
2017/1440

Applicant: Balmoral Group Holdings Limited

Description: Demolition of existing buildings and redevelopment of site to provide residential development with associated infrastructure, open space and landscape provision. (Outline - all matters reserved)

Site Address: 321 Hough Lane, Wombwell, Barnsley, S73 0LR

4 letters received.

Site Description

This is an established industrial use located within an otherwise predominantly residential area. It was last used by Balmoral tanks who have now moved away from the site to a purpose built facility in Thurnscoe. The site is close to the Wombwell railway station and there is easy access to the town centre of Wombwell and the A6195 that connects to the retail uses at Cortonwood and the M1. Opposite the site are sports fields with some associated buildings providing community uses.

Within the industrial site are some large buildings, open storage areas and a telecommunications mast. The existing residential areas are situated to the north, south and west of the site with open land to the east and a woodland area to the south-east.

Proposed Development

This is an outline application with all matters reserved but a Design Access Statement refers to about 45 dwellings and a single point of access off Hough Lane. A conceptual design layout was also submitted to allow some feedback for a future application from a Highways perspective. In addition the application has been accompanied by the following reports:

- A flood risk assessment
- A drainage assessment
- A habitat survey
- A tree survey
- A contaminated land report
- A coal mining risk assessment
- A design and access statement
- A transport statement

To deal with drainage issues the indicative layout shows a pumping station and a basin to provide a Sustainable Urban Drainage System.

Previous Planning History

The site has been the subject of numerous past planning applications in connection with its industrial use including extensions, change in working hours and erection of office and welfare facilities. Prior notification was also granted for a 15m high telecommunications mast at the site in 2013.

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 includes the Local Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Local Plan

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

The site is shown as Urban Fabric on the Local Plan. The following policies are relevant

CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SuDS)
RE1 Low Carbon and Renewable Energy
LG2 The Location of Growth
H1 The Number of New homes to be built
H2 The Distribution of New Homes
H6 Housing Mix and Efficient Use of Land
H7 Affordable Housing
E4 Protecting existing employment land
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 Design
GS1 Green Space
BIO1 Biodiversity and Geodiversity
Poll1 Pollution Control and Protection
I1 Infrastructure and Planning Obligations

SPD's/PANs

The following Supplementary Planning Documents and Planning Advice Notes are currently being updated with some already out to consultation. Those of relevance to the proposal are:

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Planning obligations
- Affordable Housing
- Financial contributions to Schools

Other

South Yorkshire Residential Design Guide

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. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

The Presumption in Favour of Sustainable Development
Delivering a sufficient supply of homes
Conserving and Enhancing the Historic Environment

Consultations

Highways – No objections subject to conditions

Pollution Control - No objections subject to conditions.

Tree Officer - No objections subject to conditions

Contaminated Land - The application has been supported with a desk study to assess the potential contamination risks. The report provides a good assessment of the possible contamination risks posed on the site to the proposed development. The report has concluded, the only way to assess the degree of contamination is through undertaking an intrusive site investigation. This can be dealt with as a condition on any decision made regarding the application, as sufficient consideration of the contamination risks has been undertaken.

SYMAS- Raise no objections as the Coal Mining Report adequately assesses the site.

Coal Authority – Initially raised objection but after further information was provided they have withdrawn that objection and raised no further concerns.

Enterprising Barnsley - are concerned about the loss of employment land in relation to this application, but remain committed to supporting Balmoral in their ongoing expansion into the borough via their new facility.

SY Police - Recommendations are made about security.

Representations

4 letters received raising the following issues:

- How will trees be protected during the construction process
- Will the site levels change
- Proximity of the Suds basin to houses could cause flooding
- Concern about having a phone mast next to houses.
- Concern about potential for overlooking
- Support for housing to replace industry
- Concern about traffic on Hough Lane, could park and ride be increased and other community benefits be provided.
- Concern about mud on the road during construction
- Concern about dealing effectively with contaminated land
- Concern that future access should not be prided to greenspace i.e. to encourage development.
- Telecommunications operator raised issue of the future layout being prepared to take account of the location of the existing mast.

Assessment

Principle of development

This is an outline application with all matters reserved so the key consideration is the principle of allowing residential development at this site

This is an established industrial site so the key consideration would be in relation to Local Plan Policy E4 Protecting existing employment land. This states the following:

“Land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if:

- Development would not result in a significant loss of existing jobs or employment potential;
- There will still be an adequate supply of employment land or premises in the locality; and
- The land or premises cannot satisfactorily support continued employment use.

