JohnsonMowat

Planning & Development Consultants

PLANNING CASE REPORT

LAND SOUTH OF LEE LANE
ROYSTON
BARNSLEY

PART OF LOCAL PLAN ALLOCATION MU5

OUTLINE PLANNING APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF CIRCA 100 DWELLINGS, WITH THE MATTER OF ACCESS ONLY FOR CONSIDERATION AT THIS STAGE. ALL OTHER MATTERS RESERVED.

MARCH 2020

Land South of Lee Lane, Royston, Barnsley

Planning Case Report

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Johnson Mowat
Planning & Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW

t: 0113 887 0120
e: hello@johnsonmowat.co.uk

RTPI Chartered Town Planners

RICS

A member of HBF HOME BUILDERS FEDERATION

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1.0 INTRODUCTION

1.1 This Planning Case Report support of an Outline Planning Application for the residential development of land off Lee Lane, Royston, Barnsley for circa 100 dwellings, with the matter of access only for consideration at this stage.

1.2 The application site is part of allocation MU5 in the adopted Barnsley Local Plan (January 2019). The principle of the residential development of the site is therefore considered acceptable by its allocation.

1.3 This Planning Case Report demonstrates how the above matters have been addressed and should be read in conjunction with the following reports which form this planning application submission:-

- Indicative layout plan – STEN Architecture;
- Design and Access Statement – STEN Architecture;
- Statement of Community Involvement – Johnson Mowat;
- Heritage Statement – MB Heritage;
- Ecology Report – Futures Ecology;
- Preliminary Environmental Risk Assessment – Groundtech Consulting;
- Flood Risk and Drainage Assessment – Walker Ingram Associates; and
- Transport Assessment – Optima Highways.

1.4 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

2.0 LOCATION AND SITE DESCRIPTION

2.1 The site is located to the south of Lee Lane, Royston. Royston is predominately a residential village. The site is located on the western edge of Royston. The site is currently a number of fields intersected by fencing, hedges and trees which are currently used for grazing horses. It should be noted that the site has a direct access from the roundabout at Lee Lane built as part of planning consents by Barratt David Wilson Homes at North of Lee Lane, Royston (Refs 2016/1490 and 2018/0687)

2.2 The gross site area covers an area of 3.68 hectares. The site falls within the wider MU5 allocation 26.2 hectares excluding the Barratt Homes North of Lee Lane approved scheme. The land to the immediate east is not part of MU5.

2.3 The site is located solely within Flood Zone 1 (lowest risk) according to the Environment Agency (EA) Flood Zone maps for planning.

2.4 The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. This was confirmed by its allocation in the Local Plan.

2.5 The nearest doctors surgeries to the site are High Street Practice which is located circa 0.5 miles from the site and Royston Group Practice is 0.8 miles from the site. It should be noted that both practices are accepting new patients.

3.0 PLANNING HISTORY

Local Plan History

3.1 Save for the recently constructed roundabout at the point of access, there are no previous relevant planning applications associated with the proposed application site. However, the application site forms part of the wider MU5 Allocation which has a Development Plan history.

3.2 The application Site Policy history by way of Local Plan extracts and plans for varying stages of the Local Plan over the last 10 years can be summarised as follows:-

(i) 2000: Local Plan/UDP

In 2000, the site and the majority of the current allocation MU5 was Safeguarded Land.

(ii) 2012: Draft Proposals Map

This draft was never progressed. MU5 was shown as an Employment Allocation (R1) and a Housing allocation (ROY2). The Plan sought to safeguard (post 2026) a 'Northern Economic Corridor' highway to link communities of north Barnsley to the M1 Motorway. This is not the same thing as the RRR. The Northern Economic Corridor was at that time a long term road initiative to connect the northern Barnsley communities to the M1 Motorway. It was never intended to connect to Lee Lane.

(iii) 2014: Consultation Draft Local Plan

The site falls within Local Plan proposed allocation H11 36.7 Hectares 825 dwellings (22.5 dwellings per gross Ha)

- Requires a Masterplan.
- Requires small shop.
- Requires a LEAP

At paragraph 5.15 the Plan references the need to safeguard a Northern Economic Corridor (Road Link) for the period 'post 2033' – that being beyond the Plan Period.

(iv) 2015: Additional Consultation (AC) Sites

The Council introduces their land as a suggested Primary School Site (Ref AC38)

(v) 2016: Local Plan – Publication Draft

The Northern Economic Corridor is dropped.

H11 (now MU5) numbers expectation is 770 dwellings, a school is introduced in a central location. It is not clear but assumed at this stage that H11 excludes the original Outline approval for 200 dwellings on the now developing 166 dwelling BDWH site.

(vi) 2017/2018: Main Modification

The H11 Allocation is amended. The specific school location is removed and replaced by a Mixed Use allocation for the whole site.

Johnson Mowat made representations to the Local Plan Main Modifications on behalf of the landowners on the basis that the school would not be on their land.

(vii) 2019: MU5 replaces H11 reference and is adopted.

Delivery expectation increased to 828+166 dwellings.

Northern Economic Corridor not included in the text nor is there any or Safeguarded land proposal for this road post the Plan period.

Primary School 'expected' to be provided on MU5 site (size not specified).

Shop 'expected' to be provided on MU5 site.

2014 requirement for a Masterplan repeated for MU5.

