

Applicant: Hooper Homes

Description: Erection of 51no. dwellings and associated landscaping, new access from West Street and other associated infrastructure works

Site Address: Land to the south of West Street, Worsbrough Bridge, Barnsley

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2 letters of objection have been received from local residents.

### **Site Location & Description**

The site is approximately 1.52Ha in area and irregularly shaped, situated within the urban area of Barnsley. There are residential properties to the north, and west, with industrial buildings bordering the eastern boundary and Worsborough Country Park located to the south. West Street forms the northern boundary of the site and the former Dearne and Dove Canal abuts the southern boundary. The Trans-Pennine Trail(TPT) is shown running along the southern boundary and adjacent to the canal.

The site was previously covered with paved areas and 8 industrial buildings, however, the site has been cleared (between 2018 and 2019) and is currently vacant. There is evidence of the previous access points, areas of hardstanding and building bases. Some areas of the site are now overgrown.

The River Dove runs approximately 50m to the south of the site. Midway along the northern boundary of the site there is an electrical sub-station and a telecommunications mast. The services that serve the properties are still in the ground. There is sporadic/substantial tree and shrub growth adjacent the southern site boundaries.

The site generally falls from a high point of 59.7m AOD in the north east towards a low point of 53m AOD in the south east corner. The site slopes from north to south at an average gradient of approximately 1 in 20. The southern boundary is generally flat with only a slight gradient from west to east.

### **Site History**

The site, originally known as The Dearne and Dove Steam Saw Mill, has a long history of industrial uses dating back to 1850. Since that time the site has housed a coal mine, a canal and a barge building company which turned into a timber company mostly supplying the local coal mines.

From 1969 until 2000 the site was in engineering use for specialised mining machinery for the National Coal Board, which ceased trading in 2000. From 2000-2009 the site was occupied by a subsidiary of Taylor Maxwell (brick merchant). They left the site in 2009 and then the site was let on a short term basis until the total demolition of the site.

A previous outline planning application (ref 2014/0125) seeking to redevelop the site for a development of up to 70 dwellings was refused planning permission by the Council on 28<sup>th</sup> October 2014. The reason for refusal was:

*“The proposal conflicts with Core Strategy Policy CSP19 by virtue of the fact redevelopment would result in both a loss of existing jobs and employment potential in an area where there is an inadequate supply of employment land. The substantial harm this causes is not considered to be outweighed by the potential contribution the scheme makes towards meeting housing need or the other considerations put forward by the applicant”.*

A resubmitted outline application followed (Ref: 2015/1089) for ‘Outline application including details of access and associated works for residential development (Resubmission of 2014/0125)’. This application was subsequently approved (23/03/2017), subject to conditions. No reserved matters application followed and the permission lapsed.

The land has subsequently been allocated for Housing in the Local Plan as site HS5 'Land South of West Street, Worsbrough'.

### **Proposal**

The applicant seeks full planning permission for the erection of 51no. dwellings and associated infrastructure/landscaping. The properties are a mix of 2 story and 2.5 story detached and semi-detached dwellings. Each property has a buffer garden to the front and an enclosed private amenity space to the rear.

Parking is provided to the front, side or rear of properties and all plots have a minimum of 2no. 3m x 6m parking spaces. 10no. visitor spaces have also been provided space throughout the site. 8no. properties have access to a detached garage.

The design of the site includes provisions for vehicular access, establishing 2no. connections between the site and West Street. The existing western access is to be retained in the same location and the existing eastern access is proposed to be sealed up and re-located to better suit the plotting arrangement on site and to provide suitable visibility. Due to the site levels, two access points are required which cannot be appropriately linked. 2no. plots (plots 1 and 2) take direct access from West Street.

The proposal also promotes pedestrian accessibility including the creation of a new pedestrian and cycle link to the Trans Pennine Trail to the south.

### **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – site HS69 Land North of Wood Walk, Hoyland

#### Relevant Local Plan Policies include:

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

GS1 Green Space

H1 The Number of New Homes to be Built

H2 The Distribution of New Homes

H5 Residential Development on Large Non-allocated sites

H6 Housing Mix and Efficient Use of Land

H7 Affordable Housing

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC1 Climate Change

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

### SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

### Other

South Yorkshire Residential Design Guide  
New Strategic Housing Market Assessment (July 2021)

### NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

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

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

Para 59 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 65 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.