If the above criteria can be satisfied then redevelopment will be allowed”

With regards to this site, the occupiers, Balmoral Tanks, have moved to another premises within the Borough and as such there has been no significant loss of jobs as the employment opportunities are still contained within the borough. In terms of adequate supply of employment land, the Local plan has only recently been adopted and has allocated nearly 300 ha of employment land on suitable sites throughout the borough. 3.6 ha of this allocated employment land is within Wombwell and as such it is considered that there is an adequate supply of employment land in the locality. In terms of whether the site can support employment use the main issues are its location and surroundings. The site is bordered on three sides by existing housing with the boundaries of the site tight up to the garden areas of these neighbouring properties. Industrial usage would not generally be seen as compatible in such close proximity to residential housing and the site is constrained from being able to develop any further to the south and south east by the existing wooded areas. As such it is not seen as an ideal location to support continued employment use and therefore other uses could be considered. Given, the predominantly residential surroundings, the use for residential development would therefore appear to be the most compatible.

In considering residential development, it also has to be assessed whether the site is in a sustainable location. The site is within the Principal Town of Wombwell and is within walking distance of Wombwell railway station which provides direct access to both Barnsley town centre and Sheffield. Hough Lane provides a direct route into Wombwell Centre whilst there are facilities such as a sports ground and nursery within close proximity of the site. There will be some economic benefits of sustainability through the creation of jobs in construction of the houses whilst environmentally there is the opportunity to provide 'green' benefits with the re-development of the site in terms of landscaping and trees compared to its current industrial appearance. As such it is considered that the proposal would represent sustainable development.

The indicative layout shows a development of 45 dwellings which equates to a density of 30 dwellings per hectare. Given the sustainability of this location it is considered that there is adequate scope to raise this closer to the 40 dwellings per hectare required by the Local plan. This would need to be fully considered at reserved matters stage where the design of the site, and constraints such as the proximity to neighbouring houses, the telecommunications mast, and the trees can be fully considered.

Residential Amenity

This is an outline application with all matters reserved so the final layout, levels, landscaping and design of the houses is still open for consideration at the reserved matters stage. However, there is sufficient information provided with this application to indicate that a suitable high density layout can be provided that would not adversely affect the occupants of neighbouring properties adjacent to the site.

There is an existing telecommunications mast in the north-western corner of the site that will need to be considered in the design of any layout.

Visual Amenity

Whilst this is an industrial site the view from Hough Lane is of the entrance a low administrative building and therefore, the visual impact is not significant. There are dwellings overlooking the site to the south and southwest so removing the industrial buildings, external storage and service yards will result in a significant visual improvement for those overlooking the site. However, care will need to be taken regarding the site levels and location of public open space and the drainage pond. The boundary treatment with the open land to the south east will also be important to ensure long range views are satisfactory. This would all need to be considered at reserved matters stage.

Highway Safety

The existing site comprised of warehouse/workshop units which generated vehicle movement, including HGV's. The proposed residential development is supported by a Transport Statement which demonstrates that the traffic generated by the development is unlikely to have any significant adverse impact on the surrounding highway network, and could not be classed as severe as specified by the NPPF. Visibility splays in accordance with the Design Manual for Roads & Bridges have been provided at the junction with Hough Lane and involve a kerb line build out.

In view of the above there are no highways objections to the scheme subject to suitable conditions.

Other matters

Pollution Control

The main issue relates to any noise from the existing telecommunications mast on the site that would need to be taken into account when the layout is submitted at reserved matters stage. In addition there needs to be conditions on any reserved matters approval to ensure that no nuisance occurs during construction from hours of working, noise and dust.

Trees

The applicant has provided a tree survey which shows that, given there is already an industrial use on the site, the majority of the site itself is clear of trees. The Council's Tree Officer is satisfied that the tree survey can be utilized to inform the final layout so that the impact on trees on and close to the site can be adequately minimised.

Ecology

The applicant has submitted an Extended Phase 1 Habitat Survey which concludes that, as an industrial site, the ecological value of the site is considered to be low. It does state that the buildings have bat roost potential and there was evidence of badgers foraging at the edges of the site. The report concludes that it would be acceptable for a survey to be carried out as condition of a planning permission. If a badger sett were to be present that would be impacted by the development, works would have to proceed under licence from Natural England, with appropriate mitigation measures. Similarly with regards to bats the report recommends that bat boxes are included within any building design. Suitable conditions to cover these aspects are therefore recommended.

