
Ref 2022/0633

Applicant: Gleasons

Description: Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)

Site Address: Land at Wakefield Road, Smithies, Barnsley, S71 1NX

2no. objection letters have been received in association with the reserved matters application from local residents.

Background

The application follows on from planning application 2017/1451 which granted outline planning permission for the site to be built upon for a development of up to 232 dwellings. That particular application was approved by the Planning Regulatory Board in December 2018 with the decision notice being issued on 25th June 2019 following the completion of a S106 Agreement.

Following the grant of the outline permission, planning application 2021/0654 was submitted and granted for 'remediation works including drilling and grouting of former mine entries, the removing of contaminated soils and earthworks. This was then followed by application 2021/0718 for 'Discharge of conditions 12 (Remediation), and 24(Archaeology) of planning permission reference 2017/1451. Both conditions were discharged.

Site Description

The application site comprises of 7.73ha of land located west of Wakefield Road between New Lodge, Athersley South and Smithies.

The site shares a boundary with the A61 Wakefield Road to the east. Over half of the eastern boundary is road frontage with the remaining part being set behind a site currently occupied by a car sales business and the staff car park for the Stagecoach bus depot that is located in close proximity further to the south east. The site is in close proximity to the junction with the A633 Rotherham Road and the associated mini roundabout which is located to the north east of the site. Existing residential properties are located opposite to the site on the other side of Wakefield Road. In addition the site is opposite to the Wakefield Road/Rotherham Road recreation ground which includes a range of play equipment and multi use games court.

Located to the south/south east are commercial premises, including the Stagecoach bus depot and plant hire depot which are screened by a substantial tree belt. Located to the south west is a footpath which follows a disused railway line atop a well treed embankment. This forms a visual barrier to the southwest and lies within Green Belt. The northwest boundary is formed by a track/fence line adjacent to a further area of rough grassland to the west. To the north of the site just beyond the boundary is the East Gawber Colliery Fan House, a scheduled Ancient Monument " at risk", and a commercial area comprising industrial uses. Beyond this is the residential area of New Lodge.

Whilst the site is now greenfield in nature, it comprises land previously associated with historic colliery uses, including the deposition of material. The map of 1850 shows the site was undeveloped until the 1890s when railways and buildings associated with the East Gawber Hall Colliery were developed across the northern portion of the site. Remediation has been undertaken on the site.

The site's topography generally slopes down from north to south with a variety of gradients. A substantial hedgerow runs in a northeast southwest direction which divides the site with pasture to the northwest and a linear 'valley' running from north to south within the eastern part. The majority of the trees/shrubs within the site are located in or around this valley and a stream runs north to south within it. Besides these features the site has limited vegetation and a limited area of paddock to the northern part. The valley provides natural drainage of the site, resulting in a pond located at the southern-most corner of the site.

The nearest residential development lies at Hill Top Cottages and East Gawber Farm immediately adjacent to the north eastern boundary; and Wakefield Road, with New Lodge just to the north. The site lies in a sustainable location with schools, shops and public transport close by, as well as Health facilities at New Lodge. The site lies within Flood Risk Zone 1.

History

2017/1451 - Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended Description) – Approve subject to conditions & S106

2021/0654 - Remediation works including drilling and grouting of former mine entries, the removing of contaminated soils and associated earthworks – approved

2021/0718 - 'Discharge of conditions 12 (Remediation) and 24 (Archaeology) of planning permission reference 2017/1451. Both conditions were discharged.

Proposed Development

The Reserved Matters seeks approval of all of the matters that were not approved as part of the outline permission. This comprises:

- Layout;
- Scale;
- Design and external appearance; and
- Landscaping.

The submitted Reserved Matters scheme comprises 221 dwellings made up of a mix of 2, 3 and 4-bedroom, two-storey detached or semi-detached properties. All dwellings have dedicated parking provision and some have garages set back within the curtilage of their garden.

Vehicular access would be as per the outline permission; the site is directly accessed via Wakefield Road. This will comprise a new give way priority junction for the main portion of the development, with additional private drive access for 5 dwellings, which require a separate entry point due to the retained entrance to existing properties.

