



## Appeal Decision

Site visit made on 14 May 2020

by **S Hunt BA (Hons) MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> June 2020

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**Appeal Ref: APP/R4408/W/19/3242646**

**Land to the South of Lee Lane, Royston, Barnsley**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Bellway Homes Ltd (Yorkshire Division) against Barnsley Metropolitan Borough Council.
  - The application Ref 2019/239, is dated 14 February 2019.
  - The development proposed is residential development of 250 dwellings with associated access, parking, engineering, landscaping and ancillary works.
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### Decision

1. The appeal is dismissed and planning permission for residential development of 250 dwellings with associated access, parking, engineering, landscaping and ancillary works is refused.

### Applications for costs

2. Applications for costs have been made by Bellway Homes Ltd (Yorkshire Division) against Barnsley Metropolitan Borough Council (the Council) and by the Council against Bellway Homes Ltd (Yorkshire Division). These applications are the subject of a separate Decision.

### Procedural Matters

3. The appeal had been scheduled as a planning inquiry to take place from 24 to 27 March 2020 however this was cancelled shortly beforehand as a result of the restrictions of the Covid-19 pandemic. The main parties agreed that the appeal could appropriately proceed by the written representations procedure. I was able to undertake an unaccompanied site visit with the mutual agreement of the main parties.
4. The appeal is against the failure of the Council to give notice on the decision within the prescribed period. Amended and additional plans were submitted by the appellant shortly prior to the case management conference and interested parties were given the opportunity to comment on them. The plans do not substantively alter the proposals and narrow the issues in dispute. On this basis I have no reason to believe any party would be prejudiced and I have accepted them for consideration as part of this appeal.
5. Although there were wider areas of dispute at the time the appeal was made, further common ground was found between the main parties such that the remaining areas of disagreement are now summarised in the Council's six putative reasons for refusal (PRFR) and lead to the main issues in this decision.

6. The PRFR relate to the lack of an approved Masterplan Framework (MPF) and implications for contributions to infrastructure requirements, the adequacy of proposed off-site highway mitigation, the access to the site and internal road layout, mix of uses, design and layout, density, living conditions of future occupants, and potential effects on Great Crested Newts.
7. I have received agreed statements of common ground from the main parties in relation to highways issues (HSoCG) and other general planning issues (GSoCG). A number of other documents have been submitted since the submission of proofs of evidence (PoE) including rebuttals, a supplementary HSoCG and closing submissions. They provide clarification of the main parties' cases in the absence of the public inquiry, and I have taken them into account in the determination of this appeal.
8. An agreed Section 106 Agreement (S106) has been submitted together with a statement of compliance with the Community Infrastructure Levy (CIL) Regulations prepared by the Council. I have had regard to the provisions of the range of obligations in the consideration of this appeal as set out in my reasoning on the main issues below.

### **Main Issues**

9. I have adjusted the main issues slightly from as originally set out in my further pre-inquiry note to reflect the content of the final submitted evidence. They are as follows:
  - Whether the proposed development would prejudice the Council's ability to manage the comprehensive development of the wider area of allocated site MU5, particularly in terms of whether adequate provision would be made for infrastructure requirements arising from the development for off-site highway works and education provision;
  - The effect of the proposed development on highway safety, having particular regard to the site access and the internal road layout;
  - Whether the proposed development would achieve an appropriate mix of uses, design, layout and density;
  - The effects of the proposed development on the living conditions of future occupiers with particular reference to internal space standards and separation from the equipped play area; and
  - Its effects on biodiversity, with particular reference to Great Crested Newts.

### **Reasons**

#### ***Planning Policy: Masterplan Framework***

10. The development plan for this area is the Barnsley Local Plan (BLP) adopted in January 2019. The appeal site is located within a larger area of land which is allocated by Policy MU5 of the BLP for mixed use development. Together with an indicative total of 828 dwellings, the Policy requires provision of a primary school and convenience retail facility within the allocation. Construction is already underway on part of the allocation by another housebuilder (referred to by the main parties as the 'BDWH site').
11. The Policy states that development will be subject to the production of a Masterplan Framework (MPF) covering the entire site, to ensure that

- development is brought forward in a comprehensive manner. The second bullet point of general development Policy GD1 states that proposals for development will be approved if they are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.
12. The supporting text to Policy GD1 at paragraph 6.12 explains that MPFs shall be subject to public consultation and should be approved by the Council prior to the determination of any planning application. National planning practice guidance (PPG) encourages a collaborative approach on masterplans with the local planning authority, site promoters and the community<sup>1</sup>.
  13. The Council have very recently commenced consultation on a draft MPF for the MU5 allocation. Adoption is expected in late 2020, and delays in its production have resulted in some frustration from the appellant and other landowners<sup>2</sup>.
  14. The appellant submitted their own MPF<sup>3</sup> for the entire allocation to the Council earlier this year, prior to the submission of the proofs of evidence. The appellant's MPF generally includes the main elements of an MPF set out in supporting text of Policy GD1. Nevertheless, it is not a formally approved document, rather it is a draft document for further discussion with the Council. It has not been the subject of formal consultation with the public or other stakeholders (including other landowners and a design panel), and no attempt has been made to quantify the cumulative infrastructure requirements. I give very little weight to both MPF documents in view of the above considerations.
  15. Notwithstanding these draft documents, the proposed development has come forward prior to the production of and adoption of an approved MPF for the MU5 allocation and as such there is clear conflict with the development plan.
  16. A range of other Policies are quoted in the PRFRs and relate to the main issues. They include highway safety (T3 and T4), infrastructure and planning obligations (I1), living conditions (GD1), design and layout (GD1, D1), densities (H6), amount of greenspace (GS1), and biodiversity (BIO1). Whilst these Policies are no less relevant to the determination, the conflict with the criterion of Policies MU5 and GD1 in relation the requirement for comprehensive development underpin most of the Council's concerns. To allow development on this site in advance of an approved MPF has numerous, potentially significant, implications for the remaining parcels of land within wider MU5 allocation.
  17. Given the current degree of uncertainty for the wider development plan allocation within which that appeal site sits, it would be inappropriate for me to make assumptions about what will ultimately be contained within a future approved MPF for MU5.
  18. BLP Policy I1 seeks for development to contribute as necessary to meet all infrastructure requirements to enable development to take place satisfactorily, and, where appropriate, pooled contributions will be used to facilitate delivery of the necessary infrastructure. I consider these infrastructure requirements in the sections below.

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<sup>1</sup> PPG Design: processes and tools - paras 006 & 007, ref ID 26-005-20191001

<sup>2</sup> The Trustee Owners of the Six Titles in South Lee Lane – correspondence dated 23 January 2020 and attachments.

