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**2021/0664**

Harron Homes

Variation of conditions 3 (requirement to comply with indicative layout plan ref: 18 5221 SK04), 4 (indicative public open space arrangements), 15 (ecological mitigation) and 19 (requirement to submit archaeological evaluation prior to submission of reserved matters) of planning permission 2017/0753 - Outline planning application for approximately 250 residential dwelling houses (Use class C3), means of access and associated works

Land to the south of Bleachcroft Way Stairfoot Barnsley S70 3PA

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2 representations from local residents.

### **Site Location & Description**

The site lies to the south east of Barnsley Town Centre adjacent to the Stairfoot Retail Park. Access is along Bleachcroft Way.

The site is irregular in shape, 10.38 ha in total and is currently vacant. To the north lie commercial premises in the ownership of the applicant, and the currently vacant B and Q store. To the west the site is bounded by the Sheffield-Barnsley Railway line, with open space beyond; to the northwest is an allotment site and Hunningley Primary School beyond the railway line. The south east is bounded by Dob Sike with Green Belt beyond, the east by the disused Barnsley Canal, an area of Greenspace important for ecological value, with the rear elevations of Tesco superstore beyond with other commercial premises of Stairfoot adjacent.

The site is undeveloped, although the applicant also controls the Blackmores and Wilsons Carpets, and the two further commercial units located off Stairfoot Way, purchased from the previous owners in May 2016. Vegetation currently comprises with scrub, grassland, bushes and trees which are predominantly to the east, and west boundaries and southern portion of the site and along the line of Dob Sike and the disused canal, forming substantial vegetated boundaries.

The topography of the site falls from west to east by approximately 20m, with some embanked areas within the site. There are existing pedestrian links to the Field Lane/Hunningley Lane and the commercial area of Stairfoot.

### **Site History**

2017/0753 - Outline application including for development of 250 dwellings and associated works (all matters reserved apart from means of access). Approved with conditions and S106 Agreement 8<sup>th</sup> April 2021.

2009/0779 - Erection of 272 dwellings with ancillary services and facilities (Outline). Employment allocation. Refused as not in accordance with the development plan and appeal dismissed. Appeal dismissed.

## Proposal

Permission is sought to vary conditions on extant outline planning permission 2017/0753 as follows:

*Condition 3 - The reserved matters application shall be in general accordance with the parameters as shown on the approved plan Drawing ref: 18 5221 SK04 received 17th June 2019 unless required by any other conditions in this permission and shall provide a minimum number of 230 dwellings.*

Varied to read:

“The reserved matters application shall be in general accordance with the parameters as shown on Drawing ref: PL-001 unless required by any other conditions in this permission and shall provide a minimum number of 230 dwellings.

*Condition 4 - The reserved matters submission shall substantially accord with the feasibility sketch layout drawing ref: 18 5221 SK04 received 17th June 2019 and shall include a central area of open space of sufficient size to accommodate children's play (minimum LEAP standard), a youth facility and open land for informal play in accordance with S11 of the adopted SPD Open space provision on new housing development.*

Varied to read:

The reserved matters submission shall substantially accord with the site layout drawing ref: PL-001 and shall include areas of open space, a youth facility and open land for informal play in accordance with S11 of the adopted SPD Open space provision on new housing development.

*Condition 15 - A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow the measures set out in the Preliminary Ecological Appraisal and Addendum to Preliminary Ecological Appraisal dated 1st November 2017. The scheme shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated, and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.*

Varied to read:

A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated, and enhanced. Thereafter the development shall be carried out in accordance with the approved measures

Condition 19

*Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented.*

Varied to read

“Prior to the approval of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented.”

The justification for this change is within an email from agent 17/5/21 stated “Currently there are nesting birds on site which are preventing this archaeological works from being undertaken, therefore in the interest of this site being able to progress and provide a contribution to housing land supply in Barnsley, it is requested that the Reserved Matters application is validated before Condition 19 of the Outline application is discharged. This will allow the detailed design elements of the scheme to be agreed, at which time the bird nesting season will have ended and the archaeological evaluation can take place”.

A new proposed outline layout was submitted, and a supporting letter accompanies the application which indicates that there are several design elements which the applicant considers are not practical to the deliverability of the site, these being:

- SK04 provides areas of open space/play provision on the flattest part of the site.
- The layout builds into steep areas with no recognition for retaining structures or engineering solutions.
- House types shown on plan do not meet internal space standard requirements.
- The outline utilises areas not available for purchase –i.e., deliverability of PROW improvements to the front of the commercial buildings and an area of POS.
- SK04 relies on outdated drainage outfall details which resulted in no on-site storage. Modern outfall details are a lot more restricting and now requires a large attenuation basin.
- The applicant is committed to providing an area of improved grassland, which they are looking to reduce and improve additional areas in the supporting PEA/BMP detail.

