
2022/0608

Applicant: J Pearce, Miller Homes.

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Description: Variation of conditions 2, 6, 20 and 22 of application 2019/0089 (Demolition of existing bungalow and the development of 235 no. dwellings with formation of new access, car parking, landscaping and public open space) to allow for a number of minor amendments to layout, housetypes, boundary treatments, garages and materials.

Site Address: 58 Lundhill Road, Wombwell, Barnsley, S73 0RJ.

Site Description

The site consists of 58 Lundhill Road and the former high school site for Wombwell which was closed in 2012 when it merged with the former Darfield Foulstone School on a new site known as Netherwood ALC. The site is set over three platforms with the lower two being open and accessible. The top field, where the school building was located, is fenced off.

The land is generally flat with some significant changes in levels between fields and a slight change in level towards the south of the site as the land slopes downhill and away from the boundary. The three platforms are all grassed fields with trees and scrub focused around the edges: including on the banking areas. There is also a small woodland to the northeast.

The north-west boundary is predominantly defined by the rear boundaries of existing residential development along Roebuck Street with the northern end of this edge abutting Wombwell Park Street Primary School. The north-eastern edge of the site abuts residential development. The eastern edge of the site is formed by Gypsy Lane. The south eastern edge is defined by rear boundaries of residential development along Lundhill Road. The south west boundary is open parkland, washed over as green belt with Lundhill Playing fields also being located here.

Planning History

2022/0671- Discharge of conditions 3 (levels), 4 (dust management), 5 (noise management), 7 (highway construction details), 8 (highway junction works), 9 (highway condition survey), 10 (drainage details), 11 (remediation scheme), 19 (CMS), 23 (outfall for surface water), 24 (public water supply protection), and 25 (ecology) of application 2019/0089 (Development of 235no. dwellings)- Partially discharged.

2019/0089- Demolition of existing bungalow and the development of 235 no. dwellings with formation of new access, car parking, landscaping and public open space (Amended Plans and Description)- Approved subject to legal agreement- 20/04/2020.

2012/1007 – Demolition of Wombwell High School (prior notification)- Grant prior approval- 18/01/2013.

2012/1225 – Formation of temporary haul road to facilitate demolition of school-
Approve for a temporary period- 18/01/2013.

Proposed Development

Planning permission was granted on 30th April 2020 for the development of 235 no. dwellings with formation of new access, car parking, landscaping, and public open space.

Miller Homes (the applicant) purchased the site after the approval of the original planning application. This variation of condition application is to enable the delivery of alternative house types within the site by varying conditions 2, 6, 20 and 22 (2- approved plans, 6- scheme for bicycles, 20- hard and soft landscaping, 22- full fibre broadband) and includes minor amendments to the layout, house type, boundary treatments, garages, and material plans. To note, the site boundary, internal access routes and open space are largely unchanged, and the quantum of development would be the same, including the 12 affordable units and 223 market dwellings. The housing mix has changed slightly from the original development (34 x two-bedroom dwellings, 126 x three-bedroom dwellings and 75 x four-bedroom dwellings) to 24 no. 2-bedroom dwellings, 16 of which are bungalows, 133 no. 3 bedroom dwellings and 78 no. 4 bedroom dwellings. All affordable plots are for affordable rent as per the original S106 agreement.

There are 11 housetypes proposed with the facing material being stone with varying slate grey and terracotta concrete tiles. The properties range from single to 2 ½ stories in height but are predominantly 2 storeys alike the previously approved scheme.

In addition to the minor design amendments, the application will vary timescales for the submission of landscaping details and full fibre broadband to enable construction of roads and sewers to commence whilst the changes required by the updated layout are prepared and condition 6 will be a compliance condition as the details of bicycle parking are now included on the amended layout.

Policy Context

Planning decisions 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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances require it.

Site Allocation: MU6 Mixed Use

The policy seeks to secure 250 dwellings and 2 ha for a primary school. Development is expected to provide a new access and any necessary highway interventions at Lundhill Road and Park Street.

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth'

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 10% of new homes to be built in Wombwell

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure

Policy H7 'Affordable Housing' seeks 10% affordable housing in Wombwell.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

Policy GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking

- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Design of Housing Development
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

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.

Sections of relevance would be:

- Section 5 – Delivering a sufficient supply of homes
- Section 11 – Making effective use of land
- Section 12 – Achieving well designed places

Consultations

Affordable Housing- Revised mix and locations are acceptable. Confirmed that AH plots are all for rent as per the original S106.

