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**2024/0623**

Yorkshire Water Services Ltd

3no dropped kerbs along the southbound carriageway of the B6097 (Wath Road) for temporary period (1 year) associated with drainage improvement works.

Footpath in the vicinity of Wath Road, Cobcar Lane Bus Stop, Elsecar, Barnsley, S74 8JF

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### **Site Location & Description**

The application relates to proposed drainage works being carried out by Yorkshire Water. The project, known as Elsecar Combined Sewage Overflow Scheme (CSO), includes capturing and holding storm water during heaving rainfall, and storing the water in a buried tank before being discharged into the existing sewerage system for treatment. The full details of the works, which can be carried out under permitted development, under Scheule 2, Part 13, Class B- development by or on behalf of sewerage undertakers, is set out in the supporting documents. This application relates only to the dropped kerbs which are required to serve the site compound area.

The application site lies to the south of Wath Road between the highway and the body of water. The junction with Cobcar Lane is directly opposite the site, with the existing bus shelter on the western part of the site. The wider works site consists of a small grassed open space with established trees. The terrace properties to the north of Wath Road are Grade II Listed.



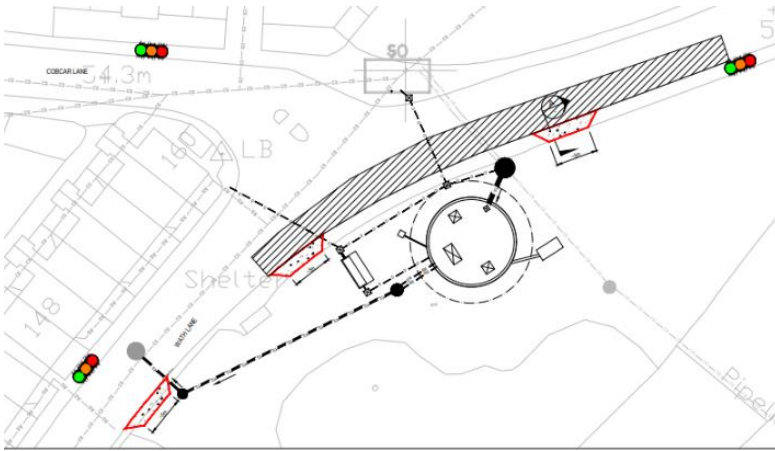
### **Site History**

No relevant planning history.

### **Proposed Development**

This application seeks temporary permission for the installation of 3x dropped kerbs along the southern kerb of Wath Road (B6097). The dropped kerbs are required for the duration of the project described above, to provide suitable access into the wider project site. Following this period the kerb will be reinstated as existing.

Amended plans have been submitted during the assessment of the application to satisfy queries raised by the Highways DC Officer.



## Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

### Site Allocation/Designation

The site lies within Urban Fabric as defined in the adopted Local Plan and within the Elsecar Conservation Area.

The open space to the south is designated Greenspace (Wath Road Green Space) as defined in the adopted Local Plan.

The site is in a high risk development area as per the Coal Authority maps. The western part of the site lies within Flood Zone 3 thus at high risk of flooding.

### National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

Section 11- Making Effective Use of Land

Section 9 – Promoting Sustainable Transport

Section 14- Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

### Barnsley Local Plan

The following Local Plan policies are relevant:

Policy GD1: General Development

Policy SD1: Presumption in favour of Sustainable Development

Policy T4: New Development and Transport Safety

Policy LC1: Landscape Character

Policy CC3: Flood Risk

Policy HE1: The Historic Environment

Policy GS1: Green Space

### Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019

Elsecar Conservation Area Design & Maintenance Guide, November 2019

### **Consultations**

Local Ward Cllrs– No response.

Coal Authority– No objection subject to informative attached to decision.

Conservation Officer – The development will not harm the setting of nearby listed buildings or the wider conservation area, no objection on this basis.

Forestry Officer – The relevant consent has been sought separate to this application regarding the works to the trees within the Conservation Area. No objection to the development.

Highways DC– No objection based on the updated plans (received 8/8/2024) subject to the attached condition relating to the existing kerb and footway being reinstated.

Drainage– No conditions required.

National Grid/Cadent Gas – No objection subject to informative attached.

Yorkshire Water- No objection, no conditions required.

South Yorkshire Mining Advisory Service- No response.