The indicative plan (PL001-REV A) submitted with this application showed a Local Area of Play (LAP) to the western part of the site, rather than a LEAP as required by adopted SPD, and an attenuation pond in the eastern part closest to the Stairfoot retail park. The plan proposed 230 dwellings of the following mix: 14 x 2 beds, 71 x 3 beds, and 145 x 4 beds. All the 2 beds were affordable. The plan also showed dwellings built close to the disused canal area.

Following a number of objections from internal consultees an amended scheme was submitted on 9/8/21 (PL-001 REV C). The scheme increased the number of dwellings to 235, of the following mix: 14 x 2 beds (6%), 79 x 3 beds and (34%) 142 x 4 beds (60%). All 2-bedroom dwellings affordable. Only a LAP was proposed instead of a LEAP, and dwellings were slightly less close to the disused canal.

The concerns of the officers and consultees were still maintained in respect of the revised plans, and a third revised layout was submitted on 20/10/21 (Drawing PL-001 REV F). This now shows a LEAP instead of a LAP, an increase to 237 dwellings with a housing mix as follows: 143 x 4 beds (60%), 82 x 3 beds (34%) with a small number of 12 x 2 beds (6%).

The current (fourth) iteration was submitted on 18<sup>th</sup> November and is the subject of this report (Drawing PL-001 REV G). The numbers of dwellings have increased to 241 of which

14 are 2 bed (6%), which are all affordable, 90 x 3 bed (37%) of which 12 are affordable, and 57% 4 bed (all detached, no affordable).

Pre-application advice was provided but the proposals have not addressed some of the comments and concerns raised.

## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the adopted Local Plan and Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Documents, which are other material considerations.

The site is allocated as Housing Site HS27 and affordable requirement in the adopted Local Plan is 10%.

Site Specific Policy is as follows:

Site HS27 Bleachcroft Way Industrial Estate indicative number of dwellings 230

The development will be expected to:

- Provide off site highways capacity works at Stairfoot;
- Retain the wet woodland on the site's southern boundary which forms part of a habitat corridor.
- Retain the areas of more species-rich grassland within the railway cutting and, in the site's, north-eastern corner.
- Provide landscape screening to the site's open southern aspect to the Green Belt which is formed by Dob Syke.
- Retain the grasslands at the south-west and north-east of the site plus the woodland/stream corridor to the east; and
- Safeguard the setting of the Listed Buildings at Swaithe Hall and Ardsley Cemetery.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains.
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development

### Local Plan Policy

Policy GD1 General Development

CC1 Climate Change

CC2 Sustainable Design and Construction

CC3 Flood Risk

CC4 Sustainable Drainage Systems

H2 Distribution of New homes

H6 Housing Mix and Efficient Use of Land

H7 Affordable Housing – 10% requirement in this location

HE6 Archaeology

T3 New Development and Sustainable Travel

T4 New Development and Transport Safety

D1 High Quality Design and Place Making

GS1 Greenspace

GI1 Green Infrastructure  
GI2 Canals Safeguarded routes  
Bio1 Biodiversity and Geodiversity  
Poll1 Pollution Control and Protection  
I1 Infrastructure and Planning Obligations

#### Adopted Supplementary Planning Documents

Financial Contributions for Schools  
Design of Housing Development  
Open Space provision on New Housing Developments  
Affordable Housing  
Biodiversity and Geodiversity  
Planning Obligations  
Sustainable Travel  
Parking

#### Other

SHMA 2021  
Adopted Guidance – South Yorkshire Residential Design Guide

#### NPPF (2021)

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise.

#### **Consultations**

Biodiversity – Objects due to impacts on areas of ecological importance  
Design – Objections. Poor design and lack of placemaking (see assessment section).  
Highways Drainage - Conditions from previous permission should be re-applied.  
Highways DC – Objects (See the Highways considerations part of the assessment).  
Housing – Housing mix is not acceptable.  
Forestry – Objects. The layout should be informed by a tree survey and arboricultural impact assessment.  
Pollution Control – No objections as the additional acoustic treatment requested for properties in the north and eastern part of the site has been added to the proposal.  
PROW – Contributions are requested if improvements to footpaths cannot be made by the applicant.  
Yorkshire Water – No objection.

#### **Representations**

The application has been publicised by way of a press notice, site notices and letters were sent to 62 addresses in the locality. Two letters of objection have been received, both of which have concerns about traffic and congestion.

