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Your Ref PP-04452047
Our Ref 140RF500

9 September 2015

Online submission only

Dear Sir or Madam

Section 73 Town and Country Planning Act 1990

Planning Permission Ref. 2014/1055

“Gateway 36 – Phase 1”, Land to the north of Dearne Valley Parkway, Birdwell, Barnsley

Please find enclosed planning application (Planning Portal upload ref. PP-04452047) to amend planning permission ref. 2014/1055 by removal or variation of conditions. This planning permission approves the following development, the initial phases of which are currently under construction:

Formation of access roadway and associated infrastructure (Full). Outline planning application for a phased, mixed-use development comprising employment uses (B1bc/B8 with ancillary office B1a), hotel (C1) and/or car showroom/garage (sui generis/B2) and food & drink (A3, A4, A5) with associated infrastructure.

Planning permission was granted subject to a range of conditions and development parameters, for which minor amendments are now sought in relation to the following matters:

- Condition 3 – Approved plans
- Condition 4 – Parameters plan
- Condition 6 – Floorspace limits
- Condition 10 – Traffic generation limit / development mix
- Condition 12 – Vehicular route to south western boundary of the site

A full explanation and justification is set out in this letter. A list of revised material which is submitted as part of this application is appended to this letter.

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Background

The application for outline planning permission proposed a series of development parameters to allow the LPA to assess the scale and impact of development whilst retaining flexibility for the specific development proposals that will come forward through subsequent reserved matters applications.

Since the grant of the outline planning permission, reserved matters have been approved for development of units 2, 3 and 4, which are currently under construction, whilst reserved matters applications have just been submitted for the development of unit 5 and plot 8 for employment use and a pub/restaurant respectively. Harworth Estates is also currently in discussion with third parties regarding the prospective development of the remaining plots for hotel and fast food use.

Through this design and discussion process a small number of areas have been identified where the development proposed (or which may be proposed) does not conform to the outline planning permission conditions or parameters.

Whilst these non-conformities are not considered to be significant, it is proposed to amend the outline permission to accommodate these, thereby ensuring conformity and retaining flexibility for the later phases of development.

The majority of the proposed changes were discussed at a meeting with Steve Kirkham and Barbara Wilson on 26th June 2015, during which no concerns were raised.

Description of Proposed Changes

Building Height/Scale

It is proposed to increase the maximum height of development allowed at plot 5/6 from 14.5m to 16.5m to allow development of unit 5 as proposed, with a corresponding increase in eaves height limit from 11.5m to 14.5m. The increased height requirement results from the current proposal for a single larger footprint building replacing the two smaller buildings originally anticipated. The larger building is proposed specifically to target a section of the market for which there is identified demand. This should therefore accelerate and enhance the process of a business occupying the building and creating local employment opportunities. The increase in height at this part of the site is not considered to cause increased or detrimental visual impact given its remote location from residential areas and the nature of development already approved across the site.

It is proposed to increase the height allowed at plot 7 from 11m to 19m. This is required to accommodate the emerging design of a hotel which is being prepared at present. Whilst not finalised, the emerging design indicates a five storey building, comprising hotel accommodation over four floors and food/drink provision at ground floor. This increase in hotel floors does not result in an increase in floorspace beyond that already allowed by the outline planning permission (see below). Similar to plot 5/6, the increase in height at this part of the site is not considered to cause increased or detrimental visual impact given its location away from the residential area and the scale/nature of development proposed across the site.

An extremely minor increase is proposed to the maximum height of plot 1 from 6m to 6.25m. As the emerging proposal for this plot has been designed to conform to the maximum height of 6m, this increase is solely to allow some 'breathing space' for the final design detail.

A final minor amendment is also proposed to the height parameters for plots 1, 7 and 8 to remove the reference to eaves height as this is not applicable to the type and design of the buildings proposed (i.e. fast-food, hotel and pub/restaurant) in these plots. The maximum eaves height is only applicable to industrial 'shed' type buildings.

It is necessary to amend conditions 3 and 4 to accommodate this change. Alternative wording is proposed below.

Floorspace Limits

Whilst the larger format unit proposed at plot 5/6 does not itself exceed the quantum of floorspace allowed by the outline planning permission, should the remaining plots come forward at the scale anticipated and allowed by the outline permission, the overall floorspace parameter may be exceeded. Committed and proposed employment (B1b/c or B8) floorspace currently totals 13,420sqm.

Similarly, the pub/restaurant currently proposed at plot 8 does not exceed the allowance for food/drink floorspace. However, the proposed pub/restaurant includes an additional area (330sqm) of ancillary floorspace in the form of managers' apartments at the first floor. Under the current parameters of the outline planning permission this ancillary floorspace would reduce the allowance remaining for food/drink development on the remaining plots.

It is therefore proposed to increase the floorspace allowed across the whole development site from 16,000sqm to 18,400sqm and that which is allowed for food/drink use from 1,900sqm to 2,280sqm. The floorspace limit for hotel or car showroom use is unchanged.