Paras 74-77 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

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

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

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

Para 131 - trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 134 - 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

### **Consultations**

Affordable Housing – no objections subject to a 60% affordable rent, 25% First Homes and 15% other affordable home ownership mix.

Biodiversity – no objections subject to conditions and a S106 for £211,750 for off site mitigation.

Drainage – No objections subject to a condition

Education – No objection subject to a payment of £304,000 (£176K Primary and £128k Secondary).

Highways – No objection subject to conditions

Natural England – No objection

PROW – No objections and welcome the Sustainable Travel S106 payment

Reg Services – No objections subject to 50dB in outdoor amenity spaces as a result of acoustic fencing

Superfast SY – Provided advice for the developer and Broadband is now covered under Building Regs

SYAS - a programme of archaeological investigation has already been satisfactorily completed for this site, including reporting and archiving, in connection with an earlier application.

SYMAS – raised some initial concerns but would take advice from the Coal Authority

Tree Officer – Initial concern due to impact of trees on Eastern boundary on residential amenity, the layout has since been amended.

The Coal Authority – No objections

TPT – provided advice, welcomed the upgrades and gave suggestions where the S106 monies could be spent.

Yorkshire Water – No objections subject to condition

Ward Councillors – No comments

### **Representations**

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (40no. in total). 2 letters of objection have been received as a result. The main points of concern are:

- Increased Traffic/reduced highway safety
- Site is on a bend with heavy traffic/HGV's
- Traffic Calming Measures needed
- Increased pollution
- Increased demand on local services which are already strained

## **Assessment**

### Principle of Development

The site is located within Worsbrough, part of Urban Barnsley. The significance of the site being within Urban Barnsley is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

In accordance with Local Plan Policy H1 'The Number of New Homes to be Built' and H2 'The Distribution of New Homes', the site is allocated for Housing under site HS5 'Land South of West Street, Worsbrough'. Furthermore, a previous outline application was approved on the site for up to 70 dwellings under reference 2015/1089.

Local Plan Policy H6 states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development is for 51 dwellings with a mix of 2 bed (14no.), 3 bed (29no.) and 4 bed (8no.) properties and has been informed by the Strategic Housing Market Assessment (SHMA). There are 6no. house types proposed, including 2 and 2.5 storey detached and semi-detached dwellings. As such, the development as proposed is considered to provide a broad mix of house sizes, type and tenure, in line with policy H6.

Local Plan Policy H6 goes on to state a density of 40 dwellings per hectare net will be expected in Urban Barnsley and principle towns. In this case, 51 dwellings are proposed on the 1.52Ha site resulting in a density of 34DPH. However, the supporting text for policy H6 states 'We recognise that it is important that the density of development is appropriate to the site. Lower densities will be supported if there is robust supporting evidence to outweigh the objective of making the most efficient use of land. The mix of housing on a site should also be appropriate to the scale and context of the development and the character of the area'. In order to increase the density the separation distances would need to be reduced, which would be contrary to the SPD, there would need to be an increase in smaller house types, or terraced dwellings/flats would need to be introduced which could have a negative impact on parking and/or visual amenity. As such, in this case the proposed density is considered acceptable and reflects the urban grain of the area, especially as housing density immediately adjacent to the site is relatively low and the area beyond the Southern boundary is Green Belt.

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

### Residential Amenity

There are limited existing residential properties which immediately bound the site given there are commercial uses to the East and the Trans Pennine Trail and Green Belt to the South. There are a row of terraced dwellings opposite the site to the North which are sandwiched between a health centre and pharmacy, but West Street separates these from the site and they are on a higher level. In any case, the proposed layout creates adequate separation distances between the existing and proposed dwellings, in accordance with SPD 'Design of Housing Development'.

The site layout has been designed with regards to the required separation distances set out in SPD in that principle elevations are at least 21m apart (with the exception of across road ways where 12-19m is acceptable), principle elevations to side elevations are 12m apart and rear elevations have at least 10m separation to rear boundaries. As such, the residential amenity of future occupants in terms of outlook, privacy and levels of light would be acceptable.

