
2021/1642

Applicant: Avant Homes

Description: Residential development of 179 dwellings and associated works

33 letters of objection have been received from local residents.

Site Location & Description

The site comprises 2no. parcels of land separated by Smithywood Lane. The Western parcel (HS15) is triangular in shape and measures approximately 1.4Ha. It is currently agricultural in nature and generally slopes down from North to South. Residential properties fronting Intake Crescent and Smithywood Lane, predominantly 2 storey semi-detached dwellings, border the site to the West and North West. Further residential properties are adjacent to the East/North East of the site beyond Smithywood Lane. To the South of the site are open agricultural fields. The site is bordered by hedgerows to the east, a mix of close boarded fencing, hedges and trees to the West and is open to the fields to the South.

The Eastern parcel of land (HS9) is irregular in shape and measures approximately 4.5Ha. The site is mainly laid to grass and levels generally fall from North to South. Residential properties adjoin the site to the North East on Rockingham Road and Gilroyd Lane and to the North West on Calver Close. The properties on Calver Close are a mix of bungalows and 2 storey properties. To the North of the site is a recreation ground which has a footpath link to Smithywood Lane running directly across the site. Smithywood Lane runs along the South Western Boundary and the Trans Pennine Trail runs along the South Eastern boundary. The site is bordered by hedgerow and trees.

Proposed Development

The applicant has submitted a full application for 179 dwellings in total with associated works.

Western Parcel (HS15)

This parcel contains 38no. dwellings (11no. pairs of semi's, 3no. blocks of 3 terraced properties and 7no. detached dwellings). 14no. of those dwellings would be allocated for affordable housing. Access to the site would be from Smithywood Lane in the North Eastern corner, the first part of the street leading in from Smithywood Lane will have a footway to both sides. The remainder of the development will be served from a shared surface street with a small number of properties served from a shared private drive. A small area of Public Open Space would also be included adjacent to the Eastern boundary.

Eastern Parcel (HS9)

This parcel contains 141 dwellings in total (30no. pairs of semi's, 8no. blocks of 3 terraced properties, 2no. blocks of 4 terraced properties and 49no. Detached dwellings). 40no. of those dwellings would be allocated for affordable housing. Access to the site would be from the head of Calver Close to the North West of the site. There will be a loop road arrangement with frontage access. This street will have a footway to both sides. Other parts of the development will be served from shared surface streets and some properties will be served from shared private drives. Public open space is included along the Southern boundary of the site alongside a LEAP located more centrally. A footpath linking Smithywood Lane with the recreation ground is incorporated within the development. Hedgerows and trees have been maintained around the boundary of the site, particularly to the South East and South West.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its

objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – sites HS9 'Land to the East of Smithywood Lane' and HS15 'Land to the West of Smithywood Lane'.

Relevant Local Plan Policies include:

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

GS1 Green Space

H1 The Number of New Homes to be Built

H2 The Distribution of New Homes

H5 Residential Development on Large Non-allocated sites

H6 Housing Mix and Efficient Use of Land

H7 Affordable Housing

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC1 Climate Change

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

Other

South Yorkshire Residential Design Guide
New Strategic Housing Market Assessment (July 2021)

NPPE

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

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 60 - 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

Para 66 - 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

Paras 75-78 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 115 - 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.

Para 131 - The creation of high-quality 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.

Para 136 - trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 139 - 'Development that is not well designed should be refused, especially where it fails to reflect 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.

Consultations

Affordable Housing – Number of units and mix is acceptable.

Biodiversity – No objections subject to conditions

Drainage – No objections subject to conditions and informatives

Highways – no objections following amendments and subject to conditions

National Highways – Holding direction has been lifted and no objections subject to conditions

Public Rights of Way – No objections subject to advice and informatives

South Yorkshire Mayoral Combined Authority – No objections subject to public transport improvements which can be funded by the Sustainable travel payment.

South Yorkshire Mining Advisory Service – No objections, concur with submitted report

Super-Fast South Yorkshire – No objections subject to condition and informatives

The Coal Authority – No objections subject to informative

Trans Pennine Trail – No objections subject to recommendations

Regulatory Services – No objections subject to conditions

Ward Members – 2no. Cllrs objected to the scheme (one of those is no longer a Councillor), the main points of concern are;

- Deviation from the Local Plan
- Discrepancies within the application
- Strain on Local Services
- Strain on infrastructure
- Proposed access not suitable
- Traffic impact on surrounding network
- Design of proposed dwellings
- Ground conditions and drainage

Yorkshire Water – No objections following amendments and inclusion of standoff of 3m each side of the sewer crossing the site.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (111no. in total). 33 letters of objection have been received as a result.

