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For and on behalf of
Rouse Homes Ltd

PLANNING SUPPORTING REPORT

**Residential Development (Outline)
Land to the west of Woolley Colliery Road, Darton, Barnsley, S75 5HQ**

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1.0 INTRODUCTION

- 1.1 This Planning Statement has been provided on behalf of Rouse Homes Ltd for the site at Woolley Colliery Road, Darton, Barnsley, which is subject to an outline planning application for up to 115 houses with all matters reserved except for access into the site only.
- 1.2 An indicative site layout has been submitted in support of this application, however the final layout including the exact quantum of dwellings and internal road layouts are to be determined as a reserved matter.
- 1.3 This Planning Statement will address a raft of national and local planning policies, together with a range of material planning considerations.
- 1.4 The site is a residential allocation (H1 and HS1) in the recently adopted local plan.
- 1.5 It is important to note that the application proposes to provide part of the sustainable drainage, as well as the biodiversity net gain on land under the applicant's control that lies between the two sites included within the blue line on the application site plan. A recreational footpath path/cycle way through this area is also proposed. This non-residential element of the scheme falls outside of the local plan allocation and will be secured by a Grampian condition.

2.0 SITE CONTEXT

- 2.1 The application site is located immediately to the west of Woolley Colliery Road, in close proximity of the village centre of Darton.
- 2.2 Darton lies approximately 5 km to the north-west of Barnsley Town Centre in the Darton East Ward.
- 2.3 The site is split into two parts: the north side of the site is bound by woodland and residential properties to the north, Woolley Colliery Road, agricultural land and woodland to the east, Woolley Colliery Miners Welfare Ground to the south and Woolley Colliery Open Space to the west; the smaller south side of the site lies just to the south of the beforementioned Welfare Ground (playing pitches); the site is bound by Woolley Colliery Road and grazing land to the east, Woolley Colliery Open Space / Fountain Square Green Space to the south and Woolley Colliery Open Space to the north-west. The two areas of the site are outlined in red in Figure 1 below.
- 2.4 An additional area of land adjacent to the site also falls under the control of the applicant and is intended to be utilised to improve connectivity between the northern and southern sites, provide sustainable drainage and deliver enhanced biodiversity. This area is outlined in blue in Figure 1 below.

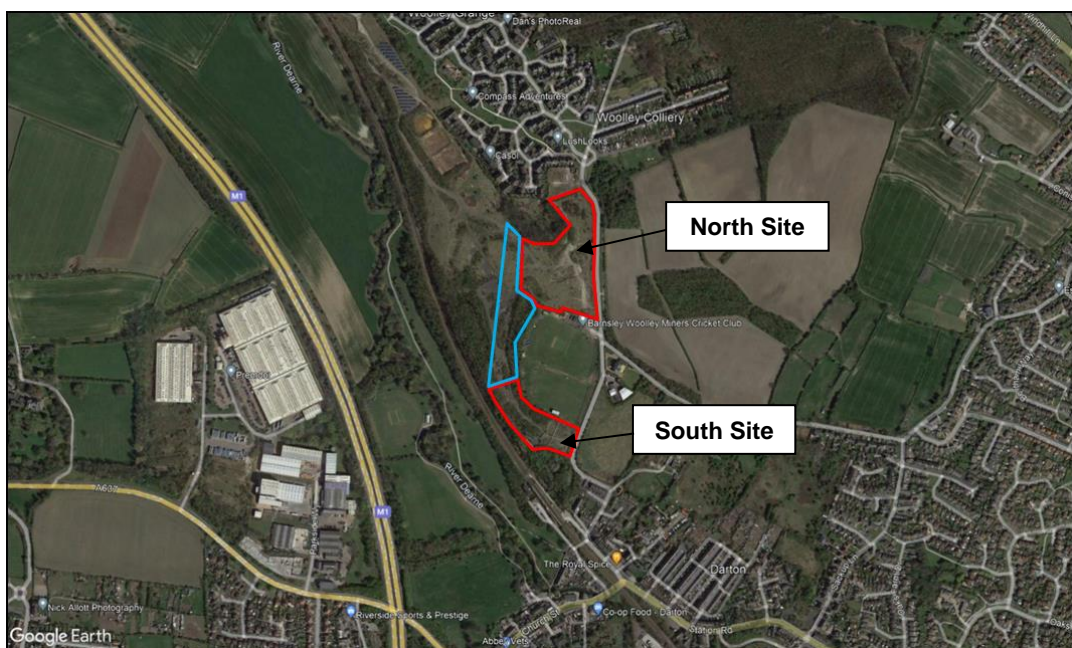


Fig 1: Ariel photograph of the site with indicative boundaries

- 2.5 The areas of the northern and southern sites are 2.8 ha and 1.1 ha respectively, therefore the application site extends to 3.9 ha. The additional area of land which is under control of the applicant is enclosed by the blue line and covers some 1.3 ha.
- 2.6 The site was part of the former Woolley Colliery in the past and has not been reclaimed as concrete bases and service and drainage ducts remain. The site is therefore a brownfield previously developed site.
- 2.7 Both the north side and the south side of the site have existing access points from Woolley Colliery Road to the east.
- 2.8 There are level changes across both sites.
- 2.9 The north side of the site comprises mainly grassland interspersed with a small woodland and individual young trees and elements of hardstanding. There are some informal footpaths going through the site. The south side of the site contains both woodland and grassland.
- 2.10 A series of photographs illustrate the character and appearance of the application site and immediate environment.



Photograph 1 – View of the site entrance to the Northern Area from Woolley Colliery Road, looking west (Source: Eastwood Consulting Engineers)



Photograph 2 – View of the site access to the Southern Area of the site from Woolley Colliery Road, looking north west (Source: Eastwood Consulting Engineers)



Photograph 3 – View of south east of the Northern Area, looking west (Source: Eastwood Consulting Engineers)



**Photograph 4 – View of the south of the Southern Area, looking north
(Source: Eastwood Consulting Engineers)**



**Photograph 5 – View of the south east of the Southern Area, looking west / north west
(Source: Eastwood Consulting Engineers)**

2.11 The site is identified on the Environment Agency's Flood Map within Flood Zone 1, which places it within the lowest risk category for flooding (see figure 2). However, there are some strips and small areas of medium/high risk of surface water flooding in both the north and the south side of the site.

