Ref 2021/0249

Applicant: Mr S Frith

Agent: Studio Map

Description: Outline application for 24 dwellings with all matters reserved.

Site Address: Warmsworth Stone, Clayton Lane, Thurnscoe, Rotherham, S63 0RU.

Site Description

The site for development is situated along Clayton Lane and on green belt land. There is currently a 50,000sq feet warehouse/factory on the site built in red brick. The structure is approximately between 15 and 20 metres tall and can be seen down the valley from Thurnscoe. The site is accessible to the east from Clayton Lane. The building is currently used for storage and processing of stone by Mr Frith's (the applicant) business. Subsequently heavy machinery and vehicles regularly pass in and out of the site.

Proposed Development

This is an outline application with all matters reserved for residential development of 24 dwellings.

The Design and Access statement refers to the fact that a residential scheme is the most suitable and financially viable alternative development for the site. This will help to facilitate Mr Frith's business aspirations with regard to centralising his stone business and potentially bringing more employment to the Barnsley area.

Although the application is in outline form only at this stage the applicant has indicated that the new scheme will look to reduce the impact the current building has on the landscape by reducing the massing on the site while also attempting to reduce the current built footprint within the greenbelt. The indicative scheme also intends to reduce the site's impact on the development, with the designation of a perimeter strip of land to be assigned to green buffer and heavy planting. The applicant has also indicated that the area should also benefit from the removal (by change of use) of large vehicles accessing the site and travelling through the surrounding area. This should result in a reduction in the amount of noise pollution residents are subject to, while also scaling down the amount of dirt that these trucks bring onto the roads.

Various documents have been submitted to support the application which include the following:

Flood Risk Assessment
Drainage Strategy
Drainage Layout Plan
Drainage Calculations
Combined Ground report
Design and Access Statement
Combined Phase I Desk Study and Phase II Exploratory Investigation
Affordable House Statement

Planning History

2015/1483- Variation of conditions 2 (approved plans) and 18 (junction visibility splay requirements) of app 2008/1825 - Erection of 24 dwellings- Withdrawn.

2008/1825- Erection of twenty four dwellings (Resubmission)- Approved subject to legal agreement.

2008/0637- Residential development of 19 dwellings- Withdrawn.

Policy Context

Planning decisions 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 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.

Local Plan

The site is allocated as green belt and is within the Dearne Valley Green Heart Nature Improvement Area.

The following Local Plan polices are relevant to this application:

E4 Protecting Existing Employment Land
GB1 Protection of Green Belt
SD1 Presumption in favour of sustainable development
GD1 General Development
LG2 The Location of Growth
H1 The Number of New Homes to be Built
H2 The Distribution of New Homes
H5 Residential Development on Large Non-Allocated Sites
H6 Housing Mix and Efficient Use of Land
H7 Affordable Housing
H8 Housing Regeneration Areas
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
LC1 Landscape Character
BIO1 Biodiversity and Geodiversity
CC1 Climate Change
CC2 Sustainable Design and Construction
CC3 Flood Risk
CC4 Sustainable Drainage Systems
CC5 Water Resource Management
RE1 Low Carbon and Renewable Energy
CL1 Contaminated and Unstable Land
Poll1 Pollution Control and Protection
I1 Infrastructure and Planning Obligations

SPDs

Financial Contributions to Schools
Design of Housing Development
Open Space Provision on New Housing Developments
Affordable Housing
Planning Obligations
Sustainable Travel

Parking
Section 278 Agreements
Section38 Agreements
Biodiversity and Geodiversity
Trees and Hedgerows

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.

Consultations

Air Quality Officer- No comment received.

Biodiversity Officer- Requested Preliminary Ecological Assessment and metric.

Enterprising Barnsley- No comment.

Contaminated Land- Recommend measures described in the submitted Phase 1 Desk Study.

Environment Agency- No comment.

Forestry Officer- No objection subject to conditions.

Highway Drainage- Consider a conditional approval is appropriate.

Highways DC- Scheme acceptable in principle however amendments/additional information requested.

