

MM/01/n1876P

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

26th May 2023

Dear Sir / Madam,

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 0RJ

PLANNING PORTAL REFERENCE: PP-12156309

[Introduction](#)

nineteen47 is instructed by Miller Homes "the Applicant"] to prepare and submit a S.73 Minor Material Amendment application "the Application"] to vary Condition 20 of planning permission 2022/0608 to provide an updated landscaping scheme "the Proposed Development"] to the approved residential development at 58 Lundhill Road, Wombwell, Barnsley, S73 0RJ "the Application Site" or "the Site"].

The Application is submitted online via the Planning Portal and, in addition to this supporting letter, includes the following information:

- Application Form and Certificates;
- Arboricultural Statement 4th May 2023 (relating to the provision of the woodland footpath) prepared by BWB;
- Arboricultural Statement 9th May 2023 (relating to the provision of the batter) prepared by BWB;
- Additonal Tree Removal Plan Ref. 811174 TR-73 prepared by Miller Homes
- Landscape Masterplan Ref. R/2678/1D prepared by fda landscape

[Background](#)

The Application Site is located on the south-western edge of the main urban area of Wombwell, a principal settlement within the jurisdiction of Barnsley Metropolitan Borough Council "the LPA"]. The Site was formerly occupied by Wombwell High School and accommodates an area of existing woodland in the north-east corner as well as other sporadic tree cover through the Site.,

A full planning application was submitted by Premier Group in 2019 for the development of 235 dwellings within the Site. Full planning permission was granted in April 2020 (ref: 2019/0089) "the Original Planning Permission". The Original Planning Permission required the demolition of an existing bungalow and the formation of a new highway access to Lundhill Road, to support the delivery of the scheme. The proposals also include new areas of public open space and landscaping as well as drainage infrastructure. The proposals included the retention of the woodland to the north east corner as well as some other trees throughout the site. The provision of an informal footpath was also included within the aforementioned woodland. A large retaining structure was approved to the south of the woodland to address the change in levels and enable the adjacent highway to be constructed.

Following the grant of the Original Permission, the Applicant purchased the Site, and in May 2022 an s.73 Minor Material Amendment application to vary conditions 2, 6, 20 and 22 was submitted (ref. 2022/0608). The proposed variation sought to ensure that the Original Planning Permission was appropriate to the Applicant seeking to deliver a number of minor amendments to the layout, house types, and associated boundary treatments, garages and materials plans. On 31st January 2023, the LPA approved application ref. 2022/0608 "the Varied Consent".

The Proposed Development

The Application is submitted following further surveys of the trees within the Site undertaken by BWB. The Arboricultural Statements submitted in support of the Application determine that in order to successfully deliver the permitted proposals, the removal of a number of additional trees is required. The removal of the trees is required for three reasons:

1. To accommodate the installation of a softer 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 Proposed Development therefore seeks 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 and to secure appropriate replacement planting as part of a comprehensive landscaping masterplan.

In total, the Proposals seeks to remove a total of 160 no. trees from the Site. The loss of these trees will however be compensated on a 1:1 basis, with 160 no. replacement trees to be replanted. In total, 128 no. trees will be planted within the developable area in the form of street and garden trees, and 37 no. trees will be replanted within the woodland.

For details of the location and type of trees, please refer to the submitted Landscape Plan.

Given the above, the Application seeks to vary condition 20 of the approved planning permission as follows.

Condition 20 currently states:

Prior to the above ground construction of dwellings, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed

trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

The proposed variation to condition 20 reads as follows:

Notwithstanding the Tree Protection Plan hereby approved, the development shall be carried out in complete accordance with Landscape Masterplan drawing no. R/2678/1D. Unless otherwise agreed in writing by the Local Planning Authority, the landscaping works shall be fully implemented in accordance with the approved details prior to the occupation of the building(s).

Assessment of the Proposed Development

The main issues associated with the Proposed Development are:

- The Impact of the Proposal on the Trees;
- The Visual Impact of the Proposals; and
- Residential Amenity.

The variation to condition 20 seeks the removal of a number of existing trees across the Site, necessary to deliver the S73 permission. It is however proposed that replacement planting occurs on a 1:1 basis ensuring that there will be no net loss in the number of trees across the Site. An appropriate range of replacement tree species is proposed as part of the Application. The impacts of the proposals with regards to trees is therefore considered to be acceptable.

With respect to the visual impact of the proposals, the provision of a comprehensive and well-considered replacement tree planting scheme will ensure that a high-quality development is delivered, which will enhance the appearance of the Site within the wider area. The visual impact of the proposals is therefore considered to be acceptable.

Finally, with respect to residential amenity, the removal of a number of the trees will ensure that the proposals will not adversely impact the amenity of future residents. As a result, future residents will benefit from good levels of residential amenity.

Overall, the Proposed Development is in accordance with the relevant policies of the Development Plan, namely Policy D1 which states that development is expected to be of a high-quality design; and Policy GD1 which ensures that 1. development will not result in a significant adverse effect on the residential amenity of existing, and 2. future residents and will include landscaping to provide a high-quality setting.

Conclusion

In conclusion, the proposals do not represent a material change in character from the S73 permission. No new planning issues arise from the amendments and the changes will ensure that the high quality design of the approved scheme is maintained.

We therefore request that the drawings and documents accompanying this s.73 application are accepted as amendments to planning permission 2022/0608 such that Condition 20 is varied to reference them accordingly.

We look forward to discussing the application with you across the forthcoming weeks but, in the first instance, would be grateful to receive written confirmation that the application has been received and validated.

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

Yours sincerely



Matthew Mortonson
Associate Director