3.3 The 2018 Inspector's Report on the Local Plan is significant to this Application in that:-

- Para 119 – Informs the proposed allocations were selected and thoroughly tested for the infrastructure requirements – the infrastructure expectations for MU5 are therefore drafted into the MU5 text. The text makes no reference to the Royston Relief Road (RRR) or even significant off-site highway improvements. This also accords with the Infrastructure Delivery Plan and the H11 Site specific Sustainability Appraisal – both produced for the Local plan Examination.
- Para 120 – sites have been selected having regard to relevant technical evidence.
- Para 122 and 123 – the Density Policy as presented by the Council lacked sufficient flexibility – it needed an amendment to accommodate circumstances where lower densities may be appropriate.

- Para 210 – H11/MU5 text needed an update to reflect the BDWH approval and the provision of a primary school "the site for which will be determined through a planning application".
- Para 240 – the Plan proposed a 'step change' in housing delivery.
- Para 241 – while the Plan supply contained little headroom over the housing requirement to meet the requirement, the Inspector considered sufficient contingencies were in place.
- Para 247 – the Inspector notes the reference to an 'unrealistic housing delivery trajectory' from some representors at the Examination but was then satisfied "it reflects more realistic lead in times, start dates and rates of delivery. It is based on the Council's discussions with representors, developers and landowners."(my emphasis)
- The above point is effectively repeated at Para 293 where the Inspector is convinced the trajectory is sufficiently accurate.

Barratt Homes North Lee Lane Approval

3.4 The land immediately north east of the site (North of Lee Lane) is currently under construction for 166 dwellings by Barratt David Wilson Homes.

3.5 The 164 dwelling application (Ref 2016/1490) was submitted in late 2016 and presented to Planning Committee on 24th October 2017 for approval, subject to a S106.

3.6 In the supporting Committee Report, despite not having a Masterplan for H11/MU5 at the time of approval, the Council endorsed the BDWH application and it's concept of a "Masterplanned approach" in that it delivered highways infrastructure (the roundabout) and served vehicular links to its western boundary into adjoining land with the roundabout facilitating the development of south Lee Lane. It was the Council's opinion that this element of H11 could progress in advance of a Masterplan being adopted – there was no obvious harm.

3.7 Although the Council regarded the BDWH proposal to represent good design, the Committee Report recognises breaches of the Council's SYRDG on matters of:-

- Garden sizes
- Space about dwellings

- Parking
- Garage Sizes
- Room Sizes

3.8 The 164 dwelling approval at 37 dwellings/ha was below the Council's desired 40 dwellings/ha density target but it was accepted the density proposed was "appropriate given the design aspirations for the site, and also to ensure that subsequent development would be in keeping with the edge of settlement location." The public open space on site was reduced to 10% on the basis of the LEAP on site.

3.9 Following the grant of the 164 dwelling approval in February 2018, BDWH proposed a minor internal revision resulting in a 2 dwelling increase to 166 dwellings. The application was referenced 2018/0687. It was approved under delegated powers on 19th December 2018.

3.10 At February 2020, the BDWH site is half completed and forms part of the wider MU5 allocation and was granted approval ahead of the production of a Masterplan for MU5. The roundabout on MU5 is complete.

Bellway Homes Application/Appeal

3.11 The land to the immediate west of the site is currently subject of an Appeal by Bellway Homes (LPA Ref No: 2019/0239, PINS Ref No: APP/R4408/W/19/3242646). The Planning Application was for 250 dwellings and the appeal is against non determination of the planning application.

3.12 It should be noted that this is in advance of the adoption of a formal Masterplan.

3.13 As part of the appeal, STEN Architecture have produced a Masterplan Framework for the Appellants. The current application in the absence of a formally adopted Masterplan by the Council has been produced in accordance with the STEN Masterplan Framework.

3.14 It should also be noted that these outline proposals have been drawn up with regard for the STEN Masterplan to ensure comprehensive development.

4.0 PROPOSED DEVELOPMENT

4.1 The application seeks Outline planning permission for the residential development of circa 100 dwellings, with the matter of access for approval at this stage. The proposal seeks to utilise its access from the existing roundabout off Lee Lane. The application is supported by an illustrative masterplan which supports the application and demonstrates how a 100 dwelling scheme could be designed.

4.2 The proposal seeks to provide:-

- Vehicular and pedestrian access off the existing roundabout off South Lee Lane;
- A mix of housing (the supporting plans are illustrative at this stage);
- The provision of family homes;
- Provision of on site affordable homes;
- Provision of open space and footpath/cycle linkages and connection points; and high level drainage details.

4.3 Further details of the proposals are set out in the Design and Access Statement.

4.4 The proposals have been proceeded on the basis of the STEN Masterplan for the Bellway Homes Appeal and also the latest layout (revision M) including linkages between the sites (vehicular, pedestrian and cycle). The site can either come forward with or without the Bellway Appeal.

5.0 PLANNING POLICY

5.1 The relevant Primary Legislation comprises the Town and Country Planning Act 1990 ("the TCPA"), and the Planning and Compulsory Purchase Act 2004 ("the PCPA"), particularly in respect of Section 38 (6) of the PCPA.

5.2 Section 38 of the PCPA, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.3 The Statutory Development Plan for the consideration of this application comprises:-

- Barnsley Local Plan (adopted on 3rd January 2019); and
- Barnsley, Doncaster and Rotherham Joint Waste Plan (2012).

5.4 The policies contained within the Joint Waste Plan are not of relevance for the determination of this application, save for the need to provide a Construction Waste Management Plan. This is now standard house builder practice. This can be conditioned.

Local Policy

Barnsley Local Plan (January 2019)

5.5 The Barnsley Local Plan was adopted by Full Council on 3rd January 2019 following public consultation and examination by an Independent Planning Inspector. The Local Plan replaced the Core Strategy and the saved policies in the Unitary Development Plan as the statutory Development for the Borough covering the period 2014 up to 2033.

