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**2017/1051**

**Applicant:** Ms Amber Beare

**Description:** Erection of 129 dwellings (Phase 2), associated infrastructure and public open space (Full Consent). Residential Development (Phase 3) and associated infrastructure (Outline) - Hybrid Application.

**Site Address:** Land off Willow Road, Thurnscoe, Rotherham, S63 0PG

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2 letters of objection have been received.

### **Background**

The site is part of the former Reema estate and an area of safeguarded land in the UDP that was the subject of a previous outline planning application for residential development (2009/1408). Reserved Matters for Phase 1 of this development was approved in 2010 (2010/0178) and has been delivered on site.

The original outline has now expired without the reserved matters being submitted on phases 2 and 3. This hybrid application seeks to re-establish planning permission for these phases with full details provided for phase 2.

The site is a housing allocation in the Local Plan (H1).

### **Site Description**

The site totals 15.9 hectares in area split into two phases with phase 2 occupying 4.9 hectares and the site of the outline application (phase 3) occupying 11 hectares. The whole site is located on the northern side of Thurnscoe which is situated between Barnsley and Doncaster with Doncaster being approximately 8 miles to the east and Barnsley 9 miles to the west. The main road through the village is the B6411 and there is a link to the A635 to the south. There is also a railway station within the village which is within walking distance from the site.

The site is located on the edge of the village of Thurnscoe. To the south, east and west of the site is modern residential development while to the north are open fields designated as Green Belt. A railway line that links Sheffield and Rotherham to the south, with Pontefract, Wakefield and Leeds to the north, runs along the eastern boundary of the site.

The housing in the vicinity of the site is predominantly modern in character dating from the mid to late 20th century. The first phase of the redevelopment of the Reema homes site, on land on the eastern side of School Street, is complete with houses constructed of a mixed palette of materials including brick, stone, wood cladding and render. The surrounding housing is mixed in character with detached, semi-detached and terraced housing comprising bungalows, two storey housing and a few three storey blocks. The majority are constructed in red or a dark buff brick with red or grey roof tiles. All are set back from the road with small front gardens with a mixture of front boundary treatments and small, enclosed rear garden areas.

The phase 2 site is broadly flat, the exception being a sharp drop in levels along the southern boundary with existing dwellings on Stotford Drive located approximately 3m lower than the proposed plots (1-12) along this boundary.

The site of phase 3 is currently open fields which rise to the north east from Lingamore Leys. The rail line along the eastern boundary is located in a steep cut with an existing pedestrian bridge linking this to residential areas to the east. A public footpath runs along the southern boundary before crossing in a north easterly direction to meet this footbridge.

### **Proposed Development**

The proposed is a hybrid application with full details provided for phase 2 and an indicative layout provided for phase 3.

Phase 2 of the proposed development is for 129 dwellings utilising the road and service layout of the original Reema estate (demolished). There are 2 accesses off Lingamore Leys and two off School Street with the internal road forming a broadly grid pattern.

The housing mix is limited to 2 and 3 bed properties spread across 8 different house types including bungalows, two-storey dwellings and two and half storey dwellings. All the properties are detached or semi-detached.

Only one of the house types includes a garage (integral) with the remaining parking provided off street on driveways located either to the side or in front of plots. A good mix of soft landscaping to the front has been provided and the applicant has provided full boundary treatment details which show 1.1m high railings along key frontages.

An area of open space is located to the east of the site, directly adjacent School Street. This will incorporate a LEAP and is located to be accessible to both proposed and existing residents in the area. This space will be overlooked by dwellings which are largely orientated to face onto the space providing natural surveillance. An informal open space exists to the east of the site although this contains the route of the existing adopted sewer.

Phase 3 is in outline with all matters reserved. A maximum number of dwellings of 350 have been applied for and an indicative layout has been provided which shows 311 dwellings and 26,484m<sup>2</sup> of greenspace.

