



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2022/0115

To Spawforths
Spawforths Junction
41 Business Court
East Ardsley
Leeds
WF3 2AB

Proposal Residential development of up to 215 dwellings with associated car parking/garages, landscaping, public open space including both equipped and non-equipped areas of play, SUDS and drainage, with details of a new vehicular access onto Shaw Lane (Outline with all matters reserved apart from means of access)

At Land north of Shaw Lane, Carlton, Barnsley, S71 3HH

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 22/02/2022 and described above.

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

- 1 In the opinion of the Local Planning Authority the development of this site would fail to bring forward a coordinated, comprehensive and quality development of the wider Local Plan MU3 allocation and would fail to provide essential infrastructure, including the Northern Access Road, that is required to enable the whole of the allocation to be delivered in line with the Carlton Masterplan Framework and Delivery Strategy (application site = site ref L11 within that document). In addition, the proposal is also regarded to be out of sequence, premature and piecemeal. Furthermore, if this site is solely accessed from Shaw Lane, contrary to the Delivery Strategy, then a critical part of the Carlton Masterplan required infrastructure would be under threat as there is no commitment within the application to assist with its delivery as is required, and the burden of the Northern Access Road would fall on the developers of the neighbouring sites. It is also the case that the plans fail to include a small local shop for the benefit of the local community in this part of the site which is a requirement of the Masterplan Framework. As such, the proposal would have a prejudicial and undermining impact on the masterplan and would jeopardise its delivery.

- 2 In the opinion of the Local Planning Authority the proposed site access from Shaw Lane has not been designed in accordance with the design requirements of the South Yorkshire Residential Design Guide and gives rise to road safety concerns. Furthermore, the proposed offsite highway works at the Church Lane / Shaw Lane / Fish Dam Lane junction are not acceptable as they would not help deliver the new Northern Access Road that is identified as being necessary in the Carlton Masterplan in order to relieve existing congestion in Carlton and along Shaw Lane. Furthermore, the proposed works would give rise to road safety concerns in their own right. The application has also not demonstrated that foot and cycle links provide appropriate levels of sustainable access to and from the site. The links shown to the TPT cannot be fully achieved without land outside the applicants control. Walk distances to public transport also far exceed the 400m walk distance guidelines. As such, the scheme is contrary to the Carlton Masterplan/Delivery Strategy, the NPPF and Local Plan Policies T3 'New Development and Sustainable Travel' and T4 'New development and Transport Safety'.
- 3 In the opinion of the Local Planning Authority, the surface and foul water drainage systems proposed as part of this site are not sufficient to cater for the application site and the neighbouring site (L12) as required by the Carlton Masterplan Framework. The Delivery Strategy requires the surface water drainage system in parcel L11, including outfall to the existing combined sewer, to also cater for the surface water run-off from parcel L12. The indicative location of the SUDS pond is distant from parcel L12 with the Flood Risk Assessment stating that the drainage strategy is only intended to serve a development of approximately 200 dwellings. Not only is that short of the maximum number of dwellings indicated in the application (215) but it is considerably short of the 584 number of new homes that is to be built on parcels L11 and L12 combined. Furthermore, the applicant has failed to demonstrate that proper provision for foul sewage to parcel L12 has been provided in planning, designing and installing the foul sewerage provision to parcel L11. Therefore, the proposals fail to comply with this part of the Masterplan and Delivery Strategy and are contrary to Local Plan Policies CC1 'Climate Change' and CC3 'Flood Risk'.
- 4 The site is adjacent to the statutorily designated Carlton Marsh (Dearne Valley Wetlands SSSI). The applicants have not adequately assessed the impact of the development on the SSSI, and as such, the sensitive location of the application site in relation to the surrounding designated sites is not given adequate consideration with the ecological submission, both in terms of potential impacts, but also on the potential to positively contribute to nature's recovery in this location, contrary to Local Plan Policy BIO1 'Biodiversity and Geodiversity' and the associated SPD 'Biodiversity and Geodiversity'.
- 5 In the opinion of the Local Planning Authority, the proposed development falls short of achieving the minimum housing density figures required by the Carlton Masterplan Framework. The absence of a firm commitment to comply with the housing densities in the masterplan is unacceptable from a Local Plan housing delivery perspective and is contrary to Local Plan Policy H6 'Housing Mix and Efficient Use of Land' and specific requirements contained within the Carlton Masterplan.
- 6 In the opinion of the Local Planning Authority, the street paraphernalia associated with the junction amendments would, through introducing additional street furniture, clutter and markings, cause a degree of harm to the setting of the Conservation Area and individual historic buildings in the immediate vicinity including the former Wharnccliffe Arms and 2 Church Street, contrary to Local Plan Policies D1 'High Quality Design and Place Making' and HE1 'The Historic Environment'.

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

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: 27 September 2023

Development Management

For and on behalf of Group Leaders,
Andrew Burton and Matthew Smith

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.