
2016/0954

Applicant: Strategic Team Maintenance Co. Ltd. C/o Acanthus WSM Architects

Description: Erection of 36 dwellings and associated infrastructure (Reserved matters in connection with outline approval under appeal reference APP/R4408/A/13/2202969)

Site Address: Land adjacent to Lairds Way, Penistone, Sheffield, S36 6HN

This application is brought to PRB after a request from a local Councillor and as a Section 106 Agreement is required.

One letter of objection and one letter of support has been received.

Penistone Town Council have not objected to the application.

Site Description

Lairds Way, which is to the south of Sheffield Road, is located within the main built up area of Penistone. It is a short cul-de-sac which serves the application site and vacant land located immediately adjacent to the Railway Station. This adjacent land is level with the railway line and includes the frame of a former commercial building.

The application site, which comprises 1.4 hectares, is part of the former Cammell Laird foundry and has been reclaimed. It is raised above Sheffield Road by a stone wall and tree covered embankment. It has no public access, is covered with semi-mature trees and does not appear to have been used by the public as a green space. To the south east is a housing estate that was built in the mid 1990's.

A narrow strip of land along the south east boundary, which is excluded from the application site, abuts the rear gardens of some of the houses on the estate.

Relevant Planning History

2012/1363 – Outline application for residential development. This went to the Planning Inspectorate for determination and, although opposed by the council, was granted on appeal after a Hearing. The approval was subject to a unilateral undertaking relating to public open space and affordable housing. The outline permission established the principle but did not include any details of numbers of dwellings or access arrangements.

The Inspector dismissed the Council's concerns relating to preservation of employment land, increasing pressure for employment on Green Belt land and failure to provide any suitable alternative employment land.

At the outline stage attempts were made to secure a comprehensive development that would include adjacent land. However, this was not possible and the Planning Inspector considered representations from the adjacent landowner at Hearing before making his decision. The outline application was therefore granted planning permission subject to conditions and the legal agreement.

Proposed Development

This reserved matters application is for 36 dwellings comprising 3 two bedroom houses, 25 three bedroom houses and 8 four bedroom houses. This is a density of 25 units per hectare and includes 9 affordable houses (25%). This will be secured by a new Section 106

Agreement which will deal with matters such as tenure mix. There is no on site public open space shown but an off site contribution of £63,507.00 has been put forward. Fifty percent will be paid before development commences and 50% will be paid after the completion of the 25th dwelling. This is covered by the existing unilateral undertaking.

The layout utilises the existing road created to facilitate previous proposals to develop the site. Fourteen plots would have direct vehicular access onto the existing road and the remainder would be based on a new cul-de-sac. This has two short private drives at the end. There would be mostly semi-detached houses, although there would also be 9 detached houses and one terrace of three houses.

There is a steep embankment on the Sheffield Road side of the site. This means that the houses are raised above road level. This embankment is covered with semi-mature trees. No works are planned within the embankment area.

This application is accompanied by a Flood Risk and Drainage Strategy Study, Coal Mining Report and Contaminated Land Assessment.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP4 Flood Risk
CSP5 Including Renewable Energy in Developments
CSP14 Efficient Use of Land
CSP15 Affordable Housing
CSP19 Employment to be retained
CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green Space
CSP40 Pollution protection.

Saved UDP Policies

Employment Policy Area

SPDs/SPGs

Designing New Housing Development
Parking
Open Space

Publication Consultation Document

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

SD1 Presumption in favour of sustainable development

GD1 General development

D1 Design

T4 New Development and Highway Improvement

Poll1 Pollution Control and Protection

CC4 Sustainable Drainage Systems (SuDS)

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development.

Consultations

Pollution Control - No objections subject to conditions.

Highways - No objections subject to conditions.

YWA - No objections subject to requirements being met.

National Rail - No objections subject to requirements being met.

Coal Authority/SYMAS – The Coal Authority raised concerns that suitable site investigations are carried out but have acknowledged that the applicant's consultant have been in touch with them about it. SYMAS are satisfied that the condition imposed at outline stage is sufficient along with the standard informative.

Contaminated Land - No objections subject to conditions.

Yorkshire Water – No objections subject to condition.

Penistone Town Council – No objections but request a suitable contribution to provide green space.

South Yorkshire Police Liaison Officer – No objections in principle but has recommended Secured By Design Features.

