
2018/1195

Applicant: Berkeley DeVeer

Description: Variation of Condition 3 (relating to access) of 2016/0340 - Outline application for residential development of up to 24 dwellings to include means of access and public open space.

Site Address: Land to the East of Cote Lane, Thurgoland, Sheffield S35 7AB

3 letters of objection have been received

Thurgoland Parish Council have also objected

Members to note that this application is linked to the reserved matters application 2018/0338 which is also under consideration on this agenda.

Site Description

The application site comprises a 1ha field that is approximately rectangular in shape on the eastern side of Cote Lane in Thurgoland.

The surroundings of the site are mixed. To the north of the site is a small housing estate (Springwood Close). To the east the site shares a boundary with an area of woodland. Adjacent the southern boundary is a group of 3 properties. The remaining half of the southern boundary is located adjacent to open land. Open countryside is located to the west of the site on the other side of Cote Lane.

The site is open and grassed and is not in use for any formal agricultural use at present. The site forms part of a hillside and is affected by topographical issues. This has the effect of land on the northern boundary being approximately 8m on average higher than land on the southern boundary and falls at a steep gradient. The differences are not as significant west to east with difference in levels being approximately 3m.

Proposed Development

Application 2016/0340 granted outline planning permission for residential development of up to 24 dwellings to include means of access and public open space. The plan submitted with the application showed one access off Cote Lane into the site. Condition 3 on this permission therefore stated the following:

“The access for the development shall be constructed in accordance with the details shown on approved plan reference 2467.002A for the first 10m from the site entrance.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.”

This application seeks to vary condition 3 of outline application 2016/0340 as a secondary access is now also proposed to serve two plots. This would allow two properties to be accessed via a separate private drive, off Cote Lane (to the south of the approved access) with the remaining 22 houses accessed in accordance with the plan approved at outline.

The wider layout and landscaping as shown on the plan is not the subject of this application.

History

2016/0340 Outline application for residential development of up to 24 dwellings to include means of access and public open space – Approved 20/12/2016.

2018/0338 - Residential development of 24 dwellings (Reserved Matters relating to outline application 2016/0340) – under consideration at this Planning Board.

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 the Council having received the Planning Inspector's report for fact checking. The Final Report is anticipated to be received between this report being written and the date that planning and regulatory board will consider this application. This means that substantial weight can be given to the policies contained within the Local Plan. Strictly speaking, the Core Strategy and Unitary Development Plan remain the development plan for the borough. However, in light of the fact the Local Plan is on the verge of being adopted, these are now afforded less weight, particularly where it is clear that relevant policies within either of the documents are superseded by up-to-date policies within the Local Plan.

Core Strategy

CSP3 ‘Sustainable Drainage Systems’
CSP4 ‘Flood Risk’
CSP8 ‘The Location of Growth’
CSP9 ‘The Number of New Homes to be Built’
CSP10 ‘The Distribution of New Homes’
CSP14 ‘Housing Mix and Efficient Use of Land’
CSP15 ‘Affordable Housing’
CSP26 ‘New Development and Highway Improvement’
CSP29 ‘Design’
CSP36 ‘Biodiversity and Geodiversity’
CSP39 ‘Contaminated and Unstable Land’
CSP40 ‘Pollution Control and Protection’

Saved UDP Policies

UDP notation: Safeguarded Land

GS10/WR11 ‘In areas shown as safeguarded land on the proposals map existing uses shall normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the land in question’.

SPD's

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

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

Proposed allocation: Urban Fabric

In addition, the land to the south has been proposed for allocation as residential development. This formed part of the same area of Safeguarded Land and was originally proposed to remain as Safeguarded Land in the Publication Draft. It has now been brought forward as an allocation through the Main Modification Process. Access to this site can be gained from Cote Lane subject to improvements.

Policies of relevance would be;

- 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 CC3 – Flood Risk
- Policy Pol11 – 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.

Sections of relevance would be:

- Section 5 – Delivering a sufficient supply of homes
- Section 12 – Achieving well-designed places

Consultations

Drainage – No objections

Highways – No objections

Parish Council - has considered the above application regarding variation to condition 3 of application 2016/0340 and objects to the application as it has concerns regarding the second access from the proposed site onto Cote Lane. The second access point which was

not in the original approved planning application plan raises concerns from the Parish Council. The additional access point, at the southern end of the site is close to the blind corner at the bottom of the hill, which has a dip in the road, and could cause issues especially with vehicles driving up Cote Lane from the bend in the road.

The Parish Council would like the original approved plan DWG2467.002A with one access point to be adhered to, as the new plan P17:5149:01-H with the additional access is significantly different to the original plan and has detrimental impact on residents.

