
2024/0275

Applicant: Mr Zul Akram

Description: Outline application with all matters reserved for residential development of site following demolition of existing building

Wembley Works, Hemingfield Road, Hemingfield, Wombwell, S73 0LY

Site Description

The development site is an employment site located off Hemingfield Road, to the northwest of Hemingfield Roundabout. The site totals 0.48ha in area. There is a large brick-built factory on the site with associated accesses and car parking. There are signs indicating that the premises was most recently subdivided and used by a number of tenants but the premises now appear to be vacant. There are 4 access points to the site with car parking to the front and a yard to the rear.

The site slopes away from the highway to the East, down to the rear boundary, towards the existing railway line. Opposite the site are residential dwellings and there is another commercial / industrial unit to the north.

Site History

2020/0438 – planning permission refused for outline permission for residential development of site (reasons related to loss of existing employment site and conflict with local plan policy E4 and lack of information regarding contamination contrary to local plan policy CL1)

Proposed Development

The planning application is in outline with all matters reserved, therefore the principle of the demolition of an existing factory and the redevelopment of an employment site for residential is to be considered with detailed matters reserved. Nevertheless, an indicative layout plan has been provided showing 17 houses, laid out in a linear formation with 3 pairs of semis directly accessed from Hemingfield Road and a further 11 houses (a mixture of terraced and semis) sharing an adopted access which would form a cul-de-sac.

Site location plan



Illustrative layout plan



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.

Local Plan

The Local Plan was adopted by the Council in January 2019. The Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan Review was approved at the full Council meeting held on 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.

The site is allocated as Urban Fabric within Wombwell which is identified as a Principal Town in the settlement hierarchy. The Local Plan states that after Urban Barnsley, the Principal Towns will be expected to accommodate significantly more growth than the villages. The following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy LG2 The Location of Growth – establishes that priority will be given to development in Urban Barnsley, the Principal Towns (including Wombwell) and the villages

Policy E3 Uses on employment land – indicates we will allow research and development, light and general industry and storage or distribution on allocated Employment Sites or land currently/last used for employment uses; also appropriate scale ancillary uses and other employment generating uses will be considered on their merits.

Policy E4 Protecting Existing Employment Land – land or premises currently or last used for employment purposes will be retained. Non-employment uses will only take place if they would not result in significant loss of existing jobs or employment potential; there will still be an adequate supply of employment land/premises in the locality; and the land or premises can't support continue employment use.

H1 The Number of New Homes to be Built – we will seek to complete at least 21,546 homes during the period 2014-33 and maintain a minimum five year supply of deliverable sites.

H2 – The Distribution of New Homes – Indicates the approximate distribution of new homes over the plan period across the settlements of the borough and states 10% of new homes to be built in Wombwell.

Policy H5 – Residential Development on Large Non-allocated Sites – proposals for residential development on non-allocated sites above 0.4ha will be supported where they meet a list of sustainability criteria.

Policy H6 – Housing Mix and Efficient Use of Land – Sets a range of criteria relating to housing mix and density that will be applied to housing proposals.

H7 - Affordable Housing - seeks 10% affordable housing in this area on sites over 15 units.

Policy T3 New development and Sustainable Travel – 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 cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

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

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

Policy BIO1 - Biodiversity and Geodiversity - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Policy CC1 – Climate Change – indicates that we will seek to reduce the causes of and adapt to the future impacts of climate change by a range of measures (including promoting and supporting the delivery of renewable and low carbon energy).

Policy CC2 – Sustainable Design and Construction – development will be expected to minimise resource and energy construction through the inclusion of sustainable design and construction features where this feasible and viable. Also sets the requirement that all non-

residential development will be expected to achieve a minimum standard to BREEAM 'Very Good' and supported by a preliminary assessment at planning application stage.

