

Statement of Common Ground.

Between Hargreaves Land Limited, G N Wright, M M Wood, M J Wood and J D Wood and Barnsley Metropolitan Borough Council.

Land north of Hemingfield Road, Hemingfield, Barnsley.

Date: May2025 | LPA Ref: 2024/8122 | Pegasus Ref: P23-1714

PINS Ref: APP/R4408/W/25/3359917

<p>Signed:</p> 	<p>Signed:</p> 
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<p>On behalf of: Barnsley Metropolitan Borough Council</p>	<p>On behalf of: Appellant/Pegasus Group (acting on behalf of the appellant)</p>
<p>Date: 16/05/2025</p>	<p>Date: 16/05/2025</p>



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1. Introduction

- 1.1. This Statement of Common Ground is agreed between Hargreaves Land Limited, G N Wright, M M Wood, M J Wood and J D Wood (“the Appellant”) and Barnsley Metropolitan Borough Council (“the Council”). This Statement relates to a planning appeal submitted pursuant to Section 78 of the Town and Country Planning Act 1990, concerning land north of Hemingfield Road, Hemingfield, Barnsley.
- 1.2. Unless stated otherwise, the content of this document is agreed between the Appellant and the LPA.
- 1.3. The appeal follows the decision of the Council dated 11 December 2024 to refuse an application for outline planning permission (LPA ref: 2024/0122) (“the planning application”) for development described as follows:

“Outline planning application for demolition of existing structures and erection of residential dwellings with associated infrastructure and open space. All matters reserved apart from access into the site.” (“the Proposed Development”).
- 1.4. The planning application was submitted to Barnsley Metropolitan Borough Council and validated on 9th February 2024 and was assigned the reference 2024/0122. The Outline application was recommended for refusal in the Officer’s Delegated Report (CD 2.1) dated 11th December 2024, and the application was subsequently refused on 11th December 2024. It is agreed that the application was determined on the 11th December 2024 against the now superseded 2023 version of the NPPF.
- 1.5. The decision notice (CD 2.2) cites the following reasons for refusal:
 1. **The application site forms part of site SL6, Land North East of Hemingfield and is allocated as Safeguarded Land within the Local Plan. The site is not allocated for development at the present time and planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development. The proposal is therefore contrary to the NPPF and Local Plan Policy GB6.**
 2. **In the opinion of the Local Planning Authority, the proposal would constitute piecemeal development. The site forms part of a wider safeguarded site SL6, Land North East of Hemingfield, therefore the development this site would have a potential impact on the comprehensive development of the wider site, contrary to policy GD1 of the Local Plan.**
- 1.6. According to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Local Planning Authorities are required in law to “state clearly and precisely their full reasons” when deciding to refuse a planning permission.

2. The Appeal Proposals

- 2.1. Depending on the product mix and detailed layout to be considered at reserved matters stage, the site has the capacity to accommodate in the region of 165 no. to 180 no. new homes, including affordable housing.
- 2.2. The design evolution of the proposals has been informed by a landscape-led approach which has considered the constraints and opportunities of the site. This approach has sought to retain and enhance natural assets within the site and minimise loss and disturbance to these.
- 2.3. An Illustrative Landscape Masterplan forms part of the outline planning application (albeit on an illustrative basis, not being a plan for approval). It sets out the indicative and acceptable proposals for the retention and enhancement of existing hedgerows and demonstrates how new species rich planting can be satisfactorily accommodated within the site. The landscape-led site layout was based on a Parameters Plan that was also submitted with the application, which is for approval, so that development will be in broad accordance with it. The Parameters Plan provides an acceptable framework for the outline proposals and the Illustrative Masterplan. This emphasises the acceptability and importance of movement through the site and how the existing Public Rights of Way will be incorporated into the Appeal Proposals in an acceptable manner.
- 2.4. A new vehicular and pedestrian site access will be formed on the western boundary of the site, via a new ghost island right turn priority T-junction on Hemingfield Road. The access design arrangement (which is for approval) is acceptable and it is agreed will safely and appropriately accommodate development from the whole of the SL6 site. At the outset of developing the access proposals, the Appellant's highways consultants have taken into account the on-street parking taking place along Hemingfield Road, which are addressed in an acceptable manner.
- 2.5. Trees and hedgerows on site are to be acceptably retained and improved where possible, including those that run parallel to the Public Right of Way through the centre of the site. New areas of Public Open Space (POS) throughout the site are illustrated and are acceptable. They will include new species rich planting. Green space and an equipped play area underpin the principles of open space provision on the site, providing amenity space for the wider community to utilise and allowing for connections to the existing network of Public Rights of Way.
- 2.6. The Appeal site will acceptably utilise Sustainable Urban Drainage Systems (SUDS) through the provision of a surface water attenuation basin and soakaways to ensure that the site is drained via a sustainable method which represents the preferred method in the surface water drainage hierarchy. Foul drainage can also be accommodated in an acceptable way.
- 2.7. The plans and documents to be considered with the Appeal are found at **Section 3**.

