supporting the application has evaluated and considered the proposal against each of the 12 criteria. Further consideration of the layout and design of the



proposed residential development is contained within the Design & Access Statement which accompanies the application submission.

Highways

- 5.23 A Transport Assessment has been prepared by Bryan G Hall in support of the application.
- 5.24 The site has direct frontage onto A61 Wakefield Road, which is where vehicular access to the site is to be taken from. Access to the development will be provided via a new priority 'T' junction with ghost island right turn from Wakefield Road. There will be no frontage access taken from Wakefield Road to any properties.
- 5.25 The record of personal injury accidents occurring on the local highway network has been retrieved from the appropriate bodies. The data has been assessed and it is concluded that there are no highway layout characteristics adversely affecting road safety.
- 5.26 The site is considered to be accessible by sustainable modes of transport such as walking, cycling and public transport. Operational assessments have been undertaken to demonstrate the 2023 predicted peak hour operational characteristics of the junctions in the vicinity of the site. The analysis demonstrates that the proposals will not result in material harm to the safe and free flow operation of any of the junctions assessed, with marginal increases in queuing.
- 5.27 It is known a planning application for a Lidl store will be submitted for the adjacent site and therefore a sensitivity test including the predicted flows from the Lidl development has been included. The analysis demonstrates that the Lidl proposals do increase queues at a number of junctions.
- 5.28 In summary, the Transport Assessment has shown that the proposed development site will be accessible by all modes of transport, consistent with both national and local transport planning policies. It has also demonstrated that the development related trips would not have a significant impact on the operation of the local highway network.
- 5.29 A draft Travel is submitted alongside the Transport Assessment.



Noise

- 5.30 A noise impact assessment has been undertaken for a proposed residential development at the former William Freeman site at land to the east of the A61 Wakefield Road, Mapplewell, Barnsley.
- 5.31 The ambient noise climate at the site is due to traffic, albeit at relatively low levels.
- 5.32 Outline recommendations layout considerations, building envelope specification (fenestration and ventilation) and boundary treatments have been provided to protect the proposed residential development from the ambient noise climate in accordance with pertinent guidance. The report has regard to proposed activities on the adjoining Lidl site submitted in parallel to this residential application.
- 5.33 On this basis, the ambient noise climate is not considered to represent a constraint to the proposed residential development

Ecology

- 5.34 There are no designated sites located within 1km of the application site. The application is supported by a detailed Ecological Appraisal.
- 5.35 The Ecological Survey confirms there are no significant ecological impacts that would arise as a result of the proposals and recommends suitable mitigation measures to incorporate into the proposals that can be secured via condition.

Ground Conditions

- 5.36 This site is a brownfield site with extensive areas of ground disturbance through its previous use as a factory site with licenced landfill to the rear.
- 5.37 A Preliminary Geo-environmental Investigation has been prepared to support the application. The report follows a site walkover & investigation together with a review of the site history and assessment of existing ground conditions.



- 5.38 The report concludes there to be no significant risk toward residential development in this location and makes recommendation for further investigative works and remediation strategy to be undertaken which can be secured via a suitably worded planning condition.

Flood Risk & Drainage

- 5.39 A Flood Risk Assessment (FRA) of the site has been undertaken and is compliant with the requirements set out in the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance. The FRA has been produced on behalf of JRP Associates in respect of a planning application for the proposed residential development at land by Wakefield Road, Mapplewell.
- 5.40 The FRA report is submitted in support of the application and has regard to the proposed adjacent Lidl Store. The FRA report demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain. The FRA concludes that subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.
- 5.41 With respect to a drainage strategy, the site is currently greenfield and has an area of 32480m². Calculations using IH124 method indicate the greenfield run-off based on the site area is 14.6l/s. Under SuDs guidance the first point of discharge for surface water is percolation via soakaway. It is proven that the ground conditions are not be suitable for soakaways. For details of the percolation test results please see report in site investigation. NPPF guidelines require that surface water arising from a developed site should as far as practicable be managed in a sustainable manner to mimic the surface water flows arising from the site prior to development.
- 5.42 Greenfield flow is calculated at 14.6l/s. The proposed impermeable area is 14960m². Based on a flow restriction of 14.6l/s and modelling using Micro Drainage software the attenuation requirement for a peak return period of 1 in 100 year plus 30% climate change is 781m³. Attenuation to be provided via a Carlow concrete tank. The flows will be attenuated using a 158mm Hydrobrake control device ref MD-SHE-0158-1460-2000-1460. Surface water sewer to connect into a new surface water sewer. Off site route to be confirmed.