Pollution Control- Recommend condition if approval is given

Superfast South Yorkshire- No objection, recommend standard condition requiring provision of gigabit-capable full fibre broadband for the proposed dwellings.

Ward Councillors- No comment received.

Yorkshire Water Services Limited- No objection subject to condition.

Representations

The application was advertised by a neighbour letter, site notice and press advert. No representations have been received at the time of writing this report.

Assessment

Principle of development

This application is a resubmission of a previously approved scheme from 2008, however the Design and Access statement has not been updated to reflect the current position on site or the adopted Local Plan.

Policy H5, provides the starting place for dealing with unallocated sites proposed for residential development and states that development will be supported where it:

- is located on previously or part previously developed land.
- is located within Urban Barnsley, Principal Towns and Villages.
- is accessible by public transport; and
- has good access to a range of shops and services.

The proposal is located on previously developed land, however it is not located within Urban Barnsley, is outside of the settlement of Goldthorpe and is inaccessible by public transport and does not appear to have good access to a range of shops and services. As such it is considered the development is not within a sustainable location and would be contrary to Local Plan Policy SD1 as it only meets one of the above criteria.

Policy E4, Protecting Existing Employment Land, states that:

“Land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs. The development of employment land and premises for non-employment uses will only take place if: Development would not result in a significant loss of existing jobs or employment potential; There will still be an adequate supply of employment land or premises in the locality; and The land or premises cannot satisfactorily support continued employment use. If the above criteria can be satisfied, then redevelopment will be allowed”.

No justification has been given within the Design and Access statement that refers to Policy E4 and as such it is considered the loss of existing employment land would not be justified in this instance.

The application site sits within the Green Belt. Policy GB1 states that “Green Belt will be protected from inappropriate development in accordance with National Planning Policy”.

Paragraph 149 of the NPPF states that the construction of new buildings is inappropriate within the Green Belt, however one exception to this is under paragraph g which states the following:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development” is relevant to this case.

Based on the indicative plans provided, the proposed development would remove industrial development from the green belt and replace it with domestic residential development. In addition, the proposals would introduce open space in the heart of the development, in addition to the planting of boundaries with a 10.0m deep buffer of tree and shrub planting that would form a ‘green’ envelope around the development and thus reduce the impact of the proposed development.

It is considered that when comparing the existing development on site versus the indicative proposed development it would be possible to meet the exception of paragraph 149 g, redevelopment of previously developed land that would not have a greater impact on openness. The building at present is between 15 and 20 metres tall whereas the dwellings proposed in the indicative plans are all two storey dwellings with an approximate maximum height of 8.2m. In addition, as they are dwellings versus a large industrial building, they would have a much smaller bulk and mass. Whilst it is appreciated that the site layout shows the dwellings in a courthouse style where dwellings would be located off a central road, spread throughout the site, it is considered they would still have no more impact on the openness of the green belt than the existing building, especially given the landscaping buffer that would be developed. However, this would need to be looked at in more detail at reserved matters strage if outline planning permission was granted

In principle, however, it would appear possible for a suitable residential development to meet with the requirements of paragraph 149 g of the NPPF and Local Plan Policies

Biodiversity

Policy BIO1 in the adopted Local Plan relates to Biodiversity and Geodiversity and requires applications for development to demonstrate no net loss of habitats.

A preliminary Ecological Assessment of the site was requested, identifying what habitats are present and recommendations to mitigate the loss of these. It was also pointed out that this would need to be accompanied by a Biodiversity Metric Calculation in accordance with the latest guidance from Defra. To the date of writing this report, no PEA or metric has been provided. As such, the application fails to enhance or conserve biodiversity and would be contrary to Local Plan Policy BIO1.

Trees

The site is generally open with only relatively small self-set trees scattered throughout. The larger more prominent trees and hedges are located on or close to the boundaries and as such (based on the indicative information provided) should be able to be retained where appropriate.