Also the original approved plan for 2016/0340 with one access point refers to "means of access and public open space". This is noted in the title description to 2018/1195. The new plan does not show an area of public open space which the Parish Council understood to be a requirement of the original application. The Parish Council would like the original approved plan DWG2467.002A to be adhered to.

Representations

The application was advertised by neighbour notification letters and a site notice. 3 objections have been received which raises a number of concerns. The majority of these concerns relate to the layout of the wider development which is the subject of another application (2018/0338) which is also being considered at this Planning Board. With regards to this particular application for the new access, the objections raised relate to highway safety and pick up on the same concerns about the position of the new access that the Parish Council have stated.

Parish Council - In addition, the Parish Council have objected on the grounds that the additional access point, at the southern end of the site is close to the blind corner at the bottom of the hill, which has a dip in the road, and could cause issues especially with vehicles driving up Cote Lane from the bend in the road. They have also requested that the open space as shown on the original outline application (2467.002A) be retained. However, when the outline application was originally assessed the greenspace as shown on the indicative plan was judged to be insufficient in size to provide anything meaningful in terms of green space. As such it was agreed with the applicant that an off-site contribution was required. This was agreed at £43,000. It is for this reason that we did not condition the green space (as we did the access) and similarly I now cannot force the applicant to include green space in the development as part of the reserved matters application.

Assessment

Principle

The principle of the proposed housing development has been established through the outline planning application 2016/0340. This application only seeks to alter condition 3 and as such it is only the impacts of this proposed amendment that are under consideration as part of this application

Highway Safety

This application is to alter condition 3 of the outline planning permission which relates to access. Condition 3 specifically stated that the approved access arrangement for the first 10m of the development was to be via a single new estate road and junction to be created off Cote Lane (plan ref 2467.002A), with the wider layout being for indicative purposes only.

The amendment now proposed seeks to retrain the original access but add a secondary private access onto Cote Lane to serve 2 of the 24 properties. The secondary access would be south of the originally approved access and approximately 15 to 20m up from the boundary with the property known as Craig-y-Don. Given it would be placed between the

approved access and the access that serves three properties to the south of the site, and would only serve 2 dwellings, the Council's Highways Section are satisfied that the addition of the private access would not result in any significant detriment to the free flow of traffic or highway safety. As such they have raised no objections to the scheme.

Residential Amenity

Whilst the proposed new access is closer to properties along the southern boundary, it is still sufficient distance away not to result in any significant detriment to their residential amenity. In addition, as it only serves two dwellings, the vehicular movements associated with the access would be limited.

Visual Amenity

The proposal would result in an additional opening along the frontage of Cote Lane but given that there are existing accesses to the north and south, it is not considered that this would be out of character with the street scene and as such would not be detrimental to visual amenity.

Other Matters.

In revising this condition, it is not proposed to approve the wider layout. If approved, the condition will be re-issued with only the first 10m of the access as shown on amended plan (Ref: P17:5149:01 Rev: N) approved along with the private drive (secondary access) to plots 23 and 24.

Given the wider layout is to be considered under the reserved matters application (2018/0338) and will not be approved under this application, visual or residential amenity considerations are limited to those specifically related to the access. All other conditions applied to the original outline will be carried forward onto this new permission. The S106 agreement that accompanied application 2016/0340 and secured relevant affordable housing, community project funding, education provision contribution, and greenspace contribution would also need linking to this application to ensure these provisions are still secured.

Conclusion

In summary therefore the proposed change to condition 3 is considered to have minor implications for the remainder of the development, meeting with the approval of the Highway Authority who have considered the highway safety implications of the amendment. Based upon this the proposed variation to condition 3 of outline planning permission 2016/0340 (development of 24 dwellings) is supported as being acceptable accordingly.

Recommendation

Grant subject to conditions and amendment to S106 Legal Agreement:-

1 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) 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.

2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before 20th December 2019, 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.

3 The accesses for the development shall be constructed in accordance with the details shown on approved plan reference P17:5149:01 - N for the first 10m from Cote Lane and no more than 2 plots are to be accessed from the private drive.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

4 The development hereby approved shall not exceed a maximum of 24 residential dwellings, the details of which shall be submitted under an application for the approval of the reserved matters.

Reason: To ensure the development conforms with the outline planning permission and stays within the maximum assessed level of development.

5 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 and in accordance with LDF Core Strategy Policy CSP 29, Design.

6 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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.

