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2024/0952

**Mr Adam Butterfield**

**Land At, Barnburgh Lane, Goldthorpe, Rotherham, S63 9FL**

**Variation of condition 2 of application 2020/1439 (Erection of 68no. 2,3, and 4 bed dwellings with associated access and landscaping) to allow introduction of a substation, changes to parking provision, installation of air source heat pumps and EV-C points, and some plot handings and garage position tweaks on-plot with some garage omissions**

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### **Site Description**

This site is located to the south-east of Goldthorpe and the west of the first two phases of Gleasons' developments off Barnburgh Lane. Broadly rectangular in shape, the site is circa 2.2ha in size. To the west are allotments and open land, beyond which is Astrea Academy Dearne. To the north are existing houses on Lindale Gardens and to the south is open land / green belt. The site falls from north to south and there is overgrown vegetation, including brambles across the site and hedgerows around the site edges.

### **Planning History**

There is an extensive planning history associated with the development site. However, the most recent and relevant application is:

1. 2020/1439 – Erection of 68no 2, 3 and 4 bed dwellings with associated access and landscaping – Approved March 2023.

No conditions have yet been discharged.

### **Proposed Development**

This application seeks a variation to a previously approved planning application. Full planning permission for the erection of 68 dwellings with associated access and landscaping was granted under planning application 2020/1439 in March 2023.

This application does not seek to change the number of units on the site or access into the site. The S106 contributions secured under the previous permission will also remain as they are. However, this scheme does propose a number of minor alterations to the scheme which are detailed below:

- The introduction of a substation to the south of the site
- The installation of air source heat pumps to each individual dwelling
- The installation of EV charging points to each individual dwelling
- Omission of garages from plots 3, 9, 12, 19, 20, 34, 37, 38, 39, and 52.

### **Policy Context**

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

**Local Plan Allocation – Housing Proposal Site HS45:** Land south of Barnburgh Lane Indicative number of dwellings 69:-

The indicative dwelling number above relates to the remainder of the site. The development will be expected to retain, enhance and manage hedgerows, woodland and swamp at the south-west side of site. Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment

- ***Policy SD1 ‘Presumption in Favour of Sustainable Development’.***
- ***Policy GD1 ‘General Development’***
- ***Policy LG2 ‘The Location of Growth’***
- ***Policy H1 ‘The Number of New Homes to be Built’***
- ***Policy H6 ‘Housing Mix and Efficient Use of Land’***
- ***Policy H7 ‘Affordable Housing’***
- ***Policy H8 ‘Housing Regeneration Areas’***
- ***Policy T3 ‘New Development and Sustainable Travel’.***
- ***Policy T4 ‘New Development and Transport Safety’***
- ***Policy D1 ‘High Quality Design and Place Making’***
- ***Policy HE6 ‘Archaeology’***
- ***Policy GS1 ‘Green Space’***
- ***Policy GS2 ‘Green Ways and Public Rights of Way’***
- ***Policy BIO1 ‘Biodiversity and Geodiversity’***
- ***Policy CC1 ‘Climate Change’***
- ***Policy CC2 ‘Sustainable Design and Construction’***
- ***Policy CC3 ‘Flood Risk’***
- ***Policy CC4 ‘Sustainable Urban Drainage’***
- ***Policy CL1 ‘Contaminated and Unstable Land’***
- ***Policy Poll1 ‘Pollution Control and Protection’***
- ***Policy PI1 ‘Infrastructure and Planning Obligations’***

#### Supplementary Planning Document(s)

- ***Trees and hedgerows (Adopted May 2019).***
- ***Open Space Provision on New Housing Developments (Adopted May 2019).***
- ***Design of Housing Development (Adopted July 2023).***
- ***Biodiversity and Geodiversity (Adopted March 2024).***
- ***Sustainable Travel (Adopted July 2022).***
- ***Parking (Adopted November 2019).***
- ***Sustainable construction and climate change adaptation (July 2023).***
- ***Financial Contributions for Schools (Adopted May 2019).***
- ***Affordable Housing (Adopted July 2022)***

#### National Planning Policy Framework (December 2024)

The NPPF sets out the Government’s planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- ***Section 2: Achieving Sustainable Development***

- **Section 4: Decision Making**
- **Section 5: Delivering a sufficient supply of homes**
- **Section 8: Promoting healthy and safe communities.**
- **Section 9: Promoting sustainable transport.**
- **Section 12: Achieving well designed places.**
- **Section 14: Meeting the challenge of Climate Change, flooding and coastal change**

#### Other Material Consideration(s)

- **South Yorkshire Residential Design Guide 2011.**
- **National Planning Practice Guidance (NPPG) (as amended).**

#### **Consultations**

Biodiversity	<i>No objections. The original permission was prior to the mandatory BNG requirements with only no net loss required, the majority of this is off site provision and the substation will not be sited on any heavily landscaped area as such is acceptable.</i>
Highways Development Control	<i>No objections. The proposals do not impact highways safety.</i>
The Coal Authority	<i>No objections. Requested that conditions 18 and 19 be carried forward to this permission.</i>
Yorkshire Water Services Ltd	<i>No comments received.</i>
Local Ward Councillors	<i>No comments received</i>
Legal	<i>The legal team have confirmed that the existing Section 106 agreement is unaffected by this section 73 application and given the minor nature of the proposals it is not necessary to ask for further contributions. As such no deed of variation is required in this case.</i>
Pollution Control	<i>No objections in principle however have provided a condition to ensure the noise levels do not exceed a certain level to protect neighbour amenity.</i>

#### **Representations**

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 27<sup>th</sup> May 2025.