Air Quality- No comment received.

Coal Authority- Original application site falls outside the defined coalfield. No specific comments to make.

Contaminated Land Officer- No comment received.

Education Services- This development would have a significant impact on the supply of primary school places within the area. There is concern about the increasing pressure on this area of the borough. A primary education contribution for 235 dwellings would be 50 pupils at £16,000 totalling £800,000. There is sufficient secondary capacity to accommodate the additional pupils.

Environment Agency- No comment received.

Forestry Officer- No objections to the change in wording to the landscaping condition.

Highway Drainage- No comment received.

Highways DC- The proposed variation of condition 2 is acceptable from a highways point of view.

Legal- No comment received.

Pollution Control- No comments/objections as none of these conditions are related to pollution control.

Public Rights of Way- The proposed amendments do not appear to have any impact on PROW's comments on the original planning application. No new comments to make.

South Yorkshire Mining Advisory Service- No objections to the proposed amendments. The site is not affected by coal mining legacy issues

South Yorkshire Passenger Transport Executive- No comment received.

South Yorkshire Police- No comment received.

Sports England- No comment received.

Superfast South Yorkshire- Willing to accept the variation of condition, confident the developer will satisfy the condition. Guidance document provided which can be shared with the developer to guide them through registering the development with infrastructure providers.

Urban Design Officer- No comment received.

Waste Management- No comment received.

Ward Councillors- No comment received.

Representations

This application was advertised in the press, by site notice and 285 neighbour notification letters were sent to individual properties. 13 representations were received which are summarised as follows:

- Traffic impact
- Safety issues
- Number of houses is unacceptable
- Impact on privacy through overlooking
- Increased noise pollution
- Natural habitat is being destroyed
- Development is not required
- Road surface is poor quality
- Green space is limited
- Concern about entrances/exits to site
- Some houses haven't been notified
- Gypsy lane blocked by construction vehicles
- Pathways will mean residents can walk onto gypsy lane
- Privacy compromised by low boundary treatments

Assessment

Principle of development

The site is allocated in the local plan for mixed use under site specific policy MU6 which states, *“this site is proposed for mixed use for housing and a primary school. The indicative number of dwellings proposed for the site is 250. Two hectares of the site is proposed for a primary school. The development will be expected to provide a new access and any necessary highways interventions at Lundhill Road and Park Street”*.

The proposed development complies with this policy being for a residential development accessed from Lundhill Road and with 2ha of land retained for a primary school. This application specifically seeks to vary conditions 2, 6, 20 and 22 and to note there are no additional dwellings are proposed. The principle of development was considered acceptable under application 2019/0089 and it was considered that whilst the number of units (235) was below the 250 indicative number and below the 40 dwellings per hectare (dph) as required by Local Plan Policy H6, it was acceptable given the constraints on site.

The effect of a S73 application is a whole new permission and therefore the full suite of conditions should be appended. In regard to the S106 agreement, section 3.4.15 includes the following clause:

“In the event that an application is made pursuant to Section 73 of the 1990 Act for an amendment to the Planning permission and planning permission is granted in respect of the application (and the Council) is satisfied in its absolute discretion that on revised planning obligations are required as a result of such amendment) references to Planning Permission in this Agreement shall be to both the Planning Permission and a new planning permission granted pursuant to Section 73 of the 1990 Act and this Agreement shall apply to and remain in full force in respect of that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act”

As such, this application will be bound automatically by the original S106 agreement, and no deed of variation is necessary in this case.

An assessment of how the site accords with other policies is below.

Housing density and Mix

The approved proposal under 2019/0089 was deemed acceptable despite not being fully compliant with Local Plan Policy H6 Housing Mix and Efficient use of Land due to on site constraints.

Whilst this application makes no change to housing density, the housing mix has changed from 34 x two-bedroom dwellings, 126 x three-bedroom dwellings and 75 x four-bedroom dwellings to 24no. 2-bedroom dwellings, 16 of which are bungalows, 133 no. 3 bedroom dwellings and 78 no. 4-bedroom dwellings. Strategic housing accepts the revised mix and locations of the affordable units and are pleased to see some bungalows in the affordable provision.

Visual amenity

As the site is open to the wider area with residents able to enjoy views and access to most of it (the top platform is fenced and gated) it has a high amenity value.

As previously discussed under application 2019/0089, it is accepted that the development of this site will have an impact on visual amenity. The layout of this application retains the three areas of greenspace located within the site boundaries, near existing properties and as before, the proposed school site will retain large open areas when developed.

