PLANNING AND AFFORDABLE HOUSING STATEMENT (INCLUDING STATEMENT OF COMMUNITY INVOLVEMENT) (AMENDED)

PLANNING APPLICATION FOR 84 DWELLINGS, INCLUDING ACCESS, LANDSCAPING AND ASSOCATED WORKS AT LAND ALLOCATION H69 LAND NORTH OF WOOD WALK, HOYLAND, BARNSLEY

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1. Introduction

1.1 **Astrum Planning have been instructed by the joint applicants 'Yelcon Construction Ltd' and 'The Cornell Group' to prepare a Statement to support a full planning application submitted to Barnsley Metropolitan Council ('the Local Planning Authority') for the development of 84 dwellings and associated site infrastructure ('the Proposal'), to be situated at Land North of Wood Walk, Hoyland ('the Site'). The Statement will outline the planning case; how the proposal has met the need for affordable housing; and engagement activities with the Local Community.**

1.2 The Site is 3.6ha in size and comprises an arable field, with improved grassland margins, a plantation of trees, and boundary hedgerows and lengths of fencing. Two mature broadleaved trees are located within the southern area of the site, with an informal access leading from Wood Walk to the south.

1.3 The development plan for Barnsley ('the Local Planning Authority') was adopted in 2019 and comprises 'The Local Plan'. The site is allocated under reference HS69, to deliver up to 112 dwellings, as part of the Council's five-year housing land supply.

1.4 Hoyland has a coal mining legacy, with the application site located within a high-risk area. Intrusive site investigations have taken place by Delta Simons - to identify any mining features present within the site. Investigations have found the presence of a high wall.

1.5 The presence of the high-wall, alongside the requirements of Policy HS69 has influenced the number of dwellings that can be delivered onsite. Importantly, the proposal incorporates the retention of the broadleaf plantation to the east; the strip of dense scrub with scattered trees towards the west; large ash tree to the centre; and hedgerow which bounds the site to the south. These features seek to deliver a high-quality development in line with the requirements of the 2021 NPPF and local plan policies.

1.6 The application has also been prepared in-line with pre-application advice provided by Case Officer James Hyde, under pre- application reference 1316034599257257 (dated the 01 December 2020), with validation documents pre-agreed. On this point, the need for an archaeological assessment, as outlined in Policy HS69 is no longer required[1], given the mining legacy of the site. Given the size of the site; scale of proposed development; and screening which took place during the Local Plan Examination; it was also agreed with Barnsley Council that a Screening Opinion was not required, and the proposal did not represent EIA development.

1.7 A community consultation exercise (leaflet drop) was undertaken in June 2021. Comments received from local residents has also informed the proposal as submitted. The Parish Council and Ward Members have also been informed of the proposal, with a summary of comments from local responses also provided.

1.8 Overall, this Statement is designed to bring together the supporting information accompanying the planning application and to set out the context of the proposals in a clear, concise and informative way. The Statement will assess the proposed development against planning policies

[1] Position agreed with Coal Mining Authority and Barnsley Council

set out in the National Planning Policy Framework, the Barnsley Local Plan and other relevant policy guidance and material considerations.

1.9 The remainder of this report is structured as follows:

- Section 2: Site Description and Planning History
- Section 3: Statutory Community Involvement
- Section 4: Proposed Development
- Section 5: Planning Policy Context
- Section 6: Planning Policy Assessment
- Section 7: Conclusion

2. Site Description and History

Site Description

2.1 The site is 3.6ha in size and is located at the edge of the Principal Town of Hoyland.

2.2 The Site is centred at Ordnance Survey (OS) grid reference SE 37360 01717, to the north of Wood Walk, in Hoyland, Barnsley. The Site comprises an arable field, left fallow, with improved grassland margins, and boundary hedgerows and lengths of fencing. There are two mature broadleaved trees in the southern area of the site. A plantation broadleaved woodland and dense scrub defined the eastern extent of the Site. Electricity pylons are located along the frontage of the site, which run in a north-east direction. Access is taken from Wood Walk to the South.

2.3 The Site is contained by Wombwell Wood Roundabout to the east, in between the A6195 Dearne Valley Parkway to the north, and the B6096 (Wood Walk) to the south. The urban fabric of Hoyland is located to the southwest of the site, and comprises residential and commercial development, alongside an area of open space (Platts Common). To the south east is an area of farmland.

2.4 The site has a history of opencast mining, which is consistent with the mining heritage of Hoyland. Whilst the site comprises grassland, it is our understanding that the site was previously developed as part of this activity, with a high wall running through the site. The site is now grassed over.

National Designations

2.5 The site comprises no listed buildings or heritage assets and is not located within a conservation area. The site is located in flood zone 1 and at low risk of flooding. There a no Special Areas of Conservation [SAC], Special Protection Areas [SPA], or Sites of Specified Scientific Interest [SSSI] or other international or nationally designated sites within or in close proximity of the site.

Connectivity

2.6 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.

2.7 In terms of transport, the site is located within walking distance of a number of bus stops along Wood Walk to the southwest, that run to and from Hoyland to Barnsley. There are no public rights of way across the site.

2.8 There is an abundance of nearby open space and recreational facilities to the east of the site for sports and recreational purposes. The site is also within proximity of key infrastructure to support future residents, which includes:

- 482 m from a Tesco Superstore
- 495ft from Allotments;
- 490m from Platts Common Employment Park
- 321m from Hoyland Ambulance Station
- 1287.48m from Hoyland Town Centre and Medical Practice

- 700m from Jump Primary School
- 1m from Greenfield Primary School
- 1.1.m from Kirk Balk Academy and Leisure Centre
- 1126.54 from Hoyland Methodist Church

Site History

2.9 A planning history search was undertaken for the site. In 1994, the site formed part of a wider land holding to enable the construction of new highway, Dearne Towns Link Road (Stage 1). The application was submitted by Barnsley Council, with the construction of the highway informing the layout of the site. Then in 2002, planning permission was granted on the site, as part of land to the north west of the site for the erection of new primary school and formation of football pitch on new Miners Recreation Ground. This permission was not implemented.

3. Statutory Community Involvement

Barnsley Council Statement of Community Involvement (September 2015)

3.1 The Planning and Compulsory Purchase Act requires each local planning authority to prepare a 'Statement of Community Involvement' (SCI), which formally sets out its commitment to involving the public in planning matters and the way it will ensure this happens.

3.2 Barnsley Metropolitan Borough Council adopted its SCI in September 2015 and this document sets out what the Council expects from developers, with regard to community involvement. Section 1.3 of the Barnsley SCI deals with community involvement in the planning application process. For major development, such as the proposal; community consultation is required.

3.3 The consultation programme for the planning application has been developed with regard to the Council's Statement of Community Involvement recommendations. The development team is committed to ensuring high standards of consultation are adhered to throughout the lifetime of the project, whilst also taking into account the impact from Covid19 and restrictions in place at the time of collating the application.

3.4 This statement outlines the methods of consultation that have been undertaken with the local community and the local planning authority, the concerns raised and the results generated.

Pre-Application Engagement

3.5 Extensive pre-application discussions have been held with the Council to discuss the deliverability of the site. An initial pre-application document, with proposed site plan for the site was submitted in October 2020 to outline our case for the site. Advice was provided by Case Officer James Hyde, under pre- application reference 1316034599257257 (dated the 01 December 2020) and outlined key policy requirements, and Section 106 contributions.

3.6 Further correspondence via email and telephone have taken place (due to impact of Covid19) to discuss key matters relating to validation requirements; access; impact on the highway network; coal mining and land stability/contamination; and design, prior to the submission of the final planning application. Comments received have influenced the contents of this application and documents submitted in support of the application.

3.7 Discussions confirmed that the need for an archaeological assessment, as outlined in Policy HS69 is no longer required[2], given the mining legacy of the site.

3.8 Given the size of the site; scale of proposed development; and screening which took place during the Local Plan Examination; it was also agreed with Barnsley Council that a Screening Opinion was not required, and the proposal did not represent EIA development.