A technical note has been prepared which assesses the impact of this proposed change in terms of traffic generation and the local highways network. This demonstrates that the proposed change to floorspace only makes a very small change in traffic flows when compared to the consented scheme, such that the change is not material and that there are no highways reasons why the amendment should not be approved.

Please note that the indicative floorspace limits for each plot as shown on the approved parameters plan have been removed as these are superfluous given that floorspace limits are controlled by condition 6. The inclusion of independent floorspace limits for each plot was inconsistent with the approach to limit floorspace by use across the whole site and risked causing confusion in planning and contractual matters. It is therefore proposed to simplify and remove the risk from inconsistency by omitting the area limits from the parameters plan.

Traffic Generation Formula

Since the grant of outline planning permission it has become apparent that there are two minor errors in the formula and limits used to calculate traffic generation across the scheme and the limits allowed. These are drafting errors and are not material to the function of the formula or effectiveness of its purpose.

Also, given the prospective upgrades to the highways network in the vicinity of the site (which are unrelated to this development) and the need for a degree of flexibility in response to business occupier requirements, we have proposed to introduce wording to allow informal consideration by the local planning authority of any divergence from the traffic generation limits. This is intended to allow consideration of differences which are non-material in the context of the highway network only. The

LPA retains full control insofar as agreement to the non-conformity is at its sole discretion and must be confirmed in writing. Should any change be proposed which is material in the context of the highway network, then this would necessarily be considered through an appropriate application.

The formula has been corrected and is submitted with this application. It is necessary to amend condition 10 to accommodate this change. Alternative wording is proposed below.

Approval of Spur Road

The outline planning permission imposed a condition (no.12) requiring reserved matters applications to submit the details of a spur road to the southwest boundary of the site. This condition was satisfied by the first reserved matters submission for development of units 2/3/4 and site infrastructure. The wording of the condition however does not reflect that this has been satisfied may be read by those proposing further phases of development to mean they need to prepare and submit these details to satisfy the outline planning conditions.

Alternative wording for condition 12 is proposed below.

Condition Wording

Condition 3 – Approved Plans

Existing wording:

The access arrangements hereby approved shall be carried out substantially in accordance with the details shown on the plans: Site Location Plan 11462-100 RevB, Parameters Plan 11462-105 RevE, Existing Site Plan 11462-101RevC, Proposed Site Plan (illustrative masterplan)11462-110 RevL, Existing Site Plan- Public Footpath 11462-104 RevB, Proposed Site Plan- Public Footpath 11462-114 RevC, Existing Site Sections 11462-102 RevB, Proposed Site Sections 11462-112 RevB, Access Road General Arrangement 4652- R1 RevD, Access Road Longitudinal Section 4652-R2 RevC, Landscape Plan- Western Boundary V11462 L01 RevD, Coloured Landscape Sections & Elevations V11462 L02 RevA and specifications within the following reports Planning Statement 05/09/14, Statement of Community Involvement 05/09/14, Design and Access Statement 05/09/14, Arboricultural Assessment 05/09/14, Transport Assessment inc. Travel Plan 05/09/14, Geo-Environmental Site Assessment 05/09/14, Appraisal of Ground Conditions and Coal Mining of Review 05/09/14, Drainage & Flood Risk Statement 9/1/15, Noise Assessment 05/09/14, Air Quality Assessment 05/09/14, Employment and Town Centre Uses: Catchment Area and Sequential Assessment 19/12/14, Rockingham 1 Ecological Survey and Assessment Summary 19/12/14, Rockingham Sites Ecological Appraisal 19/12/14, GCN Survey Reports (2013 and 2014) 19/12/14, Water Voles and Badger Survey Report 19/12/14, Breeding Bird Survey and Report (2014) 19/12/14, Rockingham 1 Bat Survey 19/12/14, Optima Highways Rockingham Phase 1 Trip Generation Calculation Formula dated 14/1/15 as approved unless required by any other conditions in this permission.

Proposed wording:

*The access arrangements hereby approved shall be carried out substantially in accordance with the details shown on the plans: Site Location Plan 11462-100 RevB, **Parameters Plan 11462-105 RevJ**, Existing Site Plan 11462-101RevC, Proposed Site Plan (illustrative masterplan)11462-110 RevL, Existing Site Plan- Public Footpath 11462-104 RevB, Proposed Site Plan- Public Footpath 11462-114 RevC, Existing Site Sections 11462-102 RevB, Proposed Site Sections 11462-112 RevB, Access Road*