In comparison to the previously approved scheme, there are now 11 different house types proposed instead of the 13 previously put forward. Of the 11 different houses, 3 are affordable. The proposed dwellings range from two storeys in height, except for single storey bungalows and the Masterton house type which is 2.5 storeys in height.

The applicant has provided an amended material layout which proposes a mix of slate grey and terracotta concrete tiles and stone walls. The originally approved scheme included 3 different facing materials (buff brick, red brick, and stone) to provide interest and visual breaks. The lack of facing materials would not create visual interest and it is therefore considered that notwithstanding the material layout submitted, a materials condition is requesting the submission of materials is necessary to ensure the development will be high quality and sit well within the existing area. An amended boundary treatment layout plan has been provided which includes railings to greenspaces and fences to residential properties and is considered to be acceptable.

Alike the previous application, trees are lost as a result of the development and as such a detailed landscaping scheme with appropriate replacement is required. One of the purposes of this application is to vary the timescale for the submission of landscaping details and the tree officer has no objections to the change in wording and as such this amendment to the condition is accepted.

Based therefore on this assessment and taking account of the benefits associated with delivering housing to meet local needs, the visual impact is acceptable in this case and the application complies with Local plan Policy D1.

Residential Amenity

The layout as approved under application 2019/0089 was considered acceptable in terms of residential amenity for both existing and future residents and this application proposes minor amendments to the layout with plot substitutions. The scheme at present meets or exceeds the minimum spacing standards as set out in the Design of New Housing Development SPD albeit a few circumstances where there is a shortfall of around 1m (plot 194 looks onto 198 at a distance of 20m instead of 21m and plot 21 looks onto an almost blank elevation of plot 19 at a distance of 11m instead of 12m). This is not considered to be a significant shortfall when taking the overall application into consideration and as such is acceptable.

It is noted that whilst some of the bungalows and other houses have been replaced by 2 storey or 2.5 storey house types, the layout would still be acceptable, would meet minimum separation distances and would not be overbearing or result in overlooking.

Some nearby residents have raised concern that some plots are now oriented differently to the layout as approved in 2019/0089. Whilst this concern is noted, properties on Gypsy Lane are for the most part either facing onto a green space of the side of dwellings with landscaping strips and existing trees retained, softening the impact. Distances are over 21m, well above the SPD guidelines and the properties are well spaced out. As such there would be no detriment to existing neighbours through overlooking or from an overbearing nature.

It is noted there are level changes on the site, in particular at the boundary with Poplar Road to the east, the proposed layout has retained the bungalows that would look onto Poplar Road and this is considered acceptable.

In terms of internal amenity, it is noted that whilst all the overall units meet the recommended standards in the South Yorkshire Residential Design Guide, there is a shortfall in the internal amenity in some of the master bedrooms, single bedrooms, living room and storage. A document comparing the internal amenity of this development to the originally approved Godsons development was provided to support the application. Whilst it is not ideal that some of the bedrooms and other rooms of this development do not meet the standards, the spreadsheet clearly shows that this application is a betterment in terms of internal amenity and is therefore accepted. All habitable rooms will be served by windows to allow for sufficient light to enter the properties and layout lends to a good outlook for future residents. As such it is considered a good overall standard of internal amenity is achieved.

Planning application 2019/0089 removed permitted development rights for plots 110-131 to ensure any future extensions are fully assessed. This translates to plots 1-20 under this application and the condition will be carried across to ensure residential amenity is fully assessed.

There are no other changes proposed in this application that have not been considered under the extant permission. The proposal is therefore acceptable in residential amenity terms and complies with Local Plan Policy D1 and the Designing Residential Housing SPD.

Highway Safety

The principle of a new access off Lundhill Road was approved under application 2019/0089 and this Section 73 application does not seek to alter this.

In regard to this application, amendments were sought to ensure that driveways were positioned appropriately and were not in close proximity to ramps or traffic calming features and amended garage plans were provided to ensure they all meet the minimum dimensions of 3m x 6m. The amendments were deemed acceptable and as such highways support the variation of condition 2. Further, highways have reviewed the layout plan, which shows bicycle storage facilities within the curtilage of each property, and as such they are satisfied that the wording of the condition can now be compliance only.

It is noted that various conditions were included under application 2019/0089 that related to full engineering, drainage and street lighting and constructional details of the streets proposed for highway adoption and highway junction works. At this time technical approval has not been granted and as such they will remain to be pre-commencement conditions on any approval.