5.6 The Local Plan, Section 2 Vision and Objectives sets out that to meet its objectives it will enable the delivery of at least 21,546 homes.

5.7 Para 5.4 sets out the spatial strategy for Barnsley and sets out that Principal Towns including Royston are the focus for development. Para 5.9 sets out the Settlement Hierarchy and classifies Royston as a Principal Town.

5.8 Para 5.51 sets out that:-

"The key area of opportunity for the future development of Royston is the substantial area of land proposed for mixed use comprising of housing and primary school at the western edge of the town at Lee Lane."

5.9 Policy SD1 sets out the presumption in favour of sustainable development. The policy informs the Council will take a positive approach to determining planning applications and to work proactively to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

5.10 Policy GD1 sets out the general approach to development within the authority. GD1 informs proposals will be approved if they comply with a list of 10 bullet points. This is a general good design principles policy. Not all bullet points apply to every site.

5.11 Policy LG2 sets out the location of growth in the district. Royston is a Council priority for development. Royston sits in tier 2 of the hierarchy.

5.12 Policy H1 sets out that the Council will seek to achieve the completion of at least 21,536 net additional homes between 2014 and 2033. Para 9.1 sets out a target of 1,134 dwellings per annum.

5.13 Policy H2 proposes a total of 1302 new homes between 2014 and 2033 which is 10% of the overall supply for the district. The policy identifies 416 dwellings through existing planning permissions within Urban Barnsley resulting in the requirements for a further 5812 dwellings.

5.14 Policy H6 relates to housing mix and the efficient use of land. The policy seeks an appropriate mix of house type, size and tenure, together with a target density of 40 dwellings per hectare in Urban Barnsley and Principal Towns. The policy does support lower densities where they are necessary for character and appearance, need, viability or sustainable design.

5.15 Policy H7 relates to affordable housing and sets out that developments of 15 or more dwellings will be expected to provide affordable housing. It sets out that 10% affordable housing will be expected in Royston.

5.16 Policy H8 relates to housing regeneration areas. It sets out that in lower value housing markets a range of housing market regeneration programmes will be supported aimed at the renewal of poor housing and the revitalisation of neighbourhoods and communities. The areas identified include Royston.

5.17 As stated above the site falls within the MU5 allocation (Land off Lee Lane, Royston). The policy identifies the allocation as providing 828 dwellings with an additional 166 dwellings identified as part of the existing Barratt David Wilson Homes planning permission. The policy requires the production of a Masterplan Framework. The MU5 Allocation should also provide:-

- A primary school on site;
- Ensure access via construction of a roundabout on Lee Lane which along with the road layouts will allow the development of the entire site;
- Provision of a small scale convenience store;
- Investigate options for improving public transport access to the development and interventions to encourage public transport use;
- Ensure that hedgerows are retained and managed; and
- Archaeological assessment.

5.18 In relation to the above, the requirement to provide a Masterplan for MU5 is set within the policy and it is accepted no formally adopted Masterplan is in place at this time. It had been anticipated that the Masterplan would be adopted before the submission of the planning application. The proposal has been proceeded on the basis of the STEN Masterplan Framework submitted as part of the Bellway Appeal on land to the west of the site (LPA Ref No: 2019/0239, PINS Ref No: APP/R4408/W/19/3242646)

5.19 In relation to the requirements:-

- The school is anticipated to be located within the wider masterplan and not this site;
- In relation to access this is shown direct off the existing Lee Lane roundabout;
- In relation to the small convenience store this is can be provided within the wider masterplan however its inclusion should be subject to market testing;
- Hedgerows are retained on the site boundary where possible; and
- Archaeological assessment is provided with the application.

5.20 Further detailed discussion on the proposals compliance with policy MU5 is set out in section 6 below.

5.21 Policy T3 relates to new development and sustainable travel. This policy includes for a range of expectations regarding travel within 4 bullet points. These can be summarised as follows:-

- Locate and design development to focus on sustainable transport modes. This is a walking and cycling focus in first instance. The site is allocated for residential development and other uses – it has already been judged as an acceptable location.
- Provide minimum parking for cycles in the first instance.
- Provide a transport statement.
- Provide a Travel Plan where appropriate.

5.22 Policy T4 relates new development and transport safety it requires development to be safe and secure access for all road users.

5.23 Policy D1 relates to high quality design and place making. The policy sets out the design principles and a checklist of design considerations for development proposal to consider.

5.24 Policy TC5 seeks to approve small shops (under 500 sq.m gross floor area) in non retail locations. The policy is relevant to the wider masterplan area.

5.25 Policy GI1 relates to Green Infrastructure, it seeks to protect, maintain, enhance and create an integrated network of multifunctional Green Infrastructure asset.

5.26 Policy GS1 relates to greenspace. It requires new development to provide or contribute to green space in line with the standards set out in the Green Space Strategy.

5.27 Policy GS2 relates Green Ways and Public Rights of Way. It requires the protection of and, where appropriate, make new links to public rights of way. The proposal incorporates footpath and cycle linkages.

5.28 Policy BIO1 sets out the Council will expect development to conserve and enhance the biodiversity and geological features of the borough.

5.29 Policy CC1 is a general policy that seeks to reduce the causes of and adapt to the impacts of climate change:-

- Giving preference to PDL;
- Promoting reduction through sustainable design and construction;
- Locating development to avoid flood risk;
- Promoting the use of SUDS;
- Promoting and supporting delivery of renewable and low carbon energy; and
- Promoting green infrastructure and biodiversity.

