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| <b>Application reference number</b> | 2026/0291 |
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|-------------------------|----------------------------|
| <b>Application Type</b> | s73 variation of condition |
|-------------------------|----------------------------|

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| <b>Proposal Description:</b> | Variation of condition 2 (Approved Plans) of application 2022/0633 ( Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)) - to amend the configuration of the sales area at plots 217-221. |
| <b>Location:</b>             | Land at Wakefield Road, Smithies, Barnsley, S71 1NX                                                                                                                                                                                                                                                                                             |

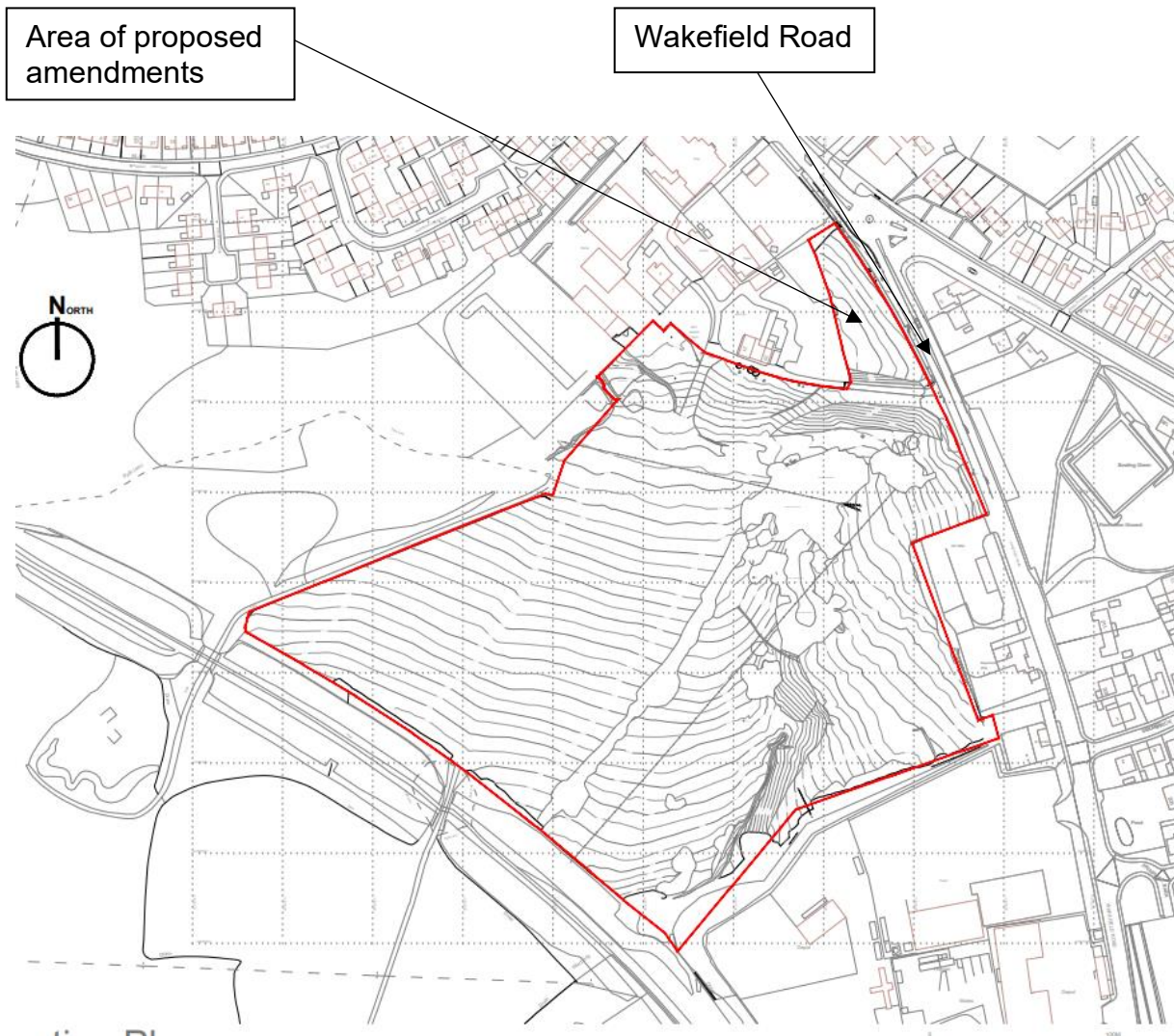
|                  |         |
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| <b>Applicant</b> | Gleeson |
|------------------|---------|