<sup>3</sup> Core Documents 6.1.5, 6.3 and 6.3.1

## **Infrastructure requirements: Off-Site Highways and Education**

### *Off-Site Highways:*

19. BLP Policy T4 requires development which would add to problems of safety or the efficiency of the highway to take mitigating action or make a financial contribution to make sure the necessary improvements can go ahead.
20. The appellant proposes to carry out works to two key local junctions: the A61 Wakefield Road/Lee Lane/Shaw Lane staggered junction at Mapplewell/Staincross, and 'The Wells' (High Street/Midland Road/Church Street/Station Road) in the centre of Royston. Capacity issues at these junctions have been identified by both parties.
21. Traffic surveys were carried out in October 2018 and October 2019 at the above junctions in peak periods. I note that there is some discrepancy in the October 2019 survey data, however as set out in the supplementary HSoCG the differences are minor and would have a negligible impact on the non-critical peak hours. The agreed peak hour periods remain acceptable and representative. While there is still some disagreement between the main parties over the methodology of traffic counts and speed surveys, overall I have found no reason conclude that the surveys are not robust and represent typical AM/PM scenarios on these key junctions.
22. A range of consented development sites in the area have been agreed and included in analysis future traffic flows, together with the remainder of the MU5 allocation. Base assessment years of 2026 and 2033 are agreed for build out of the site and the whole of the MU5 allocation respectively. Trip rates per dwelling for AM and PM periods have also been agreed in the HSoCG and I have no reason to disagree with the data.

### *A61 Wakefield Road/Lee Lane/Shaw Lane:*

23. This is a priority junction where the A61 Wakefield Road forms the major through route, and there are staggered junctions at Lee Lane and Shaw Lane.
24. The practical capacity<sup>4</sup> of this junction is currently exceeded during the morning (AM) peak hour on the Shaw Lane and Lee Lane arms, and during the afternoon (PM) peak hour it exceeds its absolute capacity<sup>5</sup> on Shaw Lane only. The 2026 and 2033 base scenarios indicate that the junction will eventually operate substantially beyond its absolute capacity on both Shaw Lane and Lee Lane, in both AM and PM peaks. This is predicted to occur regardless of the development of MU5 and the appeal proposals. The capacity would be further exceeded with the build out of MU5 and other commitments.
25. A range of junction improvements associated are proposed here, including signalisation, pedestrian crossings, carriageway widenings in order to bring all arms of the junction within practical capacity in peak hour periods. There is no dispute that the junction would benefit from a scheme of improvements to increase capacity and improve road safety.

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<sup>4</sup> P. Owen PoE para 7.4.6: A Ratio of Flow to Capacity (RFC) value between 0.85 and 1.00 indicates that there are likely to be occasions during the period modelled when queues will develop and delays will occur.

<sup>5</sup> An RFC value greater than 1.00 indicates that the junction or arm operates beyond its theoretical (absolute) capacity with an associated increase in queuing and delay within that specified time period.

26. However, disagreement remains about the predicted capacity modelling of the junction and whether it is representative of expected future network operation. In addition, the Council has concerns about the effectiveness and safety of several aspects of the proposed works, including stopping sight distances (SSD), standards of right turn lanes when used by HGVs, 'LinSig' assessment for the Shaw Lane pedestrian crossing, use of filter lanes and potential safety issues resulting from some HGV manoeuvres.

*The Wells (High Street/Midland Road/Church Street/Station Road):*

27. This crossroads junction is in the centre of Royston, surrounded by commercial uses. Each of the four arms has a controlled pedestrian crossing facility and High Street is the only arm which has a split lane for traffic turning right.
28. The data shows that this junction is currently exceeding its practical capacity of 90%<sup>6</sup> in the PM peak only, but it remains within absolute capacity at all recorded times. With the build out of the site and MU5 (by 2033) the absolute capacity of three out of four arms would be exceeded during both the morning and the evening peak<sup>7</sup>.
29. Improvements proposed by the appellant incorporate amendments to signal staging, additional road markings including establishment of a right turn lane into Church Street, some minor carriageway widening, improvements to pedestrian crossings and a signage strategy. The appellant's modelling for future design scenarios indicates that with the proposed improvements in place, most arms of the junction would operate within practical capacity in both peak periods, with the Church Street and High Street arms operating above practical capacity but within absolute capacity. Notwithstanding this, dispute remains between the main parties over a number of matters including in relation to capacity modelling, pedestrian safety and lack of visibility.

*Link Road:*

30. The Council's position is that it is not possible to further increase the capacity and efficiency of the Wells junction to sufficiently and safely allow for development of the MU5 allocation without constructing a new link road (Royston Relief Road 'RRR'). The reasoning for the suggestion that this could form part the infrastructure requirements in a future MPF is unclear. The Council's viability witness suggests that a sizeable sum could viably be provided towards off-site highway works. I give limited weight to the potential inclusion of contributions towards the RRR in the S106 for the following reasons.
31. Firstly, the RRR appears to currently be aspirational. It is at an early stage of design and it has not been the subject of a planning application nor formal consultation with relevant stakeholders. There is no requirement for such a link road in the BLP, not least within Policy MU5. Comparisons have been made to the notional route of a 'Northern Economic Corridor' shown in earlier versions of the Local Plan (2012/2014 consultation drafts), however this bears no relation to that shown on the indicative plan. By 2016 the corridor had been

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<sup>6</sup> P. Owen PoE para 7.3.15: A Degree of Saturation (DoS) value between 90% and 100% indicates that there are likely to be occasions during the period modelled when queues will develop and delays will occur. A DoS value greater than 100% indicates that the junction or arm operates beyond its theoretical (absolute) capacity with an associated increase in queuing and delay within that specified time period.