5.30 Policy CC2 relates to sustainable design and construction. It sets out that development will be expected to minimise resource and energy consumption through the inclusion of sustainable design and construction.

5.31 Policy CC3 sets out sites over 1 hectare in flood zone 1 requires a site specific flood risk assessment. It also requires development of brownfield sites to reduce surface water run off by 30%. The proposal is supported by a FRA.

5.32 Policy CC4 relates to SUDs. As set out in the supporting Flood Risk Assessment the use of SuDs is not suitable.

5.33 Policy I1 relates to Infrastructure and Planning Obligations. The policy sets out that development must be supported by physical, social, economic and communications infrastructure. It must also meet all on and off site infrastructure requirements to enable development to take place satisfactorily. Provision is not made directly by the developer, contributions will be secured through planning obligations.

SPDS

5.34 The following SPDs are relevant to this appeal:-

- Affordable Housing
- Design of Housing Development
- Open Space on New Housing Developments
- Parking
- Financial Contributions to Schools
- Planning Obligations
- Sustainable Travel

- Trees and Hedgerows
- Biodiversity and Geodiversity

5.35 The SPDs were all amended/updated in 2019 post Local Plan adoption and several of the above have significant financial implications in that they increase, just 5 months after the Local Plan adoption, the contributions expected from developments in terms of education, open space and sustainable travel. The financial implications of these SPDs were not tested alongside the viability testing of the Local Plan policies.

South Yorkshire Residential Design Guide

5.36 The SYRDG forms part of the Council's Local Plan evidence base. It is referenced in the Local Plan along with other design standards and guidance documents (see paragraph 13.5). The document is almost 10 years old and at 246 pages long is extremely detailed.

National Policy

National Planning Policy Framework

5.37 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.38 Para 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."

5.39 There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

5.40 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.41 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

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

Section 4: Decision Making

5.43 In determining applications, Para 38 states:-

"Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

5.44 Para 47 requires that:-

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

Section 5: Delivering a sufficient supply of homes

5.45 Paragraph 59 seeks to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

5.46 Paragraph 73 suggests strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites.

Section 9: Promoting Sustainable Transport

5.47 This section sets out that amongst other requirements developments should give priority first to pedestrian and cycle movements and facilitate access to high quality public transport; address the needs of people with disabilities; create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles; avoid unnecessary street clutter; respond to local character and design standards; allow for the efficient delivery of goods, and access by service and emergency vehicles; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 11: Making Effective Use of Land

5.48 This section sets out amongst other requirements that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (Para 123 (c)), LPAs should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

Section 12: Achieving Well Designed Places

5.49 Para 127 sets out planning policies and decisions should:-

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users[46]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

5.50 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.2 The application site is allocated under reference MU5 within the adopted Barnsley Local Plan (January 2019). The predominant part of the allocation includes the need for housing.

6.3 Policy H6 relates to housing mix and the efficient use of land. The policy seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare in Urban Barnsley and Principal Towns. The policy does support lower densities where they are necessary for character and appearance, need, viability or sustainable design.

6.4 The Inspectors Report for the examination of the Local Plan, the Inspector considers housing density at Paras 122-123. A number of comments the Inspector makes are relevant to the case. At Para 122 the Inspector sets out that:-

"Policy H7 includes a density requirement of 40 dwellings per hectare. The overall net density of permissions granted since adoption of the CS has declined from 45 dwellings per hectare (dph) (2004 to 2012) to 33 dph (2004 – 2012) reflecting the more 'risk averse' forms of development proposed since the recession. However, 40 dph reflects the average density achieved over the longer time frame.

6.5 Clearly in this case the Inspector is highlighting the difference between aspirations and implementation. This is clearly an acknowledgement of requiring some flexibility in the policy.

6.6 Indeed the Inspector goes on to state that the 40 dph is:-

"It is a realistic figure to work towards and will help secure sustainable patterns of development within Urban Barnsley and the Principal Towns." (JM underlining)

6.7 The Inspector clearly views the policy as an aspirational target rather than a strict minimum requirement.

6.8 Indeed at Para 123 the Inspector goes on to state that:-

"Policy H7 is not sufficiently flexible to accommodate circumstances where lower densities may be appropriate to reflect form and character nor does it provide any guidance for development in villages".

6.9 It is therefore clear that the Inspector considered the policy to be too inflexible and therefore required the acknowledgement that flexibility in the policy was required.

Other Material Considerations

6.10 Having regard to the sites suitability in principle for residential development, other material considerations are considered below.

6.11 In relation to technical documentation, for clarity, further detail can be found within each of the supporting technical reports which accompany the planning application submission.

The history to an Economic Corridor Link Road/ Royston Relief Road (RRR) and how it may relate to MU5 or otherwise in Planning Policy Terms.

6.12 The topic of the RRR is not referenced in the Local Plan nor is it referenced in the MU5 Policy.

6.13 The Planning History (Section 3) sets out the reference the Local Plan history. Reference to the RRR can be seen in the 2012 draft Local Plan (page 82), the text refences the Northern Economic Corridor, a route being safeguarded for the period post the Plan and beyond 2026. The 2014 draft Plan makes a similar comment regarding the Economic Corridor (page 24) albeit the safeguarding is pushed out to post 2033.

6.14 This long term aspiration route was without funding and hence always for the post plan period. Its route was very vague on the Proposals Map. The concept of the Corridor was dropped in the 2016 version. It was not replaced by any alternative highway proposal. There was no mention of RRR in or to be safeguarded beyond the Plan period.