Two representations were received from members of the public. One raised concerns with regards to the principle of residential development, however this has already been established through the original permission which remains extant.

The second representation raises concerns with regard to the air source heat pumps and makes assumptions regarding noise and energy consumption. These comments are addressed later in the report.

#### **Assessment**

##### Principle of Development

The principle of 68 dwellings on this site has already been established with the granting of planning application 2020/1439 which is still an extant permission. This application does not seek to change the number of units on the site, nor the access into the site or the internal road layout. The S106 contributions secured under the previous permission will also remain as approved. The assessment of this application therefore concentrates on the impacts of the proposed changes to the scheme.

### Design/Appearance/Layout

The site layout has been designed around a primary route with secondary and tertiary routes in a branch formation with access off Barnburgh Lane. This will remain as previously approved. The main design changes are the reorientation/omission of some garages, the introduction of a substation and the installation of EV charging points and air source heat pumps to each plot.

The plots affected by the garage changes are, plots 3, 9, 12, 19, 20, 34, 37, 38, 39 and 52.

Where the garages are removed these are generally replaced with tandem parking spaces to the side/front of the associated dwelling. The Design of Housing Development SPD states that 'Parking areas to the front of dwellings should be designed to reduce their dominance. An over reliance on in front of plot parking can create over wide streets dominated by parked cars and driveways unless there is sufficient space to use strong and extensive landscaping to compensate for the lack of built form enclosure'. The amended design accords with this guidance in that there are a variety of parking formations within the plots, there is a strong mixture of front, tandem and rear parking with some plots also having garages. There are landscaped areas to the front of each dwelling creating front garden areas to soften the appearance of parking and separate properties from one another.

As such it is not considered that the overall design changes would significantly differ from those approved in the original application and would accord with the guidance set out in the SPD.

The application also proposes to erect a substation at the south of the site. A positioning for substation was indicatively drawn in this area on the originally approved site layout however no detailed plans were provided. The proposed substation is approximately 4mX4m, single storey with a pitched roof. It is proposed to be brick built with a tiled roof which is of a standard design for a substation and reflects the materials used site wide.

When taking all of the above into consideration, the proposed development would maintain the visual amenity of the existing area and integrate well with the existing design and layout of the site.

### Residential Amenity

The proposed amendments will not impact neighbour amenity. The proposed substation is single storey and sufficiently distanced from neighbouring properties to limit any impact.

Air source heat pumps will be installed to each individual property, these are typically to the rear of the property and are separated from neighbours by garages, walls or fencing. Given the nature of the development, and that the ASHP are small scale for domestic use, it is not considered they will generate significant noise that would disturb neighbours or other residents. Environmental Health have provided a condition to ensure that the ASHPs do not exceed 42dBs at 1m from any neighbouring habitable room window. This level of noise is considered suitable to minimise noise disruption and protect neighbour amenity.

In taking all of the above, the development has a good standard of residential amenity in compliance with Local Plan Policies GD1 and D1.

### Highways

The proposed changes do not impact on the access point off Barnburgh Lane or the layout of the internal adopted road. The Council's Highways DC Section have assessed the amended plans and have raised no concerns with the garage omissions or EV charging points.

As such the proposal is acceptable in this respect.

### Ecology

The Council's Biodiversity Officer has assessed the changes and is confident they do not affect the biodiversity metric that was considered and accepted under application 2020/1439. As such they do not raise any objections to the changes proposed. At the time of the original application biodiversity net gain was not in national legislation and therefore the site was only required to achieve no net loss.

The proposals will not impact the biodiversity on the site and is therefore in accordance with Policy BIO1.

### S106 Agreement

The following contributions were secured by S106 with application 2023/0195 in order to make the development acceptable:

Affordable Housing- 10% on site

Sustainable Travel - £51,750

Education - £384,000

Greenspace/Open Space: £125,904.60

The S106 contains a clause that ensures that any future applications for variations of conditions would also be subject to the requirements of the S106 so these contributions would still be applicable and would not be affected by the changes proposed as part of this application. These S106 obligations are compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

The Legal Team have been consulted and it is not considered that the amendments proposed via this Section 73 application would alter the contributions already agreed in the Section 106 agreement.

### Other Matters

No conditions have yet been discharged and therefore all the original conditions will be carried forward onto this permission. One additional condition will be included as recommended by Environmental Health in regard to the air source heat pumps which are now proposed.

### Representations

Two representations were received from members of the public. One raised concerns with regards to the principle of residential development, however this has already been established through the original permission which remains extant.

The second representation raises concerns with regard to the air source heat pumps and makes assumptions regarding noise and energy consumption. A suitably worded condition has been included to ensure that the noise of the air source heat pumps do not exceed a certain noise level adjacent to habitable room windows, this is considered sufficient to mitigate any noise disturbance to neighbouring or existing properties as discussed above.

### Planning Balance and Conclusion

The changes proposed are not considered to have any significant detrimental impact on the material considerations assessed above. The site already has planning permission for 68 houses and the changes proposed would not affect the number of units being built. For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to conditions.

**Recommendation -  
Approve with Conditions**