- 5.43 Foul water from the site will be an adopted network which will gravitate to an adopted foul pumping station in the south east corner of the site. This will be pumped to a new adopted Foul sewer which will connect to the existing 225Ø foul sewer which runs adjacent to Wakefield Road in the rear of plots on Eastfield Crescent subject to a section 106 application with YW. The off-site route and exact connection point is to be confirmed.

Trees

- 5.44 An Arboricultural Survey has been prepared by JCA in support of the proposals.
- 5.45 The trees are not protected by a Tree Preservation Order or by virtue of them being in a Conservation Area. Trees G8, T11 and G13 have been recommended for remedial works, and monitoring due to the presence of physiological or structural defects.
- 5.46 Upon provision of specific proposals, site-specific advice can be given with regards to the impact on trees.
- 5.47 In accordance with Section 5.4 of BS 5837: 2012, the next stage on this site should be the preparation of an Arboricultural Impact Assessment (AIA), which will illustrate and discuss the impact of the proposals on the trees and vice versa, to help to inform good design.
- 5.48 There are opportunities for new tree planting to be facilitated as part of a detailed landscape scheme at reserved matters stage.

Planning Balance

- 5.49 The site is located on the eastern edge of Mapplewell, the largest of the Local Centre's within the District and within the Urban Barnsley area which is accommodate the majority of growth across the Plan period. The proposals would result in the redevelopment of a former industrial site, and would accord with the core principles of the NPPF. The need to bring the site back into a suitable use is recognised by the sites proposed allocation for residential development within an emerging Local Plan, currently at an advanced stage.
- 5.50 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.



- 5.51 The indicative masterplan demonstrates how development could integrate well with the proposed new Lidl store and would provide for a mix of property types, to meet local needs and provide a much needed boost to the Council's five year housing land supply. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.
- 5.52 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal would represent a wholly suitable site for residential development, and the supporting material has demonstrated there to be no technical issues which would prevent the grant of planning permission.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 The National Planning Policy Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, which should be seen as the golden thread through both plan-making and decision-taking.
- 6.2 The site has been vacant since 2006. It was marketed for a period of 2 years and was found without realistic offers.
- 6.3 Following the period of marketing, in 2008, the owners commenced what has now been a 9 year period of dialogue with BMBC and potential developers in the aim of delivering a 'mixed use' scheme for the site, as sought by the Council in 2009.
- 6.4 Since that time, the Council's preference for the site has changed from employment use to residential use and this remains the Council's position in the emerging Local Plan currently at examination. The Council's current aim for 100% residential use of the site is at odds with the pre-application advice provided in 2015 which forms the basis of the parallel submission proposals of Netherton Homes and Lidl. (See summary of events in Table 3.1)
- 6.5 While the site is allocated for employment use in the currently adopted Dec 2000 UDP, it is accepted these allocations are now well beyond their intended use. While the emerging Local Plan is at examination, it has yet to establish substantial weight. We have informed the examination process of the mixed use applications for this site and the Local Plan inspector has asked to be kept informed.
- 6.6 It is our view the proposals for a mix of uses (residential and retail) on this well located brownfield site fits the aims and objectives of the Framework.
- 6.7 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology. The development would therefore comply with the Core Principles of the NPPF as detailed within paragraph 17 of the Framework.
- 6.8 In addition to all of the above, the Council cannot currently demonstrate a deliverable five year supply of housing land. The tilted balance is therefore engaged and permission should be approved unless adverse impacts would significantly and demonstrably outweigh the benefits.



6.9 Therefore taking account of the all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that when assessed against the requirements of the Framework, there are no adverse impacts that would arise from a residential development of the site. In accordance with paragraph 14 of the Framework, we consider that planning permission should be approved without delay.