6.15 In the Bellway appeal and in meetings BMBC have introduced the concept of the RRR. The Inspector's Local Plan Report makes no such reference to a RRR or any other significant highway infrastructure in the vicinity of Royston and yet finds site H11/MU5 acceptable on the terms as presented. The evidence base to the Plan is the Council's Infrastructure Delivery Plan which considers all aspects of infrastructure against the housing and employment growth targets. Highways capacity forms part of this work and is supported by extensive highway network modelling. None of this work suggested a capacity issue in relation to the Royston area of any significance. The Local Plan is adopted in early 2019 on that basis. By mid 2019, the Council has turned its back on this aspect of the evidence base.

6.16 In short, a RRR has no Local Plan status. There is no mechanism in place to give it Local Plan status and there is currently no known means of its funding – this is different to other key Local Plan allocations such as MU1 and Hoyland North where upfront highway costs are grant funded.

The Role of a Masterplan for MU5

6.17 The reference to a Masterplan being prepared for H11 (MU5) appears in the 2014 draft Local Plan. It was also a significant discussion point in the 2017/2018 BDWH negotiation for the first part of the MU5 approval – now under construction.

6.18 The Council's housing trajectory for MU5 informs an expectation of housing completions from the remainder of MU5 commencing with housing completions from this year – 2020. There was therefore a clear long term understanding the Council's Masterplan would be already in place to allow for the delivery profile for MU5 to be met.

6.19 In a meeting in December 2018, BMBC informed MU5 owners and developers that they were well underway with a Masterplan for H11/MU5 and that it expected adoption of the document in September 2019. The Council's MU5 Masterplan is now delayed from September 2019 to now November 2020.

6.20 We are aware of the two recently adopted Masterplan Frameworks on MU1 and Hoyland North. These are significantly larger mixed use sites than MU5. These Masterplans have essentially been drafted by the developers who were not prepared to wait. While those two allocations are larger, the ownerships are more limited.

6.21 The Council's delayed approach to an MU5 Masterplan has not been helpful and is now impacting on delayed delivery when measured against the Local Plan housing delivery trajectory. The Council's more recent suggestion that MU5 would need to have regard to the RRR (along with the suggestion that owners of MU5 pay for the RRR) is likely to delay early delivery from MU5 even more should the Council insist on not starting the site until the MU5 Masterplan is adopted.

6.22 Even when adopted, if similar in nature to the Council's December 2019 adopted Masterplans for MU1 and Hoyland North, the adoption of the Masterplan for MU5 would not make any substantive difference to delivery given there is no external funding assistance for MU5. The other two Masterplan sites are assisted with upfront strategic highway funding, those highway projects make early development more achievable.

6.23 The Local Plan has referenced the production of a Masterplan since 2014. In 2020, we are yet to see a publicly available draft.

6.24 As stated above the Bellway Homes appeal at the land to the west of the application, has produced a Masterplan Framework as part of the appeal. In the absence of an adopted Masterplan the current outline application has been drawn up in accordance with the Masterplan Framework produced by STEN Architecture. It should be noted that the proposal has been designed in accordance with the appeal sites latest layout (Rev M).

Land supply and housing delivery

6.25 It is accepted that at the time of writing this Case Report the Council may be able to demonstrate a 5-year land supply at the time of writing this case report. The ability of the Local Plan to deliver a 5 year supply was tested in the Local Plan Examination. The Council's Local Plan contains many housing allocations and the Plan is now only 1 year post adoption.

6.26 In terms applying the Government's Housing Delivery Test, the Council is assessed against its standard method requirements. However, that does not affect the Local Plan housing requirement against which the 5 year supply needs to be judged and the trajectory against which the delivery of the Local Plan will be judged. National policy is to significantly boost housing supply.

6.27 The Council presented its housing case on delivering a number of new homes over the life of the Plan (2014 – 2033) and the trajectory at page 322 of the Local Plan was supported by a detailed review of sites that feed into that trajectory, many of which were to commence housing delivery in the years 2019/20, and 2020/2021.

6.28 On the topic of housing delivery, the Inspector's Local Plan Report makes the following points:

- The annual housing requirement for the Plan is 1,134 – this represents a step change from previous rates which have been lower. (para 240)
- The revised trajectory informs the Council can deliver the housing requirement of the Plan albeit it contains limited headroom. (para 241).
- The trajectory adopts a cautious approach to windfall in an understanding that delivery is more likely to switch from windfall to allocations. (para 242)
- The initial 5-year supply target of 1,469 dwellings per annum is based upon a 'Liverpool' means of addressing backlog. This would address 'pent up' demand in an appropriate manner. (para 245)
- The Council's 5 year supply target is 7,345 dwellings for the period 2018/19 to 2022.23. (para 245).
- Based upon the sites within the trajectory, the Inspector was satisfied most of the sites the Council identified in the 5 year period would deliver on time – that being they had a reasonable prospect of being delivered. (Para 248).
- The Inspector on that basis accepted a supply 7,522 new homes for the first five years (Para 249). An over-supply of just 177 dwellings..

6.29 The application site forms part of MU5. The Council's expectation of delivery from MU5 (excluding the BDWH site) was for housing completions commencing in this coming year. This will clearly not be the case if the applicants comply with the Council's request to delay proposals until after a Masterplan is adopted in November 2020. Such a delay would see no completions until 2023. Likewise this delay would have similar implications for the Bellway Scheme at Appeal.

