

Crest Nicholson

Land at Pit Lane, Wombwell

Outline planning for residential development including associated landscaping and infrastructure works. All matters reserved except means of access into (but not within) the site from Pit Lane

Planning Statement Incorporating Affordable Housing Statement, Custom and Self-Build Provision Statement and Planning Obligations Draft Heads of Terms

Johnson Mowat References

Client	Crest Nicholson
Site	Land at Pit Lane, Wombwell
Development	Outline planning for residential development including associated landscaping and infrastructure works. All matters reserved except means of access into (but not within) the site from Pit Lane
Local Planning Authority	Barnsley Metropolitan Borough Council
Document Type	Planning Statement Incorporating Affordable Housing Statement, Custom and Self-Build Provision Statement and Planning Obligations Draft Heads of Terms
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Limitations

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Limited during our investigations.

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- b) the date on which the final report is delivered.

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Appendix 1. SHELAA Site 175 Housing Site Assessment (July 2016)

Appendix 2. Appeal Decision – APP/R4408/W/24/3341097 - Shaw Lane, Carlton

1. Introduction

- 1.1 This Planning Statement incorporating Affordable Housing Statement, Custom and Self-Build Provision Statement and Planning Obligations Draft Heads of Terms is prepared on behalf of Crest Nicholson in relation to Land at Pit Lane, Wombwell.
- 1.2 It is submitted to support an outline application for residential development including associated landscaping and infrastructure works. All matters reserved except means of access into (but not within) the site from Pit Lane.
- 1.3 The majority of the application site ("the site") is designated as Safeguarded Land (Site Ref: SL20) in the Barnsley Local Plan (BLP).

Document Purpose

- 1.4 The purpose of this Planning Statement is to describe the application site and the proposed development and to provide an assessment of it against the statutory development plan and other material considerations.

Application Supporting Documents

- 1.5 In addition to this Planning Statement, the application submission comprises the following documentation and drawings:
 - Application Form and Certificates;
 - Plans Pack (including Design and Access Statement) – STEN Architecture;
 - Five Year Housing Land Supply Assessment – Johnson Mowat Planning;
 - Statement of Community Involvement – Johnson Mowat Planning;
 - Transport Assessment – Optima;
 - Travel Plan – Optima;
 - Flood Risk Assessment – OEC Consulting Engineers Ltd;
 - Geoenvironmental Appraisal – Lithos;
 - Gas Risk Assessment – Lithos;
 - Arboricultural Report – AWA;
 - Flood Risk Assessment – OEC Consulting Engineers Ltd;
 - Archaeology and Heritage Desk Based Assessment – MAP Archaeological Practice Ltd;
 - Ecological Impact Assessment – Futures Ecology;
 - Wintering Bird Survey Report – Futures Ecology;
 - Biodiversity Impact Assessment – Futures Ecology;
 - Statutory Biodiversity Metric – Futures Ecology;
 - Illustrative Landscape Masterplan – Golby and Luck; and,
 - Landscape and Visual Appraisal – Golby and Luck.

Structure of this Statement

1.6 For ease of reference, the remainder of this Statement is structured as follows:

- Section 2 – Site Location and Characteristics – provides a description of the site and its characteristics.
- Section 3 – Proposed Development (including Affordable Housing Statement, Custom and Self-Build Provision Statement – explains the development proposals.
- Section 4 – Planning History – details all relevant planning history relating to the site.
- Section 5 – Planning Policy – sets out the planning policy context for the proposed development.
- Section 6 – Planning Assessment (including Planning Obligations Draft Heads of Terms) – provides an assessment of the development proposals against planning considerations.
- Section 7 – Planning Balance – provides an assessment of the planning balance.
- Section 8 – Summary and Conclusion – summarises the key points from this supporting statement.

2. Site Location and Characteristics

- 2.1 The location of the site is set out in the accompanying Site Location Plan (dwg no. 2348.02) and a description is provided within the Design and Access Statement (DAS). This section of the statement sets out a summary of the site's location and description.

Location

- 2.2 The site is located in the western part of Wombwell, the majority of the site lies within the defined settlement limits. It extends to circa 7.40 hectares and comprises 3 parcels:
- Parcel 1 is located to the north of Pit Lane and is bound by Pit Lane to the south, Aldham House Lane to the east, Barley Sheaf Hotel to the north and grassed/ wooded land to the west.
 - Parcel 2 is located to the south of Pit Lane and is bound by Pit Lane to the north, residential properties the east, Wombwell Main C&SA and further residential properties to the south and an existing Public Right of Way/ future development parcel to the west.
 - Parcel 3 is located to the west of Parcel 2 and is bound by the existing Public Right of Way to the east, woodland to the west/ south west, grassed land to the north west and south east. An existing railway lies to the west of Parcel 3 and some areas of light storage are located to the south east.
- 2.3 Parcel 3 lies within the designated green belt.
- 2.4 Parcel 1 is a small area of land which currently comprises hardstanding and vegetation. Parcels 2 and 3 comprise greenfield agricultural land for the growing of crops. Parcel 3 falls within a wider blue line area which also comprises greenfield agricultural land.
- 2.5 With regard to topography, the site has falls in a westerly direction.
- 2.6 The area surrounding the site comprises a mix of uses, including residential, sport and recreation, public house and agricultural use.
- 2.7 Wombwell is identified in the BLP as a Principal Town, which along with the other Principal Towns and Urban Barnsley should be the main local focus for housing, amongst other uses.
- 2.8 Wombwell is a highly sustainable settlement with a wide range of facilities and services to meet the day to day needs of local residents, including: primary schools, dentist, medical centres, supermarket, post office, shops, convenience stores, public drinking houses, places for leisure and recreation and green open space.
- 2.9 The site benefits from excellent public transport links, with Wombwell Train Station located circa 340m from the centre of the site. The station provides sustainable links to Sheffield, Huddersfield and Barnsley. The nearest bus stops are located circa 400-450m from the centre of the site and provide sustainable connections to Wombwell, Wath upon Deane, Barnsley and Elsecar.

Characteristics

- 2.10 The entire site is located within Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding. There are, however, pockets at risk of surface water flooding within the site, predominantly within parcel 3.
- 2.11 There are no statutorily listed heritage assets located within the site or in its immediate vicinity. There are 2 no. Grade II Listed Buildings within 1km of the site: the northernmost and southernmost chapels at Wombwell Cemetery. Two Post-Medieval or modern non-designated assets within the search area include lime kilns of presumed 17th century date, located to the southwest of the site, and bell pits located within Wombwell Wood.

- 2.12 There are no known ecological constraints which would preclude the development of the site. The site is located within a Site of Special Scientific Interest (SSSI) Impact Risk Zone. The Dearne Valley Wetlands SSSI is located circa 635m north west of the site at its closest point.
- 2.13 There are no Public Rights of Way running through the site. It is acknowledged that a green way, as identified in the Local Plan, is located to the western boundary of Parcel 2 and eastern boundary of Parcel 3.
- 2.14 The site is not located within an Air Quality Management Area (AQMA).

3. Proposed Development

- 3.1 The application seeks outline permission for the following development:
"Outline planning for residential development including associated landscaping and infrastructure works. All matters reserved except means of access into (but not within) the site from Pit Lane."
- 3.2 Matters relating to appearance, landscaping, layout and scale will be dealt with under subsequent reserved matters applications.
- 3.3 The planning application is supported by a Development Framework. This Plan is for illustrative purposes only to show how the development could come forward.
- 3.4 The Development Framework proposes six residential parcels comprising 2 no. low density parcels, 3 no. medium density parcels and 1 no. larger high-density parcel. A number of landmark buildings are shown throughout the site.
- 3.5 The site would be accessed via the realignment and upgrading of Pit Lane, with access retained to the remainder of Pit Lane via the provision of a priority junction onto the proposed spine road. Details of the access arrangements are provided in full.
- 3.6 The Development Framework includes for the provision of open space, green infrastructure, landscape buffers and landscape frontages to development parcels. It seeks to retain existing trees where possible. Land to the west is proposed for SUDs attenuation (red line) and Biodiversity Net Gain (BNG) (blue line). A feature space is shown at the centre of the proposal.
- 3.7 The Framework Plan shows that an equipped play space could be delivered in the north western part of the development, within an area of open space with appropriate screening and buffer.
- 3.8 The Plan shows that an active travel route could be delivered through the site with non-vehicular connection points to Pit Lane to the north and the existing green way to the west. This ensures connectivity to key facilities including Wombwell train station.
- 3.9 A Design and Access Statement has been prepared in support of this Outline Planning application which explains the key design principles and presents an appropriate design solution to demonstrate that sustainable residential development can be achieved at this location.

Affordable Housing

- 3.10 As set out in paragraph 5.1 of the Affordable Housing SPD, full planning applications (this is an outline planning application) which meet or exceed the 15-unit threshold, are expected to be supported by an Affordable Housing Statement (AHS) setting out how the need to provide affordable housing will be addressed before an application is validated. Notwithstanding the fact this is an outline planning application, the applicant (subject to viability) expects to be able to deliver a policy compliant level of affordable housing (10%).
- 3.11 Affordable housing delivery can be secure through a S106 legal agreement.

Self and Custom Build Statement

- 3.12 There is no custom or self-build policy within the BLP. The supporting text to Policy 9.27 simply states "custom and self-build will be supported where appropriate". Further there is an expectation (see the Affordable Housing SPD) that custom and self-build housing will be suited to smaller sites which are defined as sites which would accommodate fewer than 15 dwellings.

4. Planning History

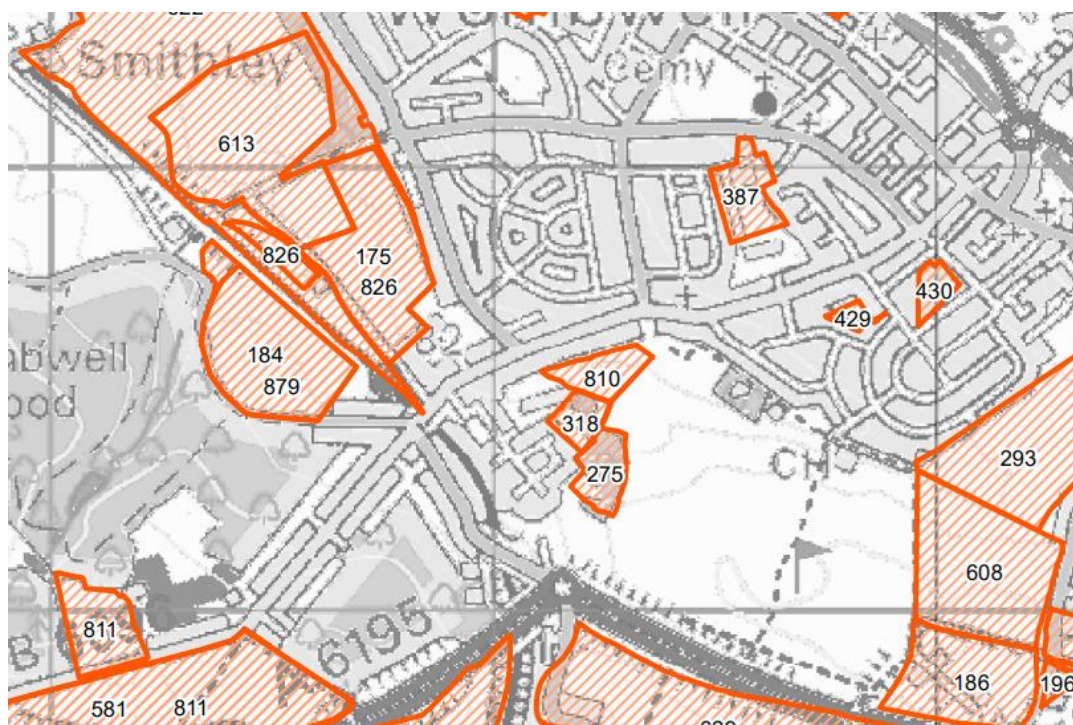
- 4.1 This section of the Statement sets out the relevant planning history associated with the site. This includes any previous planning applications, site promotion information and assessment and the most recent pre-application engagement with the Council in advance of this application submission.