The main points of concern are:

- Increase in traffic movements
- Local road network would suffer
- Reduced highway safety
- Increased noise and disturbance
- Loss of Green Space
- Negative impact on visual amenity
- Lack of facilities in the local area to accommodate additional residents
- Strain on existing sewer network
- Increased surface run-off/potential flooding
- Potential impacts on the new properties from mining legacy
- Negative impact on local wildlife
- Noise, disturbance and safety concerns during construction
- Land unstable and unsuitable for development
- Loss of outlook
- Increased overlooking and overshadowing

Assessment

Principle of Development

The site is located within Urban Barnsley and also on the South Eastern edge of Dodworth. The significance of the site being located in Urban Barnsley is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

In accordance with Local Plan Policy H1 'The Number of New Homes to be Built' and H2 'The Distribution of New Homes', the site is allocated for Housing under sites HS9 'Land to the East of Smithywood Lane' and HS15 'Land to the West of Smithywood Lane'. As such, the principle of residential development on the site has already been established subject to the development meeting the relevant policies and guidelines.

In terms of yield the proposed development largely accords with the site specific policies. Policy HS9 gives an indicative number of dwellings of 144 while policy HS15 has an indicative number of 36 dwellings, this compares favourably to the proposed 137 and 38 dwellings on the two sites respectively. It is noted that the overall yield (circa 30 dph) falls below the 40 dwellings per hectare

figure set out in Local Plan Policy H6 'Housing Mix and Efficient Use of Land' which is expected in Urban Barnsley and principal towns. However, policy H6 goes on to state lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons. The proposed number of dwellings at 179 are only 5no. short of the combined site specific policies and are partially dictated by the requirement to retain landscape buffers, observe drainage easements, a public footpath and also reflect the development pattern and urban grain of the immediate area. As such, in this instance the lower density is acceptable.

Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development is for 179 dwellings with a mix of 1/2 bed (41 units), 2 bed (24 units), 3 bed (82 units) and 4 bed (32 units) properties and has been informed by the Strategic Housing Market Assessment (SHMA), as such, it is considered to provide a broad mix of house size, type and tenure, in line with policy H6. Furthermore, there is a diverse mix of property types including detached, semi-detached, terraced and bungalows with accommodation arranged over 1, 2 and 3 floors.

The site is not previously developed, but as has been set out above, it is allocated for housing and it is in priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

In addition to the above all new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Residential Amenity

The creation of 179 dwellings, in an area adjoining existing residential properties within a site which is previously undeveloped, would inevitably result in some noise and disturbance as a result of vehicular movements and residential activities. However, the two sites were allocated for housing through the Local Plan Process where such factors were assessed. In addition, the surrounding area is predominantly residential in nature and forms part of Urban Barnsley where the majority of growth should be directed.

It is noted that access to site HS9 was proposed to be from Smithywood Lane in the Local Plan whereas this application proposes access to be from Calver Close. This will result in additional vehicular movements on a current cul de sac and some noise and disturbance to the immediately adjacent residents. However, it is an existing roadway which is proposed to be extended and will be a similar situation to numerous developments across the borough. Furthermore, if the access was to be from Smithywood Lane this would result in additional vehicular movements to the rear of residential properties fronting Calver Close which would be potentially more detrimental given the proximity to private amenity spaces.

There will inevitably be noise and disturbance during construction which, given the size of the development, could occur over an extended period of time. This will be controlled by restricted working hours and a Construction Method Statement.

The site layout has been designed with regards to the required separation distances set out in SPD 'Design of Housing Development' in that principal elevations are at least 21m apart (with the exception of across road ways where 12-19m is acceptable), principal elevations to side elevations are 12m apart and rear elevations have at least 10m separation to rear boundaries. As such, the residential amenity of future occupants in terms of outlook, privacy and levels of light would be acceptable.