Pre-Application Discussion

- 2.8. A request for pre-application advice was made to the Council in a submission made on 6 November 2023.

- 2.9. The pre-application submission was validated (reference: 2023\ENQ\00437) on 23 November 2023.
- 2.10. An initial pre-application meeting was held with BMBC planning officers on 5 December 2023. A further meeting was held with the Council's highways department officers on 13 December 2023.
- 2.11. The Council did not issue pre-application advice prior to, or after receipt of, the planning application submission.

Public Consultation

- 2.12. On 20 December 2023 a consultation leaflet was distributed within the local community. The leaflet provided details of the proposed development and invited the local community and other interested parties to a public consultation event which was held on 11 January 2024. The event was held at The Ellis Church of England Primary School which is an easily accessible venue located close to the site.
- 2.13. A meeting was held with ward councillors on 10 January 2024 to discuss the proposals and to explain how the proposals would be presented to the local community at the public exhibition.

Following the public exhibition, members of the public were invited to send comments regarding the proposals to the design team for a period of two weeks between 11th and 25th January 2024. Full details of the public consultation process, which was carried out in an acceptable manner, can be found in the Statement of Community Involvement.

Post Submission Discussions

- 2.14. Following the submission of the application, the Appellant continued to engage with Council officers. This included regular dialogue and meetings with the case officer, as well as meetings with the Council's Head of Planning. This continual engagement led to consultees and the Council not raising any objections relating to technical matters.

3. Appeal Plans and Documents

3.1. The below table indicates the plans and documents relevant to the Appeal, which are agreed between the Council and the Appellant, or to be approved via condition.

Document/Plan to be Approved	Reference
Site Location Plan – February 2024	2344.03 Rev A
Proposed Access Arrangement (RTGI Junction) – November 2024	23/160/SKH/OO7 Rev E
Parameters Plan – December 2024 (broad accordance)	2344.PP.01 Rev A
Supporting Documents/Plans	Reference
Application Form – February 2024	-
Updated Application Form – September 2024	-
Air Quality Assessment – February 2024	7348r3
Arboricultural Survey and Tree Constraints Plan – February 2024	1870.1 Rev 2
Archaeology and Heritage Desk Based Assessment – February 2024	MAP 5.39.23
Landscape Masterplan – December 2024	P23-0749_EN_008F
Baseline Habitat Plan – February 2024	1835.01 Hemingfield
Biodiversity Metric – February 2024	-
Design and Access Statement – February 2024	-
Ecological Appraisal – February 2024	1835.01 Report IS
Additional Ecological Surveys Report – July 2024	1835.02 Hemingfield Additional Surveys Report IS

Energy and Sustainability Statement – February 2024	11117 EN01 RvO
Flood Risk and Drainage Assessment – February 2024	6041/FRDA/Final/v1.2/2024-02-06
Five Year Housing Land Supply Assessment – January 2024	P23-1714PL
Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment – February 2024	REPORT C9756
Geophysical Survey – September 2024	MSSE1837 – Geophysical Survey Report
Written Scheme of Investigation – October 2024	MAP Site Code 05-39-23 Version A-250924
Health Impact Assessment – February 2024	P23-1714 R004v2
Illustrative Masterplan – December 2024	2344:01 Rev D
Landscape and Visual Appraisal inc. Appendices – February 2024	P23-0749 R001v2
Noise Impact Assessment – February 2024	NIA-11108-24-11392-v4 Hemingfield Road
On-site Proposed Habitats – February 2024	1835.01 Hemingfield
Planning Statement – February 2024	-
Statement of Community Involvement – February 2024	-
Transport Assessment inc. Appendices – February 2024	23-160-001.03
Travel Plan – February 2024	23-160-002.04
Transport Technical Note (Response to Highways) – August 2024	23-160-004.04

Stage 1 RSA Access with Hemingfield Road with Appendices – August 2024	23-160-005.01
Stage 1 RSA Designer's Response with Appendices – August 2024	23-160-006.03
Stage 1 RSA Designer's Response Barnsley Signed – October 2024	23-160-006.03
Swept Path Analysis of Hemingfield Road Southbound – November 2024	23/160/ATR/003 Rev A