Policy CC3 – Flood Risk – the extent and impact of flooding will be reduced by not permitting new development where it would be at unacceptable risk of flooding or would give rise to flooding elsewhere; ensure that only water compatible or essential infrastructure is allowed in functional floodplain (subject to the flood risk exception test) and provided that there is no harmful effect on the ability of the land to store floodwater; (etc etc) -sets a range of criteria in relation to development and flood risk, including expecting all development proposals on brownfield sites to reduce surface water run off by at least 30%; development on greenfield sites to maintain or reduce existing run off rates; and development proposals to use SuDS in accordance with policy CC4.

Policy CC4 – Sustainable Urban Drainage Systems – all major development will be expected to use SuDS to manage surface water drainage unless it can be demonstrated that all types of SuDS are inappropriate. The council will also promote the use of SuDS on minor development. Planning applications must be supported by an appropriate drainage plan and SuDS design statement.

Policy CL1 Contaminated and Unstable Land – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Policy I1 - 'Infrastructure and Planning Obligations – establishes that development must be supported by appropriate infrastructure and must contribute as necessary to on and off site infrastructure.

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- 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. Relevant policies include:

Para 85 – Planning decision should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Para 124 – Planning decisions should promote the effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land (except where this would conflict with other policies in this Framework)

Consultations

Highways – don't object to the principle of development but the illustrative layout would not be acceptable.

Biodiversity – requested copies of the Biodiversity Metric and the conditions assessment but these have not been forthcoming.

Contaminated land officer – no objection subject to condition

Drainage – No objection subject to condition

Enterprising Barnsley – Object to the loss of employment space since the borough is still suffering from an inadequate range and quality types to accommodate expansions and inward investors and also to the inadequate quality of the marketing

Sustainability – don't support the application in its current form as it lacks detail to demonstrate that economic, social and environmental opportunities are going to be maximised

Pollution control – no objection subject to conditions

Network Rail – no objections in principle to the development.

Yorkshire Water – no objections subject to conditions

Education Services – establish that S106 contributions would be required in line with the Financial Contributions to Schools SPD.

Councillor Eastwood – I totally agree for family homes, and the location is ideal for access to the m1

Councillor Frost – I totally agree with Cllr Higginbottom. The last time this area was considered for redevelopment we asked that it was marketed for continued business use but there have been no takers, so family homes is the best use

Councillor Higginbottom – I fully support the principle of developing this site for housing, it's ideally situated in terms of road access to the Dearne Valley Parkway and the M1 and would represent a positive development of a derelict brownfield site into family homes

South Yorkshire Police – requests that the developers attention is drawn to the latest Secured by Design publication which offers advice during the construction phase and recommends a secured by design condition

Affordable Housing: no comments received

Representations

The application was advertised by a site notice and neighbour letters. Six letters have been received from three people.

One letter of support has been received from a local resident commenting that the proposal would bring a derelict site back into positive use, improve visual amenity and reduce anti-social behaviour associated with the premises

One letter of objection has been received from a local resident expressing strong opposition on grounds of extra traffic and safety concerns in a location where on street parking is already at premium; and regarding disruption during construction, health and safety, given that the building has an asbestos roof.

Four letters of objection have been received from a potential purchaser of the site relating to unsuccessful attempts to purchase the property for use as an industrial building.

Assessment

The main issues for consideration are

- The principle of development
- Residential amenity
- Design
- Highway safety
- Biodiversity
- Other

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site is an existing employment site, located within the Principal Town of Wombwell. Local Plan Policy E4 protects land or premises currently or last used for employment purposes in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if:

- Development would not result in a significant loss of existing jobs or employment potential;
- There will still be an adequate supply of employment land or premises in the locality; and
- The land or premises cannot satisfactorily support continued employment use.

Only if the above criteria can be satisfied will redevelopment be allowed.

The applicant has provided marketing information which indicates that the property has been marketed on-line with Hunters estate agents since December 2020; that it is posted under land for sale and land for rent; and that since Feb 2024 there have been 8 viewings. A link has been provided to Rightmove where it appears that the property is listed under the search terms of a detached property with 10 bedrooms. This means that anyone searching Rightmove for a commercial property at Hemingfield would not be made aware that this property was available to buy or rent.