The application does not raise any further issues which were not previously considered under application 2019/0089 and sufficient parking would be provided on site. As such there are no highways objection to the proposed scheme.

Drainage/Flood Risk

This application does not raise any issues in regard to drainage/flood risk than what was previously addressed under 2019/0089. It is noted that conditions 10 (drainage details), 23 (outfall for surface water) and 24 (public water supply protection) have been discharged under planning application 2022/0671 and as such these conditions will now be compliance conditions. Taking the above into consideration, the proposal would be acceptable with regards to flood risk and drainage considerations.

Biodiversity

The extant permission was accompanied by a Preliminary Ecological appraisal and survey work was provided following initial concerns regarding the impact on foraging bats and nesting birds. These were agreed by the Council's Ecologist and a condition was applied to application 2019/0089 ensuring appropriate mitigation measures including landscaping works and bird and bat boxes conditioned to offset the loss of habitat. There are no changes to biodiversity mitigation proposed under this permission and as such this application would remain to satisfy Local Plan Policy BIO1.

S106 – Affordable housing, off-site public open space, greenspace compensation, education and sustainable travel

The application proposes to provide the following provisions required on major housing developments by Local Plan policies and the relevant adopted Supplementary Planning Documents:-

- Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing. This scheme will deliver 5%, less than the 10% affordable housing provision expected in the Wombwell area. This has been agreed based on the Council's own viability assessment work undertaken to support the adoption of the SPDs, which demonstrated that the Wombwell site could not viably deliver against all the policy requirements. The applicant has included bungalows in the affordable housing offer and all the units will be provided on site.
- Education contributions - This development would have a pupil yield of 50 primary and 36 secondary pupils. There is enough capacity to accommodate the secondary school pupils but a S106 contribution would be required as follows:

Primary – 50 pupils at £16,000 =	£800,000
Total	£800,000
- Compensation for loss of greenspace is calculated at £125,640 per hectare of green space that will be lost to development. The contribution has been calculated using the Council's current land valuation for amenity land which equates to £29,640 per hectare, and the cost of providing 1 hectare of informal open space including 15 years maintenance which equates £96,000. In this case, the area of loss greenspace land comprises 6.23 ha equating to a Contribution of £787,737.20

- Contribution towards off site open space based on the unit split shown on the submitted planning layout plan, and in accordance with the figures in Appendix 2 of the SPD the total off-site contribution for this application would be £239,270.24 which is calculated as follows:

Formal recreation

2 bed dwellings x 34 x £824.41 = £28,029.94

3 bed dwellings x 126 x £989.01 = £124,615.30

4 bed dwellings x 75 x £1155.00 = £86,625

- Sustainable Travel
235 units x daily person trip rate (10) x £ per trip (100) x 25% reduction =
Contribution of £176,250

Total contributions = £2,003,257.44 plus 5% affordable housing

An EV charging point will be provided for each dwelling as would cycle storage for each dwelling without a garage. Overall, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Other Matters

A number of objections were received from neighbouring properties which have been taking into consideration during the process of this application. It is considered that the traffic impact and highway safety issues were considered under the original application and this Section 73 application makes no change to the originally approved replacement junction. Amendments have been sought to the internal roads to make this development safe and acceptable and Highways have no objection.

This scheme is not seeking to alter the number of houses to be approved and it is noted that application 2019/0089 has extant approval for 235 dwellings. In terms of impact on privacy, the layout abides by the separation distances in the Design of new Housing SPD and as detailed in the residential amenity section of this report there will be impact through overlooking or from an overbearing nature. Further, the layout has not introduced any new entrances/exits nor pathways that were not on the originally approved layout.

This application is on an allocated site for mixed use and has been identified as a suitable area for residential development to contribute to a housing supply need.

The application does not create any additional issues in terms of biodiversity and conditions to ensure appropriate mitigation works and hard and soft landscaping will be included on any approval.

A formal consultation was undertaken with nearby and neighbouring properties in addition to a site notice being displayed at site and the application being advertised in the local press.

Conclusion

The former Wombwell High School site is allocated in the adopted Local Plan as a mixed-use site for housing and a new primary school. This application is a Section 73

application to vary 4 conditions and seeks minor amendments to the originally approved application. The revised scheme has been considered in the context of local and national policy and is considered to be acceptable and will ensure a high-quality residential development is delivered. Conditions to ensure appropriate mitigation of the impacts of the scheme will be included, along with an appropriate s106 package as previously agreed under application 2019/0089.

Recommendation

Grant subject to S106 as previously agreed under application 2019/0089.