### **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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

## Saved UDP Policies

The site of Phase 2 is located in the Housing Policy Area in the UDP under Policy H8. The site of Phase 3 is designated DE8 Urban Land to Remain Undeveloped (ULTRU) on the UDP and GS11 is the relevant policy.

## Core Strategy

### CSP 3 & 4 Suds and Flood Risk

CSP10 'The Distribution of New Homes' commits 14% of the Boroughs Housing to be built within Goldthorpe (or the Dearne Towns including Thurnscoe) (3,000 properties).

CSP14 'Housing Mix and Efficient Use of Land' states that priority shall be given to the development of previously developed land with a target of 55% and 60% of the overall amount of new housing. A minimum density of 40 dwellings per hectare will be expected with lower densities only supported when it can be demonstrated that they are necessary.

CSP15 'Affordable Housing' sites in Thurnscoe are expected to provide 15% affordable housing.

CSP14 'Housing Regeneration Areas' recognises areas of low housing demand where a range of housing market regeneration programmes will be supported. This includes Thurnscoe.

CSP 25 'New Development and Sustainable Travel' new development will be expected to be located and designed to reduce the need to travel.

CSP26 'New Development and Highway Improvement' new development shall be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP 34 'Protection of Green Belt' the extent of the Green Belt will be safeguarded and remain unchanged.

CSP35 'Green Space' seeks to improve existing green space and meet the standards in the Green Space Strategy

CSP36 'Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

CSP37 'Landscape Character' Development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is located.

CSP39 'Contaminated and unstable land' where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by an appropriate assessment.

CSP40 'Pollution Control and Protection' is that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution

levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

CSP42 Infrastructure and Planning Obligations

CSP43 Education Facilities and Community Uses

### Local Plan

Policy GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

Policy H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 20,900

Policy H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne Towns (including Thurnscoe).

Policy H3 'Housing Site Policies' all development will be expected to comply with policy GD1 and in accordance with the site specific policies for the individual site. Phases 2 and 3 form part of site H1 where development will be expected to provide a bridge for people and vehicles to use across the railway, retain enhance and manage a wildlife corridor on the eastern boundary along the rail line and provide appropriate archaeological assessment.

### SPDs

The following LDF Supplementary Planning Documents have been adopted which are relevant to the proposal:-

'Parking' states that the parking standards for new housing development shall be 2 spaces for 3 bed dwellings and above.

'Designing New Housing Development' provides guidance regarding the design of new housing and external space standards.

'Open Space Provision on New Housing Development' provides guidance on open space requirements and off site contributions.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABI 'Building for Life' scheme.

### 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

Air Quality - the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance recommends for such developments 1 x charging point per unit (dwelling with dedicated parking), or 1 x charging point per 10 spaces (unallocated parking). As it is understood that the development consists of units with dedicated parking, only first part of the above requirement would be applicable. The applicant has provided a plan showing external sockets to all dwellings which satisfies this requirement.

Affordable Housing Officer: 15% affordable housing is provided in compliance with the policy.

Biodiversity Officer: Approve subject to conditions to secure appropriate mitigation as set out in the Ecology Reports and additional assessment in relation to phase 3 to be submitted with the reserved matters application.

Broadband: No objection subject to a condition requiring broadband connectivity.

Coal Authority: No objection as the site does not require a Coal Mining Risk Assessment. The standard informative should be applied

Contaminated Land: No Objection and no conditions required for either phase.

Drainage: No objection to phase 2 and the drainage strategy provided. Conditions should be applied to phase 3.

EA: No comments as the development falls outside of the scope of development that they would normally be consulted on.

Education: There are sufficient school places to accommodate phase 2 of the development however phase 3 will create a deficit in school places and a condition should be applied to secure further contributions at the time of the Reserved Matters Application for phase 3.

Highways: No objection subject to conditions

Natural England: No comments.

