
2015/0725

Applicant: Gleeson Developments Ltd

Description: Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers.

Site Address: Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Barnsley

241 objections from local residents, the majority of which are part of the Friends of Lowfield Road Action Group.

Site Description

The site is located on the field adjacent to the housing estate under construction by Gleeson Homes at Lowfield Road in Bolton-Upon-Deerne which is now known as Lowfield Park. Here planning permission was initially granted 8th December 2011 for a development of 60 houses (ref 2011/0963) on the former Rafahart factory site. More recently planning permission was granted in May 2015 to extend the estate by an additional 58 houses (ref 2013/0960). The application is therefore effectively for a 3rd phase of the development.

Unlike the previous two applications, the site for the proposed 3rd phase is a greenfield site. This currently comprises an open field which is used for horse grazing purposes and is 2.65ha in size. The development would extend the existing urban settlement to the south east where the site would adjoin further open countryside located to the east and south. To the north and west are located existing houses. The site is separated from the existing Gleeson development by a banking containing vegetation. Houses located on Lowfield Road and Lowfield Grove overlook the site. Located to the south west is Bolton Upon Dearne Waste Water Treatment works.

Councillors may recall that access to the development entrance on Lowfield Road is via a humpback bridge passing over the railway. Both this and concerns about surfacing, visibility and the narrow footpaths have been consistently raised as a concern by the residents group on the occasions when the previous applications have been considered by the Council.

Proposed Development

The application proposes a 3rd phase development of 97 houses. This would increase the size of the estate to 215 houses overall if all of the houses on each of the 3 phases were to be developed.

The houses would be two storeys in height and would be either detached or paired in semis which would be of a similar form and layout to the existing estate. Overall it would consist of 27no two bedroom, 60no three bedroom and 10no four bedroom properties.

Access would be via the roads built to serve phases 1 and 2 (Prior Croft). This road adjoins Lowfield Road in a location to the north west of the site via a 'T' shaped junction. Thereafter road and pedestrian traffic has to cross over the railway using a humpback bridge prior to the site connecting with the main road network via the junction between Lowfield Road and Station Road/Angel Street (the B6098).

History

No previous planning applications have been submitted on the land associated with this application. However the previous planning applications on the adjoining land being developed under phases 1 and 2 are:-

2006/1119 - Erection of 141 dwellings with associated car parking. Decision: Refused planning permission 07/02/2007 for the following reasons which are summarised as follows:-

- The site was not allocated for development in the UDP and that the release of the site would impact on the aims of the South Yorkshire Housing Marker Pathfinder Renewal Area.
- The proposal was contrary to UDP policy H2 in that the proposed development failed to include satisfactory distance to the Waste Water Treatment Works located to the rear of the site.
- The proposal was contrary to UDP Policy ES3 in that there was insufficient capacity at the Waste Water Treatment Works to accommodate the increased flow that the development would generate.
- The internal road layout was considered to be unacceptable design from a highway safety perspective.
- The proposed plans were considered an unacceptable form of design in context.
- The development was considered to represent an isolated finger of development that would project beyond the existing settlement boundary in the context of the boundary with the local countryside located next to the site

2008/1599 - Erection of 50 dwellings, associated car parking and formation of public open spaces including details of access (Outline). Decision: Granted outline planning permission with conditions 12/02/2009.

2011/0963 - Residential development - erection of 60 no dwellinghouses and associated works and infrastructure. Decision: Granted planning permission with conditions subject to the terms of a S106 Agreement 08/12/2011.

2012/1088 - Removal of condition 7 of approved app 2011/0963 relating to the provision of a 2m footway along the frontage of the site. Decision: Granted planning permission with conditions 21/12/2012.

2012/0492 - Removal of condition 11 of application 2011/0963 - (Provision of 1 year Travel Master Passes to the first occupants of each dwelling). Decision: Granted planning permission with conditions 16/07/2012.

2013/0960 - Residential development of 58 dwellings with associated garages/parking spaces, roads and sewers. Granted planning permission with conditions subject to the terms of a S106 Agreement 01/05/2015.

2014/0175 - Application to review/vary the existing S106 on planning permission 2011/0963 (removal of affordable housing element). Decision: Refused permission by the Council but allowed on appeal by the Planning Inspectorate 9th September 2014.