The submission includes a Design and Access Statement which refers to the building as being vacant and beyond economic repair but provides no further detail or structural evidence to support this claim. The application is supported by a Planning Policy Statement and an Employment Statement. These note that the site has been subject to a number of marketing exercises (one still ongoing) and state that there has been no reasonable offer for the ongoing use of the site for employment/industrial uses (one offer was received in 2022 well below the asking price) and this demonstrates a lack of interest in the land or buildings for employment use. It is stated that the buildings are dated, in a poor state of repair and not economically attractive for employment use, requiring investment in the fabric to improve appearance and energy efficiency; a review of available commercial land and buildings demonstrates that there is adequate employment land available for sale and rent in Wombwell including units at Everill Gate Lane, at the former Safestyle UK premises north of the B6096 and at Mitchells Enterprise Centre. It is also noted that the Jan 2022 Annual Monitoring Report states that in the monitoring period 2022/21 only 295sqm of employment floorspace was lost to other uses and there is therefore no evidence that loss of employment land is harming the Council's ability to deliver adequate employment land. The is asserted that the loss of this site will not result in a significant loss of jobs or employment potential.

Enterprising Barnsley (EB) have confirmed that the property was historically marketed by Eddisons and listed on key (commercial) property search databases but has not been advertised this way for a number of years. In addition to the absence of appropriate marketing, EB have expressed concerns that the borough is still suffering from an inadequate range and quality types to accommodate indigenous company expansions and inward investors and have also pointed to their records that 40% of all property enquiries received by the team have to be closed because there is not the suitable sites and properties to meet demand. The text associated with Local Plan policy E4 states that 'We will seek to stop further losses of employment land to housing unless credible supporting evidence is provided to demonstrate that a proposal conforms with the above policy.

A potential purchaser of the premises, intending to make them available for rent, and including details of other similar premises they operate in the region, has indicated that they have attempted to buy the property for use as an industrial building a few times over the past couple of years. They have submitted details of an offer they made to buy the premises in 2022 at the then asking price but indicating that the vendor raised the asking price and that further attempts to contact the estate agent have not been engaged with.

The applicant has been made aware that there is an investor who remains interested in buying the premises, has been invited to withdraw the application, undertake a proper marketing exercise of the premises and re-apply if that marketing is unsuccessful. They have requested that the application is determined on the basis of the information already submitted.

The submitted information does not demonstrate that the premises cannot satisfactorily support continued employment use as there is an investor who has made an offer to buy the premises at the then asking price in 2022 but ultimately was not engaged with and remains interested in buying the premises. Even if this potential investor had not come forward, the marketing of the property has not been adequate to demonstrate that there is no demand for its sale or rent as commercial premises, given that the marketing was unknown to Enterprising Barnsley and cannot be located if a commercial property search is undertaken.

On the basis of the available information, the proposal does not comply with Local Plan Policy E4.

It is accepted that the proposed redevelopment for residential would provide housing in a broadly sustainable location. The Council cannot currently demonstrate a five year housing land supply and NPPF para 11 indicates that in these circumstances a presumption in favour of development should be applied to development proposals 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

It is concluded that the adverse impacts of approving this development relating to the loss of an employment site and the failure of the proposal to support economic growth outweigh the potential benefits of the proposal.

Biodiversity

The Council's Ecologist has confirmed that she is content with the findings of the submitted Bat Survey Report that there are no bats found to emerge from the building during survey. A suitably worded condition would be required to ensure that development would be completed in line with the recommendations in the Bat Survey Report. The Council's Ecologist has also requested copies of the Biodiversity Metric and conditions assessment to enable a proper assessment to be made alongside the submitted Biodiversity Net Gain Report. This information has not been forthcoming from the applicant and in the absence of this information it is not possible to conclude whether the proposal would address on-site Biodiversity characteristics and achieve appropriate Biodiversity conditions.

Residential Amenity

It is difficult to judge the full impact on residential amenity given the proposed layout is indicative and the application is in outline. The layout is cramped in places, with small gardens, however this would be subject to further assessment at reserved matters stage.

