
2017/1113

Applicant: Mr Richard Weilding

Description: Reserved Matters application of 2016/0952 - Residential development of 56 dwellinghouses and access (Amended Plans).

Site Address: Land off New Road/Lidgett Lane, Tankersley, Barnsley, S75 3AE

One representation from a local resident.

Introduction

The initial application for the reserved matters relating to the development was approved by Councillors in March of this year (ref 2016/1027). This application is a resubmission of that application. In summary it proposes plot substitutions across the site to update the plans to the applicant's most up to date house type range. The proposal remains for 56 dwellings as per the existing reserved matters approval.

Site Location and Description

The site is located towards Lower Pilley and measures approximately 2.6ha. It is rectangular in shape and extends from Lidgett Lane to the North and New Road to the South. The site is mainly grassed over and is open to New Road but separated from Lidgett lane by an established hedge. Levels fall to the South by approximately 10m.

The site borders detached properties to the East, with further residential properties opposite Lidgett Lane to the North, and a recreational ground to the West. Beyond New Road to the South is a wooded area.

Site History

2013/1007 – Residential development for up to 41 dwellings including means of access (Outline) – Approved 02/12/2014

2016/0952 – Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units, details of which shall be submitted as part of a separate application for the approval of reserved matters –Approved 24/01/2017.

2016/1027 - Reserved matters of application 2013/1007 'Residential development for 56 dwellings including means of access (Outline)', as amended by application 2016/0952 – Approved 27/03/2017.

Proposed Development

The layout remains largely as previously approved and the dwellings themselves retain the same product names and the same internal spacing. The new property styles incorporate minor design changes, fenestration amendments and internal alterations.

The only total plot change would be plot 32 to the South East of the site. Previously, given the proximity of the dwelling to the trees to the West, the dwelling was proposed to be a smaller detached H411 'Milford' house. However, following on from additional assessments

from the applicant's Tree Consultant, they now consider that a larger 'L' shaped H587 'Oulton' House could be accommodated on the plot with basic pruning.

The proposal remains for 56 dwellings. However the amended mix is for 43no x 4 bed detached properties, 10no x 5 bed detached and 3 x 2 bedroom terraced.

As per the previously approved plans, the layout of the development would still be based around a main access road into the site, off New Road, with 3no. branches off. Those branches would then in turn serve several private drives, providing access to no more than 5 dwellings each. There would be no vehicular access from Lidgett Lane and no individual accesses off New Road.

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 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 Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Safeguarded land

Policy GS10 'In areas shown as Safeguarded Land on the proposals maps existing uses will 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 will only be granted following a review of the UDP which proposes that development on the land in question'.

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP13 'The Release of Allocated Housing Land'
CSP10 'The Distribution of New Homes'
CSO13 'The release of Allocated Housing Land'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'

CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

SPD's

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

Planning Advice Note's

30 -Sustainable Location of Housing Sites
33 -Financial Contributions to School Places

Local Plan

SAF33 – Safeguarded land

Other

South Yorkshire Residential Design Guide

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

Tankersley Parish Council – No objections

Yorkshire Water Services – No objections

Highways – No Objections

Forestry Officer – No objections subject to conditions

Drainage – No Objections

Waste Management – No objections

Ward Councillors – No comments

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing. One letter of objection has been received. The main points of concern are:-

- Pedestrian safety
- Reduced highway safety

Assessment

Principle of Development

The principle of the residential development on the site has been accepted with the previous outline and reserved matters approvals. This report will purely focus on an assessment of the proposed changes to the previously approved plans.

Residential Amenity

The principle of 56 no. dwellings on the site was considered and approved as part of application 2016/0952 & 2016/1027. The proposed plot substitutions would not significantly affect residential amenity for existing or proposed residents compared to what has previously been approved. The only plot which would increase in size would be plot 32 which is located to the South West of the site and does not adjoin existing dwellings. The proposed amendments to that plot would also not significantly affect the amenity of the future residents of plot 31 as the front projection garage would be set away from the shared boundary.