Table 1 – Plans and Documents relating to the Determination of the Appeal

4. The Appeal Site and Surrounding Area

The Appeal Site

- 4.1. The Appeal site comprises 6.78 hectares of land to the north east of Hemingfield Road and north of Briery Meadows. The site features agricultural buildings which (as stated in the LPA's Officer's Report) are in a general state of disrepair, are unattractive and are proposed to be demolished to facilitate the proposed development. The site comprises two fields that are transected by an existing track and two Public Rights of Way. The Public Rights of Way provides pedestrian access points to the site. There is no concerns related to the effects on the PROWS subject to detailed design considerations.
- 4.2. The site forms the western portion of a larger piece of land (extending to a total of 18.2ha) which is designated as Safeguarded Land by the Council (site ref: SL6), under Policy GB6 of the Local Plan. It is agreed that the SL6 site is suitable in principle for residential development at the appropriate time.
- 4.3. The site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources and is considered to be acceptable with regards to flood risk and drainage considerations.
- 4.4. The site is not subject to any local or national designations for ecology, landscape, or heritage.

Surrounding Area

- 4.6. The appeal site is in the settlement of Hemingfield that forms part of the wider Hoyland Principal Town in the adopted Local Plan. Hoyland (including Hemingfield) sits within the second tier of the settlement hierarchy (Policy LG2 of the Barnsley Local Plan) and is identified as a focus for housing, employment, shopping leisure, education, health and cultural activities.
- 4.7. The proposed site is identified within the Officer's Report as being in a sustainable area, and the Council's Highways Department initial consultation response confirms that there is '*a proliferation of sustainable transport routes within and adjacent to the site*' (CD 4.19). These comments remain agreed.
- 4.8. The site benefits from very good walkable access to bus stops on Hemingfield Road, which can be accessed from the western boundary of the site, via the southern boundary of the site or via Briery Meadows following the public footpath network. These bus stops are served by the 72, and 67/67a/67c number bus services which run regular services that are convenient and attractive, to higher order centres such as Barnsley, Chapeltown, Elsecar, Wombwell, and Swinton. The number 662 school bus service also serves these stops.
- 4.9. The nearest railway station of Wombwell is accessible on foot, by cycle or by car and is a circa 12 minute walk from the site. It provides local stopping train services operating on an hourly basis to large urban areas such as Barnsley, Leeds, Sheffield, Wakefield and Huddersfield, as well as numerous local destinations.

5. Planning History

5.1. It is acknowledged that there are numerous historic applications on this site dating back some decades. The site's planning history includes the following applications:

- B/74/0244/WW- Erection of dwellings.
- B/74/0241/WW- Residential Development.
- B/82/1142/WW- Erection of cubicle and feed building for dairy cows.
- B/89/0811/WW- Erection of new farmhouse and garage.
- B/92/0224/WW- Outline planning permission for residential development.
- B/99/0089/WW- Residential development – erection of 16 detached houses.
- 2007/1024- Use of part of agricultural building as a farm shop. **Approved 14/06/2007.**
- 2011/0614- Erection of a detached agricultural workers dwellinghouse. **Withdrawn 25/05/2011.**
- 2012/0581- Erection of an agricultural workers dwelling. **Refused 21/05/2012.**

5.2. The applications listed above were all considered at a time when the site formed part of the designated Green Belt and therefore a different policy context applied. Due to the adoption of the Barnsley Local Plan which removed this land from the Green Belt, it is agreed that the planning history is not relevant to the determination of this Appeal.

6. Matters that are Agreed

Procedural Matters

- 6.1. The format of the outline planning application forms, plans and the supporting documents fulfils the requirements of the various regulations and validation checklists, applicable.
- 6.2. The content of the email from the Appellant's solicitors to PINS on 24 April, which relates to matters including the name of the appellant, site address, development description, plans for determination and extent of access for approval is agreed.
- 6.3. It is agreed that the site is not subject to any recent, relevant planning history.

