JohnsonMowat
Planning & Development Consultants

PLANNING CASE REPORT

DUCHY HOMES

LAND OFF MOUNT VERNON ROAD,
WORSBROUGH,
BARNSLEY

LOCAL PLAN HOUSING ALLOCATION HS24

FULL APPLICATION FOR THE RESIDENTIAL DEVELOPMENT OF 42NO. DWELLINGS INCLUDING ASSOCIATED WORKS AND PROVISION OF ON SITE OPEN SPACE

Duchy Homes
Land off Mount Vernon Road, Worsbrough, Barnsley

Planning Case Report

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Johnson Mowat
Planning & Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW

t: 0113 887 0120
e: hello@johnsonmowat.co.uk

RTPI Chartered Town Planners
RICS
A member of HBF HOME BUILDERS FEDERATION

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1.0 INTRODUCTION

1.1 This Planning Case Report has been produced on behalf of the Duchy Homes. The report is in support of a Full Planning Application for the residential development of 42No. dwellings including associated works and provision of on site open space on land off Mount Vernon Road, Worsbrough, Barnsley.

1.2 The application site is an allocated housing site HS24 in the newly adopted Barnsley Local Plan (January 2019). The principle of the residential development of the site is therefore considered acceptable by its allocation as a housing site in an adopted development plan.

1.3 This Planning Case Report demonstrates how the above matters have been addressed and should be read in conjunction with the following reports which form this planning application submission:-

- Plans and Details – STEN Architecture;
- Planning Case Report – Johnson Mowat;
- Design and Access Statement – STEN Architecture (including Building for Life 12 Assessment);
- Viability Appraisal – Johnson Mowat;
- Phase 1 Desk Top Site Investigation including Coal Mining Risk Assessment;
- Preliminary Ecological Appraisal Report – Brooks Ecological;
- Arboricultural Impact Assessment – Brooks Ecological;
- Bird and Bat Box Report – Brooks Ecological;
- Energy/Sustainability Statement;
- Flood Risk and Drainage Statement – Eastwood and Partners;
- Soakaway Test Report – Eastwood and Partners;
- Air Quality Report -Gem Ltd;
- Transport Statement – SCP;
- Heritage Report – MB Heritage;
- Archaeological Survey Report – Durham University.

1.4 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

2.0 LOCATION AND SITE DESCRIPTION

2.1 The site is located off the east of Mount Vernon Road, a main route through Worsbrough linking to Sheffield Road and Barnsley Town Centre to the north. The site is located directly east of the former Mount Vernon Hospital, now also a proposed housing site.

2.2 The site currently a field used for the grazing of sheep and other livestock and is characterised by a stone wall on its western and northern boundaries and a partially collapsed dry stone wall on its eastern and southern boundaries.

2.3 The site is predominately in a residential area. To the north are residential properties along Mount Vernon Crescent. To the west are residential properties and the former Mount Vernon Hospital along Mount Vernon Road. To the south is grazing land and to the east is both grazing land and residential properties along Mount Vernon Road.

2.4 The gross site area covers an area of 1.25 hectares (net). The application site is designated as an allocated housing site HS24 within the adopted Barnsley Local Plan (January 2019) for 42 dwellings.

2.5 It should be noted that the former Mount Vernon Hospital site to the south east of the site forms a housing allocation HS29 (land off Mount Vernon Road) in the Local Plan for 74No. dwellings. It should be noted that a planning application is well advanced (having been submitted May 2019) on the site having Demolition of vacant former hospital buildings and residential development of 70 no dwellings and associated works, with applicants being Orion Homes and the South West Yorkshire NHS Trust (LPA Ref 2019/0577).

2.6 The site is located solely within Flood Zone 1 (lowest risk) according to the Environment Agency (EA) Flood Zone maps for planning.

2.7 The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The nearest bus stops are adjacent to the southern boundary with bus links to Barnsley town centre, Wombwell and Tankersley approximately every 30 minutes and is served by the 67, 67a, 479 and 482a buses.

2.8 The site lies within a short walk of a number of facilities including takeaways, Working Mens Club, pharmacy, community centre and convenience store.

2.9 In terms of local schools, Worsbrough Common Primary School and Rising Stars Daycare is located directly west of the site. Ward Green Primary School is circa 350 meters to the south of the site.