Drainage

The application includes a conceptual drainage layout which looks at the use of a detention basin. This is indicative at this stage as the layout is not under consideration but Yorkshire water have looked at the scheme and are happy that there is the ability to ensure foul and surface water drainage are adequately dealt with in the detailed design.

Section 106 contributions

The applicant has agreed that at the reserved matters stage the following matters will be part of the proposal to be considered.

Open Space

There is a requirement for either on site POS or a contribution to off-site POS on developments of over 20 in accordance with Local Plan policy GS1.

Affordable Housing

Local Plan Policy H7 requires this on developments of over 15 dwelling and for Wombwell there is a requirement for 10% affordable housing.

Education

Local Plan policy P11 Infrastructure and Planning Obligations seeks contributions including for Education. There is a Draft SPD Financial Contributions to Schools relating to this matter and this confirms a requirement relating to developments of 5 or more homes where there are pressures on school places.

Sustainable Travel

Local Plan policy P11 also seeks contributions including for Sustainable Travel. There is a Draft SPD Sustainable Travel relating to this matter and this confirms a requirement would be based on the number of bedrooms on developments of 10 or more dwellings.

As this is an outline application with all matters reserved these contributions would best be achieved via planning conditions as the amount of development is not known.

Conclusion

This is an outline application with all matters reserved. The main concern is the loss of employment land but the site is not suitable given its location in a residential area and the Local Plan has made provision for better located employment land in the vicinity. The site is in a sustainable location and surrounded by housing and as such residential development is considered acceptable in principle.

Conditions imposed include those seeking affordable housing, public open space, education and sustainable travel contributions.

Recommendation

Grant subject to conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3 The visibility splays shown on drawing number 117436/sk1001 Rev A shall be provided and safeguarded such that there is no obstruction to visibility and forming part of the adopted highway such that there is no obstruction to visibility

Reason: In the interest of highway safety, in accordance with Local Plan Policy T4 New Development and Transport Safety.

4 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 provide visibility splays having the dimensions 2.4m x 70m at the junction with Hough Lane;
- Measures to prevent parking on the site frontage and site access;
- Provision of/any necessary amendments to street lighting;
- Provision of/any necessary amendments to highway drainage;
- Any necessary resurfacing/reconstruction

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 interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

5 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 Local Plan Policy T4 New Development and Transport Safety.

- 6 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 road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 8 Prior to the occupation of the site a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 9 As part of the reserved matters submission a report, endorsed by a competent engineer experienced in ground contamination and remediation, shall be submitted to and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
 5. A Validation Report to confirm remediation works have been undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- Reason: To ensure public health is protected in accordance with Local Plan policy Poll1 Pollution Control and Protection.**

- 10 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 and to prevent mud/debris being deposited on the public highway 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 Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**

- 11 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with Local Plan Policy H7

- 12 No development shall commence until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.

Reason: To ensure children can be accommodated in local primary schools in accordance with Local Plan Policy I1.

- 13 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of on site public open space or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD or an equivalent replacement policy and Local Plan policy GS1. The provision of the off site open space shall be provided in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with the Open Space Provision on New Housing Developments SPD or an equivalent replacement policy and Local Plan policy GS1.

14 No development shall commence until arrangements are in place to ensure any need for the provision of sustainable travel measures towards improving levels of accessibility to sustainable modes of travel arising from the development are met in accordance with relevant local and national planning policies and supplementary planning documents at the time of the submission of the Reserved Matters application.

Reason: In accordance with Local Plan Policies T3 New Development and Sustainable Travel and I1 Infrastructure and Planning Obligations.

15 As part of the reserved matters submission the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority:

Tree Survey
Arboricultural impact assessment
Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan policy BIO1 Biodiversity and Geodiversity

16 No development shall take place until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. 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 unless otherwise agreed in writing with the Local Planning Authority.