Local and National Policy

The Development Plan – Barnsley Local Plan, 2019

- 6.4. For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the adopted development plan comprises the Barnsley Local Plan, as adopted in January 2019. The policies below are applicable to this scheme, as referenced within the Planning Officer's report. The applicability of these policies is discussed further in subsequent sections of this statement. Save for in relation to GB6 and the second and third paragraphs of GD1, it is agreed that all other policies and sub policies are complied with or can be complied with through the terms of future reserved matters, conditions or planning obligations.
- 6.5. The relevant policies contained in the Local Plan (CD 5.1A) for the Appeal are as follows:
 - Policy SD1: Presumption in favour of sustainable development;
 - Policy GD1: General Development;
 - Policy LG2: The Location of Growth;
 - Policy H1: The Number of New Homes to be Built;
 - Policy H2: The Distribution of New Homes;
 - Policy H6: Housing Mix and Efficient Use of Land;
 - Policy H7: Affordable Housing;
 - Policy T3: New Development and Sustainable Travel;
 - Policy T4: New Development and Transport Safety;
 - Policy D1: High Quality Design and Place Making;
 - Policy LC1: Landscape Character;
 - Policy HE1: The Historic Environment;

- Policy HE2: Heritage Statements and General Application Procedures;
- Policy HE6: Archaeology;
- Policy GI1: Green Infrastructure;
- Policy GS1: Green Space;
- Policy GS2: Green Ways and Public Rights of Way;
- Policy BIO1: Biodiversity and Geodiversity;
- Policy GB6: Safeguarded Land;
- Policy CC1: Climate Change;
- Policy CC2: Sustainable Design and Construction;
- Policy CC3: Flood Risk;
- Policy CC4: Sustainable Drainage Systems (SUDS);
- Policy CC5: Water Resource Management;
- Policy RE1: Low Carbon and Renewable Energy;
- Policy POLL1: Pollution Control and Protection; and,
- Policy I1: Infrastructure and Planning Obligations.

6.6. The Officer's Report (CD 2.1) also set out the relevant Supplementary Planning Documents for the determination of the Application, which are agreed to be complied with or can be complied with through the terms of future reserved matters, conditions or planning obligations as follows:

- Design of Housing Development;
- Parking;
- Open Space Provision on New Housing Developments;
- Sustainable Travel;
- Financial Contributions for Schools;
- Trees and Hedgerows;
- Affordable Housing;
- Biodiversity and Geodiversity; and
- Planning Obligations.

The most important policies for determining application

- 6.7. It is agreed that the policies below are the only policies against which the planning application was determined and where the Council considers that there is any conflict. Therefore, these policies are agreed as being the most important for the determination of the Appeal.
- 6.8. As specified within the Officer's Report (CD 2.1) and the Decision Notice (CD 2.2), the following policies are considered the most important policies for determining the appeal:
- Policy GD1: General Development (second and third paragraphs only); and
 - Policy GB6: Safeguarded Land.
- 6.9. With regard to Policy GD1, it is agreed that the appeal proposals are in conformity with all elements save for the disagreement as to compliance with the second and third paragraphs.

National Planning Policy Framework (2024)

- 6.10. The National Planning Policy Framework (NPPF) was last updated on 7 February 2025 and became a material consideration for decision-making upon the day of its publication. The NPPF provides the relevant national policy for the determination of the proposed development.
- 6.11. Paragraph 8 of the NPPF establishes that the achievement of sustainable development means that the planning system has three overarching objectives. These three dimensions comprise social, economic and environmental sustainability.
- 6.12. Paragraph 11 identifies that plans and decisions should apply a presumption in favour of sustainable development. For decision-making, this means that where the policies which are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 6.13. It is agreed that in this case the application of policies in the Framework that protect areas or assets of particular importance does not provide a strong reason for refusing the development proposed. Consequently paragraph 11 (i) does not disapply the tilted balance that it is agreed applies in this case. It is also agreed that the most important policies for determining the application/appeal (i.e. GB6 and GD1 (second and third paragraphs)) are out of date because of the lack of 5 year housing land supply. It is further agreed that the

so-called tilted balance (set out in NPPF 11(d) above is applicable to determining this appeal.