The highway hierarchy includes estate roads, private drives and shared pedestrian and vehicular surfaces.

A central area of Public Open Space (POS) is proposed with a LEAP incorporated. The central POS connects to a further POS to the South of the site which includes an existing pond and a proposed attenuation basin. A woodland buffer, incorporating a tree belt is proposed along the Western boundary.

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: Housing Site HS59

SD1 'Presumption in Favour of Sustainable Development'

Policy GD1 'General Development'

Policy LG2 'The Location of Growth'

Policy H1 'The Number of New Homes to be Built'

Policy H2 'Distribution of New Homes'

Policy H3 – Uses on Allocated Housing Sites

Policy H6 'Housing Mix and Efficient Use of Land'

Policy H7 'Affordable Housing'

Policy HS17 'Land to the West of Wakefield Road'

Policy T1 'Accessibility Priorities'

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy HE2 'Heritage Statements and General Application Procedures'

Policy HE3 'Developments Affecting Historic Buildings'

Policy HE6 'Archaeology'

Policy GS1 'Green Space'

Policy GS2 'Green Ways and Public Rights of Way'

Policy BIO1 'Biodiversity and Geodiversity'

Policy GI1 'Green Infrastructure'

Policy CC1 'Climate Change'

Policy CC2 'Sustainable Design and Construction'

Policy CC4 'Sustainable Urban Drainage'

Policy CL1 'Contaminated and Unstable Land'

Policy Poll1 'Pollution Control and Protection'

Policy UT2 'Utilities Safeguarding'

Policy PI1 'Infrastructure and Planning Obligations'

SPD's

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework 2021 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. Where proposals are in accordance with the development plan, permission should be granted without delay.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 60 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 66 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership.

Paras 75-78 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 136 - Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 139 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Consultations

Biodiversity – Initially requested additional information which has now been received and accepted, as such, no objections subject to conditions

Coal Authority – Initial objections but following the receipt of additional information the objection has been withdrawn.

Conservation – No objection, mitigation secured through the outline S106.

Drainage – No objections subject to conditions

Education – no objection subject to £672,000 Primary contribution & £480,000 Secondary contribution (£1,152,000 total).

Estates – provided comments regarding the tunnel under the railway line

Historic England – No objections

Housing – Provided comments on the housing mix in relation to SHMA.

PROW – provided comments on the linkage to the footpath network outside the site and raised no objections subject to a condition.

Regulatory Services – No objections subject to conditions

SYAS – No objections

SYMAS – Initial objections but following the receipt of additional information the objection has been withdrawn.

SYP – provided advice on Secured By Design

SYMCA – delegated the business case and design to BMBC Highways

Tree Officer – Outline permission already granted, no objections to the proposal subject to conditions (condition 8 of the outline)

Yorkshire Water – objected initially due to a lack of information regarding stand-off distances. The applicant has now amended the design inline with the requirements.

Representations

The application was initially advertised by neighbour notification letters (85 letters in total), site notice and press notice. 2no. objection letters have been received. The main points of concern are:-

- Discrepancies on the plans/plans difficult to follow
- Potential loss of outlook/light
- Affordable housing should be distributed throughout the site
- Wheelie bins should be in discreet locations/bin stores
- Potential disruptions during the build and beyond

Assessment

Principle of development

The site is allocated for Housing in the Local Plan (site HS17) and has the benefit of an outline planning permission, including access, for up to 232 dwellings which was approved under planning application 2017/1451. As such, the principle of residential development on the site is already established. This particular application is therefore only about establishing the acceptability of the appearance, landscaping, layout and scale details relating to the future development with means of access approved at the outline stage also.

Furthermore, the development as proposed aligns with the parameters as shown on the illustrative masterplan submitted with application 2017/1451, in accordance with condition 3 of the outline permission.