#### **Assessment**

##### Principle of development

An outline planning permission has already been granted on the site and so the principle of building a new residential development is established in land use planning policy terms. This proposal is to vary several conditions to the previous outline permission to principally enable changes to the indicative layout.

The site lies within Urban Barnsley, where priority is given to development in accordance with Local Plan Policy H2 the Distribution of New Homes. The proposal is intended to deliver 241 dwellings which is an increase from the 230 as approved. The 230 number in the local plan allocation was only indicative and 241 represents less than a 5% increase. In addition, the proposal meets Policy H6 in terms of density (minimum 40 dwellings per hectare). The increase in number is considered acceptable in principle therefore, although other material considerations must be considered which are set out below.

### Residential Amenity

This is the fourth iteration of layout plans to be submitted for this proposal and the latest indicative layout (REV G) now proposes 241 dwellings compared to the up to 230 as approved. Additionally, dwellings are proposed to be closer to the commercial buildings and Stairfoot Retail park to the northeast.

On the whole the rear gardens do appear to be of adequate size and in some plots the rear gardens are quite generous. Distances between dwelling and to the rear boundary of gardens also appears to meet minimum distances in most instances. However, there are some areas where residential amenity is poor:

- rear gardens (plots 193 and 194) are both undersized, both being 45sqm in area (when the SPD 'Design of Housing Development' states they should be 50 sqm minimum) and 7.5m in depth (versus 10m stated in the SPD).
- The affordable plots 195 to 198 have commercial operations to the rear and Plots 182 and 183 now face the commercial units and so would also not have a good quality residential amenity. These latter two dwellings are not well overlooked in terms of 'designing out crime'.
- The rear parking courts created for plots 41 to 44, (presumably created to reduce the dominance of front of dwelling parking along this street), unfortunately result in undersized gardens for these two-bedroom units. They have rear garden areas of 45 sqm. or 37.5 sqm. (when it should be a minimum of 50sq.m, as stated in the SPD), and depths of 7.5m, (versus 10M as stated in the SPD). These four plots are affordable units.
- The rear parking courts created for plots 97 to 100, (presumably created to reduce the dominance of front of dwelling parking along this street), unfortunately result in undersized gardens for two of these three-bedroom units. Plots 98 and 99 have rear garden areas of 53 sqm (when they should be a minimum of 60 sqm, as stated in the SPD) and depths of 9m, (versus 10m, as stated in the SPD).
- Plots 224 and 225 (which have rear of house parking areas) have undersized gardens for these two-bedroom units. Plot 224 is 38 sqm and plot 225 is 37.5 sqm (when they should be a minimum of 50 sqm, as stated in the SPD) and both have a depth of 7.5m (versus 10m as stated in the SPD). These two plots are affordable units.

### Layout

The indicative layout REV G remains dominated by detached dwellings. The majority of the semi-detached and terraced dwellings are located adjacent the railway line or adjacent commercial promises. The site does not appear very permeable, being dominated by cul de

sacs rather than through routes, although connectivity has been improved with the highway loop now deep and central within the site.

In layout terms it would be expected that houses should comprise a greater mix of terraced, semis, and fewer 4 bed detached than currently proposed. This would release more land for open space and/or ecology improvements and lead to a more interesting layout.

In terms of design, the scheme appears overly dense and lacks connectivity, with a number of cul de sacs and dead ends shown. The adopted SPD Design of Housing development states at 10.2 that “As far as possible, new streets should be connected at both ends to form a through street. Cul-de-sacs should only be used sparingly, where they are the only appropriate design solution and should be short and straight”.

This approach is contrary to Local Plan Policy D1 and the accompanying guidance in the Design of Housing Development SPD. It also encourages reliance on unsustainable transport methods, contrary to Local Plan policy T3 and makes routes through the site long and difficult to navigate.

The adopted SPD further states in Section 11 that front of parking should not be overly dominant and that the starting point should be from Building for Life of 50:50 hard/soft landscaping balance to front of dwellings.

There should be a maximum of 50% front of house parking and no more than 4 parking spaces in a row without significant separation (at least a car width), and these to be used only sparingly. The Urban Design Officer has confirmed that the number of sections where this requirement is not being met has increased to 21. Rather than showing a major reduction in the overdominance of front of dwelling parking, the latest revised layout (Revision G) is significantly worse than previous layout, Revision C leading to poor outlook and street scene views.

As such the layout is considered to be contrary to the adopted SPD “Design of Housing Development” and Local Plan policies GD1 and D1.