National Grid: No comments

Network Rail: No objection subject to condition and a request for a contribution towards station facility improvements at Thurnscoe Railway Station

Pollution Control: No objections to phase 2 subject to noise and dust being controlled through construction management conditions. A condition should be applied to phase 3 requiring noise mitigation along the railway line

Public Rights of Way: No comments

South Yorkshire Police: No comments

South Yorkshire Passenger Transport Executive: the site currently has service 219 and 226 running through it. By improving bus stops and bus stop positions on Ligamore Leys and Merrill Road, the majority of the estate will be within 400m a bus stop and regular bus service. Bus shelters (x2) and raised kerbs/tactile paving will be required at stop 55288 and

one on the opposite side of the road.

South Yorkshire Mining Advisory Service: Site is not in a coal mining referral area therefore the risk of being affected by mining legacy issues is low.

Tree Officer: No objection subject to conditions.

Waste: No comments

Yorkshire Water: No objections subject to conditions

## **Representations**

Two letters of objection have been received. One raises concerns about the potential vehicle bridge over the rail line and possible antisocial behaviour associated with this. This matter is dealt with later in the report. The other raises a query regarding the boundary of the development with their property and land ownership issues which is not a matter for planning.

## **Assessment**

### Principle of Development

The principle of residential development was established under outline application 2009/1408 which produced a masterplan for 3 phases of development. Phase 1 of the development has been completed in accordance with reserved matters submission 2010/0178. The outline application has now expired; nevertheless there has been no substantial change in National Planning Policy and both phases are proposed as a housing allocation (H1) in the emerging Local Plan (currently undergoing Examination) which further supports the principle of residential development.

### Phase 2 (application for full consent)

The site of Phase 2 is designated as a housing policy area in the Unitary Development Plan and, therefore, saved policies H8 and DE2 will apply. Policy H8 expects housing policy areas to remain in residential use and the principle of residential development is, therefore, considered appropriate, subject to the requirements of saved UDP policies H8A (scale, layout, height and design).

### Phase 3 (application for outline consent)

Phase 3 is an area allocated as safeguarded land in the saved policies of the Unitary Development Plan (UDP).

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement. A recent Supreme Court Judgment has confirmed that for the purposes of paragraph 49 of the NPPF relevant policies for the supply of housing are limited to those dealing only with numbers and distribution of new housing. Therefore policy GS10 'Safeguarded Land' is not considered to constitute a policy for the supply of housing.

However, the judgment goes on to clarify that '....The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing

provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14...”

Therefore, given that the council cannot currently demonstrate a five year supply of housing, it is considered that applications on safeguarded land, where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

### Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental:

- The economic role relates to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available at the right time to support growth.
- The social role includes the provision of the supply of housing to meets the needs of present and future generations by creating high quality built environment, with accessible local services.
- The environmental role relates to protection and enhancement of our natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, adaption to climate change and moving to a low carbon economy.

The development as proposed will deliver a range of house types and 15% affordable housing, including bungalows (13 in total), in Thurnscoe one of the Dearne Towns that Core Strategy Policy CSP8 identifies as a priority for growth and which is recognised as being of low market demand where market regeneration programmes will be supported (CSP 17). The site of phase 2 is a brownfield location where the previous housing was demolished under the former Housing Market Renewal programme whilst phase 3 is greenfield land. A Development Agreement between Keepmoat and BMBC was entered into under the previous HMR programme (at the time of the 2009 application) and remains in place. This application seeks planning permission for the next stage of development on the site and in this respect complies with the economic and social roles of sustainable development.

The site is included as an allocation in the emerging Local Plan Publication Draft which is currently going through Examination and whilst this draft allocation carries limited weight, the site is identified as a sustainably located site in a Principal Town with good access to key services and a key site in the regeneration of the Dearne Towns. A number of bus routes are available with stops located on Lingamore Leys and School Street circa 150m from the site and on Houghton Road circa 570m away. Thurnscoe Train Station is approximately 525m to the south east with trains between Leeds and Sheffield every 60mins. In terms of access to key services, the site is circa 850m from Thurnscoe village centre and the nearest Primary School is 650m away. In addition, measures secured through the Travel Plan will promote the use of sustainable transport. Therefore, whilst the proposal will result in the loss of some greenfield land, the site is considered to be in a sustainable location.