Scale and mix of housing

The application is for 221 dwellings which falls short of the recommended 40 dwellings per hectare as set out in Local Plan Policy H6 'Housing Mix and Efficient Use of Land' which is expected in Urban Barnsley and Principal towns. It is also acknowledged that it falls short of the 250 indicative number set out in the site specific policy and below the 'up to' 232 dwellings approved at outline stage. However, as the scheme is at detailed design stage, the existing site constraints, the required bus corridor, the buffers required under the site specific policy, the density of the existing neighbouring housing stock and the required separation distances set out in SPD 'Design of Housing Development' have dictated the housing numbers. If

a higher density was pursued it could have a negative impact on design and visual amenity and conflict with local and national policies on design and layout. Furthermore, the scheme submitted originally was for 202 dwellings and this has been increased through the application process to get it as near as possible to the outline approval.

Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The development is for 221 dwellings with a mix of 2 bed (47no units (21%)), 3 bed (124no. units (56%)) and 4 bed (50no. units (23%)) properties and has been informed by the Strategic Housing Market Assessment (SHMA). It is noted that the number of 3 bedroom units are above the SHMA recommendation of 41% but this has been reduced from 67% when the application was first submitted and the percentage of 2 beds has been increased by 9% and 4 beds increased by 3%.

The development also includes a total of 14 different house types across the 2, 3 and 4 bedroom units. As such, the scheme is considered to provide a broad mix of house size, type and tenure, in line with policy H6.

Design/appearance/layout

In line with the outline application, the site is accessed from Wakefield Road via a main spine estate road through the site. Off the main estate road are shared surfaces and private drives, which accommodate up to and including 5no. dwellings. The vast majority of the proposed dwellings have a street frontage. This reflects the 'Design of Housing Development' SPD which states 'all new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create and active frontage'.

The SPD goes onto state that blank side elevations facing onto streets should be avoided. There are a few instances, especially on corner plots, where there would be gables fronting highways, however, the applicants have predominantly addressed these instances through fenestration or separating the plots from the street with areas of soft landscaping. As such, the side elevations of the properties would not be overly prominent or detrimental to the visual amenity of the streetscene.

Only a small section of the site fronts onto an existing highway. Several plots to the North East share a boundary with Wakefield Road. All of those properties have their front elevations facing the Highway to create an active frontage and integrate the site within the wider area. Although those properties front the highway they are set back with private drives, landscaping and footpaths between the front elevation and the road. As such the proposed development is not overly prominent or dominant within the existing streetscene with the landscaping softening the development.

Those properties are also different house types with a mix of parking solutions. This aids to create a varied and interesting streetscene, particularly in such a prominent location. Those dwellings fronting Wakefield Road would also sit comfortably within their surroundings as there is currently a varied streetscene with a mix of residential and commercial buildings, as such, there is not a strict architectural language to adhere to.

Once in the site and away from the existing highway vantage points the dwellings are constructed around a hierarchy of roads. The majority of the dwellings front onto the main estate roads which lead through the site but there are shared surface and private drive 'off-shoots' from the estate road. Again there is a mix of property types

and parking solutions which aid in creating a varied and interesting streetscene. The majority of the properties have front or 'buffer' gardens to soften the front elevations and provide a green streetscene. Although not technically street trees, as they are incorporated within property curtilages, there are a number of trees proposed along the main highway routes through the site. There are also a number of trees proposed within the POS's which adjoin the highway.

In terms of Public Open Space there is a central area which also includes a LEAP. This area then connects to a larger space to the South West of the site which incorporates an attenuation Basin and retains an existing pond. These areas provide visual breaks from the build development and aid to soften the scheme as a whole.

There are public vantage points towards the development from the Green Space/Green Belt land outside the site via public footpaths/bridleways etc. However, the development has its highest densities towards the centre of the site and also the South Eastern corner adjacent to the existing commercial areas. The Northern boundary is adjacent to a woodland buffer outside of the site and a tree belt is proposed within the site along that entire boundary. The Western part of the site again is adjacent to a woodland buffer outside the site and within the site planting strips/buffers are proposed, plus that is where a large section of the POS is located. As such, the development softens when adjacent to the Green Space/Green Belt boundaries and, as such, views from public vantage points would not be overly dominant or overbearing.