In terms of the separation distances to existing neighbouring properties surrounding the site, again these predominantly meet the requirements set out in the SPD. It is noted that number 38 Calver Close and plots 103 and 104 fall short of 21m between habitable rooms, especially where number 38 has been extended, however, these properties are bungalows where overlooking and loss of privacy can be controlled by boundary treatments. Furthermore, the proposed dwellings will be built on a lower level than the existing dwellings, as such, privacy levels would be to a reasonable degree in accordance with Local Plan Policy GD1.

The proposed gardens predominantly meet or exceed the requirements of 50m² for 1-2 bedroom properties and 60m² for 3 bedrooms plus. The applicant has also provided floorplans for each property type proposed which demonstrate compliance with the South Yorkshire Residential Design Guide, as such, the amenity of future residents would be acceptable. It is noted that the Askern House type which is stated as 1 bedroom does have a study room. However, the garden and parking requirements for 1 and 2 bedroom properties are the same and the study would be acceptable as a single bedroom. Within the development description above these have been described as 1/2 bedroom dwellings.

As well as the private amenity spaces, the future occupants would also have access to the on-site public open space as well as the neighbouring recreation ground which has a direct footpath through the site. There is also a pedestrian access to Smithywood Lane to the South West which in turn links with the Trans Pennine Trail that runs along the South Eastern boundary of the site.

Design & Visual Amenity

Although the development would be on a previously undeveloped Greenfield site, the existing mature landscaping outside of the site boundary, as well as the retained hedges, trees and landscaping within the site, in addition to the proposed landscaping scheme and public open spaces, would aid to soften the development within its edge of settlement surroundings. The existing sites, especially centrally, are particularly devoid of character and features, but the assets the sites do have, in terms of trees, hedges and landscaping around the edges, are largely retained.

The surrounding area has a mixture of property types, sizes, designs and ages, as such, there is not a rigid architectural language to follow. However, cues are taken from the local vernacular and the scheme incorporates a rich mix of properties including bungalows, detached, semi-detached and terraces with accommodation provided over 1, 2 and 3 floors. A mix of materials and textures are also proposed across the site to further tie the development to its surroundings while adding interest and character.

Both sites have a single main vehicular access point with a main adoptable route through with a hierarchy of shared surfaces and private drives branching off. This allows the site to be legible and easily navigated while allowing for a mix of road materials and textures. The vast majority of the properties have a frontage onto the highways and access roads, in accordance with SPD 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

Site HS15 would be visible from Smithywood Lane, Bradwell Avenue and neighbouring public vantage points. To soften the development there are soft landscaped areas adjacent to the main vehicular access into the site and the majority of the proposed public open spaces are located immediately adjacent to Smithywood Lane.

Site HS9 would be accessed through Calver Close. Plots 1 and 2, immediately adjacent to the site entrance, would be on a similar building line to 23 Calver Close immediately adjacent. It is noted that plot 104 on the opposite site of the entrance would be in a prominent location with a side elevation facing the main access road into the site. However, that reflects the situation of 38 Calver Close and, similar to 38, that property is a bungalow which reduces the prominence and is a design cue from the immediately neighbouring properties to visually link the existing and proposed developments.

Site HS9 would be visible from public vantage points such as the recreation ground, Smithywood Lane and the Trans Pennine Trail. However, these are the areas where the majority of the existing trees and hedges have been retained, plus public open spaces have created a buffer to the built development. As such, visual amenity would be maintained to a reasonable degree, in accordance with Local Plan Policy D1.

The vast majority of the proposed properties incorporate a buffer garden to the front and the parking solutions are varied across the streetscene, with some front of dwelling parking, some side of dwelling parking and a number of garages. The parking solutions are also separated by soft landscaping which avoids a continuous run of hard landscaping and vehicles, as such, the development would not be car dominated.

Each property has pedestrian access to the rear amenity space which allows bins and recycling containers to be stored away from principal elevations and public vantage points. Bin collection areas are also proposed adjacent to private drives to avoid them being visually untidy and obstructive on bin collection days.

The submitted site layout plan sets out the proposed boundary treatments for the development. The proposed boundary treatments are considered appropriate for the development and would provide good levels of visual amenity, security and privacy in accordance with Local Plan Policy D1.

As set out in the National Planning Policy Framework, the Government attaches great importance to the design and quality of the built environment, stating that 'it is important to plan positively for the achievement of high quality and inclusive design for all development'. Given the comments set out above, it is considered that the development is of a high quality design and takes advantage of the features of the site and surrounding area, in accordance with the NPPF and Local Plan Policy D1.