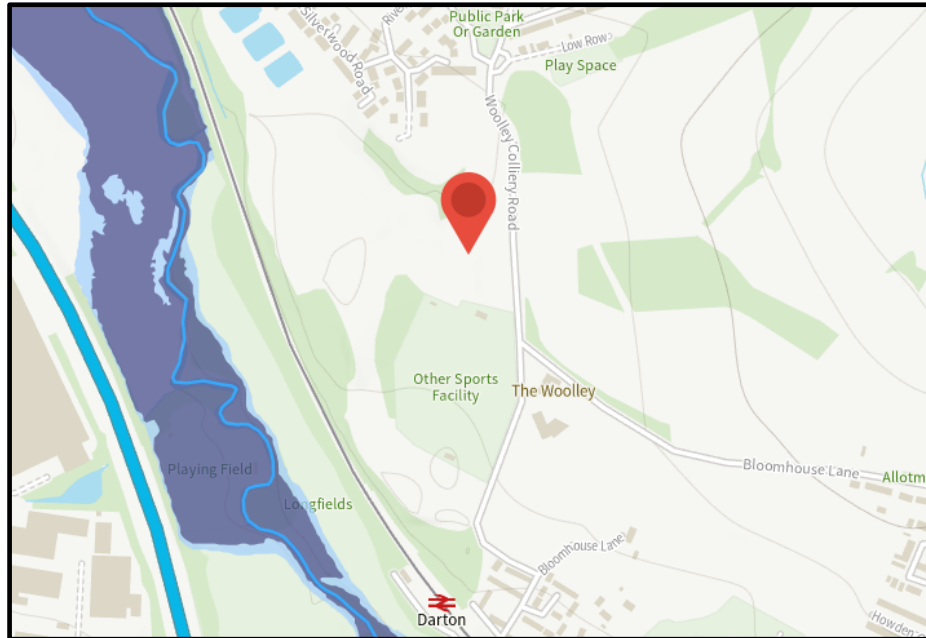


Fig 2: Extract from Environment Agency’s web site showing site in Flood Zone 1

- 2.12 Part of the north and the south side of the site are located within a Development High Risk Area, where shallow coal mine workings are probable. According to the Coal Authority, there are mine entries / adits near the southern boundary of the site.
- 2.13 There are two small areas of deciduous woodlands which border the north and the south side of the site to the west.
- 2.14 The site is located in a highly sustainable location and lies within close proximity of a range of local community services and facilities which are easily accessible on foot. These are listed in Table 1 below.

Facilities & Services	Location (to south / north side of site)
Railway Station	Darton Station (0.2 km / 0.6 km)
Convenience Store	Co-operative Food Darton (0.4 km / 0.8 km)
Post Office	Windhill Post Office (1.7 km / 1.7 km)
Doctors Surgery	Darton Health Centre (0.5 km / 0.9 km)
Pharmacy	Darton Pharmacy (0.5 km / 0.9 km)
Primary School	Darton Primary School (0.8 km / 1.2 km)
Secondary School	Darton Academy (2.6 km / 3.0 km)
Recreation Facilities & Sport Grounds	Woolley Colliery Miners Welfare Ground (in between south and north side of the site) Woolley Colliery Open Space (adj. to west side of site) Fountain Square Green Space (adj. to south of site) Darton Longfield Green Space (0.3 km / 0.7 km)
Community Centre / Village Hall	Darton Darby & Joan Community Centre (0.5 km / 0.9 km) Darton Village Hall (0.6 km / 1.0 km)
Church	All Saints Church, Darton (0.7 km / 1.1 km) St Teresa Catholic Church (1.1 km / 1.0 km)
Public House	Darton Tap (0.5 km / 0.9 km) Anvil Arms (0.7 km / 1.1 km)
Restaurants/Eateries	The Royal Spice (0.3 km / 0.7 km) May's Thai Takeaway (0.4 km / 0.8 km)

Table 1: Proximity of surrounding available services and facilities

- 2.15 The site is also connected to a range of public transport facilities and services and is within very close proximity to Darton Station which is 0.2 km away from the south side of the site or 0.6 km from the north side respectively.
- 2.16 There are three bus stops in the vicinity of the site which provide regular services to Barnsley Town Centre and Wakefield City Centre, and some limited services to Kexborough and Redbrook.
- 2.17 The nearest bus stops to the north and south side of the site are less than 0.2 km away from the current site entrances.

3.0 THE APPLICATION PROPOSAL

- 3.1 The applicant is seeking outline planning permission for up to 115 dwellings on the site, with up to 75 dwellings on the northern site and up to 40 dwellings on the southern site.
- 3.2 The indicative site layout plan demonstrates how 110 family dwellings, including 22 (20%) affordable houses, could be accommodated within the site as follows:
- a. The northern site is proposed to deliver 73 dwellings, including 15 affordable houses.
 - b. The southern site is proposed to deliver 37 dwellings, including 7 affordable houses.
- 3.3 The indicative site layout plan illustrates how the internal layout could be designed, however the final layout including the exact quantum of dwellings will be determined as a reserved matter.
- 3.4 All vehicular access will be taken from Woolley Colliery Road. The northern and southern site will each have independent access points with priority-controlled junctions.
- 3.5 The existing access to the northern site is to be extinguished, with a new access relocated further south to improve visibility to the north, due to the gradient change of Woolley Colliery Road. The new access location also accommodates an overland flood route from the area of previous flooding on Woolley Colliery Road through the development to the watercourse adjacent to the northern boundary.
- 3.6 The existing access to the southern site is to be retained and upgraded and will provide access to the adjacent open space.
- 3.7 Within the development, a new 5.5 m wide carriageway is proposed with either 2 m footways or grass verges / hard margins on both sides of the highway.
- 3.8 A minimum of two parking spaces are to be provided in accordance with local policy, including one Electric Vehicle charging point per dwelling.
- 3.9 Pedestrian access will be taken from Woolley Colliery Road via the new access points, and a 2 m wide footpath is proposed along the whole site frontage.

- 3.10 New recreational pedestrian and cycle links are proposed to connect the northern and southern sites and provide access the adjacent open space.
- 3.11 Secure storage for bicycles will be facilitated either within garages or lockable sheds in the rear garden of properties without garages.
- 3.12 Each of the proposed dwellings will be provided with private amenity space in the form of secure rear gardens.
- 3.13 Areas of public amenity space have also been provided within both the northern and southern site, including a village green in the centre of the southern site.
- 3.14 A Sustainable Urban Drainage System is proposed to provide a natural surface water management system in the form of an on-site pond/basin for the northern part of the site and an offsite pond/basin for the southern part of the site.
- 3.15 The indicative scheme has been designed to minimise impact on the existing mature trees along the northern and southern boundary.
- 3.16 The indicative layout also demonstrates that trees and native hedgerows could be planted within the scheme, and that surface water storage ponds could be utilised to provide multiple benefits including visual amenity and biodiversity.
- 3.17 The area of land between the northern and southern site is to be utilised to improve pedestrian and cycle connectivity between the two sites and to the area of green space to the west of the site. This area is also to be used to deliver ecological improvements and bio-diversity net gain in relation to the development of the application site.
- 3.18 All matters of internal access, siting, design, landscaping and external appearance are reserved matters.
- 3.19 The application is seeking planning permission to establish the principle of housing development at this site.
- 3.20 The overall area of the application site is the same as the 3.9 hectares of allocated land.

4.0 PLANNING POLICY

4.1 The national and local planning policies relevant to this planning appraisal are set out below including the National Planning Policy Framework (the 'Framework') and the Barnsley Local Plan (2019).

National Planning Policy Framework (2021)

4.2 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and was last updated in July 2021.