<sup>7</sup> Mr Owen PoE Table 7.8

- deleted from the emerging plan and no such alternative link road proposed around the Royston area.
32. Secondly, it has not been demonstrated that the RRR would be necessary to enable the development of MU5. On this basis it would not meet the tests set out in Regulation 122(2) of the CIL regulations. The evidence indicates that a link road may not ultimately relieve traffic movements from The Wells junction. Internal trips would remain within the town and only 'through traffic' movements are likely to utilise it. The appellant assumes that 50% of existing traffic movements between High Street and Church Street would divert onto this link road, and even with the link road the junction would operate considerably above absolute capacity<sup>8</sup>. Mitigation works would therefore still be required to improve capacity this junction. Furthermore, the indicative plan shows that the link road would start on Lee Lane, and therefore would serve no purpose in resolving capacity issues on the A61 Wakefield Road junction, or may indeed add to them.
33. Thirdly, no specific issues or proposals for the Royston area are indicated in the 2015 Infrastructure Delivery Plan aside from modelling of The Wells junction. It is suggested that 'some local highway infrastructure works' are required, which would be relatively modest in scale and capable of being funded by developer contributions<sup>9</sup>. I note that areas for further modelling identified in this document did not include Royston.
34. The subsequent 2016 Sustainability Appraisal for the MU5 (H11) allocation identified that no extensive new access infrastructure was required<sup>10</sup>, and it was on this basis that the Local Plan Inspector found the allocation of MU5 sound<sup>11</sup>. The BLP was therefore adopted without any mention within Policy MU5 or any other policy of any major infrastructure works in this location.
35. I have received submissions from the trustee owners of other land surrounding the appeal site ('the Trustees') who raise various concerns in respect of the potential requirements and the lack of an approved MPF. There appears to be a risk that delivery of the remaining parcels of MU5 could be stalled without the highway infrastructure requirements being specified in an approved MDF, with a resultant harm to supply of housing.
36. The appellant contends that if the RRR is required in a future MPF this would be unlawful as it has the effect of introducing a policy requirement that is not present within the recently adopted BLP. They describe the MPF as a 'residual local development document (LDD)'. The quoted judgements have determined that function of a residual LDD is to amplify, clarify and define the matters that are set out in the Local Plan<sup>12</sup>. As such, a masterplan cannot create or change policy. Be that as it may, there is no such residual LDD or otherwise before me. The Council have not confirmed whether the MPF will ultimately become a SPD, and there is no firm indication before me that contributions towards a new link road would be included in the document in any event.

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<sup>8</sup> P. Owen PoE Table 7.12

<sup>9</sup> Barnsley MBC Infrastructure Delivery Plan 2015

<sup>10</sup> Mark Johnson PoE Appendix 12 – Local Plan Sustainability Appraisal 2016– Housing Site Assessment H11

<sup>11</sup> CD 3.3 Local Plan Inspectors Report - para 119

<sup>12</sup> R (Skipton Properties) v Craven DC [2017] JPL 825 and R (On the Application of Miller Homes Limited) v Leeds City Council [2014] EWHC 82 (Admin)

37. That said, the lack of reference to a specific piece of off-site highway infrastructure in an allocation policy does not preclude the future construction and appropriate funding of such works if justified in terms of highway safety. Furthermore, in isolation, the proposed development is unlikely to physically prejudice delivery of a link road in the future.
38. Finally, the RRR is not necessary to provide direct access to the site, as it would be served from an existing highway (Lee Lane). The RRR is not needed to support the proposed development or the wider MU5 allocation, and as such the matter of how such a link road would ultimately be funded is not directly relevant to my decision.

*Off-site Highway Infrastructure Conclusions:*

39. Overall, having considered the modelling data and evidence from both parties relating to the two key junctions, is clear that improvement works would have a positive impact on their capacity. Nonetheless a significant number of issues still remain in dispute in relation to the proposed junction works, including survey data, modelling, design standard compliance, functionality of the offsite highway works and pedestrian safety.
40. It is usual that certain, minor, outstanding aspects of junction design could be dealt with later by agreement of a condition requiring full technical details. However suggested condition 3 is unlikely to achieve this, given the amount of amendments necessary to meet the technical requirements of the Council. The need for road safety audits (RSA) in the condition also raises doubt. Stage 1 RSAs have already been carried out for both off-site junctions, however I note that the Council as highway authority were not consulted on the audit brief nor invited to attend site visits as is usual practice.
41. The number of matters remaining in dispute regarding the methodology and design of the works are too numerous for me to be confident that the proposed works would not have any significant effects on highway safety and that they could be cost effectively mitigated to an acceptable degree. Should further amended plans and RSAs be submitted as part of the condition discharge application that are not amenable to the Council this could result in a stalemate scenario in relation to condition 3, which could further delay delivery of housing.
42. Notwithstanding the above, the wording of condition 3 could be amended to make it more precise and enforceable. This would be assisted by a trigger for submission of a detailed scheme for the works and amending the contradictory triggers for implementation of the works. However there is a lack of evidence before me suggesting how long the works might take, or any basis for the pre-occupation trigger that the junction works are necessary before any new traffic is generated from the development. The process could be lengthy, and to require the works to be implemented prior to first occupation represents another delay to housing delivery.
43. Consequently, I am concerned that the condition is not fit for purpose in achieving a satisfactory outcome. It would not adequately meet the tests set out in paragraph 55 of the National Planning Policy Framework (the Framework). In terms of relevance and reasonableness, the data suggests that traffic congestion issues already exist, and that in the near future the absolute capacity would be exceeded on certain arms of the junctions. The evidence

before me indicates that junction improvements are likely be necessary regardless of the proposed development, build out of MU5 and other committed developments in the area.

44. The appellant has offered to carry out the works at considerable expense. Whilst the Council agrees that the estimated cost of the works appears to be accurate, they do not provide any evidence as to what works would be needed regardless, if no financial input from the MU5 allocation is forthcoming. As such, the cost of the works would be disproportionate to the scale of the proposals. Importantly, there is no specific indication in Policy MU5 of the need for junction improvements.
45. An approved MPF could cover such infrastructure works to accommodate the predicted increase in traffic, with an equalisation 'fair share' agreement between all parts of the MU5 allocation. For the entire works to be carried out by a single developer, in lieu of funding that may legitimately be required by the development plan for another type of infrastructure (a new primary school) is not in the spirit of good masterplanning and comprehensive development.
46. Overall, based on the evidence before me, I cannot be certain that the proposals would have an acceptable effect on highway safety in compliance with BLP policy T4 and paragraphs 108(c) and 109 of the Framework and no adequate solution has been put before me in order to overcome this.

#### *Education*

47. There is an identified need for additional school places as a result of the development and a financial contribution is required for both primary and secondary education. The 'Financial Contributions to Schools' SPD sets out the standard calculation for both primary and secondary provision. The education contributions included within the S106 fulfil these standard policy requirements. Nonetheless, paragraph 6.4 of the SPD states that whilst this is the calculation that will apply in the majority of cases, there may be cases where a different approach is needed. It gives the example if a whole new school is needed and the developer does not wish to build this directly, then the contributions required may be different from the figure arrived at using the usual calculation.
48. BLP Policy MU5 specifically requires a new primary school to be provided within the allocation and Policy I1 expects pooled contributions to be used to facilitate delivery of the necessary infrastructure. The PPG 'Planning Obligations' and 'Viability' both refer to the Department for Education (DfE) guidance<sup>13</sup> in this respect. There is an assumption within these documents that development of this type will provide both funding for construction and land for new schools required onsite, commensurate with the level of education need generated by the development. The guidance explains that education land required within larger development sites is provided at no cost to the local authority wherever possible, and pooled developer contributions are secured for the purchase of standalone sites for new schools. Consequently the Council seek an increased contribution for primary education over and above that set out in the SPD.
49. There is disagreement between the main parties regarding the appropriate calculation for a new build primary school, and whether nursery places should

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<sup>13</sup> Department for Education 'Securing developer contributions for education' (2019) : Paragraph 5

be included in such calculations. The SPD does not specifically refer to nursery provision, but both the PPG 'Planning Obligations' and the DfE guidance state that requirements for developer contributions should include early year provision at new schools<sup>14</sup>. As such the Council would be justified to include this contribution within their calculations.