The contribution to the environmental sustainability in phase 2 includes the reuse of a brownfield site and a commitment to incorporate external plug sockets in all the properties enabling the use of electric vehicles. This can be promoted through the Travel Plan. Energy efficiency measures will also be required to the design and build of all dwellings to reduce CO2 emissions to what is required by the Building Regulations Part L. The contribution towards environmental sustainability in relation to phase 3 is less clear but measures can be agreed through the Reserved Matters process. In terms of biodiversity impacts, neither site

is located in or near to any locally designated sites or statutory sites of importance to nature conservation. The Ecology Appraisals provided by the applicant identify that the overall value of both sites in terms of biodiversity is low, however, as the sites are located in the Dearne Valley Eco Vision Area / Green Heart Nature Improvement Area there is a requirement to enhance biodiversity. This is reflected in emerging Policy H1 which requires the “retention, enhancement and management of a wildlife corridor on the eastern boundary of the site, along the rail line”. The indicative layout for phase 3 allows for this with further detail conditioned.

At the time of the 2009 planning application and Housing Market Renewal programme, the masterplan included provision for a new bridge over the railway line suitable for vehicular traffic. The bridge was intended to improve links between the residential estates either side of the rail line, increasing social cohesion and connectivity between east and west Thurnscoe and allowing a circular bus route. The emerging Local Plan and housing allocation (H1) carries forward a requirement to provide this bridge. However, the applicant has confirmed that the bridge is not viable and as such have excluded it from this planning application. In this respect the proposed does not fully deliver with regards to the social and environmental aspects of sustainable development. Nevertheless, taking account of the proposals overall contribution to three roles of sustainable development it is considered the proposed is sustainable and the presumption in favour does apply.

#### Core Strategy Policy CSP14: Housing Mix & Efficient Use of Land

Core Strategy policy CSP14 is concerned to ensure that development makes the most efficient use of land. Phase 2 of the development does propose to include a range of different house sizes and tenures and as such complies with this aspect of CSP14. Details in relation to the overall housing mix for phase 3 will be agreed at the Reserved Matters.

With regard to density, CSP14 requires a minimum density of 40 dwellings per hectare (dph) unless it can be demonstrated that a lower density is necessary. Paragraph 9.78 of the Core Strategy expands on the issues that are relevant where justifying a density lower than that required by CSP14. The proposal is for 479 dwellings of which 129 are located on phase 2 with a density of 35dph. Phase 3 will deliver up to 350 dwellings which equates to a net density of circa 37 dwellings per hectare when a gross to net ratio is applied. This is only slightly below that required by CSP14 and, taking account of the high density achieved on Phase 1 (45dph) and the wider regeneration benefits associated with the development these densities are acceptable.

The overall yield for housing site H1 (as set out in the emerging Local Plan) is 525, however, the site area shown on the Policies Map includes a strip of land to the south east in error. This is being removed from the allocation and the yield reduced to reflect the change. This gives an indicative yield of 480. Therefore the proposed complies with the emerging allocation in terms of housing numbers.

#### Affordable Housing

Core Strategy policy CSP15 identifies that in Thurnscoe, 15% of the proposed dwellings should be affordable. The application shows affordable housing at the level required by CSP15 and as such there are no objections subject to a S106 agreement.

The affordable units in phase 2 are spread across the site as shown on the layout plan (ref: 2238 02S).

#### Green Space Policy

In accordance with CSP35, CSP42 and the SPD Open Space Provision on New Housing Developments, new developments that exceed 20 residential units are expected to contribute towards green space requirements. A minimum of 15% of the gross site area must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses. The SPD provides further details in terms of what contributes towards requirements and the type of green space we would generally seek dependent on scale of development and local needs. The SPD is clear that landscaped strips that are required to soften the boundary with countryside or protect the living conditions of residents is not available for development and will not normally make any significant contribution to recreational open space requirements.

