
2017/1701

Applicant: Mr Paul Bussey C/o JK Planning and Design Service Ltd

Description: Erection of 9 no. 3 storey townhouses.

Site Address: Car Park, Fieldsend Road, Goldthorpe, Rotherham, S63 9LX

The site is presented to Planning Regulatory Board as the site is currently in Council Ownership.

Site Description

The site comprises a 0.15ha car park located at the junction of Barnsley Road and Fields End Road. It is a broadly linear site with vehicular access from Fields End Road and pedestrian access from Barnsley Road. There is also an existing footpath access from Charles Street to the rear of the site and a maintenance access to the greenspace to the north of the site.

The site is flat and mostly tarmacked with parking areas laid out and whitelined. There are some areas of soft landscaping on the site and scattered trees along the site edges (to the north and south).

To the east of the site, the area is characterised by a rows of red brick terraced housing. To the west are industrial premises and there is a greenspace to the north.

Proposed Development

The proposed is to build 9 houses, 4 pairs of semis and one detached, all two bed. Access is from the existing access point off Fields End Road with a private drive running to the rear of the properties. Parking is at the rear.

The 4 pairs of semis front onto Fields End Road with gardens to the side and rear. The detached property is located at the junction with Barnsley Road and is double fronted to face both highways.

Site History

None

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 modification 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.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
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'
CSP19, '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: Housing Policy Area

SPD's

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

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

The site is located in the Urban Fabric in the emerging Local Plan. Policies of relevance would be:

Policy SD1 – Presumption in favour of Sustainable Development

Policy GD1 – 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 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.

Paragraphs of particular relevance to this application include:

109 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe .

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

Consultations

Broadband – No objection subject to the standard condition.

Parks – Provision must be made to secure alternative maintenance access.

Contaminated Land – No objection, subject to a condition requiring intrusive site investigation.

Drainage – No detailed drainage strategy has been provided, however the site is well serviced by existing public sewers and the applicant has agreed to consider potential soakaways, subject to porosity testing. This detail can be agreed through a condition and as such there are no objection.

Highways – No objection subject to conditions

Police Architectural Liaison – General comments on detailed design matters to be passed to the applicant

Regulatory Services – Has reviewed the updated the noise report and acknowledges that it has provided more accurate sound levels for the site. There are no concerns relating to noise impact internally but there is still an issue with noise levels for garden areas. The

report claims the buildings will offer a 15dB reduction in sound levels to 53dB which would be in the upper category of acceptable. However, concerns are raised that the buildings would only offer some protection and the rest would be mainly by the boundary fencing which would be less effective. Comments are given that the boundary treatment should not include any gates to ensure the maximum effect of noise mitigation.

Coal Authority – No objection, subject to a condition requiring site investigation.

Trees – A tree survey has been provided which confirms the majority of trees on / adjacent the site are category C with the only category B tree located within the footway on Barnsley Road to be retained. No objections are therefore raised subject to the imposition of conditions.

Yorkshire Water – No observations

Representations

The application was publicised by notices in the press and on site and by notification letter to individual properties. 5 letters of objection have been received raising the following concerns:

- Loss of parking which is currently used by residents in surrounding houses
- Consideration should be given to the footpath access to Charles Street and ongoing problems with antisocial behaviour associated with this route.
- Increased traffic.
- There is already too many houses with a number empty.
- Road safety fears with the second access (originally proposed but now removed from the application).

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. The site is allocated as being within the Housing Policy Area in the UDP where residential development is acceptable in principle. The assessment of the application has therefore been carried out in this context and is detailed below with regards to site specific issues:-

Visual Amenity

The proposal is for 9 houses which is the maximum that could be feasibly accommodated on the site and therefore provides the most efficient usage of the land. This layout has been informed by the constraints of the site, which is relatively narrow and located close to a busy road junction, and the impact of the proposed development on the street scene.

The current proposal is considered to be the best solution providing a single point of access, located in the same place as the existing car park access and with the houses facing onto Fields End Road and Barnsley Road framing the street. The original layout proposed 10 town houses, orientated to be in line with the terraces to the East. However, whilst the wider area is largely terraced housing, this approach would have required a second access and the creation of a parking court which was unacceptable in highway and design terms.

The house designs are in keeping with the area in terms of their relatively simple elevational treatment and being two storeys in height. The use of brick and concrete tiles is also in keeping.

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.

The site layout and house design complies with South Yorkshire Design Guidance in terms of internal spacing standards. In addition the distances between dwellings, (existing and proposed) meets the standards as set out in the Designing New Residential Development SPD. However, the garden spaces for some of the plots are marginal / below the standards usually required. This is as a consequence of the changes made to the layout in order to meet design and highway safety requirements and the constrained nature of the site. As such, and taking account of the adjacent greenspace, in this case the smaller gardens are considered acceptable.

The Noise Officer raised a number of concerns regarding the impact on new residents from noise associated with the road and employment uses opposite. Following submission of some additional and more accurate assessment of noise levels by the applicant the Noise Officer has agreed that internal noise levels can be achieved, subject to mitigation measures. Concerns remain in relation to garden areas; however, the applicant has provided close boarded fences with no gates or gaps along the garden boundaries. This will mitigate noise impacts to a degree and given the wider constraints of the site, is acceptable in this instance.

Therefore the proposed is acceptable in residential amenity terms.

Highway Safety

Asset Management have confirmed that the car park was declared surplus to requirements due to ongoing maintenance costs and lack of use. The car park was intended for visitors to Goldthorpe Town Centre but was not used for this purpose nor was it receiving any income. Therefore retaining the land and continuing to be responsible for its maintenance was not a viable option in a time when the Council is tasked with reducing costs and generating revenue.

The proposed residential development has been design to utilise the existing single access point for the car park with parking located to the rear of the properties. This is acceptable in highway safety terms, taking account of previous vehicle movements. Parking meets the requirements of the SPD providing 1 space for each 2 bed dwelling.

Maintenance access to the greenspace to the north of the site is currently through the car park and will be relocated to come directly off Fields End Road, as shown on the plans. Highway Officers and Parks have confirmed that this is acceptable.

There is a footpath to the east of the site, linking Charles Street with the car park. This is not a Public Right Of Way and the land is within the applicant's ownership. At this stage the applicant has not proposed to close this route, however, the Council are not able to control this in the future.

Recommendation

Grant planning permission subject to conditions:-

- 1 The development 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 hereby approved shall be carried out strictly in accordance with the amended plans (Site Plan Drawing 4 Rev C, Plot 9 Drawing 2, Plot 1-8 Drawing 1) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished 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 Core Strategy Policy CSP 29, Design.
- 4 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 6 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.
- 7 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 enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard Residential and Visual Amenity in accordance with Core Strategy Policy CSP 29, Design.

- 8 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).
 5. A Validation Report to confirm remediation works have been 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 comply with Core Strategy Policy CSP 40 Pollution.

- 9 No development shall take place unless and until:

(a) full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways. are all 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 and the scheme shall be retained throughout the lifetime of the development.

Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP3 and CSP4.

- 10 The site is located in a coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. Intrusive ground investigation must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and / or landowner.

Reason: To ensure safe stable development in accordance with NPPF Paragraphs 178-180 and Core Strategy Policy CSP 40.

11 No development or other operations being undertaken on site 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:

- Tree protective barrier details
- Tree protection plan

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.

12 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 the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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.

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BARNSELY MBC - Regeneration & Property

Service Director: David Shepherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621



Scale 1: 2500