The applicant has not provided any supporting documents in terms of trees. It is however considered that given the application is outline with all matters reserved that there is no principle to the objection to the development of the site is arboriculutral terms. The above will need to be remedied at the reserved matters stage and a full tree survey to BS5837:2012 will be required with the application. As it appears trees will be implicated in the scheme then an arboricultural impact assessment will be required as will tree protection measures as part of an arboricultural method statement.

The indicative layout and landscaping also notes a significant amount of new tree and woodland planting which is welcomed, albeit some minor changes to the planting composition will be required, and would be expected to be conditioned and carried through to a reserved matters application.

As such, there are no objections to the principle of the development from an arboriculutral perspective subject to conditions relating to a tree survey, arboricultural impact assessment, tree barrier details, tree protection plan, arboriculutral method statement and the submission of soft landscaping works. As such, the proposal would be considered to be in accordance with BIO1.

Residential and Visual Amenity

Any assessment of residential and visual amenity impact is limited due to the application being in outline with all matters reserved.

The redevelopment of the site from industrial to residential within the green belt could be considered as having a positive impact on visual and residential amenity. There are no immediate neighbours to the site and the indicative plans show it would be possible to have a green boundary and soft landscaping to soften the development and ensure there is no impact on the openness of the green belt.

In addition, as set out above, a number of trees can be retained on site and managed, which will also have a visual amenity benefit.

Finally, impacts on residential amenity associated with overlooking and overbearing impacts can be addressed through the detailed design stage, in accordance with Local Plan Policy D1 and GD1.

Highway Safety

The redevelopment of this site for residential purposes was previously established (see 2008/1825) and therefore, from a highways development control perspective, such a scheme is acceptable in principle.

However, despite the historic approval, there are numerous areas of concern that need to be addressed.

Access – The site takes access off Clayton Lane, a predominantly rural road of some 2km length that runs between the local centre of Thurnscoe to the South and the village of Clayton to the North. At the point of the site access, Clayton Lane is derestricted (60mph speed limit) and a sight line of 2.4m x 215m is therefore required to the left (North). The speed limit reduces to 40mph around 100m to the South of the site access and it could therefore be reasoned that a sight line of 2.4m x 120m is appropriate to the right (South). It is unclear though whether these sight lines can actually be achieved. An accurate plan would be needed to determine the possibility of the visibility requirements being met. The submitted 'Proposed Layout Plan' does refer to sight lines of 2.4m x 215m but the area covered by the plan isn't sufficient to show the full length of the splays. It should also be noted that the sight line 'x' distance of 2.4m is incorrectly measured on the plan and has a starting point 1m out into the carriageway of Clayton Lane and is therefore actually only 1.4m. The 2.4m 'x' distance must be measured back from the line of the edge of carriageway/Give Way markings.

Sustainability – The site is quite isolated in terms of footway provision, accessibility to frequent bus services, accessibility to rail travel and its proximity to both cycle routes and the Public Footpath network. There is little to no scope to improve any of these except for footway provision to the site and this is therefore a crucial element in respect to the site being considered acceptable from a sustainability aspect. From the junction with Houghton Road around 630m to the South of the site there is a single footway along the Eastern side of Clayton Lane that runs all the way up past the Robert Ogden National Autistic Society School and currently terminates around 100m to the South of the development site. The proposed scheme should include the provision of a footway that connects the site to the existing footway on Clayton Lane.

Off-site improvement works – Along with the footway provision mentioned above, the scheme should incorporate improvements to street lighting, drainage and signage/lining along Clayton Lane from the Robert Ogden School up to the site access.