- 6.14. Paragraph 39 is clear that decision-makers at every level should seek to approve applications for sustainable development where possible. It is agreed that the appeal site is sufficiently accessible and suitable for housing in principle.
- 6.15. Development of the appeal site would amount to sustainable development subject to the Councils concerns related to the second and third paragraphs of policy GD1.
- 6.16. Paragraph 61 sets out the Government's objective of significantly boosting the supply of homes. Recognising that it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. It is agreed in this case that the Council is not currently meeting the Local Plan requirement, there is a lack of 5 year supply, there has been a failure to deliver sufficient affordable housing and there is an inadequate supply of affordable housing to meet needs.
- 6.17. Paragraph 78 places a requirement upon local authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless they have been reviewed and found not to require updating (footnote 39). It is agreed that in this appeal, the housing requirement is derived from the Local Plan, adding the past undersupply from the start of the plan period (spread across the remainder of the plan period).
- 6.18. As per Paragraph 79(b) of the NPPF, where an authority has failed to deliver at least 85% of their housing requirement (calculated against the Standard Method) over the previous three years, the authority should include a 20% buffer to the identified supply of specific deliverable sites (requiring them in effect to identify six years' supply).
- 6.19. It is agreed that Barnsley's Housing Delivery Test result for 2023 (covering the three year period from 2020 to 2023) stands at 84%, which requires the 20% buffer to be applied in the determination of this appeal.
- 6.20. It is agreed that the 5 year requirement is therefore 9,215 dwellings.

Conformity with Development Plan Policies

- 6.21. The below table details the how the Appeal proposals are in conformity with all the relevant policies of the Barnsley Local Plan, leaving aside GB6 and the second and third paragraph of GD1.

Local Plan Policy	Actions taken by Appellant during application process	Comments from LPA / statutory consultees
Policy BIO1: Biodiversity and Geodiversity.	An Ecological Appraisal (CD 3.8), Baseline Habitat Plan (CD 3.31) and Biodiversity Metric	It is agreed that to the extent that any impacts would arise from the proposed

	<p>(CD 3.7) were prepared by Baker Consultants in support of the planning application.</p> <p>It is agreed that the planning application was supported by a full and comprehensive suite of ecological surveys, that are up to date.</p>	<p>development, they are capable of being suitably addressed through the submission of further detail at reserved matters stage or the discharge of conditions. Consequently, no reasons exist relating to ecology which would form the basis of or contribute to the development being refused.</p> <p>It is agreed that there are no objections to the scheme on the grounds of ecology as per the final consultation response from the BMBC Ecologist (CD 4.11), and the Council has accepted the submitted Biodiversity Net Gain Metric (CD 3.7).</p> <p>It is agreed that the scheme will provide a Biodiversity Net Gain greater than the statutory 10% requirement, despite the application being validated prior to the statutory 10% BNG requirement becoming legally binding. There is no ecology or BNG reason to withhold permission for the appeal scheme.</p>
<p>Policy T3: New Development and Sustainable Travel;</p> <p>Policy T4: New Development and Transport Safety;</p> <p>Sustainable Travel SPD.</p>	<p>A Transport Assessment (CD 3.25), Travel Plan (CD 3.26), Transport Assessment addendum (Highways Technical Note) (CD 3.27), Road Safety Audit (CD 3.28) and access drawings (CD 3.40) were prepared by Bryan G Hall Ltd in support of the planning application. The work carried out by Bryan G Hall is comprehensive, robust and up to date.</p> <p>During the process of the application, a number of Highways-related documents were prepared and discussed at length between the Applicant, their appointed</p>	<p>It is agreed that to the extent that any impacts would arise from the proposed development, either alone or in combination with the rest of SL6, they are capable of being suitably addressed through the submission of further detail at reserved matters stage or the discharge of conditions. Consequently, no reasons exist relating to transport and access which would form the basis of or contribute to the development being refused.</p> <p>It is agreed that the Transport Statement, Travel Plan, the Transport Statement addendum (Highways Technical Note),</p>

	consultant (Bryan G Hall Ltd) and the Highways authority.	Road Safety Audit and access drawings are acceptable and in accordance with Policy T3 by the Highways Authority, as confirmed within their final consultation response (CD 4.19B). There is no highways or accessibility reason to withhold permission for the appeal scheme.
Policy D1: High Quality Design and Place Making; Policy LC1: Landscape Character.	<p>The planning application was supported by a Landscape Masterplan (CD 3.35B) prepared by Pegasus Group to demonstrate the proposals being landscape-led. The masterplan was updated to reflect the amended Parameters Plan (CD 3.37B) and Illustrative Masterplan (CD 3.36B) towards the end of the determination period, and the application was determined based on these plans.</p> <p>The Landscape Masterplan, Parameters Plan and Illustrative Masterplan are comprehensive, robust and up-to-date.</p>	<p>It is agreed that to the extent that any impacts would arise from the proposed development, they are capable of being suitably addressed through the submission of further detail at reserved matters stage or the discharge of conditions. Consequently, no reasons exist relating to design, placemaking and landscape which would form the basis of or contribute to the development being refused.</p> <p>It is agreed that, as the Officer's Report states, due to the nature of the proposals and the urbanised context in which they sit, any short term effects on the surrounding landscape would be limited and restricted in extent.</p> <p>As per the Officer's Report, it is agreed that any impact upon visual amenity can be mitigated through the detailed design and landscaping which would be agreed at Reserved Matters stage.</p>
Policy CC3: Flood Risk; Policy CC4: Sustainable Drainage Systems (SUDS); Policy CC5: Water Resource Management.	<p>A Flood Risk and Drainage Assessment (CD 3.14) was prepared by Weetwood to support the planning application.</p> <p>The flood risk and drainage assessment is comprehensive and robust.</p>	<p>As per the Officer's Report, it is agreed that the site is set within Flood Zone 1, which has a low probability of flooding from fluvial sources which is acceptable.</p> <p>It is agreed that the Council's Drainage officer raised no objection subject to conditions</p>

