

PLANNING STATEMENT

**Land West of Wakefield Road
Athersley**

Harworth Group

Job No 210UF900

DEVELOPMENT & PLANNING | LEEDS

May 2021



**CUSHMAN &
WAKEFIELD**

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1. Introduction

- 1.1 Cushman & Wakefield (C&W) has been instructed by the Harworth Group to prepare a full planning application for engineering operations including land contamination works and drilling and grouting in respect of existing mine entries at land to the west of Wakefield Road, Athersley.
- 1.2 The application site has outline planning permission for up to 232 dwellings (ref: 2017/1451)¹ as part of a wider development. The outline planning consent cannot be implemented until a detailed reserved matters planning application for the dwellings is approved (condition 2). The Harworth Group would like to undertake enabling works including drilling and grouting works to facilitate the sale of the site and its development for residential use. This Planning Statement is therefore submitted in the context of a full planning application for the enabling works. The Planning Statement will consider the planning context for the site (including the planning policy context) and will provide analysis of the development proposals.
- 1.3 Accordingly, this report is structured as follows:
- Site and Surroundings (including planning history):
 - Pre Application Discussions: Section 3;
 - Development Proposals: Section 4;
 - Review of Planning Policy: Section 5;
 - Analysis: Section 6, and;
 - Summary: Section 7.

¹ Planning permission is extant – expires 25th June 2022

2. Site and Surroundings

The Site

- 2.1 The application site comprises 3.9 hectares (9.56 acres) of land located to the west of Wakefield Road, adjacent to New Lodge as shown on at Figure 1 below.

