
2018/1564

Applicant: Partner Construction Ltd, C/o DPP

Description: Demolition of existing building and erection of 41 dwellings with associated and landscape works.

Site Address: Former Foulstone School Site, Nanny Marr Road, Darfield, Barnsley, S73 9AB

This application is brought before Members because the Officer recommendation is subject to a proposed S106 Agreement. 6 representations have been received from local residents.

Background

Members may recall that this site was previously the subject of an application to re-develop the whole of the former school site for a mixture of residential and retail uses:-

2014/1232 - Demolition of existing built development and construction of retail units and erection of residential development of 35no dwellings (outline – all matters reserved apart from means of access).

That particular proposal did not make it to reserved matters stage and in 2015 approval was granted for an initial phase of residential development on the northern part of the site:

2015/1490 – Erection of 40 no. residential dwellings and associated infrastructure. Approved 21/09/2016.

Since that time the Council have continued to work to secure a retailer for the site and that remains an aspiration for the section of land that has been kept out of this planning application. To reflect that aspiration the proposed residential scheme has been designed with a shared access being proposed to serve the proposed new housing development and the retained area of land to enable a retail development to still happen at a later date.

Site Description

The site is part of the vacant former Foulstone School site on Nanny Marr Road in Darfield, which closed in 2012 subsequent to the opening of Netherwood Advanced Learning Centre.

The site is an inverted 'L' shape with a broadly rectangular plot of land at the junction of Nanny Marr Road and Barnsley Road retained for a future retail development. The overall site is 1.26ha in area. There are few signs of the previous use in that all former buildings associated with the school have been cleared and part of the site redeveloped. This is with the exception of the former youth centre building in the southern part of the site off Barnsley Road, along with the perimeter walls and fences and a number of trees which are mainly located on the western (Nanny Marr Road) and southern (Barnsley Road) boundaries. There are further trees located adjacent the eastern boundary although the majority are located outside the site in Darfield Miners Welfare Park.

The surroundings of the site are predominately residential. The site also borders onto Darfield Miners Welfare Park and Darfield Conservation Area which are located to the east of the site.

The existing topography across the site is fairly uneven. However there are no significant levels differences across the site overall.

Proposed Development

The proposed development is for an additional phase of housing on the site comprising 41 houses with associated parking and gardens.

The housing mix includes 33 three bed properties and 8 two bed properties with a tenure mix of 6 market houses, 25 affordable rent and 10 shared ownership. The houses are proposed to be a mix of red and buff coloured brick with concrete tiles to the roofs. All the houses have rear gardens and parking for two cars.

Boundaries to rear gardens are demarked by close boarded fences. Along Barnsley Road the stone wall is retained and made good with a mix of close boarded fence and railings along the top.

The access is from Nanny Marr Road and is designed to be shared with a future retail development on the remaining site.

BMBC Planning History

2012/1006 – Demolition of Darfield Foulstone School (Prior Notification) – Approved 07/11/2012.

2014/1232 – Demolition of existing built development and construction of retail units and erection of residential development of up to 35 no. dwellings (Outline – All Matters Reserved apart from means of access) – Approved 06/04/2016.

2015/1490 – Erection of 40 no. residential dwellings and infrastructure – Approved 21/09/2016.

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 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 alongside the Joint Waste Plan, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated in the Local Plan for residential with an anticipated yield of 49 (excluding the 40 previously approved). Site specific policy HS80 expects development to:

- Respect the historic setting and group character of the adjacent Darfield Conservation Area;
- Investigate options on the southern boundary of the site on the edge of Darfield Local Centre for providing either a small scale convenience shop or an extension to Darfield Local Centre.