2015/0720 - Variation of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities. Refused by the Council 09/10/2015 for the following reason:-

In the opinion of the Local Planning Authority the deposition of loose gravel on the highway poses a hazard for users of the highway including vehicles, cycles, motor bikes, scooters,

wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Accordingly the proposal is considered to be contrary to Core Strategy Policy CSP 26 and S151 of the Highways Act 1980.

The decision was appealed by the applicant but the appeal withdrawn after the Planning Inspectorate determined that the appeal should be determined via the written representations process rather than following an informal hearing. Subsequent to the appeal being withdrawn the Council applied for a costs award against the applicant and were successful in obtaining a costs award for the majority of the work covered by the appeal. As the development was being built out in breach of the condition the Council served a breach of condition notice on the development. The applicant has now resubmitted a further application which again seeks to vary condition 4 which is underdetermined at the present time (ref 2016/1041).

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17 'Housing Regeneration Areas'
CDP19 'Protecting Existing Employment Land'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded Land

SPD's

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments

Planning Advice Note's

- 30 -Sustainable Location of Housing Sites
- 33- Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (AC26)

Indicative number of dwellings 86.

The development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

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.

Consultations

Affordable Housing Officer – Request that 15% of the overall number of dwellings are provided as affordable housing in accordance with CSP15.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council and Yorkshire Water.

Education – No objections have been raised taking into account forecasts of the demands for places at local primary schools in the area through until the 2018/19 school year.

Highways – Consider that mitigation works would be required to the existing humpback railway bridge crossing the railway on Lowfield Road in the form of traffic signals and associated works, the projected costs of which would be £210,000. Within the development

Highways object to the specification of the proposed private drives and parking areas as the proposed specification is ineffective at preventing loose material from being deposited onto the public highway as evidenced by the applicants existing developments located elsewhere in the Borough which indicate a widespread and consistent problem. Concerns are raised on that basis that the loose stones would pose a safety hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs.

Regulatory Services – Share Yorkshire Water’s concerns in relation to the majority of issues they have raised about the potential for the plots located nearest to the WWTW to be affected by odour nuisance and poor standards of amenity. As such they agree that a more up to date odour survey should have been carried out and with the suggested amendments regarding plot removals and the need for a substantial landscaping buffer.

Tree Officer – Does not object to the plans taking into account the effect of the development on existing trees. However consider that the development should be accompanied by a high quality soft landscaping scheme.

Yorkshire Water – Consider that the development would be in conflict with the National Planning Policy Framework (NPPF) which makes it clear that the planning system should prevent *“new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability”* based upon the following concerns:-

- Proximity of plot numbers 203-210 to the Waste Water Treatment Works
- Proximity to a combined sewer overflow (CSO) located just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses
- Concerns that amenity of plots 202-206 could be affected by a rising main that passes near to the gardens of those plots.
- YW also state that it is their intention to undertake a complete refurbishment of the WWTW and in all likelihood this will involve changing the technology that is used.
- Consequently they consider that a new odour assessment should have been carried out to inform the proposed position of the houses. They are also concerned that the odour assessment submitted with the application was carried out in 2012 and a new survey should have been carried out in any case.
- In the opinion of Yorkshire Water a substantial landscaping buffer located between the houses and the WWTW should form part of the plans.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. 241 objections have been received from local residents, the majority of which have been submitted by residents who are a member of the Friends of Lowfield Road Action Group. In summary the main objections are summarised as follows:-

Numerous concerns are raised about the ability of Lowfield Road to safely accommodate the increase in traffic as a result of the development. Namely these are:-

- The humpback bridge: Its narrow width, poor forward visibility. It is also pointed out that the bridge has been identified to be a public safety risk by Network Rail.
- It is asserted that subsidence has occurred on Lowfield Road as a result of the existing amount of traffic using the road and that this will be made worse by the development.
- Concerns that the narrow width of Lowfield Road is such that drivers exiting the existing Gleeson development are unable to turn left without driving onto the other side of the road into oncoming traffic.