#### Housing Mix and Affordable dwellings

Local Plan Policy H6 states that housing proposals will be expected to include a broad range of house size, type, and tenure to help create mixed and balanced communities. Houses must be suitable for different types of households and be capable of being adapted to meet the changing need of the population. This is also reflected by NPPF (2021) paras 61 and 62.

Table D11 of the SHMA (2021) sets out the dwelling type/size and tenure mix in ‘remaining sub-market areas’ e.g., 10% policy areas. In applying this to the proposed number of units, the Group Leader Strategic Housing and Growth confirmed that the Council would aim for an illustrative mix along the lines of the table below to the anticipated mix for market dwellings (taking into account site specific constraints) – see next page.

Dwelling type/size	Tenure		Proposed Layout REV G	Affordable Layout REV G
	Market	Housing (SHMA)		
	90%			
Total	215		215	
1-bedroom house	0			
2-bedroom house	43			14
3-bedroom house	90		78	12
4+ bedroom house	33		137	
1 -bedroom flat	6			
2-bedroom flat	11			
3+ bedroom flat	0			
1-bedroom bungalow	4			
2-bedroom bungalow	16			
3+ bedroom bungalow	11			
1 / 2-bedroom other	0			
3 + bedroom other	1			
Total	215		215	26(Total 241)

subject to rounding errors – approximate anticipated housing mix based on Table D11 of 2021 for the 221 market dwellings of proposal site.

Since the application was submitted the number of units proposed has increased from 230 to 241. REV G now proposes 14 x 2 bed (6%), which are all affordable, 90 x 3 bed (37%) of which 12 are affordable, and 137 (57%) 4 bed (all detached, no affordable).

It can be seen that the site layout plan REV G proposes over 4 times as many 4 bed dwellings than anticipated in the SHMA and nil 2 bed market dwellings, which should make up approximately 20% of the market housing mix. The table demonstrates that a good housing mix would also include the addition of 2-3 bed flats /level access accommodation and far fewer 4 bed dwellings and provide a more mixed and balanced community.

Throughout the several iterations in layout, the applicant has been requested to reduce the number of 4 bed dwellings and to provide a more suitable housing mix including level access dwellings closer to the anticipated housing mix in the SHMA. However, the applicant has refused to reduce the number of 4 bed units further or widen the housing mix, stating that this would be unviable. However, despite a request from Officers no viability evidence has been provided by the applicant to substantiate this claim. In the absence of such a viability appraisal it has not been possible to commission an independent review of the applicants figures and evidence and so little weight can be afforded to those claims.

The applicant has submitted a document entitled “Housing Mix Report” to support their position. The report incorrectly states at Para 2.5 that the site is a long-standing housing allocation. In fact, it was only allocated for housing in 2019 in the Local Plan. Prior to that it was allocated for employment use in the UDP. The report also incorrectly asserts in Para 2.6 that there has not been a previous viable scheme on the site. In fact, this application proposes to vary an existing outline planning permission for up approximately 250 dwellings granted in April 2021 with an acceptable indicative layout and a S106 agreement for all necessary contributions.

The report states at 2.10 that “it is important that sites such as Bleachcroft Way, Stairfoot, can provide a route into home ownership and balance the mix of housing tenure in the ward”. However, whilst the proposal does include 10% affordable, it does not propose any 2 bed market dwellings so would not provide accommodation for first time buyers or downsizers. Nor does the report provide justification why single level accommodation cannot be provided, nor any robust justification for failing to vary the house types to reflect the SHMA more closely in this instance.

Overall, the proposal does not adhere to the objectives of Local Plan Policy H6, and D1 which stress the importance of achieving high quality design with a suitable mix of house types.

10% affordable dwellings are proposed. All are 2 bed and 3 bed, and all are semi-detached or terraced. None are detached. There are no market price 2 bed properties, and there are no larger (4 bed) affordable proposed. They are all clustered together and stand apart from the market dwellings being smaller units with long unbroken rows of front of dwelling parking or served by parking courts.

The Urban Design Officer considers that the layout does not demonstrate a positive impact in terms of placemaking as everyday connections for both pedestrians and vehicle users are relatively poor-quality environments to pass through, namely Bleachcroft Way and the footpath linking to Field Lane.) There is therefore a need to create a positive impact in terms of place making, and the location of the proposed public open spaces, located to the edges of the development, do not help in this regard.