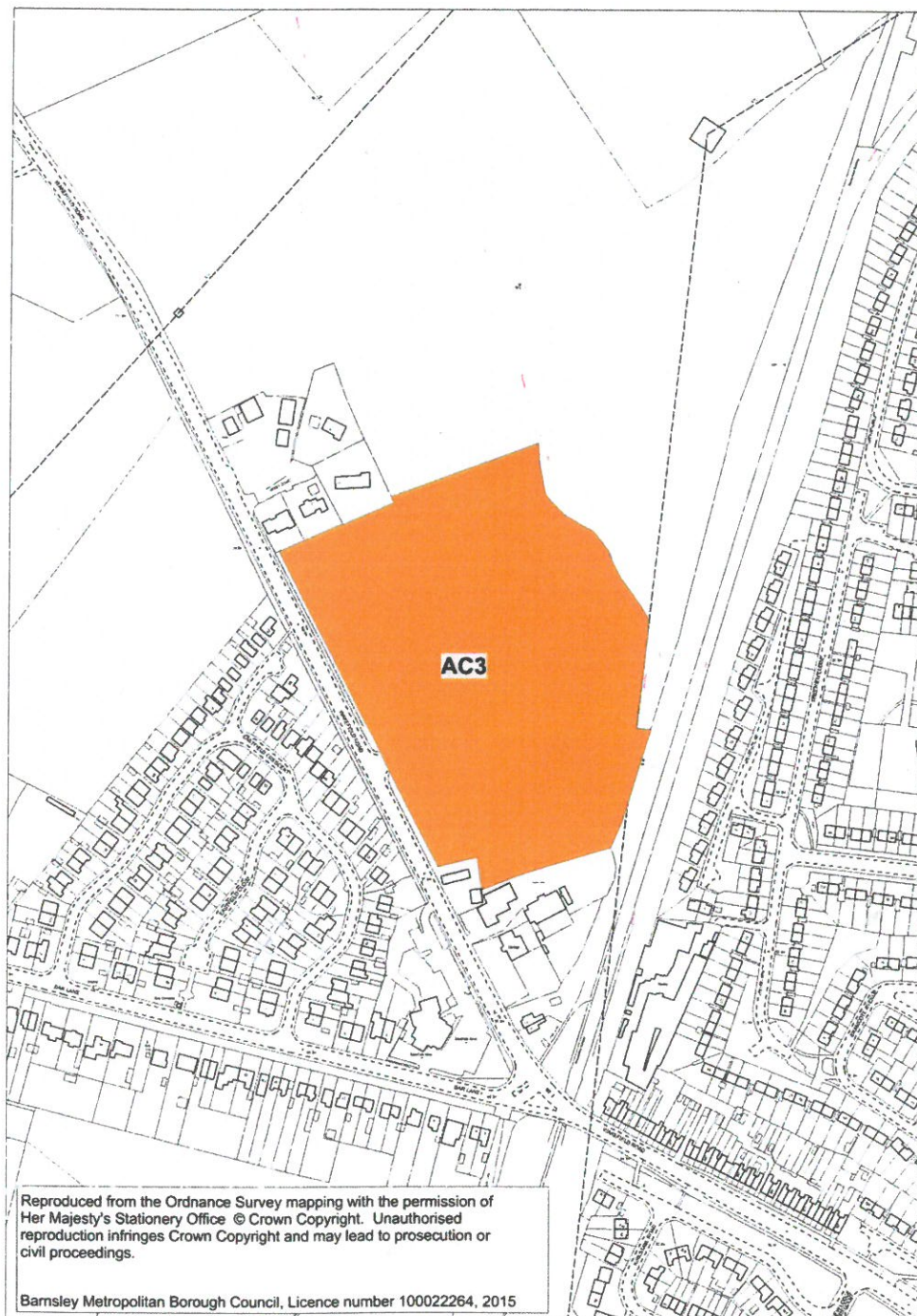


APPENDIX 1

2 . Proposed Site Options

Site AC3: Former William Freemans Site, Wakefield Road, Mapplewell

This site is the former William Freemans factory (formerly Subaseal) which manufactured rubber products. It is proposed as an additional housing site option. The site is currently allocated as Employment Proposal/Employment Policy Area in the Unitary Development Plan.