	<p>It is agreed that the site is of low risk of flooding from all sources. It is agreed that suitably worded conditions to control drainage matters will be applied.</p> <p>It is agreed that the Applicant engaged in discussion with Yorkshire Water to establish the capacity for foul drainage, and reached the conclusion that Yorkshire Water's assets would be able to support the proposed development.</p>	<p>and stated that the area is "well served" by sewers (CD 4.3). Additionally, Yorkshire Water raised no objection subject to conditions (CD 4.7). The officer's report accepts that the proposal complies with Local Plan Policies CC3 and CC4. There is no drainage or flooding reason why the appeal proposal should not be granted permission.</p>
<p>Policy HE1: The Historic Environment;</p> <p>Policy HE2: Heritage Statements and General Application Procedures;</p> <p>Policy HE6: Archaeology.</p>	<p>An Archaeology and Heritage Desk Based Assessment (CD 3.4) was prepared by MAP Archaeological Practice in support of the planning application.</p> <p>The parties agree that the work undertaken to identify and assess the significance of archaeological remains at the site was carried out in adherence with the agreed Written Scheme of Investigation (CD 3.6), which had been agreed with the Council and SYAS. As such, a scheme of archaeological work comprising a strip, map and record is required as mitigation and the required work would be secured by condition.</p> <p>The archaeological works carried out are comprehensive, robust and up-to-date.</p>	<p>It is agreed that, as the Officer's report states, the site is not set within a Conservation Area, nor does the site contribute any significance to the nearby Lundhill Farm Mews listed buildings.</p> <p>In terms of archaeology, it is agreed that SYAS were consulted and have recommended that a scheme of archaeological work is required as mitigation and SYAS advised that this required work be secured by condition (CD 4.2). There is no heritage or archaeological reason to withhold permission for the appeal scheme.</p>
<p>Policy POLL1: Pollution Control and Protection.</p>	<p>An Air Quality Assessment (CD 3.2) was prepared by Redmore Environmental Ltd. to support the planning application, along with a Noise Impact Assessment (CD 3.22) prepared by Environmental Noise Solutions Ltd.</p>	<p>It is agreed that, as noted in the Officer's Report, the Council's Pollution Control officer raised no objection to the proposed development (CD 4.6), subject to conditions. It is agreed this is a matter which would not properly form the basis of a reason for refusal.</p>

	<p>Furthermore, a Geoenvironmental Preliminary Appraisal Report incorporating Coal Mining Risk Assessment and Contaminated Land Assessment (CD 3.11) was prepared by Sirius Group to support the application.</p> <p>The works carried out to address pollution and land contamination are comprehensive, robust and up to date.</p>	
Policy D1: High Quality Design and Place Making.	<p>The Applicant prepared a number of plans to illustrate the principles underpinning the site layout. A Site Location Plan (CD 3.29), Wider Site Location Plan (CD 3.30), Illustrative Masterplan (CD 3.36) and Parameters Plan (CD 3.37) were submitted in support of the application.</p> <p>A Design and Access Statement (CD 3.13) was also prepared by the Applicant in support of the planning application, which further expanded on the design principles at Outline stage.</p> <p>The works relating to design and placemaking are comprehensive, robust and up to date.</p>	<p>It is acknowledged within the Officer's Report (CD 2.1) that the Urban Design officer's consultation response (CD 4.11) indicated no objection to the proposal but made observations for any future reserved matters application.</p> <p>It is agreed that the Urban Design officer supported the proposal to 'create a landscape led public realm' as stated in the submitted Design and Access Statement (CD 3.13).</p> <p>It is agreed that any subsequent Reserved Matters submission shall include the following documents:</p> <ul style="list-style-type: none"> • An updated Building for a Healthy Life Assessment; • Cross sections; • Typical street scenes; and, • Table providing individual room sizes. <p>It is agreed that at Reserved Matters stage, the detailed housing layout will need to accord with the separation distances as set out in the Design of Housing Development SPD and South Yorkshire</p>