In addition the following Local Plan policies are relevant to this application:

SD1 Presumption in favour of sustainable development
GD1 General Development
LG2 The Location of Growth
H1 The number of homes to be built
H2 The distribution of new homes
H6 Housing mix and the efficient use of land
H7 Affordable housing
H8 Housing regeneration areas
T2 Safeguarding of Former Railway Lines
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
GI1 Green Infrastructure
GS2 Green Ways and Public Rights of Way
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC3 Flood Risk

CC4 Sustainable Drainage Systems
CC5 Water Resource Management
RE1 Low Carbon and Renewable Energy
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection

SPD's

- Parking
- Designing New Residential Development
- Open Space Provision on New Housing Development

Draft SPD's

- Planning Obligations
- Affordable Housing
- Sustainable Travel
- Financial Contributions for Schools
- Updated Open Space Provision on New Housing Developments

Other Guidance

South Yorkshire Residential Design Guidance

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.

Consultations

Affordable Housing – Strongly support the proposal.

Biodiversity Officer – No objections have been received. However an ecology report has been submitted and appropriate mitigation conditioned.

Contaminated Land – The site investigation report is accepted and no objections to the development are made subject to the remediation strategy being implemented and a validation report submitted to the council. This is proposed to be secured via condition.

Conservation and Design – No objections subject to the amended materials being conditioned and suitable boundary treatment along Barnsley Road.

Drainage – No objection subject to the drainage design as agreed being conditioned.

Education – No objections as there is sufficient capacity in the local school provision for the proposed development.

Enterprising Barnsley – No objections.

Environment Agency – No comments

Highways – No objections subject to conditions

PROW / Parks – Supportive of the new access into the Miners Park.

Regulatory Services – No objections subject to conditions.

SYMAS – No objections, the site is not affected by mining legacy issues.

Tree Officer – Does not object, subject to existing conditions.

Yorkshire Water – No objection subject to the drainage design as agreed being conditioned.

Waste – No objections

Representations

The application was advertised by individual neighbour notification letter and by site and press notices. 6 letters have been received raising the following concerns:

- The proposed does not relate well to the conservation area or the park;
- There has been limited consultation with residents in Darfield;
- The Council are pushing more housing on Darfield when they should be taking a more holistic approach to development;
- The application does not address isolation issues and limited / poor diet in Darfield caused by the lack of a local centre with a range of shops;
- The proposed land left for a retail development is not large enough;
- It would increase traffic congestion and make roads less safe;
- No access should be from Barnsley Road as there are already issues with parked cars on here;
- The site should revert back to green belt;
- It is queried whether safety at the cross roads be improved;
- There is a shortage of car parking in Darfield for residents and the shops and this site should include some parking to alleviate this. The proposed land left for a retail development is not large enough to accommodate sufficient space.

Assessment

Principle of Development

This site is allocated as a housing site (HS80) in the Local Plan where residential development is acceptable in principle. The scheme would deliver higher than the policy requirement of affordable housing with a mix of affordable rent and shared ownership properties as well as 6 market houses. This would help meet the local need for affordable residential properties in accordance with Local Plan Policy H7. The total number of dwellings is slightly below the yield assumed for this site, being 41 units not 49. However, as part of the site is retained for a possible future retail development in accordance with the aims of allocation Policy HS80 this is considered acceptable in this case.

Visual Impact

The proposed development is for 41 houses, located in an area which is residential in character. The layout has been, in part, dictated by the shape of the site and the access design which allows for a future retail scheme. The houses are set out in a liner pattern through the site with the access road running down the middle. The proposed houses back onto the adjacent Miners Park and whilst it would be preferable to maximise natural surveillance here, the space constraints of the site do not allow for houses to front onto the park. The development would create some additional overlooking of the park nonetheless and a footpath connection into the park is being re-established as part of this development, increasing connectivity between the houses and the adjacent greenspace.

The houses are relatively simple in design terms with a limited number of house types and palette of materials. Nevertheless it is not a large scheme and the applicant has amended the proposed brick and boundary treatment at the Barnsley Road end of the site, following consultation with the Conservation and Design Officer. Further, the development would bring the site back into use

increasing activity and permeability following a long period of it being undeveloped land with no access.