Planning Application History

- 4.2 There is no recent relevant planning application history associated with the site.

Barnsley Local Plan – Strategic Housing and Employment Land Availability Assessment (July 2016)

- 4.3 The site was assessed as part of the July 2016 Strategic Housing and Employment Land Availability Assessment (Site ID ref. 175 and 826 – Land North of Wombwell Railway Station).



- 4.4 The Assessment concluded that site ref no. 175 was available and achievable within the next 5 years.
- 4.5 With regard to site ref no. 826, the Assessment concluded that the site was potentially available and achievable within the next 10 years.

Local Plan Housing Site Assessment (July 2016)

- 4.6 As part of the Local Plan process the Council assessed all potential development sites put forward for suitability for allocation. The assessment sheet for site 175 is provided in Appendix 1.
- 4.7 The site assessment identifies significant positive scores demonstrating that the site is:
- In an accessible including to rail and bus public transport links;
 - In 800m proximity to essential facilities;
 - Relates to the existing built area;
 - Would not give rise to adverse environmental impacts including Impact on conservation areas, listed buildings, registered park and gardens, flood risk and Air Quality Management Areas;
 - Would not result in detrimental local ecological impact;

- Is of low landscape sensitivity.
- 4.8 Overall, the site scored well however the justification text states that site was not allocated for housing due to access issues that unresolvable in the plan period. As a result, the site was allocated as safeguarded land acknowledging the site's suitability for development.
- 4.9 As is set out in this Statement the access issues have been fully resolved and there is no barrier to the development of this site.

Pre-Application Submission

- 4.10 A pre-application submission was made to the Council on 5th March 2024.
- 4.11 The pre-application submission was validated (reference: 2024\ENQ\00121) on 1st May 2024 and a formal response was received on 26th June 2024. Unfortunately, the Council's written response was issued with dialogue or a meeting with the Applicant.
- 4.12 Following the issue of pre-application advice a number of material considerations changed the planning policy context including the determination of appeal decisions and the movement towards publication of the revised National Planning Policy Framework. Subsequently a follow up meeting was requested by the Applicant.
- 4.13 A meeting was held on 12th December 2024 to discuss the pre-application advice received.

5. Planning Policy

- 5.1 The whole purpose and intention of the planning system is to deliver sustainable development as defined by the National Planning Policy Framework ('the Framework') and in particular, consistent with the objectives set out at paragraph 8 of the Framework.
- 5.2 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. As set out in Paragraph 7 of the Framework *"sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs."* Specifically with regard to delivering a sufficient supply of homes, the Framework is clear that the Government's objective is to significantly boost the supply of homes (paragraph 61).
- 5.3 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

Development Plan

- 5.4 The duty in Section 38(6) of The Planning and Compulsory Purchase Act (2004) ("the Act") enshrines in statute the primacy of the Development Plan.
- 5.5 The Act states:
"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise."
- 5.6 Further Section 70(2) of the Town and Country Planning Act (1990) states that *"in dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations"*.
- 5.7 The Development Plan comprises the BLP. This plan was adopted by the Council on 3 January 2019. The BLP replaced the Barnsley Core Strategy and Unitary Development Plan. The BLP was reviewed by the Council on 24 November 2022. The outcome of the Council's review was that the BLP should be retained in its current format.
- 5.8 The correct approach to determining whether a proposal is in compliance with a development plan includes the following:
- All the relevant policies should be identified, including those most important to the determination of the planning application;
 - An assessment of whether those policies are consistent with the Framework (including whether or not they are 'out of date' as set out in Footnote 8 of the Framework)
 - An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these and the weight to any conflict with those policies;
 - The development plan must be read as a whole;
 - It must be recognised that separate policies within the same development plan can pull in different directions ; and,
 - A development can conflict with one individual policy and still comply with the development plan as a whole.

- 5.9 In accordance with Paragraph 11 (d) of the Framework, where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 8 is clear that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78).
- 5.10 The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principal issues, disclosing how any issue of law or fact was resolved.
- 5.11 Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As is often observed development plans are full of broad statements of policy, many of which are mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment.
- 5.12 Section 39 of the Planning and Compulsory Purchase Act (2004) requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

Barnsley Local Plan

- 5.13 The following BLP policies are material to the determination of this outline planning application. Each will be discussed in more detail in Chapter 6 of this statement.
- 5.14 The following BLP policies are material to the determination of this outline planning application. Each will be discussed in more detail in Chapter 6 of this statement.
- Policy SD1: Presumption in favour of Sustainable Development – reflects the presumption in favour of sustainable development contained in the Framework
 - Policy GD1: General Development – states that proposals for development will be approved if there will be no significant adverse effect on living conditions and residential amenity; they are compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land; they will not adversely affect the potential development of a wider area of land; they include landscaping; they minimise and mitigate any adverse impact on the environment, natural resources, waste and pollution; adequate access and internal road layouts are provided; they consider any drains, culverts and other surface water bodies that may cross the site; they provide appropriate landscaped boundaries where sites are adjacent to open countryside; and, existing trees that are to remain on site are considered in the layout to avoid overshadowing.
 - Policy LG2: The Location of Growth – states that priority will be given to development in Urban Barnsley and the Principal Towns (including Wombwell) and villages.
 - Policy H1: The Number of New Homes to be Built – seeks to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033 and states that a minimum five year supply of deliverable sites will be maintained.
 - Policy H2: The Distribution of New Homes – states that Wombwell will account for 10% of the overall supply between 2014 and 2033.
 - Policy H6: Housing Mix and Efficient Use of Land – expects housing proposals to include a broad mix of house size, type and tenure to help create mixed and balanced communities.

Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. The policy requires a density of 40 dwellings per hectare net in Principal Towns.

- Policy H7: Affordable Housing – requires 10% affordable housing in Wombwell unless it can be demonstrated that the required figure would render the scheme unviable.
- Policy T3: New Development and Sustainable Travel – expects new development to: be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists; provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people; provides a transport statement or assessment; and provide a travel plan statement or a travel plan.
- Policy T4: New Development and Transport Safety – expects 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. If a development is not suitably served by the existing highway, the Council will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead.
- Policy D1: High Quality Design and Place Making – expects development to be of high quality design and respect, take advantage of and reinforce the distinctive, local character and features of Barnsley. The policy also requires development to contribute to placemaking and be of high quality; provide an accessible and inclusive environment; provide clear and obvious connections to the surrounding street and pedestrian network; ensure ease of movement and legibility for all users; promote safe, secure environments and access routes; create clear distinctions between public and private spaces; display architectural quality and make the best use of high quality materials; include a comprehensive high quality landscaping scheme; and provide high quality public realm.
- Policy LC1: Landscape Character – requires development to retain and enhance the character and distinctiveness of the individual Landscape Character area in which it is located.
- Policy HE1: The Historic Environment – positively encourages developments which will help in the management, conservation understanding and enjoyment of Barnsley's historic environment.
- Policy HE2: Heritage Statements and General Application Procedures – requires proposals that are likely to affect known heritage assets or sites to include a description of the heritage significance of the site and its setting.
- Policy HE6: Archaeology – requires an appropriate archaeological assessment for applications for development on sites where archaeological remains may be present.
- Policy GI1: Green Infrastructure – seeks to protect, maintain, enhance and create an integrated network of connected and multi-functional Green Infrastructure assets. The network of Green Infrastructure will be secured by protecting open space, creating new open spaces as part of new development, and by using developer contributions to create and improve Green Infrastructure.
- Policy GS1: Green Space – requires 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. Where there is a requirement to provide new green space, an assessment will be carried out to determine the most appropriate provision, taking into account site characteristics and constraints.

- Policy BIO1: Biodiversity and Geodiversity – expects development to conserve and enhance the biodiversity and geological features of the borough by improving habitats, species, sites of ecological value and sites of geological value; maximise biodiversity and geodiversity opportunities; conserve and enhance the form, local character and distinctiveness of the boroughs natural assets; follow the national mitigation hierarchy; and encourage provision of biodiversity enhancements.
- Policy GB1: Protection of Green Belt – seeks to protect the defined Green Belt from inappropriate development in accordance with national policy.
- Policy CC1: Climate Change – seeks to reduce the causes of and adapt to the future impacts of climate change.
- Policy CC2: Sustainable Design and Construction – expects development to minimise energy consumption through the inclusion of sustainable design and construction features, where this is technically feasible and viable.
- Policy CC3: Flood Risk – seeks to reduce the extent and impact of flooding 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 for proposals over 1ha in Flood Zone 1; expecting proposals over 1000m² floor space of 0.4ha in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk; expecting development on greenfield sites to maintain or reduce existing run-off rates requiring development proposals to use SuDs; and using flood resilient design in areas at high risk of flood.
- Policy CC4: Sustainable Drainage Systems (SuDS) – requires all major development to use SuDs to manage surface water drainage.
- Policy CC5: Water Resource Management – seeks to conserve and enhance the Boroughs water resources.
- Policy RE1: Low Carbon and Renewable Energy – requires all developments to seek to incorporate initially appropriate design measures and thereafter decentralised, renewable or low carbon energy sources in order to reduce CO₂ emissions and should at least achieve the appropriate carbon compliance targets as designed in the Building Regulations.
- Policy POLL1: Pollution Control and Protection – expects development to demonstrate that it is not likely to result in pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people and to provide mitigation measures where appropriate.
- Policy I1: Infrastructure and Planning Obligations – requires development to be supported by appropriate infrastructure. Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily. Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

5.15 Of particular relevance to this application is Policy GB6: Safeguarded Land which states:

"We will only grant planning permission on sites allocated as Safeguarded Land for development that is needed for the operation of existing uses, or alternative uses, where the development will protect the open nature of land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following the review of the Local Plan which proposes such development".