The proposals include 14 house types comprising a mix of detached, semi detached and townhouses with accommodation set over 2 storeys. This aids to create a varied and interesting streetscene, as demonstrated on the submitted streetscene drawing. The house types are also of an acceptable design and would sit comfortably within their surroundings. As outlined above, there are a mix of parking solutions proposed including front of dwelling parking and side parking, with some plots having garages. The majority of the front parking is limited to a run of 4no. cars at most which avoids car dominated frontages and streetscenes. Each plot also has pedestrian access to their rear gardens which allows bins and recycling containers to be stored to the rear of the properties and away from public vantage points.

Given the comments above, the proposed development would maintain the visual amenity of the existing area and also create a policy compliant layout in its own right, in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF.

Residential Amenity

Given the site abuts Green Space/Green Belt to the North West, West and South West there are limited residential properties immediately adjacent to the site. Furthermore, to the South East corner are a car garage, public house and bus depot. There is also a further commercial use directly to the North. As such, the only residential properties adjoining the site are to the North East at Hill top and East Gawber Farm.

Given the irregular shape of the application site, these properties sit within a 'V' between two sections of the development. However, there is a landscaping strip proposed to the rear of plots 10-25 and the access to those dwellings separates them from the application site. The rear gardens of those plots exceed the required 10m and plots 17 and 18 are split with parking between to avoid being directly faced by

the neighbouring dwelling. There would also be a solid boundary treatment in that location limiting views.

Plots 217-221 would also back on to the neighbouring dwellings but there is a separation distance in excess of 40m between the properties. In addition, there are also existing dwellings opposite those plots fronting Wakefield Road, however, again, separation distances would meet or exceed those required in SPD 'Design of Housing Development', as such, residential amenity would be maintained.

A number of the proposed dwellings to the North and South East of the site would adjoin existing noise generating commercial premises. A Noise Assessment has been provided alongside the application which concludes that inline with the NPPF and Local Plan Policy Poll1 the proposed development is not expected to have an 'adverse impact' on health or quality of life subject to mitigation measures. These measures include mechanical ventilation, specific glazing and acoustic fencing in the properties closest to the noise sources. These measures will be conditioned.

In terms of the amenity for the future residents of the site as a whole, the internal layout of the development meets or exceeds the separation distances set out in the SPD. The proposed house types also meet or exceed the required internal spacing as set out in the South Yorkshire Residential Design Guide. The external garden areas also generally meet or exceed the 50m² requirement for a 2 bedroom property and the 60m² requirement for 3 bed plus properties.

The residents also have access to on site public open space and there are also footpath and cycle connections from within the site to the neighbouring green spaces and public rights of way.

As a result of the comments above, the proposed development would provide acceptable levels of residential amenity for the existing residents surrounding the site and the future residents of the site, in accordance with Local Plan Policies GD1 and Poll1.

Highways/active travel considerations

Highways Development Control have confirmed that the impacts of the development on the highway network were assessed through the provision of a Transport Assessment at the outline stage. In addition, the proposed means of access into the site remains the same as what was approved at the outline stage.

Outside of the site the applicants have included a 4m 'safeguarded' strip along the Wakefield Road frontage of the site for future third party provision of a bus corridor. There are also 2no. right turn ghost islands into the 2no. access points, one onto the main estate road serving the site and one into the private drive serving plots 217-221. Pedestrian crossing points over Wakefield Road have also been included.

Within the site there are a hierarchy of roads with the main estate road, shared surfaces and private drives. Highways DM have been working with the applicants throughout the course of the application to achieve an internal road layout which is acceptable from in terms of highway and pedestrian safety.

Each property has the required number of parking spaces inline with SPD 'Parking' with a mix of parking solutions throughout the site. The vast number of spaces are within the curtilage of the properties but there are a small number of rear parking spaces and parking courts. Dedicated 'layby' style visitor spaces have also been

included throughout the site, although some visitor parking spaces indicated on the plan are merely on street bays and have not been counted.

Bin collection for the majority of the properties would be from the adopted highway immediately adjacent to their curtilage, however, bin lorries will not enter private drives, as such, there are bin collection points located at the entrance of each private drive so the bins can be emptied from the adopted highway.

