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**2016/0999**

**Applicant:** Mr Garry Scothorn C/o Mr Peter Thompson Architectural Design Consultant

**Description:** Erection of 2 no. detached dwellings with garages (Outline)

**Site Address:** Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ

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The application is referred to Councillors for determination as the recommendation is subject to a S106 Agreement requiring the provision of compensatory Green Space provision. 6 representations have been received on the application from local residents.

### **Site Location & Description**

The site is situated on Tithe Laithe, a private road accessed from Market Street, Hoyland. Tithe Laithe serves three properties and is a Public Right of Way connecting Market Street with West Street.

The site is referred to as Former Wood Yard. However, a wood yard has never operated on the site and was instead the name of the dwellings formally located on the land. The site is surrounded by residential properties, which are both single and two storey in nature and constructed from varying materials.

The overall site makes a poor quality contribution to the visual amenity of the area with much of it consisting of a gravel base which is overgrown with grass and moss. This is with the exception of trees which are located in the eastern and western sides of the site. The site is also included in the Council's register of green space sites.

### **Proposed Development**

The application seeks outline planning permission for a development of 2 detached dwellings on the site which would include the provision of attached garages. Matters of access and siting are up for determination at this stage with appearance, scale and landscaping reserved for a future application for the approval of the reserved matters.

### **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. 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 this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

## Saved UDP Policies

UDP notation: Housing Policy Area

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

Policy H8F refers (amongst other matters) to garages should be constructed to a design to respect the character, appearance and building materials of the dwelling to which they relate; be located and designed so that the amenity of the locality or neighbouring properties is not adversely affected; be provided with a surfaced driveway of at least 6m; and have an access with adequate visibility in the interests of visual amenity and highway safety.

## Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems

CSP4 'Flood Risk'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

CSP35 'Green Space'

CSP39 'Contaminated and Unstable Land'

CSP40 'Pollution Control and Protection'

## SPD's

- Designing New Residential Development
- Parking

## Other

South Yorkshire Residential Design Guide

## Publication Draft Local Plan

Proposed allocation: Green Space

## 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**

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Contaminated Land officer – No objections

Biodiversity Officer – Questioned whether an ecology survey should have been provided –

This was not considered necessary given that the plans propose that the majority of trees on the site would be retained.

Regulatory Services – No objections subject to conditions

Forestry Officer – No objections subject to conditions

Planning Policy – No objections subject to conditions

PROW – Identify that the applicant would need to contact the PROW team to identify whether an application would need to be made for a temporary closure to the public right of way passing through the site during the construction period.

Ward Councillors – No comments have been received.

South Yorkshire Archaeology Service – No comments have been received.

Yorkshire Water – No comments have been received.

## **Representations**

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 6 representations have been received. In summary the main concerns expressed are as follows:-

- Loss of light/privacy. In addition it is questioned whether certain windows on the new houses would be obscured glazed to prevent overlooking
- Highway safety – Concerns are raised about the potential for the development to contribute towards making a bad situation worse with regards introducing further traffic onto a road network that is congested with on street parking with access to Market Street being difficult from Spring Gardens, Little Leeds and Tithe Laithe.
- It is also stated that the development should include a passing place to prevent reversing manoeuvres onto Market Street.
- Pedestrian safety – It is stated that Tithe Laithe is a shared surface used by vehicles and pedestrians and that pedestrian safety must not be compromised by the development.
- Public safety – emergency vehicle access is queried.
- It is queried whether access to existing dwellings would be maintained during the construction process and whether Tithe Laithe would be resurfaced post construction of the development if it is damaged by construction vehicles.
- The existing trees – It is requested that they are retained because of their screening and wildlife value
- Concerns that the development may cause harm to private property.
- Appearance of the new dwellings – It is stated that this should be designed in a 1930's style to conform with neighbouring dwellings.
- Noise during the construction phase – it is requested that hours of working is restricted by the Council.

## **Assessment**

### Principle of Development

The site is allocated within a Housing Policy Area in the currently adopted UDP proposals maps. In addition the site is located in a sustainable location which is a priority to accommodate new housing growth. The proposed development is potentially acceptable in land use planning policy terms therefore.

Plans however must still comply with the criteria in the Designing Residential Development SPD regarding infill developments. In addition the site is also included on the Council's register of Green Space sites and is proposed to be designated Green Space in the Publication Draft version of the emerging Local Plan. Core Strategy CSP35 is considered to apply therefore. CSP35 aims to protect land designated Green Space unless except where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the existing and potential green space needs of the Borough. The assessment of the application against these considerations is detailed below.

### Green Space

The site is identified on the greenspace register as Woods Yard Local Neighbourhood Green Space (GS273). In accordance with policy CSP35 the authority will only allow development proposals that result in the loss of green space where an assessment shows there to be a surplus, or compensation is provided.