Achieving Sustainable Development

4.3 The Framework identifies that, at the heart of the Framework is a presumption in favour of sustainable development.

4.4 The Framework states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The application proposal can contribute to these objectives in respect of the following:

- a) an **economic** objective – the development of a derelict site within the highly sustainable urban area of Darton. It will generate employment during the construction phase of development. Future occupiers will also introduce additional spending power into the local community which in turn will assist the continued regeneration of facilities in the locality.
- b) a **social** objective – The site has very good access to a number of facilities and services within Darton and the wider urban area of Barnsley. The proposed housing would be located in a highly sustainable location. Walking and cycling to local services and facilities would be very feasible for proposed occupiers as would the use of public transport. In addition, the proposal would contribute towards the Council's requirement of a 5-year housing land supply. The nature of the scheme will also offer an opportunity to provide a 20% affordable housing contribution in accordance with Council Policy which in turn will assist in providing housing for a wide range of social needs.
- c) an **environmental** objective – to contribute to protecting and enhancing the natural environment; through the relocation and enhancement of species-rich grassland and woodland within the application site or the blue land beyond. This will enhance the overall

appearance of the site. The efficient use of previously developed land also safeguards more ecologically valuable greenfield land.

4.5 Paragraph 11 of the Framework, then states that the presumption in favour of sustainable development means the following for decision-taking:

- c) *“approving development proposals that accord with an up-to-date development plan without delay”*

Delivering a Sufficient Supply of Homes

4.6 Paragraph 60 of the Framework states that:

“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.”

4.7 Paragraph 68 of the Framework sets out that planning policies should identify a supply of:

- a) *“specific, deliverable sites for years one to five of the plan period; and*
b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.”

4.8 In regard to maintaining supply and delivery of housing, paragraph 74 of the Framework sets out that:

“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.”

4.9 Paragraph 65 of the Framework outlines that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable homes required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.

4.10 In this regard, paragraph 63 of the Framework also states that:

“Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.”*

4.11 The application site will deliver 20% affordable housing on-site. For the purpose of this application, the imposition of a planning condition is entirely appropriate to secure this provision.

Promoting Healthy and Safe Communities

4.12 Paragraph 92 of the Framework states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) “promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.*
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

Open Space and recreation

4.13 The Framework, in paragraph 98, emphasis that:

“Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider

benefits for nature and support efforts to address climate change.”

- 4.14 The sustainable location of the site and the ease of access to a wide range of existing recreational facilities and local amenities, as identified in this Statement, means that the development would facilitate a healthy and safe living environment.

Promoting Sustainable Transport

- 4.15 Paragraph 104 of The Framework outlines that transport issues should be considered at the earliest stage of development proposals. This is to ensure that:

- a) *“The potential impacts of development on transport networks can be addressed.*
- b) *opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated.*
- c) *Opportunities to promote walking, cycling and public transport use are identified and pursued.*
- d) *The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*
- e) *Patterns of movement, streets, parking and other transport considerations are integral to the design of the schemes and contribute to making high quality places.”*

- 4.16 Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications, it should be ensured that:

- a) *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.*
- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an*

acceptable degree.”

4.17 The site is situated within very close proximity to Darton Station and there are three bus stops in the vicinity of the site.

4.18 Paragraph 111 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.”

4.19 Paragraph 113 of the Framework states that:

“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

4.20 The impacts of the development on the transport network have been considered within the Transport Assessment by Fore Consulting Ltd which accompanies the planning application.

Effective Use of Land

4.21 Paragraph 119 of the Framework identifies that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.

4.22 Paragraph 120 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

4.23 The site is previously developed, and the proposed development will make an effective use of this land for homes. The proposal provides an opportunity to improve this currently vacant land.

Achieving Well-Designed Places

- 4.24 Paragraph 126 highlights that good design is a key aspect of sustainable development, creating better places to live and work. The creation of high-quality, beautiful and sustainable buildings and places is a fundamental objective of the planning and development process. As shown on the indicative layout plan, creating a well-designed scheme has been at the heart of the evolution of these proposals in accordance with paragraph 126.
- 4.25 Paragraph 130 of the Framework sets out that planning policies and decisions should ensure that developments meet a range of design criteria. The criteria are as follows:
- a) *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 4.26 The development comprises high quality design to make a visually attractive addition to Darton. Consideration has been given to the existing and planned surrounding built environment in relation to the overall design of the proposed development so that it sympathetically integrates with the physical environment.

4.27 Paragraph 132 states that,

“Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Application that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.”

4.28 In response to paragraph 132, the applicant has sought pre-application advice from Barnsley MBC at a very early stage. The Council’s enquiry response informs the planning application submission including the design of the proposed housing scheme as shown on the indicative site layout plan. The evolution of the design in response to the pre-application feedback is set out in the Design and Access Statement.

Meeting the Challenge of Climate Change and Flood Risk

4.29 Paragraphs 152-173 of the Framework provide guidance on planning for climate change. Paragraph 154 notes that new development should be planned in ways that

- a) *“avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help reduce greenhouse gas emissions, such through its location, orientation and design.”*

4.30 The application proposal seeks to reduce the overall carbon footprint of the development through its very close location to Darton Station and a number of measures including encouraging the use of other means of transport than the private motor vehicle, sustainable construction methods and the re-use of materials where feasible.

4.31 Paragraphs 159-169 of the Framework set out guidance on the location of development with respect to areas at risk of flooding. The Framework outlines that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

- 4.32 The site is located in Flood Zone 1 (land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)) and is therefore in an area of low flood risk. The site is therefore considered to be appropriate for residential development.
- 4.33 The Framework, in paragraph 167, notes that when determining any planning application, local planning authorities should ensure that flood risk is not increased elsewhere, and that where appropriate, applications should be supported by a site-specific flood risk assessment. A Flood Risk Assessment & Drainage Strategy has been prepared by ID Civils in support of this application.
- 4.34 Paragraph 169 of the Framework sets out that sustainable drainage systems should be incorporated into major developments unless there is clear evidence to demonstrate that this would be inappropriate. The systems used should:
- a) *“take account of advice from the lead local flood authority.*
 - b) *have appropriate proposed minimum operational standards.*
 - c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
 - d) *where possible, provide multifunctional benefits.”*

Conserving and Enhancing the Natural Environment

- 4.35 Paragraph 174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment in the following ways:
- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
 - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
 - c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
 - d) *minimising impacts on and providing net gains for biodiversity, including by establishing*

coherent ecological networks that are more resilient to current and future pressures;

- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

4.36 A Preliminary Ecological Appraisal (PEA), a Biodiversity Net Gain Assessment and an Arboricultural Impact Assessment were undertaken in support of this application. Equally, an Air Quality Assessment has been prepared by Tetra Tech in support of the application.

Ground Conditions and Pollution

4.37 In relation to ground conditions and risks arising from land instability and contamination, paragraph 183 of the Framework states that planning policies and decisions should ensure that:

- a) *“a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).*
- b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.”*

4.38 Paragraph 184 of the Framework then sets out that if a site is affected by contamination or land stability issues, it is the developer and/or landowner’s responsibility to secure a safe development.