As a result of the comments above, the residential amenity section of the report for application 2017/1027 is still valid and is outlined below;

There are no neighbouring properties to the South of the site, opposite New Road, as it accommodates a wooded area/plantation. There are also no properties beyond the Western boundary as it is shared with a recreation ground.

The closest neighbouring property to the site is The Hawthorn to the East. Plot 1 in the South Eastern corner of the site would share a boundary with that property but they would be on a similar building line and side elevation to side elevation. There would also be a separation distance of approximately 13m. The detached double associated with plot one would be adjacent to the shared boundary and beyond the neighbouring rear elevation but would be a relatively modest structure and orientated to the North West.

Plot 8 would also share a boundary with The Hawthorn but would be over 12m away with the closest part being the 1.5 storey garage off shoot. As such, it would not result in an overbearing feature and, because of its orientation and separation distance, would not significantly increase overshadowing. There are also no habitable room windows directly overlooking the boundary.

The side elevations of the dwellings and rear elevations of the attached garages of plots 10 and 56 would share a boundary with a neighbouring garden/land. The plots would be a significant distance from the neighbouring dwelling and only 1 no. habitable room window, serving bedroom 5/study would face the boundary. Although there would be some overlooking, views would be towards large mature trees and would not be significant.

There are properties beyond Lidgett Lane to the North of the site, known as Knoll Cottages. These are side on to the development and built on a higher level. There would also be a 15m side to side separation distance from the closest property. In addition, the existing hedge along Lidgett Lane would be retained as well as an additional landscaping strip between the hedge and the proposed dwellings. As such, residential amenity would be maintained to a reasonable degree.

With regards to the residential amenity of the future occupants of the scheme, the separation distances generally comply with the guidance set out in SPD 'Designing New Housing Development' and both the internal and external standards meet or exceed the requirements of the SPD and the South Yorkshire Residential Design Guide.

Design & Layout

Given the relatively minor changes to the design of the dwellings as a result of the proposed plot substitutions, the visual amenity section of application 2017/1027 is still relevant and is pasted below. Plot 32 would have a different house type compared to the previous application. However, it is a house type which is found elsewhere on the development and would therefore not be out of keeping.

A number of the proposed dwellings front onto New Road, although they do not take direct individual access from it. As with the existing dwellings immediately adjacent to the East of the site, the proposed dwellings would be set back from the existing highway and a landscaping strip is proposed to the site frontage to soften the development and act as a buffer in order to retain the 'green' and 'countryside' feel to the area. Similarly there are dwellings which have their front elevations orientated to Lidgett Lane, although do not have direct access to it. The existing mature hedge would be retained to maintain the 'lane' feel and also a landscaping strip would be incorporated behind it to soften the development.

The development would also be softened by the tree belt which runs along the Western boundary of the site and would restrict views of the development when traveling from the West on New Road and Lidgett Lane and also from public vantage points within the recreation ground.

It is acknowledged that there are fields to the West of the site and low density housing to the East, and as such the proposed development would obviously have a higher density than its immediate surroundings. However, as outlined above permission has already been granted for upto 56 dwellings on the site and the density is still relatively low compared with other parts of the borough at 21 dwellings per Hectare. Furthermore, the majority of the house types proposed are larger 4 and 5 bed detached properties which are more commonly found in rural areas. The dwellings are also a maximum of 2 stories in height which is representative of the dwellings in the surrounding area.

The proposed internal layout involves a main cul-de-sac with two smaller cul-de-sacs extending off to the East and West. The roads have a hierarchy with the main estate road being wider and incorporating grass verges. The cul de sacs are more intimate with just hard margins and the private drives more intimate still with shared surfaces. This hierarchy aids legibility through the estate and is in accordance with Building for Life 12.