The proposed site layout and associated garden sizes overview demonstrates the 2 bedroom dwellings have access to private amenity space of at least 50m<sup>2</sup> and the 3 and 4 bedroom units have at least 60m<sup>2</sup>, in accordance with the SPD.

Internally, the house types proposed generally meet or exceed the internal spacing requirements of the South Yorkshire Residential Design Guide and all the habitable rooms have access to adequate natural light and an acceptable outlook.

Given the comments set out above, it is considered that the development would maintain residential amenity levels for existing residents and provide adequate amenity levels for future residents in accordance with the NPPF, Local Plan Policy GD1 and SPD 'Design of Housing Development'.

### Noise

The site is immediately adjacent to Galco Industrial Estate which borders to the East. All companies operate within the hours of 0800 to 1800 with occasional service yard activity during those hours. Given the proximity of the industrial estate the application has been accompanied by a Noise Assessment. The assessment states that the ambient noise climate at the site is characterised by road traffic on West Street with some limited noise from commercial activities to the eastern boundary during the day.

The Report concludes that the proposed 1.8m high close boarded timber fence on the Eastern boundary would maintain adequate amenity in the garden areas and sound insulation in the properties would be sufficient to maintain internal amenity levels. Furthermore, a residential scheme was previously approved on the site and the site is allocated for housing in the Local Plan. There are also other residential properties within the immediate area with a similar relationship with the neighbouring industrial/commercial uses. A condition is proposed to require compliance with noise levels.

### Design & Visual Amenity

The site adjoins West Street to the North with public vantage points into the site. The existing wall which separates the site from West Street is to be removed to create a more open plan arrangement with soft landscaping to soften the development and the layout has been designed in order that all the plots which adjoin West Street have a highway frontage. This allows an active frontage along the existing Highway and allows the development to integrate within the immediate area, reflecting the orientation of the existing dwellings along West Street. Plots 1 and 2 also have direct access from that road, similar to the immediately adjacent dwellings to the West.

The site is served by 2no. main access points from West Street with Mews Courts and private drives off. The majority of the proposed dwellings front onto these internal roadways and where there are corner plots, fenestration is used to avoid blank elevations being immediately adjacent to highly visible public vantage points. Each property also has a good sized buffer garden between the back edge of the footpath and the front elevation of the dwellings which creates an attractive streetscene, reduces the amount of hardstanding and softens the impact of the buildings.

Beyond the Southern boundary of the site is the Trans Pennine Trail and Green Belt. The development has been designed to separate from this boundary with the introduction of a large Mews Court arrangement which sits between the boundary and the dwellings. This allows for a transition between the development and the Green Belt and retains the mature planting on the boundary line. The development embraces the planting and incorporates it rather than turning its back on it with rear gardens. This provides a pleasant outlook from the front elevations of the dwellings fronting the mews and creates an attractive and 'green' streetscene. The other street scenes, including along West Road, within the development also incorporate street trees to create an attractive place to live and visit, it also accords with the NPPF.

There are 6no. house types across the development in a mix of 2 and 2.5 storey detached and semi-detached dwellings. The design of the dwellings are considered acceptable and would sit comfortably within the surrounding area, in accordance with Local Plan Policy D1. The mix creates varied and interesting streetscene and accords with Local Plan Policy H6. Whilst no bungalows are proposed, the dwellings will meet the accessibility and adaptability standard of M4(2).

There are a mixture of boundary treatments throughout the development, again to provide a variety and create attractive streetscenes. The design and quality of the boundary treatments generally improve depending on how prominent they are within the streetscene or when viewed from public vantage points.

In terms of parking, there are a mixture of parking provisions including front of dwelling, side of dwelling, rear of dwelling, on street and garaging. Again this help to create an attractive and varied streetscene where vehicles are not the most prominent features. It is noted there is a parking court proposed in the centre of the site which would result in 12 parking spaces within close proximity. However, there are no more than 2no. parking spaces immediately adjacent to each other and there is a reasonable amount of soft landscaping in that area to try and counter act the hard landscaping and vehicles. In addition, that area is not overly prominent in that it is set away from West Street and the Trans Pennine Trail and also provides parking for some of the plots fronting West Street, reducing the need for parking in more prominent areas.