4.39 A Phase I Geotechnical and Geo-Environmental Site Investigation, including a Coal Mining Risk Assessment, has been provided by Eastwood & Partners.

Barnsley Local Plan (2019)

4.40 Barnsley's Local Plan sets out the key elements of the planning framework for Barnsley, and the approach to its long-term development to achieve the Council's vision. Barnsley Local Plan (the 'Plan') was adopted in January 2019 and provides a combination of strategic and non-strategic policies.

Policy H1: The Number of New Homes to be Built

4.41 Policy H1 states that Barnsley "*will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.*"

4.42 Over the plan period, this gives a housing figure of 1,134 net additional homes per year which, the Council believes, addresses housing needs, and supports economic growth ambitions.

4.43 Barnsley's Five Year Deliverable Housing Land Supply Report shows that there has been a significant shortfall of 2,119 homes against the annual requirement since the start of the plan period in 2014. However, Barnsley says that this shortfall will be recovered over the plan period, in line with the 'Liverpool Methodology' which equates to an additional 177 dwellings per annum.

4.44 By applying a 5% buffer, Barnsley's actual net housing requirement is 1,376 net dwellings per annum (or 6,880 net homes from 2021/22 to 2025/26).

4.45 On the supply side, the Council predicts that Local Plan allocations and planning permissions on Local Plan allocations will provide for 5,641 dwellings from 2021/22 to 2025/26 together with 980 dwellings of non-allocated planning permissions and 1,123 dwellings of windfall allowance. This amounts to 7,744 dwellings minus predicted losses of 107 dwellings which gives a Five Year Deliverable Net Supply Total of 7,637 dwellings up to 2025/26.

4.46 Bringing housing requirement and supply together, the Council says in their Five Year Deliverable Housing Land Supply Report that Barnsley has a supply worth of 5.6 years and that it can currently demonstrate a supply of specific, deliverable sites sufficient to meet the borough's housing requirement.

4.47 The Housing Delivery Test (HDT) 2021 measurement states that the total number of homes required for the period 2018/19 to 2020/21 was 2,322 dwellings and the total number of homes delivered for the same period was 2,633 dwellings. The HDT 2021 measurement is 113%.

4.48 However, going forward, it will be a challenge for the Council to close the gap between the actual net housing requirement of 1,376 dwellings and the delivery on the ground, especially considering 588 net completions during the previous reporting period (2020/21).

Policy H2: The Distribution of New Homes

4.49 Darton is part of Urban Barnsley and as such contributes to a total of 9,070 new homes (43% of overall supply) to be delivered until the end of the plan period.

4.50 The Local Plan has allocated sites for housing in accordance with Policy H1 of the Local Plan. For the application site, housing site HS1 was allocated which states:

“Site HS1 Former Woolley Colliery Indicative number of dwellings 90.

Development of the site will not take place until the road layouts are in place for sites HS25 and HS11.

The development will be expected to retain and manage the species-rich grassland and the woodland which forms the north and eastern half of the northern parcel of land.”

4.51 Although Policy HS1 requires the road layouts for sites HS25 and HS11 to be in place before the site is developed, there is no supporting text in the plan which explains why this road though these other allocations is required.

Policy H7: Affordable Housing

4.52 Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing and 20% affordable housing will be expected in Darton and Barugh. These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

4.53 Barnsley’s Supplementary Planning Document for Affordable Housing (adopted May 2019) includes more information on type and tenure (Table 1 of the document). For

Darton and Barugh, the Council will require an affordable housing tenure split of 50% affordable homes for rent and 50% affordable home ownership.

Policy GS1: Green Space

4.54 Policy GS1 requires that:

“In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy and in accordance with the requirements of the Infrastructure and Planning Obligations Policy.”

4.55 Policy GS1 needs to be read in conjunction with the Open Space Provision on New Housing Developments SPD which requires all new housing developments of 20 or more dwellings that

“A minimum of 15% of the gross site area of new housing development 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.”

Policy T3: New Development and Sustainable Travel

4.56 Policy T3 states that new development will be expected to provide a Transport Assessment and Travel Plan and

“be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists”

4.57 The Council says that it is fundamental to the Local Plan to provide for sustainable development, and this includes a spatial strategy that reduces the need to travel by promoting growth in sustainable, accessible locations.

Policy T4: New Development and Transport Safety

4.58 Policy T4 states that

“New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.”

Policy D1: High Quality Design and Place Making

4.59 Policy D1 seeks to secure high quality design and place making through taking advantage and reinforcing the local character and features of Barnsley and through the layout and design of the development proposal. The policy is supported by more detailed guidance as set out in the Design of Housing Development SPD and the South Yorkshire Residential Design Guide. The Council also takes account other guidance including Building for Life 12, Manual for Streets 2 and Secured by Design/Safer Places.

4.60 The design and layout of the development proposal has been prepared in accordance with the abovementioned policy and guidance. It is considered that the proposal has significantly improved since pre-application advice was sought by the applicant at a very early stage of the process.

Policy CC3: Flood Risk

4.61 Policy CC3 states that the extent and impact of flooding will be, amongst others, reduced by:

“Not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere.

Requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3.

Expecting proposals over 1000 m² floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk; and

Expecting all development proposals on brownfield sites to reduce surface water run-off

by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates requiring development proposals to use Sustainable Drainage Systems (SuDS) in accordance with policy CC4”

Policy CC4: Sustainable Drainage Systems (SUDs)

4.62 Policy CC4 states, amongst others, that:

“All major development will be expected to use Sustainable Drainage Systems (SuDS) to manage surface water drainage, unless it can be demonstrated that all types of SuDS are inappropriate.

To enable the Council to determine the suitability of a proposed SuDS scheme:

Outline Planning applications must be supported by a conceptual drainage plan and SuDS design statement.”

Policy BIO1: Biodiversity and Geodiversity

4.63 Policy BIO1 requires development proposals to conserve and enhance the biodiversity and geological features of the borough and Barnsley’s Biodiversity and Geodiversity SPD provides further guidance for this. It says that any development proposal which may do harm to a biodiversity or geodiversity interest should follow the mitigation hierarchy thus: avoid, mitigate, compensate.

4.64 Site allocation policy HS1 identifies species-rich grassland and woodland to the north side of the site.

Policy Poll1: Pollution Control and Protection

4.65 This requires that applicant demonstrate that proposed developments are unlikely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

4.66 The council will not have allocated new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable unless there was a reasonable prospect that these can be mitigated against.

Policy CL1: Contaminated and Unstable Land

4.67 This requires a report where the future users or occupiers of a development would be

affected by contamination or stability issues, or where contamination may present a risk to the water environment.

5.0 PLANNING ASSESSMENT

Introduction

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise,

5.2 The main principles relevant to determining whether a proposal is "in accordance with the plan" can be briefly summarised as follows:

- a. The section 38(6) duty can only be properly performed if the decision-maker establishes whether or not the proposal accords with the development plan as a whole¹.
- b. Development plan policies can "pull in different directions", i.e., some may support a proposal, others may weigh against it².
- c. A decision maker is required to assess the proposal against the potentially competing policies and then "decide whether in the light of the whole plan the proposal does or does not accord with it"³.
- d. This is not a mathematical or mechanical exercise. It is not a question of counting⁴.
- e. This exercise calls for a series of judgments to be made, which may include determining the relative importance of the policy, the extent of any breach and how firmly the policy favours or set its face against such a proposal⁵. The National Planning Policy Framework is a material consideration in planning decisions.