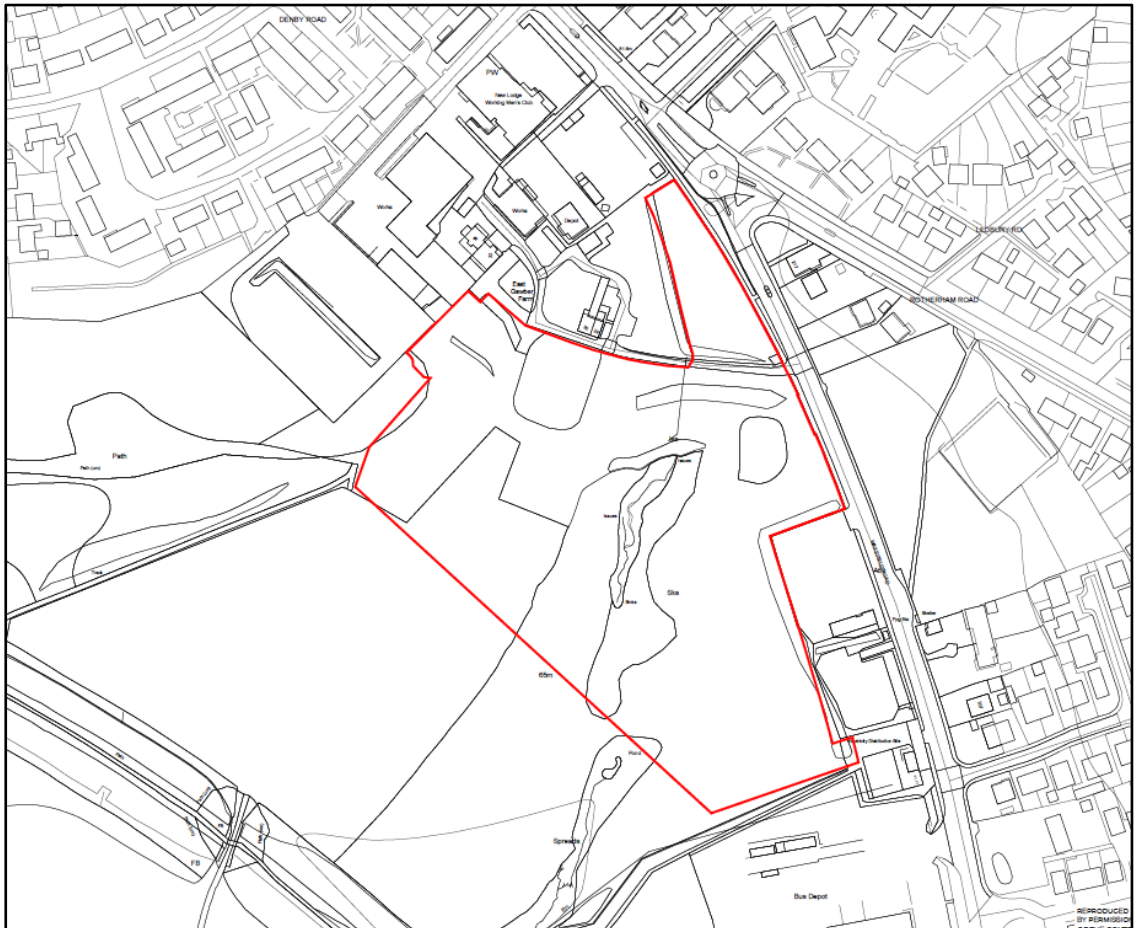


Figure 1: Site Location Plan

- 2.2 The site comprises land previously associated with the historic colliery uses in this location, including the deposition of material. It is now greenfield in nature and currently used for grazing horses.
- 2.3 The site has planning permission² (as part of a wider site area) for up to 232 dwellings. The proposed enabling works, comprising partial drilling and grouting are designed to facilitate the sale of the site and following this the implementation of the outline planning permission by the purchaser (through the submission and approval of a reserved matters application for residential development).
- 2.4 The site's topography generally slopes down from north to south, with a linear 'valley' running from north to south within the central/eastern part of the site. The majority of the trees/shrubs within the site are located in or around this valley, whilst there is a hedgerow running from south

² Ref: 2017/1451

to north across the site. The hedgerow will be unaffected by the proposed drilling and grouting works.

- 2.5 The site benefits from an existing access to Wakefield Road which provides a driveway to East Gawber Farm. This access will be utilised in respect of the drilling and grouting works.
- 2.6 The northeast boundary of the site provides a frontage to Wakefield Road at its northern part and then runs behind adjacent land parcels used for car sales, car wash and car parking. Opposite the site, there are a small number of houses, a takeaway and a public park.
- 2.7 To the south is the remainder of the residential development site and beyond this are commercial premises including a bus depot and plant hire depot.
- 2.8 The site is within flood zone 1 (an area at low risk of flooding)³.

Surrounding Area

- 2.9 The site is located within the urban area of Barnsley and benefits from close proximity and good accessibility to a full range of services, facilities and employment opportunities.

Planning History

- 2.10 The site has outline planning permission for up to 232 dwellings⁴ (as part of a wider development). The outline planning permission does not allow for enabling or engineering works (informative 1) to commence ahead of the discharge of condition 2 which requires the submission and approval of a reserved matters application for the residential development prior to the commencement of development.
- 2.11 Other planning applications related to the site are as follows:

Application Reference	Details	Decision
2010/0175 East Gawber Farm (encompassing part of the application site)	Erection of dwelling, alterations to existing dwelling, formation of equestrian centre, stables, indoor and outdoor arena and car parking (Reserved Matters)	27.5.2010
2010/1368 East Gawber Farm (encompassing part of the application site)	Demolition of existing dwelling and erection of 2 no. detached dwellings	13.01.2011

³ As detailed on the Government's Flood Risk Map.

⁴ Ref: 2017/1451

3. Pre Application Discussions

3.1 This application was not subject to a formal pre-application meeting with Barnsley Metropolitan Borough Council (BMBC), however, an informal meeting was arranged on 7th April 2021⁵ to discuss the development proposals. The meeting can be summarised as follows:

- The context for the application was explained – i.e. it is proposed to undertake enabling works in relation to land contamination and drilling and grouting works, to de-risk the site to enable it to be sold and the outline planning permission for residential use to be implemented.
- It was agreed that the planning application would be a full planning application (in accordance with Informative 1 of the outline planning permission) but that the outline application would form the wider context for the proposals.
- It was agreed that an updated Phase 1 Ecological Survey would be prepared and submitted with the application. It was confirmed that the central hedgerow will be unaffected by these works.
- It was agreed that a Written Scheme of Investigation would be prepared by the project Archaeologist and would form part of the planning application.
- It was agreed that as the works are small scale enabling works no amendments to the Section 106 Legal Agreement (for the outline planning permission) would be required.

