
2018/0028

Applicant: Mr Elmhirst

Description: Residential development of 25 dwellings and access (Outline with All Matters Reserved apart from access)

Site Address: Land off Halifax Road, Thurgoland, Sheffield

6 letters of objection have been received
Thurgoland Parish Council have objected to the scheme

Site Description

The site is located on the north eastern edge of Thurgoland, a settlement located around 6.1m south west of the centre of Barnsley.

The site comprises an irregular shaped piece of agricultural land, totalling around 1.04 Ha and designated as 'safeguarded land' within the Barnsley UDP (2000). The northern extent of the site is occupied by a vacant farmhouse together with a number of outbuildings.

The site is bordered by existing residential development along the north western edge by virtue of properties located on Smithy Hill. An existing bus shelter is located along the western boundary of the site, with the south western edge occupied by an existing war memorial. The Green Dragon Inn PH is located directly opposite the site together with an existing hair & beauty salon on the corner of Halifax Road/Cote Lane. Properties within the surrounding locality comprise a variety of architectural form & scale, with the majority of existing residential properties being of a stone-built construction incorporating slate roofs.

Previous Planning History

2012/0676 – Residential Development of 3 no. dwellinghouses following demolition of exiting barn shelters (Outline) – Approved (August 2012)

2015/1319 - Erection of 3 no. dwellings (Outline) – Approved (December 2015)

2016/0274 - Conversion of agricultural barn to 2 no. dwellings (Prior Notification) – Approved May 2016

Proposed Development

The planning application is for the redevelopment of the site for up to 25 dwellings. The farmhouse will be retained with all other farm buildings on the site removed. All matters are reserved except access which is to be from Halifax Road via a T-Junction. The existing farm access off Smithy Hill will be retained for no.1 Smithy Hill (which has parking to the rear) and will continue on as a pedestrian link into the site. Continued access to the adjacent farm land is secured via the new access from Halifax Road and a new field entrance to the south east of the site.

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 emerging Local Plan has now reached a very advanced stage with a consultation on main modifications to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Core Strategy

CSP3 SuDS
CSP4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes to be Built
CSP10 The Distribution of New Homes
CSP14 Efficient use of land
CSP 15 Affordable Housing
CSP26 New Development and Highway Improvement
CSP29 Design
CSP33 Green Infrastructure
CSP36 Biodiversity and Geodiversity
CSP42 Infrastructure and Planning Obligations

Saved UDP Policies

The site is in the Housing Policy Area on the Saved UDP Proposals Map.

SPDs

Designing new housing development
Parking

Emerging Local Plan

The site is proposed for allocation as housing in the emerging Local Plan, it formed part of a number of additional sites put forward for allocation during the Examination in Public. Policies of relevance would be:

Policy SD1 - Presumption in Favour of Sustainable Development

Policy GD 1 – General Development

Policy H7 – Housing Mix and Efficient Use of Land

Policy T4 – New Development and Transport Safety

Policy D1 – High Quality Design and Place Making

Policy CC3 – Flood Risk

Policy Poll1 – Pollution Control and Protection

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.

In respect of this application, relevant policies include:

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Consultations

Affordable Housing – scheme includes 7 affordable units which equates to 28% over the policy which requires 25%

Coal Authority – No Objections

CPRE – Object to the loss of safeguarded land and potential future pressure on the Green Belt.

Contaminated Land – No objections subject to conditions

Ecology – The Ecology reports are acceptable, and all mitigation should be conditioned. The retention of the hedgerows is an important part of these mitigation measures therefore if removal of additional hedgerow is required at detail design stage a further ecology report would be required.

Education – There is a shortage of secondary and primary school places and a contribution of £125,183 will be required to mitigate this.

PROW – Footpath 18 will need to be diverted and the new route tarmacked with consideration given in the landscaping scheme to visibility and safety.

Highways drainage – No objections subject to conditions

Highways - A number of concerns were raised regarding the access into the site from Halifax Road. These have been resolved and as a result no objections subject to conditions.

Parish Council - The Parish Council is of the opinion that this site is not suitable with the access, as shown, onto Halifax Road. The access is far too near the traffic lights on one side, and far too near the access/egress of Thorpe's Lorry Park on the other. The Parish Council also raise the concern that the site should remain as safeguarded land until any allocation is adopted by the Local Plan. However, the Parish Council do acknowledge that the area around the traffic lights is an eyesore and any visual improvements that could be gained would be welcomed.

Pollution Control – No objections subject to conditions

SYMAS – No objections

Trees – Concerns about the impact of the access on the hedgerow and trees. More detailed plans required to show level changes and the full impact of any internal layout on the boundary trees and vegetation. These can be conditioned for submission at the Reserved Matters stage.