Representations

A letter has been received on behalf of the adjacent land owner who does not object to the principle of the development but believes there are issues with the detailed plans. These can be summarised as follows:

1. Concerns over the failure to provide a comprehensive development and in particular the inclusion of a 4.5m wide strip of land within the development to extend the adjoining gardens. This area could become an eyesore in the future.
2. Provision of On-Site Public Open Space. The outline permission was granted on the basis of an indicative plan, which showed some on site provision and the unilateral undertaking included this as an option.
3. Conflict with proposals for a Strategic Transport Interchange for Penistone which may be provided on the objectors land.
4. Contaminated land issues that cannot be resolved if this application is allowed.

Ne letter of support has been received stating the following:

1) Lairds Way has become a favourite for both anti-social boy racers and also fly tippers. The potential of it being developed into the entranceway for the new estate would hopefully eradicate both problems in one.

2) The traffic speeds on Sheffield Road between the Train Station and The Britannia public house can high at times, so hopefully the danger of a junction half way down Sheffield Road (Lairds way), may prove to naturally slow some drivers down.

3) The internet speeds in this part of Penistone gets are ridiculously slow and so perhaps some new housing may bring us closer to fibre broadband.

Local Councillors have expressed concerns that include:

1. The site was used during the second world war to store amongst other things munitions. There are potentially harmful materials in the ground and the risks need to be addressed in the contamination report.

Assessment

Principle of Development

The principle of residential development on this site has been established by the grant of outline planning permission on appeal. This was on the basis of all matters being reserved for later approval and various planning conditions including one requiring a contaminated land report. In addition there was a unilateral undertaking for public open space that could be all off site and affordable housing at a rate of 25%. Therefore, consideration of this application is related to the details of layout and design and not matters of principle such as the desire for a comprehensive approach.

Concern has been raised that a 4.5m wide strip of land owned by the objector should be included within the development to extend the adjoining gardens. Given the fact that this is a reserved matters application this is not a relevant matter for this application as consideration can only be given to the proposed development within the red line application site boundary that was agreed as part of the outline permission.

Core strategy policy CSP14 requires a density of 40 dwellings per hectare and this scheme is much lower at 25 dwellings per hectare. However, there is a large area of land that cannot be developed as it is an embankment. The layout is not overly generous and just meets the space standards contained in the Councils adopted SPD Designing New Housing Development. On site public open space would further reduce the density and so having an off site contribution allows a more efficient use of land.

Residential Amenity

The nearest existing properties to the site are the properties off Green Acres to the south-east. The application site is at a higher level to these properties however, the distance between the existing and proposed dwellings exceeds the SPD requirements to compensate for this. The distance to the side elevation of the nearest dwelling (No 24) would be 26m, whilst to the nearest rear elevation of an existing dwelling the distance would be over 30m. As such it is not considered that there would be a loss of amenity to existing occupiers.

Distances to properties within the application site meet the SPD requirements and each plot would gain an adequate area of private amenity space.

Concerns have been expressed by the objector on the compatibility of the residential development with any potential employment units/park and ride scheme on land adjacent. However, there are no extant planning permissions or current applications for employment units or a park and ride scheme on this adjacent site. Furthermore, the principle of residential development at this application site has already been established with the granting of the outline consent by the Planning Inspector. Any proposals for new development adjoining the application site will therefore need to take into account the proximity to residential development but these matters can usually be addressed through the provision of appropriate screening, carefully considered layout and imposition of appropriate conditions.

Visual Amenity

Core Strategy Policy CSP29 indicates that development should be of a high quality and contribute to place making.

The development provides a suitable frontage onto Lairds Way which turns round the corner to provide a flow into the newly developed cul-de-sac. All the properties are two storeys in height and there is a mix of detached, semi detached and one small terrace to provide an element of interest within the street scene. The majority of properties do have parking to the front which is not ideal but to place the parking down the sides on all plots would result in a reduction in numbers and a less efficient use of land. Where possible the parking is broken up by areas of grass frontages and the retention of the landscape and foliage to the boundary with Sheffield Road helps to soften the impact of the development from the main public vantage points. The scheme has been designed so all the properties have footpaths down the side of the dwellings to ensure bins can be stored to the rear of the properties.

The application site excludes a 4m strip of land that separates the site from the rear gardens of the houses to the south east. This land which is owned by a third party could be left vacant and become an eyesore. However, this matter was raised at the Hearing when the outline permission was granted on appeal. The Inspector did not raise it as an issue when determining the appeal and as such it now lies outside the red edge area that can be considered for the reserved matters application that is before the Planning Board.