As the properties are detached or semi detached they have pedestrian access to the rear garden areas to allow for bin storage to be away from public vantage points and more prominent areas, again contributing to a more attractive streetscene, in accordance with policy D1 and the SPD.

As set out in the National Planning Policy Framework, the Government attaches great importance to the design and quality of the built environment, stating that 'it is important to plan positively for the achievement of high quality and inclusive design for all development'. Given the comments set out above, it is considered that the development is of a high quality design and takes advantage of the features of the site and surrounding area, in accordance with the NPPF and Local Plan Policy D1.

#### Highway's considerations

The applicants propose 2no. vehicular access points into the site in the locations of the current access points. The Western access point would serve the majority of the dwellings and lead to a private drive and a block paved mews court with turning head. The Eastern access would serve a smaller number of properties and lead to 2no. smaller block paved mews courts. A private drive would also serve plots 44-46.

The only properties with direct access from West Street are plots 1 and 2. Turning areas are provided within the site to enter and exit in a forward gear. These properties would reflect the existing dwellings immediately to the West which also have direct access from West Street.

The internal road layouts have undergone a number of amendments, and provision of additional information, throughout the application process in consultation with the Highways Officer and have now reached a point where they are acceptable and meet the relevant policies and guidelines, subject to conditions. Refuse and large vehicle tracking is acceptable, speed restraints have been incorporated to reduce large straight runs and refuse collection areas have been provided adjacent to the adopted highway for the residents of the private driveways.

Each property accords with SPD 'Parking' in that 2 bedroom properties have at least 1no. off street parking space and the 3 bedroom plus properties have access to at least 2no. parking spaces. There are also 9no. visitor parking spaces provided throughout the development to reduce on-street parking.

There is a mix of parking available throughout the site to avoid long runs of parking spaces and car dominated frontages.

For the reasons outlined above, highway safety would be maintained to a reasonable degree, in accordance with Local Plan Policy T4. In addition, Paragraph 111 of the NPPF states 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.

Highways DM have been consulted on the application and, following some amendments through the course of the application process, have raised no objections subject to conditions.

### Trees

The application is accompanied by a Tree Survey. Given the previous use of the site and the position of the former buildings and areas of hardstanding, trees are limited within the redline boundary and are located predominantly to the East and South. The survey identifies 3no. individual trees and 5no. groups of trees but this includes those which are on the site and immediately adjacent to the site. The only removals required to accommodate the development are T1, G2 and G3 which are all category U trees which are not worthy of attention.

The Tree Officer did raise some concerns with the initially proposed layout due to the proximity of retained trees to habitable room windows and garden areas which could have led to residential amenity and maintenance issues, however, the scheme was reorganised to reduce this issue. The proximity of T2 to the rear elevation of plot 26 is still relatively close but the windows and garden of that property are South facing. Furthermore, T2 is a category C tree and there would be no objections to reduction works or removal of that tree in the future if necessary.

### Ecology

The site was previously occupied by industrial units and areas of hard landscaping, however, since they have been demolished areas of the site have become overgrown. There are also areas of trees and hedgerows adjacent to the boundaries of the site, particularly to the South and East. The application has been accompanied by a Preliminary Ecological Appraisal Report (reference 230863//EclA/2) which sets out a number of recommendations, specifically the installation of integrated bat and bird boxes within each dwelling and the provision of hedgehog highways in garden fences and the conditions of the planning permission. These recommendations shall be conditioned.

A BNG metric has also been submitted with the application. This demonstrates that the development will result in the loss of 8.47 (70.79% net loss) habitat units. Where off site mitigation cannot be secured, the applicant can pay for 'habitat credits' through either a third party provider, agreed with the LPA, or the LPA itself. Applicants with a net loss in biodiversity can currently purchase credits from BMBC at a total of £25,000 per unit, in this instance the applicant would be required to pay BMBC £211,750 to offset the loss of habitats within the development site. This would be secured via a S106 agreement. It should be noted however, that this application was submitted prior to the requirement for 10% BNG being adopted and as such needs to ensure only no net loss.

As a result of the above the Biodiversity Officer has raised no objections subject to suitably worded conditions.

