BARNSLEY
Metropolitan Borough Council

REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2009/1277

To JVH Town Planning Consultants Ltd
Houndhill Courtyard
Houndhill
Marchington
Staffordshire
ST14 8LN

Proposal Residential development to include means of access, re-grading of the site, retirement homes, public open space and relocation of existing sports pitch - resubmission of planning application 2008/1555 (Outline) (Amended Scheme)
At Former North Gawber Colliery and CISWO Sports Pitch, Carr Green Lane/Spark Lane, Mapplewell, Barnsley, S75 6DY

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 07 October 2009and described above.

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

1 The majority of the site is allocated as an Area of Land to Remain Undeveloped, (the former North Gawber Colliery, Mapplewell), in the Barnsley Unitary Development Plan and the proposal is, therefore, considered contrary to saved UDP policies GS11 and DT7/2. In the opinion of the Local Planning Authority, no material considerations exist which would warrant a decision at variance to the UDP given there is a deliverable, five year supply of housing land to meet targets in the RSS without the need to release further land before the LDF is adopted.

Signed Stephen Moralee

Assistant Director, Planning and Transportation

Dated 07 April 2010

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2 The proposals are also premature on that basis that Mapplewell is located within the Darton Community Area in the existing UDP and which is not currently a settlement identified as a main focus for development/growth in the Regional Spatial Strategy. The unplanned release of such a large site would be likely to undermine the LDF plan making process, where control will be exercised over which sites will be allocated for new housing development and which will be given priority for release in the interests of shaping sustainable patterns of development. In addition, the proposals are also premature in that there is insufficient capacity is local primary schools to accommodate the number of pupils likely to be generated by the development.

3 Part of the site is designated as Urban Greenspace, (North Gawber Playing Field), in the Barnsley Unitary Development Plan and the proposal is therefore, contrary to the saved UDP policies GS34 and DT10. In the opinion of the Local Planning Authority, no material considerations exist which would warrant a decision at variance to the UDP as the facility is a significant, convenient, much needed and valuable recreation resource to the local community.

4 The proposed development would not be satisfactorily accessible by public transport due to the distance from local bus stops and because of inadequate pedestrian linkages. In addition the amount of people generated by the development would over burden local bus services. These factors could make the development more car reliant and less sustainable, contrary to the national sustainability agenda outlined in PPS1 - Delivering Sustainable Development, Planning Policy Guidance Note 13 'Transport' and SPG32 Parking, Transport Assessments and Travel Plans.

5 Insufficient information has been submitted to properly demonstrate that the proposed re-grading/remediation strategy is viable and practicable as required by Annex B of PPS23 'Planning and Pollution Control'. In the opinion of the Local Planning Authority planning permission should not therefore be granted for the proposed development (which also means the Council cannot be satisfied that the proposed housing development would be deliverable to form part of the available housing land supply required by the Planning Policy Statement 3 'Housing' and the Regional Spatial Strategy). Furthermore it is considered insufficient information has been submitted to assess the impacts of dust, noise and air quality which take into account effects during the reclamation and construction phase and from increased traffic due to the development from a pollution control, public health and residential amenity point of view, which are also necessary to address other considerations in PPS23 and those in Planning Policy Guidance Note 24 'Planning and Noise' and UDP Policy ES1 'Pollution' and M9 'Environment'

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of the Council to refuse permission for the proposed development then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

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.

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