Public Engagement

[2] Position agreed with Coal Mining Authority and Barnsley Council

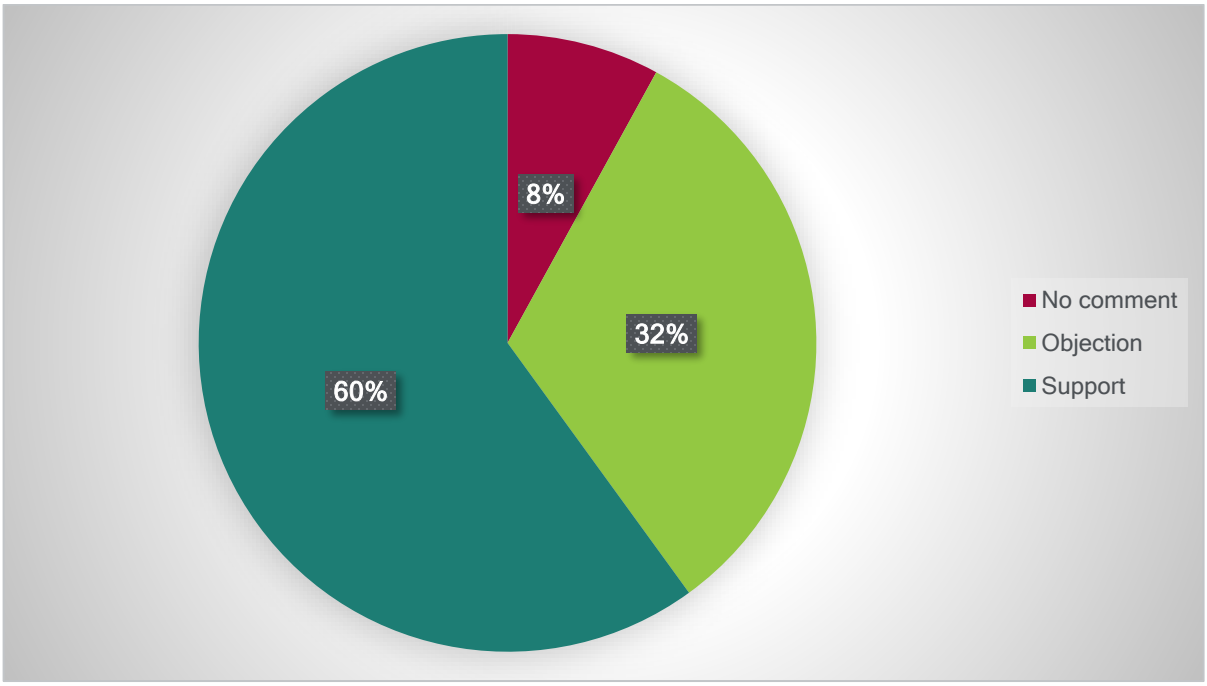
3.9 Due to the impact of Covid19, a 'flyer drop' was undertaken with local residents. A copy of the catchment area is attached to **Appendix 1** of this statement. The flyer distributed provided an overview of the proposal, and invited comments, alongside a copy of the site plan. Comments were to be directed to one of the joint Developers 'Yelcon Construction'. A copy of documents issued are attached to **Appendix 2** of this letter.

3.10 The feedback received from local residents enabled the joint applicants to gauge public opinion in relation to the proposal. For data protection reasons, specific details are not included within this report.

3.11 The Joints Applicants have sent a letter to the Parish Council and Ward Members to notify them of the public engagement exercise. This letter included a proposed site plan and details on comments made by residents; and how the proposal sought to address concerns raised (please see table 1 below). We have requested to engage with the Parish Council as part of the application process.

3.12 Feedback from the Public Engagement exercise is presented below.

Graph 1: Consultation feedback – support/object to the proposal



Consultation summary

3.13 One of the main objectives of this Statement of Community Involvement is to help record individual and collective responses to the proposals and how these responses have affected our proposals.

3.14 This report also allows us to feed back this information, in a more readily digestible form to the local community, respondents, other stakeholders and councillors.

3.15 We remain committed to keeping in touch with local groups, individuals and all those that have

participated throughout this consultation exercise.

3.16 A total of 25 responses were received, 8 of which were objections to the scheme. 32% of people, therefore, invited to comment objected to the scheme. Please find below a summary of comments received in Table 1 below.

Table 1: Consultation Comments and Design Team Response

Comment	Number	Response
Impact on Services	5	Residents felt that the development would exacerbate current issues faced by residents in relation to GPs, schools and public transport, especially in the context of wider proposals in the area. The site has been allocated within the Local Plan to deliver essential residential development under Policy HS69.The sustainability credentials of the site, including access to infrastructure and services were assessed, as part of the Local Plan process. This led to its release from the Green Belt. A draft heads of terms will be submitted; and will secure the required contributions towards infrastructure improvements in the area.
Loss of Green Space/Green Belt Land	4	The site is allocated within the Adopted Local Plan for residential development, under Policy HS69. The Inspector as part of the Local Plan examination considered that there were exceptional circumstances to release the site from the Green Belt for residential development.
Impact of Traffic	5	Concerns have been raised about the impact of development traffic on the existing highway network. The application will be accompanied by a comprehensive Transport Assessment (TA) which demonstrates that traffic from the development can be adequately accommodated within the local highway network. The TA is accompanied by a Green Travel Plan which sets out measures for encouraging sustainable travel patterns, including the provision of improved pedestrian and cycle links and linkages to public transport services.
Suitability of Access and enabling emergency services	1	The access has been designed in accordance with comments received during pre-application discussions with Barnsley Council's Highway Officers.
Housing Need	2	The Local Plan established at examination that there is both a quantitative and qualitative need for housing across the Borough, and Hoyland has been identified as one of the main

		settlements for accommodating some of this new growth. This site has been allocated to accommodate part of this need, with housing mix informed by the 2021 Strategic Housing Market Assessment
Affordability	1	With regard to the issue of affordable housing provision. The scheme will provide 10% affordable housing in accordance with the Council's policy requirements.
Impact on Wildlife	2	Our proposed development includes extensive green space and landscaping, including the retention of existing trees, scrubland to the west; and hedges - as requested by Policy HS69 of the Adopted Local Plan. Further planting has been accommodated where feasible throughout the site. An Ecology Survey has been commissioned in support of the application. The Survey identified no protected species within the site, but makes a number of recommendations to achieve a biodiversity net gain.
Impact during Construction on Amenity	1	The applicants would be willing to agree to a condition - requiring a Construction Management Plan to be submitted and approved by the LPA, prior to work commencing on site. The Construction Management Plan will outline the joint developers approach to managing the execution of the proposal, and formulate best practice. This will include envisaged construction operations comprising: site establishment, logistics and the process of managing the overall local environment. It will also seek to ensure that the works cause the minimum practicable disruption to residents including by achieving a safe working and living environment.
Impact on House Prices	1	This is not a planning consideration. We are not aware of any correlation on this matter.

Summary

3.17 This section summarises the engagement activities, consultation and feedback received during the pre-application period.

3.18 The applicant has fully engaged with the Council and the local community to receive feedback on the proposal, and has positively responded to comments received and, where possible, evolved the proposals in response to feedback.

3.19 In conclusion, this Statement of Community Involvement demonstrates that the proposals put forward have been effectively presented to the public, and that the applicant has striven to engage with the community in accordance with Barnsley Council's Statement of Community Involvement.

4. Development Proposal

4.1 This Section sets out the established development model that Yelcon Construction (one of the joint applicants) has developed for this site, alongside a summary of the proposed development. Further consideration of the design of the scheme can be found in the accompanying Design and Access Statement.

The Developer

4.2 Yelcon Construction have significant experience in obtaining planning consents and building the highest quality homes in places people aspire to live. Their experience in land, design, construction, and sales, makes them well suited for bringing forward site allocation HS69 'Land North of Woodwalk, Hoyland'. On this point, the accompanying Design and Access Statement contains visuals of similar proposals that Yelcon have delivered within Yorkshire.

Description of the Proposed Development

4.3 The planning application seeks full planning permission for the erection of a total of 84 dwellings, with associated landscaping, access and associated works. In support of the application, a series of plans and elevations for each house type (please see Table 2 below) has been provided by Enjoy Design Architecture.

4.4 The site layout has been influenced by a number of constraints including existing trees and hedgerows, open countryside to the south, and most importantly the presence of high wall within the site. These constraints and their influence on the design solution are dealt with in further detail within Section 6 of this Statement, and the accompanying the Design and Access Statement.