Some trees on site are proposed to be removed but whilst these are mature specimens they are not assessed as being of particularly high value. The indicative landscaping scheme includes a number of replacement trees within the site and along the boundary with Nanny Marr Road which will represent an enhancement on site. Therefore, subject to landscaping and tree protection measures being secured by condition the tree officer is satisfied with the proposal.

As such the proposed is acceptable in visual amenity terms and complies with Local Plan Policy D1.

Residential Amenity

The proposed has limited impact on the residential amenity of existing residents, the nearest being on the existing phase to the north of the site. However, the proposed dwellings are set side on to these, reducing any impact both in relation to overlooking and overshadowing. All other existing residential properties are located over Nanny Marr Road and Barnsley Road, reducing any impact.

The proposed development meets the internal and external amenity standards as set out in the Designing New Housing Development SPD and South Yorkshire Residential Design Guide.

The proposed is therefore acceptable in residential amenity terms and complies with Local Plan Policy D1.

Highway Safety

Highways have confirmed that the proposed is acceptable in principle and, following some minor changes to the internal road design which have been incorporated into the layout, they have not objected subject to conditions. Mitigation measures required include the relocation of a bus stop and layby.

Resident comments include a request for some parking to be provided within the site for existing residents and users of services in Darfield (including existing shops and the park). In particular, the use of the existing access from Barnsley Road has been raised. However, this access is at the edge of the development site and its retention along with a parking area would require the loss of some units (plots 26 and 27 as a minimum) which cannot be justified under current planning policy. In addition, it would affect the viability of the scheme. There are also highway safety concerns with an access on to Barnsley Road, particularly if vehicles would need to reverse onto Barnsley Road. Therefore, this facility cannot be secured as part of this application. There remains a possibility that some parking could be secured in the future on the remaining part of the site in agreement with a retail operator.

A footpath through the site, linking to the Miners Welfare Park has been agreed and part of the offsite greenspace contribution can be used to link this to the existing paths within the park. This has been agreed with Parks and PROW and would ensure a sustainable and safe route to the park and All Saints School. This is in accordance with Local Plan Policy T3, New Development and Sustainable Travel. Taking account of this and the wider benefits of the scheme which include 85% affordable housing it is accepted that the Draft Sustainable Travel SPD contribution does not need to be applied to this scheme.

Biodiversity

A Preliminary Ecological Assessment has been provided which concludes that the site is of low ecological value and its loss should not pose a constraint to development. The report recommends that the mature trees on and around the site are retained where possible as they provide foraging for birds and possible bats, albeit none were assessed as having bat roost potential.

The report make recommendations for ecological enhancements including: planting of native hedgerows, hedgehog accesses through garden fencing and bird and bat boxes. These can be secured through a suitable condition in accordance with Local Plan Policy BIO1.

Drainage/Flood Risk

The site is not in an area at high risk of flooding and a detailed drainage strategy has been provided and agreed with Yorkshire Water and the drainage authority. Foul water is to drain to an existing sewer on Barnsley Road whilst Surface Water will be via soakaways on site. This can be secured through appropriate conditions in accordance with Local Plan Policies CC3 and CC4.

Conclusion

The proposed development would deliver 41 dwellings, of which 35 are affordable as defined by the NPPF on a site that is allocated for residential development in the Local Plan. The site is located in a sustainable location and on a previously developed site. It therefore meets site specific allocation policy HS80 and would contribute towards the aims of the Local Plan being met in relation to housing growth, the location of development and regeneration. In addition the proposal excludes a section of land forming part of the old school site that would still allow for a form of retail development to come forward at a later date. The proposed scheme has been assessed against all other relevant Local Planning Policies and material considerations that have been identified in this report which include visual amenity, residential amenity and highway safety and it is judged acceptable subject to the conditions listed and the proposed S106 Agreement. Approval of the application is recommended on that basis.