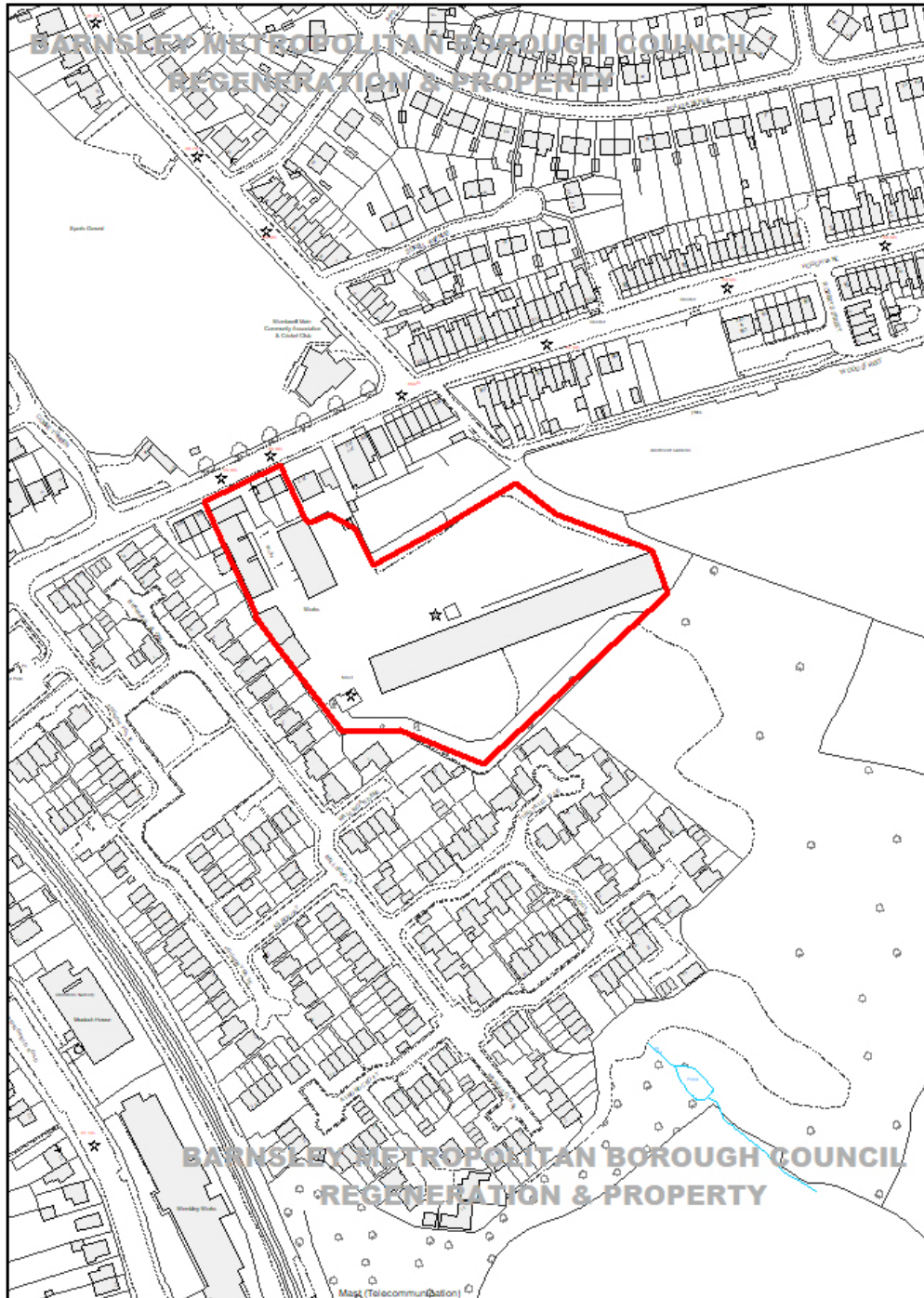
Reason: In the interests of the proper drainage of the area in accordance with Local Plan policy CC4 Sustainable Drainage Systems (SuDS).

17 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 18 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 19 The reserved matters application shall include full details of the surveys and mitigation measures identified in the recommendations of the Extended Phase 1 Habitat survey dated 21st September 2017, along with enhancement measures proposed on site, including a timetable for their implementation, to be agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with policy BI01 Biodiversity and Geodiversity
- 20 The reserved matters application shall include a noise survey detailing the impact of any noise from the existing mast on the proposed dwellings including any mitigation measures. This shall be agreed in writing with the Local Planning Authority and the scheme shall then proceed in accordance with the approved details.
Reason: In the interests of residential amenity in accordance with Policy Poll1 Pollution Control and Protection

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Scale 1: -----