4.5 A mixture of 2, 3 and 4-bedroomed properties will be provided across the site. The 2-bedroomed properties comprise a mixture of flats; terraced and semi-detached buildings. The ground floor flats will benefit from their own separate access – reflecting a bungalow format. The 3-bedroomed properties are a combination of semi- detached and detached, and the 4-bedroomed properties are all detached. The site as a whole provides a good mix of housing sizes and types. This is shown in table 2 below:

Table 2: Housing Mix

House Types	Number of Beds	Count	Area (m2)	Style
The Ingleborough	3	1	87.5	Detached
The Ingleborough	3	8	689	Semi-detached

The Lilac	3	4	363	Detached including external garage
The Laurel	4	9	1049.4	Detached including external garage
The Sandringham	4	6	752.4	Detached including external garage
The Harewood	4	3	371.1	Detached including external garage
The Winterley	4	2	262.2	Detached including external garage
The Whernside	3	7	656.9	Detached including external garage
The Beamsley	2	16	850.4	Terrace
The Easton/The Kelham	2	18	1187.5	Apartments
The Buckden	4	10	1305.8	Detached including integral garage
Total 2 Beds		**34**	**40.5%**	
Total 3 Beds		**20**	**23.8%**	
Total 4 Beds		**30**	**35.7%**	
Total		**84**	**100%**	

4.6 The proposed mix will meet the aspirations and housing need within Hoyland, as outlined in the 2021 SHMA; and offer the opportunity to provide housing for the first-time buyer through to families and the older generation.

4.7 A total of 8 affordable homes will be provided onsite and will comprise two bedroom properties. The location of the affordable dwellings is shown on the accompanying Site Layout Plan prepared by Enjoy Designs.

4.8 Each property will follow the local vernacular and mirror the brick and clay roof tile houses immediately adjacent the site. Properties will be two stories in height and seek to create an attractive street scene.

4.9 Drawing upon pre-application advice from Highway Officers at Barnsley Council; the scheme makes provision for a single point of vehicular access off Wood Walk to the South of the Site. This

access is safe, legible and provides good visibility on Wood Walk.

4.10 A total of 0.4ha of Public Open Space (POS) will be provided on site. The main area of public open space has been located within the centre of the site, and also comprises an attenuation basin. This feature will be used to capture any surface water, and will generate an area of open space for public activity. Additional areas of public open space are proposed throughout the site to promote local well-being.

4.11 A number of key principles in line with the National Design Code have also been used in designing an appropriate scheme for the site, which are as follows:

- Varied, safe and easily legible internal road layout and hierarchy
- Retention of trees and hedgerow within and along the boundaries of the site
- Facilitation of pedestrian movement and access
- In-curtilage car parking, including a mixture of parking spaces and detached garages
- Provision of appropriate levels of private amenity space, with secure perimeter boundary
- The use of tree lined streets where appropriate
- Appropriate landscape provision
- The adjacent land uses are predominantly terraced and semi-detached housing. This mirrors the variety of housing included for the proposal
- Appropriate levels of cycle parking provision will be provided on site
- Houses orientated towards the street to give an active frontage and ensure a good level of natural surveillance
- Houses overlooking public open space to give an active outlook and good level of natural surveillance
- Generous stand-o distance provided between new dwellings and existing properties to the west of the site.
- Bin collection points provided onsite.

4.9 Further detail demonstrating how the proposed development fits in with these design principles is contained within the accompanying Design and Access Statement.

Infrastructure Requirements

Community Infrastructure Levy

4.10 Barnsley Council has yet to adopt a CIL Charging Schedule. However, evidence indicates that Hoyland is a low value area, where viability is marginal. Although not adopted the draft Charging Schedule suggested no charge for residential development in Hoyland.

S106 and Site Development Costs

4.11 A draft Heads of Terms (dHoT) has been submitted as part of this proposal, with the joint applicants committed to securing a Section 106 for required infrastructure costs. In December 2020, pre-application engagement took place with Barnsley Council, with a list of contributions outlined for a scheme of 83 dwellings. This proposal represents an uplift of one dwelling (84 in total). Based on the costs provided in the pre-application advice – we have costed the following for this proposal:

- Affordable Housing at 10% on sites over 10 = 8 dwellings;
- Open Space at 15% of gross development area;
- Education (assuming there is no existing capacity) = £469,590; and
- Sustainable Travel = £63,000.

5. Planning Policy Context

5.1 The site has been allocated for residential development within the Barnsley Local Plan, dated 2019 (reference HS69 'Land North of Wood Walk'). This Chapter outlines the key national and local planning policies relevant to the determination of this application.

Planning and Compulsory Purchase Act (2004)

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("2004 Act") amends the Town and Country Planning Act 1990 ("1990 Act") and sets out the requirement that: "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*."

5.2 Section 39(1) of the 2004 Act requires Local Development Documents to be prepared with a view to contributing to the achievement of sustainable development, with Section 39(3) requiring a Local Development Document to have regard to national policies, and advice contained in guidance issued by the Secretary of State. A Local Development Document must therefore conform and be consistent with national planning policy guidance.

Development Plan for Barnsley Council

5.3 The adopted development plan for the area includes the Barnsley Local Plan (adopted January 2019). The Site is within the settlement boundary of the Principal Town Hoyland and allocated under Policy HS69 for housing. The Policy states:

'Site HS69 Land north of Wood Walk, Hoyland Indicative number of dwellings 112

The development will be expected to:

Retain the broadleaf plantation in the east of the site and the strip of dense scrub with scattered trees towards the west of the site;

Retain and maintain the large ash tree near the centre of the site; and

Fully evaluate any hedgerows which are proposed for removal against all criteria of the Hedgerows Regulations 1997.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation of 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'

5.4 Other relevant policies from the Local Plan are listed below and addressed in the context of the development proposal in Section 6 of this Statement:

5.5 Policy SD1 sets the presumption in favour of sustainable development.

5.6 Policy GD1 sets out general development principles for development, that would be approved if, for instance, there are no significant adverse effects on the living condition and residential amenity of existing and future residents, suitable landscaping is provided, and any adverse impact on the environment is minimised and mitigated.

5.7 Policy LG2 gives priority to development within Urban Barnsley, Principal Towns (including Royston) and Villages. More growth is expected in Urban Barnsley than the Principal Towns and the Principal Towns that the villages.

5.8 Policy H1 sets the overall housing requirement for at least 21,546 net additional homes during the period 2014 to 2033 and says that the Council will maintain a five-year supply of deliverable sites.

5.9 Policy H2 identifies that 1,302 homes will be provided in Royston in the plan period, which is 6% of the overall supply. It should be noted that the housing target for Royston should not be considered a capped figure, given that overall housing requirement is identified to be "at least 21,546 net additional homes".

5.10 Policy H6 expects housing proposals to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The supporting text at paragraph 9.17 states that the mix should be informed by the most relevant evidence taking into account an up-to-date Strategic Housing Market Assessment and the needs of the market. A density of 40 dwellings per hectare net will be expected Principal Towns, including Royston, or lower densities where it can be demonstrated that they are necessary in the interests of character and appearance, need, viability or sustainable design reasons.

5.11 Policy H7 sets the affordable housing requirement for Hoyland, for housing developments of 15 or more dwellings, at 10%. It goes on to say that *"these percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable."*

5.12 Policy T3 sets out the Council's expectations with regards to new development and sustainable travel. Development will be expected to be located and designed to reduce the need to travel and provide minimum levels of parking set out in the relevant Supplementary Planning Document (SPD). Transport statements / assessment and travel plans will be required in accordance with national policy. Where levels of accessibility are unacceptable developers are expected to make financial contributions in accordance with Policy I1. Where it is not possible or appropriate to provide minimum parking standards the developer will be required to provide or contribute toward off-site parking or improve/ provide other forms of travel.

5.13 Policy T4 expects new development to have safe, secure and convenient access and movement. If a development is not suitably served by the existing highway or would create or add to problems

of safety or the efficiency the Council expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

5.14 Policy D1 sets the design principles expected of new development, taking advantage of and reinforcing the distinctive, local character and features including landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features.

5.15 Specifically, with regards to landscape character, Policy LC1 says that development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is located (as set out in the Landscape Character Assessment of Barnsley Borough 2002 and any subsequent amendments).

5.16 Policy GS1 requires qualifying new residential developments to provide or contribute toward green space in line with the standards set out in the Green Space Strategy and in accordance with Policy I1. Where there is a requirement to provide new green space, an assessment will be carried out to determine the most appropriate provision, taking into account site characteristics and constraints. In cases where it is deemed unsuitable to make provision for open space within or adjacent to a development site, suitable off-site open space facilities may be acceptable either as new facilities or improvements to those existing. Where appropriate new green space should secure access to adjacent areas of countryside.