⁵ With Elaine Ward – Senior Planning Officer BMBC

4. Development Proposals

- 4.1 Planning Permission is sought for engineering works (related to the land contamination at the site) and partial drilling and grouting of the site.
- 4.2 The planning application does not involve any significant change in levels. Material excavated will likely be treated on site and used to infill the areas excavated.
- 4.3 The proposals involve the following works:
- The excavation of material in the north west portion of the site (within the red line boundary) to allow the investigation/treatment of mine entries and the removal of identified hazardous coal tar materials.
 - The remediation and re-use or disposal of the coal tar material.
 - The treatment of mine entries and shallow workings by drilling and grouting and where required, construction of reinforced concrete caps.
 - The re-engineering of soils to formation.
- 4.4 Details of the proposed works are included in the Rogers Leask Technical Note (Remedial works to north west area) ref: 17176-RLE-19-XX-RP-O-007 Rev PO2. The works are required ahead of development commencing on site.
- 4.5 The works will also include remediation works in the area. The works also involve the excavation and treatment of coal tar contamination (highlighted in orange on plan ref: P17-172-101). The excavation will be backfilled with suitable arisings following the removal/remediation of any hazardous component under the supervision of a suitably qualified engineer.
- 4.6 The information provided in this submission is also included in a separate submission to seek the discharge of condition 12 (land contamination) and the partial discharge of condition 24 (Archaeology) of planning application ref: 2017/1451.
- 4.7 The proposals will not impact upon the existing ecology or the existing hedgerow which runs across the site from south to north.
- 4.8 The proposals will not require the removal of any trees.
- 4.9 The proposals are enabling works which will facilitate the wider development of the site for residential use.

5. Planning Policy Context

5.1 This section considers the national, regional and local planning policy context for the site.

Development Plan

5.2 The development proposals for the site will be assessed against the Statutory Development Plan which comprises the Barnsley Local Plan (2019). The National Planning Policy Framework (NPPF 2019) is also a material consideration.

National Planning Policy Framework (NPPF)

5.3 The NPPF advocates a presumption in favour of sustainable development. For decision taking, this presumption means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed, or;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11).

5.4 **Paragraph 8** of the NPPF states that there are three objectives to achieve sustainable development: economic, social and environmental.

5.5 **Paragraph 109** of the NPPF states that 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.

5.6 **Paragraph 163** states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

5.7 **Paragraph 170** states that planning policies and decisions should contribute to and enhance the natural and local environment by (inter-alia) preventing new and existing development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. The paragraph also states that decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.8 **Paragraph 174(b)** states that plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

5.9 **Paragraph 199** states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

Barnsley Local Plan

- 5.10 The site is allocated for residential development (250 dwellings) within the Barnsley Local Plan (Policy HS17). The policy makes reference to archaeological remains at the site and for development proposals to include an appropriate Archaeological Assessment. The Written Scheme of Investigation which accompanies this application has been prepared pursuant to the approved Archaeological Assessment for the site⁶.
- 5.11 **Policy HE6** states that applications for development sites where archaeological remains may be present must be accompanied an appropriate archaeological assessment.
- 5.12 **Policy BIO1** states that development will be expected to conserve and enhance the biodiversity and geological features of the borough.
- 5.13 **Policy CC3** states proposals over 0.4 hectares within Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk.
- 5.14 **Policy I1** states that development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

⁶ Approved as part of application ref: 2017/1451

6. Analysis

Principle of Development

- 6.1 The principle of development at this site has been established by the extant outline planning permission for the wider Wakefield Road site (ref: 2017/1451). The outline planning permission precludes engineering works at the site prior to the submission and approval of the first reserved matters for residential development. Therefore, full planning permission is sought for engineering enabling works in relation to land contamination and partial drilling and grouting of the site. These enabling works will assist in the sale of the site and its development and thus will assist the delivery of up to 232 units in accordance with Policy HS17 of the Local Plan.
- 6.2 As discussed the proposed works are minor in nature and will have very little impact on the site or the wider area. A suite of technical reports were supplied with the outline planning application and the relevant reports are included within this planning application pack. In addition, an updated Contaminated Land Study, Coal Drilling Technical Note and Flood Risk Assessment have been prepared together for the wider site, together with an Ecological Survey and a Written Scheme of Investigation for archaeology for the application site.

Contaminated Land

- 6.3 An updated Contaminated Land Study and Coal Drilling Technical Note have been prepared for the wider development site by Rodgers Leask. The Study and Note provide details of the findings of the initial survey work and recommendations for drilling and capping related to the shallow coal seams and mine entries. These reports form the context for this enabling works application together with plan ref: P17-172-101.

