

MM/01/n1876P

Matthew Smith  
Planning Development Management  
Barnsley Metropolitan Borough Council  
PO Box 634  
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S70 9GG

30<sup>th</sup> January 2024

Dear Matthew,

**S.73 MINOR MATERIAL AMENDMENT APPLICATION FOR THE VARIATION OF CONDITION 20 OF PLANNING PERMISSION REF. 2022/0608 TO PROVIDE AN UPDATED LANDSCAPING SCHEME AT 58 LUNDHILL ROAD, WOMBWELL, BARNSELY, S73 ORJ**

**PLANNING APPLICATION REFERENCE: 2023/0523**

nineteen47 is instructed by Miller Homes ["the Applicant"] to submit a revised package of information in support of the live s.73 Minor Material Amendment application ref. 2023/0523 ["the Application"], which seeks to vary Condition 20 of planning permission 2022/0608 ["the Original Planning Permission"].

The Application seeks to provide an updated landscaping scheme ["the Proposed Development"] to the approved residential development at 58 Lundhill Road, Wombwell, Barnsley, S73 ORJ ["the Site"].

In response to extensive discussions with the Local Planning Authority, as detailed further below, , the following revised information is submitted:

- Landscape Masterplan Drawing No. R/2678/1J
- Landscape Details Drawing No. R/2678/2A
- Landscape Details POS Drawing No. R/2678/12E
- Landscaping Mark Up Drawing No. R/2678/1J
- Additional Tree Removal Plan 1:2 Batter Drawing No. TR-73(1:2) A

The following documents are also provided for information and for comparative purposes:

- Additional Tree Removal Plan - 1:3 Batter Drawing No. TR-73(1:3)
- Additional Tree Removal – 1:2 and 1:3 Batter Comparison Plan Drawing No. TR-73(1:2 & 1:3)

Finally, this correspondence is supported by a 'Visuals Pack', which provides a number of images to illustrate what the Proposed Development would look like once built, taking into account both the removal of the existing trees and the planting of the replacement trees.

## Background

The Application was submitted to Barnsley Metropolitan Borough Council ["the LPA"] on 26<sup>th</sup> May 2023, and validated on the same date. As part of the original submission, a suite of supporting information was submitted including updated Arboricultural Statements, a Tree Removal Plan and an updated Landscape Masterplan.

The purpose of the Application was to vary condition 20 of the previous S73 permission to provide an updated landscaping scheme to take account of the removal of additional trees from the Site for three reasons. The reasons being:

1. To accommodate the installation of a soft batter to address the level change between the area of woodland in the north-east corner and the adjacent highway;
2. To accommodate the installation of the woodland path, which will require the removal of some inner woodland trees along its route; and
3. To ensure specific plots can achieve the levels of amenity required for a residential dwelling.

The original planning permission was not secured by Miller Homes and the amendments were identified as being necessary following further detailed design work to support the delivery of the scheme. The amendments were also necessary following requested alterations to the highways arrangement in this part of the Site to ensure that new routes met with the requirements of the Council's highway adoptions team.

It is important to note that the original S73 submission indicated that the Proposed Development sought to remove in the region of 160 no. trees from the Site, however, this figure was not based on the accurate individual counting of trees, which was subsequently undertaken to minimise necessary tree loss.

A Non-Material Amendment Application was submitted to the LPA in August 2023 which seeks to make changes to the shape and orientation of the rear amenity area serving Plot 179. This NMA Application has not yet been determined by the LPA, however if granted it will result in 7 trees being retained in that section of the Site compared to the layout approved by the original planning permission.

## The Proposed Revisions

Since the submission of the Application, and as a result of ongoing discussions with the LPA and being mindful of the comments and concerns raised by nearby residents, a number of concessions and revisions have been made to the Proposed Development to reduce the impact of the proposals. These are addressed relevant to the installation of the soft batter and the woodland path below.

### Revisions to the Soft Batter

The provision of the soft batter is required to address the level change between the woodland and the adjacent highway, approved by the Original Planning Permission.

In line with technical advice from relevant engineers, the batter was designed to a 1:3 gradient, which would result in the removal of 85no. trees from the woodland in total.