- It is also stated that the kerb to the south of the junction between the new development and Lowfield Road is still unfinished causing a safety concern due to it jutting out into the highway.
- Concerns that Lowfield Meadows, or the access serving Lowfield Lakes fishing lodge may be required to provide additional future accesses to serve the development and that both are unsuitable as they would increase the level of conflicts with cars leaving Lowfield Meadows and Lowfield Farm Close/Woodside View.
- Conflict with on street parking due to Lowfield Road containing a number of terraced houses. In addition it is stated that the number of vehicles parking on street on Lowfield Road has increased since the homes on the applicant's site started to become occupied, including vans. Concerns are also raised regarding conflict with visitor traffic to the nature reserve and recreation land to the east of Lowfield Road which includes many bird watchers and dog walkers.
- Concerns that the development shall lead to additional queuing at the junction between Station Road and Angel Street (B6098) causing a further inconvenience for existing residents.
- Concerns are again raised about the narrow width of footpaths on Lowfield Road and the difficulties for users with wheel and push chairs and that this will become more difficult to use with more people living in the area.

Residential amenity - It is stated that the development would lead to a reduction in the quality of life for existing residents due to loss of light, outlook and enjoyment of gardens.

Safeguarded land - Development of the site would be contrary to the relevant UDP policies which designate the site to be Safeguarded Land. Concerns are raised therefore that the release of the site for housing would be contrary to this designation and that other sites should come forward first.

Urban sprawl: Concerns that the development would result in the loss of countryside. In addition it is stated that the high amount of properties in the area for sale and for let in the area indicate a lack of demand for further housing in the area.

The supporting documents: Concerns that the number of traffic movements recorded in the transport assessment is improbable. Concerns are also raised that the supporting documents cut and paste text from the reports accompanying the previous application which is not relevant to the proposal. An example is that the site is referred to as being brownfield rather than greenfield.

Concerns that the applicant has attempted to scaremonger the local community into supporting the development by suggesting that the train station may be closed unless the development is allowed.

The applicants assertions that the site benefits from good access to public transport is disagreed with based upon the following points:-

- Trains to Leeds and Sheffield are only available on an hourly basis.
- There being no bus service to Doncaster
- There is no public transport service to Manvers
- The frequency of other bus services in the area is only once every half an hour

Flood risk – It is asserted that the site is located in a flood plain and that a number of properties on Lowfield Road have been evacuated in the past in flooding events.

Harm to the Lowfield Lakes fishing business – Concerns are raised that the housing development would spoil the rural setting of the site. In addition concerns are raised that the

living conditions of the residents who live in the dwelling would be harmed as a result of proximity issues. The owners also question whether the development would affect the existing septic tanks and water tanks located in the field leading to pollution control issues.

Concerns about low water pressure/poor electricity supply and sewage disposal facilities due to existing outdated infrastructure not being brought up to date despite all of the development in the area over the last 30 years.

Loss of agricultural land and land used for equestrian purposes.

Harm to the open countryside landscape and views from Adwick on Dearne

Harm to biodiversity – Specific concerns are raised about the proximity of the site to an RSPB nature reserve.

Potential harm to broadband speeds for existing residents.

Proximity to a WW2 archaeology site.

Concerns that the residents of the houses would have a poor standard of amenity due to being affected by odour from the waste water treatment works.

It is stated that there are other sites around the Dearne Valley which would be better suited to accommodate a large housing development.

It is questioned whether the track located on the far eastern edge would be used as an emergency access.

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan.

The National Planning Policy Framework (NPPF) is also a significant material consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

The UDP notation on the land is Safeguarded Land. This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was national planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a slightly misleading term because this designation actually represents "areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed." (PPG2, Annex B, para B2).

The purpose of the Safeguarded Land designation in the UDP was therefore not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may have been required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 and therefore the extent it can be relied upon in terms of current development needs is dated. Indeed the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Accordingly the overriding consideration is the NPPF. As such paragraph 14 of the NPPF would indicate that planning 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

Draft policy H3 of the Local Plan is also relevant. This proposes that the site is allocated for development of approximately 86 houses. Within this policy development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

Given the above it is therefore necessary to assess whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. Officers conclusions in relation to these considerations is set out in the conclusion section of this report.