|                                   |   |                |                |
|-----------------------------------|---|----------------|----------------|
| <b>Number of Third Party Reps</b> | 0 | <b>Parish:</b> |                |
|                                   |   | <b>Ward:</b>   | St Helens Ward |

### SUMMARY

The applicant seeks permission, via a S73 application, to amend the approved plans (condition 2) of application 20222/0633 which is a reserved matters application for a residential development of 221no dwellings and associated works. The amendments are limited to plots 217-221 in the North Eastern corner of the site. The amendments include the substitution of house types and the creation of a sales area.

Recommendation: **GRANT Planning Permission**



## Site Description

The application site comprises 7.73ha of land located west of Wakefield Road between New Lodge, Athersley South and Smithies.

The site shares a boundary with the A61 Wakefield Road to the east. Over half of the eastern boundary is road frontage with the remaining part being set behind a site currently occupied by a car sales business and the staff car park for the Stagecoach bus depot that is located in close proximity further to the south east. The site is in close proximity to the junction with the A633 Rotherham Road and the associated mini roundabout which is located to the north east of the site. Existing residential properties are located opposite to the site on the other side of Wakefield Road. In addition, the site is opposite to the Wakefield Road/Rotherham Road recreation ground which includes a range of play equipment and multi-use games court.

Located to the south/south east are commercial premises, including the Stagecoach bus depot and plant hire depot which are screened by a substantial tree belt. Located to the south west is a footpath which follows a disused railway line atop a well treed embankment. This forms a visual barrier to the southwest and lies within Green Belt. The northwest boundary is formed by a track/fence line adjacent to a further area of rough grassland to the west. To the north of

the site just beyond the boundary is the East Gawber Colliery Fan House, a scheduled Ancient Monument “ at risk”, and a commercial area comprising industrial uses. Beyond this is the residential area of New Lodge.

The site comprises land previously associated with historic colliery uses, including the deposition of material. The map of 1850 shows the site was undeveloped until the 1890s when railways and buildings associated with the East Gawber Hall Colliery were developed across the northern portion of the site. Remediation has been undertaken on the site.

The site’s topography generally slopes down from north to south with a variety of gradients. Since the approval of application 2022/0633 the site has been cleared, and hoardings have been erected around the perimeter.

The nearest residential development lies at Hill Top Cottages and East Gawber Farm immediately adjacent to the north eastern boundary; and Wakefield Road, with New Lodge just to the north. The site lies in a sustainable location with schools, shops and public transport close by, as well as Health facilities at New Lodge. The site lies within Flood Risk Zone 1.

This S73 application is limited to the triangular area in the very North Eastern corner of the site which is located between Wakefield Road to the East and Hill Top to the West.

