Planning & Law

Supporting Statement

Oakwell Community Assets Limited

Planning Application in Respect of Oakwell Ground, Grove Street, Barnsley S71 1ET

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1. This Supporting Statement is produced by Planning and Law Ltd in support of an application by Oakwell Community Assets Limited, and made in respect of part of the Oakwell Ground, Grove Street, Barnsley S71 1ET. The application is made for the following development:

   "The erection of 12 dwelling houses in three blocks of four units each together with replacement car parking"

2. In summary the proposal to erect the dwellinghouses is made in respect of the southernmost portion of the car park to the ground, which is considered to be either surplus to car parking requirements, or at least lightly used, but in any event replacement car parking is provided to the north-east on a piece of land, which is currently unused, for parking purposes.

3. The application is supported by the following documentation:

   Electronically Accompanying the Application

   - Design and Access Statement
   - Drainage Statement

   Supplied in Electronic Form

   - Location Plan
   - Layout Plans/ Block Plan
   - Supporting Statement
   - Acoustic Assessment
   - Highway Statement - NPPF Update

   Supplied in Hardcopy Form

   - Highway Statement
   - Phase 1 Desk Study (Contamination) incorporating Coal Authority and Ground Stability Report

4. **Design and Access Statement** - This statement confirms that the 12 two-storey dwellinghouses would have a total floorspace of 1128.6 m², and the replacement car parking would constitute 194 spaces to the north-east of the existing ground. In terms of layout, a linear pattern fronting Grove Street is adopted with car parking to the front and private gardens to the rear. The layout has also been influenced by the need to respect easements for underground drainage and water mains. The areas required for easements are generally used for the access road and replacement car parking (some of which is immediately adjacent to the housing). The proposed residential access and parking is kept separate from the football club access and parking. The current connection of the football club to the existing highway network is maintained with connections to both Grove Street and Pontefract Road.

5. **Drainage Statement** - This statement firstly confirms that the site is not at flood risk. That is therefore not a constraint (the site is in Flood Zone 1). The proposal would investigate the use of soakaways for rainwater disposal and should seek a reduction of around 30% in surface water run-off. Attenuation of surface water run-off may be required before discharge, and consent for surface water disposal will be required from the Environment Agency. Investigations indicate that water

supply and foul drainage should be available to the proposal. The water main crossing the site and the Sough Dyke are avoided by the development.

6. **Acoustic Assessment** - Acoustic assessment was in part carried out pursuant to the guidance previously contained in PPG 24. Although superseded by the National Planning Policy Framework this is considered to be generally good practice and provides a reasonable benchmark against which to assess noise conditions. However, the proposed development was also assessed against BS 8233 for completeness. Survey positions were selected so that non-match day, and match day, conditions could be properly assessed. In terms of the former PPG 24 NEC criteria, generally predicted noise levels were within category A where residential development would generally be acceptable, but for short periods on match days they may possibly stray just into NEC category B where such development is acceptable, but may need to be controlled by planning condition (for instance, requiring close boarded fencing to acoustic specification on certain of the boundaries). In terms of BS 8233 the desired level of mitigation in order to achieve "good" conditions internally can be achieved by partially open windows in almost all cases. Exceptionally, during matches, however, a further reduction of 2 dB would be desirable, but this can easily be achieved by the proposed fencing to the gardens which will provide at least 5 dB reduction in the gardens on the ground floor level. The assessment is considered to be robust because it assumes the noisier times of day and night and all facades having unrestricted lines of sight the main source of noise. In addition the screening effect of the development itself is not considered, but would clearly improve the overall position if it was.

7. **Highway Statement** -The statement covers the issues of parking and transport including public transport provision. In terms of parking, surveys were carried out by an independent survey company. In short, however, there would be a net loss of 181 existing parking spaces as a result of the application proposals, but it is proposed that these be replaced by approximately 194 to the north-east of the stadium (a possible layout is demonstrated in a drawing within the statement). In terms of sustainability there are bus stops very close to the site giving access to a number of locations, including Barnsley Centre, where connections are available to an extensive range of destinations by public transport. The development itself is likely to generate only a minimal amount of traffic during the AM and PM peak hours, and this is considered would have a modest impact on the local highway network and would not be general discernible from fluctuations in daily traffic flow.

8. **Highway Statement - NPPF Update** - An update of the above Highway Statement, taking full account of the National Planning Policy Framework is also included with the application, and it is concluded that the proposed provision of car parking at two spaces per dwelling is a practical level of provision given the location of the development and other factors. In terms of accessibility it is still considered that sustainability is an important consideration under the new Framework and the application proposals are considered to be sustainable in nature.