Design/Visual Amenity

The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for long term development needs. This designation therefore is not visual amenity related. However characteristics of the site are that it is greenfield and is located adjacent to open countryside which is in the Green Belt.

The proposals are to build a development very similar to the two previous phases. However there are some differences:-

- The development would be located in closer proximity to the Yorkshire Water Waste Water Treatment Works (WWTW). In addition the plans do not commit to providing a landscaping buffer to act as a screen between the two sites.
- The plans have been amended during the course of the application being under consideration to propose that all shared and private driveways within the development are built out to the applicants preferred specification. Essentially this comprises the use of crushed gravel set behind a 1.5m tarmac apron.

The first point is considered in more detail in the section of the reports relating to residential amenity considerations. The second point is a matter of a current dispute between Officers and the applicant concerning the visual amenity and highway safety implications of the use of gravel driveways as a result of observations and evidence which has been gained from the applicants initial developments in the Borough. This has introduced problems relating to loose gravel being deposited on the roads and footpaths as a result of normal day to day usage which give the developments as untidy appearance overall. In addition the material lends itself to weeds growing through the surface. In the opinion of Officers this specification detracts from the appearance of the whole development and means that falls short of the minimum baseline standards expected by policy CSP29 and the Designing New Residential Development SPD. Councillors are advised that at the time of the phase 1 development the condition now used by Officers requiring driveways to be constructed in a solid/bound material was not in place. However as a result of the observations and evidence gathered

from the phase 1 development and others undertaken by the applicant in other locations in the Borough this condition was altered resulting in it being imposed on the phase 2 planning permission. Development carried out on phase 2 to date is being carried out at variance to the condition resulting in the Council serving a Breach of Condition Enforcement Notice on the applicants.

Apart from these considerations no other significant visual amenity concerns have been identified. The existing site is largely clear of vegetation. The trees of value identified on the tree survey are located outside of the site and would not be affected. The layout plan has been designed to comply with the space between building standards in the SPD. The house type plans are for the same type of houses as the previous two phases and comprise a modern form of conventional two storey housing which is an acceptable standard of external appearance.

The site is also located near to the deteriorating remains of a World War 2 anti aircraft battery which is a Scheduled Ancient Monument (SAM) located to the field to the east of the site as has been pointed out in the representations. However the access road serving Lowfield Lodge provides a barrier between the housing development and the field where the SAM is located. In addition the proposed houses would be no closer to the SAM than existing housing on Crane Well View. As such it is not considered that the development would have an significantly adverse impact on the setting of the SAM..

Residential Amenity

The main issues with regards to residential amenity considerations are:-

- The waste water treatment works and potential odour issues.
- The effect of the development of the living conditions of existing residents.
- Amenity standards for future residents in relation to the space between building and private rear garden sizes

The waste water treatment works and potential odour issues

An important consideration for the application is the relationship between the development and the Waste Water Treatment Works. This is nothing new as it was a consideration for the previous applications, phase 2 in particular. The application is accompanied by an odour assessment. However this is the same odour assessment that was submitted with the application for the phase 2 development which is of concern to Yorkshire Water given that it was carried out in 2012. Yorkshire Water contend that a more up to date assessment should be provided. They also state that it is their intention to complete refurbishment of the WWTW, in all likelihood altering the technology that is used.

Yorkshire Water's underlying concern is that the development would be located too close to the WWTW and would be affected by odours. In addition they are concerned that the plans do not make any provision for a soft landscaping screening barrier located between the development and the WWTW. Aside from the proximity of the WWTW there is also a combined sewer overflow (CSO) just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses, that could in itself cause a loss of amenity for residents. Also there is a rising main passing in close proximity to the gardens of plots 202-206 which has the potential to lead to further amenity issues.

The approach that was applied to phase 2 was to allow houses to be built which did not encroach beyond a 5 OUE/m³ (European Odour Units) contour line which was marked on the plans for the site and was established by an odour assessment that was carried out over

an extended 12 month period prior to the application being submitted. In addition the dwellings were set back behind the contour line by a further 10m as a protection measure. In addition the plans for phase 1 were approved with a substantial landscaping buffer which would also act to provide screening for the phase 2 development.