The majority of dwellings will face onto the estate roads with some being served by shared private drives leading off them. As outlined above, dwellings adjacent to New Road and Lidgett Lane will face those roads but have no direct access. This will result in active elevations facing existing roads in order to make a positive contribution to the streetscene. In the case of corner plots, house types with active elevations to both roads have been proposed or the dwellings have been set at an angle to the corner.

All plots are set back from their respective roads, separated by garden/landscaping areas. In terms of car parking, the majority of the spaces are provided to the side elevations which reduces the dominance of the car on the streetscene and also aids to separate the dwellings giving a more open and spacious feel.

In terms of the house types themselves, they are considered acceptable for the site and appear of a higher quality befitting of the rural surroundings. There are 7 house types proposed which adds to the mix and interest throughout the development, in accordance with CSP 14 and aids to provide an attractive streetscene. There are also a mixture of materials proposed which again adds interest and variety.

Affordable Housing

The affordable housing provision would remain as previously approved (see below).

The site falls within Penistone East which is part of the Rural West whereby a 25% affordable housing requirement is needed in accordance with policy CSP15. The subtext of the policy alludes to the fact that this need can also be met offsite. Indeed Members will be aware that offsite contributions have been considered on recent developments elsewhere in the Borough including the previous permissions on this site.

The previous application (2013/1007) was considered alongside a further outline residential development at land off Pilley Green/Lidgett Lane for 31 units which was also by the previous applicant. The previous applicants committed to the delivery of a combined 18 offsite affordable units which would have been constructed at the former Rockingham Colliery site which was owned by the applicants and obtained planning permission under application B/02/0986/WB for the construction of 41 dwellings. With the exception of the 18 units the site has been constructed, being developed in the mid 2000's by Ben Bailey Homes. The planning permission therefore remains extant. The delivery of the affordable units was included within a s106 agreement.

Application 2016/0952 which was approved to increase the maximum number of residential properties to 56 units, was subject to a further s106 agreement. However, at that stage this site was being considered on its own and not in conjunction with the Pilley Green Site. As such, the Affordable Housing requirement needed to be site specific and be representative of the 56 units being proposed. A new Section 106 was therefore agreed under 2016/0952 which, in accordance with CSP 15, calculated that 14no affordable units are required for this site. There would still be 10 units provided off site on the Rockingham Colliery development and 3no. 2 bed units would also be accommodated on site. However, this would leave a deficit of 1no. affordable unit, therefore, a contribution of £38,352.07 is also required. The above requirements have therefore been incorporated as part of the signed s106 agreement relating to the outline application (2016/0952).

Education

The Education would remain as previously approved:-

The Education Officer was consulted on application 2016/0952 and calculated that there is a surplus at primary schools but a deficit of places at secondary schools, as such, compensation would be required for the additional 9 secondary school places generated by the development. The contribution per place for secondary schools equates to £14,102, therefore, an overall contribution of £126,918 (9 x £14,102) is required as a result of the development. As with the Affordable housing contribution above, this has been included within the signed s106 agreement which followed on from the approval of 2016/0952.

Green Space

The contribution would remain as previously approved (see below):-

In accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, all residential development over 20 units are expected to provide green space, whether that be on site or a financial contribution to upgrade existing offsite facilities

General open space requirements require a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses as per 'SPD: Open Space Provision on New Housing Development' standards. An initial green space assessment states that an off-site contribution would be required, in connection with the requirement for new green space as per policy requirements. Condition 6 of outline application 2016/0952 requires a scheme for provision of or enhancement to off-site public open space.

As details of the properties are now available as part of this application, the contribution calculation for off-site provision, as part of appendix 2 of SPD 'Open Space provision on New Housing Developments Consultation', can now be utilised. There are 53 no. dwellings with 4+ bedrooms which generate a contribution of £2013.13 per dwelling (£106,695.89) and 3no. 2 bedroom properties which generate a contribution of £1436.82 (£4310.16). As such, a total off site contribution of £111,006.35 is required. This can be secured through a legal agreement.