5.16 Under the table of safeguarded land sites at paragraph 18.19 of the Local Plan, parcel 2 of the application site is identified as part of SL20, *south of Pit Lane and West of Windmill Road, Wombwell.*

Supplementary Planning Documents (SPD) and Guidance (SPG)

- 5.17 The following SPDs have been adopted by the Council and are relevant to this proposal.
- Biodiversity and Geodiversity (March 2024);
- 5.18 The SPD supplements BLP Policy BIO1 'Biodiversity and Geodiversity', Policy GI1 'Green Infrastructure' and Policy GS1 'Green Space'. It sets out the Council's approach to planning decisions in respect of biodiversity and geodiversity and details how the above policies will be implemented.
- Design of Housing Development (July 2023);
- 5.19 The SPD supplements BLP Policy D1 'High Quality Design and Place Making' and BLP Policy GD1 'General Development' and sets out the design principles that will apply to new housing developments.
- Sustainable Construction and Climate Change Adaptation (July 2023);
- 5.20 The SPD sets out an approach to planning decisions in respect of sustainable construction and adapting to climate change. It sets out what the requirements for development are based on existing BLP policies (notably BLP policies SD1, CC1, CC2, CC3, CC4, CC5 and RE1), existing planning practice guidance and national requirements.
- Sustainable Travel (July 2022);
- 5.21 This SPD primarily supplements BLP Policy T1 'Accessibility Priorities', BLP Policy T3 'New Development and Sustainable Travel' and BLP Policy I1 'Infrastructure and Planning Obligations and recognises the need for new infrastructure that secures behavioural change to increase public transport usage and active travel.
- Affordable Housing (July 2022);
- 5.22 This SPD supplements BLP Local Plan policy H7 Affordable Housing which provides advice on when contributions will be sought for affordable housing and how they will be calculated. It also provides guidance a range of other material issues such as the type and tenure of affordable housing, and when off-site provision is appropriate.
- Parking (November 2019);
- 5.23 Supplements BLP Policy T3 'New Development and Sustainable Travel' by setting out the parking standards that the Council will apply to all new development.
- Planning Obligations (November 2019);
- 5.24 This SPD supplements BLP Policy I1 'Infrastructure and Planning Obligations' and details when contributions will be sought.
- Section 278 Agreements (November 2019);
- 5.25 This SPD provides guidance on the Section 278 agreement process and is linked to BLP Policy T4 in respect of making sure development is carried out safely.
- Section 38 Agreements (November 2019);
- 5.26 This Planning Advice Note provides guidance on the Council's approach to Section 38 agreements. It outlines what Developers and the Council can expect from each other.
- Trees and Hedgerows (May 2019);
- 5.27 This SPD supplements BLP Policy BIO1 'Biodiversity and Geodiversity' and sets out how development proposals are expected to conserve and enhance the biodiversity and geological features of the borough.

- Heritage Impact Assessment (May 2019);
- 5.28 This SPD supplements BLP Policy HE2 'Heritage Statements and General Application Procedures' providing details on how to prepare a heritage impact assessment (HIA).
- Open Space Provision on Housing Developments (May 2019); and,
- 5.29 This SPD supplements BLP Policy GS1 of the Local Plan, which states that in order to improve the quantity, quality and value of green space provision there is a requirement for 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 BLP Policy I1 'Infrastructure and Planning Obligations'.
- Financial Contribution for Schools (May 2019).
- 5.30 This SPD supplements BLP Policy Pl1 'Infrastructure and Planning Obligations' and explains how the Council will implement the Framework when considering the availability of pupil places in local schools and how they will assess if contributions are required to ensure those places are in buildings of suitable condition.

National Planning Policy Framework

- 5.31 The Framework, complemented by the National Planning Practice Guidance (the Guidance), forms the relevant policy at the national level for the determination of planning applications. The Framework is a material consideration which must be taken into account in all planning decisions.
- 5.32 Paragraph 2 of the advice states: -
- "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions."*
- 5.33 There are three objectives (Para 8) of sustainable development comprising the **economic**, **social** and **environmental** roles.
- 5.34 Paragraph 10 sets out that at the heart of the framework is a presumption in favour of sustainable development.
- 5.35 Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-
- 5.36 *"For decision-taking this 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-date⁸, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination .*
- 8 This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing*

was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.

9 The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12."

5.37 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annexes 1, 2 and 3) which form the Framework document; those topic areas considered of relevance to this planning application are set out below: -

- Chapter 4: Decision Making;
- Chapter 5: Delivering a Sufficient Supply of Homes;
- Chapter 6: Building a Strong, Competitive Economy;
- Chapter 8: Promoting Healthy and Safe Communities;
- Chapter 9: Promoting Sustainable Transport;
- Chapter 11: Making Effective Use of Land;
- Chapter 12: Achieving Well Designed Places;
- Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- Chapter 15: Conserving and Enhancing the Natural Environment; and,
- Chapter 16: Conserving and Enhancing the Historic Environment.

National Planning Practice Guidance

5.38 The Guidance was initially published in March 2014 and has been updated on several occasions over subsequent years. The content of the Guidance provides guidance upon the interpretation of the policy contained in the Framework and is a material consideration for both planning applications and appeals.

Other Material Considerations

Barnsley Local Plan Monitoring Report – 1 April 2022 – 31 March 2023 (March 2024)

5.39 Table 4 of the Barnsley Local Plan Monitoring Report confirms that only 69 no. affordable homes were delivered during 2022/23. The Annual Infrastructure Funding Statement (1 April 2022-31st March 2023) confirms that 57 no. of these affordable homes were directly delivered by developers through Section 106 Agreements.

5.40 The continued failure to meet affordable housing needs also creates additional pressures on the housing market within Barnsley.

Local Plan Review (November 2022)

5.41 The BLP was reviewed by the Council on 24 November 2022 which determined that the BLP remains fit for purpose and is adequately delivering its objectives. A further review will take place in 2027 or earlier if circumstances require it.

Barnsley Five-Year Deliverable Housing Land Supply Report

5.42 Under the provisions of paragraph 78 of the Framework, each local authority is expected to identify and annually update a supply of specific deliverable sites to provide a minimum of five years' worth of housing land. The most recent published position from Barnsley Council is set out in the Barnsley Five-Year Deliverable Housing Land Supply Report 2021/ 2026.

- 5.43 This document represents the Council's most recent assessment of 5YHLS within its administrative area. To date, the Council has not identified when it will formally update its 2021 5YHLS assessment and make this publicly available.
- 5.44 The 2021 5YHLS assessment identifies that BMBC considers it has a 5.6-year supply of deliverable housing land for the period 1 April 2021 to 31 March 2026.
- 5.45 However, since this time the Council have been involved in a number of appeal proceedings in which the five-year housing land supply position has been considered in detail. Of particular reference is the Shaw Lane, Carlton appeal decision (reference 3341097). A copy of the decision is provided at Appendix 2.
- 5.46 During the course of the appeal proceedings the Council acknowledged that they were unable to demonstrate a five-year housing land supply. The evidence provided addressed the five-year period of 2024- 2029. The documentation from the Council identifies a 3.6 years' worth of supply. The Appellant disputed this position and considered the figure to be lower. The Inspector concluded:
- "It is agreed between the main parties that the Council do not have a 5-year housing land supply. Whilst they do not agree what that current supply is they do both agree that the under provision should be given substantial weight. The lack of a 5-year supply of deliverable housing land means that there is a presumption in favour of sustainable development".*
- 5.47 The conclusions of the Inspector, and the housing land supply position set out during the appeal, are a material consideration as part of the determination of this application.
- 5.48 The Applicant acknowledges that the housing land supply position should now be considered for the 2025-2030 period. The Council have not yet published a position relating to this five-year period. As such the application is supported by a five-year housing land supply assessment, details of which are provided in Section 6 of this Statement.

6. Planning Assessment

- 6.1 This section of the report outlines the key planning considerations and evaluates the planning merits to support the proposed development.

Principle of Development

- 6.2 The principle of development at this site is acceptable. The following analysis addresses the facts.
- 6.3 As previously identified the site is identified by three parcels. Parcel 1 of the application site covers access/highways improvement works at the Pit Lane and Aldham House Lane junction in order to facilitate the development. This area of the application site is located within the settlement boundary and is classified as white land under general development policies of the BLP. As identified under the Access and Highways heading below, the proposal make provision for a safe and appropriate access point in this location. The principle of development for parcel 1 is established and would not give rise to conflict with the development plan.
- 6.4 Parcel 2 of the application site is located within the development limits however identified as a Safeguarded Land allocation in the Local Plan, the site is referenced SL20, South of Pit Lane and West of Windmill Road, Wombwell. Under policy GB6, Safeguarded Land, of the BLP it is stated that:
- "We will only grant planning permission on sites allocated as safeguarded land for development that is needed for the operation of existing uses or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following review of the Local Plan which proposes such development."*
- 6.5 It is acknowledged that the development proposals would not protect the open nature of the land and that the development of the safeguarded site has not been permitted following review of the BLP. As such the development of SL20 would represent a conflict with the development plan.
- 6.6 However, the Council are currently unable to demonstrate a five-year housing land supply when measures against the BLP housing requirement. The Council acknowledge this as fact as part of the Shaw Lane, Carlton appeal decision where just 3.6 years was identified by the Council.
- 6.7 Supporting this application is a Five-Year Land Supply Assessment undertaken by Johnson Mowat. The Assessment, having regard for the most up to five-year period of 1st April 2025- 31st March 2030, identifies only 1.65 years' worth of supply. Significantly lower than the Council's own 3.6 years and both of which fall short of the requisite 5 years.
- 6.8 Accordingly, the tilted balance, or presumption in favour of sustainable development, as set out in paragraph 11(d) of the Framework is engaged which provides that planning permissions should be granted where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date unless there are policies of the Framework which protect areas or assets of particular importance and provide a strong reason for refusing the development proposed or there are any adverse impacts of doing so which would significantly and demonstrably outweigh the harms.
- 6.9 In the interests of clarity, the most important policies for determining the residential planning application in Barnsley are set out below:
- Policy LG2: The Local of Growth;
 - Policy H1: The Number of New Homes to be built;
 - Policy H2: The Distribution of New Homes; and,
 - Policy GB6: Safeguarded Land.
- 6.10 As such, any conflict arising with policy GB6 of the BLP and the development of this safeguarded land site would attract very limited weight.

- 6.11 It is confirmed that the application proposals would not affect the application of policies that protect areas or assets of particular importance; it is not a SSSI, designated as Green Belt, Local Green Space, a National Landscape, National Park or Heritage Coast. The site does not contain any irreplaceable habitats, designated heritage assets or assets of archaeological interest or areas at high risk of flooding.
- 6.12 The commentary below also identifies that there are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the harms. The principle of development under the tilted balance is therefore accepted.
- 6.13 Parcel 3 of the application site, is located to the west of the greenway which connects Pit Lane and Hough Lane. The parcel is located in the designated Green Belt. Development proposals on the parcel comprise of the drainage attenuation basin. The site will not be publicly accessible, only access for maintenance and management of the attenuation basin will be permitted.
- 6.14 Policy GB1 of the BLP seeks to protect the development of the Green Belt from inappropriate development in line with national policy. The Framework is clear that development is inappropriate in the Green Belt unless one of a number of exceptions applies as set out in paragraph 154. At 154(h) the Framework states that “*other forms of development [are not inappropriate] provided they preserve its openness and do not conflict with the purposes of including land within it*”, including criterion ii) engineering operations.
- 6.15 The provision of an attenuation basin would constitute engineering operations. The development would not introduce new built form which would impact on the openness of the Green Belt nor present a proposal which would conflict with the purpose of including land within it. The development would therefore not constitute inappropriate development in the Green Belt and the principle of development is acceptable. Furthermore, as appropriate development in the development, the tilted balance of paragraph 11(d) remains engaged.

The Presumption in Favour of Sustainable Development

- 6.16 **Paragraph 8 of the Framework and Policy SD1 of the LP clearly state that the planning system’s goal is to promote and achieve sustainable development. This involves addressing three interrelated and overarching objectives: economic, social and environmental sustainability.**
- 6.17 Planning policies and decisions should actively guide development toward sustainable outcomes, while considering local conditions to reflect each area’s character, needs and opportunities.
- 6.18 Although the development plan is the starting point for decision-making, the presumption in favour of sustainable development is always applicable and must be integrated into the planning balance. Therefore, it is essential to assess the proposals against the three dimensions of sustainable development: economic, social and environmental. Planning policies and decisions should guide development towards sustainability while considering local context to meet the specific characteristics and requirements of each area.