The applicant has sought to apply the same principles to the phase 3 plan. However in doing so it means that the nearest plots would be located closer to the WWTW than any of the previous 2 phases. In addition there are the proximity issues to the CSO and the rising main. In addition the plans do not include provision of a landscaping buffer, unlike the plans for 1 and 2.

Officers have sought to be pragmatic by asking the applicant to remove plots 202-208 from the plans to deal with the areas of most acute concern raised by Yorkshire Water. However the applicant does not agree that this change is necessary forcing the Council to make a decision as to whether to support or refuse an application on that basis. In the opinion of Officers and Yorkshire Water the circumstances are materially different to phase 2 in that the houses would be located in closer proximity to the WWTW and because of the rising main. In addition the plans fail to make provision for a substantial landscaping buffer between the houses and the WWTW in contrast to the plans approved under phase 1, which would provide such a landscaping buffer for the first two phases. In addition the position of the houses has been informed by an odour assessment that was undertaken several years ago now back in 2012. It is therefore also felt that the applicant has failed to provide sufficient information to justify some of the houses being located closer to the waste processing facility.

The effect of the development on the living conditions of existing residents

The development would be sensitive from the perspective of removing outlook for the residents of a number of existing dwellings located on Lowfield Grove which overlook the site at present in its open and green form. Loss of view is not a material consideration however and the plans have been designed to achieve the separation distances between new and existing properties required by the SPD. I agree that the relationship between the dwelling positioned on the Lowfield Lodge site and the development would produce a tight relationship due to that dwelling being located very near to the boundary between the two sites. However the potential for overlooking would be reduced if a 1.8m fence was to be erected on that particular boundary as would be expected and could be done using permitted development rights. Also the new houses would be set at an angle to the Lowfield Lodge dwelling and be set more than 10m away from the boundary with the amenity area to the front of the property to comply with the SPD. Plot 188 is an exception in part due to the boundary line altering half way across the width of the garden of the plot. However with the addition of a fence I would not expect overlooking to occur to the rooms to the front of the dwelling due to the tight angle that would exist.

The effect of the development on the living conditions of existing residents

Within the development the separation distances between existing buildings and the private rear garden sizes would meet the standards required by the SPD in the majority of cases. Where this would not be the case on some corner plots the removal of permitted development rights would be appropriate.

Highway Safety

As with the previous applications it is recognised that traffic generation considerations are one of the most contentious parts of the application which is reflected in the majority of objections to the application. Primarily the concerns relate to the existing humpback bridge

over the railway on Lowfield Road which suffers from a lack of forward visibility. In addition residents have raised concerns about the existing difficulties exiting the junction between Station Road and the B6098, Angel Street due to the high volumes of traffic using the road and the vehicle speeds.

The situation is that phase 2 was approved requiring highway works to mitigate the effects of the development. In scenario 'A' the applicant would have paid a commuted sum to the Council of £75,000 towards the costs of traffic signals which were due to be constructed on the bridge by Network Rail. Scenario 'B' was that the following mitigation works judged to be required in the event of non delivery of the traffic signals by Network Rail:-

- Provision of 2 vehicle activated signs
- Any necessary signing/lining
- Measures to control parking and loading
- Provision of high friction coloured surfacing
- Provision of LED street lighting on the bridge and the approaches to the bridge.
- Provision of/any necessary changes to highway drainage
- Resurfacing/reconstruction as necessary

The current position is that the Council is under the presumption that the Network Rail are not intending to construct the traffic signals within the necessary timescales required to provide mitigation for phase 2 houses, which are in the process of being built and occupied at present. Given that this is happening currently with no mitigation works being in place the present situation is unsatisfactory. Discussions with the applicant on the application proposal have yielded an offer from the applicant to pay £210,000 to the Council towards the cost of signalisation costs on the bridge to enable the scheme that would mitigate the effects of both the phase 2 and 3 developments. This sum would be sufficient to pay for the costs of the signalisation costs. In principle this would be sufficient for Highways not to object to the development on highway safety grounds. However Highways also view the proposed gravel driveway specification to be unacceptable because of the loose gravel issue which they view as having the potential to pose a hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Based upon that they view this detail of the proposal to be contrary to CSP26 'New Development and Highway Improvement'.