It should also be noted that 3m wide footpath/cycle links have been provided through the site linking Wakefield Road with the network of footpaths/bridleways beyond the site boundaries (subject to third party agreement).

As a result of the above, the proposed plans meets the relevant technical design standards and is considered acceptable in highways terms in accordance with Local Plan Policies T1, T3 and T4. Highways have raised no objections to the proposal subject to conditions.

Biodiversity

Condition 13 of the outline permission required a detailed scheme of ecological mitigation and enhancement and maintenance to be submitted with the reserved matters application. The applicants have submitted detailed landscaping plans and a Landscaping Ecology Management Plan (LEMP). These documents, and associated mitigation measures, have been updated through the course of the application based on the advice of the Councils Biodiversity Officer.

Some of the ecological features and measures across the site include the buffer zones to a number of the boundaries, the large swathe of public open space in the centre and to the South of the site, wildflower grassland, the retention of the existing pond, hedgehog corridors and bat and bird boxes/bricks on the dwellings. It is noted that latest Biodiversity and Geodiversity SPD requires one bat box and one bird box per dwelling, however, as the outline was submitted prior to the adoption of the SPD the Biodiversity has allowed some flexibility in this case and 50% of the dwellings has been agreed.

As a result of the above, the development accords with Local Plan policy BIO1 and SPD 'Biodiversity and Geodiversity'.

Archaeology and Heritage

This is reserved matters of 2017/1451 where a S106 was signed to satisfy the site specific policy on HS17 that stated development of the site should:

Be accompanied by plans for the improvement, protection and maintenance of the adjacent Scheduled Ancient Monument known as East Gawber Hall Colliery Fanhouse and its setting.

The S106 was signed by Harworth Estates on 24th June 2019 which included a heritage contribution for the SAM to the tune of £109,200. Planning conditions will be used to ensure that details for the improvement, protection and maintenance of the adjacent monument and its setting have been submitted to and approved by the Council before development commences;

As stated at outline stage, the Conservation Officer has stated that there will be a minor impact on the setting of the monument but this is likely to be low to moderate.

The Fanhouse was part of the wider colliery site and in developing that part of site the historic layout is lost. This then reduces the appreciation and understanding of the site as a whole which in turn reduces the relevance of the Fanhouse and its significance. However, the physically elevated rail line does mean intervisibility between the SAM and the housing site is limited. In a direct visibility sense the impact will be relatively low.

In summary, the mitigation secured by the S106 seems proportionate and this should involve securing the fabric of the monument and its setting using the developer contribution.

In terms of archaeology, the outline permission was subject to a condition (condition 24) stating;

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted as part of the reserved matters application. The scheme shall then be implemented in accordance with the approved details.

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Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and in accordance with CSP 30.

Following the approval of the outline a discharge of condition application relating to condition 24 (Ref: 2021/0718) was subsequently submitted and approved. As a result, SYAS have raised no objections to the reserved matters application.

Public Open Space

Around 17% of the site is proposed to be public open space, which complies with Local Plan policy GS1 and SPD 'Open Space Provision on New Housing Developments'. This open space includes a central area containing a LEAP and informal recreation space and wraps around the South Western boundary of the site to the existing pond and a further area containing an attenuation basin, additional informal recreation space and a footpath/cycle link to the land outside the site to the West. In addition there are planted buffers around the boundary of the site, particularly to the Northern Boundary, and smaller areas of open space to the North East to retain views of East Gawber Hall from the Rotherham Road/Wakefield Road junction.

The S106 agreement signed as part of the outline application requires off site formal contributions and sets out the contributions per dwelling depending on bedroom numbers, those payments are also index linked.

Drainage/Flood Risk

The site is not in an area considered to be at risk of flooding. However surface water management systems will be in place to prevent flooding off the site.

The water main serving Gawber Farm and the adjacent properties runs through the site. A provision has been made for the private access to remain through the site and therefore, the main can remain in the private driveway.