A Noise Survey has been provided in support of the application, identifying the rail line to the rear as the main source of noise disturbance to future residents. Mitigation measures include sound insulating glazing, ventilation and a 2.5m acoustic fence. These measures can be secured through condition. In addition, a condition restricting hours of construction would minimise the impact of development on local residents.

Taking account of the above, at this stage, the impact on residential amenity is accepted to comply with Local Plan Policies D1 and Poll1 and this weighs to a modest degree in favour of the proposal.

Visual Amenity

It is accepted that the site is a brownfield site and that the factory appears to be currently empty with some parts of the site overgrown or unmaintained. It is unclear, however, when or why the factory building became empty and no evidence has been provided to support that it is unviable to repair and inadequate evidence that there is no demand for it as an employment space. Therefore, whilst it is accepted that the redevelopment of the site would bring some visual amenity benefits, this is not weighed in favour of the proposal as reuse of the site for employment would bring similar benefits.

Therefore, the proposed is neutral in terms of visual amenity as assessed in accordance with Local Plan Policy D1 and the accompanying SPD Guidance and attracts little weight in support of the proposal.

Highways

It is noted that the applicant is seeking outline permission with all matters reserved and whilst there is no objection to the principle of residential development on this site in highway safety terms, the layout provided does give cause for concern.

Hemmingfield Road is classified and as such, all units with direct access will need sufficient room within the site curtilage to enable cars to turn and exit in a forward traveling direction. The turning areas indicated on the plan do not provide sufficient space to manoeuvre within the curtilage. There is sheltered parking provision along the site frontage which will be impacted upon, resulting in the loss of a number of spaces due to the introduction of individual access points. It is also noted that there is a bus stop that has not been indicated on the site plan that will impact access/egress to the site. Plots 7-17 would require an adoptable carriage layout due to the number of units served with refuse collection carried out from within the site however there is clearly insufficient room to enable access for such a large vehicle. The indicative layout appears over intensive and there may need to be a significant reduction in units for residential development to be deemed acceptable on this site.

Therefore, although the layout is indicative at this stage, the number of access points proposed is cause for concern as is the overall number of units and the illustrative layout is not supported in highway safety terms in accordance with Local Plan Policy T4. However as the proposal is wholly in outline and it appears that the site is capable of being adequately accessed and designed to address highway safety issues, this issue weighs moderately in favour of the proposal.

Contaminated Land

The site is an employment site with large factory building, therefore, there is the risk that there will be some contamination on the site which would need to be assessed and remediation measures taken, if required. A desk study outlining the potential contamination risks and recommending further investigations has been provided. Subject to a condition requiring the recommended phase 2 contamination study, the proposal would comply with the requirements Local Plan Policy CL1. Moderate weight in favour of the proposal is given to this issue.

Other matters

Advice from the Council's Drainage Engineer and Yorkshire Water is that drainage matters can be adequately dealt with by the use of suitable conditions.

Financial contribution and other matters – S106

This is an outline application therefore provisions and contributions towards specific infrastructure requirements would need to be based upon the final number of dwellings allowed at the detailed reserved matters stage. A S106 can be written using suitable formulas that are based on the contents of the SPD and would be expected to cover the following topics:-

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 the Wombwell area.

Education – It has been confirmed that contributions would be required for both primary and secondary education

Greenspace – The illustrative masterplan includes no provision for onsite greenspace, however, as the proposed is for less than 20 units it would not trigger a requirement for off site contributions.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. The site is located in the Accessibility Improvement Zone therefore this contribution is required. In addition, cycle storage would need to be conditioned for each dwelling.

Conclusions

The proposed is an existing employment site, located in the principal town of Wombwell. Inadequate evidence has been provided to support the proposal that the loss of this site is acceptable in accordance with Local Plan Policy E4. The adverse impacts of approving this development relating to the loss of an employment site and the failure of the proposal to support economic growth outweigh the potential benefits of the proposal. Therefore, the proposed is unacceptable in principle and refusal is recommended.

Recommendation

Refuse