50. Whilst the appeal site comprises just over 30% of the area of the allocation, it would be unreasonable to expect the appellant to correspondingly fund just over 30% of the new school. This is because the evidence demonstrates that there would be an existing deficit of primary school places in the area, even without the build out of MU5. Consequently, a new primary school of 210 pupils would not solely serve the allocation but existing households in Royston. Moreover, developer contributions from within MU5 would not be the only source of funding towards the entire development of a new primary school.
51. The main parties' calculations of both total cost and share therefore differ significantly. Notwithstanding whose calculation is the most accurate, £848,000 is the contribution to primary education contained within the S106 before me. This is appreciably less than the expected share of estimated build cost ranging from £1.232m (the appellant) and £1.372m-£1.526m (the Council).
52. The appellant's offer of a further £452,000 is not included in the completed S106. Instead, it is proposed to be offset by the off-site highway improvement works (the 'fair share' approach). The cost of these works would exceed the maximum balance sought by the Council towards build costs of the school by a considerable amount. However, this 'fair share' approach does not meet the aims of Policy I1 nor the SPD in providing necessary infrastructure.
53. Policy MU5 establishes that a new primary school is necessary, therefore there is a strong policy basis for this planning obligation. If the additional amount over and above the regular contribution required by the SPD is not forthcoming, there is a risk that collective S106 contributions would not cover the cost of building the school. As a consequence, later phases of the allocation would be unfairly burdened and this could lead to the education requirements of the area not being met.
54. There is currently no agreed location for the school within the allocation. It is not for me to determine the ultimate location for the school; this further illustrates the value and important function that would be performed by a fit for purpose MPF.

*Infrastructure Requirements – Conclusion:*

55. The effect of the proposals would be to prioritise highway improvements over education. For the reasons outlined above, the appellant's argument that the shortfall in education contributions are more than offset by the costs of the junction improvements is not sufficiently persuasive. Whilst I have found that improvements to two local junctions would be of wider benefit in improving capacity, this is not a specific requirement of Policy MU5 and nor is a link road. A new primary school is a necessary requirement of the MU5 allocation. An approved MPF could help ensure that infrastructure requirements are fairly spread between the promoters of all parcels of land within the allocated site, as well as establishing phasing of infrastructure and the location of the school.

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<sup>14</sup> PPG Planning Obligations paragraph 008 Reference ID 23b-008-20190315 and Department for Education 'Securing developer contributions for education' paragraph 16

56. Several issues remain in dispute between the main parties relating to the offsite highway works, and as such it has not been established that the proposals would have an acceptable effect on highway safety. In view of fundamental design changes that may be required suggested condition 3 would not satisfactorily overcome this concern.
57. Overall, I conclude on this main issue that the absence of an approved MPF would be likely to prejudice delivery of the wider site allocation. The proposals would not comply with Policy MU5 of the BLP which requires, amongst other matters, for development to be subject to the production of a Masterplan Framework to ensure development is brought forward in a comprehensive manner and for the development to provide a primary school on site.
58. In turn, the lack of an approved MPF would not meet the criterion of Policy GD1 which requires development to not significantly prejudice the future use of the neighbouring land. The failure to contribute fully to the education infrastructure requirements and the potential unacceptable effects on highway safety arising from the proposed junction improvements which are required to enable development to take place satisfactorily would not accord with BLP Policies I1 and T4. The proposed development is at odds with paragraphs 12 and 15 of the Framework in that the planning system should be genuinely plan-led nor meet the guidance on Masterplans set out in the PPG.

## **Highway Safety**

### *Site Access*

59. BLP Policy MU5 requires a roundabout to provide access to the allocation from Lee Lane, which along with the road layouts would facilitate development of the entire site. A roundabout has already been constructed on Lee Lane as part of the ongoing BDWH development, providing direct access to both sides of the road. The Policy is clear in that it is 'roundabout' in the singular, and it does not specify more than one (albeit there is also nothing within the Policy to prevent more than one roundabout). The appellant's choice of a priority junction access rather than a roundabout should not prevent the development in terms of the requirements of this part of the Policy which have already been met elsewhere on the larger MU5 allocated site.
60. I turn to whether the proposed priority junction is acceptable in terms of highway safety. At the heart of the disputed matter are differing views about which highway standards should be utilised to assess it. The appellant uses Manual for Streets (MfS) and its companion guide MfS2 as highway design guidance, whilst the Council maintain that Design Manual for Roads and Bridges (DMRB) standards should be applied instead. The choice is important because the proposed site access meets the MfS standards but falls short of the DMRB standards.
61. Whilst MfS1 relates to design of residential streets, MfS2 fills the perceived gap between MfS1 and the design guidance in DMRB which primarily applies to motorways and trunk roads. I am mindful that DMRB requirements can be applied to other roads with the approval of the specific highway authority.
62. The Council's case for applying DMRB rests largely on a single point set out in the 'Sustainable Travel' SPD (paragraph 9.8), which states that DMRB will apply to all classified roads. It is unclear why such a rigid application of DMRB

is promoted in the Borough, when MfS2 specifically notes that MfS should be a starting point for any scheme affecting non-trunk roads. MfS2 further recommends that DMRB (or other standards or guidance) is only used where the guidance contained in MfS is not sufficient, or where particular evidence leads a designer to conclude that MfS is not applicable. Section 3.2 warns against a slavish adherence to technical standards.