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APPENDIX 2

Planning and Regulatory Services

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LS1 2TW

My ref: 2014/EN/0892

Your ref:

Enquiries to: Keiron Dunn

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Date: 9 January 2015

Dear Mark

**MIXED USE DEVELOPMENT RETAIL, EMPLOYMENT AND RESIDENTIAL DEVELOPMENT,
FORMER WILLIAM FREEMAN SITE OFF WAKEFIELD ROAD, MAPPLEWELL**

I refer to your letter and plans submitted on 12th September and our subsequent meeting on 6th October 2014.

In our meeting you outlined that the proposed scheme involves redevelopment of the site for circa 83 dwellings, unspecified B1 and B2 employment units and Lidl food store. An illustrative layout has been submitted showing a separate access point for the residential and a shared access for the retail and business on to Wakefield Road. An application would be in outline apart from the Lidl food store.

At the meeting it was explained that there is relevant planning and grant related history, which has prompted this proposal. A previous application for 80 dwellings and employment units was withdrawn in 2009. This proposal involved the relocation of the Fosters Bakery from Mapplewell leaving a suitable site for a food store, for which there was capacity identified. There is still retail capacity in Mapplewell for a food store, however, Foster's Bakery have decided not to move onto a new site. So there is a need to find an alternative suitable retail site. Whilst the William Freeman's site has been advertised for employment the grant to help with remediation costs is no longer available. There is significant contamination and overhead electricity lines prevent residential development in the central portion. Marketing of the site has shown there is no interest in taking on the all of the available employment land.

Taking the above in account I have looked into the planning merits of your proposals and the following issues are of relevance.

Key National Planning Policy

National Planning Policy Framework (NPPF)

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

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indicate development should be restricted or unless material considerations indicate otherwise.

Saved UDP Policies

William Freeman is designated Employment Policy Area as land adjacent is Employment Proposal.

Key Core Strategy Policies

CSP 1 Climate Change
CSP 2 Sustainable Construction
CSP 3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP 5 Including Renewable Energy in Developments
CSP 8 Location for Growth.
CSP9 The Number of New Homes to be Built.
CSP10 The Distribution of New Homes.
CSP14 Housing Mix and Efficient Use of Land.
CSP15 Affordable Housing
CSP19 Employment Land
CSP 25 New Development and Sustainable Travel
CSP 26 New Development and Highway Improvement
CSP 27 Parking Strategy
CSP 28 Reducing the Impact of Road Travel
CSP 29 Design
CSP31 Town Centres
CSP35 Green Space
CSP36 Biodiversity and Geodiversity.
CSP 39 Contaminated Land
CSP 40 Pollution Control & Protection
CSP 42 Infrastructure & Planning Obligations

Relevant Supplementary Planning Guidance, Documents, Advice Notes or Planning Brief

SPD-Designing New Housing Development
SPD-Residential Amenity and the Siting of Buildings
SPD-Open Space on New Housing Development
SPD-Parking
South Yorkshire Residential Design Guide (SYRDG)

Emerging Local Plan

The Draft Local Plan is now being consulted on even though weight is limited it is worth noting the allocation. The precise details of the new Local Plan allocation is available on line at Barnsley.gov.uk but in general terms it is Urban Fabric on the footprint of the former building with some Employment on land around.

PAN

30 Sustainable Location of Housing
33 Financial Contributions to School Places

Principle

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The development plan includes the Core Strategy and saved Unitary Development Plan policies. The UDP shows the site zoned as employment.

The Council has produced a Consultation Draft Local Plan, which shows possible allocations and associated policies. The document is a material planning consideration but the weight afforded to it is limited by the fact that it is at an early stage in its preparation.

Policy CSP8 specifies that economic development should be concentrated within Urban Barnsley and the principal towns. Mapplewell is within Urban Barnsley.