Economic Role

- 6.19 The economic aspect of sustainable development plays a key role in developing a robust, responsive and competitive economy by ensuring that appropriate land is available in suitable locations and at the right time to support growth and innovation. It also involves identifying and coordinating development needs, including infrastructure provisions.
- 6.20 Whilst the application is in Outline only at this stage, and the true extent of economic benefits will be reflective of the detailed proposals, on the assumption of the delivery of circa 220 dwellings (as

assessed by this application) the Home Builders Federation (HBF) housing calculator estimates the following economic benefits¹.

- 6.21 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. This can improve the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships. According to the HBF, a proposal of this scale would support the (direct and indirect) employment of 764 people and provide opportunity for circa 9 apprentices, graduates or trainees.
- 6.22 Delivering housing increases the local population which generates additional spend in the local economy. This spend supports jobs in local shops and services close to the development site, and first occupation expenditure is also a significant contributor to the local economy in areas where new housing is being delivered.
- 6.23 According to the HBF, the development would contribute to the generation of approximate £5,900,000 in tax revenue, including circa £440,000 in Council tax. Such monies would contribute to available public finances.
- 6.24 The economic benefits associated with the creation of employment, supporting existing businesses and generating funds to support existing services and facilitate the creation of new community infrastructure would be significant.
- 6.25 As a result, the proposals would satisfy the economic objective of sustainable development which weighs significantly in the proposals favour.

Social Role

- 6.26 The Framework summarises the social objective of sustainable development as supporting strong, vibrant and healthy communities by providing the residential accommodation required to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing.
- 6.27 From a social perspective planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society. England is a geographically small, densely populated nation, with multiple demands on land and the built environment. People should be able to expect homes that they want to live in.

Housing Delivery

- 6.28 Policy H1 of the BLP identifies that the Council will seek to deliver at least 21,546 net additional homes between 2014 and 2033. The BLP identifies (para 9.1) a target of at least 1,134 dwellings per annum. The policy confirms that the Council will maintain a minimum of five-years' worth of deliverable housing sites.
- 6.29 It is already established that the Council cannot demonstrate a five-year housing land supply with the accompanying five-year housing land supply assessment identifying just 1.65 years' worth of supply in the Barnsley borough.
- 6.30 The Council has failed to meet its housing targets in every year since the base date of the adopted local plan in 2014. Over the plan period this has led to a shortfall of over 3,600 dwellings. It is also

¹ HBF Housing Calculator – <https://www.hbf.co.uk/policy/policy-and-wider-work-program/hbf-housing-calculator/>

noted that the comprehensive completions data is not yet available for the 2024/25 monitoring year however initial quarterly data² for 1st April 2024 to 31st December identifies:

- 140 completions April to June 2024
- 160 completions July to September 2024
- 160 completions October to December 2024

Table 1: Barnsley Housing Completions

Year	Requirement (dpa)	Net Completions ³	Surplus / Shortfall	Cumulative Plan Period Surplus/ Shortfall
2014/15	1,134	622	-512	-512
2015/16	1,134	706	-428	-940
2016/17	1,134	856	-278	-1,218
2017/18	1,134	1,008	-126	-1,344
2018/19	1,134	988	-146	-1,490
2019/20	1,134	1,051	-83	-1,573
2020/21	1,134	588	-546	-2,119
2021/22	1,134	594	-540	-2,659
2022/23	1,134	685	-449	-3,108
2023/24	1,134	635	-499	-3,607
Total	11,340	7,733	-3,607	-3,607

- 6.31 Should the trend for 2024/25 continue as expected, delivery of around 620 dwellings could be anticipated in the latest monitoring year. This would further increase the shortfall of dwellings by 514 dwellings and tip the overall shortfall in the plan period to over 4,100 dwellings.
- 6.32 The Secretary of State (SoS) has consistently found that where an LPA is unable to demonstrate a five-year supply of deliverable housing sites, either substantial, very significant or very substantial weight should be given to the delivery of housing by the decision-maker. Indeed, even where authorities have been able to demonstrate a sufficient supply of land for housing, inspectors have apportioned either substantial, very significant or very substantial weight. Given the acute and chronic under-supply of new homes within Barnsley, the supply of new housing should be provided very substantial weight.

Affordable Housing Delivery

- 6.33 The Council's most recent Strategic Housing Market Assessment (SHMA) was published in June 2021. Amongst other things the document has regard to affordable housing need in the Barnsley authority. Having regard to the identified level of need in the authority, the SHMA identifies that an estimate supply of circa 190 additional affordable dwellings are needed per annum to meet the need.
- 6.34 In the context of the chronic and continued shortfall in overall housing delivery, it is no surprise that affordable housing delivery rates have not achieved 190 units per annum as anticipated by the SHMA. Having regard to the live tables on additional affordable housing completions the affordable housing delivery since 2021 (publication date of the SHMA) is as overleaf.

² Government Housing Statistics Table 253a: Housing Supply: indicators of new supply; 2024 Q2, Q3 and Q4. <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>

³ Data taken from Housing Delivery Proof of Evidence of Emma Coveney, Senior Planning Officer in relation to appeal reference 3341097 in relation to Shaw Lane, Carlton.

Table 2: Barnsley Affordable Housing Completions

Year	Affordable Need (SHMA) (dpa)	Affordable Completions ⁴	Surplus/ Shortfall	Cumulative Surplus/ Shortfall
2021/22	190	16	-174	-174
2022/23	190	88	-102	-276
2023/24	190	164	-26	-302
Total	570	268	-302	-302

- 6.35 Since the SHMA 2021 identified an affordable housing need of an additional 190 dwellings per annum, the Council have failed to deliver close to this quantum and have accumulated a shortfall of 302 dwellings. Whilst monitoring data is not yet available for the 2024/25 year there is nothing to suggest that the trend would have significantly changed and it is expected the shortfall will continue to increase.
- 6.36 The applicant (subject to viability) expects to be able to deliver a policy compliant level of affordable housing (10%). Given the chronic affordable housing need and the lack of housing delivery in order to meet this need, the delivery of affordable housing as part of this proposal should be provided very substantial weight in the planning balance.
- 6.37 Whilst only at Outline Planning stage, it is anticipated that the proposed development will include a broad mix of house types, sizes and tenures to help created mixed and balanced communities.
- 6.38 Thus, it is considered that the outline proposals accord with Policies H6 (Housing Mix and Efficient Use of Land) and H7 (Affordable Housing) of the BLP and the Affordable Housing SPD (2022).

Illustrative Layout

- 6.39 The Development Framework is for indicative purposes only to show how a scheme could come forward. The outline application is seeking consent for the access arrangements into (but not within) the site but matters relating to appearance, landscaping, layout and scale will be dealt with under subsequent Reserved Matters applications. The Plan does, however, demonstrate that a policy compliant scheme could come forward which is landscape-led and delivers much needed new homes.
- 6.40 It is recognised that the application site does not propose development on the whole of the safeguarded allocation, SL20. A regular square piece of land, in the Council's ownership, is located within the north west of the safeguarded site. This extent of land is not included within the application. However, the Applicant and development team have had full regard to the delivery of this land to ensure that the full allocation can come forward in time and the residual land would not be prejudiced by the delivery of this application site.
- 6.41 The Development Framework clearly identifies the land which forms the balance of the allocation could be accessed from the application proposals through the western boundary. To ensure the proposed access plans, which are provided in detail, work with the balance of the allocation, the Transport Statement and modelling included within it makes allowance for the delivery of the full allocation.
- 6.42 There is no harm arising in the delivery of the site in this manner. Bringing forward the safeguarded allocation has been considered in a comprehensive manner and the application site is proposed without prejudice to the remainder of the allocation.
- 6.43 The landscape led scheme incorporates areas of open space, green infrastructure, proposed dedicated BNG land, as well as landscape buffers, frontages and new planting. The green spaces

⁴ Government Live Table 1008C: Total additional affordable dwellings provided by Local Authority area – Completions <https://www.gov.uk/government/statistical-data-sets/live-tables-on-affordable-housing-supply>

break up the mass of the overall built form of the development and provides a soft edge to the site's boundaries creating a transition between the built-up area of Wombwell and the countryside.

- 6.44 The proposed dwellings would be at a net density of 40 dwellings per hectare, which is compliant with Policy H6 of the BLP. The Development Framework illustrates how a mix of densities could come forward to create character areas and ensure a smooth transition between existing development to the east and open fields to the west.
- 6.45 The Framework shows that residential parcels to the east of the site could come forward as high density, to reflect the density and arrangement of homes in established areas of Wombwell. Residential parcels to the west could come forward as medium to high density to create a space with a semi-rural, semi-urban character. The peripheries of built form, to the north and south, could come forward as low to medium density to create spaces with a semi-rural character.
- 6.46 Landmark buildings will be located within key locations within the development. The proposed house type designs will be dealt with at the subsequent Reserved Matters Stage.
- 6.47 The LEAP is proposed to be located in the north western part of the site, within a wider area of open space. Active surveillance will be provided from houses sited to the south east which assist in designing out crime.
- 6.48 A SuDS basin is proposed in the western part of the site, within the proposed BNG land, which will manage surface water drainage whilst also providing a habitat for wildlife and contribute to the greening of the site.
- 6.49 The layout is highly permeable, with proposed non-vehicular connection points connecting to Pit Lane in the site's north eastern corner and to the existing walking route along the site's western boundary. Further pedestrian routes are proposed through areas of public open space.
- 6.50 The Development Framework has been designed to demonstrate that a scheme could come forward which will not negatively impact the residential amenity of surrounding properties, through overbearing, overlooking or overshadowing.
- 6.51 Thus, the outline proposal accords with Policy GD1 (General Development), H6 (Housing Mix and Efficient Use of Land), Policy D1 (High Quality Design and Place Making), Policy GI1 (Green Infrastructure), Policy CC4 (Sustainable Drainage Systems), the Design of Housing Development SPD (2023) and Chapters 8, 9, 11, 12, 14 and 15 of the Framework (2024).

Open Space

- 6.52 Whilst only at Outline Planning stage, it is anticipated that the scheme could deliver 1.1ha of Public Open Space which equates to 15% of the total site area. The informal open spaces will provide leisure opportunities to those who reside within the development and the wider community. A LEAP is proposed within the open space providing recreation opportunities for children.
- 6.53 Given the location of the proposed development immediately adjacent to existing sporting facilities, formal recreational provision is not proposed on site. The Applicant would be willing to accept a financial contribution to provide or enhance facilities off site should this be required.
- 6.54 Thus, the outline proposals accord with Policy GS1 (Green Space) and Policy I1 (Infrastructure and Planning Obligations) of the BLP, the Open Space Provision on New Housing Developments SPD (2019) and Chapter 8 of the Framework (2024).

Summary on social role

- 6.55 The delivery of much needed homes will help to support strong, vibrant and healthy communities. This would result in a boost to supply and an enhanced choice of new housing for local people.

- 6.56 Furthermore, the new homes will be delivered within the Principal Town of Wombwell, which is a highly sustainable settlement with facilities and services to meet the day to day need of residents.
- 6.57 Whilst only at Outline Planning stage, it is anticipated that the proposals will provide a number of social benefits, including:
- Provision of a well-designed scheme which surrounds positively to its surrounding context;
 - Provision of a good mix of homes to meet the needs of current and future generations;
 - Delivery of new homes in a highly sustainable location, with good access to services, facilities and public open space;
 - Provision of a Locally Equipped Area of Play;
 - Delivery of high quality active travel routes;
 - Provision of high quality publicly accessible and useable open space;
 - Creation of jobs for local people, which will help to indirectly improve health, social and cultural wellbeing.
- 6.58 Thus, it is considered that the proposals would satisfy the social objective of sustainable development which weighs significantly in the proposals favour.