2.10 The nearest doctors surgery to the site is the Park Grove Surgery which is located circa 0.5 miles from the site. The Kakoty Practice is 0.6 miles from the site and the Gold Street Surgery is 0.7 miles from the site.

3.0 PLANNING HISTORY

3.1 The site is allocated for housing, under reference, HS24 within the newly adopted Barnsley Local Plan (January 2019). There is no planning history in relation to the site however this is most likely due to its previous designation as green belt in the Unitary Development Plan prior to the adoption of the Local Plan and its longstanding use as grazing land.

Pre-app request

3.2 On 2 November 2020, Duchy Homes submitted a pre-application request. It was given the BMBC reference 2020/ENQ/00815. Accepting Covid-19 has significantly disrupted the ability to hold face to face meetings, the Council's pre-app responses have been drip-fed back to the developer with key responses noted in Table 3.1 below:-

Table 3.1: Summary of Pre-App Responses

Organisation	Date	Remark
SuperfastSY	19.11.20	Request for superfast broadband.
Education Dept	16.11.20	Zero requirement for Primary School provision. £96,000 sought for Secondary School provision based upon a generated yield of 6 pupils. Total request £96,000
BMBC Drainage	16.11.20	Advice provided on SUDs, Run-off rates and drainage strategy.
Yorkshire Water	13.11.20	Sewage discharge dialogue ongoing.
BMBC Pollution Control	18.11.20	Electric Car Chargers requested for each property.
BMBC Design	22.12.20	Brief comments on; parking, roof heights, boundary walls and house types.
SY Mining	19.11.20	Not an at risk area. Coal Mining Risk Assessment not required.
SY Heritage	10.12.20	Site geophysical assessment requested.
BMBC Biodiversity	7.12.20	Site considered to be of a low ecological value but enhancements and reports requested.

3.3 The above responses are broadly in line with expectations given this is a relatively new housing allocation site.

4.0 PROPOSED DEVELOPMENT

4.1 The application seeks full planning permission for the erection of 42no dwellings including associated works and the provision of on site open space.

4.2 Further detail of the proposals can be seen in the submitted Design and Access Statement and detailed on submitted plans.

4.3 The proposals seek a mix of housing including:-

- 4No. 2-bed homes;
- 27 No. 3-bed homes;
- 11 No. 4-bed homes.

4.4 The current scheme does not make provision for affordable housing and is supported by a viability appraisal.

4.5 A landscaping and planting scheme accompany the application which seeks to create a visually pleasing environment with biodiversity benefits.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise."

5.2 At the time of writing the current development plan comprises solely of the adopted Barnsley Local Plan (January 2019). The Local Plan covers both the strategic and site specific proposals. The application site is designated as an allocated housing site HS24 within the adopted Barnsley Local Plan (January 2019) for 42 dwellings.

5.3 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27th March 2012 and subsequently revised. The most up to date version is the February 2019. The Framework is a significant material consideration.

National Policy

National Planning Policy Framework

5.4 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.5 Para 2 of the advice states:-

> *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions."*

5.6 There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

5.7 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.8 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

> *"For decision-taking this means:*
>
> *c) approving development proposals that accord with an up-to-date development plan without delay;" (JM underlining).*

5.9 It is considered that the proposal complies with the Development Plan which allocates the site for housing.

5.10 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below:-

Section 4: Decision Making

5.11 In determining applications, Para 38 states:-

> *"Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."*

5.12 Para 47 requires that:-

> *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."*

5.13 Para 57 addresses the topic of considering 'viability' of a proposal having regard to the policies of the Plan. It states:-

> *"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."*

5.14 The application is supported by a viability assessment.

Section 8: Promoting healthy and safe communities

5.15 Para 91 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

Section 9: Promoting Sustainable Transport

5.16 Para 103 sets out that:-

> *"Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health."*

5.17 Para 110 sets out development should:-

> *"a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations."*

5.18 Para 111 sets out that:-

"all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

Section 12: Achieving Well Designed Places

5.19 Para 124 stresses the Government's commitment to achieving good design, high quality buildings and places.

5.20 Para 127 sets out planning policies and decisions should:-

a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users[46]; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Section 14: Meeting the challenge of climate change, flooding and costal change

5.21 Para 150 sets out that new development should be planned to:-

"a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."

