



Minerals and Waste Planning  
Environmental Permitting  
Quarry Consultant

**PLANNING APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION  
REFERENCE 2016/0068 TO EXTEND THE DURATION OF THE DEVELOPMENT TO  
TWO YEARS FROM 2 NOVEMBER 2017  
AT THE FORMER CARLTON COLLIERY SITE, SHAW LANE, CARLTON,  
BARNSELY S71 3HJ**

**SUBMITTED ON BEHALF OF  
PORTWARD HOMES LIMITED  
BRIERLEY, BARNSELY S72 9EU**

**OCTOBER 2017**



## 1 INTRODUCTION

- 1.1 We are instructed by Portward Homes Ltd (“the Applicant”) to submit a planning application to vary condition 1 of Planning Permission 2016/0068 (“the Application”) at the former Carlton Colliery Site off Shaw lane, Carlton, Barnsley (“the Site”). The location of the Site is shown on Drawing 10103/05C.
- 1.2 The Colliery site occupies an area of 8.75 ha and the colliery itself was demolished some time ago. The previous owner obtained planning permission to reclaim the site for a beneficial use under reference 2007/1365 in October 2008. The permission was renewed in July 2013 for a further 2 years under reference 2011/1248. Appendix 1 contains the decision notice for this planning permission.
- 1.3 Permission for the removal off-site of red shale and ash was granted under reference 2009/1353 but expired in April 2011. A new application was submitted in June 2014 and permission for the recovery of red shale and ash with ancillary activity was granted under reference 2013/1339 dated 17 December 2014. It carries condition 1 set the maximum duration of operations as 12 months from the date of the decision and so this permission would have expired on 16 December 2015.
- 1.4 A further application to vary conditions 3 and 6 of 2015/0823 was submitted in January 2015, covering revised access arrangements and an increase in the number of HGV movements permitted. Permission was granted dated 30 July 2016 under reference 2016/0068 with condition 1 setting the date for completion as 2 November 2017.
- 1.5 Condition 26 required prior approval for highways improvements. An application to discharge this condition was submitted in January 2017 but has not yet been approved. Work on site has been suspended pending the discharge of the condition and the construction of the highways improvements. Until the condition has been discharged and the highway improved, the Applicant is not able to restart work on site.
- 1.6 The 2 years allowed by condition 1 of 2016/0068 will therefore need to be extended by a further 2 years so that the restoration scheme can be completed.
- 1.7 Condition 1 of Planning Permission 2016/0068 states:  
*"With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the 2 November 2015."*

This application is to vary the condition so that it reads:

*"With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the 2 November 2017."*

The relevant date will be the date of the decision made as a result of this planning application.

## **2 SITE DESCRIPTION**

- 2.1 The site is located to the south of Shaw Lane between Carlton and Shafton, and is bounded to the west by a field with a bakery beyond. On the east side is a railway line with the Trans-Pennine Trail between the railway and the site boundary. To the south is the reclaimed colliery tip. The only nearby dwellings are those immediately to the north of the site on Shaw Lane. The site surroundings are shown on drawing 10103/05C.
- 2.2 The area between Shaw Lane, the dwellings and the site is in agricultural use, with a small sewage works located adjacent to Shaw Lane.
- 2.3 To date, all of the red shale and the ash has been excavated, with the ash washed to recover fuel. Extensive buried brick walls and foundations have been uncovered and removed, as these would have impeded the future development of the restored site.
- 2.4 The pond which is required by the restoration scheme has been formed within the northern part of the ash and red shale excavation. It is currently used as a source of water for dust control.

## **3 DEVELOPMENT DESCRIPTION**

- 3.1 The overall development objective is to reclaim the Colliery site to a condition suitable for a beneficial afteruse such as industry. The remediation requires the regrading of the site to provide a fall for drainage to the former colliery access road which is provided with drainage to public sewer. The site would then be capped off with a 0.25m layer of imported inert construction and demolition waste as a drainage layer, covered with a 1.3m layer of clay with a permeability of  $1 \times 10^{-7}$  m/s. This is then to be finished off with 0.3m of subsoil topped with 0.1.5m layer of topsoil making materials in landscaping areas.
- 3.2 The site is to be remediated in phases running east to west in north/south strips.

## **4 FLOOD RISK ASSESSMENT**

- 4.1 The National Planning Policy Framework requires that all developments in Flood Zone 1, as this is, of over 1 ha in size require a Flood Risk Assessment. The aim is to

assess vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off. The assessment need only be brief unless the factors above or other local considerations require particular attention.

- 4.2 The Framework Technical Guidance states that all land uses are acceptable in Flood Zone 1. As a temporary use of land which does not affect the rate of percolation of rainfall into the ground nor the rate of run-off onto surrounding land, the proposal will not give rise to any impacts on flood risk. No further assessment is therefore required.