63. MfS2 also recognises that local context varies; not only from street to street but along the length of a street. Place characteristics should not therefore be ignored in any new road design. Lee Lane is a long and straight stretch of 'B' road, not a trunk road nor is there evidence before me to suggest it is a strategic route. It is an unlit rural road approximately 7m in width, with a footway of varying width to one side. It is a local road which provides a connection between the settlements of Staincross/Mapplewell and Royston. The area character changes distinctly towards the new roundabout from rural to urban. The section of Lee Lane alongside the site has little in common with a trunk road where drivers can reasonably expect to be able to maintain a steady speed.
64. Lee Lane is currently subject to the national speed limit of 60mph alongside the appeal site, which changes to 30mph just before the new roundabout. The Council are in the process of completing a Traffic Regulation Order (TRO) to reduce the speed limit of this stretch of Lee Lane from 60 to 40mph. The outcome of the proposed TRO is not yet confirmed. Nonetheless, it is clear that the Council is taking action to reduce the speed limit in the near future. Whether it reduces to 40mph (as proposed by the Council) or to another limit (30mph is sought by the appellant), this is relevant because a higher speed road could affect the design of junction into the appeal site.
65. Section 2.5 of MfS2 emphasises that planning and highway authorities should accept that the character of rural routes will have to change fundamentally as they become part of the urban fabric. The MU5 allocation would provide an urban extension to the town of Royston. Whilst the existing character of Lee Lane is typically rural, a significant section of it will experience a fundamental change in its character over the plan period. It would form a centrally located street within a large housing allocation, forming an urban extension to the town of Royston. Its speed limit will change, there will be a larger number of pedestrians using its footways and crossing it, and there will be houses fronting onto it. Its character will irrevocably change as a consequence.
66. 'Gateway' features are proposed to the western edge of the allocation to warn drivers of the new speed limit. These include measures such as a central island, countdown signs, and 'dragons teeth' road markings. Such features are recognised mitigation measures which could appropriately and safely deal with the transition from the 60mph limit to the new, lower speed limit and could be controlled by condition.
67. Taking the above points into account, it would not be appropriate to design the access to the standards of the current speed limit of 60mph or to the trunk road standards set out in DMRB. The MfS standards should be the primary determining factor in this particular case.
68. Stopping Sight Distances (SSD) and existing speeds have been appropriately surveyed here. In this case MfS standards have been used to design the junction and visibility splays would be 2.4m x 59m, based on 37mph speeds.

The Council suggests that visibility splays of 9m x 215m should be applied instead in accordance with the DMRB. The submitted plan<sup>15</sup> shows that maximum achievable visibility splays would be 2.4m x 134m to the west and 2.4m x 125m to the east. These are in excess of what is required for the design speed and equate to speeds of 46mph and 48mph respectively.

69. If the current national speed limit of 60mph were unchanged, the required splays could be achieved to the east based on existing surveyed speeds, whilst to the west it would fall around 23m short. This is however inconsequential, as the speed limit will be reduced here. Whether it is ultimately changed to 30mph or 40mph, the required visibility splays can be achieved in this location. This size of splay sought by the Council would be both over-engineered and excessive for the proposed development and the type of street which Lee Lane will become.
70. Notwithstanding this, the preference of the Council is for a roundabout. I have previously established that Policy MU5 does not specifically require more than one roundabout to serve the allocation. DMRB guidance regarding priority junction selection only advocates a non-priority junction on this type of road when the minor road reaches 7000 vehicles; the appellant suggests this would equate to some 1060 dwellings. The maximum traffic flows exiting the site are expected to be around 95 vehicles in the morning peak, with the majority turning left towards the motorway network, Barnsley and Wakefield. The results of the PICADY function for the access on Lee Lane show that the 2033 design would be well within desirable practical capacity<sup>16</sup>. A Stage 1 RSA<sup>17</sup> has not raised any significant issues that cannot be addressed at detailed design stage. Furthermore, the personal injury accident data does not raise any specific concerns along Lee Lane in the vicinity of the site. On this basis, it would be unreasonable to require a roundabout junction in this location.
71. Potential future access to the remainder of the MU5 allocation opposite requires consideration to ensure that it would not be prejudiced by the proposed priority junction. The site area of the remaining part of the allocation to the north is smaller, and it follows that it is likely to accommodate less dwellings overall than the areas to the south. The evidence indicates that there is ample space along Lee Lane to accommodate additional junctions if necessary. There is no suggestion from the Council that a roundabout is needed to serve the land to the opposite side of Lee Lane, however I acknowledge that this would be one of the potential benefits of delaying the development until an approved MPF is in place.
72. The appellant has satisfactorily demonstrated that the form and layout of the proposed site access onto Lee Lane accords with national highway standards and would safely and satisfactorily accommodate vehicles generated by the proposals and the wider allocation. It would have an acceptable impact on the highway safety of Lee Lane, and the residual cumulative impacts on the road network would not be severe. It is designed to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. BLP Policies T4 and D1 are therefore satisfied, and in turn paragraphs 108 and 109 of the Framework would be fulfilled.

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<sup>15</sup> Drawing no. 18085/GA/01

<sup>16</sup> Mr Owen PoE section 7.2

<sup>17</sup> Mr Owen Highways & Transportation PoE Appx J – Road Safety Audits

### *Internal Road Layout*

73. The proposed road layout would allow development of the entire allocation in accordance with Policy MU5. The completed S106 includes provision for the spine road to be constructed to the site boundary, helping to ensure connections to adjoining land.
74. The spine road is designed to facilitate access by buses. Promotion of use of public transport by future residents is set out in the submitted Travel Plan, which could be secured by condition. A contribution in accordance with the Sustainable Travel SPD is included within the S106.
75. The SPD 'Design of Housing Development' at section 10 states that the design and layout of new residential streets should reflect the principles of MfS and that developments will be expected to meet the technical requirements relating to street and parking geometry contained in the South Yorkshire Residential Design Guide (SYRDG) at annex 4B. There is disagreement between the main parties relating to a range of technical aspects of the internal layout. I deal with each issue in turn below.
76. *Private Drives:* The Council's concerns relating to location of private drives proximate to the Lee Lane junction have been overcome in the most recent site layout plan, and I note the discrepancy in measurements which were not taken from the centre line of the private drive. The required distances are met here.
77. *Speed Restraints:* The Council's request for incorporation of speed restraint measures has been dealt with through the provision of four raised tables, some carriageway narrowing on the secondary loop road, and differing surface materials on the more minor shared space streets. The Council object to the use of raised tables, because the SPD 'Design of Housing Development' (paragraph 10.3) states that vertical deflection measures are not permitted, giving speed humps as an example.
78. The Highway Authority's preference for horizontal deflection should be balanced with the need for wide unobstructed carriageways to facilitate a bus route on the spine road. The appellant does not include carriageway narrowing features on the spine road, as they would be difficult to achieve without affecting its efficient use by large vehicles including buses. National guidance within MfS (paragraph 7.4.4) states that physical features – involving vertical or horizontal deflection – can be very effective in reducing speed. It is preferable to use other means of controlling speeds if practicable, but there will be situations where physical features represent the optimum solution. It is noteworthy that junction tables are not restricted by the SYRDG (B.4.2.7), but their excessive use is discouraged.
79. *Forward Visibility:* The Council are concerned that a minimum forward visibility of 15m may not be achievable to certain areas of the layout. I have found nothing within the evidence before me that demonstrates why this would result in an adverse effect on highway safety. Only three plots are identified which are located on minor roads within the development where traffic and speeds would be very low.
80. *Visitor Parking Arrangements:* Visitor parking bays are not included within the plans on the spine road nor loop road, only within shared space streets. The

Council state that the lack of bays on the loop road is contrary to the SYRDG which requires such bays for carriageways less than 6 metres wide.