In considering the proposed affordable dwellings, the adopted affordable housing SPD requires that 7.2 “The Council expects affordable housing to be built to a high standard of design and be in keeping with housing on the rest of the site. In the interests of delivering sustainable, inclusive, and mixed communities, the affordable homes should be indistinguishable from the open market housing in terms of style, quality of specification, finish, and materials. They should also be indistinguishable in their external layout, including the balance of soft and hard landscaping where front of dwelling parking is proposed”. This is not currently the case with the affordable dwellings proposed on the site. The affordable dwellings are all semi-detached or terraced (the vast majority of the dwellings on the site are detached) and appear squeezed into poorly designed plots in some instances compared with market dwellings and the majority are either adjacent to the railway line or the commercial properties to the north. The cluster of six affordable dwellings in the northwest of the site are particularly unacceptable, with overly dominant parking and immediately adjacent to commercial premises.

Overall, the proposal does not accord with Local Plan Policy H6 in that it does not provide a broad mix of house size, type and tenure and would not help create a mixed balanced community. No viability evidence has been provided to demonstrate which such a mix would be unviable.

### Biodiversity

For the approved outline permission (2017/0753), protracted negotiations between the Biodiversity Officer and the applicant resulted in approved proposals which included a range of ecological mitigation measures and enhancements including the creation/ enhancement of 1.4 ha of species-rich grassland, and retention of boundary vegetation giving a total of 1.75ha for biodiversity enhancement/mitigation. The disused canal route was retained in its

entirety due to biodiversity and ecological importance, all in accordance with the site-specific policy.

In considering the current proposal, the plan shows dwellings are located in close proximity to the disused canal which is rich in biodiversity and forms an ecologically valuable wildlife corridor. In addition, site-specific allocation policy HS27 requires its retention. Layout REV G is a slight improvement of the layout as originally submitted, but the distance between the dwellings and this important wildlife site remains insufficient. The Biodiversity officer therefore objects for the following reasons:

- The amended Proposed Site Layout (Rev G) plan annotation appears to show the disused canal area to be configured to provide an attenuation basin in the southern part and another basin to the northern end. Any changes to the contours would be likely to result in a significant loss of biodiversity/ ecology. Instead, the existing wildlife corridor wetland habitat vegetation on the existing canal vegetation should be retained and managed as an ecologically valuable wildlife corridor which links into other semi-natural vegetation adjacent to the site on other parts of the canal to the east. BIO1.
- The south-eastern boundary strip including and alongside Dob Syke is described on the amended plan as a 'maintenance access strip for Dob Syke'. However, most of the existing vegetation in the area shown is woodland habitat as acknowledged by the LPA and both this and the previous applicants. This is shown in the LPA's own Preliminary Ecological Assessment from 2013 (report No 854-UB16. The Local Plan site policy requires the retention of this habitat due to both its intrinsic biodiversity value and for its value as another wildlife corridor linking into the disused canal corridor mentioned above. The Dob Syke area cannot be a maintenance strip if it is composed of woody vegetation and therefore is unacceptable.
- The Local Plan site policy HS27 requires the retention of the semi-improved grassland vegetation in the south-west of the site. The Biodiversity officer has no objection the creation of a recreational path through this area to assist residents to enjoy nature (wellbeing), but the proposed LEAP would further reduce the amount of the relatively species-rich grassland which would be retained.

Overall, the proposal as shown on site layout REV G is likely to result in the loss of key biodiversity on the site and is contrary to site specific Local Plan Policy HS27, Local Plan Policy BIO1 and adopted SPDs Biodiversity & Geodiversity and Trees & Hedgerows.

### Greenspace

Part of the proposal site is identified on the Council's Green Space Register as GS1516 Barnsley Canal at Stairfoot. Policy GI1 states that "we will protect, maintain, enhance and create an integrated network of connected and multi-functional green infrastructure assets that amongst other things, enhances biodiversity and landscape character. Local Plan Policy GI2 Canals – Safeguarded Routes states: "The parts of the canal routes which are in water and/or have a green infrastructure function, or where a towpath exists that is a public right of way are shown on the policies map. These parts of the canal routes are protected from other forms of development to safeguard their existing and potential forms of development to safeguard their existing and potential green infrastructure role and contribution to the cycling, footpaths, and horse-riding networks. This greenspace is the area of the most significant biodiversity value on the site containing reedbeds and associated wildlife.

The proposal impinges onto this greenspace, with dwelling boundary's lying inside the greenspace boundary. In addition, in creating the attenuation pond to the southern end, and what appears to be a smaller basin to the northern end, the biodiversity interests are likely to be impacted negatively and the function and interest of this particular greenspace as

an important wildlife corridor changed. There is no suggestion from the applicant that the reedbeds will be retained or enhanced. This is contrary to Local Plan Policy GI1 and GI2.

### Public Open Space

The approved outline intended to provide ample open space with a central LEAP, well overlooked by the front of dwellings and easily accessible from the majority of the site.