Highway considerations

The application has been accompanied by a Transport Assessment and a Travel Plan, in addition to a Design and Access Statement and Planning Case Report.

Site HS15 is accessed directly from Smithywood Lane. Beyond the site entrance Smithywood Lane changes from an adopted highway to a single unmade track leading to Gilroyd Lane to the South. The site specific policy for HS9 states that the development is expected to '*provide adequate access to allow the complete development of the entire site for residential purposes including the necessary section of Smithywood Lane up to adoptable standards*'. However, as shown on the plans, site HS9 is entirely served from Calver Close by continuing the existing estate road at the turning head.

The applicants have stated that upgrading Smithywood Lane to provide an access to HS9 would not be feasible for a number of reasons including levels, land ownership, easements, loss of habitats to name a few. As such, they have submitted documents to justify the use of Calver Close as the sole access to the site. Given this is the application submitted, it has to be fully assessed as it stands in terms of the relevant policies and guidelines.

Highways DM have been consulted on the application and following a number of amendments to the scheme and supporting documents they consider the development is now at a point where it can be supported, subject to conditions, and highway safety would be maintained, in accordance with Local Plan Policy T4.

Within both sites there is a clear road hierarchy with a main spine road with smaller shared surfaces and private drives off. The private drives serve no more than 5 dwellings in accordance with the South Yorkshire Residential Design Guide.

Each 1/2 bedroom property has access to at least 1no. dedicated parking space and each 3 and 4 bedroom property has access to at least 2no. dedicated parking spaces, in accordance with SPD 'Parking'.

It should be noted that the site is within the vicinity of the M1 (junction 37) which forms part of the strategic road network. As a result, National Highways placed a holding direction on the application for a number of months while modelling and further surveys and studies took place, particularly with regard to planned future development within the wider area including MU1. However, following the modelling and surveys National Highways were satisfied the strategic road network would not be significantly impacted as a result of the development, therefore, they lifted the holding direction and raised no objections subject to conditions.

The data provided within the Transport Assessment shows that the traffic generated by this development will not have a severe impact on the existing highway network. Modelling was provided for all junctions where the development was anticipated to generate over 30 additional vehicle movements per peak hour up to and including Junction 37 of the M1.

For the reasons outlined above, despite the access point deviating from that expected under the site specific policy for HS9, highway safety would be maintained to a reasonable degree, in accordance with Local Plan Policy T4. In addition, Paragraph 115 of the NPPF states 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.

Trees

An arboricultural survey has been submitted alongside the application. Given the previous agricultural nature of the sites the central areas of the sites are relatively devoid of trees and hedgerows with the majority found around the periphery of the site. The main trees of note are a category A woodland group next to the Trans Pennine Trail, a category A large mature oak on the Northern boundary, 4 individual category B trees along the boundary (T10, T13, T15 and T18) and 2no. category B tree groups located along the South Western Boundary.

Given the location of the trees around the boundary of the site the vast majority are maintained, particularly the category A and B trees, and incorporated with Public Open Spaces or rear garden areas. A condition will be recommended for a method statement and root protection areas to ensure the trees are protected during construction.

Ecology

Ecological surveys, site appraisals and impact assessments were carried out with respect to the site and a preliminary Ecological Appraisal, Biodiversity Net Gain Assessment and Metric have been submitted in support of the application.

The Biodiversity Net Gain (BNG) assessment indicates that a gain in biodiversity can be achieved through on-site and off-site landscaping proposals, with a gain of 0.87 habitat units (+3.72%) and 4.57 hedgerow units (+190.24%). Off-site mitigation is proposed on an arable field within close proximity of the proposed development parcels. This will be secured through a S106 legal agreement.

The Biodiversity Officer has raised no objections to the proposal subject to suitably worded conditions and the legal agreement securing the offsite proposals.

Public Rights of Way

There are no recorded public rights of way within the site boundary. Smithywood Lane and The Trans Pennine Trail flank the site to the west and south. These are both public bridleways, which provide access for pedestrians, horse riders and cyclists.