According to the smaller centres study Mapplewell is the largest local centre in the Borough, in terms of both retail units and total retail and service units. Mapplewell is a fairly attractive settlement which has opportunities to enhance its place quality but in doing so must also protect the features it currently possesses. The size of the proposed store is below the threshold for an impact assessment so an application should be accompanied by a sequential test. The catchment should be based on the 5 minute drive time.

Information to demonstrate the sustainability and suitability of the site for housing should be provided as part of the application. Sustainability information should be based on the approach set out in PAN30, sustainable location of housing.

Policy CSP14 seeks a broad mix of house size, type and tenure to help create mixed and balanced communities. The policy also seeks a minimum density of 40 dwellings per hectare. Lower densities will only be supported if it can be demonstrated that they are necessary for need, viability or sustainable design reasons.

The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Northern part of the site is currently functioning as a semi-natural area; policy CSP35 seeks to protect green space from development unless an assessment shows there is a surplus or an appropriate replacement is provided in the area which it serves.

A planning Policy Statement should be submitted to address the above matters.

Barnsley Development Agency

Seems a pragmatic scheme that will generate a mix of jobs in both retail and industrial.

Design

A Design and Access Statement will be required to explain the design considerations that have informed the layout. How the development potential of adjoining land has been taken into account will need to be addressed in any design statement. The site borders onto Green Belt so you will need to demonstrate how the proposals will protect the open character of the green belt e.g. not siting buildings right up to the boundary etc.

The Council guidelines in the SPD Designing New Housing Development, which follows the advice given in the South Yorkshire Design when assessing the proposed layout. Amongst other things the layout should create local distinctiveness, not be over dominated by parked cars, we would want to avoid wheelie bins in the front gardens, achieve minimum space standards between houses and garden sizes and boundary treatments will be important on the main road frontage.

The development should be legible with safe and convenient connections within the development and to and from its surroundings. We would need to see indicative cross sections and visuals of the proposed food store. Any detailed planning application will need to include streetscape drawings from all main vantage points.

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The Barnsley Design Review Panel can offer further advice regarding detailed design. We would urge that the scheme be presented to the Panel prior to submission of a planning application.

Residential Amenity.

There are space standards that the Council will apply to the proposed housing layout that are set out in the SPD Designing New Housing Development, which follows the advice given in the South Yorkshire Design Guide. Furthermore the relationship of houses with large commercial buildings are dealt within in the Residential Amenity and the Siting of Buildings SPD.

Whilst, it may be the case that occasionally shortfalls in standards can be tolerated within the site, if there are sound design reasons for doing so, space standards will be strictly adhered to in relation to safeguarding the amenity of the occupiers of existing and future properties around the site.

Highways

I have not received the detailed comments from Highways and I will send these upon receipt. However, the following general points will be important.

In principle there is likely to be no objections to the proposals but comments are still awaited from the traffic section and the South Yorkshire Police. A Transport Assessment and Draft Travel Plan will be required which will be linked to the Air Quality Assessment mentioned below. These reports will have to consider the impacts of the approved developments on Wakefield Road and at Mapplewell in any impact assessment

The SYRDG sets out minimum garage dimensions of 3 by 6m and shared spaces should be in block paving.

Public Footpaths

There are no recorded public rights of way within the site. However historic aerial photographs do show worn lines through the outer site vegetation that may indicate that local residents have used a route through this area. If they have used a route for more than 20 years then they may make an application to the Council to add the route to the Definitive Map. If an application is made then the Council is under a legal duty to process it. Applications are usually only made when the public's right to use a route, they believe they have legal access to, is called into question by a planning application etc. As part of the process we would ask the owners for any evidence that they tried to stop people from using it by fencing, signs etc. At this time there isn't any indication that a claim will be forthcoming and therefore I haven't enclosed any further process details. If you require more information please contact the Principal PROW Officer, Sarah Ford

Trees

There are many trees on and just off site. As such a tree survey will be required at the application stage and it is expected that this will be used to inform the design and layout submitted. It is expected that wherever possible trees will be retained and incorporated into the layout and any screening they provide maintained and enhanced if possible. Without further details it is not possible to comment further at this stage.