## **5 PLANNING POLICY**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the statutory development plan consists of the adopted Barnsley Core Strategy (September 2011). The Courts have also held that the Government's statements on planning policy are material considerations which must be taken into account in reaching decisions on planning applications where relevant. The National Planning Policy Framework (NPPF), is therefore a material consideration.

- 5.1.2 The policies considered specifically relevant to this application are considered below.

### **5.2 National Guidance**

#### The National Planning Policy Framework (March 2012)

- 5.2.1 The National Planning Policy Framework (Framework) sets out the purpose of the planning system as contributing to the achievement of sustainable development.

#### *Sustainable Development*

- 5.2.2 A definition of sustainable development is set out in the Framework's introduction, taken from the World Commission on Environment and Development in 1987:

*Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.*

The Framework describes the three dimensions to sustainable development as economic, social and environmental, and seeks positive improvements in the quality of the built, natural and historic environment.

5.2.3 Paragraph 7 defines the three roles of the planning system as an economic role:

*“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure”*

a social role:

*“supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”*

and an environmental role:

*“contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”*

5.2.4 Paragraph 14 sets out the presumption in favour of sustainable development, which for decision-taking means:

*“Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*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; or specific policies in this Framework indicate development should be restricted.”*

5.2.5 Twelve core land-use planning policies are set out in Paragraph 17 of which the following are relevant to this proposed development:

- *“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;*
- *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

- *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);*
- *contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;*
- *promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);*
- *actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and*
- *take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”*

5.2.6 The proposed development qualifies as sustainable development as it is essential to allow the effective reclamation of the site for a beneficial afteruse. As a sustainable development, the Framework presumption in favour should apply.

### **5.3 Local Planning Policy**

#### The Barnsley Core Strategy

5.3.1 The principle of the colliery site reclamation has already been accepted on the basis of the Core Strategy. This planning application seeks to amend the planning permission granted in July 2013 to extend the timescale allowed for the reclamation process. As such, the proposal is in accordance with Core Strategy policies and objectives.

#### The Barnsley Local Plan Submission Draft 2016

5.3.2 The submission draft of the Local Plan has allocated the Site as part of the mixed use site AC12 (Land off Shaw Lane, Carlton). The site description is set out on page 34 as:

#### **"Site AC12 Land off Shaw Lane Carlton**

*This site is proposed for mixed use for housing and green space. The indicative number of dwellings proposed for this site is 1206. These are included in the housing figures for Urban Barnsley in the housing chapter.*

*The green space known as Wharncliffe Woodmoor will be retained.*

*The development will be subject to the production of a phased masterplan covering the entire site and including housing site H44, which ensures that:*

- *housing development is to the north of Wharncliffe Woodmoor green space*
- *access is provided from Far Field Lane roundabout*
- *off site highway works are provided*
- *the southern part of the site has high ecological value based primarily on its woodland blocks and a road should be taken through as sensitively through as possible to facilitate the housing development, with appropriate mitigation provided.*
- *vegetation in the southern part of the site is retained, together with the watercourses in the centre of the site with a buffer. The grassland just south of Shaw Lane, near the centre of the site should be retained. Boundary vegetation in the northern portion of the site should be retained together with the grassland in the very north-east. A wildlife corridor running down the eastern side of the site should be retained.*
- *appropriate acoustic treatment to mitigate against noise from Manor Bakeries and Boulder Bridge is provided*
- *small scale convenience retail and community facilities are provided in compliance with Local Plan policy TC5 Small Local Shops."*

5.3.3 Before the Site can be developed as part of this allocation, it will need to be reclaimed to a state ready for development. The extension of time will be required to allow the reclamation to be completed.

## **6 ENVIRONMENTAL IMPACTS**

6.1 The environmental impact of the proposed changes to the existing planning permission is limited to that arising from the extended time period. However, as the development has not progressed by any significant amount, the bulk of the development still has to happen. Instead of the impacts taking place over the two year period to November 2017, they will be experienced over the new two year period.

## **7 CONCLUSION**

7.1 All planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Government statements on planning policy are also material considerations which must be taken into account

where pertinent. The existence of the colliery reclamation planning permission with its approved landform and landscape design is also of relevance in this case, as is the previous grant of planning permission for the recovery of the red shale..

- 7.2 This planning application seeks to extend the life of the planning permission for another 2 years as the development has made no significant progress. The entire development remains classed as sustainable development and is fully in accordance with both National and local planning policies.
- 7.3 The environmental impacts arising from the development can be successfully mitigated and would not be significant in overall terms. Planning permission has already been granted and so the principles of the proposed development have already been accepted by the Planning Authority. It is therefore respectfully requested that planning permission be granted to enable the development to take place.

## Contents

	PAGE
1 INTRODUCTION	1
2 SITE DESCRIPTION	2
3 DEVELOPMENT DESCRIPTION	2
4 FLOOD RISK ASSESSMENT	2
5 PLANNING POLICY	3
6 ENVIRONMENTAL IMPACTS	6
7 CONCLUSION	6