There is a permissive agreement in place for a footpath running along the north western boundary from Smithywood Lane to the neighbouring recreational ground. This was agreed in 2003 with the then landowner and provided the public with permission to walk the route. The applicant has included a route through the site to maintain this link.

The development does not encroach the Trans Pennine Trail but pedestrian links are provided from the site to the TPT via Smithywood Lane. The TPT team have suggested some improvements to the TPT by the developer but this sits outside the site boundaries and monies from the Sustainable Travel contribution could be allocated for this purpose.

Historical Coal Mining Risks

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site lies within an area of probable shallow coal mining that could be attributed to the thick coal seams inferred to outcrop within the site. This could affect the safety and stability for the proposed development.

The planning application is accompanied by a Geoenvironmental Appraisal (1979/2B, April 2021) prepared for the proposed development by Lithos Consulting Limited. The Appraisal has been informed by an extensive range of sources of information including the results of intrusive ground investigations. The report author informs that the overall application site can be split into two areas; the Main fault block forming the majority of the site, and the Northern fault block in the far north east of the eastern parcel of land (Section 4.3.15).

Based on the findings of the rotary drilling Section 7.8.8 informs that within the Main fault block, whilst shallow coal seams were encountered, no evidence of these being worked were found. Within the Northern fault block, evidence of shallow coal workings was encountered, however, the report author informs that there is sufficient rock cover present above the workings (Section 7.8.15). In light of the above, the report author concludes that shallow coal mining does not pose a significant risk of surface instability at the site (Section 13.2.4).

The applicant is aware that coal seams may be encountered as part of the ground preparation / foundation works and that permission will be required from the Coal Authority Permit and Licensing Team before undertaking any future activity, which may disturb coal property.

Both South Yorkshire Mining Advisor Service and the Coal Authority agree with the findings and recommendations in the report and have raised no objections subject to suitably worded conditions for works to be carried out in accordance with the recommendations.

Drainage

The site is located within Flood Zone 1 which is defined in the Planning Practice Guidance as a low-risk area, which comprises land assessed as having less than 1 in 1,000 annual probability of river or sea flooding (0.1%). Planning Practice Guidance states that all uses of land are appropriate in Flood Zone 1.

The application has been accompanied by a Flood Risk Assessment which concluded 'sources of flooding have been assessed and the risk of flooding from these sources is considered to be low and/or manageable with mitigation'.

The site has surface water flow routes with a north-west to south-east orientation, represented as low to medium risk of surface water flooding. The south-eastern portion of the site is at medium to high risk of surface water ponding corresponding with the low point on site. As such, the ground levels on the site will be altered to raise depressions and this will remove surface water ponding and will lower the modelled flood depth.

Surface water disposal will be via gravity to the public surface water sewer located in the western boundary of the eastern parcel of land. A new connection will be required and surface water discharge will be attenuated to 23.4 l/s.

Attenuation storage for rainfall events will be provided for up to the 1 in 100 year plus climate change event. The total estimated storage volume is 2,300 m³ subject to detailed design.

Foul effluent will discharge via a pumped system to the 225 mm public foul sewer in Calver Close.

The Councils Drainage Officer and Yorkshire Water have been consulted on the application and have not raised objection subject to suitably worded conditions. Yorkshire Water did initially raise concerns regarding development encroaching the existing sewer running across the site but the plans were subsequently amended to maintain a 3m stand-off to each side of the sewer line and a 5m stand off from any newly planted tree.

Contributions

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where:-

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

An education contribution would need to be sought for both primary and secondary provision due to the high level of existing and planned development within the area and the subsequent impact on school places. Based upon the proposed number of dwellings the contribution required would be:-

- Primary – 37 primary pupils at £16,000 per pupil totalling £592,000
- Secondary – 26 secondary pupils at £16,000 per pupil totalling £416,000

That would equate to a total of £1,008,000. This would need to be secured via the proposed S106 Agreement.

Sustainable Travel

The objective of the 'Sustainable Travel' SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency, and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. Based upon the number of 179 dwellings a contribution of £134,250 would be required. This is another matter for the proposed S106 Agreement. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

Affordable Housing

Policy H7 sets out that; 'Housing developments of 15 or more dwellings will be expected to provide affordable housing...30% will be expected in Dodworth...These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable...The developer must show that arrangements have been put in place to keep the new homes affordable...'