		Residential Design Guidance. Neighbouring residents will be offered another opportunity to comment on the proposed layout and design at Reserved Matters stage. It is agreed that there are no design or layout issues that cannot be satisfactorily addressed at reserved matters stage.
Policy GS2: Green Ways and Public Rights of Way.	<p>A public right of way (PROW) within the site provides a direct walking route connecting to the north of Garden Grove and hence Ellis Church of England school.</p> <p>This section between the site and Garden Gove is lit and provides a safe and suitable route which is to be retained and enhanced as part of the development proposals.</p> <p>A walking catchment plan was included within the Transport Assessment that was prepared for the original application.</p> <p>The walking catchment plan is comprehensive, robust and up to date.</p>	<p>It is agreed that Public Footpaths Wombwell 17 and 18 are within the red line boundary and will not require a diversion to accommodate the proposed development. It is agreed that there would be no unacceptable effects on the public rights of way</p> <p>As per the Officer's Report, it is agreed that the footpaths should remain open where possible during construction, however, a temporary closure order will also be required during any period when either of the public footpaths are closed for safety reasons during construction.</p>
Policy H6: Housing Mix and Efficient Use of Land; Policy H7: Affordable Housing.	It is agreed that a 10% contribution of affordable housing delivery on the site is policy compliant, with the exact number of dwellings and mix to be determined at the Reserved Matters stage.	

Table 2 – Conformity with Development Plan Policies

Other Matters Agreed

Housing Land Supply

- 6.22. A separate topic specific Statement of Common Ground has been produced in relation to 5 year housing land supply, which clearly sets out the areas of agreement in relation to this issue. It is, however, agreed that there is no 5 year housing land supply for the purposes of this appeal.
- 6.23. It is agreed the most recent housing land supply figure BMBC have produced is 3.1-years.

- 6.24. It is agreed that there has been a significant shortfall in past completions of both market and affordable housing from the base date of the Local Plan.
- 6.25. It is agreed that due to the lack of 5 year land supply, the most important policies for determining the appeal are out of date and the tilted balance is engaged as per Paragraph 11(d) of the National Planning Policy Framework (and is not disengaged by virtue of paragraph 11(d) (i)).

Site Suitability

- 6.26. It is agreed that the appeal site is in a location that is sufficiently accessible by a range of modes of transport for housing development and accords well with the spatial strategy of the Local Plan.
- 6.27. It is agreed that the SL6 site is suitable in principle for residential development, at the appropriate time and was removed from the Green Belt to provide a potential residential development resource.
- 6.28. It is agreed that subject to meeting the terms of GD1 (second and third paragraphs) the appeal site is also suitable for residential development at the appropriate time.

Benefits of Appeal Scheme

- 6.29. It is agreed that the proposed scheme will generate social benefits in the provision of housing that should be given weight in the planning balance. The Council considers substantial weight, and the Appellant very substantial weight should be applied in the planning balance.
- 6.30. It is agreed that the proposed scheme will generate social benefits in the provision of affordable housing that should be given weight in the planning balance. The Council considers that moderate weight and the Appellant significant weight should be applied in the planning balance.
- 6.31. It is agreed that the proposed scheme will generate economic benefits which should be given moderate weight in the planning balance, including but not limited to:
- Job creation during construction phase, secondary economic benefits that will arise through construction workers contributing to local economy;
 - Economic benefits of more residents using local services and facilities.
- 6.32. It is agreed that the proposed development would provide more than 10% biodiversity net gain, which should be given moderate weight.
- 6.33. It is agreed that significant planting along the site's boundaries is proposed, along with new areas of Public Open Space for use by nearby residents, which should be given moderate weight.

7. Matters in Dispute

7.1. It is agreed that the totality of the Council's objection to the proposed development is contained within its Reasons for Refusal.

7.2. The issues that remain in dispute between the Appellant and the Council are as follows:

Matter in Dispute	Comments
The precise 5-Year Housing Land Supply	In the range 3.1 years – 2.02 years
Impact on Comprehensive Development and compliance with policy GD1 (second and third paragraphs)	Whether the appeal proposal would adversely affect the potential development of adjacent land
The weight to be placed on any conflict with GD1 (second and third paragraphs)	In the context of the tilted balance
The weight to be placed on conflict with GB6	In the context of the tilted balance
The need for a section 106 contribution to address education matters	

8. Planning Obligations and Conditions

Planning Conditions

- 8.1. It is expected that an agreed set of conditions will be provided to the Inspector prior to the commencement of the Public Inquiry. It is acknowledged that no conditions were suggested on the Decision Notice as the application was refused on a delegated basis.