Waste – Access needs to accommodate a 26 tonne RCV (Refuse Collection Vehicle)

YW – No objection subject to conditions

Representations

The proposed was advertised through neighbour notification letters, site notices, and by a press notice. 6 objections have been received. These raise concerns regarding:

- Loss of the historic farmhouse and barns and impact on this historic part of Thurnscoe;
- Overdevelopment of the site and wider area and loss of character of the village;
- Loss of community feeling in the village from increased development;
- Loss of outlook / privacy and light;
- Schools and health services already overloaded;
- The drains can't take the sewage and water runoff;
- Increased traffic causing congestion and highway safety concerns; and
- Impact on wildlife.

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 proposal site is predominantly comprised of Unitary Development Plan (Saved Policies) designated Safeguarded Land and a smaller area of land with the Housing Policy Area designation.

The revised NPPF states, in relation to the presumption in favour of sustainable development, that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

Currently the council cannot demonstrate a 5 year housing supply which is a material consideration in this case. Thurgoland is identified as a village in the settlement hierarchy, in the adopted Core Strategy and the emerging Local Plan, where development is allowed if it is consistent with Green Belt policy and is necessary for the viability of the settlement and to meet local needs. As the site is safeguarded in the saved UDP, its development is not in conflict with Green Belt policy and the absence of a 5 year housing supply supports (in part) that the development is necessary to meet local needs. The village of Thurgoland includes some essential services (doctors, school, shop and public house) and is serviced by buses to Barnsley, Penistone and Sheffield. Furthermore, whilst the site was originally proposed to remain safeguarded in the Local Plan, through the EiP process it was identified that additional land for housing is required and this site has now been brought forward as a housing allocation. Whilst the weight that can be afforded to the Local Plan is limited in accordance with paragraph 48 of the NPPF, the site has been assessed as a sustainable, suitable location in order to be out forward as an allocation.

Therefore, taking account of the above it is considered that departing from the development plan and applying the presumption in favour of sustainable development, there is justification for the principle of residential development at this site. However, this is subject to an assessment of the impacts.

Residential Amenity

The main criteria for assessing this issue are Core Strategy Policy CSP29 Design, the Designing New Residential Development SPD and Core Strategy Policy CSP40 Pollution Control and Prevention.

An indicative layout has been provided which demonstrate that the site can accommodate up to 25 dwellings easily and separation distances between the new and existing properties can be achieved to meet the standards in the Designing New Residential Development SPD. However, as this application is in outline with only the principle of development and means of access being considered the layout as submitted is indicative only. Loss of a view or outlook is not a matter that can be taken into account when considering planning applications.

Residents' concerns about noise and disturbance during the construction phase are acknowledged. Conditions requiring method statements to limit noise and dust would be required along with a condition restricting the hours of day when construction work is permitted.

Visual Amenity

The site is visible when approaching the village from the east as a result of the open landscape beyond it and its topography. Nevertheless it is located at the edge of the existing settlement with residential and / or mixed use development along 3 of the 4 boundaries. A well designed scheme here has the potential to complement and overtime blend into the existing village nicely. However, as this is an outline application, the detailed design will form part of the reserved matters application.

Highway Safety

Initial concerns were raised by the Council's Highways Section with regards to the suitability of the access onto Halifax Road. In response the applicant's submitted a Road Safety Audit and further assessments of the impact on the free flow of traffic on Halifax Road. In response to the concerns raised the applicant's Highways Consultant responded with the following points:

- The proposed access has been designed to adoptable standard
- Visibility splays have been provided in accordance with the 30mph plated speed limit in force
- The access exceeds junction spacing guidance to the traffic signals based upon the 30 mph plated speed limit
- No accidents have been recorded at comparable junctions to the north of the signals
- The proposed access will operate well within capacity
- The access has been the subject of an independent Road Safety Audit which has not raised any concerns over the for, location or proximity of the junction to the traffic signal or lorry park

Further discussions were held between the applicant and the Highways Section. Whilst the above points allayed some concerns the Highways Section were still concerned about visibility at the access. The applicant had originally put forward that the visibility would meet MfS (Manual for Streets) standard but, knowing the traffic generation and speeds along Halifax Road, the Highways Section were looking for the higher standards required by the DMRB (Design Manual for Roads and Bridges) which it was not clear could be met. However, the applicant has provided further information to show that the required visibility, 2.4m x 90m, can be achieved. There has also been an agreement that a 'gateway' feature can be provided, at the cost of the applicant, which would help to highlight the change in speed to motorists. Whilst the details of this are not fully worked up it is considered that they can be secured by an appropriate condition.

In view of the above discussions, and further details provided through the course of the application, the Highways Section have raised no objections to the scheme subject to suitable conditions.