6.30 However, from a review and site visit of only a selected number of sites in February 2020, it would appear the Council's supply forecast that supports the Local Plan trajectory is far from accurate. The MU5 site is not alone in facing delay. A number of allocations and

applications were expected to delivery early but have failed for a variety of reasons. The list below is just a shortlist of examples of delay factors:

- HS3 (Former William Freeman). Completions expected 2020/2021. Site recently marketed. Expected values not reached. Site not currently in contract.
- HS8 (South of Wakefield Road). Mineral ownership dispute delayed progress. Site due to deliver from 2019/20. Site yet to start, no start date given.
- HS64 (Part of Hoyland North). Expected completions from 2019/20. Site on hold. Despite the Hoyland North Masterplan being recently adopted, the first phase housing site is currently unviable due to ground conditions, the planning application is on hold. The first phase housing layout does not mirror severe ground conditions – the Masterplan is not accurate in that respect.
- MU1 (Barugh Green Road). Completions expected in 2020/21, later than the Local Plan trajectory. Strata Homes inform of delay due to site contracts and viability with the recently adopted SPDs adding to the burden.
- HS10 (Darton). Expected completions 2020/21. Persimmon Homes report site facing lengthy delay due to ransom strip.
- MU4 (Kingstone). Site now under considerations for a school. Housing proposals on hold.

6.31 The above is just a small example of why the current Local Plan trajectory is likely to fall significantly behind expectation.

6.32 The inaccuracy of the Council's forecast is significant in the fact that the delivery failures have taken place in the first years of the Plan – this is during the period when the forecast should have been at its most accurate. The forecast of later years is always less reliable. However, in this case, the forecast delivery in this current year from identified sites is circa 500 dwellings in error. The picture for next year (commencing 1st April 2020) is looking even worse.

6.33 The site inspections reveal no site start on 26 allocated sites delivery in the coming year. With a typical lead in time of 6 to 9 months of site start to first completion, the Council's forecast could be as much as 50% lower than that presented to the Local Plan examination which endorsed a 5 year supply of housing.

6.34 A further review of the Council's Planning Committee Reports was also undertaken for the 12 month period January 2019 to December 2019, which revealed only 320 new detailed approvals from a variety of sources. This is at a time when approvals should be four times that level if the trajectory is to be anything close to being accurate. The 5 year target is 1,469 dwellings per annum.

6.35 A further indication of 'trouble ahead' lies in the fact that recorded net completions in 2018/19 were in fact lower than those in the previous year. The actual delivery was 988 dwellings, below the previous year of 1,009 completions. The Local Plan trajectory forecast a figure of 1,165 in that year. The delivery rate is in fact falling not increasing. There is now no likelihood of the Council achieving a completion rate of 1,536 dwellings (net) in 2020/2021.

6.36 There is little prospect of over 1,600 dwellings being achieved in the following two years after that. The Council is now at risk of being unable to demonstrate a 5 year supply in the coming years should the current site delays continue.

6.37 The Council started the Plan's housing requirement in 2018/19 with only a limited headroom (177 dwellings) in its 5 year supply. At the end of that first year it recorded a delivery of 988 dwellings, that being 177 dwellings below the 1,165 dwelling trajectory forecast. In other words, the 5 year supply headroom recognised by the Inspector in paragraphs 245 and 249 had gone in the first year.

6.38 The unexpected delay from a significant number of identified sites (allocations and approvals). The MU5 site (the adjoining appeal site and the application site) are one of a very few number of sites that has arrived on time – this ability to deliver on time should be regarded as a benefit, now even more so when most others are running late.

How the proposals will not be harmful or undermine the comprehensive development of MU5.

6.39 The Development Plan states that the development of the MU5 allocation will be subject to the production of a Masterplan Framework which ensures the development is brought forward in a comprehensive manner. The purpose of that comprehensive approach follows the terms of policy GD1; that being

to not significantly prejudice the future use of neighbouring land and not adversely affect the potential development of the wider area which could otherwise be available for development and safeguard access to adjacent land.

6.40 Despite the Council having identified the H11/MU5 site as a strategic allocation requiring a Masterplan to guide it since 2014, six years on we are still absent of a Masterplan. The absence of the adopted Masterplan did not prevent the BDWH first phase 166 dwellings from commencing.

6.41 The Masterplan Framework for the MU5 Allocation is something the Council has taken the responsibility of preparing. That document has been delayed until November 2020.

6.42 The approval of the application site proposals at this time will not significantly prejudice the future use of neighbouring land (the rest of MU5 in this case) and not adversely affect the potential development of the wider area which could otherwise be available for development and safeguards access (vehicular, walking and cycle) to the adjacent land. The proposal has been drawn up on accordance with the full suite of documents, the proposal will not adversely affect the potential development of the wider area.

6.43 Several parts of the MU5 area are without developer promotion and development of the application and appeal site now will advance the delivery of housing of the allocation in accordance with the delivery trajectory of the Local Plan.

Design

6.44 The application has been produced in accordance with the STEN Masterplan for the Bellway Appeal and has also had regard to the latest Bellway Appeal Layout revision M in incorporating vehicular, cycle and pedestrian linkages.

6.45 A Design and Access Statement has been produced by STEN to support the appeal.

6.46 It should be noted that the application has been submitted in Outline only.

Ecology

6.47 In relation to ecology matters, Futures Ecology have produced a Ecological Impact Assessment. The report should be considered in full.

6.48 The executive summary sets out as follows:-

"1.1 The site comprised habitats of low (improved grassland, disturbed ground, scrub, tall ruderal vegetation, trees, waterbodies) and negligible (hard standing, bare ground) ecological value. Hedgerows were of moderately high to high (H8 and H9) and moderate (H1 to H7) conservation value and are Habitats of Principal Importance. Hedgerow H8 was also an Important hedgerow.