## Relevant Site History

| <i>Application Reference</i> | <i>Application description</i>                                                                                                                                                                                                                                                                | <i>Status</i>                        |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 2017/1451                    | Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended Description)                                                                                                          | Approve subject to conditions & S106 |
| 2021/0654                    | Remediation works including drilling and grouting of former mine entries, the removing of contaminated soils and associated earthworks                                                                                                                                                        | Approved subject to conditions       |
| 2021/0718                    | ‘Discharge of conditions 12 (Remediation) and 24 (Archaeology) of planning permission reference 2017/1451                                                                                                                                                                                     | Conditions Discharged                |
| 2022/0633                    | Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)                                                                                      | Approved Subject to conditions       |
| 2025/0142                    | Discharge of conditions 3 (Highways Condition Surveys), 4 (Phasing Plans), 5 (Construction Method Statement) and 9 (Drainage) relating to 2021/0654 (Remediation works including drilling and grouting of former mine entries, the removing of contaminated soils and associated earthworks.) | Approved                             |
| 2025/0173                    | Discharge of conditions 5 (Levels), 6 (Land Contamination), 10 (Drainage), 11 (Drainage), 12 (Mining Legacy) and 14 (Broadband) of application 2017/1451 - Development of up to                                                                                                               | Under consideration                  |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                     |
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|           | 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access)                                                                                                                                                                                                                                                                                                                                                 |                     |
| 2025/0174 | Discharge of condition 8 (Tree Protection), 13 (Ecology Mitigation) and 17 (Landscape Management) of application 2017/1451 - Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access)                                                                                                                                                                                               | Approved            |
| 2025/0186 | Discharge of conditions 18 (Highway Improvement Works) and 19 (Highway Condition Survey) of planning application 2017/1451: Development of up to 232 dwelling with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access).                                                                                                                                                                                                | Under consideration |
| 2025/0195 | Discharge of conditions 3 (Accordance with Parameters Plan), 4 (Air Quality), 7 (Noise Mitigation), 9 (Pedestrian Links), 15 (Landscaping Scheme), 20 (Construction Method Statement), 22 (Sales Area Details), 24 (Archaeological Evaluation), 25 (Public Open Space) and 28 (Phasing) of planning application 2017/1451: Development of up to 232 dwelling with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access). | Under Consideration |
| 2025/0398 | Discharge of conditions 3 (Acoustic Report), 5 (CEMP) & 10 (Travel Plan) of planning application 2022/0633: Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance and landscaping)                                                                                                                                                                      | Under Consideration |
| 2025/0657 | Discharge of condition 9 (Light Pollution/Ecological Impact) - of application 2022/0633 Residential development of 221no dwellings and associated works (Reserved matters of outline planning permission 2017/1451 seeking approval of the details of layout, scale, appearance, and landscaping).                                                                                                                                                                                        | Approved            |

### Proposed Development

The applicant has submitted a S73 application to vary condition 2 of application 2022/0633. Condition 2 listed the approved plans for the development. The reason for revising condition 2, and the approved plans, is to amend the configuration of the sales arena at plots 217 to 221. Plots 217-221 are situated in the far North Eastern corner of the site between Wakefield Road and Hill Top.

The proposed amendments include the substitution of plot 218 from one detached house type to another, the substitution of plots 219 and 220 from detached dwellings to a pair of semi-detached dwellings, changing parking and garaging to plot 221 and minor changes to landscaping and layout of plot 217. The reason for the change is to better represent the house types across the development, currently those plots are all detached with 4no. house types whereas the proposal includes a pair of semi-detached dwellings, 3no. detached dwellings and 5no. house types.

Furthermore, during the use of the area as a sales arena the semi-detached garages between plots 220 and 221 would be used as a sales office, the garden of plot 221 would be used as a sales area, parking at plot 218 would be for sales staff and visitor parking would be located to the north of plot 221. Once the sales office is no longer required the properties and the surrounding landscaping would be amended to a more residential setting. Plans have been provided showing the area both during the sales period and after.

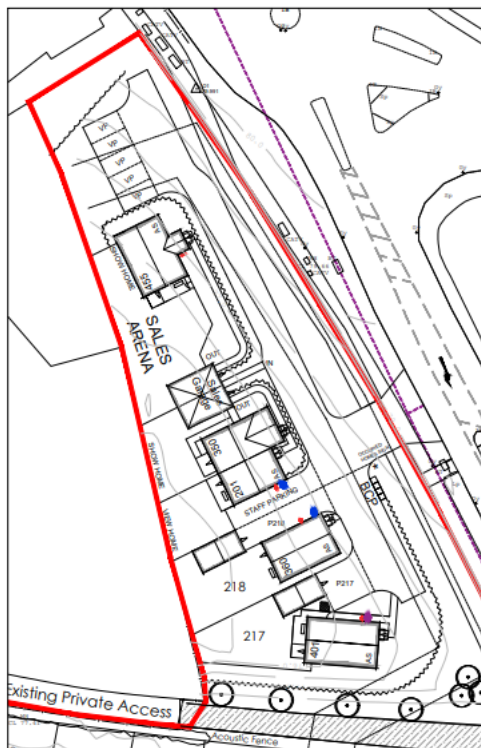
Layout approved under application 2022/0633