Recommendation

Grant planning permission subject to conditions and the signing of a S106 Agreement (Provision of affordable housing and provision of a commuted sum towards the enhancement of off site public open space facilities at a cost of £72,539.35)

- 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 and specifications as approved unless required by any other conditions in this permission:
Proposed Site Layout 377 002 Rev P
Proposed Boundary Treatment & External Hard Landscape 377 003 Rev E
House Type F115 (377 F115-1);
House Type F114 (377 F114-1);
House Type F113 (377 F113-1);
House Type F112 (377 F112-1);
STE/19/03/04/01 (Rev A) and STE/19/03/04/02 (Rev A) Engineering Layout;
External Materials Plan 377 004 Rev D;
1500 Close Boarded Fence Details BT/ Sheet 14;
Boundary Close Boarded Fence BT/ Sheet 05;
Boundary Party Fence Details Trip Rail BT/ Sheet 19;
Reason: In the interests of the visual amenities of the locality accordance with Local Plan Policies D1, Design.
- 3 The properties shall be provided with the scheme of acoustic fencing, acoustic glazing and ventilation as detailed in sections 5, 6, 7, and 8 of the noise assessment submitted with the application reference NJD-18-0013-001R produced by NJD Environmental Associates Limited. Prior to occupation of any of the properties the applicant shall submit a report to BMBC for their approval which demonstrates that the scheme of acoustic fencing, acoustic glazing and ventilation as detailed in sections 5, 6, 7, and 8 of the noise assessment have been installed.
Reason: In the interests of residential amenity and to accord with Local Plan Policy Poll1.

- 4 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.
- 5 No development other than preliminary enabling works relating to demolition, tree protection, formation of site access, setting up of site cabins/welfare facilities and the formation of foundations/piling shall take place until 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.
Reason: To enable the impact from any changes in level to be assessed and in accordance with Local Plan Policy D1, High Quality Design and Place Making.
- 6 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 Local Plan Policy T4 New Development and Transport Safety.
- 7 The Development, including any works of demolition, shall be constructed in accordance with the approved Construction Method Statements: Construction Method Statement (22/02/2019) and Construction Management Plan; Dust Action Plan (dated 02.19); Construction Noise and Vibration Management Plan v3 (dated 22/02/2019) The approved statements shall be adhered to throughout the construction period.
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4, New Development and Highway Improvement, and D1, Design.
- 8 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.
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Local Plan Policy T4.
- 10 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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 Local Plan Policy BIO1 Biodiversity.

- 11 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 Local Plan Policy BIO1 Biodiversity.
- 12 A landscape management plan, 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 Local Plan Policy BIO1 Biodiversity.
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- 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.**
- 14 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 15 No development other than preliminary enabling works relating to demolition, tree protection, formation of site access, setting up of site cabins/welfare facilities and the formation of foundations/piling shall take place until full details of the mitigation measures identified in the Preliminary Ecological Appraisal (Brooks Ecological R-3243-01), including a timetable for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

- 16 Prior to the occupation of any dwelling, a validation report to certify any remedial measures highlighted within the remediation strategy (ref Dunelm D8947/RS/02) shall be submitted to and approved in writing by the Local Planning Authority. This report should include the following:
- Details of who carried out the work.
 - Details and justifications of any changes from the original Remediation Statement.
 - Records of chemical characteristics of any imported capping soils/materials. Any testing suite and threshold levels need to be agreed with the local authority, prior to any sampling being undertaken.
 - Confirmation that capping levels have been achieved
 - Laboratory and in situ test results
 - Records of any materials disposed of off site and their disposal locations.
 - Confirmation that remediation objectives have been met.

Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with CL1 Contaminated and Unstable Land.

- 17 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 and in accordance with Local Plan Policy T4, New Development and Highway Improvement

- 18 No development other than preliminary enabling works relating to demolition, tree protection, formation of site access, setting up of site cabins/welfare facilities and the formation of foundations/piling shall take place until details have been submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- Relocation of Bus Stop and Layby;
- All redundant vehicular accesses to be reinstated;
- Measures to prevent parking and loading;
- Provision of or any necessary alterations to highway drainage;
- Provision of or any necessary alterations to street lighting;
- Any necessary resurfacing or reconstruction to the highway;

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 and in accordance with Local Plan Policy T4, New Development and Highway Improvement.

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