1.2 The ephemeral waterbody P2 will be lost. A new waterbody such as a wildlife pond or a suitably designed balancing facility will be required to be incorporated into the design.

1.3 H4, H6 and a small section of H8 will be removed to facilitate the development. Mitigation will include planting of at least the same length of hedgerow that is to be lost. Retained hedgerows should be buffered where possible. Additional new species rich hedgerows, gapping up of retained hedgerows and creation of a 'hop over' along H8 is recommended to result in an overall positive effect.

1.4 Five trees were identified within the site with bat roosting potential. Where these trees are affected by the proposal, appropriate working methods, further surveys and installation of bat boxes are advised.

1.5 Bat foraging / commuting habitat within the site is considered to be of low significance. A sensitive lighting design and mitigation for hedgerow loss as advised above is required.

1.6 Bird foraging and nesting habitat is present on site. Mitigation and enhancement will include planting of new trees, hedgerows and shrubs with long-term management and installation of a variety of bird boxes specifically for Species of Principal Importance (SPI).

1.7 Habitats on site also have potential for foraging hedgehog and cinnabar moth (both SPI's). Mitigation for habitat loss includes creation of new habitats, installation of hedgehog gaps in boundary fences, log piles and invertebrate boxes.

1.8 A management plan should form a condition of any planning consent to ensure the longterm viability of retained and created habitats.

1.9 Best practice working methods in relation to waterbodies, trees / hedgerows, badger, bats, birds and hedgehogs is provided within this report and should be fully outlined within a Construction Environment Management Plan (CEMP).

1.10 Further enhancements are provided within this report to conserve, enhance and maximise biodiversity in line with relevant local planning policy and National Planning Policy 2019 (NPPF)."

Flood Risk/Drainage

6.49 A Flood Risk and Drainage Statement has been produced by Walker Ingram Associates to support the application. The report should be read in full. The report considers the existing site, details discussions with the Environment Agency, Water Authority, Lead Local Flood Authority and Internal Drainage Board. It considers the existing and proposed drainage.

6.50 The proposal concludes that the site is in Flood Zone 1 and recommends the following measures:-

"9.1.1 The finished floor levels (FFL) to the properties shall be raised 300mm above the adjacent highway level or a minimum of 150mm above external levels, whichever is higher.

9.1.2 Properties shall be designed without any basements and ground floors shall comprise solid concrete slabs or beam and block with screed construction.

9.1.3 Incoming electricity supplies shall be raised above ground floor level and ground floor electric sockets shall be served by loops from upper level.

9.1.4 In the unlikely event of flooding of the site, it would be appropriate to design external levels with falls to non-critical areas, such as landscape, where the water can pond without causing flooding to buildings.

9.1.5 If any water issues are found on the site or boundary levels result in flow of water into the site, these shall be accommodated by introducing "cut-off" drains to direct the flow around the development."

6.51 The report that SuDs have been assumed unsuitable however "infiltration tests in accordance with BRE Digest 365 'Soakaway Design' prior to construction on site and the results presented in a report for the approval of the Planning Authority."

6.52 It further sets out that:-

"9.4 The proposed surface water drainage system shall be restricted to the agreed discharge rate with appropriate attenuation for a 1 in 100 year storm plus climate change incorporated into the design, prior to discharge into the watercourse. The

detailed design and calculations shall be submitted to the Planning Authority for approval prior to construction on the development site.

9.5 The discharge of surface water to watercourse and/or the introduction of headwalls or works to the watercourse will require the consent of the LLFA by submitting an Application for Consent to Work Within a Watercourse.

9.6 Subject to detailed design, if the site is not able to drain by gravity, it will be necessary to provide an adoptable surface water pumping station.

9.7 Foul water domestic waste shall discharge into either the 225mm diameter public foul water sewer recorded in Lee Lane, at a point approximately 285 metres from the site. Alternatively, the 225mm diameter public foul sewer recorded adjacent to Grange Road, 420m south east of the site. The outfall location will be subject to formal planning approval.

9.8 Subject to detailed design, if the site is not able to drain by gravity, it will be necessary to provide an adoptable foul water pumping station.

9.9 No special mitigation measures are required for emergency egress during times of flood."

Highways

6.53 A Transport Assessment supports the application by Optima Highways and should be read in full alongside the submission.

Ground Investigation

6.54 A Preliminary Environmental Risk Assessment supports the application by Groundtech Consulting. The report should be read in full. In conclusion the report considers:-

- The risk to from contaminated soils is considered to be low;
- The risk to controlled waters is considered to be low;
- The risk from ground gases is considered to be low;
- A radon assessment is required;
- SuDs are likely to be not suitable; and

- Further additional requirements are set out within 6.4 of the report.

Heritage Statement

6.55 A Heritage Statement supports the application by MB Heritage and should be read alongside this submission.

Planning Balance

6.56 The site forms part of an allocated mixed use site (MU5) in the newly adopted Local Plan. The site is within a highly sustainable location, with excellent access to social and physical infrastructure locally present in this area of Barnsley.

6.57 The Applicants accept a conflict with Policy MU5 – the Applicants proposals have arrived on time while the Council's lateness in the adoption of a Masterplan has created a policy conflict.

6.58 In understanding the extent of this policy breach and the extent to which material circumstances need to be demonstrated to overcome the breach we consider the extent of the policy breach is minor and resolved in itself by:

- the expectation of timing of delivery for this allocation
- the fact the proposals deliver their fair share of infrastructure
- the fact that the application site and the Bellway Homes appeal allow the remainder of MU5 to follow on
- the fact that there will be no prejudice to the balance of MU5 and its comprehensive delivery.