Yorkshire Water have stated they have no objection in principle to the sewer diversion proposals on the submitted drawings, the diversion proposals will be controlled in strict accordance with Yorkshire Water's procedure (under the provisions of Section 185, Water Industry Act 1991).

Yorkshire Water did initially object to the scheme on the grounds of unspecified stand-off distances to the public combined and surface water sewers crossing the site, as such, they requested the stand-off distances to be incorporated on the drawings which has now been addressed. Condition 10 of the outline permission also requests these stand-off distances to be adhered to.

As such, the development complies with policies CC1, CC3, CC4 and UT2.

Forestry

The forestry officer is content with Arboricultural Method Statement and Tree Protective fencing details submitted with the application.

Condition 8 of the outline permission further addresses tree protection on the site. A full landscaping plan has also been submitted alongside this application detailing the retained trees and hedgerows as well as the proposed landscaping throughout the site.

The submitted details are considered satisfactory and secure the future of existing habitats and valuable landscaping features on-site in accordance with LP Policies D1 High Quality Design and Placemaking as well as LP Policy BIO1 Biodiversity and Geodiversity.

Mining Legacy

The outline application was accompanied by a coal mining risk assessment as the site lies within a high risk coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. Intrusive borehole site investigations were required to evaluate mining legacy risks. Condition 12 of the outline permission is relevant;

The site is located in a coal mining referral area due to the presence of shallow coal, recorded and possibly unrecorded shallow coal mine workings and mine entries. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration.

The site is located in a coal mining referral area due to the presence of shallow coal, recorded and possibly unrecorded shallow coal mine workings and mine entries. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. The coal mining risk assessment undertaken by Rogers Leask Environmental ref 17176-RLE-17-00-RP-O-0003 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate shallow coal seams and associated ground conditions and the position and condition of mine entries and associated mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32

"Construction over abandoned mine workings" where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"

Following the approval of the outline application, application 2021/0654 was submitted and approved for '*Remediation works including drilling and grouting of former mine entries, the removing of contaminated soils and associated earthworks*'. This was also followed by application 2021/0718 which discharged condition 12 of the outline permission relating to the intrusive works, as outlined above. The current layout was then based on the information gathered from the outline permission and applications 2021/0654 and 2021/0718.

SYMAS and The Coal Authority initially raised concerns when the reserved matters application was initially submitted in 2022, however, since then the 2no. associated applications have been submitted and approved and additional information has been provided by the applicant. As a result, those objections have been withdrawn.

Planning obligation and infrastructure requirements

As outlined above, the outline planning permission was subject to a S106 Agreement to secure 10% Affordable Housing, an education contribution equivalent to £4,985.47 per dwelling (index linked), a heritage contribution of £109,200 (index linked), and an offsite formal recreation contribution (at different rates between £528.06 and £1,088.70 per dwelling dependant on the number of bedrooms (index linked)).

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 10% affordable housing provision expected in this area. On this site that equates to 22no. units and would be secured through the outline S106.

Education – The S106 agreement for the outline application sets out the requirements for contributions for both primary and secondary school contributions and is equivalent to £4,985.47 per dwelling (index linked). Based on 221 dwellings that equates to £1,101,788.87.

Greenspace – As outlined in the public open space section above, the S106 agreement signed as part of the outline application requires off site formal contributions and sets out the contributions per dwelling depending on bedroom numbers (£777.09 per 2 bedroom dwelling, £932.24 per 3 bedroom dwelling & £1,088.70 per 4 bedroom+ dwelling). Based on 221 dwellings including 47 2 beds, 124 3 beds and 50 4 beds the total would be £206,555.99.

Heritage Contribution – As set out in the Archaeology and Heritage section above, the outline S106 includes a heritage contribution for the SAM of £109,200.

Sustainable Travel – The outline application and associated S106 pre-dates the Sustainable Travel SPD and contribution requirements, as such, is not included.

Given the applicant signed a legal agreement at outline stage, and in accordance with the details set out above, the proposal is considered to be 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.