An assessment of the green space provision in the Hoyland area identifies large scale deficiencies in all areas. In terms of Parks and Open Spaces there are a lot of small spaces, such as the site under consideration, but no district level sites. The majority of the Hoyland area has access to youth facilities but there are large areas of Hoyland that have no access to children's play in line with the Green Space Strategy Standards. There are also deficiencies relating to outdoor sports facilities and natural areas, particularly in the built up area.

The assessment of this consideration has concluded that the site offers minimal potential to reduce existing deficiencies due to its size, shape and location and could, therefore, be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision to be determined, in line with CSP35. This sum has been calculated as £6,000.

### Residential Amenity

It is considered that the site is of a sufficient size that can comfortably accommodate two detached dwellings without harming the amenity of the neighbouring dwellings. In the first instance the layout plan illustrates that the separation distances and amenity standards contained in Supplementary Planning Document – Designing New Housing Development can be easily achieved on the site reducing the likelihood of, and mitigating any, overlooking which would result from having two dwellings on this site. In addition, the fact that an acceptable parking and turning area and an adequately sized garden area can be provided, demonstrates that residential development of the site would not be tantamount to overdevelopment. The layout also indicates that two dwellings, in the position shown, would not result in significant overshadowing of the properties to the north or east or their associated garden area. However, given the nature of the site and the proximity to the surrounding properties it is considered prudent to limit the scale of development to single properties, or a maximum of dormer bungalows by way of a condition to further protect the amenity of surrounding residents. Taking into account the above there is therefore no objection to the development on grounds of residential amenity. Councillors are requested to note however that a further assessment of the proposed scale and appearance details would take place at the reserved matters stage in relation to residential amenity considerations.

### Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of an area and protecting the street scene when considering proposals for new dwellings on small infill plots. The character of the area consists of modestly sized dwellings of varying types, which are set back from the road in generous green curtilages. The site is approximately 500sqm in size, and when measured against similar plots on in the area does not appear dissimilar to these. It is therefore considered that the overall plot size and nature of the street scene would be similar in character to the existing street scene. The design and scale are to remain reserved matters; therefore in principle, residential development of this site is acceptable in accordance with policy H8D.

### Highway Safety

Concerns have been raised by residents in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of Tithe Laithe and Market Street. However Highways are content that the highways implications of the development are sufficiently modest so as to not raise an objection. Notwithstanding, it is considered appropriate in this instance to include a condition requiring a construction method statement to be submitted and approved prior to commencement on site to limit impact on the network.

In relation to refuse and emergency vehicle access; the dwelling is not located an unacceptable distance from the adopted highway for refuse lorry's to collect wheelie bins. The site is not of a size that would be large enough to accommodate fire appliance vehicles. However this would be addressed under the Building Control process either via the installation of a hydrant or a sprinkler system.

The plans indicate that 2 parking spaces per dwelling would be achieved to satisfy the requirements of the SPD, although this can be ensured either by a condition or at the reserved matters stage. Overall the proposal is considered satisfactory in relation to policy CSP26.

An informative is proposed to ensure that the applicant is made aware of the need to contact the public rights of way team to discuss the potential need for a temporary closure of the public right of way passing through the site prior to development commencing on site.

### Trees & Biodiversity

There are three mature trees in the eastern part of the site which provide significant amenity value to the area. These are to be retained and would provide screening for an existing dwelling, Dormouse. It has been outlined in the arboricultural survey that these trees are to be pruned to provide greater distance between them and the proposed dwelling with a lateral reduction of up to 2m to the west of the canopy.

There are 3no trees to be removed to allow for the western plot this includes 2no Ash (T4 & T5) and 1no Alder (T6). Although there is no requirement for T6 to be removed, however Alders are high water demand trees and grow very large and it is considered prudent to remove the tree prior to any potential impact the tree would have on the future dwelling. In addition the 3 trees located adjacent the western boundary would be retained which is preferable as they provide more important screening benefits.

It is acknowledged that the Biodiversity officer has requested an ecology survey, however, although allocated as Green Space, the gravel based, grassed area with young to early mature trees situated within a built up urban environment would have little ecological potential and as such was not requested.

### Conclusion

In summary the proposed development is judged acceptable in land use planning policy terms taking into account that the site is located in a UDP housing policy area and an established residential area which is a priority to accommodate new housing growth. The site is also located on the Council's register of Green Space sites. However because of its limited size, function and value it is considered that a greater benefit would be achieved via the applicant paying a commuted sum to be used to improve a more important green space in the Borough. The other implications of the proposed development have been assessed. In this case layout and access are up for determination. In the opinion of Officers the proposals in relation to these matters would satisfy the relevant policies relating to residential amenity, highway safety and other matters including the retention of trees. Approval of the application is therefore recommended subject to a reserved matters submission considering design, scale and landscaping and the signing of a legal agreement in relation to compensation payment due for the loss of green space.

### **Recommendation**

**Grant** outline planning permission subject to conditions and S106 Agreement (loss of green space)

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

(a) scale of building(s)

(b) the design and external appearance of the proposed development.