5.3 Paragraph 11 of the Framework requires that decisions should apply a presumption in

¹ BDW Trading Ltd. v Secretary of State for Communities and Local Government [2016] EWCA Civ 493 para 21

² R v Rochdale Metropolitan Borough Council, ex parte Milne [2000] EWHC 650 para 48

³ City of Edinburgh Council v Secretary of State for Scotland [1997] 1 W.L.R. 1447 at p1459D-F

⁴ Dignity Funerals Limited v Breckland District Council [2017] EWHC 1492 (Admin) at [68]-[70]

⁵ R v Rochdale Metropolitan Borough Council, ex parte Milne [2000] EWHC 650 Para 51

favour of sustainable development which for decision taking means

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. 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.

5.4 As well as footnote 8 which explains policies are rendered out of date if there is a shortage of a five-year land supply the Framework paragraph 219 provides a further explanation as to when policies might be considered out of date. This states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

5.5 *Wavendon Properties Ltd v SSHCLG [2019] EWHC 1524 (Admin) (CD5.10)* makes it clear that the most important policies should be viewed together, and an overall judgement made whether the policies as a whole are out of date.

5.6 The approach therefore to be taken is as follows:

- a. Identifying the basket of most important development plan policies, these are not limited to those cited in the decision notice but can be wider.
- b. Consider if each policy is “Out of date” (not time-expired) but whether or not the policy has become inconsistent with the Framework, i.e., overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason.
- c. Reach a judgement whether as a whole the basket of most important policies are out of date noting that even if one or more policies in the basket are out of date this is not determinative of whether the basket of most important policies is out

of date overall.

- d. The datedness of the basket of policies informs the decision as to the application of the “tilted balance” in paragraph 11 of the Framework. A decision does not necessarily follow the application of the tilted balance.
- e. The proposal must still be judged against the policies of the development plan and the degree of any conflict must be weighed against both the datedness of that policy and the compliance of the proposal with other policies in the development plan as well as any other material considerations in turn.

The Most Important Policies for determining the application in the Barnsley Local Plan

5.7 The Councils pre application response identified that a number of policies were relevant to the consideration of this application and identified the following as being the most important:

- a. HS1 – The allocation of the site
- b. SD1 - Presumption in favour of Sustainable Development
- c. T3 - New Development and Sustainable Travel
- d. T4 - New development and Transport Safety

5.8 Other relevant policies included:

- e. GS1 - Green Space
- f. BIO1 - Biodiversity and Geodiversity
- g. CC3 - Flood Risk
- h. CC4 - Sustainable Drainage Systems (SuDS)
- i. Poll1 - Pollution Control and Protection

5.9 In addition to policy the pre application response letter also drew attention to the following SPDs:

j. South Yorkshire Residential Design Guide (SYRDG)

k. Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance

5.10 The pre application response argues against the development of the application site in advance of allocations HS11 and HS25 as set out in policy HS1 which requires that:

“Development of the site will not take place until the road layouts are in place for sites HS25 and HS11.”

5.11 The pre application response appears to suggest that such a link is required in order for the allocation to be in accordance with Local Plan Policies SD1 and Highway Policies T3 and T4. The concern appears to be the lack of a contiguous route along Woolley Colliery Road in a southerly direction due to perceived inadequacy of the pedestrian and cycle link to the south into Darton.

Conformity with Policy HS1

5.12 The principle of the development is established by its Local Plan Allocation (HS1).

5.13 This allocation was made in accordance with the principles of sustainable development as set out in SD1, as well as the locational objectives in T3 and T4.

5.14 The policy states:

“Development of the site will not take place until the road layouts are in place for sites HS25 and HS11.”

5.15 The policy wording is imprecise in that it does not require the roads to be constructed or to allow movement throughout the whole length of both developments.

5.16 There is no supporting text for this policy wording.

5.17 It is of note that the Strategic Housing Land Availability Assessment 2016 which formed the basis of the site selection for the adopted local plan assessed the allocation as two separate sites 667 and 688 (see SHLAA Appendix A Maps of Sites Assessed page 7).

5.18 The assessment of both sites state:

“Extensive new access infrastructure required”

However no further evidence is available as to what this infrastructure is or why it is required.

- 5.19 The councils pre application response states that the sites HS11 and HS25 should be progressed ahead of HS1 to ensure appropriate connections are in place to deliver sustainable development in accordance with local plan policies SD1 and Highway Policies T3 and T4.
- 5.20 The issues raised by the council pre application response in respect of the pedestrian routes to Darton were therefore considered at the time of allocation and by the inspector at the local plan examination.
- 5.21 This north south route into Darton is unaffected by the proposals for HS11 and HS25 which, if delivered, will provide for an east west route from Woolley Colliery Road to the eastern end of Station Road. The only facility that this east west route serves is the primary school although it will not necessarily be more direct or attractive than the current routes from HS1.
- 5.22 The principle of development and its general sustainability credentials have been assessed in the Local Plan process and be found to be a sound allocation capable of being delivered within the time frame of the plan.
- 5.23 The policy requirement for the road layouts on sites HS25 and HS11 to be provided appears to have been included without reference to any clear assessment of the highway position at that time nor any understanding as to how these two allocations to the east of the site assist in what the council have identified as being the main constraint on the application, that being north south pedestrian and cycle movement to and from Darton Village Centre. If the provision of an east west link does nothing to address the councils' stated concerns, then the fact that the application does not conform to this element of the policy should only attract very little weight.
- 5.24 An alternative approach is that whilst the application may be in breach of this element of the policy, this alleged breach results in little or no harm (as the set out in the Transport Assessment) then it should be concluded that the application proposal is in accordance with the development plan as a whole.

- 5.25 It is relevant to note that the trajectory accompanying the Five Year Deliverable Housing Land Supply Report suggests that the allocation subject to this application (HS1) is not expected to start delivering completions until 2027.
- 5.26 In respect of the sites identified in the policy to precede the development of this allocation, site HS11 Site south of Bloomhouse Lane, Darton is meant to deliver 160 units in the next five years starting with 25 dwellings next year (2023/24). This site has not yet gained planning permission and is acknowledged as being “in abeyance” by the council in their pre application response.
- 5.27 Site HS25 Land to the east of Woolley Colliery Road which is also identified in the policy to precede the application site is not identified to start delivering until 2029/30. This is after the date identified for the delivery of HS1 which is identified to start delivering in 2027.
- 5.28 This suggests either that there are inconsistencies in the council’s trajectory, or that the council do not interpret the policy as a strict phasing policy, or that the detail of delivery in the trajectory supporting the five year land supply is incorrect.