5.17 Policy BIO1 expects development to conserve or enhance the biodiversity and geological features of the borough. Development which may harm a biodiversity or geological feature or habitat, including ancient woodland and aged or veteran trees found outside ancient woodland, will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

5.18 Policy CC1 seeks to reduce the causes of and adapt to the future impacts of climate change.

5.19 Where technically feasible and viable, Policy CC2 expects development to minimise resource and energy consumption through the inclusion of sustainable design and construction features.

5.20 Policy CC3 says that the extent and impact of flooding will be reduced by, amongst other things: i) Not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere; ii) Requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1; iii) Expecting proposals over 0.4 ha in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk; and, iv) Expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

5.21 Policy CC4 expects all major development to use Sustainable Drainage Systems (SUDS) to manage surface water drainage, unless it can be demonstrated that all types of SUDS are inappropriate. It also requires outline planning application to be supported by a conceptual drainage plans and SUDS design statement.

5.22 Policy RE1 expects all new development to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to

reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

5.23 Policy CL1 requires proposals where occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, to be supported by investigations and measures to allow the development to go ahead safely.

5.24 POLL1 expects development to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Where appropriate, developers will be expected to minimise the effects of any possible pollution and provide mitigation measures.

5.25 Policy UT2 protects services and utilities from development that will affect them.

5.26 Policy I1 says that development must contribute as necessary to meet all on and off-site infrastructure requirements to enable development to take place satisfactorily. Where the necessary provision is not made directly by the developer, contributions will be secured through planning obligations.

Barnsley, Doncaster and Rotherham Joint Waste Plan

5.27 The adopted development plan for the area also includes the Barnsley, Doncaster and Rotherham Joint Waste Plan (adopted March 2012).

5.28 Policy WCS7 requires all development proposals (excluding minor planning applications) to submit a waste management plan as part of the planning application. Where waste management plans include on-site recycling, recovery and re-processing provision they must demonstrate how these activities will comply with the requirements set out under Policy WCS6. Policy WCS6 goes on to set a number of criteria for waste management proposals.

Supplementary Planning Documents and Planning Advice Notes

5.29 The following documents are a material consideration in determining the planning applications:

5.30 **Affordable Housing SPD (adopted May 2019):** The Affordable Housing SPD offers guidance on planning contributions for affordable housing and supplements Policy H7.

5.31 **Biodiversity and Geodiversity SPD (adopted May 2019):** The Biodiversity and Geodiversity SPD offers guidance to anyone seeking to develop land which may have, or is in proximity to a site that has value for biodiversity and/or geological conservation. It supplements, amongst others, Policy BIO1 and Policy GS1.

5.32 **Design of Housing Development SPD (adopted May 2019):** The proposed development will be assessed against the guidance provided within the Design and Housing Development SPD, which supplements Policy GD1 and Policy D1.

5.33 **Development on Land Affected by Contamination SPD (adopted November 2019):** The Development on Land Affected by Contamination SPD offers guidance and supplements Policy CL1 Contaminated and Unstable Land. It consists of the Technical Guidance prepared by the Yorkshire and Lincolnshire Pollution Advisory Group in April 2019.

5.34 **Financial Contributions to Schools SPD (adopted May 2019):** The Financial Contributions to Schools SPD identifies when a financial contribution will be needed, how the financial contribution will be calculated, and how it will be secured. It supplements Policy I1.

5.35 **Open Space Provision on New Housing Developments SPD (adopted May 2019):** The Open Space Provision on New Housing Developments SPD offers guidance to developers on what will be expected in terms of open space provision in order to achieve the standards set out in in the Green Space Strategy and supplements Policy GS1 and I1.

5.36 It sets out that a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses. It goes on to say that where it is impossible to make such provision on land either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.

5.37 The SPD says that a greenspace assessment will be carried out to determine what the most appropriate greenspace requirement is in line with identified local need.

5.38 **Parking SPD (adopted November 2019):** The Parking SPD sets out the parking standards that the Council will apply to all new developments, and supplements Policy T3.

5.39 **Planning Obligations SPD (adopted November 2019):** The Planning Obligations SPD supplements Policy I1. It lists the four SPDs that set out where the Council will seek planning contributions, including: • Financial contributions to schools • Sustainable travel • Affordable housing • Open space provision on new housing developments.

5.40 It goes on to say that where contributions are required for school places or sustainable travel, these will take precedence.

5.41 It also notes that contributions may be required to fund highway works, for example through Section 278 and Section 38 Agreements.

5.42 **Residential Amenity and the Siting of Buildings SPD (adopted May 2019***):* The proposed development will be assessed against the guidance provided within the Residential Amenity and the Siting of Buildings SPD, which supplements Policy D1.

5.43 **Section 38 Agreements Planning Advice Note (PAN) (adopted November 2019***)*: The Section 38 Agreements PAN provides guidance on the Council's approach to Section 38 Agreements. The purpose of this document is to guide developers through the process of establishing a Section 38 Agreement (S38 Agreement) with the Council and ensure that highway

works are delivered to the satisfaction of all parties. The guide outlines what developers and the Council can expect from each other.

5.44 **Section 278 Agreements SPD (adopted November 2019):** The Section 278 Agreements SPD provides guidance on the Section 278 agreement process. This is linked to Policy T4 in respect of making sure development is carried out safely and allows a third party to deliver improvements to the existing public highway.

5.45 **Sustainable Travel SPD (adopted November 2019):** The Sustainable Travel SPD sets out that where levels of accessibility through public transport, cycling and walking are unacceptable, the Council will expect developers to take action or make financial contributions in accordance with Policy I1. Section 4 of the document sets out the starting point for establishing when contributions are required.

5.46 The contribution is calculated using the following formula - *Number of residential units x person trip rate x £figure to be determined x reduction factor*

5.47 At Appendix C; the SPD identifies a person trip rate of 10 per dwelling (house) based on TRICS version 7.6.1. The use of the more recent version 7.6.3 identifies a person trip rate of 8 per dwelling (house), and it may be more appropriate to utilise this figure in the calculation of the contribution.

5.48 **Trees and Hedgerows SPD (adopted May 2019):** The Trees and Hedgerow SPD supplements, and provide further guidance about Policy BIO1.

Other Local Guidance and Documents

5.49 Other relevant guidance and documents which will be material considerations when determining the application are:

- New Strategic Housing Market Assessment (July 2021)
- South Yorkshire Residential Design Guide (January 2011)
- Barnsley Borough Landscape Character Assessment (May 2002 and updated 2016)
- Infrastructure Delivery Plan (December 2016)
- Green Space Strategy Update (2016)
- Barnsley Biodiversity Action Plan (2009)

National Planning Policy Framework (2021))

5.50 The National Framework for Planning was revised in July 2021 (“NPPF”). It sets out the Government’s Planning Policies. This is supplemented by the Government’s Planning Policy Guidance (“PPG”).

5.51 Paragraph 2 (**Chapter 1 ‘Introduction’**) makes it clear that planning law requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Chapter then goes onto state that the National Planning Policy Framework must be taken into account in the preparing of a development plan and is a material consideration in planning decisions.

5.52 Importantly, paragraph 3 notes that the Framework should be read as a whole, including its footnotes and annexes.

5.53 **Chapter 2 'Achieving Sustainable Development'** Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection. Paragraph 8 expands on this and outlines the three overarching objectives to achieve sustainable development. These are the economic, social, and environmental objectives (paragraph 8).

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.54 Most importantly, the NPPF at paragraph 11 establishes that there is a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.55 Paragraph 20 states that strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for a range of development opportunities.

5.56 **Chapter 4 'Decision Making'** paragraphs 39 to 46 outline the importance of pre-application engagement.

5.57 At paragraph 58 states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up-to-date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

5.58 **Chapter 5 'Delivering a sufficient supply of homes'** seeks to boost the supply of new homes. Paragraph 59 states that "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."

5.59 Paragraph 62 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).' Paragraph 63 goes onto state 'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities.'