The applicants have submitted detailed landscaping proposals and a Design and Access Statement that indicates that the units are primarily constructed with a buff reconstructed stone with render under concrete tile roofs.

Open Space

The objector has raised the matter of whether there should be on site public open space as this was shown on the indicative plan submitted with the outline planning application. It is stated that this would help reduce the potential for road safety issues arising in the future. The outline permission was not based on any layout as all matters were reserved. The Inspector did not state that on site provision was needed and agreed with the Unilateral Undertaking that stated that an off-site contribution could be considered acceptable to compensate for no open space on site. A compensatory figure of £63,507.00 has been put forward. Given the size of the site, and that the sum could be used to benefit open spaces in the local area, it is considered appropriate in this case to accept a compensatory sum.

Affordable Housing

This requires a new section 106 agreement in recognition of the detailed plans now under consideration. This is to be provided at a rate of 25% which equates to 9 dwellings. Discussions are ongoing regarding the precise tenure mix but this can be resolved during the normal drafting of a new section 106 agreement as the house types and layout will not alter.

Contaminated Land

The objector and local Councilors have raised questions regarding whether contaminated land issues can be resolved should this approval be granted. The adjacent land owner considers that access would be needed via their land. The outline permission is subject to a planning condition that requires the submission of a contaminated land report involving intrusive site investigations with recommendations for action and this has been submitted.

A ground investigation has been carried out of the site. This indicates that the site surfacing comprises grass and soil, underlain by clay, sand and gravel containing predominantly brick, concrete and slag rubble. The findings have been examined by Council's Land Contamination Officer who states that the site is suitable for re-development but that the scheme does require remediation measure incorporating into the development, as indicated within ARC Ground Investigation Report (GIR) (Project No.: 16-384). This report has indicated the proposed remediation measures, and these are suitable to address the contamination risks present, although there will still be a requirement for a detailed remediation strategy submitting highlighting the full details of the measures and the procedures to validate the works. The Contaminated Land Officer is satisfied that this can be adequately dealt with through the condition.

Ecology

There is no condition on the outline permission relating to ecology but the applicants have submitted proposals for 4 bird and 4 bat boxes within the development.

Renewable Energy

The outline permission required 15% renewables to be included within the scheme. The Design and Access Statement indicates that dwellings on the application site have been designed to achieve the 15% reduction in CO2 emissions, incorporating amongst other things:

- high levels of thermal insulation,
- thermally efficient windows and external doors,

- improved air tightness and thermal cold bridging,
- controlled continuous mechanical background ventilation,
- energy efficient gas condensation boilers and low energy lighting.

Drainage

The outline permission requires that mitigation measures specified in an approved flood risk assessment be implemented. However, this has been updated and resubmitted for consideration. Yorkshire Water have raised no objections to the measures put forward.

Highway Safety

There are no objections to the proposed development in a highway context, as the scheme utilises an existing road and provides appropriate parking and maneuvering areas. The Council's Highways Section have inspected the scheme and, subject to various conditions being included, have raised no objections to the scheme in any planning consent. A construction method statement has been included with this application including, wheel washing facilities, dust control measures, site waste management and working hours. However, this still needs strengthening to be seen as acceptable and as such the condition at outline stage would still need to be retained.

Conclusion

This is a reserved matters application following the grant of outline permission on appeal. The application is related to detailed matters and not issues of principle which has been established. Any outstanding matters can be covered by planning conditions.

Recommendation

Grant subject to conditions and section 106 agreement regarding affordable houses.

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this approval of reserved matters.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans 2121.121.100G, 2121.121.108, 2121.121.110B, 2121.121.120A, 2121.121.130A, 2121.121.140B, PS-0805-TS, E1/8197/F1, and the recommendations of the following documents

- ARC environmental hazardous ground and gas risk assessment addendum report
- Adept flood risk and drainage strategy study
- Drainage Plan drawing No. 08.160005/101 (revision P1) dated July 2016
- Sustainable services energy statement
- Acanthus WSM architects Design and Access Statement.