Conformity with SD1 - Presumption in favour of Sustainable Development

- 5.29 The site has been subject to consultation and examination as part of the local plan process and is clearly a well located, sustainable, previously developed site.
- 5.30 The proposed development will meet the objective of this policy in securing development that improves the economic, social and environmental conditions in the area.
- 5.31 The fact that the application site comes in advance of the now delayed HS11 and HS25 does not detract from the site’s sustainability credentials.

Conformity with T3 - New Development and Sustainable Travel

- 5.32 The location of the site in terms of its ability to address criteria in the first bullet point of this policy has been considered as part of the local plan allocation process. The provision of an east west link does not materially change these locational characteristics as the focus of trips to and from the site will be north south.
- 5.33 In general terms the accessibility of the site by public transport, cycling and walking were assessed during the local plan process and found to be acceptable. This is made clear

by paragraph 12.46 of the Plan which highlights that the strategy (of which the application site is part) has been devised so as to reduce the need for travel by the promotion of growth in sustainable locations. There is no evidence that this element of the strategy can only be considered sustainable by the provision of the east/west link.

Conformity with T4 - New development and Transport Safety

- 5.34 Policy T4 requires new development to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. It recognises that at times improvements may be required, but that these can be secured (as is the case with this application) by either taking mitigating action or financial contributions to secure the necessary improvements.
- 5.35 Woolley Colliery Road provides a shared footway/cycleway to the east side, along the whole length of the site, and a footway along the west side from the existing access of the south side of the site. Although both elements terminate to the south of the site, the Transport Assessment finds that pedestrians and people with disabilities and reduced mobility can continue their journey to Darton Station and Darton Primary School by using the existing footpath. The footpath is unadopted but is in Council ownership and has been used by the public for many years. The footpath is well lit and safe, and the barriers close to the Station car park referred to by the council in their pre application response have now been removed, presumably by the council, to improve access for prams and wheelchairs.
- 5.36 This outline planning application is supported by a Transport Assessment and a Travel Plan, prepared by Fore Consulting Ltd. The Transport Assessment finds that the proposed development would result in a total increase in vehicular traffic movements of 93 two-way movements in the morning peak and 83 two-way movements in the evening peak, which is not deemed to represent a severe impact on the local highway network. The development could further generate 6 pedestrians, 1 cyclist, and 9 public transport trips in the peak hours. This level of increased trips is considered not significant and could suitably be accommodated by the existing infrastructure.
- 5.37 There is potential to achieve some improvement on the corner, where Woolley Colliery Road leads into Station Road, as there are currently no pedestrian crossings to reach the existing pavement to the north of Woolley Colliery Road when exiting the Station car

park. It is recommended to provide a new crossing at Woolley Colliery Road.

- 5.38 In terms of suitability of the highway network an ATC survey was undertaken for Woolley Colliery Road adjacent to each proposed access which showed that traffic associated with the proposed development can be adequately accommodated on the local road network without adverse impacts on the safe and free flow of traffic.
- 5.39 The report finds that this increase in vehicle movements along Woolley Colliery Road would not be considered 'severe' or materially change the existing traffic environment on an existing lightly trafficked residential road, in line with paragraph 111 of the Framework. The development of the site was acceptable in highway terms and Woolley Colliery Road has sufficient capacity to take on the additional traffic.
- 5.40 The report further confirms that the required visibility splays calculated from the results of the ATC survey could be achieved in both directions in line with local and national design guidance.
- 5.41 The Transport Assessment concludes that, having due regard to the Framework, it has clearly demonstrated that residents would continue to have good opportunities to travel by sustainable modes, a safe and suitable access arrangement can be provided, and that the development will not lead to a severe impact on the surrounding highway network.

Conformity with other local plan policies

GS1 - Green Space

- 5.42 GS1 requires qualifying residential development to either provide for on site green space or make a contribution to the provision off site. The SPD requires that 15% of the site must be open space of a type and character appropriate to the site.
- 5.43 To address this policy, it is proposed that:
- 15% of the northern site equates to 4,200 sq m. It is therefore proposed to provide approximately 2,900 sq m on site which would result in a shortfall of 1,300 sq m.
 - 15% of the southern site equates to 1,650 sq m. It is therefore proposed to

provide approximately 650 sq m on site which would result in a shortfall of 1,000 sq m.

- This therefore results in a total shortfall of 2,300 sq m.

5.44 In addition to on site provision it is also proposed that provision will be made on the adjacent area of land (outlined in blue) over which the applicant also has control. The area of land within the blue line is 13,000 sq m. It is proposed that 18% of this land (which equates to 2,340 sq m) would be provided as open space area. This area will be improved in the process of providing pedestrian and cycle links between the two sites and secured by a Section 106 Agreement.

5.45 The indicative layout includes the informal open space in the northern part of the site that also includes the SUDS which is recognised by the Local Government Association (Sustainable Drainage Systems) as delivering a number of benefits including:

- *“improving amenity and biodiversity the integration of green infrastructure with SuDS solutions can help to create habitat, recreational and biodiversity areas*
- *community benefits – attractive, well designed public open space that incorporate SuDS can help to create better communities through social cohesion and quality of life improvements*
- *recreation – multi-purpose SuDS components can not only manage surface water, but also act as sports/play areas”.*

5.46 On the southern part of the site there is an informal open space at the centre of the development providing a focus of the community as an informal village green.

5.47 At the western end of the site there is a Local Equipped Area of Play (LEAP).

5.48 In accordance with this policy, it is proposed that the area between the two parts of the allocation site (identified as blue land in the application) will be made available for informal recreation including an informal footpath and cycleway. This area will also include the SUDS basin for the southern part of the site enhancing the biodiversity of this land.

5.49 It is noted that in the pre application response the council suggest that the opening up of this area between the two parts of the allocation would not contribute towards open space as it is presently undeveloped. This is incorrect since the opening up of this area

in the way proposed makes this a useable area for informal recreation by both future and existing residents. This is not the case at present. Furthermore, Policy GS1 specifically requires that open space should be provided in or adjacent to sites (also SPD Open Space Provision on New Housing Developments; paragraph 5.2). The suggestion by the council in their pre application response that the provision of the presently private land between the two parts of the allocation as informal public open space cannot be counted as contributing to open space provision in the area appears to be contrary to their own guidance on this matter.

5.50 Policy GS1 states that where there is a requirement to provide open space, financial contributions may be required to provide new facilities or improvements to existing facilities.

5.51 The SPD (paragraph 2.3) correctly quotes the Framework that plan policies should be based upon on robust and up-to-date assessments of the need for open space, sports and recreation facilities (including deficits or surpluses in quantity or quality) and opportunities for new provision. Paragraph 4.2 of the SPD states that the council will undertake an assessment of need if the loss of open space is proposed. However, paragraph 5.3 suggests that for a new proposal, a greenspace assessment will be carried out to determine what the most appropriate greenspace requirement is in line with identified local need.

5.52 In this policy context where there is no up to date assessment of the need for formal sports and recreation provision it is incorrect for the council in their pre application response to suggest there will be a requirement for a financial contribution toward such provision. At present there is no evidence of any shortfall in this type of provision. If during the consideration of this application the council produce the evidence of need as required by the Framework and their own SPD, then this may be subject to a s106 agreement.