Planning Obligations

- 8.2. A draft Section 106 agreement was submitted with the Appeal.
- 8.3. It is agreed that the list of infrastructure contributions is comprehensive, and no further contributions are deemed necessary.
- 8.4. The contributions identified within the draft Section 106 agreement are:
- i. Bus Service Contribution – **£44,374.00** Index Linked to be paid to the Council by the Owners and used by the Council towards procuring with SYMCA the continued operation of bus services on routes 67 and/or 72;
 - ii. Bus Stops Infrastructure Contribution – **£45,626.00** Index Linked to be paid to the Council by the Owners and used by the Council towards procuring with SYMCA improvements to bus stops 50030 and 50031 on Hemingfield Road within the vicinity of the Development to include the supply and installation of bus waiting shelters and real-time passenger information displays
 - iii. Affordable housing at 10%
 - iv. Skylark Mitigation Contribution – **£1,320.00** Index Linked to be paid to the Council by the Owners and used by the Council towards off-site mitigation for skylark; and
 - v. Education contribution– the need for this is disputed on the basis of the Council's own evidence, but it can be included in the S106 subject to a "blue pencil test" such that it is not paid if the Inspector accepts there is no lawful basis for it
 - vi. Greenspace can be on site as per the illustrative plans and the Parameters Plan and conditioned accordingly.

Appendix 1: Schedule of Plans and Documents submitted with Planning Application to BMBC

Application Plan/Document	Reference
Application Form – February 2024	-
Air Quality Assessment	7348r3
Arboricultural Survey and Tree Constraints Plan	1870.1 Rev 2
Archaeology and Heritage Desk-Based Assessment	MAP 5.39.23
Baseline Habitat Plan	1835.01 Hemingfield
Biodiversity Metric – February 2024	-
Cover Letter – February 2024	-
Design and Access Statement – February 2024	-
Ecological Appraisal	1835.01 Report IS
Energy and Sustainability Statement	11117 EN01 RvO
Flood Risk and Drainage Assessment	6041/FRDA/Final/v1.2/2024-02-06
Fiver Year Housing Land Supply Assessment	P23-1714PL
Geoenvironmental Preliminary Appraisal Report (Desktop Study) incorporating Coal Mining Risk Assessment and Contaminated Land Assessment	REPORT C9756
Health Impact Assessment	P23-1714 R004v2
Illustrative Masterplan	2344.01 Rev C
Landscape and Visual Appraisal inc. Appendices	P23-0749 R001v2

Landscape Masterplan	P23-0749_EN_008E
Noise Impact Assessment – February 2024	NIA-11108-24-11392-v4 Hemingfield Road
On-site Proposed Habitats	1835.01 Hemingfield
Parameters Plan	2344.PP.01
Planning Statement – February 2024	-
Site Location Plan	2344.03 Rev A
Wider Site Location Plan	P23_0749_EN_01 Rev.A
Statement of Community Involvement – February 2024	-
Transport Assessment inc. Appendices	23-160-001.03
Travel Plan	23-160-002.04

Table 7 – Documents submitted with Application

Application Plan/Document	Reference
Additional Ecology Surveys Report	1835.02 Hemingfield Additional Surveys Report IS
Swept Path Analysis of Hemingfield Road Southbound – July 2024	23/160/ATR/002
Proposed Site Access – Stage 1 Road Safety Audit	23-160-005.01
Swept Path Analysis of Hemingfield Road Southbound – November 2024	23/160/ATR/003 Rev A
Highways Technical Note	23-160-004.04
Stage 1 RSA Designer's Response	23-160-006.03
Updated Application Form – September 2024	-

Geophysical Survey	MSSE1837 – Geophysical Survey Report
Stage 1 RSA Designer's Response (signed)	23-160-006.03
Archaeological Written Scheme of Investigation	05-39-23
Proposed Access Arrangement – Right Turn Ghost Island Junction	23/160/SKH/007 Rev E
Parameters Plan	2344.PP.01 Rev A
Illustrative Masterplan	2344.01 Rev D
Landscape Masterplan	P23-0749_EN_008F

Table 8 – Documents submitted during Application

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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