When an application is submitted a tree survey and arboricultural impact assessment will both be required.

Archaeology

An archaeology assessment may be required with a planning application along with measures to deal with any issues raised. Please contact Andy Lines at the SYAS on 0114 2736354.

Ecology

An ecology assessment will be required with a planning application along with measures to deal with any issues raised. Please contact Trevor Mayne (01226 772646) for further assistance.

Air quality

An air quality assessment will be required for this development, the methodology of which to be agreed with Barnsley MBC. The air quality assessment shall take account of the impact of committed development on air quality in the area, as well as the impact of proposed development itself. The assessment shall consist of both construction phase and operational phase assessments. Mitigation of impact shall also be considered.

Drainage

The Council have no records of any culverted or open watercourses crossing the site indicated on the attached plan.

I would confirm that to my knowledge it is not affected by any flood plains from major watercourses in the area. I am aware of flooding issues to an adjacent disused railway cutting associated with the site, I am aware that the site does not currently have a satisfactory outfall for surface water and there are no surface water sewers or suitable watercourses available close to the site.

Your attention is drawn to the following:

There should be no increase in surface water runoff from the new development. PPS25 recognises that the management of flood risk is not simply restricted to flood plains and that a catchment-wide approach should be employed.

There is a combined public sewer adjacent to the site. The developer should contact Yorkshire Water if they wish to discharge to this sewer to discuss allowable discharge rates.

Any balancing facility should be designed to accommodate a 1 in 30 year flow from the site below ground and a 1 in 100 year flow retained within the site (including an allowance of 30% for climate change), without causing any flooding to buildings.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the authority where ground conditions are suitable. Sustainable Urban Drainage techniques (SUD's) tackle surface water run-off problems at source using features such as soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands to attenuate flood peak flows, produce water quality improvements and environmental enhancements.

The authority seeks to promote the use of SUD's techniques to this site and the authority expects the developer of the site to submit detailed investigations such that the use of SUD's has been fully explored.

As the Site area is greater than 1 Ha then a flood risk assessment in accordance with NPPF is required to be submitted with any planning application.

Contaminated Land

We have a potentially contaminative former use of the site, and there's also an old landfill to the rear of the factory. Therefore there are concerns regarding contaminated land risks. With any outline application, we would expect to see a phase 1 desk study assessing the potential risks, and any full/reserved matters one, we would expect a Phase 2 intrusive investigation to show the actual risks. From this we would expect to derive a suitable condition to address any remediation measures that may be required.

The following highlights the possible areas of information that would be required to assess the risks posed on the site from potential contamination issues;

Phase 1 – Desktop Study

Data about the site is collected so that a preliminary risk assessment can be undertaken to determine if there is a risk on the site and therefore whether further steps are to be taken. Data included in this phase consists of the history of the site, physical characteristics, land use and a walk over survey. The details of this information are listed below:

- Planning History
- Site use history
- Site plan
- Changes in Land/Building usage
- Geology/Topography/Hydrology of site
- Storage tanks on/under site
- Surrounding land use
- Photographs of potential problem area
- Walk over survey
- Conceptual Model
- Risk Assessment

Phase 2 – Intrusive Investigation

- The purpose of the Phase I Investigation is to provide the relevant information to plan and undertake the intrusive investigation
- Maps showing site current lay out and the proposed development
- Site investigation methodology including, methods of investigation, plans showing exploration locations, and sampling and analytical strategies
- Results and Findings of the investigation
- Updated Conceptual Site Model
- Risk assessment – as a minimum, based on contaminant-pathway-receptor model. Should take account of severity of consequences and likelihood of occurrence.
- An appraisal of remedial options, and proposal of the preferred option
- Recommendations for further investigation (if necessary)

Further information can be found within BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Should you wish to discuss any of the above, please contact John Scott on 01226 772456.

SY Mining Advisory Service

Renewable Energy

Policy CSP 5 of the Core Strategy requires that the development incorporate decentralised renewable or low carbon energy sources and other design measures sufficient to reduce the developments CO2 emissions by 15% and states that this would rise to 20% for applications submitted after 2015. There are a number of ways of achieving these standards which should be addressed in a sustainability/energy statement.