Environmental Role

- 6.59 The Framework explains that the environmental objective of sustainable development is to contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land, helping improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving towards a low carbon economy. The proposal will support this objective by ensuring that development is located in a highly sustainable location.
- 6.60 The site is located within easy reach of sustainable modes of public transport and is accessible by foot and bicycle, thus reducing reliance on the private car. There is also significant opportunity to create new walking and cycling routes through the site.
- 6.61 The layout of the scheme is landscape led and prioritises natural spaces, with the potential to include a variety of planting to assist in achieving biodiversity net gain.
- 6.62 Whilst only at Outline Planning stage, the application sets out the intention to prioritise energy efficiency, water conservation and the use of sustainable materials to reduce the environmental impact of the new housing.
- 6.63 Thus, it is considered that the proposals would satisfy the social objective of sustainable development which provides significant weight in favour of the proposals.

Landscape Visual Assessment

- 6.64 Golby and Luck have prepared a Landscape Visual Assessment in support of the application. The appraisal considers the landscape and visual setting of the site; the nature of the development proposals; and the likely landscape and visual effects arising from the proposal.
- 6.65 The Assessment report confirms that the site is not covered by any landscape designation that would suggest an increase value or sensitivity to change and is not covered by any statutory or non-statutory designation that would prohibit its development for residential purposes
- 6.66 The site and study area are located within LCA E4: Hoyland Settled Wooded Farmlands which the BLCA identifies as being of low landscape sensitivity with a medium capacity to accommodate new development.

- 6.67 The LVA has identified the site as being of low sensitivity to the proposed change, increasing to low-medium sensitivity in the Study Area. The Study Area has been assessed to have a weak to moderate strength of character, recognising the cohesive wooded setting and recreational function of Wombwell Wood to the west, tempered by the prominence of settlement to the east and intensive management of the intervening arable landscape.
- 6.68 The Assessment records a short-term effect of moderate adverse at a site level, reducing to moderate to moderate/ minor adverse in the long-term. This effect at a site level reflects its relatively low landscape sensitivity and capacity to accommodate the proposed change.
- 6.69 At a Study Area level, a short-term effect of moderate to moderate/ minor adverse has been recorded, reducing to a moderate/ minor to minor in the long-term. This reflects the existing context of settlement in the Study Area and the commitment to a robust landscape strategy that seeks to establish a wooded, transition fringe to the settlement in line with the objectives of LCA E4.
- 6.70 In terms of visual effects, major to moderate short-term effects have been recorded at the immediate site boundary in close proximity to the proposed change, as seen from Pit Lane, the permissive track and neighbouring properties. This level of effect is expected to reduce to moderate adverse in the long-term in the context of Pit Lane and the permissive track. Such effects are not uncommon or unusual of development of this nature where visual receptors are present in close proximity to the Site boundaries.
- 6.71 Moving away from the site, the Assessment confirms that visual effects quickly reduce to moderate to minor adverse in the short-term, and moderate/ minor to minimal and negligible in the long-term. The visual effects recorded are restricted to a small geographic area that reflects the contained nature of the existing landscape setting to the west of Wombwell that is already influenced to varying degrees by the modern settlement edge. Over distance, visibility towards the site rapidly diminishes.
- 6.72 The Assessment notes that the visual setting of the site is not considered to be critical to users of the football and cricket club or railway, which are likely to be subject to moderate-minor to minor adverse effects only.
- 6.73 The Assessment concludes that the long-term effects recorded are considered to be of moderate to low importance, reflecting the relatively limited value and sensitivity recorded in the baseline setting of the site and study area and the scale and nature of the proposal.
- 6.74 Therefore, the proposals are in accordance with Policies GD1, D1, LC1 and GI1 of the Barnsley Local Plan and Chapter 15 of the Framework (2024).

Highways

- 6.75 Optima have prepared a Transport Assessment and Travel Plan in support of the application.
- 6.76 The Transport Assessment confirms that vehicular access will be via the realignment and upgrading of Pit Lane to serve the proposed development, with the remainder of Pit Lane then served via a simple priority junction onto the proposed spine road. The Pit Lane/ Aldham House Lane/ Windmill Road/ Summer Lane junction will be upgraded.
- 6.77 A review of personal injury collision data has shown that there are no specific safety concerns that the proposed development would exacerbate.
- 6.78 The report confirms that the site is located in a sustainable location that is accessible with appropriate public transport and pedestrian links. This provision will provide future residents with opportunities to travel via alternative modes of transport and minimise trips by the private car.

- 6.79 Junction capacity assessments have been undertaken and demonstrate that the proposed development will not result in either a material or severe residual cumulative impact on the safe and efficient operation of the local highway network.
- 6.80 The Transport Assessment makes clear that the internal layout will include an adoptable road up to the boundary of the remainder of the SL20 safeguarded land so as not to sterilise its development.
- 6.81 The Assessment concludes that the safe and suitable access to the proposed development can be achieved for all users and that there will be no unacceptable impacts from the development on the transport or on highway safety during either construction or operational phases.
- 6.82 The Travel Plan provides details of the measures to be incorporated into the overall design of the development and outlines the obligations on Crest Nicholson to encourage residents to use sustainable modes of transport.
- 6.83 Thus, the proposals are in accordance with Policies GD1, T3 and T4 of the Local Plan, the Sustainable Travel SPD (2022) and Chapter 9 of the Framework (2024).

Flood Risk and Drainage

- 6.84 OEC Consulting Engineers have prepared a Flood Risk Assessment in support of the application for Outline Planning.
- 6.85 The Flood Risk Assessment confirms that the site is located within Flood Zone 1 and is therefore at low risk of fluvial flooding. The site is also at very low risk for surface water flooding, with a low risk associated with the watercourse crossing the site.
- 6.86 In order to accommodate the possibilities of flood from a catastrophic storm or blockage of the existing watercourse/ sewer or proposed drainage system, a number of precautionary flood mitigation measures have been recommended. The Applicant will satisfy any conditions imposed by the Local Planning Authority relating to this matter.
- 6.87 The Flood Risk Assessment confirms that the proposed surface water drainage system will be restricted to the agreed discharge rate with appropriate attenuation for a 1 in 100 year storm plus climate change event incorporated into the design, prior to discharge to the watercourse. The detailed design and calculations will be submitted to the Planning Authority for approval prior to construction on the development site.
- 6.88 With regard to foul drainage, the closest practicable point of discharge is the 150mm diameter foul public sewer close to the site. The Flood Risk Assessment confirms that Yorkshire Water will carry out a feasibility study to determine suitable foul connection points, any available capacity in the public sewer network, together with timescales for any potential upgrading works required.
- 6.89 The report concludes by stating that subject to compliance, the proposed development can satisfy the requirements of the Framework and the PPG in relation to flood risk.
- 6.90 As such, the proposals are in accordance with Policies CC1, CC3, CC4, CC5 of the BLP and Chapter 14 of the Framework (2024).

Ecology and BNG

- 6.91 Futures Ecology have prepared an Ecological Impact Assessment (EclA), Wintering Bird Survey Report, Biodiversity Impact Assessment and Statutory Biodiversity Metric in support of the application.
- 6.92 The EclA identified the following ecological features which could be affected by the proposals or warrant consideration due to the legal protection afforded to them: Dearne Valley Wetlands Site of Special Scientific Interest (SSSI); Wombwell Wood Local Wildlife Site; Habitats of Principle Importance within 1km; Ancient Woodland within 1km; Semi-natural broadleaved woodland; Native

hedgerows; Treeline TL1; Badger; Bat species; Breeding birds; Overwintering birds; Grass snakes; and Hedgehogs.

- 6.93 The report concludes that no impacts are expected on Dearne Valley Wetlands SSSI following the implementation of a sustainable urban drainage system and best practice working methods employed during the construction phase, to be outlined in a Construction Environmental Management Plan (CEMP).
- 6.94 The inclusion of compensation and biodiversity enhancements are provided within Section 6 and 10 of the EclA.
- 6.95 The report concludes that with the implementation of mitigation measures, there are no significant negative residual effects envisaged on the above Important Ecological Features.
- 6.96 The Wintering Bird Surveys were undertaken in 2024/25 and identified 34 species within the survey area. Of these 16 are species of conservation concern, and 11 were found to utilise the onsite habitats. The wintering bird assemblage is therefore considered to be of importance at a local level.
- 6.97 Following the establishment of new habitats, the site will continue to support most species that will readily habituate to residential areas, with the potential to attract new species.
- 6.98 The Biodiversity Impact Assessment confirms that the onsite development proposal will achieve 13.54 Area Habitat Units which is a total net unit change of -3.01 Area Habitat Units. This equates to a -18.21% net loss in Area Habitat Units. In terms of hedgerows, the onsite development proposal will achieve 8.03 Hedgerow Units which is a total net unit change of +2.99 Hedgerow Units. This equates to a +59.44% net gain in Hedgerow Units.
- 6.99 Given that the onsite proposals for the Application Site do not satisfy the area habitat trading rules, an offsite area of land has been used to secure further net gains. The offsite development proposal, identified in the application documentation by a blue line, will achieve 6.02 Area Habitat Units which is a total net change of +4.67 Area Habitat Units. This equates to a +348.1% net gain in Area Habitat Units. In terms of hedgerows, the offsite development proposal will achieve 1.30 Hedgerow Units which is a total net unit change of +0.68 Hedgerow Units. This equates to +111.24% net gain in Hedgerow Units.
- 6.100 The combined onsite and offsite proposals result in a total net unit change of +1.66 Area Habitat Units (+10.02% net gain) and +3.68% Hedgerow Units (+73.00% net gain).
- 6.101 Thus all trading rules for area habitats and hedgerow habitats have been satisfied.
- 6.102 Thus, the proposals accord with Policy BIO1 of the Local Plan, the Biodiversity and Geodiversity SPD (March 2024) and Chapter 15 of the Framework (2024).

Trees

- 6.103 AWA have prepared an Arboricultural Report in support of the application.
- 6.104 The report confirms that there are no trees at the site protected by a Tree Preservation Order or that are within a Conservation Area. It also confirms that there are no designated ancient woodlands or veteran or ancient trees within the survey area.
- 6.105 The survey revealed 32 items of woody vegetation, comprised of 14 individual trees and 18 tree groups or hedges. Of the surveyed trees: 1 tree is retention category 'U' and 31 trees, tree groups and hedges are retention category 'C'.
- 6.106 The report recommends that where suitable, those category 'C' trees, tree groups and hedges with reasonable future prospects should be retained as part of any new development. It does, however, also state that if required occasional lower value retention category 'C' trees, tree groups and hedges could be removed, and replacement planting would largely mitigate their losses.

- 6.107 Thus, the proposals accord with the Trees and Hedgerow SPD (2019) and Chapter 15 of the Framework (2024).

Heritage and Archaeology

- 6.108 An Archaeology and Heritage Desk Based Assessment has been prepared by MAP Archaeological Practice in support of the application. The Assessment evaluates the archaeological and historical background of the site and assesses the potential impact of the construction.
- 6.109 The report concludes that given the prevalence of recorded late prehistoric and Romano British activity, and the positioning of the site within a wider landscape which may have been associated with the aforementioned settlement, the archaeological potential of the site is currently considered to be moderate and of local to regional significance. The report recommends that a Geophysical Survey, followed by Trial Trenching, takes place across the site in the first instance, in order for a reasoned decision to be made regarding the potential survival of archaeological features or deposits.
- 6.110 With regard to heritage, the report concludes that any development within the site boundary would have a negligible impact on the setting and significance of all known nearby heritage assets.
- 6.111 Thus, the proposals accord with Policies HE1, HE2 and HE6 of the Barnsley Local Plan, the Heritage Impact Assessment SPD (2019) and Chapter 16 of the Framework (2024).

