
2012/0473

Applicant: Mr William Cooper

Description: Erection of 34 dwellings including 3 affordable 2 bed bungalows, associated garages/parking and associated roads and sewers.

Site Address: Land off Kings Road, Wombwell, Barnsley, South Yorkshire

An objection was received to the original set of plans dating back to when the application was originally made in 2012. No objections have been received from any of the Ward Councillors.

Site Description

The site is close to the town centre of Wombwell, and was formerly a school. It still has high brick walls and railings that date from this time.

There are houses on all four sides of the site but on Kings Road there is also a Police Station and a corner shop. There is a traffic light junction at the end of Kings Road at its junction with Hough Lane a busy road that provides access to the town centre and wider area.

The side and rear gardens of properties fronting Kings Road, Collingridge Road, Mellor Road and Jardine Street abut the site. The gardens of properties on Collingridge Road and Jardine Street are particularly generous so the dwellings themselves would be a significant distance away from any of the proposed dwellings. On Mellor Road the gardens are standard sized.

The site, which is an irregular shape, is generally flat and there are only some trees in the corner of the site which abuts houses fronting onto Jardine Street. The site comprises a square portion near Kings Road with a triangular top section.

Proposed Development

The application was originally submitted in 2012 for 29 dwellings with on site open space. There was a viability statement submitted stating that no affordable houses could be provided. This matter took a long time to resolve and the applicants had in the meantime changed their proposals. Therefore, the application was held in abeyance to allow this process to occur.

We now have a proposal for 34 dwellings with 3 on-site affordable bungalows, but no on site public open space. In addition highway works are proposed to improve the pedestrian facilities and the junction of Kings Road and Collingridge Road.

There would be a single point of access off Kings Road serving a mixture of terraced, semi-detached and detached dwellings. These are a mixture of bungalows, two storey houses and 2.5 storey houses. The density is about 40 dwellings per hectare reflecting the edge of town centre location.

Previous Planning History

2008/0079 – Residential development of 16 townhouses, 8 apartments and use of land for public open space (Outline). Refused planning permission by the Council 07/04/2008 based upon the following summary of reasons:-

1. The proposal fails to provide an adequate form of public open space that is functional, well related or accessible to the local community. The Local Planning Authority therefore considers that the proposal is contrary to Policies GS34 and GS35 in the adopted Barnsley Unitary Development Plan and SPG21 Design and Layout of open space on new housing developments

2. Based on the findings of the 2005 Barnsley Housing Market Assessment, and in accordance with Policy H7 of the Council's Unitary Development Plan, it is considered that the scheme for residential development would require a proportion of affordable housing to be provided. In the absence of such provisions the application is contrary to advice in PAN 34 - Affordable Housing in New Residential Development.

The subsequent appeal was allowed by the Planning Inspectorate 02/12/2008.

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.

Saved UDP Policies

Existing Community Facility
Housing Policy Area

Core Strategy

CSP3 SuDS.
CSP4 Flood Risk.
CSP8 Location of Growth.
CSP9 The Numbers of Houses to be Built.
CSP10 The Distribution of New Homes.
CSP14 Efficient use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel.
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP35 Green Space.
CSP36 Biodiversity and Geodiversity.
CSP39 Contaminated and Unstable Land.
CSP40 Pollution Control and Protection.
CSP42 Infrastructure and Planning Obligations.
CSP43 Education Facilities and Community Uses

SPDs/SPGs

Open Space Provision on New Housing Developments

Designing new housing development

Parking

PAN30: Sustainable Location of Housing Sites

PAN33: Financial Contributions to School Places

Publication Draft Local Plan

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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)

These policies carry some weight for the reason given above.

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

Affordable Housing-No objections

Education – No objections

Pollution Control- No objections subject to conditions

Highways-No objections subject to conditions

Highways drainage- No objections subject to conditions

YWA- No objections subject to conditions

Representations

The application was re-advertised when the proposal was changed and the following comments were received from one neighbour who has no objections in principle.

1. The land is contaminated with asbestos as reported in the previous report for planning in 2007. There were strict guidance given with regards to the decontamination of the site. The previous report stated that the land must be cleared of all top soil and or buried in situ with at least 1 metre of soil.

