BARNSLEY
Metropolitan Borough Council

Place Directorate
Regeneration and Culture
Planning and Building Control

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2021/0664

To Johnson Mowat Planning Ltd
Coronet House
Queen Street
Leeds
LS1 2TW

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

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

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 17/05/2021 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

1 The proposed variations to condition 3 and condition 4 are not accepted as the proposed layout (Drawing 498-PL001 REV G) does not include a broad mix of house size, type, and tenure informed by the BMBC Strategic Housing Market Assessment (SHMA) 2021 and no evidence has been provided to demonstrate that a suitable housing mix informed by the SHMA 2021 would be unviable. It is therefore contrary to Local Plan Policy H6 Housing Mix and Efficient use of Land.

2 The proposal is also contrary to Local Plan Policy GD1 General Development in that it does not provide adequate internal road layout and is contrary to Local Plan Policy D1 High Quality Design and Placemaking, as the layout and design is not of high quality and does not provide an accessible environment. The peripheral location of the Local Equipped Area of Play and informal public open spaces mean they are not easily accessible from the whole of the site, and along with the pedestrian routes, they are not sufficiently overlooked and would mean the development failed to create a healthy, safe and sustainable environment or community. The proposal is also contrary to NPPF (2021) in that it does not reflect adopted Supplementary Planning Documents and guidance, or the ten characteristics of the National Design Guide

3 The proposed variation to condition 19 is not accepted as the proposal does not comply with Local Plan Policy GI1 Green Infrastructure and Policy GI2 Canals-Safeguarded Routes in that it does not protect, maintain, and enhance the Barnsley Canal Green Infrastructure asset, nor does protect it from development. It is also contrary to Local Plan Policy BIO1 Biodiversity and Geodiversity in that it will not protect and enhance the biodiversity interests of the Barnsley Canal Greenspace. Furthermore, the proposed layout does not appear to retain wet woodland habitat corridor, provide landscape screening on the southern boundary, or retain the grassland in the south west of the site, contrary to site specific Local Plan Policy HS27.

4 Insufficient information has been submitted to determine the extent, type, quantity and quality of the existing trees on site through a detailed tree survey to British Standard 5837:2012, nor the potential impact on trees of the proposed development through an arboricultural impact assessment. The proposal is therefore contrary to Local Plan Policy GD1 in that it has not been determined that existing landscape features are incorporated into the design or that existing trees that are to remain on site have been considered in the layout. The proposal is also contrary to Local Plan Policy BIO1 in that insufficient information has been provided to ensure that the development will conserve, protect, or improve the biodiversity habitats of the existing trees or enhance the biodiversity features of the site with respect to existing trees.

Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed Dated 22/12/2021



Joe Jenkinson
Head of Planning and Building Control

NOTES:

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.