5.60 Paragraph 65 states 'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely for Build to Rent homes;
b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
c) is proposed to be developed by people who wish to build or commission their own homes; or
d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

5.61 Paragraphs 74-77 reiterates the importance of a deliverable supply of homes to meet the needs of the District.

5.62 Paragraph 110 of **Chapter 9 'Promoting sustainable transport**' states 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including

the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.63 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 111). Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
c) create places that are safe, secure and attractive–which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. (paragraph 112)'

5.64 Paragraph 113 requires a Travel Plan to be submitted as part of a planning application.

5.65 **Chapter 11 'Making Effective Use of Land'**: Paragraphs 124 and 125 seek to achieve appropriate densities for a site. Paragraph 124 states that 'planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
b) local market conditions and viability;
c) the availability and capacity of infrastructure and services–both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places.

5.66 Paragraph 125 states that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that

are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities 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).

5.67 **Chapter 12 'Achieving well-design places'** relates to design. Paragraph 126 states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

5.68 Paragraph 130 states that 'planning policies and decisions should ensure that developments:

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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.69 Paragraph 131 emphasises the importance of trees. The paragraph states that 'trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are

found that are compatible with highways standards and the needs of different users.'

5.70 Paragraphs 132 to 133 emphasises the importance of local engagement.

5.71 Paragraph 134 concludes that 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design[52], taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

5.72 **Other key Chapters include: 14. 'Meeting the challenge of climate change, flooding and coastal change'; and 15. 'Conserving and enhancing the natural environment'.**

National Planning Practice Guidance ("PPG")

5.73 The PPG was issued online in March 2014 to provide further explanation of how Policy in the Framework should be delivered. This guidance is updated regularly to reflect changing priorities for the delivery of sustainable development.

5.74 Paragraph 002 (ref ID: 10-002-20190509) of the viability section confirms that the role of viability assessments is primarily at the plan making stage. Viability assessments should not compromise sustainable development but should be used to ensure that policies are realistic.

5.75 Paragraph 007 (ref ID: 10-007-20190509) states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.

5.76 Other relevant sections of the PPG include:

- Air quality
- Design: process and tools
- Effective use of land
- Environmental Impact Assessments
- Flood Risk and Coastal Change
- Healthy and safe communities
- Housing supply and delivery
- Land affected by contamination
- Natural environment
- Town centres and retail
- Transport evidence bases in plan making and decision taking
- Travel Plans, Transport Assessments and Statements

National Model Design Code (July 2021)

5.77 The National Model Design Code provides detailed guidance on the production of design codes, guides and policies to promote successful design. It forms part of the government's planning practice guidance and expands on the ten characteristics of good design set out in the National design guide, which reflects the government's priorities and provides a common overarching framework for design.

6 Planning Assessment

Policy Framework

6.1 This section deals with the principle of development. The starting point for the assessment is compliance with the Development Plan (in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act (2004), followed by consideration against other material planning considerations.

6.2 The Development Plan for Barnsley is outlined in Section 5 of this Statement.

Principle of Development

6.3 The Barnsley Local Plan was adopted on 03 January 2019, superseding the Core Strategy and the saved polices in the Unitary Development Plan, as the Development Plan for the Borough. The Barnsley Local Plan can therefore be afforded full weight in the decision-making process.

6.4 The Barnsley Local Plan confirms at Policy H1 that at least 21,546 net additional homes will be delivered during the period 2014 to 2033.

6.5 Hoyland is identified as a Principal Town within the borough's settlement hierarchy; and is expected to deliver a total of 2263 new homes - through land allocations and existing planning permissions. This equates to 12% of the overall supply for the borough. At paragraph 5.45 the Council outline their vision for Hoyland to grow in housing and employment terms; taking advantage of its accessible location and utilising strategic transport links. Development on this site meets that objective.

6.6 The application site has been allocated for housing under reference HS69 'Land North of Wood Walk'. The principle of this proposal is therefore in accordance with Local Plan - in meeting the identified housing requirement for Hoyland and the wider borough's housing target (as outlined in Policies LG2; H1; and H2 of the Local Plan).

Sustainable Location

6.7 The site is located within the settlement boundary of Hoyland, as defined on the adopted Local Plan Proposals Map. Section 2 of this Statement demonstrates that the site is within walking distance of a wide range of shopping facilities, services and amenities. The site also benefits from being within close proximity of regular bus services, with associated bus stops only a short walk away. The bus services provide sustainable transport links to locations such as Barnsley and Doncaster.

6.8 The Town Centre of Hoyland which is accessible by foot and/or public transport, provides a more expensive range of shopping and employment opportunities. A number of schools are also close to the site, including those catering for pre-school, primary and secondary age groups.

6.9 From both a practical and policy standpoint, the site is considered to be in a sustainable location and complies with the requirement of Local Plan Policy SD1.

Housing Mix and Density

6.10 Policy H6 of the Local Plan address housing mix and density and sets out that housing proposals will be expected to include a broad mix of house sizes, types and tenures which create a mixed

and balanced communities. The policy sets out a net density which is expected to be met in Urban Barnsley and Principal Towns of 40dph.

6.11 As noted throughout this document the site is allocated for housing, under Policy HS69 for an *indicative* yield of 112 dwellings.

6.12 Firstly, we note that the figure of 112 dwellings was an i*ndicative* figure as worded in the Policy; and secondly, Policy H6 does support lower densities – '*where they are necessary for character and appearance, need, viability or sustainable design'*. The addition of this statement provides flexibility for sites, as they emerge from the local plan process to the formulation of a planning application - responding to local circumstances. This position is supported by the inclusion of various caveats within the text.

6.13 Land North of Wood Walk was considered a deliverable site during the Local Plan process, based on the Council's own site selection methodology; and this remains the case – as demonstrated by the submission of this planning application.

6.14 The case for a lower density on this site is based on:

i) 'need' and 'viability' relating to safety and required engineering works – due to the presence of a highwall which runs through the site; and

ii) 'character and appearance' of site as outlined in Policy HS69 and presence of Green Belt to the south.

<u>Needs and Viability Case</u>

6.15 Delta Simons on behalf of 'The Cornell Group' (one of the joint applicants) undertook a desktop study and coal mining risk assessment confirming - that whilst the risks associated with coal mining are considered high, subject to appropriate investigation and assessment, there are likely technically and economically viable solutions which could be implemented which could successfully facilitate development onsite. As such, development of the site was not considered to be precluded, due to risks associated with coal mining activities. This position is collaborated by advice from the South Yorkshire Mining Advisory Service (SUMAS) during pre-application discussions. The SYMAS noted that it is possible to build over high walls, obviously not without some difficulty and expense through engineering solutions.

6.16 In 2019, Delta Simons undertook significant work (including trial pits; chemical & geotechnical testing; and additional excavator mobilisation) to establish the precise location of the former opencast highwall to enable a design to come forward for the site. This is outlined in full within the supporting Phase 1 and Phase 2 Land Contamination Reports, and summarised in **Appendix 3** of this Statement. On this point, the highwall occupies 0.8ha of the site, as shown in the constraints plan attached to **Appendix 4** of this Statement.

6.17 **Appendix 3** confirms that additional sit investigations were undertaken in August and September of 2020; comprising cable percussive and rotary boreholes inside and outside of the opencast to assess the nature of the fill and surrounding ground conditions. Additionally, area load tests, simulating c.150% of an anticipated raft bearing pressure, were established to assess the settlement characteristics of the backfill with recorded settlement to date appearing relatively small (c.11mm).

6.18 Consideration was also given to the potential for differential settlement to occur across the line (and slopes) of the highwall. Outside of the opencast, superficial deposits are absent with

weathered bedrock present immediately below topsoil. Inside the opencast, up to 25m of fill is present. As such, foundations spanning this zone would be subject to differing settlement characteristics and therefore potential for damaging differential settlement to occur.

6.19 In light of the above; Delta Simons have therefore recommended that whilst there are potential engineering solutions, e.g. piling, there are numerous difficulties associated with this (e.g. ensuring appropriate keying into the highwall slope, ensuring no lateral loads to the piles resulting in snapping, ensuring no deflection of the pile off a sub horizontal surface etc) as well as excessive costs to both sufficiently investigate and implement the requisite solution. Delta Simons then noted from prior experience, warranty providers are not likely to be comfortable with this as an approach even if a technically feasible, and an economically viable solution, is identified. This information confirms that development on the highwall is not advised and/or considered viable.