81. Swept path drawings have been provided to demonstrate that a bus could satisfactorily manoeuvre along the spine road when cars are parked on street. There is no certainty that a bus service would enter the site, but the appellant has nevertheless considered the potential frequency of a bus based on an existing service. The existing 30-minute frequency falls within part B paragraphs 2.1.15-16 of the SYRDG which requires a carriageway width of 6m, and this permits on-street parking on such a bus route. This is in view of the likelihood of two buses travelling in opposite directions meeting each other on a route. Indeed, if the bus service becomes more frequent or on-street parking on the spine road becomes problematic in the future, the Council's powers to make a Traffic Regulation Order would remain.
82. The Council's reference to the SYRDG in respect of the secondary loop road appears to be contradictory with other guidance. The SPD (paragraph 10.1) states that the design and layout of new residential streets should reflect the principles of MfS, which are expanded upon in pages 75-82 of the SYRDG. At paragraph 10.4 it states that developments will be expected to meet the technical requirements relating to street and parking geometry contained on pages 133-154 of the SYRDG. The specific requirement for defined parking bays states: 'Where carriageway widths are less than 6 metres it will be necessary to discourage footway parking by providing defined parking bays beyond the carriageway or by some other means'<sup>18</sup>.
83. MfS does not include the same restriction for carriageways of less than 6m in width. The appellant has directed my attention to an English Partnerships publication<sup>19</sup>, which sets out that street widths of 5.0 to 6.2m could accommodate parallel parking to one side of the street. In view of the discrepancies between various guidance documents I am inclined to support the appellant's evidence that a 5.5m width carriageway for the secondary loop road, with on-street parking, is adequate in this instance in terms of highway safety.
84. I have made these conclusions in the light of the specific circumstances of this case. The loop road is a secondary street providing access to dwellings on this site only and is not intended to provide bus access. The on-street parked cars would provide natural speed restraint to both roads, together with raised tables and the carriageway narrowing on the loop road. To widen the carriageways or to incorporate parking bays could result in a reduction in the number of dwellings which could be delivered, which appears contrary to one of the other concerns of the Council that densities are not high enough. Such works may also have adverse implications for the character and appearance of the scheme.
85. *Junction Visibility Splays*: MfS compliant junction visibility splays for the internal roads have been provided<sup>20</sup> which also comply with the SYRDG (B.1.3.4).

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<sup>18</sup> SYRDG: part 4 paragraph B.2.1.9

<sup>19</sup> Core Doc 7.6 : Car Parking – What Works Where (English Partnerships 2006) page 10

<sup>20</sup> Mr Owen PoE Appx L

86. *Swept Path Analysis*: An extensive range of swept path analysis drawings have been provided and these satisfactorily demonstrate that large cars could pass each other around the worst-case bend, that a refuse vehicle could adequately manoeuvre through the site, and that a bus could satisfactorily manoeuvre along the spine road when cars are parked on street.
87. *Boundary Treatments*: A suitable boundary treatment to prevent vehicles accessing or parking on areas of green space could be secured by condition.
88. *Visitor parking bays on shared space streets*: Visitor parking bays would be provided in various locations along the shared space streets. The Council has some concern that these will negatively impact on visibility, compromising use of adjacent driveways. I note that only 3 plots are potentially affected by this design. The bays are of sufficient size for parking and any overlap of the taper would not compromise parking provision for these plots which are located on a small, low trafficked area of a shared space street where each property has two or more off street parking spaces.
89. *Pedestrian Protection Zones, margins and widths of shared space streets*: A number of other issues have been raised by the Council in relation to the layout of the shared space streets. The appellant has addressed most of these points in revised layout plan M, so that they exceed the design requirements in the SYRDG and pedestrian protection zones are provided to one side of each of the longer shared space streets.
90. Overall the vast majority of the requirements of the Council have been adequately dealt with, and the stipulations of the various highway design guidance documents have largely been met. The internal access roads of the proposed development would comply with BLP Policies T4 and D1 in that it is designed to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. It also accords with Policy MU5 in its provision of a road layout which would allow the development of the wider allocation, and the inclusion of public transport access. The development also complies with Policy T3 in respect of sustainable travel. Paragraphs 108-110 of the Framework would in turn be satisfied.

### ***Mix, Design and Layout, Densities***

91. This main issue relates to the need to achieve an appropriate mix of uses, design, layout, housing mix and densities within the site and the wider allocation.

#### *Mix of uses*

92. The mix of uses sought by Policy MU5 is primarily residential together with a primary school and a small scale convenience retail facility. The school would not be located within the appeal site as part of the proposals, but contributions would be necessary to enable its construction elsewhere within the allocation as discussed in the previous section. The retail store has been adequately provided for within the completed S106, which reserves land within the appeal site if it is required for such a facility at a later date.

#### *Design and Layout*

93. BLP Policy D1 expects development to be of a high quality design which respects distinctive local character and features. The Council do not specify any

particular harm to the character and appearance of the area. Instead they have concerns in relation to the use of standard house types and lack of a design code which could form part of a future MPF to guide design on the allocation as a whole.

94. A future design code for the allocation would not necessarily preclude the use of standard house types, and a variety are proposed here. On my site visit I saw a varied range of housing designs in the locality. There is no prevalent local distinctiveness to this edge of the town and the proposed dwellings would not appear incongruous here.
95. In terms of layout, the siting of dwellings, road infrastructure and open spaces would be appropriate here. The spine road and the largest area of open green space are located where they can suitably link to the remainder of the allocation. The proposed area of land reserved for a retail facility is located conveniently adjacent to both the spine road and Lee Lane where it would be accessible to a range of users. Overall the design and layout of the development is unlikely to result in prejudice to the design of future phases of the allocation nor comprehensive development of the whole site.

*Housing Mix:*

96. BLP Policy H6 requires housing proposals to include a broad mix of house sizes, types and tenures to help create mixed and balanced communities. The supporting text at paragraph 9.17 states that the mix should be informed by the most relevant evidence taking into account an up-to-date Strategic Housing Market Assessment (SHMA) and the needs of the market.
97. The site lies in a lower value housing sub-market area; North Barnsley and Royston. Policy H8 encourages sustainable housing growth to support the creation of an overall balanced housing market and seeks to address the density and mix of housing. 10% affordable housing is included within the proposed development in compliance with Policy H7.
98. The higher proportion of detached 3 and 4 bed houses on the site is justified by the evidence within the SHMA for the sub-area. This shows a lower than average stock profile for detached housing and sales values as being relatively low compared to elsewhere in the Borough<sup>21</sup>. The Royston area has a reasonably high proportion of smaller, older, terraced dwellings and the evidence from the appellant suggests that the market demand for detached houses is strong<sup>22</sup>. I have no reason to disagree with this evidence and as such the proposed housing mix would be appropriate in this location.