Highways Safety

There are no proposed changes to the road layout or parking provision. Plot 32 would accord with SPD 'Parking, as such, the previous comments are still relevant (see below):-

Highway safety issues have been a prevalent concern expressed within the many representations received on the previous applications and also form part of the representation received for this application. Principle concerns relate to the volume of traffic on local roads, inadequacy of Lidgett Lane and annual Flooding along New Road. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

The crux of resident's highways objections remains one of safety and capacity for the highway infrastructure to accommodate the proposed scale of growth. In response to this, the previous applications were accompanied with an independent Transport Assessment, and associated addendums, despite falling below the relevant threshold. The conclusion reached was that the site can be accessed safely and would not have a detrimental impact on the local highway network. As such, the previous outline application was approved and included access. As such, access onto the site from New Road has been approved and this application will not revisit that, but, aims to consider the internal road layout and parking provision.

Highways DC have been involved with the application from an early stage and the initial layout has been revised on the back of their recommendations. The proposed internal layout is considered acceptable and provides adequate visibility splays, turning heads and pedestrian areas. It is noted that some of the garages would fall short of the dimensions set out in the 'South Yorkshire Residential Design Guide', however; in any case, each property would have at least 2no. parking spaces, in accordance with SPD 'Parking'. In terms of the internal layout therefore, Highways have raised no objections to the scheme

Trees

As mentioned above, the proposed house type at plot 32 would be closer to the tree belt to the West than the previously approved, smaller plot. The applicant states 'the tree itself is not a high quality specimen in that has been identified as a retention category C tree in accordance with BS 5837:2012. Pruning could be achieved without this being detrimental to future health of T1 and without affecting the appearance of the boundary vegetation as a whole'.

On submission of full pruning details the Tree Officer has agreed that the proposed house type could be accommodated on the site without significant damage to the tree or potential future problems to the house as a result of the tree. In addition the substitution of plot types across the rest of the site would not significantly impact the trees in comparison to the previous approval.

Landscaping

A detailed landscaping plan, showing species, heights etc. has not been submitted alongside the application. However, a landscaping condition is included on the outline and full details would be required to be submitted prior to commencement.

An indicative landscaping layout is provided showing the retention of the trees and hedges to the boundaries of the site, additional planting/buffer zones adjacent to Lidgett Lane and New Road, as well as areas of planting throughout the site, including grass verges along the main access route through the site. As such, adequate areas have been set aside for landscaping to aid soften the development and allow it to sit comfortably within its semi-rural setting.

Ecology

Ecology would not be impacted any further as a result of the plot substitutions, the previous comments are still relevant (see below):-

As mentioned above, the principle of residential development of upto 56 dwellings has previously been set. A Biodiversity Mitigation and Enhancement Plan has been submitted alongside this planning application. However, the Councils Ecologist has assessed the details contained in this report and requires further information. Condition 23 of the outline permission required information mitigation and enhancement details to be submitted with the reserved matters application, this has been done but not to a satisfactory standard, in addition, since that report was submitted additional amendments have been made to the layout within close proximity to the trees and hedgerows. Therefore, an additional condition will be recommended to ensure appropriate mitigation measures are in place.

Conclusions

The acceptance of the housing development has been set with the approval of applications 2013/1107, 2016/0952 and 2016/1027. The proposed plot substitutions would not significantly alter the scheme previously approved and therefore remains satisfactory with regards to visual amenity, residential amenity, highway safety and all other material considerations. Once again therefore the application is recommended for approval.

Recommendation:

Members resolve to grant approval subject to the conditions listed and a deed of variation to the existing Section 106 agreement (education, open space and affordable housing).