Geoenvironmental

- 6.112 A Geoenvironmental Appraisal has been prepared by Lithos in support of the application. Lithos' investigation included a review of the site's history and environmental setting and a ground investigation comprising 38 trial pits with soakaway testing in 4 pits, 12 deep mining investigation probeholes and 14 shallow probeholes with monitoring well installations.
- 6.113 The Appraisal identified no made ground at the site. Whilst the majority of the existing topsoil is considered suitable for re-use, a single elevated concentration of lead was recorded in one sample of topsoil. The Appraisal recommends that although this is likely a sampling or recording error, the localised elevated lead contaminated topsoil is delineated before determining an appropriate course of action.
- 6.114 With regards to mining, no evidence of shallow mineworkings was encountered in any of the exploratory holes, with coal absent in the majority of holes.
- 6.115 With regard to hazardous gas, a Hazardous Gas Risk Assessment has been undertaken by Lithos and recommends protective measures and basic radon protection measures. The Applicant will implement these measures where appropriate to ensure a safe development.
- 6.116 Thus, the proposals are in accordance with Policy CL1 of the Barnsley Local Plan and Chapter 15 of the Framework (2024).

Draft Heads of Terms

- 6.117 The list below sets out the Draft Heads of Terms for consideration by the Council. They are provided at the point of submission and are likely to be subject to discussion with the Council during the application process. These contributions would be finalised within a Section 106 Agreement.
- 10% Affordable Housing Delivery in accordance with Policy H7 of the BLP and Affordable Housing SPD.
 - Tenure split to be negotiated with the Council however SPD identifies 60% affordable rented and 40% affordable home ownership.
 - Delivery of on-site Public Open Space and maintenance and management requirements in accordance with the Open Space Provision on New Housing Development SPD.

- Financial contributions towards education to be negotiated in accordance with the Financial Contributions for Schools SPD.
- Financial contribution towards sustainable transport and transport infrastructure to be negotiated in accordance with Sustainable Transport SPD.
- Delivery of at least 10% Biodiversity Net Gain (BNG) and maintenance and management requirements of identified BNG for 30-year period.

7. Planning Balance

Development Plan Conflict

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan unless material considerations indicated otherwise.
- 7.2 This Statement acknowledges some, albeit limited, conflict with the development plan. It is identified that the site is designated as a safeguarded land site intended to meet development needs in the long term. The harms arising from this conflict is limited. The application is well located to the existing built form and is in an accessible location within walking and cycling distance of a range of key services and facilities. The proposal would result in a highly sustainable form of development. Any conflict with SL20 should not weigh heavily in the planning balance in this context. It remains that the development has been demonstrated to be suitable and sustainable development in line with SD1 and GD1.
- 7.3 The analysis set out in section 6 of this Statement identified no other conflicts with the development plan. Having regard to the provisions of policies SD1 and GD1 which advocates for sustainable development, it is the Applicant's view that despite any conflict with policy SL20 the proposals are compliant with the Development Plan when read as a whole.
- 7.4 In any event, there are important material considerations that justify any departure from the plan.

National Planning Policy Framework and the Tilted Balance

- 7.5 Paragraph 11d of the Framework states the following for decision taking:
"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹."
- 7.6 It is considered that the tilted balance 11(d) ii) of the Framework is engaged as a consequence of the policies that are the most important for determining the application being out of date; as a consequence of the Council being unable to demonstrate a five-year supply of housing.
- 7.7 As set out in section 6, it is not considered that the proposals would result in harm to any designated heritage asset nor the protected Humber Estuary (SSSI, SPA, SAC and RAMSAR) site which would disengage the tilted balance (Framework footnote 7) and provide a strong reason for refusing planning permission.
- 7.8 It is the Appellant's case that the tilted balance is engaged.

The Balance

- 7.9 This Statement has identified a number of benefits associated with the proposal. The list below summarises the benefits identified and attributes weight to each matter.
 Benefits:
- 7.10 Very substantial weight to delivery of housing in the context of no five year-housing land supply on a site which is in a highly sustainable location.

- 7.11 Very substantial weight to the delivery of affordable housing in the context of historic under delivery of affordable housing across the borough.
- 7.12 Significant weight to delivery of Biodiversity Net Gains, in excess of 10%, particularly hedgerow units where gains equate to 73%.
- 7.13 Significant weight to the ecological measures embedded within the scheme which would result in significant positive benefits at a local level.
- 7.14 Significant weight should be afforded to the economic benefits of the proposal.
- 7.15 In terms of adverse impacts, it is identified that the proposal will result in the development of a greenfield site. This carries very limited weight in the context of meeting the borough's local housing need.
- 7.16 A degree of conflict with the development plan has been identified, although the planning harms that arise from this are limited. The acknowledged development plan conflicts should not weigh heavily against the proposal in the planning balance.
- 7.17 Turning to the overall planning balancing exercise, the titled balance is engaged. The limited harms identified would not significantly and demonstrably outweigh the benefits of the proposal. The balance is firmly in favour of a grant of planning permission.

8. Summary and Conclusion

- 8.1 This Planning Statement incorporating Affordable Housing Statement, Custom and Self-Build Provision Statement and Planning Obligations Draft Heads of Terms has been prepared on behalf of Crest Nicholson in relation to Land at Pit Lane, Wombwell.
- 8.2 It is submitted to support an outline application for residential development including associated landscaping and infrastructure works. All matters reserved except means of access into (but not within) the site from Pit Lane.
- 8.3 This Planning Statement has demonstrated that the principle of development is acceptable and that there are no insurmountable technical issues that would prevent the site coming forward for residential development.
- 8.4 The scheme would provide a number of economic, social and environmental benefits which all contribute towards achieving sustainable development, in accordance with local and national planning policies.
- 8.5 This Statement, together with the accompanying plans and technical documents demonstrate that the proposal is compliant with the relevant policies contained within the Barnsley Local Plan (when read as a whole). In the context of just 1.65 years' worth of deliverable supply the Framework's tilted balance is engaged and there are no harms identified as a result of the proposals which would significantly and demonstrably outweigh the benefits. Thus, in accordance with Paragraph 11d of the Framework, planning permission should be approved without delay.

Appendix 1. SHELAA Site 175 Housing Site Assessment (July 2016)

Stage 1: Housing Site Selection Methodology

Site Status: Rejected

Site Area (ha): 7.6

Criteria Topic	Criteria	Score
Transport		
Availability of Rail and Bus	Red Site (not in buffer): 1 points Amber Site (partly withing buffer and partly out): 3 points Green Site (within walking distance of buffer): 5 points	5
Potential for the site to be accessed by public transport	The site gets 1 point per ability to meet these criteria: Site within 2km of existing railway station (shuttle bus): 1 point Site 1km from existing bus route (potential for amended route): 1 point Site within 800 metres of railway lane (potential for new railway station): 1 point	3
Proximity to strategic highway network	Site is within 0.8km of strategic road network: 5 points Site is between 0.8km and 1.6km from strategic road network: 3 points Site is over 1.6km from strategic road network: 1 point	5
Proximity to Service		
Proximity to Key Services	Site has all essential facilities plus 5 other services: 5 points Site has all essential facilities within 800m: 3 points Site has three or less essential facilities within 800m: 1 point	3
Proximity to Town Centres	Within 0.8km of a town, district or local centre: 5 points Site is between 0.8km and 1.6km from a town, district or local centre: 3 points Site is over 1.6km from a town, district and local centre: 1 point	3
Efficient Use of Land		
Soil Quality	Loss of Grade 1 or 2 agricultural land: 1 point Loss of Grade 3 - 5 agricultural land: 3 points No loss of agricultural land: 5 points	3
Land Type	Greenfield: 1 point A mix of PDL and Greenfield: 3 points PDL: 5 points	1
Relationship to existing settlement area	Site is significantly detached from existing settlement area: 1 point Site is bordered on at least one side by an existing housing/settlement area: 3 points Site is completely within existing housing/settlement area: 5 points	3
Environment		
Impact on Conservation Areas	Site is within a conservation area: 1 point Site is adjacent to (within 20m) of a conservation area: 3 points Site not within 20m of conservation area: 5 points	5
Impact on Listed Buildings	Site within 100m of a Listed Building: 1 point Site not within 100m of a Listed Building: 3 points	3
Impact on Registered Park and Gardens	Site within 500m of a registered park and garden: 1 point Site not within 500m of a registered park and garden: 3 points	3
Flood Risk	Site within Floodzone 3a: excluded at the beginning of the assessment Site within Floodzone 2: 1 points Site within Floodzone 1: 5 points	3
AQMA	Site within 200m of AQMA: 1 point Site 200m to 800m from AQMA: 3 points Site not within 800m of AQMA: 5 points	5
Physical Problems of Limitation		
Access Infrastructure	Extensive new access infrastructure required: 1 point Some new access infrastructure required: 3 points Extensive new access infrastructure not required: 5 points	3
Drainage Infrastructure	Extensive new drainage infrastructure required: 1 point Some new drainage infrastructure required: 3 points Extensive new drainage infrastructure not required: 5 points	3
Ground Condition	Treatment/remediation expected to be required: 1 point Treatment/remediation expected to be required on part of the site: 3 points Treatment/remediation not expected to be required on majority of the site: 5 points	5
Geo-cavities	Site within area likely to contain geological constraints or mining cavities: 1 point Site not within area likely to contain geological constraints or mining cavities: 3 points	5
1 Bad Neighbours	Major bad neighbour constriant which are difficult to remedy/overcome: 1 point Bad neighbour constraints, but potential for mitigation: 3 points No bad neighbour constraints: 5 points	5
Stage 1 Score		66

Stage 2: Housing Site Selection Methodology

Site Status: Rejected

Site Area (ha): 7.6

Criteria Topic	Criteria	Score
AVAILABILITY - Ownership Information		
Evidence owner is willing to develop the site	Owner known and firm confirmation received they are willing to develop site: 5 points Agent proposed site, willingness of owner unconfirmed: 3 points Owner unknown or complex multiple ownership: 1 point Owner unwilling to develop the site: 0 points	3
	Total Score: Availability (Factor Value x 22)	66
SUITABILITY		
Biodiversity		
Impact of biodiversity on suitability for development	No detrimental local ecological impact: 5 points Some adverse local ecological impact but scope for mitigation: 3 points Very detrimental ecological impact: 1 point	5
Greenspace		
Greenspace	Not on an identified greenspace: 5 points On a greenspace where its loss would not result in deficiency: 3 points On a greenspace where its loss would result in deficiency: 1 point	3
Landscape Sensitivity		
Landscape sensitivity is a judgment about the degree to which a landscape character area can accommodate change without adverse affects on its character	Low landscape sensitivity: 5 points Medium landscape sensitivity: 3 points High landscape sensitivity: 1 point	5
Landscape Capacity		
Landscape sensitivity is a judgment about the ammount of development that can be accommodated	High landscape capacity: 5 points Medium landscape capacity: 3 points Low landscape capacity: 1 point No landscape capacity: 0 points	3
	Total Score: Stage 1	66
	Suitability Score: Stage 2	16
	Total Score: Suitability	82
Achievability		
Achievability		
Impact of market attractiveness on liklihood of development	Highly attractive area: 5 points Moderately attractive area: 3 points Low attractiveness area: 1 point	3
Viability		
Viability	Site is finacially viable and generates a positive residual value at or about the market rate: 5 points Site is viable but generates a positive residual value below the market rate: 3 points Site is marginally viable i.e. it neither generates a positive or negative residual value. Or site is unviable and generates a negative residual value: 1 point	3
	Total Score: Achievability	6
	Total Score: Achievability (Factor x 11)	66
	Total Score: Stage 2	148
	TOTAL SCORE:	214
Justification	Site forms part of GBR resultant parcel WOM2a. Site not allocated for housing due to access issues that are unresolvable within the plan period. Resultant parcel proposed as Safeguarded Land reference AC42 in the Local Plan.	