### Public Rights of Way

The Trans-Pennine trail runs parallel to the Southern boundary of the site. The layout shows a shared path would be incorporated into the scheme to provide direct access from the site to the TPT and vice versa. The Public Rights of Way and Trans-Pennine Trail teams have welcomed the link and also highlighted areas where improvements could be made using Sustainable Travel monies (see the Sustainable Travel section below).

### Historical coal mining risks

The application site falls within the Coal Authority defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site, which may have been worked from the surface. Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

Coal Authority records also indicate the presence of one recorded mine entry (shaft) located within the planning boundary; the content of the supporting Geotechnical and Geo-Environmental Site Investigation Report (7 September 2023, prepared by Eastwood & Partners Ltd) of which confirms has been located and treated (capped at rock head). On the basis that the proposed built development layout takes cognisance of the shaft position, the Coal Authority and SYMAS are satisfied that the risks posed by this coal mining hazard have been satisfactorily addressed.

### Drainage

The site is located within Flood Zone 1 which is defined in the Planning Practice Guidance as a low-risk area, which comprises land assessed as having less than 1 in 1,000 annual probability of river or sea flooding (0.1%). Planning Practice Guidance states that all uses of land are appropriate in Flood Zone 1.

The application has been accompanied by a Flood Risk Assessment prepared by Eastwood Consulting Engineers, dated 05/12/2023. In summary, the report states that:

- Foul water will discharge to the public 450mm diameter combined water sewer located south of site.
- Sub-soil conditions do not support the use of infiltration techniques.
- A watercourse exists near to the site - connection subject to Environment Agency requirements.
- Surface water will discharge to watercourse via an existing private drain.

The Councils Drainage Department and Yorkshire Water concur with the Flood Risk Assessment and have raised no objections to the development, subject to suitably worded conditions.

### **Contributions**

#### Education

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

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

Based upon the proposed number of dwellings (51no.) the contribution required would be:-

- Primary – 11 primary pupils at £16,000 per pupil totalling £176,000
- Secondary – 8 secondary pupils at £16,000 per pupil totalling £128,000

That would equate to a total of £304,000. This would be secured via the S106 Agreement.

#### Sustainable Travel

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

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. Based upon 51 dwellings a contribution of £38,250 is required. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

#### Affordable Housing

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

The application includes 4 x 2 beds and 1 x 3 bed affordable units (10% of 51 units in line with Policy H7). This is in line with the SHMA which suggests a need for 2 and 3 bed affordable units in this area. The units are spaced across the site and not located together, in accordance with the SPD.

The First Homes Technical Note Table 1 sets out that in 10% submarket areas, affordable housing should be 60% affordable rent, 25% First Homes and 15% other affordable home ownership. This will be secured via a S106 agreement.

### Open Space

In line with SPD 'Open Space Provision on New Housing Developments' a minimum of 15% of the gross site area of new housing development (of 20 or more dwellings) must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

Where it is impossible to make such provision on land either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.

In this case the applicant has not proposed any on-site Green Space. Furthermore, the site is well served by Green Space and public open space given the proximity of the Trans Pennine Trail, Worsbrough Dale Park, Worsbrough Mill Country Park and large areas of Green Belt. As such, off site contributions will be required. In accordance with the figures set out in appendix 2 of the SPD, the off-site contribution in this instance is £87,201.95

14no. 2 bed properties @ £1524.32 = £21,340.48  
29no. 3 bed properties @ £1828.63 = £53,030.27  
8no. 4 bed properties @ £2135.73 = £17,085.84  
Total = £87,201.95

### **Conclusion**

In summary, the residential development is considered acceptable in principle due to the land being allocated for housing under policy HS5. Biodiversity habitat on the site is generally of a low value and it is not the subject of any special designations, however, the metric assessment has quantified that a payment of £211,750 is required to mitigate the net loss. The development also delivers 10% affordable housing provision on site and contributions towards primary and secondary school places, sustainable travel and off site provision of informal recreation areas, formal recreation areas and Equipped children's play areas in full compliance with the amounts and formulas set out in the SPD's, and, as outlined in the sections above. These contributions will be subject to a S106 agreement.