5.22 Further at Para 153 it sets out that:-

"In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."

Section 15: Conserving and enhancing the natural environment

5.23 Para 170 sets out the requirement to contribute to and enhance the natural environment in polices and decisions by:-

> *"d) minimising the impacts on and providing net gains for biodiversity….*
>
> *e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
>
> *f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

Annex 1: Implementation

5.24 Para 212 with regard to decision taking:-

> *"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."*

5.25 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

Local Policy

Barnsley Local Plan (January 2019)

5.26 The Barnsley Local Plan was adopted by Full Council on 3rd January 2019. The Local Plan replaces the Barnsley Core Strategy and Unitary Development Plan. The document sets out the strategic policies, development management policies and site specific policies and allocations.

5.27 The Local Plan, Section 2 Vision and Objectives sets out that to meet its objectives it will enable the delivery of at least 21,546 homes.

5.28 Para 5.4 sets out the spatial strategy for Barnsley and the main focus for development within the area is Urban Barnsley. Para 5.9 sets out the Settlement Hierarchy and classifies Urban Barnsley as the Sub Regional Town. Worsbrough is contained within the Urban Barnsley area.

5.29 Para 5.14 sets out that Urban Barnsley will be the main focus for development.

5.30 Policy SD1 sets out the presumption in favour of sustainable development.

5.31 Policy GD1 sets out the general approach to development within the authority. The policy details a series of criteria of which development meeting each of the requirements will be approved without delay. Such considerations include impacts on amenities of existing and future occupiers, compatibility with neighbouring uses and environmental impacts. The proposal does not conflict with the requirements of this policy.

5.32 Policy LG2 sets out the location of growth in the district. The policy sets out that the priority for development and the highest priority will be in urban Barnsley.

5.33 Policy H1 sets out that the Council will seek to achieve the completion of at least 21,536 net additional homes between 2014 and 2033. Para 9.1 sets out a target of 1,134 dwellings per annum.

5.34 Policy H2 proposes a total of 9070 new homes between 2014 and 2033 which is 43% of the overall supply for the district. The policy identifies 3258 dwellings through existing planning permissions within Urban Barnsley resulting in the requirements for a further 5812 dwellings.

5.35 Policy HS24 Land off between Mount Vernon Road and Upper Sheffield Road relates to the application site. The policy requires development to respect the historic setting of the listed Darley Cliffe Hall, Its ancillary listed buildings and Elmhirst Farm and cottage. It sets out that development shall be limited to the area shown on the Policies Map. It sets out that development shall respect the historic setting of these listed buildings by use of appropriate site layout, sympathetic design that reflects their setting, scaling, massing,

details and materials. In addition it requires the retention and enhancement of the boundary wall fronting Mount Vernon Road or rebuilding it at the back of a wider footway.

5.36 An archaeological assessment is required by the policy.

5.37 Policy H6 relates to housing mix and the efficient use of land. The policy seeks an appropriate mix of house type, size and tenure, together with a target density of 40 dwellings per hectare in Urban Barnsley and Principal Towns. The policy does support lower densities where they are necessary for character and appearance, need, viability or sustainable design.

5.38 Policy H7 relates to affordable housing and sets out that developments of 15 or more dwellings will be expected to provide affordable housing. It sets out that 10% affordable housing will be expected in Worsbrough. This is a matter be addressed in a viability statement once all site costs are fully assessed alongside and S106/SPD requirement sought by the Council.

5.39 Policy T3 relates to new development and sustainable travel and expects new development to:-

- "Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate having regard for cross boundary local authority liaison; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate having regard for cross boundary local authority liaison**.** Travel plans will be secured through a planning obligation or a planning condition." (JM underlining).

5.40 Policy T4 relates new development and transport safety it requires development to be safe and secure access for all road users.

5.41 Policy D1 relates to high quality design and place making. The policy sets out the design principles and a checklist of design considerations for development proposal to consider. The proposal does not conflict with the requirements of this policy.