Appendix 2. Appeal Decision – APP/R4408/W/24/3341097 - Shaw
Lane, Carlton



Appeal Decision

Inquiry held on 6 August 2024

Site visit made on 6 August 2024

by Louise Crosby MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2024

Appeal Ref: APP/R4408/W/24/3341097

Land north of Shaw Lane, Carlton, Barnsley, S71 3HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Network Space Developments Limited against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2022/0115.
 - The development proposed is outline planning application for up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage with details of a new vehicular access onto Shaw Lane. All other matters reserved apart from means of access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage with details of a new vehicular access onto Shaw Lane on land north of Shaw Lane, Carlton, Barnsley, S71 3HJ in accordance with the terms of the application, Ref 2022/0115, subject to the conditions in the attached schedule.

Preliminary Matters

2. On Friday 2nd August 2024 the Council confirmed in writing that on reviewing the updated evidence supplied for the appeal, they considered that the planning balance had materially altered and the reasons for refusal had now been overcome. The Council therefore no longer objects to the granting of planning permission. This was subject to planning conditions and a Section 106 agreement.
3. The Council's reasons for refusal related to the matters set out in my main issues below as well as in relation to historic heritage, drainage and ecology. I am mindful however that there are a number of ongoing objections from local residents and organisations. I shall have regard to their concerns in reaching my decision.
4. The Section 106 agreement would provide commuted sums in relation to sustainable travel, off-site formal recreation, primary and secondary education, Site of Special Scientific Interest (SSSI) mitigation and a contribution to the Northern Access Road (NAR). In addition, it would secure 10% affordable housing of which 2.5% would be First Homes. I shall return to this matter again later in my decision.

5. It is agreed between the main parties that the Council do not have a 5 year housing land supply. Whilst they do not agree what the current supply is they do both agree that the under provision should be given substantial weight. The lack of a 5 year supply of deliverable housing land means that there is a presumption in favour of sustainable development.

Main Issues

6. The main issues are:
- i) whether the proposal would accord with the Carlton Masterplan Framework and Delivery Strategy, including in relation to housing density; and
 - ii) the effect of the proposal on highway safety and whether the development would be designed to encourage sustainable modes of transport.

Policy Background

7. The site is located within a larger area allocated in the adopted Barnsley Local Plan 2019 (LP) under Policy MU3 for mixed use for housing and green space. The policy refers to the production of a phased Masterplan Framework covering the entire site to ensure that development is brought forward in a comprehensive manner.
8. Policy MU3 allows for the provision of 1,683 dwellings across the whole site, of which the appeal site is part. As such the principle of residential development on this site has already been found to be acceptable as part of the local plan examination process.
9. The Carlton Masterplan Framework was adopted by the Council in November 2021 alongside a delivery strategy. These cover site allocations MU3 and MU2, another mixed use site allocation on the opposite side of Fish Dam Lane. Neither are supplementary planning documents, and the latter was not subject to public consultation.
10. Nevertheless, both are material considerations in the determination of this appeal. The delivery strategy places the appeal site, which is known as L11 in the Masterplan Framework, in phase 3. The Masterplan Framework identifies that the delivery of certain phases may be dependent on the availability of infrastructure networks.

Reasons

Whether the proposal would accord with the Carlton Masterplan Framework and Delivery Strategy, including in relation to housing density

11. The Masterplan sets out a Framework for the delivery of the allocation. The proposal would comply with most of the principles, with the main deviations being in relation to the provision of a small local shop and housing density. The proposal would not facilitate the creation of a shop to the north of Shaw Lane, but equally it would not prevent a shop being provided within the wider allocation at some point in the future. This would make better sense once there are more houses and therefore more potential customers.

12. Turning to the matter of housing density, the appeal proposals show a density of 33.4 dwellings per hectare (dph) which is 1.6dph below the minimum of 35 dph set out in the Masterplan. This reduction is negligible, and it does not prevent higher densities being achieved on other parts of the wider allocation. In addition, this density has been reached following consideration of the detailed nature of the developable area of the site and the local character and appearance.
13. The Delivery Strategy advises that the development of this site and the adjacent one (L12) should come forward as the third phase of development of site allocations MU2 and MU3. The reason for this is because of congestion on the existing highway network, access needs to be served off Royston Lane via the NAR. However, the appellant has designed the appeal scheme in such a way that the Council are content that the proposal has been designed to overcome this issue in the short term and that the scheme would not prevent the NAR coming forward in the future. I shall deal with this in more detail below.
14. Overall, whilst the proposal would not strictly adhere to the Masterplan and the Delivery Strategy, the deviations would be limited and of a minor nature and not result in any overall harm. Whilst the Masterplan and Delivery Strategy are important material considerations, they should not be used in a way that is so restrictive it would prevent a policy compliant scheme coming forward. A balanced approach must be taken. Overall, I find that the proposal would be acceptable in this regard.

The effect of the proposal on highway safety and whether the development would be designed to encourage sustainable modes of transport

15. The planning application was accompanied by a detailed Transport Assessment and various supporting documents. Additional illustrative drawings and other helpful information has been submitted as part of the appeal such that the Council have withdrawn their objection to the scheme on highway grounds.
16. Mitigation measures are proposed at the Shaw Lane/Church Lane junction as this is the only part of the study area that showed the development would have a significant effect, without improvements. The mitigation would take the form of an upgrade to the junction by introducing traffic lights. The transport assessment work shows that with the proposed traffic lights, this junction would operate safely and well within the capacity of the development. This work is intended to enable this part of the allocation to be development without a link through to Royston Road, from Shaw Lane.
17. The intended link road set out in the Masterplan is known as the Northern Access Road (NAR) and once built it is intended that it would reduce the amount of traffic from the allocated site using Shaw Lane and instead take it north to Royston Road. The spine road through the appeal site has been designed to a standard that the Council's highway engineers are contend with as the first leg of the NAR. This is combined with a commuted sum towards future works that are necessary, in conjunction with the NAR carrying on through the adjacent site L12 when it is developed.
18. The main parties have worked together in a collaborative manner to secure a package of highway improvements that would allow this important part of the

allocation to proceed in a timely, but safe manner until such time site L12 comes forward, and the complete construction of the NAR is possible.

19. The proposals also include a scheme to improve pedestrian facilities along Shaw Lane which would include some widening of existing footways in places, the provision of a new toucan crossing on Shaw Lane, near the appeal site access point, and the provision of a new crossing point to access the canal towpath (Trans Pennine Trail).
20. In addition, the connection of the appeal site boundary to site L12 would permit the future formation of a direct connection from the appeal site to the Trans Pennine Trail/Canal towpath in due course. This would be of benefit to all users, include horse riders. Consequently, the proposal would accord with LP policy T3 in so far as it expects new development to be located to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists and policy T4 in so far as it seeks to ensure new development is designed to provide safe, secure and convenient access and movement and where mitigation is necessary this is dealt with through a financial contribution.

Other Matters

Historic Heritage

21. The Council's sixth reason for refusal relates to historic heritage and in particular the effect of highway improvement works on the setting of Carlton Conservation Area. The appellant has submitted a heritage impact assessment, and it is now agreed between the main parties that the proposal would conserve the setting of the conservation area, subject to the imposition of a planning condition to control the design of the highway improvement works and I agree. As such, the proposal would accord with LP policy D1 which seeks to ensure that development proposals respect heritage and townscape character and HE1 which among other things, supports proposals which conserve and enhance the significance and setting of heritage assets in the Borough.

Ecology

22. The Council's fourth reason for refusal relates to ecology and a lack of evidence to allow for the understanding of the potential effect of the proposed development on the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI). During the appeal process the appellant submitted an updated suite of ecological surveys. These confirm that the appeal site is of low ecological interest and neither the pond within the site nor other habitats support protected species.
23. The development would provide more than 10% biodiversity net gains, which could be secured by a planning condition. It is also proposed to create an extensive area of scrub woodland to the west of the development and along the frontage with Shaw Lane and it is agreed between the main parties that this would offer good foraging habitat for species such as Willow Tit (a feature of the SSSI), following completion of the development.
24. The appellant's survey work finds that the proposal would not pose any risk to the SSSI, but as a precautionary approach a mitigation contribution of £40,950 has been agreed, which would be secured by the submitted Section 106

agreement. This would be used to provide multi-use dog bins for 10 years, 'no cycling' signs, 'dogs on leads' signs and around 620m of fencing, at the Dearne Valley Wetlands SSSI.

25. I note that Natural England have confirmed that they no longer have any objections to the scheme subject to mitigation in the form of a Construction Environmental Plan (CEMP) which could be secured through a planning condition. As set out above the Council have withdrawn their objection to the proposal on ecological grounds. I agree that subject to the relevant provisions of the Section 106 agreement and planning conditions, including one to secure a Construction Environmental Management Plan relating to biodiversity and another to require the submission of a Habitat Management and Monitoring Plan the proposal would not result in harm to the SSSI. Consequently, the proposal would accord with LP policy BIO1 in so far as it expects development to conserve and enhance the biodiversity of the Borough by protecting and improving habitats, species, sites of ecological value with regard to designated wildlife sites of international, national and local significance.

Drainage

26. The Council's third reason for refusal relates to surface and foul water drainage proposals for the development and the wider allocation. This matter has now been resolved and the Council are satisfied that these matters can be dealt with by planning conditions if the appeal were to be allowed and I agree. The proposal would therefore accord with LP policies CC1 and CC3 in so far as they promote the use of Sustainable Drainage Systems and reducing flood risk.

Lack of services

27. Several local residents have expressed concern about the lack of local services and the pressure that public services are under already. As set out above the Section 106 agreement would secure contributions towards off-site formal recreation space and primary and secondary education. Service provision will also have been considered as part of the consideration of the allocation at the local plan stage and in the Masterplanning of the wider site allocation. I am satisfied that the service provision to meet the demands of the increase in residents from the proposed development would be acceptable.
28. I understand that the bus stop on Shaw Lane is no longer in use and so existing residents and those from the proposed site would have to walk to Church Lane to catch a bus. This distance is walkable but not ideal and would be likely to result in those people with a car finding driving more convenient. However, once the NAR is complete it is proposed that this would contain bus stops and a bus would travel through the site, linking Royston Road and Shaw Lane. Therefore, this is a short term issue that is not a reason to prevent this part of the wider allocation coming forward.

Remaining matters

29. There are a number of matters raised by local residents that will have been fully considered as part of the local plan examination and Masterplanning process when the appeal site was allocated for development and these include the loss of fields used at present to grow crops, flood risk, increased noise and air pollution as a result of increased vehicular traffic in the area.

Section 106 agreement

30. The parties have completed a Section 106 Agreement which includes a number of obligations to come into effect if planning permission is granted. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010.
31. They relate to sustainable travel, off-site formal recreation, primary and secondary education, Site of Special Scientific Interest (SSSI) mitigation and a contribution to the Northern Access Road (NAR) as well as affordable housing provision. The commuted sums secured by the Section 106 agreement are, so far as the public open space and the education contributions are concerned based on formulas and so would be dependent on the final dwelling numbers at the reserved matters stage. The affordable housing is policy compliant. Overall, I find that all of the obligations would be fairly and reasonably related to the development proposed and they pass the statutory tests.