2. The proposed dwellings are set much further back into plot. This will cause an increase in elevation reducing view as compared to the previous building on the site thus having an effect on quality of the view.
3. Will there be assurances that no dwellings to the rear of the site be above 2 levels and that no windows would overlook areas that were previously not overlooked.

Assessment

Principle of Development

Core Strategy policy CSP43 Education Facilities and Community Uses seeks to retain school and community uses. There was previously school on the site but was demolished a long time ago and there has been a previous approval granted albeit in 2008 on appeal and as such the principle of residential development is established notwithstanding policy CSP43.

The site falls within a predominantly residential area and as such the proposal is compatible with the area. There is no on site public open space provided so the density is about 40 dwellings per hectare, which is in line with Core Strategy policy CSP14, which seeks higher density development in accessible locations such as this one. Policy CSP14 also seeks a mix of development and this proposal provides bungalows and houses in terraced, semi-detached and detached form.

Residential Amenity

There are existing houses situated around the site that could be adversely affected if the layout failed to comply with the space standards as outlined in the SPD Designing New Housing Development. There are generous rear gardens on surrounding dwellings and no habitable room windows are proposed overlooking the shared boundaries at close quarters and therefore no adverse overlooking impact would occur. The site narrows to a point at the south west corner but due to the extensive rear gardens there is no adverse impact. Furthermore, on the boundary with Mellor Road where gardens are less generous there are mainly dwellings set at right angles to the shared boundary.

Visual Amenity

The site is a vacant former school site that has been left to become overgrown. It is surrounded by a wall and its current condition does not result in any visual detriment as a result. However, the beneficial re-use of the site for a well designed compatible residential development would improve the character and appearance of the area. Whilst, there is no on site open space proposed on site the higher density that results is compatible with the surrounding area and the location on the edge of Wombwell town centre.

Affordable Housing

Affordable housing provision for the development shall comprise the provision of 3 no 2 bed bungalows which has been determined based upon an assessment of local needs. The application is supported by the Housing team on that basis.

Green Space

In accordance with Core Strategy policies CSP35, CSP42 and the Supplementary Planning Document (SPD): Open Space Provision on New Housing Developments, all residential developments over 20 units are expected to provide green space. Green Space can be provided on site, or in the form of a financial contribution to upgrade existing provision. Because

of the limited size of the site and any facility that would result it has been determined that provision should be made up via a commuted sum. In accordance with the SPD therefore a commuted sum of £59,486 is required. Furthermore, this is a former school site so there would also be a contribution for loss of greenspace at a cost of £25,000. A S106 Agreement would be required to secure both elements.

Education Contributions

Education have confirmed that the development would not be forecast to result in any issues affecting primary and secondary school capacity at local schools and have resolved not to object to the application on that basis.

Highway Safety

There were changes required to the latest plan for 34 dwellings, these have been accommodated within a revised layout plan. They include improvements to the junction of Kings Road and Collingridge Road.

Drainage

In accordance with policy CSP4, the proposed surface water drainage systems would be designed with an allowance for climate change and restricted to the greenfield discharge rates with appropriate attenuation proposals incorporated into the design. The application refers to provision of storage tanks to cater for surface water. As such, surface water run off rates from the site into the drainage system would be reduced as a result of the proposed development. Given that surface water run-off from the site would be reduced, the development would not exacerbate flooding issues. There is no objection from Yorkshire Water subject to conditions. However, a condition should be imposed to secure the necessary attenuation measures.

Conclusion

The site is located in a predominantly residential area and the principle of housing development was established by the previous appeal decision. In addition the proposed plans are considered to comply with relevant policies regarding visual and residential amenity and highway safety. As such the application is recommended for approval to Councillors subject to the completion of a S106 Agreement relating to the need to compensate for the loss of greenspace on the site, the provision of new green space and the provision of on-site affordable housing.

Recommendation

Grant planning permission subject to conditions and S106 Agreement (compensation for loss of greenspace, provision of new greenspace and affordable housing)

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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 amended plans
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KR/J/02
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and specifications as approved unless required by any other conditions in this permission.