6.20 Delta Simons proposed engineering solution, is therefore to excavate and re-engineer the top 3m of fill within the opencast and use reinforced rafts for plots within the opencast. Outside the opencast, plots will be able to use traditional shallow strip footings founded on weathered bedrock. Plots have therefore been positioned such that the zone of influence from foundations do not intersect with the high wall, or unimproved ground and as such, this creates a no build zone around the perimeter of the former opencast highwall and northern periphery thus reducing potentially developable area. A letter from ADM regeneration (attached to **Appendix 5**) supports this position, which has been deemed acceptable to NHBC; building control and highways; and has been implemented successfully on other sites.

Character and Appearance

6.21 The masterplan has also been influenced by the following considerations:

- requirement for open space at 15% at 0.4ha
- Respect the presence of Green Belt land to the south of the site
- requirement to retain woodland to the east of the site at 0.2ha
- requirement for car parking and cycle spaces
- requirement for space standards internally
- requirement to achieve appropriate amenity distances between properties and boundaries
- need for landscaping to ensure a high-quality proposal is delivered
- requirement to retain trees, scrubland and hedgerow to the west of the site
- requirement to retain tree located within the centre of the site.

Summary

6.22 A constraints plan is attached to **Appendix 3** of this Statement showing the presence of the above features; and how in tandem with the highwall and its no build zone - has materially affected the number of dwellings that can be delivered on site. On this point, we note that 112 dwellings are not achievable, even by replacing dwellings with further flats and/or high rise flats

– due to impact on the character of the area (Green Belt Land to the South) and feasibility of meeting the requirements for parking and open/amenity space. This proposal therefore represents the most logical solution to delivering much needed housing to Hoyland.

6.23 On housing mix; the proposal seeks to include a mix of 2, 3 and 4 bedroom properties – comprising a mix of detached and semi-detached properties, including flats with own access points to also reflect the format of a bungalow. It is considered that the proposed housing mix is complimentary to the surrounding area and in line with the requirements of the 2021 SHMA for Hoyland.

Design

6.24 Policies GD1 and D1 of the Local Plan sets out the Council's design principles and expectations for new development proposals. This includes the South Yorkshire Residential Design Guide, alongside policy in the NPPF and practice guidance.

6.25 Assisted by the accompanying technical reports, local plan policies, and feedback from pre-application with both the LPA and members of the public, the scheme designer has undertaken an analysis of the site and surrounding area; in order to develop a design approach for the site, which gives particular consideration to its constraints; surroundings; and adjacent built form. In accordance with local policy and advice in the NPPF, the scheme seeks to respond to local character, reflect the identity of local surroundings and materials and be visually attractive. Further detail is outlined in the accompanying Design and Access Statement prepared by Enjoy-Design.

6.26 In accordance with the allocation (HS69); the proposal seeks to retain features identified onsite. This includes existing trees and hedging within and bordering the site. The plantation of trees to the east will also be designed to encourage recreational activity across the site.

6.27 Public open space is provided within the centre and across the site. This provision along with the planting throughout will help to shield views of the site as well as creating an accessible and attractive place to live. Each unit also has associated private amenity space. This accords with guidance outlined in the Open Space Provision on New Housing Developments SPD and Policies GS1 and I1.

6.28 The proposed layout achieves the minimum distance for front elevations facing roads of 12m. The layout has also had regard to the minimum back-to-back distances between habitable rooms set out by the Design of Housing Development SPD (2019); Residential Amenity and the Siting of Building SPD; and South Yorkshire Design Guide.

6.29 The South Yorkshire Design Guide (2011) sets the required internal space standards. Each dwelling has been designed so as to comply with the minimum space standards to provide a good level of internal amenity space for residents in accordance with the prescribed standards. Ground floor flats with their own private entrances are proposed to appeal to those looking for bungalow format dwellings. It is considered that these units will also be desirable to the accessible housing market.

6.30 The Council's Design of Housing Development SPD (2019) and the South Yorkshire Design Guide provides guidance on garden sizes for new dwellings with rear gardens for 3+ bed dwellings to measure 60sqm. Smaller gardens may be acceptable in corner plots provided privacy and daylighting can be maintained.

6.31 Each dwelling is provided with a generous area of useable rear private amenity space proportionate to the dwelling size and providing for a good standard of residential amenity. The Boundary Treatment Plan shows a suitable means of enclosure is provided with 1800mm timber close boarded fencing proposed for garden rear private garden boundaries.

6.32 The existing telegraph poles will be removed and new infrastructure put in place. It our understanding that discussions are currently taking place on this requirement and the feasibility of cables running along the perimeter of the site. – in accordance with Policy UT2 of the Local Plan.

6.33 Overall, the proposals accord with Policies outlined in the Local Plan and 2021 NPPF.

Public Open Space

6.34 The Open Space Provision on New Housing Developments SPD (2019) requires sites of 20 dwellings or more to make provision for 15% of the gross site area to be laid out as open space. The proposal meets this policy requirement, with the main area open space provided within the centre of the site to act as a central hub. Other areas of open space are disbursed through-out the site to enhance the overall setting and connect with the area of woodland to the east. This accords with guidance outlined in the Open Space Provision on New Housing Developments SPD and Policies GS1 and I1.

Land Contamination and Coal Mining

6.35 A Land Contamination Survey has been undertaken by Delta Simons, alongside ground investigations which include trial pits; chemical and geotechnical testing; excavator mobilisation; cable percussive and rotary boreholes; settlement load tests and gas monitoring. A coal mining risk assessment was also undertaken by Delta Simons.

6.36 The current ground investigation recorded a variable thickness of topsoil across the Site, which was locally underlain by a thin layer of subsoil and / or variably thick Made Ground.

6.37 Within the extent of the former opencast, granular and cohesive colliery spoil was present to a maximum proven depth of 22m. Below the colliery spoil completely weathered to weathered bedrock (Pennine Middle Coal Measures Formation) was present.

6.38 In the area, outside of the former opencast, shallow bedrock was present below the topsoil / Made Ground comprising completely weathered to weathered Pennine Middle Coal Measures and Woolley Edge Rock.

6.39 Overall, the survey identified no visual and or evidence of soil or ground contamination; no requirement for gas protection measures; no risk to controlled water; and given the absence of identified hydrocarbon contamination at the site, it is considered that there is a low risk of water pipes to be affected by such contaminants.

6.40 The Geotechncial assessment confirms that outside of the former opencast, based on the Site investigation undertaken, shallow strip foundations are considered to be suitable, founded at a minimum depth of 1.0 m bgl within sands and gravels (Completely Weathered Woolley Edge Rock) or firm to stiff clay (Completely Weathered Pennine Middle Coal Measures Formation) with a minimum undrained shear strength of 50 kPa. Where cohesive soils exhibit an undrained shear strength in excess of 50 kPa, an allowable bearing capacity of 100 kPa is likely to be achieved (limited to < 25 mm settlement).

6.41 Within the backfilled opencast, shallow foundations are not considered suitable without some form of ground improvement. The preferred solution is to excavate and recompact the top 3.0 m of colliery spoil (from existing ground level), to achieve a uniform and strengthened layer to enable raft foundations to be adopted. Based on the engineered fill achieving a minimum undrained shear strength of 75 kPa, an Ultimate Dead Load (UDL) of 35 kPa may be achieved, limited to less than 15 mm settlement.

6.42 The plasticity index results suggest that the cohesive completely weathered Pennine Middle Coal Measures Formation has a medium volume change potential.

6.43 Ground bearing floor slabs may be feasible subject to the removal of topsoil, Made Ground, and any soft soils. The formation should be thoroughly proof rolled. Where unsuitable soils are removed, they should be replaced with a well compacted granular fill. Where Made Ground is greater than 600 mm thick, the NHBC recommends that floor slabs are suspended.

6.44 It is recommended that a conservative California Bearing Ratio (CBR) value of 2.5 % should be assumed for the shallow soils, for preliminary pavement design. It is recommended that plate CBR tests are undertaken at formation level, upon completion of the earthworks to finalise the design CBR.

6.45 The Site classifies as Design Sulphate Class DS-2 and ACEC Class AC-2, when considering the most appropriate type of concrete to be used in order to resist chemical attack

6.46 The survey provides a list of recommendations including a Materials Management Plan; Remediation Strategy; Production of an earthworks specification; CBR tests; liaise with LPA on road design and ground improvement and foundation design; allowance made for removal and/or crushing of oversize fragments during re-engineering/ replacement; use of site-won topsoil; and further environmental analysis on site-won topsoil.