There is a need to provide greenspace of all types in Thurnscoe and the reserved matters application for phase 1 was approved with no greenspace on the basis that this would be offset by an increased provision in phases 2 and 3. Following the outline expiring, securing this additional greenspace across the remaining phases is the primary reason a Hybrid application has been accepted. Detailed landscaping proposals have been provided for phase 2 with a total area of 9,150m<sup>2</sup> of greenspace provided. This includes a LEAP located to the east of the site immediately adjacent phase 1 and School Street. The outline for phase 3 and indicative masterplan provided shows a number of additional greenspaces totalling 2.6ha and the applicants have agreed to provide a games court within this phase of the development. This gives a total greenspace provision of 3.5ha which is over 15% taking into account all three phases of the original development and includes provision for under 12s (LEAP) and older children (games court) as well as informal openspace.

In addition, a contribution for formal off-site recreation would normally be sought which, based on the current layout, would be in the region of £110,000. However, in this instance it is not proposed to seek the off-site contribution given the open space provision provided within the scheme(s) and in acknowledgement of the wider regenerative benefits.

The proposed therefore complies with the Greenspace Policies.

### Education

Education has confirmed sufficient capacity in primary and secondary education to meet the additional demand created by phase 2. The additional development proposed in phase 3 will increase pressure for primary school spaces and impact on future capacity. However, from a planning perspective, it is not considered that it would be reasonable to withhold permission if a condition is applied to secure a S106 contribution to provide additional accommodation in the local schools at the time of the Reserved Matters. The applicant is agreeable to providing this contribution. Details of the contribution will depend on circumstances at the time the reserved matters application is received.

### Residential Amenity

Phase 2 is submitted in full with detailed layout, elevations and floorplans provided. The layout follows that of the previous estate, utilising the existing road pattern and services located therein. The LEAP will be located in the greenspace to the east of the site with a 30m exclusion zone (in excess of that required in the SPD) ensuring disturbance is minimized whilst natural surveillance is maintained. The site is surrounded on three sides by existing residential development with the southern boundary being the most sensitive whereby existing houses along Stofold Drive and Ashberry Close directly back onto the site boundary and are located at a lower level. As such careful thought has been given to the relationship with the proposed and existing dwellings, with section drawings submitted to allow a clearer understanding of any potential for a loss of privacy and overbearing impact on current residents. The location of bungalows along this boundary has avoided any

overbearing impact; however, windows at the rear will be broadly level with the upper floors of the existing dwellings. Nevertheless the ability to achieve well over the minimum distances between dwellings (back to back as set out in the SPD) has minimized the impact to an acceptable level. Along the western boundary the relationship is less sensitive with existing properties located side on / at oblique angles and minimum distances between the proposed and rear gardens exceeded.

The floorplans provided demonstrate that the dwellings meet the internal space standards as set out in the South Yorkshire Design Guidance. Gardens and external amenity space as shown on the layout plan also meets the standards set in the SPD and suitable boundary treatments are proposed. Therefore the proposed is acceptable in residential amenity terms.

The layout provided for phase 3 is indicative only with final details to be agreed at the reserved matters stage, however it demonstrates that the quantum of development and greenspace can be achieved on site comfortably. In terms of residential amenity, the western boundary (adjacent existing residents) will need to be scrutinized and consideration given to noise issues along the eastern boundary (with the rail line). A noise report identifying appropriate mitigation has been conditioned.

### Visual Amenity

The design and access statement accompanying the application has set out how the development has been informed by the character and grain of the surrounding area. With regards to phase 2 the overall density on site is similar to adjacent streets and the street pattern broadly follows that of the previous housing scheme with a few additional private drives and cul-de-sacs and a new LEAP. A direct route through the site has been provided, linking School Street with Footpath No.5 to the west and the Gooseacre Primary and Robert Ogden Schools beyond.

Plots are well spaced with soft landscaping breaking up parking areas and the dominance of hard surfaces. The materials proposed, buff brick and grey interlocking tiles will fit with the existing area. Some variation in materials was previously proposed with the inclusion of render on some key plots, however this had to be removed from the scheme to maximise viability and whilst this variation was preferable in design terms the wider benefits of the scheme outweigh this consideration. Streetscenes have been provided showing how the various house types and scales of property will integrate across the site.