Policy CSP 2 Sustainable Construction relates to meeting Code level 3 for residential development, rising according to when the scheme is built.

Affordable Housing

Policy CSP 15 requires affordable housing on developments of 15 or more dwellings. In this area you will be expected to provide 25% affordable housing i.e. about 21 units. This will be secured via a section 106 agreement on a detailed scheme but a condition can be imposed on an outline application.

There are other issues that need discussion such as tenure mix. I attach a note supplied by Lloyd Downer in Strategic Housing (01226 787950) regarding these matters.

Requirement for new green space

In accordance with CSP35 and the SPD Open Space Provision on New Housing Developments, all developments that exceed 20 residential units are required to provide new green space. A minimum of 15% of the developable site area of a proposal should be green space, unless the council deems it appropriate to seek an off-site contribution in the context of a green space assessment.

In this instance it is considered appropriate to incorporate informal open space and a minimum LEAP standard children's play area on site. It is expected that the formal recreation requirement will be satisfied by means of an off-site contribution to upgrade an existing formal recreation facility in the locality.

Discussions should take place between the applicant and Park's Services to determine whether long term maintenance of the public open space will be through means of a management company or through adoption by Parks Services with a commuted sum agreed for maintenance.

A condition can be imposed on an outline application with a section 106 agreement needed at the detailed planning stage when numbers of bed spaces are known.

Education

The formula for calculating the impact on schools based on 300 dwellings would result in an additional 63 pupils to be accommodated in the local area. It needs to be stressed that parents from this site will want their children to attend a school in Mapplewell. We have granted planning permission at North Gawber with a section 106 agreement requiring a contribution for education. This permission may or may not be implemented. Therefore, the situation at the present time is that we would be seeking an education contribution.

If a contribution is required this will be achieved via a section 106 agreement.

Environmental Impact Assessment

The application would need to be screened to ascertain whether an Environmental Impact Assessment would be required but this is not likely given the scale of the proposal. This was assessed in 2009 but you may wish to get a revised version for this proposal i.e. when the scheme is finalised.

Waste Management Plan

It is now a local requirement for all major developments to include information show how construction and household waste will be dealt with in the future.

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Pollution Control

The main concerns would be from noise, firstly from any external plant and deliveries at the store impacting onto the existing residential properties and noise from traffic on Wakefield road impacting on to the proposed residential properties. I don't believe that either cannot be overcome, but I would recommend that noise surveys are carried out for both situations and appropriate mitigation measures are submitted prior to development commencing.

A noise and dust management plan will be required prior to commencement of the development. There should be no burning of waste on site unless the required permission has been obtained from the Environment Agency

The Hours of Operation of construction will be restricted to:

Monday to Friday 08:00 until 18:00

Saturday 08:00 until 13:00

With no working on Sundays and Bank Holidays

Statement of Community Involvement

This is likely to be a controversial site and community engagement will be essential prior to any planning application being submitted. The methodology and results will need to be explained as part of any planning submission.

Further Information Required with an Application

The following supporting documents would also have to accompany an application, the level of detail required commensurate with the scale of the development:

- Design & Access Statement
- Planning Policy Statement
- Sequential Test
- Flood Risk Assessment
- Contaminated Land Assessment
- Coal Mining Report
- Ecological Assessment
- Tree survey and arboricultural impact assessment
- Draft Travel Plan
- SUDS and Foul & Surface Water Drainage Details
- Sustainability/Energy Statement
- Transport Assessment
- Draft Travel Plan
- Noise assessment
- Waste Management Plan
- Statement of Community Involvement

A S106 agreement will be required to for dealing with education and any other matters that involve a financial contribution.

Conclusion

There is likely to be no objection to the development of this site for a mixed use of retail, employment and retail subject to all the matters raised above being resolved satisfactorily.

This advice is based on the information submitted and is given without prejudice towards the determination of any subsequent planning application.

I hope this information is of use to you but if you do have any further queries please do not hesitate to contact me.

Yours faithfully

Keim Dunn

For and on behalf of Head of Planning