BIO1 - Biodiversity and Geodiversity

5.53 The planning application is supported by a Preliminary Ecological Appraisal, a Biodiversity Net Gain Assessment and an Arboricultural Impact Assessment, prepared by Brooks Ecology. The reports have assessed the extent and quality of fauna and flora present on site including grassland and woodland. The reports find that the site is mainly

formed of neutral semi-improved grassland and woodland.

- 5.54 The appraisal makes recommendations to provide a ‘net-gain’ for biodiversity. It is recommended that any tree loss should be offset through replacement trees on the land between the two allocations within the blue line which is under the control of the applicant. Any loss of grassland will also be offset through replacement grass by provision on and off site. This can be secured by a Grampian Condition or Legal Agreement.
- 5.55 Species rich hedgerows will be planted throughout the site and new green spaces will be enhanced through creating wildflower meadows.
- 5.56 The appraisal concludes that the key ecological opportunities relate to enhancing existing habitats within the blue line boundary. Retained habitats within the red line boundaries could be entered into a more ecologically sensitive management regime to improve their condition. These enhancements have the potential for significant gains in biodiversity.

CC3 - Flood Risk

- 5.57 As the site is over 1 hectare in Flood Zone 1, a Flood Risk Assessment (FRA) has been prepared by ID Civils and submitted as part of this application.
- 5.58 This FRA demonstrates how that the proposal will make a positive contribution to reducing or managing flood risk by regrading the land to provide a development platform, removing embankments and low spots in the southern site, installation of a drainage system and the creation of on and off-site attenuation facilities to manage surface water runoff.
- 5.59 The culvert through the site will be renewed on a new alignment, replacing the existing blocked pipe. The watercourse to the north will be cleared of silt which is presently partially restricting the outflow from the culvert.
- 5.60 The application proposes a Sustainable Drainage System (SuDS) which will mitigate the impact of the development on receiving watercourses or sewers by mimicking pre-development conditions and reduce the risk of flooding.
- 5.61 The rate of surface water runoff discharged from the northern site has been calculated

as 11.49 l/s based on a greenfield rate. For the southern site, Yorkshire Water have placed a restriction on the discharge rate to the combined sewer of 3.5 l/s which is lower than greenfield rate.

- 5.62 Surface water flows in excess of this rate will be attenuated on the site up to the 100-year storm event plus a factor for climate change of 30%.
- 5.63 Improvements are also proposed to mitigate against the area of flooding on Woolley Colliery Road. The northern site access will be relocated to accommodate the overland flood route.
- 5.64 These measures are considered to meet the requirements of this policy.

CC4 - Sustainable Drainage Systems (SuDS)

- 5.65 The site is located within Flood Zone 1 and there are medium/high risks from surface water flooding on both sites. The proposed drainage system can be designed to apply SuDS measures to limit and discharge appropriately surface water run-off.
- 5.66 A Drainage Strategy has been prepared by ID Civils and is incorporated into the Flood Risk Assessment. The Assessment concludes that with the incorporation of a sustainable surface water drainage strategy, the proposed development can manage the quantity and quality of surface water runoff.
- 5.67 The indicative layout illustrates how surface water drainage may be managed on the site including the provision of attenuation basins, although the final approach needs to be agreed and subject to detailed design work at Reserved Matters stage of the development process.

Policy D1: High Quality Design and Place Making

- 5.68 The indicative plan illustrates how the design and layout of the application site can be delivered in accordance with this policy and guidance. It is considered that the indicative plan has taken into account the pre-application advice.

Policy Poll1 - Pollution Control and Protection

- 5.69 The issue of air quality during the construction phase and operational phase of the development has been addressed in the Air Quality Assessment that has been produced by Tetra Tech.

- 5.70 This report recommends a number of site-specific mitigation measures to be implemented during the construction phase. With these mitigation measures in place, the effects from the construction phase are not predicted to be significant.
- 5.71 The report also takes into account exhaust emissions from additional road traffic generated due to the proposed development. The annual assessment of the effects associated with the proposed development is determined to be 'negligible', therefore no further mitigation is required to protect future occupants.

Policy CL1: Contaminated and Unstable Land

- 5.72 A Phase 1 Geotechnical and Geo-Environmental Site Investigation has been produced by Eastwood & Partners and this found that given the sites former use as a gas works and later as Woolley Colliery, there are a number of potential sources of contamination.
- 5.73 The report concludes that whilst significant levels of contamination are not generally expected to be encountered, remedial measures such as capping of gardens and landscaped areas that overlie made ground, insulation of electric cables, protective water supply pipes, and ground gas protective membranes are suggested to reduce the potential risk of contamination.
- 5.74 Further investigation will be required to provide definitive information regarding the properties of the ground and any contamination present. This Phase II investigation can then recommend further mitigation measures so that the site can be developed for residential purposes.

Other Material Considerations

- 5.75 The above analysis highlights that the proposal is in compliance with the development plan policies the sole exception being the “phasing” element of HS1. There are however other material considerations that fall to be considered in the planning balance. These are considered below.

Five Year Housing Land Supply

- 5.76 Within Barnsley's Five Year Deliverable Housing Land Supply Report from December 2021, it is argued that Barnsley has a supply worth of 5.6 years and that it can currently demonstrate a supply of specific, deliverable sites sufficient to meet the borough's housing requirement. The 0.6 years represents some 757 dwellings above the minimum

requirement.

- 5.77 It is noted (Table 1 of the report) that the council have consistently undersupplied housing every year against the local plan requirement with a shortfall of some 2118 dwellings compared to the local plan target.
- 5.78 The last year completions were at just 588 dwellings against a target based on the “Liverpool” approach of 1134 dpa. While this would have been impacted by the pandemic it is simply the most recent result which falls short of the Local Plan requirement.
- 5.79 The Report continues to utilise the Liverpool approach for calculating the future requirement justifying the approach by reference to the inspector’s report form 2018 which states:

“245. The ‘Liverpool’ approach in which past shortfall is addressed over the plan period is not ruled out by the PPG and I consider that the approach is justified for two main reasons. Firstly, some housing delivery depends on larger mixed use sites with longer lead in times for delivery. Secondly, the shortfall in delivery has not translated to acute problems of affordability, suggesting that there is no significant ‘pent up’ demand that needs to be addressed in the short term. Based on the Liverpool approach, the five year requirement would be 7345 dwellings or 1469 per year.”

- 5.80 The Plan was assessed under the 2012 Framework whereas this application is to be determined under the 2021 Framework and associated guidance. The 2012 Framework was silent on how any backlog should be addressed. This is not the case in the 2019 PPG which now states clearly that:

“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.”

PPG Paragraph: 031 Reference ID: 68-031-20190722

- 5.81 In light of this change in guidance the approach adopted by the inspector in 2018 when adopting the Plan is not the approach to be applied now.
- 5.82 There are further reasons to reassess the inspector’s conclusion on this matter in that the trajectory in the Plan (page 322) suggests that the delivery should have steadily

increased from when the Plan was adopted in 2018 to a peak of over 1600 this year (2022/23). This has not occurred. The implication of this lower rate of provision is that meeting housing need is being pushed later and later back into the Plan period.