Phase 3 is in outline with only an indicative layout provided as such visual amenity considerations will be considered in more detail at the reserved matters stage. The layout does demonstrate that the quantum of development and greenspace can be achieved on site comfortably.

### Trees and Ecology

The application for phase 2 is supported by a Tree Survey and Arboricultural Impacts Plan. An Ash Tree (T56) is the main feature of the site (albeit it located outside the redline boundary); appropriate protection has been agreed for this tree during construction. Generally however the quality of the tree population is quite low and the majority do not constitute a constraint to the development. The better quality and more sizeable trees are shown to be retained on the planning layout/tree survey overlay plan with predominantly young and poor specimens to be removed. Landscaping has been provided and large growing native trees are to be utilised in the open space which is ideal, with smaller ornamental specimens being used nearer to new properties. As such there is no objection to what is proposed in relation to trees.

No tree survey has been completed for phase 3 and will need to be conditioned moving forwards.

The Ecology appraisals confirm that the sites are not located in or near to (within 1km) any designated sites of importance to nature conservation and do not contain any habitats above site level importance. The sites are, however, located in the Dearne Valley Green Heart Nature Improvement Area where there is an emphasis on improving and enhancing biodiversity which is reflected in the emerging Local Plan policy requirement for a wildlife corridor on the eastern boundary with the rail line.

Full details have been provided for phase 2, including a landscaping scheme with details of the ecological mitigation shown. This includes bird and bat boxes, gaps in boundary fencing for hedgehogs and planting of native trees, hedgerows and wildflower / grassland. However, the creation of a wildlife corridor around / through the site to link to phase 3 and the rail line beyond is limited by the proposed site layout. This reduces the overall benefit of the ecological mitigation / enhancement proposed on phase 2; nevertheless, given the wider benefits of the scheme and previous layout of residential development on the site the mitigation proposed is acceptable.

Further detail will be required for phase 3 both in relation to habitats on site and the overall ecological mitigation proposed, with particular emphasis on the wildlife corridor along the eastern boundary the approach to which will need to be robust. This detail should be provided with the reserved matters application and included within the landscaping scheme.

### Highways

A considerable amount of time has passed since the original outline planning permission (2009/1408) therefore the application is supported by a new Transport Assessment. The original Transport Assessment for all 3 phases was based on 900 dwellings, 160 dwellings have been constructed in phase 1 and the total number of units proposed on all 3 phases is now 639, a considerable reduction. The Transport Assessment has been based on entirely private housing without any affordable housing which usually generates less traffic. The previous trips generated by the former housing (on phase 2) have not been netted off which is an acceptable practice. The Transport Assessment is, therefore, very robust. The traffic generated by these phases has been distributed onto the existing road network to the west of the railway line and whilst there is mention of a requirement to build a road bridge over the railway line (emerging policy H1) which would disperse the traffic further, the Transport Assessment demonstrates that traffic associated with the development can be adequately accommodated within the existing network without the need for the bridge.

The Transport Assessment demonstrates that the traffic as a result of this development can be accommodated without the need for mitigation and the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Clearly, this is not the case in the instance and consequently, there are no objections to the proposed development in a highway context.

### Drainage

In respect of drainage for phase 2 the drainage strategy states that foul water will discharge to public combined sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways, therefore surface water will discharge to 750mm diameter public surface water sewer via storage (located in the greenspace to the north west of the site) with restricted discharge of 120.5 (one hundred and twenty point five) litres/second.

With regards to phase 3, no detailed drainage information has been provided however the proposed is considered acceptable subject to conditions requiring this information is submitted and approved prior to commencement of development of this phase.

Therefore, the proposed development can satisfy the requirements of the National Planning Policy Framework, its accompanying Technical Guidance in relation to flood risk and accords with Core Strategy policies CSP1, CSP 3 and CSP4.