9. **Phase 1 Desk Study (Contamination) incorporating Coal Authority and Ground Stability Report** - The site history is assessed in this report, and a Preliminary Conceptual Model is prepared and considered. It is concluded that the historic feature of concern is an Old Quarry present in the 19th century, but infilled by the 1950s. Potential pollutant linkages are identified. However, in accordance with guidance the report concludes that a conditional planning

approval could be granted. Conditions would include standard prescriptive conditions requiring site investigation, risk assessment and, if appropriate, remedial strategy. It is likely that there should be a Phase II intrusive survey as part of pre-development site investigations. Detailed recommendations regarding sampling and gas monitoring are made, and specific recommendations regarding the Old Quarry are also made. Overall the recommended measures would ensure that the site is made suitable for its proposed end-use pursuant to this application.

Development Plan Policy

10. Development plan policies of relevance to the application site are currently in a state of flux with the revocation of the Regional Spatial Strategy due imminently. In the context of the Local Development Framework the Core Strategy has been published, and this consists mainly of strategic policies which do not impact directly upon this application (with the exception set out below).

11. The most relevant policies therefore are within the Unitary Development Plan, and this must be interpreted in the light of those policies of the UDP which have been saved and which have not been superseded by the Core Strategy. At present in the context of the Core Strategy the detailed document "Development Sites and Places" is being prepared, but is not at present available.

12. Within the UDP the application site lies within the Oakwell Regeneration Area which is dealt with by policy BA 39 of the UDP. This provides that regeneration proposals will be pursued in this area subject to other policies or aspects of this policy. Near to the application site is the Beevor Court Business Park which is the subject of policy BA 39/2/1 (to the South East of the application site), and an area of protected woodland adjacent to Beevor Court the subject of policy BA 39/4/4. Also in the vicinity is the Oakwell Central Open-Space which is the subject of policy BA/39/4/1. The application proposals do not impinge upon, or adversely affect these surrounding designations.

13. The football club itself is the subject of policy BA 39/7 entitled "Barnsley Football Club and Centre of Excellence". The designation therefore includes the football club and associated centre of excellence, and the area within which the application site lies. The designation does not preclude residential development, but it notes that it should be considered against the criteria of policy BE 6, parts of which were not saved, and which was in any event superseded by Core Strategy Policy CSP 29 "Design" (see below). Of particular note is the fact that the policy indicates the following:

    "The opportunity to create additional parking areas and emergency access between Beevor Court and the stadium has been demonstrated and may be realised in the future, subject to funding."

14. This is, in effect, the area of replacement parking that forms part of this application. Although it replaces parking on that part of the application site proposed for housing, surveys indicate that the overall level of car parking on the site will remain more than adequate for the football club and its associated activities. The main relevance of this is therefore to show that this is a suitable area for replacement car parking.

15. Policy CSP 29, referred to above, firstly sets out the design principles and as such the development should respect and take advantage of the distinctive

features of Barnsley including topography, green infrastructure assets, important habitats, woodlands and other natural features and views and vistas to key landmarks, skylines and gateways. It is believed that the application proposals respect this part of the policy. As noted above the proposal does not impinge upon the immediately surrounding green assets. The second part of the policy deals with general development considerations, and again it is believed that the detailed design respects the second part of the policy in its detail, which has of course been the subject of pre-application consultation.

Central Government Policy - National Planning Policy Framework

16. Central government policy of relevance to planning is now expressed in the National Planning Policy Framework (March 2012), and this in effect supersedes the previously existing PPG's and PPS's (although these continue to be referred to as examples of good practice).

17. Set out in the NPPF are certain Core Planning Principles, including the following:

"17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:
.....encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value"

18. It is considered that the application site constitutes land that has been previously developed (Brownfield land), and that therefore permitting the application proposals would assist in implementing this aspect of government policy.

19. Further, the document notes the following:

"14. At the heart of the National Planning Policy Framework is a ***presumption in favour of sustainable development****, which should be seen as a golden thread running through both plan-making and decision-taking.*
.....For ***decision-taking*** *this means:*
•approving development proposals that accord with the development plan without delay; and
•where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"

20. It is considered that the application proposals accord with certain aspects of the development plan of particular relevance to this site, and that where the development plan is silent (for instance, in not specifically permitting housing development in this location) planning permission should be granted in any event, because it is not considered that any adverse consequences would significantly or demonstrably outweigh the benefits of the scheme when assessed against the Framework as a whole.

21. Specifically, the NPPF, includes the following under the section entitled *"Delivering a wide choice of high quality homes":*
"49. Housing applications should be considered in the context of the presumption in favour of sustainable development."

22. In addition, the following is also clarified:
"9. Pursuing sustainable development involves seeking positive improvements in .....widening the choice of high quality homes."

23. It is therefore considered that overall, and with particular reference to the presumption in favour of sustainable development, the application proposals conform with development plan and national policy.

Conclusions

24. For the reasons set out above, and in the light of the supporting material summarised above, it is respectfully requested that the Council grant planning permission for the development applied for.