(c) landscaping

**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 The development hereby approved shall be carried out strictly in accordance with the amended plans received on 6th December 2016 (Site Plan Aug 16 Rev B and Arboricultural Report produced by Ian Kennedy, Wharncliffe Trees and Woodland Consultancy updated 6 December 2016) and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

- 4 The development hereby approved shall not exceed a maximum of 2 units and the units shall not exceed a maximum of 1 ½ storey in height, the details of which shall be submitted as part of the application for approval of reserved matters.  
**Reason: To ensure the development conforms with the approved outline planning Permission and stays within the maximum assessed level of development.**
- 5 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 6 No development shall take place unless and until the following details have been submitted to and approved in writing by the Local Planning Authority  
(a) full foul and surface water drainage details, thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and  
(c) calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.  
**Reason: To ensure the proper drainage of the area.**
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:  
- The parking of vehicles of site operatives and visitors  
- Means of access for construction traffic  
- Loading and unloading of plant and materials  
- Storage of plant and materials used in constructing the development  
- Wheel washing facilities  
**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 8 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.**
- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

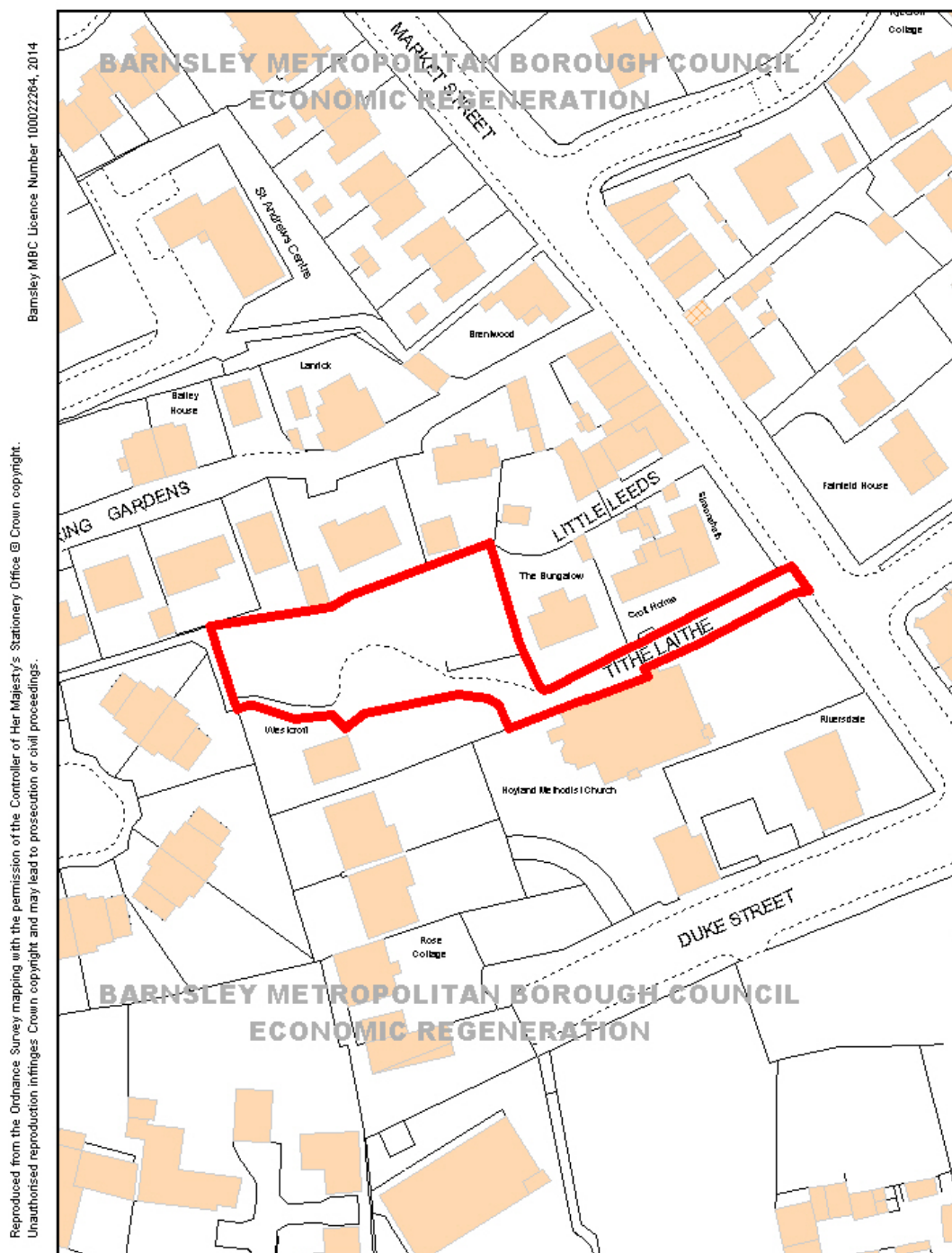
- 10 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**



PA reference :-

2016/0999



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