Viability

As part of the planning application process, the following viability testing has previously been undertaken:

- Apr 2022: JLL (acting for the applicant) submitted a viability report based on 202 units. This concluded that "...the scheme is unable to deliver 10% affordable housing, and all planning gain whilst meeting the BLV threshold".

- Aug 2022: CPV (acting as an independent advisor on the instruction of the Council) reviewed JLL's findings. They agreed that the full planning policies could not be viably provided. However, found that either (i) 10% onsite affordable housing plus S106 contributions totalling £1,007,900 or (ii) 5.45% onsite affordable housing plus S106 contributions totalling £1,307,900 could be viably provided. Key differences related to assumptions for contingency, Part L Building Regulations changes and finance.

- Feb 2023: JLL (acting for the applicant) submitted a viability report based on 225 units. JLL again concluded that the full planning policies could not be delivered.

- Mar 2023: CPV (acting as an independent advisor on the instruction of the Council) reviewed JLL's findings. They tested 225 units and also 232 units on the request of the Council. They agreed that the full planning policies could not be viably provided. However, They concluded that the 225 unit scheme could provide 10% on site affordable housing and S106 contributions of £717,000. The 232 dwelling mix was able to provide 10% on site affordable housing and S106 contributions of £1.07m. Key differences related to Building Regulations uplift costs, contingency and Benchmark Land Value.

Following on from the above the applicants submitted a further Viability Assessment in April 2024, based on this current scheme, which concluded that the scheme cannot accommodate 10% affordable housing or any planning contributions whilst meeting the Benchmark Land Value (BLV). Their basis for this was large abnormal cost on the site which were not known at outline stage.

The Council again instructed CPV to advise on the appropriate level of planning policy contributions that the scheme can viably deliver. They concurred that the full planning contributions inline with policies and guidelines (and the outline S106 agreement) are not viable on the 221 dwelling scheme, however, contrary to the findings of the applicants report they concluded that the scheme can support full financial contributions but with reduced onsite affordable housing of below 5%.

Following that CPV review the applicants submitted a rebuttal providing further information on the abnormal costs. CPV and their associated cost consultants again reviewed the information and concluded the site could still accommodate the full financial contributions of **£1,740,202** but the affordable housing provision would have to be reduced to 6no. units to remain viable which equates to **2.71%** of the houses on the development.

It is disappointing that the full affordable housing provision of 10% cannot be provided, however, Local Plan Policy H7 does state that full affordable housing provisions will be sought unless it can be demonstrated through a viability

assessment that the required figure would render the scheme unviable. It is encouraging though, that the scheme can still provide full financial provisions for off-site formal recreation, education and heritage. As outlined above, the applicants viability assessment has been thoroughly tested via an independent consultant and their associated quantity surveyor and the reduction has not been accepted lightly. The change in the Affordable Housing provision compared with the outline S106 agreement would not require a deed of variation as there is a clause which states that 10% is required 'unless a viability re-appraisal submitted with a reserved matters application and approved in writing by the council concludes that the development is only viable with a lesser or no amount of Affordable Housing'.

Conclusion

Outline planning permission, including means of access, has already been granted and so the reserved matters under consideration as part of this proposal are layout, design, scale and landscaping. The details submitted have been amended following officer and consultee concerns regarding the original plans. Following these amendments, the layout, design, scale and landscaping are considered acceptable subject to the conditions proposed. Contributions of £1,740,202 would also be secured, inline with the outline section 106 agreement, albeit with a lower affordable housing provision of 2.71%. However, that reduced affordable housing figure has been demonstrated through a robust Viability Assessment which has been thoroughly tested by an independent consultant and their associated quantity surveyors. It also aligns with Local Plan policy H7 and the affordable housing clause in the outline S106 agreement.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies H6, H7, GD1, D1, GS1, I1, BIO1 & T4) and the relevant SPD's including Designing New Housing Development and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including design/appearance/layout, residential amenity, highways matters, biodiversity, drainage and archaeology and heritage subject to appropriately worded conditions.

Based upon the above the proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay.

The recommendation is therefore to approve the reserved matters subject to the conditions listed below.

Recommendation Grant planning permission subject to conditions.