Written Scheme of Works – Archaeology

- 6.4 An Archaeological Report accompanied the Outline Planning Permission for the wider site. Condition 24 of the outline planning consent required a further scheme of archaeological evaluation prior to the commencement of development. Accordingly, a Written Scheme of Works has been prepared for this planning application which details the programme of archaeological works proposed. The programme of work specifically aims to further characterise the archaeological deposits associated with the East Gawber Hall Colliery identified within the area of the proposed ground disturbance. This approach is in accordance with paragraph 199 of the National Planning Policy Framework (NPPF).
- 6.5 Five 30m x 2m trenches are proposed, designed to adequately sample the archaeological potential of the site in order to define a sampling strategy for future mitigation in relation to the any present archaeology. The precise dimension and location of the proposed trenches will be confirmed on site and in consultation with South Yorkshire Archaeology Service (SYAS).

Ecology

- 6.6 Ecological Surveys (including breeding birds, bats and great crested newt surveys) were provided as part of the outline planning application and found no evidence of protected species. An updated Phase 1 Ecological Survey has been prepared for this application and similarly found no evidence of protected species. The existing hedgerow which runs from south to north across the site will be unaffected by these engineering works.

- 6.7 An Arboricultural Report was prepared for the wider site and is included in this application for reference. The application plans show the location of trees within the application boundary. All trees will be subject to tree protection measures outlined within the updated Ecological Survey. The hedgerow will also be protected from the engineering works.

Transport

- 6.8 The engineering works will utilise the existing access to the site via Wakefield Road. A comprehensive Transport Assessment was prepared for the outline planning permission which assessed the highways impact. The Traffic Impact of these works is likely to be negligible, however it is considered that any issues could be addressed via planning condition to provide a Construction Traffic Management Plan (including a construction method statement).

Flood Risk

- 6.9 The site is within an area at low risk of flooding (Flood Zone 1). An updated Flood Risk Assessment for the wider site has been prepared and is included within this submission. The Flood Risk Assessment states that all means of flood risk at the site have been assessed and it has been demonstrated that the site is not at risk of flooding, nor would it pose a risk to adjacent land.
- 6.10 The proposed development will therefore not impact on flood risk. The wider development proposals have been designed to provide sustainable drainage. The drainage proposals will be unaffected by the proposed engineering works.

Developer Contributions

- 6.11 It was confirmed with BMBC that as the engineering works are minor in nature there is no requirement to revisit the Section 106 Legal Agreement for the wider site (related to the Outline Planning Permission for the site).

7. Summary

- 7.1 This report can be summarised as follows:
- 7.2 Full Planning Permission is sought for engineering works (related to the land contamination at the site) and partial drilling and grouting of the site.
- 7.3 The information included in this submission has also been submitted via a separate discharge of condition application to discharge of condition 12 (land contamination) and the partial discharge of condition 24 (Archaeology) of planning application ref: 2017/1451.
- 7.4 The site has an extant Outline Planning Permission for up to 232 dwellings (ref: 2017/1451). The application requires any engineering works at the site to be submitted as a separate full planning application (informative 1). This application is submitted accordingly.
- 7.5 The proposed engineering works are enabling works to facilitate the sale of the wider site and its development for residential use (in accordance with Local Plan Policy HS17).
- 7.6 A written scheme of archaeological works is included within this submission. 5 trial trenches are proposed. All archaeological works will be concluded before the engineering works begin.
- 7.7 An updated Phase 1 Ecology Survey has been prepared for the site. The survey concluded that no protected species have been found at the application site.
- 7.8 The existing hedgerow which runs from south to north across the site will be unaffected by these works. The hedgerow will be protected from these works together with the trees in the red line boundary.
- 7.9 An updated Flood Risk Assessment has been prepared for the wider site and is included in this submission. The Flood Risk Assessment found that the site is not at risk of flooding, nor would it pose a risk to adjacent land.
- 7.10 The proposals have been discussed with BMBC and it has been agreed that as the proposals are enabling works to facilitate the wider development of the site, no amendments are needed to the Section 106 Legal Agreement which is linked to the outline planning permission for the site.
- 7.11 The application proposal accords with an up-to-date development plan and it is therefore requested that the application be considered favourably and approved without delay.

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About Cushman & Wakefield

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