General Arrangement 4652- R1 RevD, Access Road Longitudinal Section 4652-R2 RevC, Landscape Plan- Western Boundary V11462 L01 RevD, Coloured Landscape Sections & Elevations V11462 L02 RevA and specifications within the following reports Planning Statement 05/09/14, Statement of Community Involvement 05/09/14, Design and Access Statement 05/09/14, Arboricultural Assessment 05/09/14, Transport Assessment inc. Travel Plan 05/09/14, Geo-Environmental Site Assessment 05/09/14, Appraisal of Ground Conditions and Coal Mining of Review 05/09/14, Drainage & Flood Risk Statement 9/1/15, Noise Assessment 05/09/14, Air Quality Assessment 05/09/14, Employment and Town Centre Uses: Catchment Area and Sequential Assessment 19/12/14, Rockingham 1 Ecological Survey and Assessment Summary 19/12/14, Rockingham Sites Ecological Appraisal 19/12/14, GCN Survey Reports (2013 and 2014) 19/12/14, Water Voles and Badger Survey Report 19/12/14, Breeding Bird Survey and Report (2014) 19/12/14, Rockingham 1 Bat Survey 19/12/14, **Optima Highways Technical Note 26/08/15, Optima Highways Gateway 36 Phase 1 Trip Generation Calculation Formula dated 26/08/15** as approved unless required by any other conditions in this permission.

Condition 4 – Parameters plan

Existing wording:

The reserved matters shall be designed in substantial accordance with details contained with the details shown on the Parameters Plan 11462-105 RevE.

Proposed wording:

*The reserved matters shall be designed in substantial accordance with details contained with the details shown on the **Parameters Plan 11462-105 RevJ**.*

Condition 6 – Floorspace limits

Existing wording:

The development hereby approved shall not exceed a maximum of 16,000sqm of floorspace, of which a maximum 1,900sqm (12%) may be food & drink (A3/A4/A5) uses, 2,700sqm (17%) hotel (C1) and 2,000sqm (13%) car showroom/garage (sui generis/B2) uses, the details of which shall be submitted as part of the application for approval of reserved matters.

Proposed wording:

*The development hereby approved shall not exceed a maximum of **18,400sqm** of floorspace, of which a maximum **2,280sqm** (12%) may be food & drink (A3/A4/A5) uses, 2,700sqm (**15%**) hotel (C1) and 2,000sqm (**11%**) car showroom/garage (sui generis/B2) uses, the details of which shall be submitted as part of the application for approval of reserved matters.*

Condition 10 – Traffic generation limit / development mix

Existing wording:

The final mix of development must not result in greater than 103 and 132 two way vehicle trips in the weekday AM peak hour (0800 to 0900) and the weekday PM peak hour (1700 to 1800) respectively. The total number of trips will be calculated according to the formula set out in the Optima Highways Rockingham Phase 1 Trip Generation Calculation Formula, dated 14 January 2015. The development shall then be undertaken in accordance with the approved details.

Proposed wording:

*The final mix of development must not result in greater than 103 and **135** two way vehicle trips in the weekday AM peak hour (0800 to 0900) and the weekday PM peak hour (1700 to 1800) respectively **unless otherwise agreed in writing by the planning authority**. The total number of trips will be calculated according to the formula set out in the Optima Highways **Gateway 36** Phase 1 Trip Generation Calculation Formula, dated **26 August 2015**. The development shall then be undertaken in accordance with the approved details.*

Condition 12 – Vehicular route to south western boundary of the site

Existing wording:

The layout submitted as part of any reserved matters application shall include full details of a vehicular route to be provided from the sites entrance which leads through to the south western boundary of the site. The development and vehicular route shall thereafter be implemented in accordance with a timetable to be agreed in writing with the local planning authority prior to commencement of development.

Proposed wording:

*The layout submitted as part of **the** reserved matters application **for the first phase of development** shall include full details of a vehicular route to be provided from the site's entrance which leads through to the south western boundary of the site. The development and vehicular route shall thereafter be implemented in accordance with a timetable to be agreed in writing with the local planning authority prior to commencement of development.*

I trust that this letter provides a clear explanation and justification for the minor changes proposed to the outline planning permission. These are important changes which assist in facilitating the continuing development of the site for employment-led mixed-use development. The proposed changes do not go to the heart of the outline planning permission and cause no detrimental impacts to the local highway network or other social, economic or environmental interests. Accordingly, we consider that there are no reasons why this amendment should not be approved.

I look forward to receiving acknowledgment of this application shortly and advice of the anticipated determination date. If you have any queries or wish to discuss, then please contact me on the number above.

Yours faithfully



Hamish Robertshaw
Associate Director - Planning

cc. Harworth Estates

Footnote – DTZ is being rebranded as “Cushman and Wakefield” following the merger between the two companies. With the exception of my email address, all contact details remain unchanged (as above).

Appendix – Submission Documents

This application comprises the drawings/documents listed in the left column below, which are proposed to substitute the corresponding items from the right column:

Drawing/document hereby submitted for approval	Drawing/document superseded and to be deleted
Parameters Plan 11462-105 Rev J	Parameters Plan 11462-105 Rev E
Optima Highways “Gateway 36 Phase 1” Trip Generation Calculation Formula dated 26/08/15	Optima Highways “Rockingham Phase 1” Trip Generation Calculation Formula dated 14/01/15
Optima Highways Technical Note 26/08/15	N/A