*Density:*

99. Policy H6 requires a net density of 40 dwellings per hectare (dph) in Principal Towns, but supports lower densities where it can be demonstrated that they are necessary in the interests of character and appearance, need, viability or sustainable design reasons.
100. A range of evidence has been provided to support the proposed lower net density of around 34 dph. The site has two boundaries adjoining open countryside, which is within the Green Belt. When fully developed, the site will

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<sup>21</sup> BMBC Strategic Housing Market Assessment 2014: Tables 3.1 and 6.7, Figures 6.1 and 6.2

<sup>22</sup> M. Johnson PoE para's 2.28, 6.55, 6.57

form the urban edge to the settlement of the Royston. Other, as yet undeveloped, land parcels within the MU5 allocation are closer to the existing urban edge of the town. The site layout plan shows predominately detached houses with gardens backing onto the existing field boundaries which are lined with trees and hedgerows. A lower density is justified here in the interests of character and appearance, to enable a more appropriate gentle transition to the open countryside beyond.

101. Increasing the provision of smaller dwellings and subsequently raising densities on the site could result in a number of negative impacts. These include a reduction in the amount of detached houses contrary to the aforementioned aims to balance the housing market, levels of public open space and landscaping, smaller garden sizes, and increased levels of frontage car parking.
102. Other recently approved nearby housing sites have been brought to my attention, where densities did not appear to be a determining issue. Be that as it may, I have had regard to the specific locational merits of the appeal site. In this case an appropriate balance has been struck between the slightly lower density and other planning considerations. The inherent flexibility within Policy H6 would therefore apply here.
103. In terms of comprehensive development, a slightly lower density on this site does not necessarily preclude higher densities elsewhere on the allocation in order to achieve the overall indicative number of dwellings for the whole allocation. Ultimately, this would be a matter for future planning applications regarding associated effects based on the individual merits of that particular site. To achieve a policy compliant density of 40 dph the number of dwellings on this site would need to increase by just 15 to 265. Within the context of the wider allocation this would be a very small amount given the 828 dwellings which are indicatively planned.
104. MU5 is a sizeable allocation which would take over a decade to be fully built out. Densities, mix and house designs are likely to evolve as the allocation progresses. Future planning submissions would be guided by the MPF, but also influenced by a number of factors including the individual attributes and constraints of each individual land parcel, and market demand at the time. The provision of standard house types, a mix of largely 3-4 bed detached houses and a slightly lower density here is unlikely to either set some form of precedent for future phases or have the effect of reducing the number of dwellings overall.
105. In this respect the development would not result in any significant prejudice to the future comprehensive development of allocated site MU5 in terms of achieving an appropriate mix of uses, design, layout and density. It would be in general compliance with BLP policies GD1, H6, H7, H8 and D1. In turn it would conform with paragraph 127 of the Framework.

### ***Living Conditions***

106. The fourth PRFR relates to the living conditions of future residents, in terms of internal size standards and separation distances from the equipped play area. Internal space standards are not specifically set out in the BLP. Instead my attention has been drawn to section 5 of the 'Design of Housing Development' SPD, which then refers to the standards in the 2011 SYRDG. At

section 4A.2 it contains a range of internal space standards for various house types and for a range of rooms.

107. I am mindful that the space standards within the SYRDG differ from the more recent Nationally Described Space Standard (NDSS). The PPG 'Housing: optional technical standards' states that where an LPA wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. This is not the case within the BLP. Whilst meeting the standards in section 4A.2 of the SYRDG is desirable and would represent best practice, they are not mandatory unless there is direct reference such standards in an adopted policy. Accordingly, I can only give limited weight to the space standards set in the SYRDG.
108. The appellant highlighted that the SYRDG figures have not always been rigidly applied in the Barnsley nor the South Yorkshire area, giving a range of examples<sup>23</sup>. Furthermore, the Council have put an appeal decision to me regarding dismissal of a proposal relating to inadequate floor space amongst other matters<sup>24</sup>. It appears that flexibility has been applied based on the individual circumstances of each of those cases. The quoted appeal decision relates to conversion of a historic building where it is likely that there would be restrictions within the existing fabric of the building, and as such is not comparable to a development of new build houses.
109. In this case, the majority of the 250 proposed dwellings meet the standards in the SYRDG. Of those that do not, most are only marginally below the recommended room size and adequate justification has been provided by the appellant. Internal walls could be opened out either during the build to the buyers' specification or later, once occupied. In many house types, the deficiency in size is so small as to be inconsequential, or the deficiency is compensated for by other rooms which are well over the required sizes. Overall each house type would offer an adequate standard of living conditions to future residents, hence I do not find any harm in this respect.
110. The SPD 'Open Space Provision on New Housing Developments' at section 14 states that open space should be designed to avoid the risk of noise, disturbance and nuisance and that equipped play areas should be sited at least 20m from the curtilage of the nearest residential property.
111. The boundaries of some of the properties around the proposed locally equipped area of play (LEAP) are less than 20m from the boundary of the play area<sup>25</sup>. I note that the 20m buffer has previously been measured from habitable rooms, rather than curtilage, which reflects the Fields in Trust Guidance<sup>26</sup>. The appellant's evidence demonstrates that such distances can be largely be achieved from the nearest habitable rooms of these plots.
112. The affected properties have open plan front or side gardens and driveways (with the exception of a very small area to the rear of plot 110). Given the low number of properties affected and their relative locations, the shortfall in distance achieved would not have a significant effect on the living conditions of future occupiers. Full details of the play area and boundary treatments can be agreed by condition.

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<sup>23</sup> B. Simcox PoE para's 7.44-7.50

<sup>24</sup> E. Ward PoE Appx 1: APP/R4408/W/18/3200276

<sup>25</sup> Plots 55, 56, 57, 110, 195, 204, 205 and 206

<sup>26</sup> B. Simcox PoE Figure 14

113. I conclude on this main issue that the proposed development would not result in unacceptable living conditions to future occupiers in terms of both internal space standards and separation from the play area. In this respect the proposed development would be compliant with BLP Policy GD1 which supports development which has no significant adverse effect on the living conditions of existing and future residents, and Policy D1 in relation to high quality design and placemaking. In turn, the proposals would be in conformity with paragraph 127 f) of the Framework which seeks to create places which promote health and wellbeing, with a high standard of amenity for existing and future users.