The latest proposals (REV G) now show a LEAP to the rear of plots 91-93 in the west of the site in a relatively isolated location reached by a footpath. It is not overlooked from the front of any plots.

The adopted SPD “Open Space Provision on New Housing Developments” requires a minimum of 15% of gross site area to be open space of a type appropriate to the character of the area (para 5.1) which should include informal and formal play where appropriate.

A LEAP is an appropriate play area for a development of this site and is in accordance with the adopted SPD when provided with informal play space and contribution towards formal recreation. Due to the large areas of biodiversity interest in the site (canal area and grassland in southeast), and areas which may be undevelopable due to topography, it is unclear how much of the site or where on the site is proposed to be informal play space. However, the SPD goes on in 9.1 that where retained natural features would form a substantial proportion of the 15% the normal requirement for recreational open space maybe proportionally relaxed, and at Para 9.2, open space should incorporate habitat for wildlife wherever possible, and “any landscaping should further enhance existing habitats”. The location of the LEAP on the species rich grassland and newly formed basins on the species disused canal route would not enhance existing habitats but cause significant adverse impacts and the proposal would not comply with the SPD on this point.

Overall, it appears that at least 15% of the site has been set aside for open space. However, it remains unclear if this 15% is met on developable land, and how much of the site is undevelopable (para 7.1).

In terms of location of the LEAP, the SPD states in para 14.2 that amongst other things that it should be

- Be overlooked by the fronts of houses and from well used pedestrian routes.
- Be designed to avoid risk of noise, disturbance, and nuisance. In particular, equipped play areas should be sited at least 20 metres from the curtilage of the nearest residential property, although some child and youth facilities will require greater buffer zones.

In layout REV G, the LEAP does not meet these minimum distances and is only 15m from the rear curtilage of plots 90 to 93 and approximately 18m from plot 149 which may lead to noise, disturbance, and nuisance. Although of sufficient size, the LEAP is not overlooked from the front of any dwellings and it is unclear how well used the pedestrian route would be.

### Highway’s considerations

The indicative layout plan 18/5221/SK04 approved under the existing outline permission (2017/0753) was the product of much deliberation and liaison between officers and the applicant to ensure a satisfactory design layout was agreed.

Whilst there have been some improvements from previous iterations, including the inclusion of the highway loop within the site, the widening of driveway of plot 51, some separation of drives and footpaths to 4 plots and to the location of in collection areas and shared space

serving plots 18-35, the Highways Development Control Group Leader still considers the current layout is still viewed unfavourably in highways terms with a number of areas which are unacceptable or where further information clarification is required. A selection is below:

- The amended red-line boundary does not facilitate a ped/cycle connection to Field Lane which was previously deemed a vital link from the development to wider facilities and services
- Lack of visitor parking or parking bay provision where carriage way is less than 6m, width
- Overdominance of front of dwelling parking.
- Where Vehicle tracking has been provided it appears to have been undertaken on undertaken on a previous layout, and no longer applicable in some areas due to changes in layout. For REV G tracking is still required in a number of areas.
- Refuse vehicle tracking shows that refuse vehicle manoeuvres cannot satisfactorily or safely be undertaken in a number of locations.
- Several excessively long shared private drives are over 40m length and some are over 90m.
- Hoggin type footpaths are proposed in some locations (mixture of clay, gravel and sand or granite dust).

It is evident that there are a significant number of issues outstanding and that a further set of amended plans and additional information would be required to demonstrate that the development is acceptable from a highways function and safety perspective. As such the proposal cannot be supported in Highways terms as it is contrary to Local Plan Policy T4 New Development and Transport Safety.

It is just clarified that these concerns relate to the internal layout and detailed designs within the site itself with means of access to the development already approved and accepted previously. That proposal involved the removal of the existing bus lane on Stairfoot roundabout and associated reconfiguration works which are secured via the existing S106 Agreement. Those arrangements are not intended to change as a result of this application.

### Noise

The main concern is the level of amenity that will be afforded to occupants of the houses proposed along the western boundary, adjacent to the railway line, and to the north-eastern boundary close to the service areas of Tesco and the Stairfoot Retail Park. The proximity to service yards means there is some potential for conflict, and this has been cited by the Pollution Control Officer.

Acoustic mitigation is proposed to the dwellings to the west side to boundary to mitigate against the noise from the railway, to the east adjacent to Stairfoot Retail Park and to the north and along the access road.

The Pollution Control Officer is satisfied with the level of acoustic protection proposed for the western side properties measures subject to additional measures to North and East dwellings. A planning condition controlling materials and specifications would be required for acoustic mitigation at reserved matters. As such the proposal is in accordance with Local Plan Policy Poll1 on this point.