7 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of main access road with Cote Lane, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

8 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:

- a) Provision of a 2m wide footway along the site frontage;
- b) Relocation of the street lighting column;
- c) Provision of /any necessary alterations to street lighting;
- d) Provision of/any necessary alterations to highway drainage;
- e) Resurfacing/reconstruction as necessary.

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 interest of highway safety, in accordance with Core Strategy Policy CSP 26.

9 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
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

10 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off to a maximum of 5 litres per second and a programme of works for implementation, 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 and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

11 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 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
- Arboricultural method statement

The erection of barrier's 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.

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

- 12 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (Brooks Ecological report ref R-2524-01), 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 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.

- 14 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This 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 be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

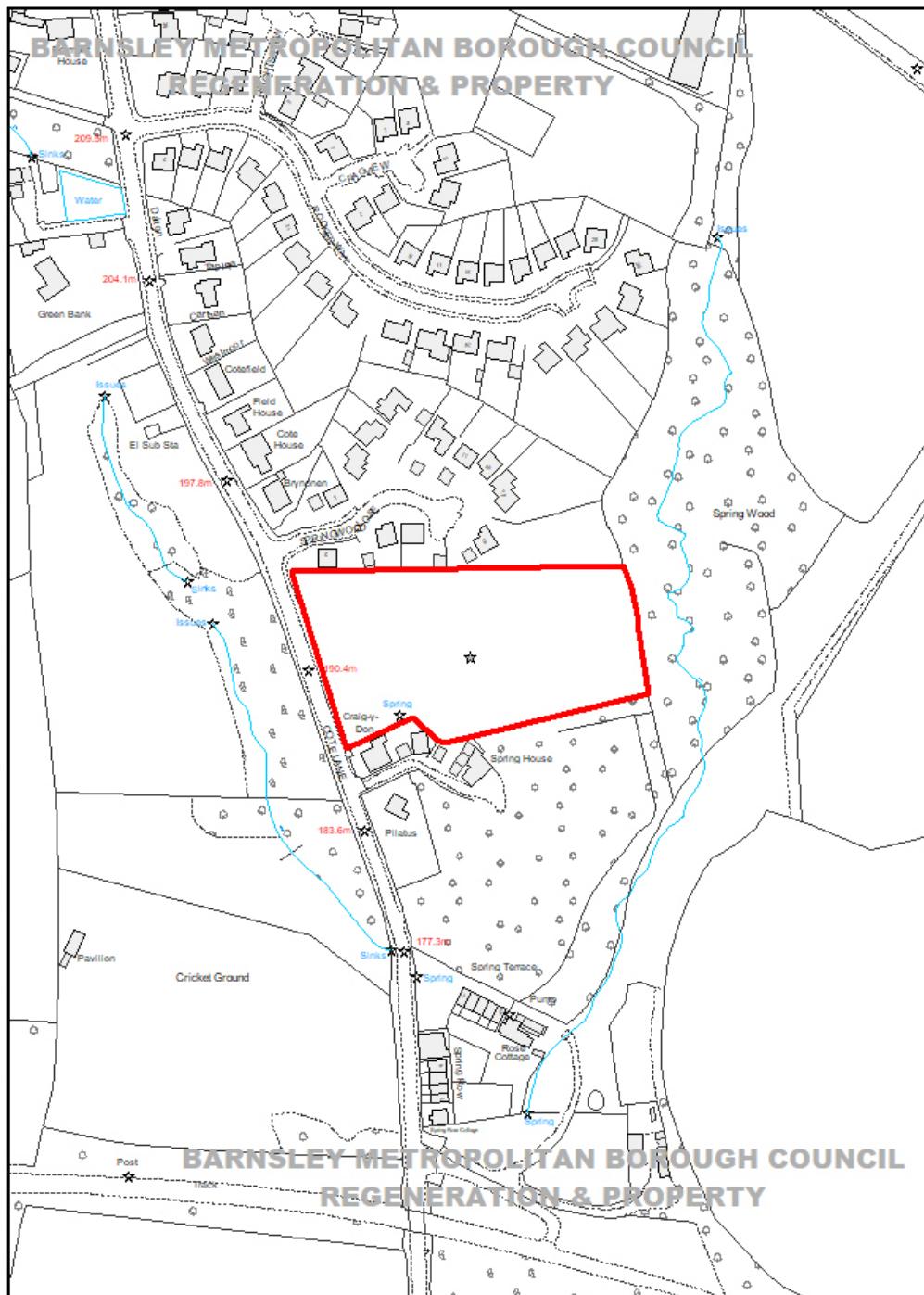
- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

PA Reference:-

2018/0338 + 2018/1195

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Scale 1: _____