### Land Contamination and Stability

The submitted Site Investigation Report (ref Sirius C3676A) supporting the application has not identified any elevated contamination on the development site (phases 2 and 3). As such, there will be no requirement for any remediation measures, or submission of further reports. Further the site is not in a high risk area for coal mining. Therefore no conditions are required regarding contamination or land stability issues.

### Conclusions

The proposal is for a residential scheme on land located within the housing policy area or safeguarded for future development in the UDP and allocated for housing in the emerging Local Plan. Whilst the release of safeguarded land is contrary to saved UDP (GS10), other material considerations do carry significant weight with regard to the determination of this application. In particular, the Council cannot currently demonstrate a five year supply of specific, deliverable sites for residential development and the proposed site is located in Thurnscoe which is identified in the Core Strategy as the priority settlement for growth and regeneration. As explained above, this necessitates the application of the NPPF presumption in favour of sustainable development and it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission.

### **Recommendation**

**Grant** subject to conditions and S106

- 1 The development of phase 2 hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

- 2 The development of phase 2 hereby approved shall be carried out strictly in accordance with the following plans:

Location Plan Phases 2 & 3

2238-02S Planning Layout

1711.17767 School Street LEAP

10136\_LD\_01 REV C Soft Landscape Proposals - SHEET 1

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 2

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 3

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 4

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 5

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 6

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 7

10136\_LD\_02 REV C Soft Landscape Proposals - SHEET 8

2238 04 Rev M Boundary Treatment Plan

2238-05H Boundary Details

2238 08 Rev F Materials Layout  
2238 HT15 Rev A 857 Variant Housetype (AS)  
2238 HT16 Rev A 857 Variant Housetype (OP)  
2238 HT17 Rev A 867 Variant Housetype (AS)  
2238 HT18 Rev A 867 Variant Housetype (OP)  
2238 HT22 832 Housetype (AS & OP)  
2238 HT01 621 Housetype (AS)  
2238 HT02 651 Housetype (AS & OP)  
2238 HT03 740 Housetype (AS & OP)  
2238 HT08 953 Housetype (AS & OP)  
2238 HT09 955 Housetype (AS)  
2238 HT10 955 Housetype (OP)  
2238 HT11 1054 Housetype (AS & OP)  
2238-03K Surface Treatment Plan  
QD814-04-01 Phase 2 External Levels St 1  
QD814-04-02 Phase 2 External Levels St 2  
QD814-04-03 Phase 2 External Levels St 3  
QD814-05-01 Phase 2 Longsections  
QD814-06-01 Phase 2 Road Construction Details  
QD814-03-01 Phase 2 Engineering Layout  
QD814-08-01 Adoptable Manhole Details  
2238-14C External Socket Plan Phase 2  
Arboricultural Impact Assessment and Arboricultural Method Statement (Ecus, Nov 2017)

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**

- 3 No construction in the relevant area(s) of the phase 2 site shall commence until measures to protect the 6" water main that is laid within the site boundary, during the construction and operational phases of the development, have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include the means of ensuring access at all times for repair and maintenance of the infrastructure by the statutory undertaker. If the required protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

**Reason: In order to protect the public water supply in accordance with CSP40.**

- 4 Phase 2 of the development shall be carried out in complete accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy, Phase 2 Thurnscoe prepared by Queensbury Design Ltd (Report QD814 dated July 2017).

**Reason: In the interest of satisfactory and sustainable drainage in accordance with CSP3.**

- 5 The mitigation measures for phase 2 identified in the Ecological Appraisal and shown on the approved landscaping plan(s) shall be implemented in accordance with the approved details. Photographic evidence showing the correct installation shall be submitted to the local planning authority for approval prior to occupation of any

dwelling hereby approved.

**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**

- 6 The development of phase 3 hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 7 Application for approval of the matters reserved in Condition No. 6 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**

- 8 Full details of the ecological mitigation and enhancement measures for phase 3, including a timetable for their implementation, shall be submitted with the reserved matters application for approval by the Local Planning Authority. The development of phase 3 shall be implemented in accordance with the approved details.