### ***Biodiversity***

114. BLP Policy BIO1 expects development to conserve and enhance biodiversity including protecting habitats and species of principal importance as identified via Section 41 of the Natural Environment and Rural Communities Act 2006. Development which may harm a biodiversity habitat will not be permitted unless effective mitigation and/or compensatory measures can be ensured.
115. The main parties agree that the site is of low ecological value. An objection has been raised in relation to Great Crested Newts (GCN), a European protected species<sup>27</sup>, and PRFR 6 relates to insufficient information to assess effects of the proposed development on GCN.
116. The appeal was lodged in the autumn of 2019, and the subsequent objection raised during winter, when it was not possible to undertake a survey. The appellant later undertook an environmental DNA (eDNA) survey of ponds within 500m of the proposed development site on 16 April 2020 which is within the recommended survey window of mid-April to late June.
117. The survey found that only 2 of the 6 identified ponds had conditions that may be suitable for GCN, the others being too dry or absent. GCN are typically present within ponds between mid-March and mid-June for breeding. If ponds are dry during this key period, a population of GCN is highly unlikely to persist due to a lack of opportunities for breeding and new recruitment into the population.
118. I conclude that GCN populations are highly unlikely to be present within this area. This is based on the previously submitted evidence regarding pond conditions, the consensus that Lee Lane forms a barrier to travel of newts, and the recent eDNA survey. Development within the site to the south of Lee Lane could therefore proceed without constraints from GCN. Consequently, the proposed development would accord with BLP Policy BIO1 and paragraphs 170 and 175 of the Framework.

### **Other Matters**

119. It is common ground between the main parties that the Council can currently demonstrate a five year housing land supply. I have been presented with evidence relating to trajectory of future housing completions on MU5 and other allocated sites. The appellant does not present any overall delivery figure of their own and accepts that windfalls may make up some shortfall in the Borough, but predict 'trouble ahead', with the Council being at risk of being unable to demonstrate a deliverable supply in coming years should the current delays continue.

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<sup>27</sup> Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017

120. The Council accept that there will be some slippage associated with the delay in MPF production, and suggest that this would amount to 62 fewer dwellings being completed on the allocation in the 5 year period to 2024/25. They continue to maintain that MU5 could still be fully delivered over the plan period. The Council recognises that the current 5 year requirement is challenging, with a 5.5% reduction in the overall supply position, however over the entire plan period this would be much reduced. Housing delivery is exceeding the 2020 housing delivery test, affordability ratios remain low for the Borough compared to elsewhere in the region, and the Local Plan Inspector's findings that pressure on the local housing market is limited would still be applicable. Delivery of housing is broadly on a positive trajectory even accounting for the early delay to delivery of MU5 and other large allocations.
121. Notwithstanding the above, since the submission of the appeal the Covid-19 pandemic has raised a number of issues, not least on the economy and potential housing delivery. The appellant's closing submissions highlight this, including a recent appeal decision<sup>28</sup>. However, the implications for the housebuilding industry are currently not fully understood. The effects will be time-limited, however the length of potential delays for delivery of sites both nationally and within the Borough are unknown. Assumptions about future housing delivery in this case would be postulation. The Council's housing land supply is not so constrained that I could conclude with any certainty that it would tip below the required 5 years supply in the coming monitoring period.
122. BLP Policy GS1 requires the provision of (or contribution towards) green space, and the SPD 'Open Space in New Housing Developments' offers guidance to developers on what will be expected in terms of open space provision to achieve the relevant standards. This includes a minimum of 15% of the gross site area of new housing development to be open space. The proposed provision on the site amounts to slightly less than this, however the the guidance is not a fixed standard which would be rigidly applied in every case. The slight deficiency in provision would not result in any significant harm to the overall scheme, and I note that a number of narrow 'green corridors' around the perimeter of the site would provide additional recreational opportunities, particularly around the public right of way. Contributions towards off-site open space are set out within the S106 in accordance with the SPD.
123. Whether the scheme is viable is not in dispute. Policy compliant contributions are secured within the S106. There is some dispute between the main parties in relation to certain variables, but these do not make a difference to the overall viability of the proposals. The evidence relating to whether the proposals could support additional contributions which might be required by a future MPF is dealt with in the first main issue above.
124. Comparisons with the BDWH site have been made by both the Council and the appellant. I can only place limited weight on past decisions which were made prior to the adoption of the BLP, which was at a time when the Council could not demonstrate a 5 year housing land supply. In any event, I am dealing with the appeal site on its own merits.
125. Local representations have been received to the planning application and the appeal. The principle of development is not in dispute, as it has been

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<sup>28</sup> APP/X03060/W/19/3238048

established by the MU5 allocation in the BLP and was previously allocated as safeguarded land excluded from the adjacent Green Belt. I have previously dealt with infrastructure provision in relation to education and highway improvements. Potential strain on doctors' surgeries is not a matter on which I have been provided any substantive evidence. This is an allocated site, and in the absence of evidence to the contrary it is reasonable to assume that this has been taken into account by service providers.

### **Planning Balance and Conclusion**

126. The delivery of a policy compliant 10% affordable housing is a significant benefit of the overall scheme. The proposals would also make an important contribution to the overall housing supply in the Borough, and given the Framework's emphasis on the delivery of housing it is appropriate for me to attach significant weight to this, notwithstanding that the Council can demonstrate a five year housing supply.
127. The economic benefits from employment opportunities during construction and increased spending in the supply chain and local area attract moderate weight. Contributions to education, open space provision and sustainable transport are standard requirements set out in the relevant SPD's. Whilst the wider existing community may benefit from such facilities, they are primarily for the future occupants of the development and the weight is limited by this.
128. Many of the issues raised in the PRFR, in isolation, would not result in any significant harm. Subject to suitable conditions or planning obligations, the proposed development would generally accord with policies relating to sustainable transport and highway safety (access and internal layout), living conditions, design and layout, housing mix and densities, amount of greenspace, and biodiversity.
129. I have found that improvements to nearby road junctions will be necessary in the future, and I give significant weight to the benefits for the wider area which would arise from investment into the off-site infrastructure.
130. However, it has not been fully established that the proposed off-site works would be acceptable in terms of highway safety. Moreover, there is an identified risk that contributions to the new primary school, required by Policy MU5, may fall short without the benefit of an approved MPF in place.
131. The proposed development has come forward in advance of an approved MPF and I have found that this has significant potential to prejudice delivery and comprehensive development of the wider site allocation. I afford substantial weight to the conflict with the relevant criterion in Policies MU5 and GD1. The benefits above do not outweigh the harm caused by the conflict with the development plan as a whole and the prejudicial harm I have found in relation to the lack of an approved MPF.
132. For the reasons given above I conclude that the appeal should be dismissed.

*S Hunt*

INSPECTOR