The applicants have proposed 54no. affordable units (30%), in accordance with policy H7 and SPD 'Affordable Housing'. The units comprise 37no. for affordable rent, 14no. for first homes and 3no. for other affordable homes ownership. The units would need to be secured through the proposed S106 Agreement.

The Affordable Housing Officer is satisfied with the proposed number of units and the split. There were questions raised regarding the distribution of the affordable housing throughout the development, particularly the runs of 6no. affordable rent units as paragraph 7.5 of the SPD states *'The Council will not support the grouping of affordable units together in large numbers as this can reinforce the feelings of social exclusion and can have a negative impact on the establishment of sustainable communities. Smaller clusters of affordable housing should be dispersed throughout a housing development to aid integration rather than congregated in specific areas such as at the end of cul-de-sacs'*.

However, the applicants have explained that this is at the request of the affordable housing providers for maintenance and management reasons (the runs of 6 consist of 2no. blocks of 3 terraced dwellings). On balance, given the number of affordable units, the distribution throughout the 2no. sites and the split in terms of provision, it is not considered that any further action would be appropriate in this case.

Open Space

In line with SPD 'Open Space Provision on New Housing Developments' a minimum of 15% of the gross site area of new housing development (of 20 or more dwellings) 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.

In this case the applicants are proposing the required 15% on site public open space in the form of a central area with a LEAP on the larger of the 2 sites with a number of smaller or elongated areas around the edges of both sites.

Although 15% of the site would be public open space the applicants are only proposing an equipped children's play area and informal play space and informal landscaped areas. As part of the provision on a site of this size Formal Recreation areas are also required. As such, given these are not provided on site an off site contribution is required in line with the figures set out in Appendix 2 of the SPD. A combination of on site and off site provision is commonplace and the SPD states *'on sites of over 40 houses, depending on individual circumstances, a combination of on and off site*

provision is a likely outcome, with informal open space being provided on site, and a financial contribution to enhance existing formal recreation facilities and equipped children's play facilities off site'.

In accordance with appendix 2, the off site contribution in this instance is £160,813.68 and will be subject to a s106 agreement.

Conclusion

In summary, the proposed residential development is considered acceptable in principle due to the land being allocated for housing under policies HS9 and HS15.

Biodiversity habitat on the site is generally of a low value and it is not the subject of any special designations. The Biodiversity Net Gain (BNG) assessment indicates that a gain in biodiversity can be achieved through on-site and off-site landscaping proposals, with a gain of 0.87 habitat units (+3.72%) and 4.57 hedgerow units (+190.24%). Off-site mitigation is proposed on an arable field within close proximity of the proposed development parcels. A S106 Agreement is required therefore to ensure that the requirement is delivered as part of the future development. The development also delivers 30% affordable housing provision on site, 15% informal open space and equipped children's play area on site and contributions towards primary and secondary school places, sustainable travel and off site provision of formal recreation areas in full compliance with the amounts and formulas set out in the SPD's.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including highways matters, drainage, coal mining risk, relationship with the adjacent Public Right of Way subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject to the completion of a S106 Agreement and the conditions listed below.

Recommendation: Grant subject to conditions and a S106 Agreement (30% affordable housing provision on site, 15% informal open space and equipped children's play area on site and contributions towards primary and secondary school places, sustainable travel and off site formal recreation in full compliance with the amounts and formulas set out in the SPD's and to ensure the required biodiversity provisions to prevent net loss)

Conditions:-

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out in substantial accordance with the plans and specifications as approved unless required by any other conditions in this permission. The approved plans and reports are;

Reports

Air Quality Assessment (BWB - Nov 2021 - CLD-BWB-ZZ-ZZ-RP-LA
001_AQA_S0_P02 V1.0)
Arboricultural Survey (BWB - Nov 2021 - Revision P01)
Archaeology and Heritage Statement (BWB - May 2021 - Revision P02)
Transport Assessment (Optima - Dec 2023 - Revision 4)
Travel Plan (Optima - Nov 2021 - Revision 3)
FRA (Eastwoods - Sept 2022 - 45944-001 Issue 2)
SI (Lithos - April 2021 - 1979/2B)