6.59 It is our opinion there is no conflict with the adopted Local Plan when read as a whole. Support for the proposals can be found in a raft of Plan polices including

- SD1 – the development represents sustainable development.
- LG2 – the development is located in a location for growth.
- GD1 – the development does not prejudice the remainder of MU5.
- H1 and H2 – the development delivers on time to meet the Plans housing delivery aims.
- H8 – the development helps repair the deficiencies in this market area with an appropriate housing mix.

6.60 The terms and purpose of the reference in MU5 to a Masterplan Framework has been examined and the applicants have shown through their own analysis that the development will not prejudice the future use of neighbouring land and not adversely affect the potential development of the wider area which could otherwise be available for development and will safeguard access to adjacent land. The proposal will come forward in conjunction with the Masterplan and development proposals put forward by Bellway Homes. Any non-compliance with the terms of policy MU5 are without practical consequence or harmful effect.

6.61 For the reasons outlined in this section above, the applicants consider the proposals can be delivered as proposed and that these proposals provide a good fit with the aims and objectives of the MU5 allocation. The site either by itself or alongside the Bellway Appeal site can come forward as part of MU5 can be delivered early without harming the delivery of MU5 as a whole. The proposal has been drawn up in accordance with the draft STEN Masterplan proposals which are part of the Bellway Appeal.

6.62 The RRR is a reference to a matter that has no policy status. Should the Council seek to introduce this RRR into the Masterplan for MU5, it will delay delivery of MU5 further.

6.63 On this basis it has demonstrated that there are no adverse impacts of the development that outweigh the benefits.

6.64 The development can contribute toward the planned growth and residual requirement for Royston and is therefore fully aligned with the spatial strategy's approach for development.

6.65 The site is an area of land free of any statutory designations.

6.66 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.

6.67 The site is not of high environmental quality and there are no technical reasons for refusal.

6.68 Other benefits include:-

- Delivery of circa 10 affordable dwellings (dependant on the number of dwellings in the reserved matters area) to meet local affordable housing need. While this is essentially

a low value area, it still has housing needs for those unable to afford any form of market housing.

- The delivery of circa 100 houses on MU5 (final amount to be agreed at Reserved Matters) meets housing needs and Local Plan delivery trajectory. The trajectory anticipates delivery in the coming 12 months starting this April, clearly the delivery of this allocation is late.
- Provision of an appropriate proportion of POS that will increase the amount of local amenity space within the vicinity.
- the development would generate a significant amount of investment to the area in terms of the construction value and associated spend during the construction period.
- Full-time direct on-site jobs during the construction phase.
- Planning Gain Package.
- Council tax revenue.
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.

6.69 The Planning Balance in this case weighs heavily in favour of the approval of this part of an allocated site.

7.0 SUMMARY AND CONCLUSIONS

7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.

7.2 The site forms part of an allocated mixed use site (MU5) in the newly adopted Local Plan. The site is within a highly sustainable location, with excellent access to social and physical infrastructure locally present in this area of Barnsley.

7.3 The Applicants accept a conflict with Policy MU5 – the Applicants proposals have arrived on time while the Council's lateness in the adoption of a Masterplan has created a policy conflict.

7.4 In understanding the extent of this policy breach and the extent to which material circumstances need to be demonstrated to overcome the breach we consider the extent of the policy breach is minor and resolved in itself by:

- the expectation of timing of delivery for this allocation
- the fact the proposals deliver their fair share of infrastructure
- the fact that the application site and the Bellway Homes appeal allow the remainder of MU5 to follow on
- the fact that there will be no prejudice to the balance of MU5 and its comprehensive delivery.

7.5 It is our opinion there is no conflict with the adopted Local Plan when read as a whole. Support for the proposals can be found in a raft of Plan polices including

- SD1 – the development represents sustainable development.
- LG2 – the development is located in a location for growth.
- GD1 – the development does not prejudice the remainder of MU5.
- H1 and H2 – the development delivers on time to meet the Plans housing delivery aims.
- H8 – the development helps repair the deficiencies in this market area with an appropriate housing mix.

7.6 The terms and purpose of the reference in MU5 to a Masterplan Framework has been examined and the applicants have shown through their own analysis that the development

will not prejudice the future use of neighbouring land and not adversely affect the potential development of the wider area which could otherwise be available for development and will safeguard access to adjacent land. The proposal will come forward in conjunction with the Masterplan and development proposals put forward by Bellway Homes. Any non-compliance with the terms of policy MU5 are without practical consequence or harmful effect.

7.7 For the reasons outlined in this section above, the applicants consider the proposals can be delivered as proposed and that these proposals provide a good fit with the aims and objectives of the MU5 allocation. The site either by itself or alongside the Bellway Appeal site can come forward as part of MU5 can be delivered early without harming the delivery of MU5 as a whole. The proposal has been drawn up in accordance with the draft STEN Masterplan proposals which are part of the Bellway Appeal.

7.8 The RRR is a reference to a matter that has no policy status. Should the Council seek to introduce this RRR into the Masterplan for MU5, it will delay delivery of MU5 further.

7.9 The development can contribute toward the planned growth and residual requirement for Royston and is therefore fully aligned with the spatial strategy's approach for development.

7.10 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers. The Planning Balance in this case weighs heavily in favour of the approval of this part of an allocated site.

7.11 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan and the application should be approved without delay.