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

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

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

**Recommendation:** Grant subject to conditions and a S106 Agreement (10% affordable housing provision on site, and contributions towards primary and secondary school places, sustainable travel and off site public open space and BNG offsetting in full compliance with the amounts and formulas set out in the SPD's)

Conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in substantial accordance with the plans and specifications as approved unless required by any other conditions in this permission. The approved plans are;

1724-101F – Site Plan Layout & Sections  
1724-103D – Site Boundary Plan  
1724-104D – ECP Plan  
1724-105D – Waste Management Plan  
1724-106D – External Materials Plan  
1724-107D – House Type Materials Plan  
1724-108A – House Type 736  
1724-109A – House Type 847  
1724-110A – House Type 847as & 889op  
1724-111A – House Type 847op & 889as  
1724-112A – House Type 980  
1724-113A – House Type 1280as & Double Garage  
1724-114A – House Type 1280op & Single Garage  
1724-115C – CEMP Plan  
1724-116B – Management Company Plan  
1724-117 – House Type 1017  
R-2715-1G – Landscape Masterplan

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

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

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

4. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping (R-2715-1G – Landscape Masterplan) shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

5. All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping (R-2715-1G – Landscape Masterplan) shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of

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

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

6. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

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

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

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

8. Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**

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

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

10. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Eastwood Consulting Engineers, dated 05/12/2023, unless otherwise agreed in writing with the Local Planning Authority.

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

11. Prior to the first occupation of the development hereby permitted, a vehicular access shall be provided and thereafter retained in the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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

12. Submission of Details - No development shall be commenced excluding site preparation works, until full engineering, drainage, street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

**Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety in accordance with Local Plan Policy T4.**

13. No building or use hereby permitted shall be occupied (or use commenced) until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details.

**Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.**

14. Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at West Street in accordance with details of a completion plan to be submitted and approved in writing by the LPA.

**Reason: To ensure streets are completed prior to occupation and satisfactory development of the site in accordance with Local Plan Policy T3.**

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any Order revoking and/or re-enacting that Order), the garages/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the LPA.

**Reason: To retain the garages/car parking spaces for parking purposes.**

16. No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

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

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

17. The development shall be completed in line with the recommendations in the Preliminary Ecological Appraisal Report (reference 230863//EclA/2), specifically the installation of integrated bat and bird boxes within each dwelling and the provision of hedgehog highways in garden fences and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

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

18. A Habitat Management and Monitoring Plan (HMMP) completed by a suitably qualified ecologist, detailing management for a minimum period of 30 years will be submitted to the Local Planning Authority prior to the commencement of works on site. The HMMP should follow the template HMMP provided by Natural England and should include information on the following:

- Project information, funding and any legal agreements
- Summary of Habitat Proposal and Plans, site boundary map, site context map
- Phasing Strategy – if relevant

- Roles & Responsibilities
- Land use summary, site context photographs, site baseline and environmental information checklist and environmental information
- Management plan aims and objectives, design principles informed by baseline information
- Habitat and condition targets, habitat retention, habitat retention and protection measures map
- Creation, enhancement and management targets and prescriptions
- Habitat creation, enhancement and management – risk register and remedial measures
- Monitoring methods and intervals, monitoring reports and adaptive management.

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

19. Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, but are not limited to, the following:

- i. Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
- ii. A drawing showing dark corridors and buffer areas;
- iii. A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include;
- iv. Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- v. A description of the luminosity of lights and their light colour;
- vi. A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- vii. Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
- viii. Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. They shall be maintained thereafter in accordance with these details.

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

20. Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

1. Risk assessment of potentially damaging construction activities;
2. Identification of 'biodiversity protection zones';
3. An invasive non native species protocol to ensure Japanese knotweed is not spread in the wild;
4. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
5. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
6. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;

7. The times during construction when specialists ecologists may need to be present on site to oversee works;
8. Responsible persons and lines of communication;
9. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person(s);

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

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

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

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

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**

22. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Noise Impact Assessment (Ref: NIA-11068-23-11250-v2 West Street (Final)). The measures shall be in place prior to the occupation of the dwellings and retained as such thereafter. The outdoor amenity areas to the East of the site shall be protected from the neighbouring employment/commercial use by acoustic barriers in line with the Noise Impact Assessment and achieve noise levels of less than 50dB.

**Reason: In the interest of residential amenity and in accordance with Local Plan Policy GD1 and SPD 'Design of Housing Development'.**

23. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

**Reason: In the interests of Local Plan Policy T4 New Development and Transport Safety.**