### Trees

The arboricultural report for the previous permission 2017/0753 was undertaken in 2016. No tree survey or arboricultural impact assessment has been submitted with the current application so it is unclear if the proposed layout would have a more significant impact on existing trees such as a greater loss of more trees which are now better established, than

the previous outline permission. It also cannot be determined if there would be any impact on future residents as a result of existing trees, particularly along the southern boundary or along Dob Sike. The insufficient information about trees may also lead to a loss of biodiversity /ecology interest. The proposal is therefore contrary to Local Plan Policy GD1 and BIO1.

### Drainage and Flood Risk

The development site is in Flood Zone 1. However, as the development area exceeds 1ha a Flood Risk Assessment has been provided with the planning application which demonstrates that the site is not at significant flood risk. Detailed drainage has not been provided at this stage, albeit the site is well served by sewers so there is no objection in principle. A detailed drainage strategy is conditioned to be submitted with the reserved matters application, including consideration of the use of SUDS. The application is therefore in accordance with Local Plan Policies CC3 and CC4.

### Sustainability and Sustainable Travel

The site is located in Urban Barnsley where the majority of new growth is planned. It is a sustainable location with good access to a range of services and facilities as being on a main bus route linking to Barnsley, Rotherham and Doncaster. There is also easy access to the Trans-Pennine close linking to Barnsley town centre and can be accessed from the other side of Wombwell Lane. A sustainable travel contribution would be required to support the development and improvement of sustainable travel in the borough at reserved matters stage and is secured via the existing S106 Agreement. The proposal is therefore in accordance with Local Plan Policy SD1 and T3 Sustainable Travel.

Further consideration of sustainable construction and design can also be provided at the reserved matters stage.

### S106 Contributions

The previous outline permission was subject to a S106 for a range of provisions and contributions covering the following topics: -

- Additional School Places (Primary and Secondary)
- Improvements to off-site Greenspace
- 10% Affordable Housing
- Sustainable Travel
- Off-site highway contribution

The final figures will relate directly to the agreed quantum of development and mix of properties and as such would need calculated and agreed when the Reserved Matters application is determined.

The applicant has indicated that it would be unviable to provide a more suitable mix of dwellings more closely reflecting the SHMA 2021. However, despite requests no viability assessment has been provided and the proposal it there in conflict with Local Plan Policy I1.

### Public Rights of Way

The proposed diversion would be acceptable in principle to the Public Rights of Way Officer. However, the diversion route runs along the line of the old Barnsley Canal, which would need to be infilled which would result in the loss of an important area of ecological and biodiversity value contrary to Bio1.

### Archaeology

No comments have been received but in considering the previous application the South Yorkshire Archaeology Service noted that whilst the Local Plan policy suggests that archaeological remains may be present on this site and that proposals must be accompanied by an appropriate archaeological assessment. South Yorkshire Archaeology Services advises that recent information has come to light to indicate that the majority of the site has previously been stripped which has implications for archaeological potential. A condition has therefore been proposed. The proposal is in accordance with Local Plan Policy HE6.

### Summary

This application to vary the several conditions for a previously approved outline permission that went through several iterations as officers and consultees sought amendments to achieve an acceptable proposal.

The proposed layout (REV G) intends to provide 241 dwellings on a site newly allocated for residential use which exceeds the indicative number of dwellings (230). The 230 number in the local plan allocation was only indicative and 241 represents less than a 5% increase. In addition, the proposal meets Policy H6 in terms of density (minimum 40 dwellings per hectare). Whilst the increase in number is considered acceptable in principle the variety of concerns that have been identified with the applicant's proposals have not been addressed.

Improvements to the layout since it was submitted the include a highway loop deep into the site which increases connectivity, increase in the number of dwellings which are to receive noise mitigation, a LEAP is proposed to the west of the site (compared with the LAP initially proposed) and the majority of gardens now meet the standards set out in the adopted guidance.