Planning Balance

32. In terms of the Council's reasons for refusal I find that subject to the imposition of conditions and the provisions of the Section 106 agreement the proposal would accord with LP Policy MU3. There would be some very limited conflict with the Masterplan, namely in relation to the provision of a local shop and the density requirements. It would also conflict with the Delivery Strategy in that it would be likely to be built in advance of other phases, but this has been satisfactorily resolved.
33. However, there are no planning permissions for the remainder of the site allocation and permitting development to proceed on this site could provide the catalyst to other sites coming forward. This is particularly important given the Council's reliance on the site allocation to make a significant contribution to its housing land supply, including its 5 year housing land supply. As set out above both parties agree the Council's lack of a 5 year housing land supply carries substantial positive weight. There is no doubt in my mind that the small degree of conflict with the Masterplan and Delivery Strategy is far outweighed by the benefits of this scheme. I conclude that the proposal would accord with the development plan as a whole.

Conditions

34. I have imposed the standard time conditions and a condition to ensure the site is developed in accordance with the submitted red line plan.
35. Several conditions are necessary to ensure the site is accessed in a safe manner and that the traffic generated will not lead to highway safety issues. Development of the scale proposed here can cause damage to existing highways during the construction phase and so a condition is necessary to ensure that if this occurs the repair costs are borne by the developer. A number of conditions are required to ensure that the proposal encourages sustainable modes of transport.
36. To protect existing trees and landscaping and ensure future landscaping is satisfactory, conditions are necessary. Drainage conditions are required to ensure the foul and surface water drainage from the site is effective. To protect the living conditions of residents it is important to control working hours. For

environmental and highway safety reasons a Construction Method Statement is necessary.

37. To accord with Local Plan policies an on-site equipped play area must be provided as part of the development. A condition will ensure this happens in a satisfactory manner. I have made some minor grammatical changes to a few conditions, but they do not affect the substance of the conditions.

Overall Conclusion

38. For the reasons given above the appeal should be allowed.

Louise Crosby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White KC & Anjoli Foster of Counsel, instructed by Mark Iveson of Gateley Legal

He called:

Richard Ellam B(Eng) C(Eng) MIHT of Pell Frischmann

Andrew Rose BA (Hons) MRTPI of Spawforths

FOR THE LOCAL PLANNING AUTHORITY:

Constanze Bell of Counsel, instructed by Barnsley Metropolitan Borough Council Solicitor

She did not call any witnesses.

INTERESTED PARTIES:

Mr and Mrs Tomalik - Local Residents

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Written opening on behalf of the Council
2. Written opening on behalf of the appellant
3. Amended schedule of conditions

DOCUMENT SUBMITTED AFTER THE INQUIRY

4. Signed and dated Section 106 agreement received by e-mail on 22 August 2024

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall be carried out in accordance with drawing no P3921-SPA -XX-ZZ-M2-A-10-001 Rev A.
- 4) Notwithstanding the details indicated on the submitted drawings no dwellings shall be occupied until a detailed scheme for implementation of the off-site highway improvement works for the Shaw Lane / Church Street / Fish Dam Lane junction has been submitted to and approved in writing by the Local Planning Authority . These works shall also include the potential relocation of bus stops on Shaw Lane approach to the junction and Fish Dam Lane exit from the junction and are to be subject to Road Safety Audits in accordance with DMRB GG119. These works shall be constructed and operational prior to first occupation of any dwellings.
- 5) Upon commencement of development a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway works:
 - i) Provision of site access;
 - ii) Provision of crossing facility on Shaw Lane;
 - iii) Provision of/any necessary alterations to street lighting;
 - iv) Provision of/any necessary alterations to highway drainage;
 - v) Measures to prevent/control parking/loading;
 - vi) Any necessary signing/lining;
 - vii) Any necessary reconstruction/resurfacing.

The works are to be subject to Road Safety Audits in accordance with DMRB GG119 and shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

- 6) No dwellings shall be occupied on site until the detailed design of off site highway improvements in the form of footway improvements along Shaw Lane between the site access and Church Street / Fish Dam Lane have been submitted to and approved in writing by the Local Planning Authority. The approved scheme of works shall be subject to Road Safety Audits in accordance with DMRB GG119 constructed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

- 7) Visibility splays having the dimensions 2.4m x 160m shall be safeguarded at the junction of the site access and Shaw Lane such that there is no obstruction to visibility and forming part of the adopted highway.
- 8) Detailed plans shall accompany the reserved matters submission which also indicate existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
- 9) No development shall be commenced until full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
- 10) Before any part of the development is brought into use, that part of the site to be used by vehicles shall be surfaced in a bound permeable material and adequate measures shall be so designed into the proposed access to avoid the discharge of surface water from the site on to the highway.
- 11) Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Shaw Lane in accordance with details of a completion plan to be submitted and approved in writing by the Local Planning Authority.
- 12) Vehicular and pedestrian gradients within the site shall not exceed 1:12.
- 13) No building or use hereby permitted shall be occupied until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
- 14) Prior to the first occupation of the development hereby permitted, parking provision will be in accordance with the standards set out within Barnsley's Parking SPD. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
- 15) The gradient of individual vehicular accesses/driveways shall not exceed 1:12 as measured from the edge of adjacent carriageway.
- 16) No works above foundation level of dwellings shall commence on site until a scheme for the parking of bicycles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.

- 17) The driveway length in front of garage(s) shall be at least 6m (5.5m with the use of a roller shutter door) measured from the garage doors to the highway boundary.
- 18) No development shall take place until a survey of the condition of the adopted highway to be used by construction traffic has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed by the Local Highways Authority prior to the survey being undertaken. The survey must consist of:
 - i) A plan to a scale of 1:1250 showing the location of all defects identified; and
 - ii) A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- 19) Within six months of first occupation a detailed Travel Plan comprising immediate, continuing and long-term measures together with monitoring and reporting of progress to promote and encourage sustainable and active travel shall be prepared, submitted to and approved in writing by the Local Planning Authority. The travel plan shall be implemented in accordance with the measures and monitoring regime set out therein.
- 20) Upon commencement of development, details of the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
- 21) Prior to occupation of the development hereby permitted, the details of the vehicular crossings over the footway to each dwelling shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. This shall include arrangements for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway.
- 22) No works which affect trees shall be carried out until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
 - i) Arboricultural impact assessment;
 - ii) Tree protective barrier details;
 - iii) Tree protection plan; and
 - iv) Arboricultural method statement.
- 23) Full details of soft landscaping works, including details of the species, positions and planted heights of proposed trees; 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 as part of the Reserved Matters approval.
- 24) No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme for that part has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
- 25) Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Public Holidays.
- 26) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.
The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction including confirmation of the type of water supply in place for construction (dust management plan);
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) measures to mitigate noise during demolition, earth movements and construction (noise management plan); and
 - ix) details of the siting of the sales cabin, and parking for staff and customers visiting the sales cabin.
- 27) All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and a document following completion of the whole development shall be submitted evidencing the implementation of the in-curtilage landscaping scheme. Any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 28) All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the

- landscaping shall be carried out in accordance with the approved details and timescales.
- 29) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any part thereof, for its permitted use. The approved landscape management plan shall thereafter be carried out in accordance with the approved plan.
- 30) Upon commencement of development full details of the Equipped Play Area, alongside management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
- 31) Notwithstanding the submitted details, no development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the Local Planning Authority. The CEMP-B shall include, but not necessarily be limited to, the following:
- i) Risk assessment of potentially damaging construction activities, including any potential water quality impacts;
 - ii) Identification of 'biodiversity protection zones';
 - iii) An invasive non-native species protocol, where necessary;
 - iv) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - v) The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
 - vi) Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period;
 - vii) The times during construction when specialist ecologists need to be present on site to oversee works;
 - viii) Details of pre-commencement surveys where necessary for protected species;
 - ix) Responsible persons and lines of communication; and,
 - x) The role and responsibilities on site of an Ecological Clerk of Works (ECow) or similarly competent person(s).
- 32) Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The details shall include, where necessary the following:

- i) Identification of areas/features on site that are particularly sensitive e.g. breeding, resting, foraging and commuting sites;
 - ii) A drawing showing dark corridors and buffer areas; and
 - iii) A report and drawings showing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to breeding sites/resting places, this should include:
 - a) Technical descriptions, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
 - b) A description of the luminosity of lights and their light colour;
 - c) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
 - d) Methods to control lighting control (e.g. timer operation, Passive Infrared Sensors (PIR)); and
 - e) Lighting contour plans, both horizontal and vertical where appropriate, taking into account hard and soft landscaping.
- 33) Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement to include the provision of works and/or measures on the site which will secure the delivery of a net gain in biodiversity of at least 10% (supported by a BNG metric) shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented in accordance with the submitted timetable, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i) Description, design and specification of the type of works or measures to be undertaken;
 - ii) Details of materials and construction method to ensure long lifespan of the works or and/or measures to be undertaken; and
 - iii) Drawing(s) showing the location and where appropriate the elevation of the works and/or measures to be installed or undertaken.
- 34) A Habitat Management and Monitoring Plan (HMMP) completed by a qualified ecologist and detailing management to be carried out for a minimum period of 30 years from the date of implementation of the approved biodiversity enhancement scheme will be submitted to and approved by the Local Planning Authority prior to the occupation of the development. The HMMP should follow the template HMMP provided by Natural England and include information on the following:
- a) Project information, funding and evidence of legal agreements securing the management and monitoring of the approved biodiversity enhancements;
 - b) Summary of Habitat Proposal and Plans, site boundary map, site context map;
 - c) Phasing Strategy – if relevant;
 - d) Roles & Responsibilities:
 - i) Land use summary, site context photographs, site baseline and environmental information checklist,

- ii) Management plan aims and objectives, design principles informed by baseline information;
 - e) Habitat and condition targets, habitat retention and protection measures map;
 - f) Creation, enhancement and management targets and prescriptions;
 - g) Risk register and remedial measures; and
 - h) Monitoring plan for reporting to the Council project progress in years 1, 3, 5, 10, 15, 20, and 30 from the date of implementation and adaptive management.
- 35) Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), habitat piles, hedgehog access and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
- i) Description, design or specification of the type of features or measures to be undertaken;
 - ii) Materials and construction to ensure long lifespan of the feature/measure; and
 - iii) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- 36) Prior to the implementation of the improvements to the junction of Shaw Lane, Fish Dam Lane and Church Street, details of these improvements shall be submitted to and agreed, in writing, by the Local Planning Authority. The improvements shall be designed in accordance with Historic England's 'Streets for All- Advice for Highway and Public Realm Works in Historic Places, 2018', where appropriate. These details shall include the following:
- i) Traffic signs and road markings – which shall be kept to a minimum, where road safety permits, and in accordance with the Traffic Signs Road markings General Directive (TSRGD);
 - ii) Single stage crossings;
 - iii) No pavement edge barriers – avoidance of the use of guard railing and other physical barriers, where possible;
 - iv) Controller - The traffic signal controller will be located at the back of the existing footway and in a suitable safe and convenient location and designed with raised relief panels to deter flyposting; and
 - v) Waiting restrictions and yellow road lining in conjunction with the junction alterations shall be 50mm in width with a 50mm gap in between and shall be painted primrose yellow only.

The approved scheme of works shall be subject to Road Safety Audits and constructed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

END OF CONDITIONS