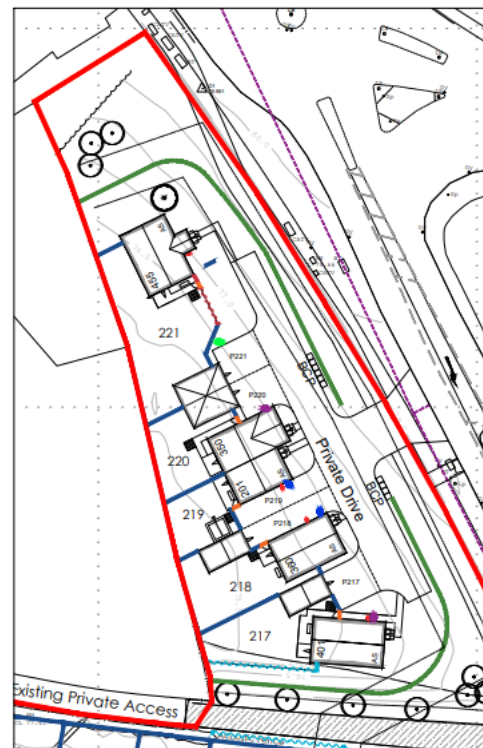
## Final Layout Proposed under this application



## Sales Arena vs Post Sales



Sales Arena Extract



Post Completion

## **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 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 identified for housing under site HS17 within the Local Plan and as such the following policies are considered to be relevant to this application:

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 H2 'Distribution of New Homes'

Policy H3 – Uses on Allocated Housing Sites

Policy H6 'Housing Mix and Efficient Use of Land'

Policy H7 'Affordable Housing'

Policy HS17 'Land to the West of Wakefield Road'

Policy T1 'Accessibility Priorities'

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy HE2 'Heritage Statements and General Application Procedures'

Policy HE3 'Developments Affecting Historic Buildings'

Policy HE6 'Archaeology'

Policy GS1 'Green Space'

Policy GS2 'Green Ways and Public Rights of Way'

Policy BIO1 'Biodiversity and Geodiversity'

Policy GI1 'Green Infrastructure'

Policy CC1 'Climate Change'

Policy CC2 'Sustainable Design and Construction'

Policy CC4 'Sustainable Urban Drainage'

Policy CL1 'Contaminated and Unstable Land'

Policy Poll1 'Pollution Control and Protection'

Policy UT2 'Utilities Safeguarding'

Policy PI1 'Infrastructure and Planning Obligations'

Adopted Supplementary Planning Documents relevant to this application:

- Trees and hedgerows
- Biodiversity and Geodiversity
- Sustainable Construction and Climate Change Adaptation
- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools
- Open Space Provision on New Housing Developments

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. NPPF policy of relevance to this application includes:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 61 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

Para 73 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership

Paras 78-81 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 116 - 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.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 136 - trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 139 - 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

### **Relevant Consultations:**

Highways – No objections

### **Representations**

Neighbour notification letters were sent to 15no. surrounding properties and a site notice was placed nearby.

No representations were received.

### **Assessment**

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the existing trees
- The impact on the ecology of the site
- Financial contributions

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable

- Significant
- Moderate
- Modest
- Limited
- Little or no

### Principle of development

The site is located within Urban Barnsley which is a priority location to accommodate growth and new residential development in spatial and sustainable development terms, making it compliant with policies LG2 and H2. Furthermore, the principle of 221 dwellings has been established through the approval of both the outline (Ref: 2017/1451) and the reserved matters (Ref:2022/0633) applications.

This application does not revisit the principle of residential development and only focuses on the proposed amendments of plots 217-221 under the headings below;

### Residential Amenity

The application only relates to plots 217-221, the rest of the previously approved development under application 2022/0633 remains the same.