**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**

- 9 Detailed plans shall accompany the reserved matters submission for phase 3 indicating existing ground levels for phase 3, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 10 The development (phase 3) shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**

- 11 The development (phase 3) shall not begin until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.

**Reason: To ensure children can be accommodated in the local primary and secondary schools in accordance with Core Strategy Policy CSP42.**

- 12 No dwellings shall be occupied in Phase 3 until details of a scheme for the provision of public open space infrastructure in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum 15% of the overall gross total site area as public open space (including formal recreation) and a timetable for such provision to be made and carried out in accordance with the approved details, unless alternative arrangements in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments are otherwise agreed in writing with the Local Planning Authority.

**Reason: In order to meet the needs of the development for green space and public open space infrastructure in accordance with UDP Policy H6.**

- 13 No development shall take place on phase 3 unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

**Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4**

- 14 No piped discharge of surface water from the application site (phase 3) shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Core Strategy Policies CSP 3 and CSP 4.**

- 15 A detailed Noise Impact Assessment Report shall accompany the Reserved Matters application for Phase 3 assessing noise and vibration associated with the railway line and specifying suitable mitigation, in line with BS8233:2014, for any part of the proposed development affected. The development of phase 3 shall be carried out in strict accordance with the approved mitigation.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 16 Prior to the submission of any reserved matters application for phase 3, an archaeological evaluation of the phase 3 area will 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 will be approved in writing with the local planning authority and then implemented.

**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 in accordance with CSP30.**

- 17 Unless otherwise agreed in writing with the Local Planning Authority, plans submitted at the reserved matters stage for phase 3 shall make provision for the retention of the existing public footpath passing through the site.  
**Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site in accordance with CSP25.**
- 18 Development of phase 3 shall not commence until details of the phasing of the phase 3 area has been submitted to and approved in writing by the Local Planning Authority.  
**Reason: To ensure a safe and adequate highway network, in the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement**
- 19 The development (phase 3) shall not begin until arrangements are in place to ensure any need for improvements to bus stops on Lingamore Leys and Merrill Road arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.  
**Reason: In the interests of highway safety in accordance with CSP26.**
- 20 Upon commencement of development of each phase, details of measures to facilitate the provision of high speed broadband for the dwellings/development permitted in that phase, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out in accordance with the approved details.  
**Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework**
- 21 The parking/manoeuvring facilities, indicated on the submitted plans for each phase, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development of that phase being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 22 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy**

## **CSP26, New Development and Highway Improvement**

- 23 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement**
- 24 Development shall not commence on each phase until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period of that phase.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 25 Prior to any works commencing on each phase, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of each phase of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement**
- 26 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 27 Prior to the occupation of the first property in each phase of the development approved, a draft Travel Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by sustainable transport (including electric vehicles), and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of each phase of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.  
**Reason: In the interests of sustainable development in accordance with Core Strategy Policy CSP25 Sustainable Travel and CSP 28 Reducing the Impact of Road Travel.**
- 28 No development shall take place in each phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for that phase. The statement shall

provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**

- 29 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0900-1300. No working on Sundays or Bank Holidays.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 30 Prior to development commencing on each phase, the applicant shall submit to the Local Planning Authority for their approval a noise and dust management plan detailing how they will control noise and dust during demolition and construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 31 No development or other operations being undertaken on site in each phase shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction -

Recommendations have been submitted to and approved in writing by the Local Planning Authority for that phase:

Tree protective barrier details

Tree protection plan

Arboricultural method statement

The scheme shall then proceed in accordance with the approved details

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**

- 32 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of each phase of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site for that phase. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To safeguard existing trees, in the interest of visual amenity.**

- 33 No hedges or trees on the site, existing or proposed (except those shown to be

removed on the approved plan for that phase), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.**

- 34 A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

**In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP.**

- 35 All planting, seeding or turfing comprised in the approved details of landscaping for each phase shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.

**Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

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