Layout – The submitted 'Proposed Site Layout' plan shows the main access road into the site as having a carriageway width of 5.5m and a 2m footway to one side. There are four main access points from the primary access, each in the form of a private drive. However, one of these accesses serves 9 dwellings which exceeds the maximum of 5 dwellings allowed off a private drive. The intention may be for one or all of these accesses to be constructed to an appropriate standard and put forward for adoption but none of them are currently shown to be of an adoptable standard. Other points of note, are as follows:

- A refuse vehicle will not enter a private drive, any private accesses should have a bin store within 15m of the public highway for residents to place their bins on collection day.
- It is unclear where the parking spaces are for Plots 1 to 5 and also Plots 7 to 10. Each proposed parking space should be clearly identified throughout the site.
- There does not appear to be any visitor parking provision.
- In accordance with the SPD: Parking, the requirements are for 1 space per dwelling with 1 to 2 bedrooms and 2 spaces for dwellings with 3 bedrooms and above. The parking requirement for visitors is 1 space per 4 dwellings.
- Each space should have minimum dimensions of 2.5m x 5m and have a clear 6m of manoeuvring space.
- The proposed garages have internal dimensions of around 2.7m x 5m which is substandard. For garages to be counted towards the parking requirement, they require minimum internal dimensions of 3m x 6m.

- Each dwelling should have an Electric Vehicle Charging Point.

To the date of writing this report, despite requests, no additional details or clarification in regard to any of the above points has been given. As such, it is considered that the development would be contrary to Local Plan Policies T4 and T5.

Regulatory Services

The documents have been reviewed by regulatory services and it's considered that this any impacts on neighbouring dwellings can be mitigated through suitable conditions.. A Construction Environment Management Plan (CEMP) and hours of working would form the basis of any conditions if approval was granted..

In terms of contaminated Land, a Phase 1 Desk Study and Phase II Exploratory Investigation have been submitted and various conditions/recommendations set out in the conclusion. A compliance condition to ensure the recommendations of the report come forward would be implemented as per any approval.

Drainage/Flood Risk

A Drainage Strategy, Layout Plan and calculations were submitted to support the application, in addition to a Flood Risk Assessment. The site is within Flood Zone 1 which means that there is low probability of flooding.

Yorkshire Water have confirmed that they have no objection in principle to the drainage details submitted on drawing 'Drainage Strategy' 22183-DR C-0102 (revision P1) dated 04/04/2022 which includes:

a.) The proposed separate systems of drainage on site and off site
b.) The proposed amount of domestic foul water to be discharged to the public foul water sewer
c.) The proposed amount of curtilage surface water to be discharged to the public surface water
sewer at a restricted rate of 5 litres/second.
d.) The proposed point(s) of discharge of foul and surface water to the respective public sewers.

Conditions have been recommended in regard to water supply and waste water and would be implemented as per any approval to ensure the proper drainage of the area, in the interest of satisfactory and sustainable drainage and in the interest of public health and maintaining the public water supply.

Planning obligations

Assessed against the formulae in the published SPD's the following contributions would be required: -

Affordable Housing – 10% required on site, mix and tenure split to be agreed at Reserved Matters Stage.

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. This would be calculated at the Reserved Matters Stage using the formulae in Appendix C of the Sustainable Travel SPD.

Education – this may be needed dependent on the size of dwellings. This would need to be assessed once more details are provided.

In addition, EV charging points would need to be conditioned for each dwelling as would cycle storage.

Over and above this, a contribution is required toward formal greenspace and children play space improvements off site with the informal requirement of 15% to be met onsite. This contribution will be based on the final mix of development and calculated using the contributions per dwelling figures at Appendix 2 of the Open Space Provision on New Housing Development SPD.

Conclusion

The proposed has been submitted in outline with all matters reserved, therefore, the focus at this stage is the principle of the proposed development. The proposal has failed to submit satisfactory justification on why the loss of employment land is acceptable under Local Plan Policy E4 and fails to satisfy Policy H5 on three out of four requirements and therefore it is considered to be an unsustainable location for development.

No Preliminary Ecological Assessment or Metric was submitted to support the application and there were various amendments/additional information sought by highways that also remain unaddressed. As such the proposal is contrary to Local Plan Policies BIO1 and T4 and T5.

Further, no planning obligations, in line with Policy I1 of the Local Plan have been secured under this development.

Therefore the proposal is considered to be contrary to Local and National Policy and refusal is recommended.

Recommendation

Refuse planning permission.