Throughout the course of the Application, the Applicant has become aware of the concerns of both the local residents and the Council's Tree Officer with respect to the impact of the batter on the existing woodland, and the resulting loss of trees. The Applicant has therefore been actively seeking alternative solutions to reduce the level of tree loss occurring as a result to positively address those concerns.

The first solution the Applicant sought was to alter the design of the highway closest to the woodland. This was effectively achieved by removing the footway on the side nearest to the woodland and providing a hard margin. This would have provided an additional 1.4m to move the batter from the woodland edge and allowed any trees within that 1.4m to be retained. However, discussions with the Highway Authority determined that highway officers were unable to support this approach and that the footway would be required on each side of the highway. As such, it was determined that an alternative design to the highway in order to reduce the impact on the trees was not possible.

The second solution proposed by the Applicant sought to alter the gradient of the proposed batter from 1:3 gradient to a 1:1 gradient. The premise being that a steeper batter would encroach less within the woodland and therefore reduce the number of trees that need to be removed as a result. However, after presenting the technical information of a 1:1 batter to the Council's Highway Authority, it was advised that a batter of a 1:1 gradient would not be appropriate for construction reasons. As a result, the 1:1 gradient batter was discounted. Following further discussions, the Highway Authority did indicate that they would willing to support a batter with a 1:2 gradient.

The Applicant has therefore prepared and submitted revised details on the basis of a 1:2 gradient batter. This has allowed the encroachment of the batter to be reduced by 328sqm compared to the 1:3 gradient batter. Further arboricultural assessment of the design has determined that the 1:2 gradient batter would require the removal of 48no. trees, compared to the 85no. trees required to be removed because of the 1:3 gradient batter. This represents a betterment of 37no. trees which are retained as a result of the revised design and delivers a significant enhancement over and above the Application as originally submitted. Furthermore, the revised details are seeking to plant 33no. replacement trees in the woodland to address the impacts of the batter.

### [Revisions to the Woodland Path](#)

The provision of the woodland path is a requirement of the Original Planning Permission, and one which the Applicant is keen to progress in a positive and proactive manner. This element of the Application will provide substantial public benefits by ensuring the woodland is accessible to and can be enjoyed by the local community.

No detailed investigation of the existing woodland and how the woodland path would be delivered was undertaken during the course of the Original Planning Permission. As such, the impact of the woodland path and how many trees would be lost to accommodate this was not determined or accounted for in the planning permission.

Therefore, as part of this current Application, the Applicant has undertaken detailed investigations to determine how many trees would be lost as a result of the woodland path as approved, and has sought to propose revisions to reduce the anticipated tree loss.

These investigations involved an arboricultural consultant attending the Site and marking out the originally consented footpath route. This indicated that a total of 55no. trees were within the boundaries of the proposed footpath. The arboriculturist then followed the original route of the footpath and amended it on Site to allow for retention of both better-quality trees and a greater number of trees overall.

The placement of the amended footpath resulted in 15no. trees required to be removed, which is a greatly reduced number compared to the original route. Furthermore, these were only low-quality category U and C2 inner woodland specimens that have no significant value in their own right.

Therefore, as a result of the more detailed investigations, the Applicant has been successful in reducing the total number of trees to be removed to accommodate the woodland path from 55no. trees to 15no. trees, a betterment of 40no. trees in total.

### Conclusion

In light of the revised information, a significant reduction in the number of trees to be removed from the Site has been achieved. Through the revisions to both the batter and the woodland path, the Applicant has reduced the total number of trees lost as a result of the S73 Application to 82no. trees providing betterment of 77no. trees in total.

In addition to this, as part of the S73 Application, the Applicant is proposing replacement planting of 162no. trees in total, which represents a circa 1:2 replacement planting ratio. This is in addition to the 182no. trees to be planted as part of the Original Planning Permission, which are also shown on the submitted Landscaping Mark Up drawing. In total, the Application is planting 344no. trees across the Site.

We therefore consider that the revisions submitted as part of this correspondence represent a significant improvement to the Application as originally submitted, and respond to the comments and concerns raised by both the members of the public and also the Council's Tree Officer.

We trust that this information is sufficient to have addressed any outstanding concerns with respect to the trees on the Site and welcome confirmation that you are happy to support this revised information.

If you have any queries, please do not hesitate to get in touch.

Yours sincerely



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Associate Director

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