6.47 Matters relating to the coal mining have been address under the sub-heading ‘Housing Density and Mix’.

6.48 The proposal therefore meets the requirement of Policy CL1 of the Local Plan and NPPF.

Landscaping and Arboricultural

6.49 A Proposed Landscaping Plan is submitted with the application which provides for a mix of planting within the site, including boundary treatment planting to front gardens and along the internal access road; as supported by the Design of Housing Development SPD (2019) and paragraph 131 of the NPPF (where feasible and taking into account Highway requirements for offset).

6.50 The application is also accompanied by an Arboricultural Impact Assessment (AIA) prepared by Delta Simons. In accordance with Policy HS69, the existing ash tree located within the centre of the site will be retained, alongside the broadleaf plantation to the east. The dense scrubland and scattered trees towards the west will also be retain that fall within our ownership. We note that the majority of trees, hedgerow and scrubland to the west are in the ownership of Barnsley Council – we envisage that these will be protected. However, to facilitate access to the public area of open space to the west, a small area will need to be lost. This can be discussed during the application process.

6.51 The AIA recommends that the trees identified for retention are protected during construction works, with consideration given to the root protection areas.

6.52 A total of six hedgerows were recorded on-site and surveyed. Four were found to be species-poor and intact, and the other two were recorded to be species-poor and defunct, and none were assessed to be 'Important' under the Hedgerow Regulations (1997) criteria. We note that no hedgerow will be removed as part of this development proposal.

6.53 It is considered that the application is in accordance with Policy LC1 of the Local Plan and the Trees and Hedgerows SPD; and will promote a high quality, attractive environment within the site.

Ecology

6.54 Delta Simons have undertaken a Preliminary Ecological Appraisal of the site, alongside a calculation of biodiversity net gain.

6.55 The survey confirmed that the woodland, scattered broadleaved trees, hedgerows and scrub provide nesting opportunities for birds, whilst the arable offers nesting for ground nesting bird species, including skylark, recorded at the time of the survey.

6.56 One tree and a telegraph pole with a large crack were assessed as offering low Bat Roost Potential (BRP). To enable their removal, they survey recommends that they should be climbed by a licensed bat ecologist.

6.57 The survey also confirmed that the woodland, trees and hedgerows on the boundaries provide ideal foraging and commuting habitat and also connect the Site to the wider area, and the Site was assessed as having low habitat suitability for foraging and commuting bats. Alternatively, dawn return surveys can be undertaken between April and October (inclusive) on the morning works are due to proceed.

6.58 In light of the above, the survey recommends that any Site clearance works of potential bird nesting habitat should be performed either before early March or after late August in order to avoid the main bird nesting season. Conflict with the development can be avoided by clearing the Site of any suitable nesting habitat outside of the breeding season in advance of any proposed works. If Site clearance are deemed necessary during the nesting period, an experienced ecologist will be required to check the Site habitats immediately prior to works commencing to confirm that no nesting birds will be affected by the proposed works. This work can be secured via condition.

6.59 General good practice for Sites where badgers and hedgehogs may occur, it is recommended that no excavations or trenches are left uncovered overnight during the development works in order to prevent these species from becoming trapped. Alternatively, ramps can be provided to enable them to climb out of trenches or excavations.

6.60 Where scrub, trees and hedgerows are required to be removed, a check should be made for hedgehogs. Should a hedgehog be found it should be carefully removed by hand and relocated off-Site in suitable habitat, such as at the base of a hedgerow. These measures can also be secured via condition.

6.61 Linear corridors allowing the free movement of hedgehogs around the Site boundaries and into off-Site habitats should be retained. All fencing within these areas should allow access and egress for hedgehogs.

6.62 Astrum Planning note that the proposal will achieve a net loss when assessed against the DEFRA Matrix. However, in accordance with Policy HS69 key features of ecological importance have

been retained within the site. This includes the woodland; and hedgerow and scrub along the boundaries of the site. It is important to note that the hedgerow to the west of the site falls beyond the ownership boundary. A list of recommendations to enhance the biodiversity of the Site are found in Section 6.0 of Ecology Report. As such the proposal, has sought to comply with Policy BI01 of the Local Plan and the Biodiversity and Geodiversity SPD. Trees can also be included within garden areas, with a covenant in place to prevent any removal from future residents.

Lighting

6.63 A lighting assessment has been prepared in support of the application and has been designed in accordance with the Ecology Survey - which requires a proposal to be functional and directional. The proposal therefore accords with Policy POLL1 of the Local Plan.

Transport

6.64 Via Solutions has been appointed by Yelcon to prepare a Transport Assessment and a Travel Plan to support the application. The following summarises the key points from the Transport Assessment:

6.65 The proposal is in-keeping with both local and national transport policies and the land use planning policy agenda;

6.66 The site benefits from good connectivity with the facilities and amenities available in the local area, with opportunities for residents to travel by sustainable modes to access education, retail, healthcare and leisure facilities; the centre of Hoyland being within around 1km of the development site;

6.67 An analysis of contemporary accident data suggests that there are no significant accident trends that might be exacerbated by the addition of development related traffic;

6.68 The current application proposals are anticipated to generate a maximum of 50 two-way vehicular trips in the highest peak hour based on TRICS. The TA confirms that the adjacent highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity.

6.69 The quantum and design of car parking on site as detailed on the Proposed Site Layout Plan is provided in accordance with the Barnsley Parking SPD (2019). This includes for provision of off-street parking for residents provided by driveways and garages. Intervening soft landscaping is proposed between driveways throughout the development to secure a good standard of design in accordance with the Design of Housing Development SPD (2019).

6.70 Secure cycle parking will be provided within each dwelling as part of the development proposal. Garages will be used to house bikes where they are provided.

6.71 Servicing has been considered and the suitability of the site layout to cater for a refuse vehicle has been demonstrated.

6.72 In conclusion, it is considered that the proposals will not result in a ‘severe residual cumulative impact’ (the test set out in the NPPF); indeed, they will be complementary to the prevailing policy agenda. As such, there are no substantive highway grounds why the development should not be granted consent.

6.73 In terms of the Travel Plan, Via Solutions have identified a number of initiatives for the management of transport movements from the site. This includes a number of hard and soft measures such as:

- Strong pedestrian linkages;
- Electrical vehicle charging points;
- Secure cycle parking; and,
- TP will advise residents how to access online real-time bus information and Journey Planner on Metro's website and the "your next bus" service from Metro, by mobile phones.

6.74 The proposal therefore accords with Policies T3 and T4 of the Local Plan; Sustainable Travel SPD; Section 278 Agreement SPD; Section 38 Agreements Planning Advice Note; and requirements of the NPPF.

Air Quality

6.75 A detailed air quality assessment has been undertaken by Delta Simons, which accompanies the application submission. The site is not located within an Air Quality Area.

6.76 The Proposed Development is expected to result in an overall negligible impact associated with the operational phase traffic on nearby receptors and the residual effects are considered to be not significant.

6.77 An assessment of the potential for future users of the Proposed Development to be exposed to poor air quality has also been undertaken. Pollutants considered in this assessment were NO2, PM10 and PM2.5.

6.78 The results indicate that pollutant concentrations at relevant proposed receptors are likely to meet the annual mean objectives for NO2, PM10 and PM2.5. The residual effect of air quality on future occupiers of the Proposed Development is judged to be not significant.

6.79 in accordance with the BMBC Air Quality and Emissions Good Practice Guidance. Mitigation includes the provision of EV charging points. This also accords with sustainability policies.

6.80 The conclusions of the assessment confirm that the air quality does not represent a material constraint to the development proposals, which conform to the principles of National Planning Policy Framework and the accompanying Planning Practice Guidance, the relevant policies of BMBC's Local Plan (POLL1) and BMBC's Air Quality and Emissions Technical Planning Guidance.

Climate Change and Sustainability

6.81 Policy CC1 'Climate Change' seeks to reduce the causes of and adapt to the future impacts of climate change through locating and designing development to reduce the risk of flooding, promote use of sustainable drainage systems and promoting investment in Green Infrastructure to promote and encourage biodiversity gains.

6.82 The proposal is supported by a Drainage Strategy as detailed further below which is guided by sustainable drainage principles and protects against the 1 in 100year storm plus 30% climate change event.