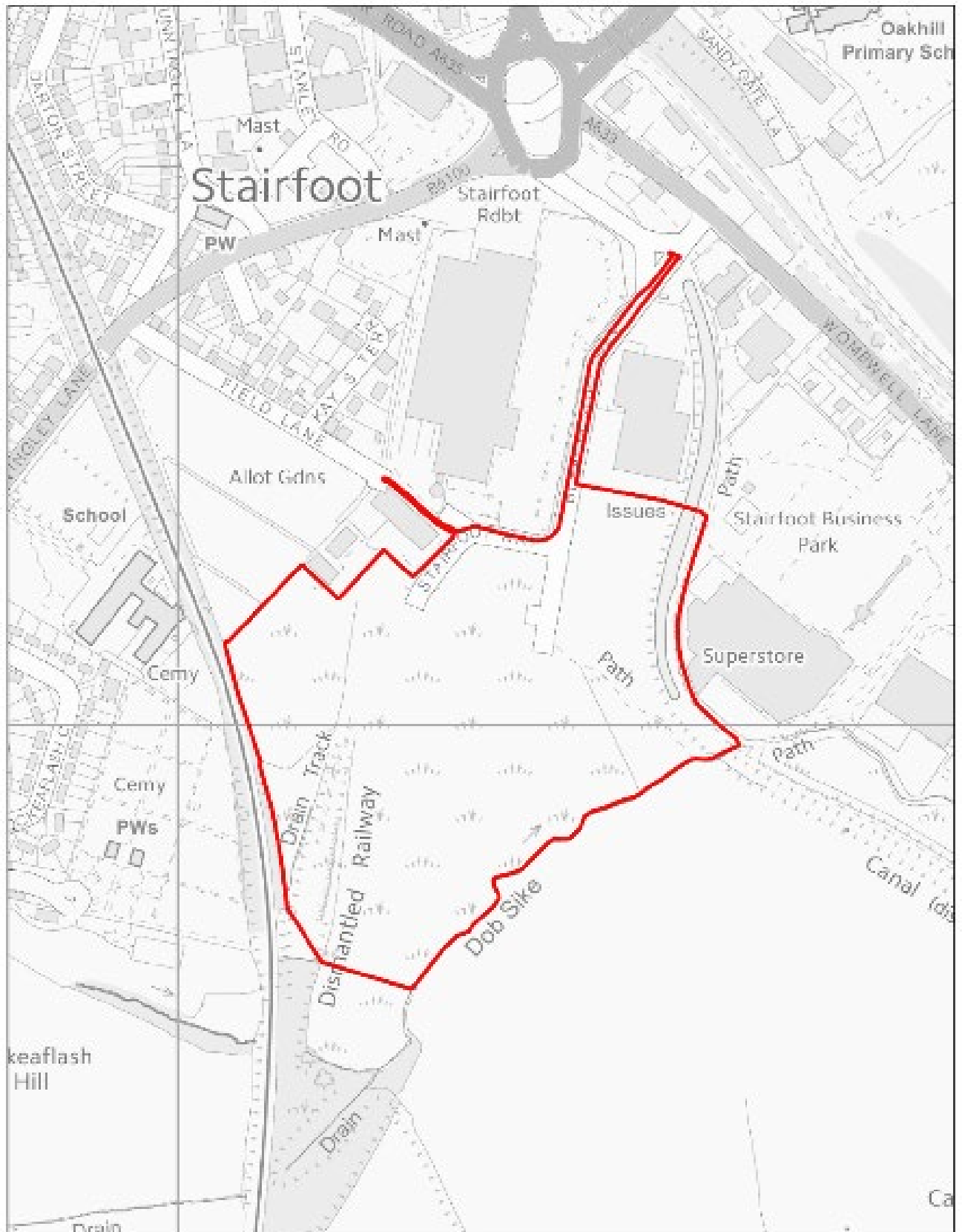
However, the applicant has failed to address the concerns raised with the initial application despite multiple attempts and the latest layout (REV G) fails to meet expectations in some Local Plan Policies and Supplementary Planning Documents (the Designing New Residential Development, Open Space Provision and Affordable Housing SPD's, the site-specific allocation policy in the Local Plan (ref HS27), LP policies H6, GD1, GI1, BIO1, GI2, D1). The latest version of the layout remains unacceptable with reference to the housing mix, poor layout, lack of placemaking, highway layout concerns, and impact on biodiversity and ecology. No tree survey or arboricultural impact assessment has been submitted so it is unclear if the proposed layout would have a more significant impact on existing trees than which are now better established, than the previous outline permission. It also cannot be determined if there would be any impact on future residents as a result of existing trees. The applicant has also failed to demonstrate that an alternative layout would be unviable. However, despite a request from Officers no viability evidence has been provided by the applicant to substantiate this claim. In the absence of such a viability appraisal it has not been possible to commission an independent review of the applicants figures and evidence and so little weight can be afforded to those claims.

Taking into account the relevant development plan policies and other material considerations it is considered that there are significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the proposal and. As such the application cannot be supported and is recommended for refusal.

**Recommendation – Refuse** variation of conditions application relating to existing outline planning permission 2017/0753.

PA Reference:-

2021/0664



**BARNSELY MBC - Regeneration & Property**



Scale: 1:3906