- 5.83 The suggestion by the inspector that the backlog should only be met in the first five years where there is evidence of “acute” problems of affordability now runs completely counter to the approach in the current guidance. In fact, the guidance now states:

“Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make”.

PPG Paragraph: 031 Reference ID: 68-031-20190722

- 5.84 This strongly suggests that under the present policy the council should be considering how they might bring sites forward to meet the undersupply in the first instance rather than simply pushing it to the later part of the Plan period.
- 5.85 Following current policy and meeting all unmet need in the next five years would result in a 4.6 years supply prior to any examination of the assumptions on delivery.

	Calculation	
Housing requirement from Local Plan (table 1)	1134 x 5	5670
Backlog (table 1)		2119
Total Requirement	5670 + 2119	7789
Plus Buffer @ 5%	7789 x 1.05	8178
Deliverable Supply		7637
Shortfall	8178 - 7637	541
Number of years supply	7637/8178	4.7

Source: Five Year Deliverable Housing Land Supply Report December 2021

Table 2: Policy Compliant calculation of five year land supply

- 5.86 In respect of delivery, it is noted from the detailed trajectory accompanying the report that HS11 Site south of Bloomhouse Lane, Darton was meant to deliver 160 units in the next five years starting with 25 dwellings next year (2023/24). The Council accept in their pre application response that this is now “in abeyance” and therefore not likely to deliver in the next five years. This site has not yet gained planning permission and to our knowledge is not subject to a contract of sale subject to satisfactory planning approval.
- 5.87 The removal of this site for the five year supply would further reduce five year land supply and further investigation of the supply might result in further reductions.

The provision of market housing

- 5.88 While the council claim a 5.6 years supply of housing it has been highlighted above that the assumptions behind this figure in terms of the trajectory have not been borne out by experience. The suggestion in the pre application response that the availability of a five year land supply is it itself a reason to refuse an application on an allocation site is misplaced.
- 5.89 The provision of market housing is in itself a benefit that should be weighted in the planning balance.
- 5.90 As noted earlier the persistent failure of the council to deliver the local plan housing requirement leading to a shortfall of over 2,000 dwellings adds considerable weight to the provision of market housing.

The provision of affordable housing

- 5.91 The Local Plan policy H7 contains no target for the delivery of affordable housing although the target of 150 dpa is included in the monitoring and indicators section of the plan.
- 5.92 The changes to stock recorded by government (Live Table 100) since the Local Plan highlight that the losses from local authority stock (87 dpa) have been exceeded by additions to the Registered Providers (110 dpa) but that the net change to affordable stock (LP and RP) is just 23 dpa.

Year	Local Authority	Annual change	Private Registered Provider	Annual change	Private sector	Annual change	Total	Annual change
2014	18,875		3,382		84,950		107,207	
2015	18,818	-57	3,511	129	85,498	548	107,827	620
2016	18,709	-109	3,703	192	86,121	623	108,533	706
2017	18,599	-110	3,806	103	86,978	857	109,383	850
2018	18,498	-101	3,827	21	88,067	1,089	110,392	1,009
2019	18,400	-98	3,897	70	89,083	1,016	111,380	988
2020	18,330	-70	4,048	151	90,054	971	112,432	1,052
2021	18,264	-66	4,153	105	90,605	551	113,022	590
Change in plan period		-611		771		5,655		5,815
Annual rate of change		-87		110		808		831

Source: GOV.UK Live Table 100

Table 3: Changes to Barnsley's Housing Stock by tenure since beginning of plan period

- 5.93 The Annual Monitoring report (2020 published January 2022) table 4 suggests that some 203 affordable dwellings were delivered in 2018/2019 and 128 in 2019/2020.
- 5.94 The Barnsley Strategic Housing Market Assessment (2021) calculates that there is a net need for 190 affordable dwellings a year (paragraph 5.32). This increase in the affordable housing requirement supports the conclusion drawn from the above that the actual level of provision has not met the affordable housing needs.
- 5.95 This evidence suggests that a considerable weight should be attached to the proposed affordable housing provision.

The Planning Balance

- 5.96 Principle of development is accepted by the council in their pre application response but the issue of noncompliance with the phasing element of HS1 as being a reason to reject the proposal at this time citing the existence of a five year land supply and issues with pedestrian and cycle access.
- 5.97 This is not the correct approach to the assessment of this proposal. As discussed above the question is whether the proposal is in accordance with the development plan as a whole?
- 5.98 As an allocated site (HS1) which can deliver development in accordance with the other policies within the plan (including Sd1, T3 and T4). The only substantive issue is the phasing element of HS1 however the weight to be attributed to that conflict must be limited for the following reasons:
- a. There is no evidence that justifies this element of the policy.
 - b. The Transport Assessment that accompanies this application does not find that the provision of the east west link that would result from the phased approach is necessary for highway safety including that of pedestrians.
 - c. In terms of the councils concerns regrading pedestrian and cycleway safety traveling north/south to Darton Village centre these are unaffected by the provision of the east west link.
- 5.99 In addition to being in accordance with the plan as a whole the application site is a

previously developed brownfield site in a highly sustainable urban location within the Darton area, the most appropriate and viable alternative land use for this site will be housing. Paragraph 120(c) of the Framework states that substantial weight should be given to the use of brownfield land for homes.

- 5.100 The development proposal is for the erection of up to 115 houses which will support the overall housing supply in Darton and Barnsley as a whole. Given the persistent undersupply against the local plan requirement this should attract substantial weight.
- 5.101 The provision of 20% affordable housing should be given substantial weight especially in light of the continuing loss of LA stock.

6.0 CONCLUSION

- 6.1 This Planning Statement has been prepared by DLP Planning Ltd to support an outline planning application for residential development for land at Woolley Colliery Road, Darton, Barnsley.
- 6.2 Whilst the council in their pre application response state that the principle of housing on the site is acceptable in principle, this statement demonstrates that the proposal is in accordance with the development plan as a whole and therefore it should be approved without delay as per paragraph 11 c of the Framework.
- 6.3 The assessment of the application against the Local Plan policies demonstrates how an acceptable scheme can be delivered on this allocation.
- 6.4 In addition, the proposal also has the following attributes:
 - a. It delivers much needed market and affordable housing
 - b. It is located in a highly sustainable urban area lying close to a wide range of services and public amenities.
 - c. The site is located in Flood Zone 1 and so is not at risk of flooding.
 - d. The area is predominantly residential in character and as such a residential use would represent a compatible land use.
 - e. Access is capable of being accommodated.
 - f. There are no significant capacity constraints associated with the immediate highway network which would restrict the ability to develop housing at this site.
 - g. The site can deliver substantial environmental benefits
- 6.5 Lastly, any housing development would contribute significantly to the economic and social dimensions of sustainability.
- 6.6 If the council require any further information regarding the content of this report or the application submission, then please contact DLP planning Ltd.

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