Ecological Impact Assessment (BWB - July 2023 - CLD-BWB-ZZ-XX-RP-LE-000 P02)
 BNG Matrix (BWB)
 BNG Assessment (BWB - CLD-BWB-ZZ-XX-RP-LE-0002 P03)
 Arboricultural Impact Assessment (BWB – Mar 24- Revision P04)
 Lighting impact Assessment (BWB – Mar 24 - CLD-BWB-00-XX-YE-RP-0001_LIA P03)
 Noise Impact Assessment (BWB – Mar-24 - LDP2520 Revision 2)
 BEMP - CLD-BWB-ZZ-XX-RP-LE-0004_BEMP – Apr 24
 CEMP - CLD-BWB-ZZ-XX-RP-LE-0001_CEMP(B) – Apr 24
 Light Impact Assessment - CLD-BWB-00-XX-YE-RP-0001_LIA – Mar 24
 Arboricultural Impact Assessment – Rev P04 – Mar 24
 Arboricultural Method Statement and Tree Protection Plan – Rev P01 – May 24

Plans

Planning Boundary 01PL4187 Rev -
 Planning Layout 04PL4187 Rev S
 Boundary Treatment Plan 4187-260 Rev B
 Materials Layout 2202-2202.03- Rev C
 Housetypes Pack
 Detailed Landscape Proposals (1 of 3) 3482-1L
 Detailed Landscape Proposals (2 of 3) 3482-2L
 Detailed Landscape Proposals (3 of 3) 3842-3L
 Detailed Landscape Proposals – Additional Land 3842-4A

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
4. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
5. All out of curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority upon commencement of development. Thereafter the landscaping shall be carried out in accordance with the approved details and timescales.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
6. The landscape management of the approved development shall be carried out in accordance with the approved Landscape Management Plan (Landscape Management Specification by Rosetta Landscape Design).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
7. The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

8. Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
- ii. Means of access for construction traffic
- iii. Loading and unloading of plant and materials
- iv. Storage of plant and materials used in constructing the development
- v. Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety.

10. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

11. No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

12. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation into the culverted watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an approved programme and details.

Reason: To prevent the increased risk of flooding in accordance with Local Plan Policy POLL1 Pollution Control and Protection..

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres of the Public Sewer shown on the approved plan.

Reason: To prevent damage to the existing Public Sewer

14. No development shall commence until full details of structural condition including CCTV survey and exact route of the watercourse have been submitted to and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.

Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

15. Prior to the first occupation of the development hereby permitted, a vehicular access shall be provided and thereafter retained in the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety.

16. Submission of Details - No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for highway adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To ensure that the internal streets are planned and approved in good time to a satisfactory standard for use by the public in the interests of highway safety.

17. No building or use hereby permitted shall be occupied (or use commenced) until details of arrangements for the future management and maintenance of proposed carriageways, footways, footpaths and landscaped areas not put forward for adoption as maintainable at public expense within the site have been submitted to and approved in writing by the LPA. On occupation of the first dwelling (or building) within the site, the streets shall be maintained in accordance with the approved management and maintenance details. **Reason: To ensure that all private streets and landscaped areas are appropriately managed and maintained to ensure the safety of all users.**

18. Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Smithywood Lane and Calver Close in accordance with details of a phasing and completion plan to be submitted and approved in writing by the LPA.

Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.

19. No development / construction hereby approved shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with National Highways.

Reason: To manage construction traffic impacts for the M1 and ensure the safe and efficient operation of the SRN

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any Order revoking and/or re-enacting that Order), the garages/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with residential occupation of the property and ancillary domestic storage without the grant of further specific planning permission from the LPA.

Reason: To retain the garages/car parking spaces for parking purposes.

21. No development shall take place until a survey of the condition of the adopted highway condition to be used by construction traffic has been submitted to and approved in writing by the LPA. The extent of the area to be surveyed must be agreed by the LHA prior to the survey being undertaken. The survey must consist of:

- i. A plan to a scale of 1:1250 showing the location of all defects identified
- ii. A written and photographic record of all defects with the corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of survey.

On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.

22. No works shall commence on site until a scheme for the parking of bicycles complying with LTN 1/20 Cycle Infrastructure Design has been submitted to and approved in writing by the

Local Planning Authority. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of encouraging the use of sustainable modes of transport in accordance with Local Plan Policy T3.

23. The gradient of vehicular accesses and driveways shall not exceed 1 in 12 as measured from the edge of adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway in accordance with Local Plan Policy T4 New Development and Transport Safety.