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Also - Elaine Ward, Barnsley Council

29th January 2020

Dear Tim and Elaine,

**PLANNING APPEAL
LAND AT LEE LANE, ROYSTON, BARNSELY, S71 4RT
APPEAL REF: APP/R4408/W/19/3242646**

We write below to update the inquiry on a number of matters. In summary these include:-

- Revisions to the Layout to address those BMBC January 2020 design concerns viewed as of any significance.
- Updated Ecology Statement to address BMBC adequacy of survey remarks and net gain comments.
- Masterplan Layout (as a forerunner to a wider Masterplan document which is in preparation).
- Retail provision Plan and explanation.
- Latest draft of the Statement of Common Ground (though see below in relation to matters that are still to be discussed which will impact upon this).
- Clarification of the Appellants S106 contributions, subject to clarification of the Council's requests and viability.

In addition, we have a number of outstanding matters that have been raised with the Council and require a meeting with Council Officers. These include:-

- Evidence of existing Sports Provision in the Royston area.
- Discussion on the Off-site Highway works and a need for a Highways SoCG to narrow disputes.
- Viability and S106 meeting to clarify the Council's SPD requests and an appropriate and viable level of S106 offer.

At the time of submitting this update, we note the Council has yet to submit its Statement of Case, the timetable has been amended to give the Council further time. We consider the attached material may assist all parties in narrowing several areas of dispute ahead of the Council's Statement of Case and save on inquiry time.

Revisions to Layout to address BMBC January 2020 design concerns.

The Appellant respectfully requests a revision to the appealed Layout Plan (Rev L) to address those design concerns raised in the Council's post appeal January 2020 paperwork, viewed as of significance.

The policy and legal basis for the revised Layout Rev M substitution is attached in the Walker Morris Plans Submission Statement. The Walker Morris Submission Statement is self-explanatory and provides the Appellant's basis for making the changes now sought by BMBC Officers which have only just come to light.

As stated in the Plans Submission Statement, the revisions are not readily detectable at first sight. To assist in that understanding, we have provided for information only, a Rev L/M Overlay Plan to demonstrate this point. The Layout Plan Rev M revisions can be grouped into the following topic areas.

- Footpath and cycleway added to site frontage;
- Minor re-alignment of spine road to give priority to bus route (see Masterplan);
- Minor revision to access point kerb line;
- Revisions to plot layout to avoid conflict with trees;
- Incorporation of speed restraint measures;
- Incorporation of visitor parking spaces;
- Minor amendment to plot locations and house types;
- Minor revisions to frontage parking;
- Minor revisions to garden sizes to meet BMBC request; and
- Removal of garage unit in central greenspace to improve design.

It is considered that the allowance of the plan changes will not result in the prejudicing of any 3rd party. The actual revisions will be addressed in more detail in both Design and Highways Proofs and the changes relate to both plot layouts and parking.

There is a need to consider consultation and notification of the new plan. It is suggested that the revised Layout Plan is sent to all those who were consulted on the application and (if different) all those who were notified of the appeal with a clear explanation and timeframe for any comments.

Updated Ecology Statement to address BMBC adequacy of survey remarks.

The Council's most recent revision to the draft General Statement of Common Ground earlier this month and the consultation response from earlier this month that was made available with the Appeals Questionnaire informed that Officers remained concerned over the adequacy of ecological survey material to support the proposed Layout and were seeking a net gain to biodiversity.

The attached Ecology Update document seeks to explain the approach to bats, newts and net gain in a way that allows the Council to consider its position on this matter on a site that is both allocated for development and where the Council apparently has a concern about the density being too low. In addition, the review of trees information has helped to inform minor layout revisions increasing the stand-off from healthy trees.

Masterplan Layout as a forerunner to a wider document in preparation

The Council's concern regarding the absence of a wider Masterplan for MU5 has been noted. It is the Appellant's view the appeal proposals will not undermine the wider delivery of the allocation. To support this view, the Appellant will demonstrate through evidence how the development of the remaining areas of the MU5 allocation would not be prejudiced and to help show this the Appellant attaches a Masterplan plan.

The Appellants are in dialogue with adjoining landowners. The attached Masterplan plan identifies:-

- suitable locations for the retail unit,
- a bus link into the southern part of the allocation to improve public transport use, and
- suitable greenspace locations and a sequence of connecting footpaths and cycleways to enhance permeability.

The potential Primary School is located on BMBC land in the south east corner and has the ability to be accessed off an existing adopted highway such that the timing of its delivery is not constrained by intervening land ownerships within the allocation.

Retail Provision Plan

A separate extract plan showing how the retail unit could be accommodated on the appeal site is attached. This is a matter that can be secured by the S106. This is not a revision to the application. It would operate so that it prevented development of part of the site once the appeal permission is granted, to allow for that area to be marketed for retail purposes but allowed it to be developed as per the permission if there is no retail interest. If there is retail interest a separate planning permission for that use would be required.

Latest Draft of the Statement of Common Ground

We attach the latest draft SoCG. There are several matters that can be advanced with dialogue and the key amongst these are identified below, including viability related issues.

Clarification of the Appellants S106 contributions (subject to clarification of the Councils requests and viability)

The Appellant is proposing to provide;

- 10% affordable housing as per the policy requirement.
- The education contribution as per the SPD calculation.

Primary £848,000

Secondary £608,000

We don't believe the Rev M Layout alters this contribution calculation. However, the Council has alluded to a greater sum payable in relation to primary education when a new school is to be provided on an allocation site. We respectfully request that this extra be set out, explained and particularised by the Council and the Appellants position on this will follow this explanation and particularisation.

- Open Space for formal off site provision. [Rev L £262,889; Rev M £261,893]
- Sustainable Transport contribution of £187,500

This will meet all the Councils SPD and affordable housing requirements for the site.

The Appellant will also be funding the off-site junction improvements suitable for the MU5 allocation.

We seek clarification from the Council that there are no other payments or contributions that it is seeking and if so what and based on what policy or justification.

Other Outstanding Matters

Green Space

In progressing work on the Masterplan Framework document, the Appellants design team have identified a gap in the online information on the quantity and quality of sports pitch provision in the Royston area. A request for information from the Council is outstanding on this matter. This is also a matter that should be capable of being addressed in the SoCG.

Off-site Highways and Mitigation

There remains a dispute on the suitability of the junction improvements suggested by the Appellants. This is a wide topic area with the ability to interfere with the inquiry timetable. It is the Appellant's opinion that a Highways Statement of Common Ground would help to compress matters on this topic and a meeting between the parties is requested.

Viability and S106

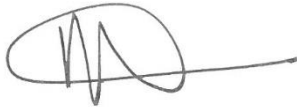
The Appellants have submitted a Viability Appraisal and a response from the Council is awaited.

The Appellants position on this topic is not one that seeks to avoid making a fair share payment for the MU5 infrastructure including a significant over-provision to resolve current off-site highway capacity problems. The Appellant does however require a response from and meeting with the Council on this matter.

While the Electricity Sub Station detail has always been shown on the Layout Plan, the Council inform the elevations for this standard facility are absent. For the sake of completeness, the Sub Station Elevations Drawing is attached to this letter.

All of the above matters can be discussed in greater detail in the 4th February conference call.

Yours faithfully



Mark Johnson MRICS, MRTPI

Managing Director

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Encs

- Walker Morris Plans Submission Statement
- Revised Layout Rev M
- Rev L/M Overlay Plan
- Updated Ecology Note
- Masterplan
- Retail Plan
- Sub station Elevation Plan
- Draft SoCG