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 4 Notwithstanding the submitted Construction Method Statement, construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 6 A landscape management plan for the embankment on Sheffield Road, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 7 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the approved details.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

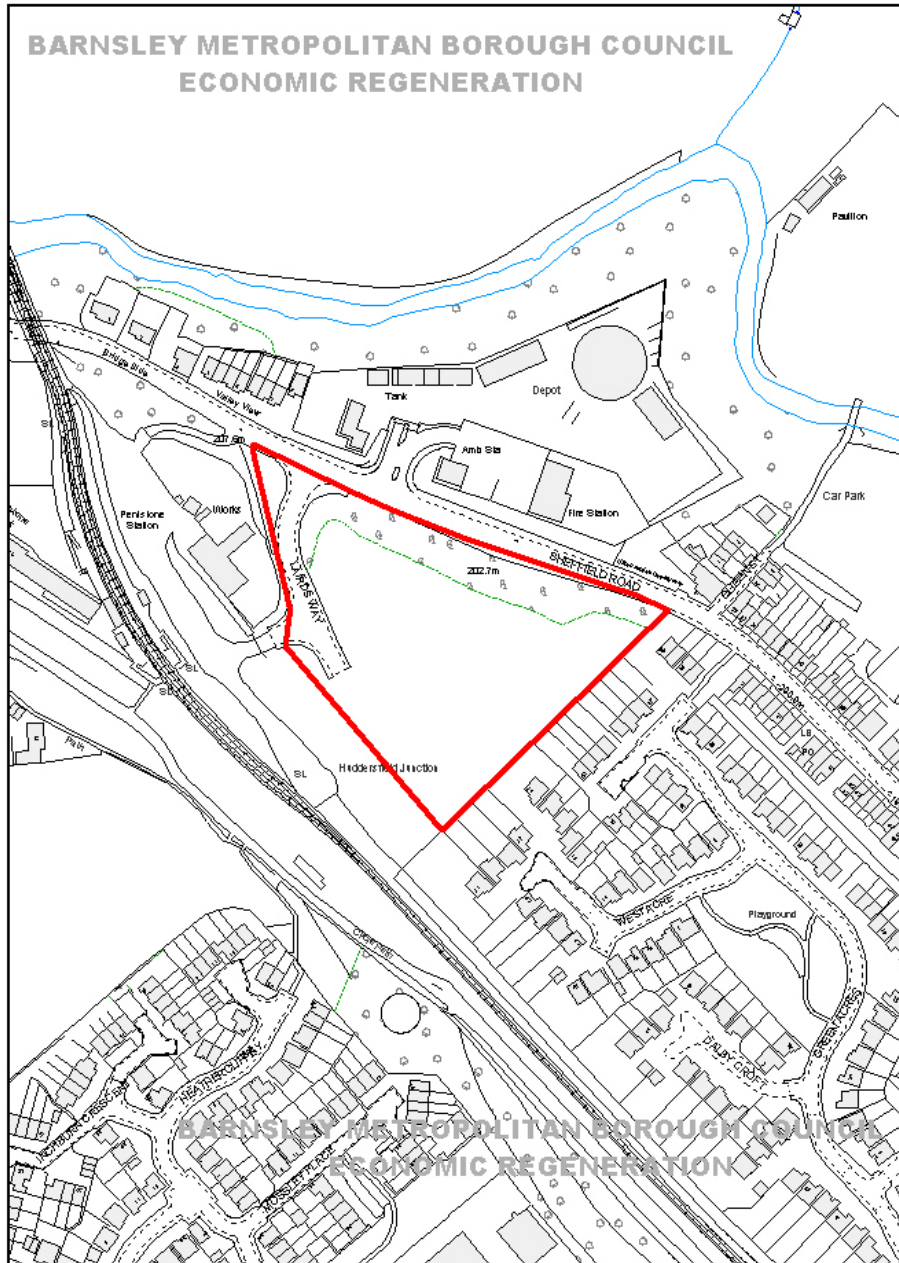
- 9 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 10 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of Lairds Way with Sheffield Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 12 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 The front boundary wall to plot 14 shall not exceed 1m above the nearside channel level of the adjacent highway to maintain adequate forward visibility and visibility when exiting the drive
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 15 Prior to the commencement of any development works, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. This report shall, amongst other matters, include the following:-
1. Methodology to identify and remove any contaminated material.
 2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.
 3. Chemical testing suite, frequencies and threshold levels.
 4. Procedures to confirm capping levels have been achieved on plots.
 5. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied. The development shall thereafter be undertaken in full accordance with the submitted reports.
- Reason: In the interests of public health and residential amenity in accordance with Core Strategy policy CSP40 Pollution Control and Protection.**

PA Reference:-

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