No further issues have been identified with the internal road design in that the widths and number of parking spaces would be regarded as being satisfactory. A sustainable travel plan is proposed as a measure to encourage residents to carry out trips using an alternative to lone trips using a private car. In principle this would have been sufficient to enable the development to comply with CSP 25 'New Development and Highway Safety'.

Other S106 considerations – education, public open space and affordable housing

Education - Education have confirmed that they do not wish to object to the application having carried out an assessment of available capacity at local primary and secondary schools.

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In this instance and due to a play area being approved as part of the phase 2 development it is deemed appropriate to seek an off-site contribution in entirety to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £162,345.04 would be sought. The applicant has made assertions that viability of the

development would be marginal. Provisionally however they have agreed to meet the commuted sum request.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. Indeed the planning permission obtained by Gleesons for the existing development originally was subject to a S106 Agreement to include 8 affordable houses. However Gleesons were successful in having the obligation removed by the Planning Inspectorate following an appeal being made under the review and appeal procedure introduced by Central Government (app ref 2014/0175). This was on viability grounds with the appointed Inspector concluding that ‘a viable scheme does not exist’ with an affordable housing obligation being in place. There was also a grey area that was not cleared up during the appeal in that Gleesons contend that their shared ownership model is a form of intermediate affordable housing. Officers remain in disagreement with Gleesons that their model would satisfy the definition of acceptable forms of affordable housing in the NPPF. In addition the main affordable housing need in the Borough is for social rented rather than intermediate affordable housing.

The applicants have submitted an appraisal for the current application, which has again concluded that viability of the site is marginal and that as a result of the costs of the traffic signals and commuted sum for off site open space enhancements it would not be viable to provide any level of affordable housing. The District Valuation Service was commissioned to review the viability appraisal submitted with the application resulting in a difference in opinion between the two parties. In the opinion of the District Valuer the development could provide a minimum of 6 affordable houses when adopting the applicant’s profit margin, which the DVS argues is a higher margin that should be allowed when compared levels adopted by other developers around the region. Officers have been pragmatic in suggesting this profit level can be applied taking into account of the appeal decision. Nevertheless this has not been sufficient to enable the applicant to agree that the development can support the provision of the 6 affordable houses deemed viable to deliver by the DVS. Based upon that the proposal is deemed contrary to policy CSP15 ‘affordable housing’ as it would mean that the development would not contribute towards the affordable housing needs of the Borough not being met via existing developments. The applicant was requested to provide an updated appraisal more recently. However this was not forthcoming with the applicant. As such there is also a concern regarding lack of information/evidence in relation to enable this matter to be properly assessed.

Other Considerations

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not in an area that is classed to be at risk of flooding either from the River Dearne or overland flows and drainage infrastructure., i.e. it is located outside of EA flood zones 2 and 3 and therefore policy CSP3 ‘Flood Risk’ is complied with and the advice within the NPPF regarding the sequential test.

The management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding downstream of the site. The policy requirement on greenfield sites is to construct developments with suitable systems with storage capacity and attenuation so that surface water run off rates do not exceed the greenfield run off rate of 5 litres per seconds per hectare.

The policy is that first preference should be given to SUDS. However the ground investigation has concluded that the ground conditions would be unsuitable for soakaways. Therefore it is likely that the development would need to be constructed with an attenuation tank, or oversized pipes prior to discharge into the River Dearne, the existing drainage system or the ponds at Lowfield Lakes. However no detailed proposal has been received it

would be necessary to impose a condition as has been requested by Drainage Officers and Yorkshire Water. In terms of foul sewerage Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development

Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. In addition the site is located outside of a Coal Mining Risk Area. No objections have been received from Regulatory Services accordingly.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by an extended phase 1 habitat survey which has concluded that the ecological value of the site is low and that there are no constraints affecting the site from being developed. The Biodiversity Officer accepts these findings but considers that insufficient proposals have been received regarding enhancement measures. However it is likely that this could be overcome via the imposition of a suitable condition.

Conclusion

The site is designated Safeguarded Land in the UDP which remains part of the development plan for the Borough at the current time. However due to the age of the policy it is classed to be out of date by the National Planning Policy Framework.