## **Representations**

This application has been advertised in accordance with the Development Management Procedure Order 2015 as follows:

- Neighbour notification letters sent to adjoining properties- expiry 12/8/2024
- Site Notice displayed, conservation area – expiry 13/8/2024
- Press Notice, conservation area – expiry 16/8/2024

2 neighbour representations have been received in response to the above publicity, raising the following concerns:

- Concerns regarding temporary nature of the works;
- Impact upon biodiversity;
- Impact upon trees;
- Disturbance/nuisance introduced by the wider activities;
- Loss of Green Space;
- Impact upon parking availability during the project works;
- Impact upon bin collection arrangements during the project works.

The concerns raised will be addressed below.

## **Assessment**

### Principle of Development

The site falls within urban fabric which has no specific land allocation. New buildings and extensions are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with the relevant policies quoted below.

Local Plan Policy GS1: Green Space states that proposals that result in the loss of green space will not normally be allowed.

The proposed development consists of 3x dropped kerbs on the southern kerblines of Wath Road which will be installed on a temporary basis, for the period of 1 year to serve a drainage improvement project being undertaken by Yorkshire Water on the land to the south. It is noted that the main construction area is designated Green Space as defined in the Local Plan. However, the wider project works fall within permitted development and will not result in the permanent loss of the Green Space. As such, this application relates only to the dropped kerbs which are required

to provide vehicular access into the construction site/compound area. The principle of the development is therefore acceptable subject to the considerations below.

### Highways Considerations

NPPF Paragraph 115 states that 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.

Local Plan Policy T4 states that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

The Highways DC Officer initially raised some queries regarding the proposal, however the additional information sufficiently addresses those. The information clarifies that 3 separate temporary site accesses are required due to the scale of the construction works. The submitted construction traffic management plan shows that Wath Road will be subject to a temporary lane and road closures during the works as well as the implementation of a temporary traffic regulation order to prevent the parking of vehicles on Wath Road. Passing traffic will be controlled by a 3-way traffic light management plan which includes the Wath Road/Cobcar Lane junction.

Overall the development is considered to be acceptable from a highways perspective. The application has been supported by sufficient information and would be for a temporary timeframe only. A condition is attached to ensure that kerb and footway are reinstated as existing upon completion of the associated construction works.

### Conservation

NPPF Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Local Plan Policy HE1: The Historic Environment states that proposals which conserve and enhance the significance and setting of the borough's heritage asset will be supported, paying particular attention to those elements which contribute most to the borough's distinctive character including the Elsecar Conservation Village. Proposals which preserve or enhance the character or appearance of a conservation area will also be supported.

The Conservation Officer has reviewed the application and confirms that the development will not harm the appearance or setting of the Elsecar Conservation Area or adjacent listed buildings. There is no objection on this basis.

### Flood Risk

Local Plan Policy CC3: Flood Risk states that new development will not be permitted where it would be at an unacceptable risk of flooding.

The most eastern dropped kerb lies on the boundary with Flood Zone 3. However, the development will not increase or impact flood risk upon adjacent uses or land. The wider project aims to improve drainage/flood risk. The development is therefore acceptable in this regard.

### Temporary Use

The development is only acceptable for a temporary timeframe of 1 year and for the purpose of providing access to the wider construction site. A condition is attached to ensure that the kerb is reinstated within a year of the decision date.

### Neighbour Concerns

It is noted that 2 neighbour representations have been received in objection to the proposal. However the majority of the concerns raised relate to the impact/disturbance of the wider drainage project rather than the installation of the dropped kerbs.

The impact/loss of trees on the Green Space has been raised as a concern. However, as mentioned above, the relevant consents have been sought separate to this application, which the Forestry Officer has reviewed and issued.

Concerns have also been raised regarding the alterations to residential parking/bin collection arrangements during the project works. This disturbance does not fall within the planning regime and is instead covered by the temporary traffic regulation order. The development of the dropped kerbs is on a section of footway which does not provide residential parking. On this basis, the representations received are disregarded.

### Conclusion

The application is minor in scale, relating to the installation of 3x dropped kerbs. The wider drainage project works fall within permitted development, but alterations to the highway such as this proposal require permission. The Highways DC Officer has no objection to the proposal based on the additional supporting documents. Whilst the short-term loss of the Green Space for use as a construction site/compound is unfortunate, this falls outside the scope of this application which relates to the dropped kerbs only. Nevertheless, the wider project aims to improve drainage infrastructure within the locality and therefore provides associated community benefit. The dropped kerbs will be for a temporary period only to serve the associated construction vehicles, with the kerbline reinstated following the project. In conclusion, the development is acceptable.

### **Recommendation**

**Approve** with conditions