6.83 A sustainability statement has been prepared in support of the application by Delta Simons. The document states that a sustainable approach to design, focused on “fabric first”, “be lean” commitment to reducing energy demand from the dwellings, satisfies the requirements of Building Regulations compliance and planning policy requirements, while allowing for the properties to be adaptable for future incorporation of renewable energy systems. The proposal therefore accords with Policy RE1 of the Local Plan.

6.84 Dwelling Fabric Energy Efficiency (DFEE) and Dwelling Emission Rates (DER) for all dwelling types within the proposed development are shown to be compliant with the requirements of Building Regulations.

6.85 A Proposed Landscaping Scheme is also provided which proposes a variety of planting and species mix which would promote and encourage opportunities for biodiversity. An Ecological Assessment has also made a number of recommendations, which include features outlined in Policy HS69 of the Local Plan.

Flood Risk and Drainage

6.86 The application is accompanied by a Flood Risk and Drainage Assessment prepared by RWO. The document considers the flood risk to the site, surface water and foul drainage arrangements. The assessment confirms that the site is located within Flood Zone 1.

6.87 The accompanying assessment demonstrates that the foul and surface water drainage systems for the new development can be designed and constructed to meet local and national planning and drainage policies. It is considered that the proposals accord with Policies POLL1, CC3 and CC4 of the Local Plan.

Noise

6.88 A noise assessment, prepared by Delta Simons, has been submitted with the application plans in line with the NPPF requirements on noise sources. The noise assessment considered has shown that compliance with the internal noise criteria limits can be achieved, with standard thermal double glazing for the majority of the plots and upgraded glazing for a minority of plots which lie closest to the main roads. A scheme of alternative ventilation has also been recommended in order to permit background ventilation whilst maintaining façade sound insulation performance.

6.89 This assessment has shown that, through good acoustic design of various plots and by use of acoustic fences of varying height across the Site, the resultant noise levels are the lowest practicable within garden areas. It should be noted that the proposed layout has been optimised for noise control and it is not possible to make any further noise-related design enhancements to the layout due to other master planning design considerations.

6.90 Subject to the incorporation of the specified mitigation measures, it is considered reasonable to suggest that future noise levels within habitable areas of the proposed dwelling plots accord with the 'No Observed Adverse Effect Level' as detailed in the PPG and negligible noise impacts will prevail. The proposal therefore accords with Policy POLL1 of the Local Plan and requirements of the NPPF.

Material Benefits

Social

6.91 The development proposals will contribute to supporting a strong, vibrant, and healthy community; through the delivery of much needed housing for present and future generations. The proposal will also boost the housing supply of Hoyland which has seen little development over the years - on an allocated site. Not only will it deliver market housing, it will deliver much needed affordable housing. Social benefits will also arise from the provision of affordable housing. A mix of housing will increase choice in line with the latest SHMA (dated 2021).

6.92 The site is well related to the urban area and enjoys high levels of accessibility to jobs and services. The joint applicants are committed to providing required infrastructure costs (in line with pre-application discussions) relating to sustainable transport and education - to ensure the proposal makes a welcome addition to the principal town. Both the accompanying Transport Assessment and Travel Plan demonstrate that the site is fully accessible to the range of services and facilities within the town and has excellent public transport connections.

6.93 The proposal also seeks to secure contributions toward i) schools; ii) sustainable travel; and iii) open space. A draft Heads of Terms has been submitted to the Council based on pre-application advice. The proposal therefore seeks to meet the requirements of the Planning Obligations SPD. A Section 106 contribution will ensure that the proposal fits in the existing environment of Hoyland and boost infrastructure where required. This was particularly important to local people.

Economic

6.94 Following the threat of a UK recession and impact of Covid19 on employment; the Government place a major emphasis on the construction industry to “kick start” the economy. There has been a clear push on planning for growth through national policy initiatives including the NPPF, which was intended to stimulate growth in the economy. The scheme would boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period.

Environment

6.95 The development would not have a detrimental impact on any international, national, or local ecological, environmental or heritage interests. Development on this site will therefore safeguard more environmentally sensitive sites from development.

6.96 It is therefore considered that the proposal meets the definition of sustainable development set out in the Framework as it positively contributes towards all three roles encompassed within the definition Sustainable Development.

7 Affordable Housing Statement

7.1 Local Plan Policy H7 sets the affordable housing requirement for Hoyland. For housing developments of 15 or more dwellings it seeks 10% to be affordable. It goes on to say that *"these percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable."*

7.2 The proposed development incorporates the required provision of 10% affordable housing units (8 dwellings) of which 80% will be affordable housing units for rent and 20% will be shared ownership as defined in the Glossary at Annex 2 of the NPPF, provisions a) and d) respectively.

7.3 The 8 affordable dwellings will comprise two 2 bed terraced properties and six 2 bed apartments. The location and mix of dwellings are shown on Drawing Number 00-001 Rev P4 'Proposed Site Plan' prepared by Enjoy Design.

7.4 In the report to the Secretary of State regarding the appeals by St Modwen Developments Ltd against decisions made by East Riding of Yorkshire Council in 2015 (APP/E2001/A/13/2200981 and APP/E2001/A/14/2213944) there is discussion regarding the weight which can be attributed to the provision of affordable units during the decision process. It concludes that in an area where affordable housing has been under delivered, the contribution of affordable units can be given substantial weight in the planning balance: *"substantial weight should attach to the proposals in proportion to the contribution they would make to the supply of affordable housing (para 11)."*

8 Conclusion

8.1 **Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The application site is allocated for residential development and therefore the principal of development is acceptable.**

8.2 The Joint Applicants seek to deliver 84 dwellings on site, including 8 affordable homes which should hold substantial material weight in the decision-making process. Key features as outlined in Allocation (Policy HS69) have been retained and incorporated into the proposed site plan.

8.3 As part of the process of bringing forward this Site for development, the Applicants have engaged in extensive pre-application engagement within BMBC, in advance of the submission of the application, over a number of years, both through the Local Plan process and development management process. They wish to deliver housing on this Site at the earliest possible opportunity.

8.4 The design of the proposal is of high quality, with the design taking inspiration from local architectural styles and the context of the site, whilst adding a modern, contemporary feel to new development. The density of the scheme is considered an appropriate balance which takes into account the constraints of the site, and provides a significant number of flats and houses, but also provides a generous quantum of high-quality landscaping and open space which in all does not negatively impact upon neighbouring amenity.

8.5 The application is supported by a suite of supporting documents which deal with various technical considerations including transport, design, flooding, drainage, lighting, air quality, ecology, trees, sustainability, geology and geotechnical constraints. The documents demonstrate that there are no technical issues which would prevent granting planning permission for the proposal as proposed, subject to appropriate mitigation of methods outlined within the accompanying reports.

8.6 As set out above, given the highly accessible location of the site, the number of car parking spaces is considered suitable in this sustainable location. All properties will make use of private car parking spaces within the curtilage of their private property. Additionally, large amounts of secure bicycle parking spaces will be provided across the site, and sufficient access provision to sustainable modes of transport. Together these measures will help to encourage modal shift from the private car to more sustainable transport modes.

8.7 Some of the key benefits, as pointed out within this Planning Statement and accompanying reports, are:

- The proposed development will deliver much needed new housing to a sustainable location. This will make a positive contribution towards the local housing objectives in respect of housing needs and demand.
- The new housing development can provide a number of substantial economic and social benefits to Hoyland.
- The proposed development will achieve a high standard of design that will not have any adverse impact on the local area.

- As demonstrated in the Transport Assessment and Travel Plan, this development is located in a sustainable location, within walking and cycling distance from a number of services and facilities, including public transport.
- The proposed development will provide a mix of housing to meet current identified local needs, including affordable housing.
- The site falls within Flood Zone 1 and is within a very low risk area for surface water flooding.
- Features of ecological importance/ benefit will be retained and have been incorporated into the design.
- Contributions towards infrastructure such as schools; sustainable travel; open space; and affordable homes.

8.8 Whilst the Site's development for 84 represents a departure from the adopted Development Plan – the figure of 112 dwellings was indicative, with Policy H6 providing flexibility to respond to local circumstances.

8.9 To conclude - planning is a balancing exercise and we consider that the material benefits of this scheme outweigh the loss of 28 homes. It is therefore considered the proposed development satisfies national and local policy requirements; and represents a suitable development proposal for the site that addresses all the relevant and material considerations. It is therefore considered that planning permission should be granted.