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

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

- 4 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.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

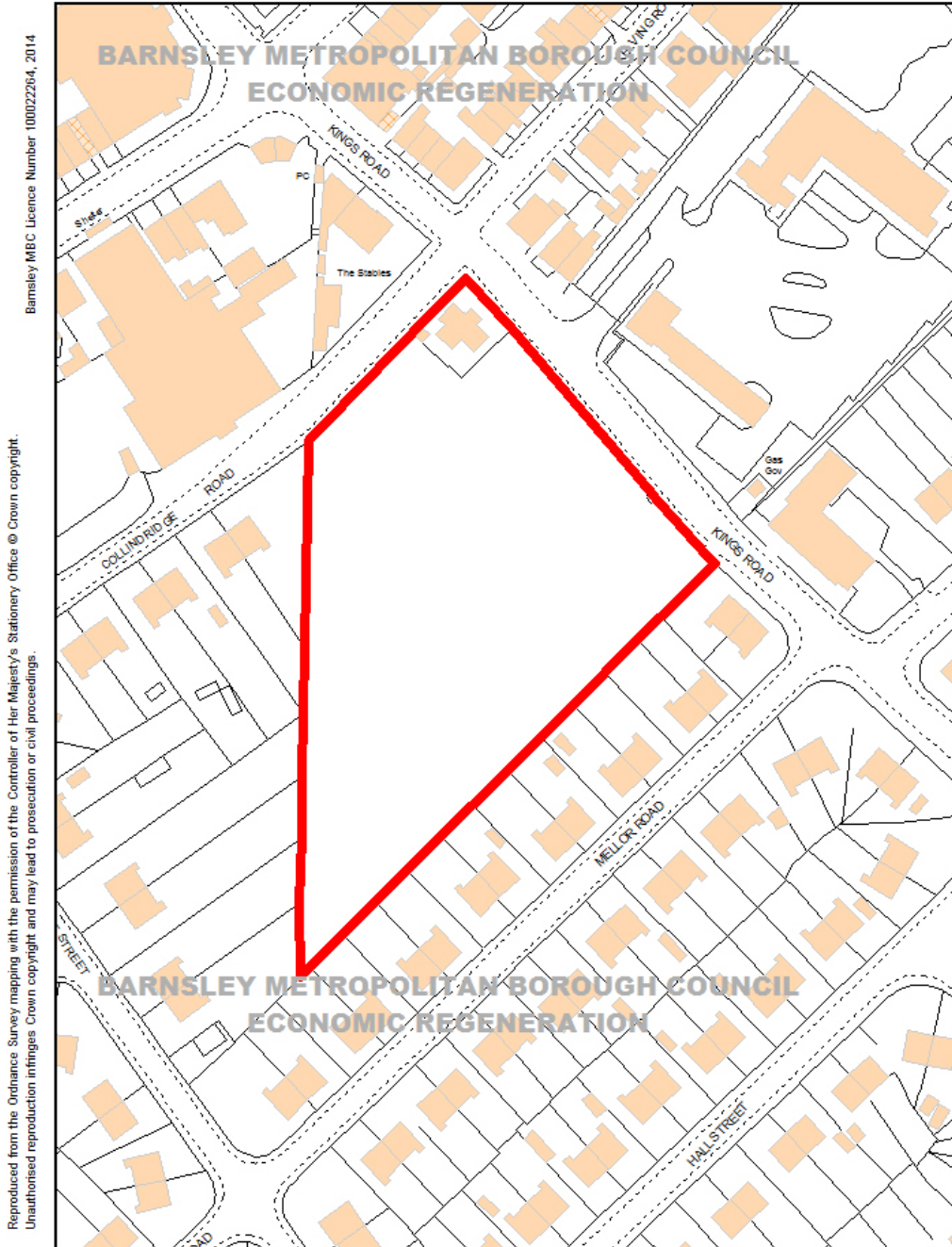
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 8 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.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 10 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.

- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 12 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.
- 13 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Kings 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.
- 14 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 15 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Measures to control parking on the site frontage
 - Removal of school keep clear markings
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 16 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.

- 17 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.
- 18 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.
- 19 Prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.


PA reference :-

2012/0473



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