Plots 217 and 221 remain as previously approved in terms of position and house type. Plot 218 remains a detached property, but the house type is substituted, and the footprint is marginally smaller. Plots 219 and 220 are changing from a pair of detached dwellings to a pair of semi-detached dwellings.

It is noted that plots 219 and 220 would be positioned closer to their rear boundaries and fall below the 10m separation distance set out in SPD 'Design of Housing Development', however, they are still a significant distance from the neighbouring properties (circa 44m) and would not significantly increase overlooking of private amenity spaces.

There are residential properties to the East of the site, but the proposed layout would not be significantly different, in terms of residential amenity levels, to the approved layout and Rotherham Road separates the two sites.

The use of the properties as show homes and sales areas, with associated staff and visitor parking, would result in some noise and disturbance through pedestrian and vehicular activity, however, as outlined above there is adequate separation distances to neighbouring properties and the activity would be relatively limited and confined to sociable hours. That activity would also be temporary for the sales period, the properties would eventually become residential dwellings, and the visitor and staff parking removed.

As a result of the comments above, residential amenity levels would be retained and would not be significantly different to the development approved under application 2022/0633. This weighs significantly in favour of the development, and the development would accord with Local Plan policy GD1 and SPD 'Design of Housing Development'.

### Visual amenity

Plots 217-221 are within a relatively prominent position on the site, fronting onto Wakefield Road. As outlined above, plots 217 and 221 would remain largely as previously approved and plot 218 would just be a substitute from 1 detached dwelling to another. The main change is plots 219 and 220 which would change from 2no. detached dwellings to a pair of semi-detached dwellings. This is a relatively modest change given the overall approval is for 221

dwelling. Furthermore, there are numerous semi-detached properties within the development as well as the immediate area. This area is also served by a private drive which is set back from Wakefield Road with an area of soft landscaping separating the site from the classified road. As such, visual amenity would be maintained, and the amendments would sit comfortably within the streetscene.

During the sales period there would be some minor changes, including using the semi-detached garage as a sales office, the garden of a property as a sales area and additional parking provided for staff and visitors. However, this is commonplace on residential developments and that sales area would be reverted to residential with a full landscaping scheme implemented. As such, any commercial/sales elements would only be temporary.

As a result of the comments above, the development accords with Local Plan policy D1 and SPD 'Design of Housing Development', as such, visual amenity would be maintained, and this carries significant weight in favour of the development.

### Highway Safety

There is no change proposed to the access point from Wakefield Road or the general arrangement to the private drive serving the 5no. properties. The changes are limited to the access arrangements to the individual plots and also the addition of visitor parking during the sales period. Once the sales period is complete the visitor parking would be removed and the area landscaped in accordance with the submitted landscaping plans.

Highways DM have been consulted on the application and have raised no objections.

Given the comments above, the development would accord with Local Plan Policy T4 and SPD 'Parking'. This weighs significantly in favour of the development.

### Green Space

The outline and Reserved Matters applications required an open space contribution for formal recreation. It is noted that the application relates to the change of house types which affects bedroom numbers which in turn can have an impact on contributions. However, the S106 was agreed at outline and refers to the SPD calculation, furthermore, the bedroom numbers have reduced by 2 rather than increasing.

### Ecology/Trees

The proposed amendments have not had any further impact compared to the previously approved scheme and despite some landscaping being initially lost to visitor parking for the sales office, this would only be temporary until the landscaping proposal is fully implemented following the completion of the sales period.

## **Planning Obligations**

Apart from the open space comments above, there are no further impacts on the planning obligations outlined in the S106 agreement signed at outline stage or referenced in the reserved matters officer report.

## **PLANNING BALANCE & CONCLUSION**

Taking into account the relevant development plan policies and other material considerations the amendments proposed are in accordance with the development plan (most notably policies H6, GD1, D1, GS1, I1, BIO1 & T4) and the relevant SPD's including Designing New Housing Development and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including design/appearance/layout, residential amenity and highways matters.

Based upon the above, the amended proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay.

The recommendation is therefore to approve the s73 variation of condition application.