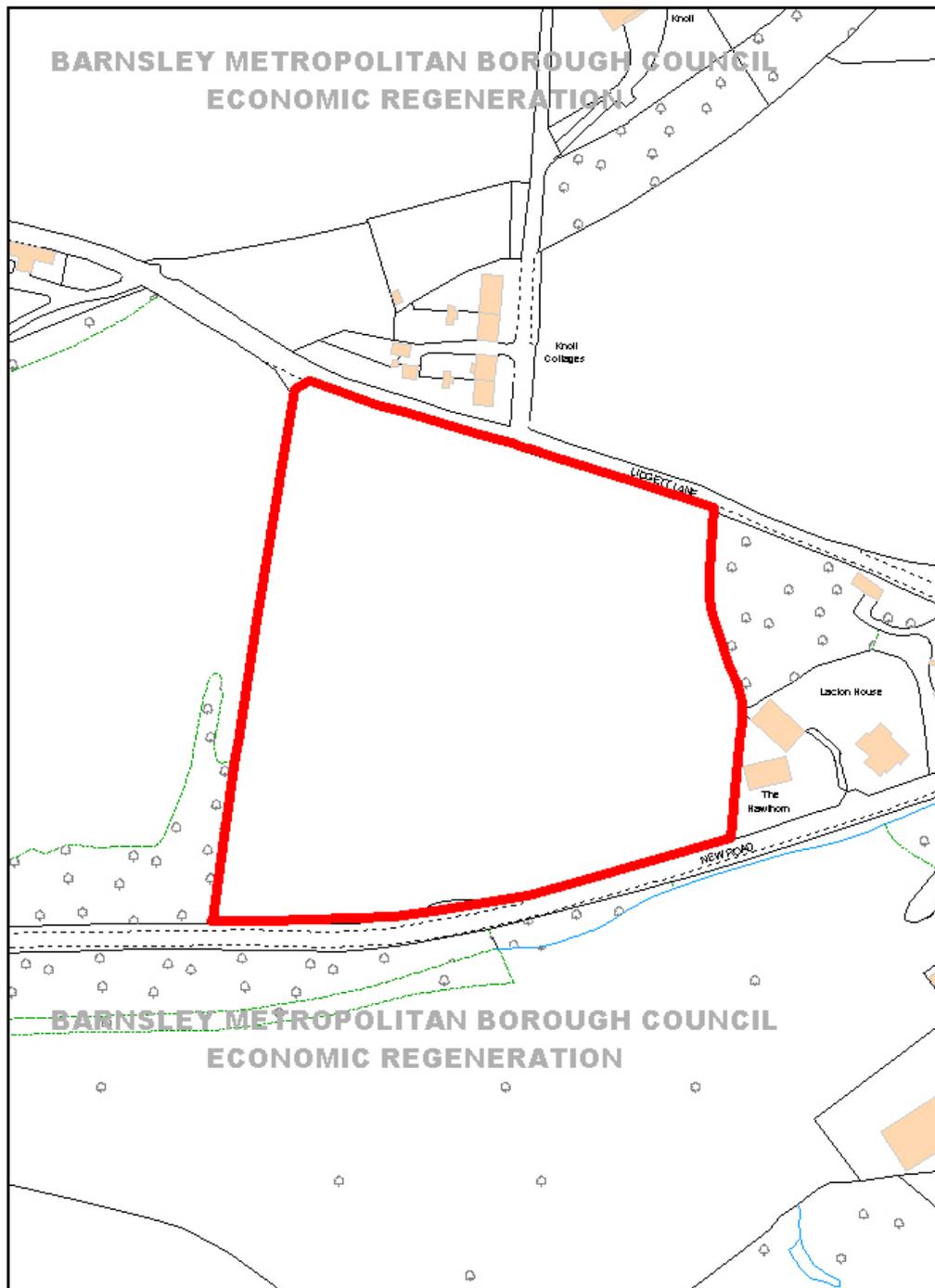
- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2235-TL01-H, 2235-ML01-C, H411---7 'Milford', H436--X7 'Layton', H497--7 'Chelworth', H469--X7 'Holden, H587---7 'Oulton' & N200TE-5) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 2 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 4 The development shall proceed in accordance with the Biodiversity Mitigation and Enhancement Plan (Ref - R-2806-01.1) dated January 2017 and retained as such thereafter.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

PA reference :-

2017/1113

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