Affordable Housing, Education and Green Space

As the application is at outline stage full details of the type and size of house proposed are not fixed. However, the applicant has confirmed in their submission that 7 of the 25 houses will be affordable which equates to 28% of the development which is above the policy requirement of 25%. This can be secured via an appropriate condition.

Whilst house sizes are not yet known, the Council's Education section have calculated that 25 homes would generate 5 additional primary school places and 4 additional secondary school places. This would equate to a commuted sum of £125,183. The education contribution can be secured via a suitably worded condition.

In terms of green space the applicant has shown on their indicative drawing that green space can be incorporated within the layout of the site. This would benefit the visual amenities of the area as highlighted by the Parish Council. However, the plans are only indicative at this stage and as such a condition can be imposed to ensure this issue is adequately addressed at the reserved matters stage.

PROW

There is a PROW that runs from Smithy Hill through the top half of the site and links onto Fir Tree. The applicant has acknowledged its existence on the indicative plan and the likelihood that this will need to be retained but diverted through the site. This will need to form part of the reserved matters but the diversion will also need to be agreed with the PROW Section and an informative is therefore recommended to make the applicant aware of this.

Drainage

The applicant has submitted a Drainage Strategy and Flood Risk Assessment as part of the application. In summary this states that foul water will discharge to the public combined sewer. In terms of surface water disposal, this will depend on the layout that is eventually decided upon but it is proposed to carry out infiltration testing to ascertain whether soakaways will be feasible. If not, other methods will have to be explored including discharging to the public surface water sewer at appropriately controlled rates. These details have been assessed by the Council's Drainage Section and Yorkshire Water who have both raised no objections subject to suitable conditions.

Ecology and Trees

The applicants have submitted a bat report and Preliminary Ecological Assessment. The Council's biodiversity Officer is satisfied with the contents of these reports and subject to conditioning the mitigation measures proposed has raised no objections. The issue of the impact on hedges and trees within and on the boundaries of the site has been raised. However, as neither layout nor landscaping is being considered at this stage this is an issue that would need to be more appropriately assessed at Reserved Matters stage. A condition is however recommended to highlight this issue to the developer if outline permission is granted.

Conclusion

The land is currently allocated as Safeguarded land but the allocation for housing in the emerging Local Plan, the lack of a 5 year supply, and the site's positioning towards the centre of the village and bordered on three sides by existing development, provide weight to support the principle that residential development is acceptable. The access has been fully assessed by the Council's Highways Section who have raised no objections. Although in outline form only at this stage it is considered that a scheme could be designed to ensure there are no significant detriments to visual amenity or residential amenity and as such the recommendation is to approve.

Recommendation

Grant subject to conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 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.

- 2 The development 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.

- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, 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 in accordance with Core Strategy Policy CSP 29, Design.

- 4 The development 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 25% 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.

- 5 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40

- 6 In relation to Condition No.5, should the site require a remediation scheme to address any contamination risks identified, then this scheme shall be implemented in accordance with a timetable of works to be submitted to and agreed in writing with the Local Planning Authority. On the completion of the measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.

Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40

- 7 No development shall take place 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
- 8 No piped discharge of surface water from the application site 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
- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation into the watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an approved programme and details.
Reason: To prevent the increased risk of flooding in accordance with Core Strategy Policy CSP 4
- 10 An Arboricultural Impact Assessment shall be submitted with the Reserved Matters application.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 11 Prior to any work commencing, the applicant shall submit to BMBC 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 interest of residential amenity to accord with Core Strategy Policy CSP40
- 12 Prior to commencement of development full details of the mitigation measures identified in the Preliminary Ecological Appraisal (Dec 2017) and the Bat Emergence Survey (August 2018), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

14 No development shall commence until such time as a planning obligation has been entered into for the provision of off-site education facilities. The provision of off-site education facilities shall be provided in accordance with the approved scheme.

Reason: To ensure children can be accommodated in local primary schools in accordance with policy CSP 42.

15 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to on site and off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the on site and off site open space shall be provided prior to completion of the development in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.

16 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Halifax Road, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interests of highway safety in accordance with CSP26

17 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 interests of highway safety in accordance with CSP26

18 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- " Provision of a gateway feature on Halifax Road;
- " Any necessary signing/lining;
- " Any necessary resurfacing/reconstruction;

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Siting of the site cabin
- 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
- Noise and dust management plan to provide measures on how noise and dust will be controlled during the construction period

Reason: in the interests of highway safety in accordance with CSP26

20 Prior to any works commencing on-site, 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. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify 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 interests of highway safety in accordance with CSP26.

21 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: In the interests of highway safety.

22 The development red line area hereby approved shall be in accordance with drawing No. 1770 01 unless required by any other conditions in this permission.

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

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