5.42 Policy HE1 sets out the Council's approach to the historic environment.

5.43 Policy HE2 sets out the requirements for heritage statements (of which the application is supported by).

5.44 Policy CC3 sets out sites over 1 hectare in flood zone 1 requires a site specific flood risk assessment. It also requires development of brownfield sites to reduce surface water run off by 30%.

5.45 Policy CC4 requires SUDS to manage surface water drainage unless SuDS are inappropriate. The policy sets out that detailed planning applications must be supported by a detailed drainage plan and SuDS design statement.

Barnsley Developer Contributions SPDs

5.46 BMBC have adopted a series of lower order planning documents known as SPDs. There are a number of Supplementary Planning Documents that set out where the Council will seek planning contributions. These are:

- Financial Contributions for School Places
- Sustainable Travel
- Affordable Housing
- Open Space Provision on New Housing Developments

5.47 The overarching Developer Contribution SPD informs at para 4.2 that where contributions are required for school places or sustainable travel, these will take precedence. This matter will be addressed in a site specific Viability Appraisal once the SPD values are provided by BMBC.

6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

Principle of Development

6.2 The application site is allocated for housing under reference HS24 within the adopted Barnsley Local Plan (January 2019).

6.3 The supporting allocation text for the site sets out that there is an indicative number of dwellings on the site of 42 and the proposals seek to provide this number. The proposed number of dwellings therefore conforms with the site specific policy.

6.4 Policy H6 relates to housing mix and the efficient use of land. The policy seeks an appropriate mix of house type, size and tenure together with a target density of 40 dwellings per hectare in Urban Barnsley and Principal Towns. The policy does support lower densities where they are necessary for character and appearance, need, viability or sustainable design.

6.5 It is considered that in this case a reduction in the density is appropriate. The immediate area is characterised by dwellings with large gardens and the topography of the site also has to be considered. The scheme also has been designed to ensure there is no negative impact on the adjacent listed buildings. The need to stand-off substantial trees is also a factor.

Design & Sustainability

6.6 The design rationale is located within the supporting Design and Access Statement and further full details of the proposed scheme are set out on the supporting plans. The scheme proposes a good mix of detached, semi-detached and terraced properties that would deliver choice and meet local needs within this area of Barnsley.

6.7 Consideration has also been given to CABE Building for Life 12 (2012) and the Design & Access Statement supporting the application.

6.8 As detailed earlier in this document, the site is highly sustainable given its location on the edge of Worsbrough. The site has excellent links with nearby services, facilities and local schools as set out in the site description. This is all reflected in the fact that it's a housing allocation that was proposed by BMBC and endorsed through independent examination.

Other Supporting Technical Documents

6.9 Other supporting technical documents support the application are set out above at para 1.3. It is considered that there are no technical reasons for refusal and any further recommendation can be dealt with via condition.

Planning Balance

6.10 The site is an allocated residential site located in Urban Barnsley, in the adopted Local Plan. The site is within a highly sustainable location, with excellent access to social and physical infrastructure locally present in this area of Urban Barnsley. The proposals meet the indicative number of dwellings set out by the policy.

6.11 The development can contribute toward the planned growth and residual requirement for Urban Barnsley and is therefore fully aligned with the spatial strategy's approach for development to be focussed in Urban Barnsley.

6.12 The site is an area of land free of any statutory designations. Heritage has been considered in the allocation and ground evaluation of archaeology has been undertaken to ensure no valuable assets are disturbed.

6.13 The site is subject to no significant environmental constraints and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.

6.14 The site is not of high environmental quality and there are no technical reasons for refusal.

6.15 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.

6.16 Other benefits arising from this 42 dwelling proposal include:-

- The provision of a range of new house types to provide increased housing choice.
- The development would generate a significant amount of investment to the area in terms of the construction value and associated spend during the construction period.
- Full-time direct on-site jobs during the construction phase.
- Planning Gain Package.
- Council tax revenue.
- Indirect “spin-off” jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.

6.17 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. Subject to viability testing, the proposal is policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

7.0 SUMMARY AND CONCLUSIONS

7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.

7.2 This planning application on an allocated housing site is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan.

7.3 The development proposed constitutes sustainable development having access to a wide range of local facilities. The site is a housing allocation and its development will assist the Council in meeting its aspirations for Barnsley together with a significant number of economic and social benefits.

7.4 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.

7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan and the application should be approved without delay.