In such circumstances the NPPF instructs Local Planning Authority's to grant planning permission for new development proposals unless:-

–any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

-specific policies in the Framework indicate development should be restricted.

The site is located in the Goldthorpe Principal Town which is a priority to accommodate new housing growth (3000 new homes) before 2026 (CSP8 and 10). In addition the site is proposed to be allocated for housing development in the SPD meaning that it has been identified to be in a suitably sustainable location.

The plans for the development are considered acceptable for the most part in relation to layout and design considerations having regards to the Designing Residential Amenity SPD in that spacing standards between new and existing properties would be achieved and the amount of garden amenity space that would be provided to serve the houses. Also the elevations plans for the houses would be of an acceptable standard. In addition it would be possible to mitigate the highway safety implications of the development via the proposed payment of a commuted sum of £210,000 towards the costs of providing traffic signals on the humpback railway bridge on Lowfield Road. In addition the application is considered acceptable in relation to the Open Space Provision SPD in that the applicant was prepared to pay a commuted sum of £162,345.04 for the enhancement of open space located off the site. Furthermore the application has also been judged to be acceptable in relation to considerations including the flood risk, drainage, biodiversity consideration and effect on trees.

However the following concerns have been identified which mean that the development is not considered acceptable in relation to the following issues:-

- The proximity of some of the houses to the Waste Water Treatment Works and combined sewer overflow and concerns that residents of the affected houses would be affected by odour nuisance. It has therefore been judged that the proposal is contrary to the aims of CSP40 'Pollution Control and Protection' and the NPPF.
- The absence of a landscaping buffer to protect the residents of the affected properties.
- The age of the data being relied upon to inform the design of the proposed layout and the fact that the applicant has refused to carry out an up to date odour assessment to inform the design of the layout for the application.
- The proposed use of gravel driveways for all of the driveways and private drives located throughout the development which it is considered would be unacceptable from a visual amenity point of view having regard to policy CSP29 'Design' and CSP26 'New Development and Highway Improvement'
- The development would not include any NPPF definition affordable housing despite an independent assessment of the applicant's viability appraisal being carried out by the District Valuation Service concluding that the development could support a minimum of 6 affordable dwellings. The proposal would not achieve the required contribution to the affordable housing needs of the Borough being met and is therefore contrary to policy CSP15 'Affordable Housing'. In addition the applicant has not provided an updated appraisal despite a request. As such there is a concern regarding lack of information/evidence in relation to enable this matter to be properly assessed.

It is therefore considered that adverse impacts exist in this case would outweigh the benefits of the application being granted. In the opinion of the Local Planning Authority the presumption in favour of sustainable is outweighed by the adverse impacts that would be caused. The application is recommended refusal accordingly.

Recommendation

Refuse permission for the following reasons:-

- 1 The development would be contrary to policy CSP15 of the adopted Core Strategy in that it would not include the provision of any affordable housing and it has not been demonstrated that the provision of affordable housing would make the development unviable.
- 2 The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.
- 3 The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and aspirations of the NPPF.

4. The development would be in conflict with policy CSP40 'Pollution Control and Protection, paragraph 109 of the NPPF and draft allocation policy H3 of the Publication Version of the Local Plan, site AC26, in that plots 202 to 208 would be very close or within the current "odour stand-off" and would be within 50m of a combined sewer outfall and the Bolton-upon-Deerne Waste Water Treatment Works (WWTW) boundary. Insufficient up to date evidence has been provided that these properties would not be detrimentally affected by odour. The proposal fails to make provision for a substantial landscaping buffer between the houses and the WWTW contrary to CSP40 and CSP29.

5. The development would be contrary to saved policies GS10 and DE8 of the Barnsley Unitary Development Plan which states that in areas shown on the proposals map existing uses will normally remain during the plan period and development will normally be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the UDP which proposes development on the land in question. The Council accepts that due to the UDP being adopted in the year 2000 paragraph 14 of the National Planning Policy Framework advises that planning permission should be granted for development unless;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted

However in the opinion of the Local Planning Authority cumulatively, the adverse impact cited in the other reasons for refusal, would significantly and demonstrably outweigh the benefits of the application being granted. In addition, the proposal conflicts with paragraphs 17, 35, 58 and 64 of the NPPF.