
2016/1027

Applicant: Mr Mark Jones

Description: Reserved matters (2013/1007) Residential development for 56 dwellings including means of access (Outline)

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

2 letters of objection have been received
1no. Councillor objection to the scheme

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.

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

Proposed Development

This reserved matters application, including appearance, landscaping, layout and scale, follows on from application 2016/0952 which granted outline permission for 56 dwellings, including access.

The proposed 56 units would be made up of 44no. 4 bed detached properties, 9no. 5 bed detached and 3no. 2 bedroom terraced. There are 7no. house types proposed in total and all the properties would be two storeys.

The lay out of the development would be laid out 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.

3 out of the 5 detached house types would have detached/semi-detached garages, 1 of the house types would have attached garages with rooms above and the remaining house type would have an integral garage. All of the proposed dwellings would have at least 2no parking spaces, including the 2 bed terraced dwellings.

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).

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
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'
CSP13 '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'

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'.

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.

Paragraphs of particular relevance to this application include:

Para 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 49 'Housing applications should be considered in the context of the presumption in favour of sustainable development.

Para's 58 & 60 – Design considerations

Consultations

Affordable Housing Officer: No objections as S106 signed as part of outline

BMBC Drainage: No objections subject to conditions

Education: No objections as S106 signed as part of outline

Highways DC: No objections to internal layout or parking provided

Tankersley Parish Council: No comments received at time of preparing report

Ward Councillors: Cllr Barnard objects – increased traffic movements, surface water runoff issues, school capacity problems & sewerage and water supply capacity.

Regulatory Services – No objection subject to conditions

Tree Officer – No objections to revised layout subject to conditions

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.

As a result of the consultation 2 letters of objection have been received. The main points of concern are:

- Out of character with the area, detrimental to visual amenity, too large for village
- Reduce residential amenity
- Development result in Urban Sprawl
- Affect the character of the village
- Loss of open space/green space/countryside
- Loss of agricultural land
- Loss of wildlife habitat
- Pressure on local infrastructure
- Alternative 'Brownfield' sites available

Assessment

Principle of Development

The site is currently in agricultural use and is allocated as safeguarded land in the UDP and proposed Safeguarded Land in the Publication Draft of the Local Plan. However, the principle of residential development has previously been set on the site with the approval of applications 2013/1007 and 2016/0952. As established in the previous permissions, the residential development on the site is supported for the following reasons;

UDP policy GS10 is clear that on Safeguarded Land existing uses will normally remain during the plan period and that planning permission for alternative development will only be granted following a review of the UDP. Taken as read the proposal would be contrary to UDP policy.

The intention of Safeguarded Sites is to release land that is required beyond the development plan period to serve long term development needs. The purpose of the Safeguarded Land designation in the UDP was therefore not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may be required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 therefore the extent it can be relied upon in terms of current development needs is becoming dated. The NPPF also states that decision makers should only afford full weight to policies adopted from 2004 onwards.

The Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies and indicates that the proposal should be allowed.

It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 49 is clear that where no five year supply can be demonstrated, the

presumption in favour of sustainable development at paragraph 14 of the NPPF should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. Other relevant development plan policies and material considerations should, however, still be considered.

As the principle of residential development has already been established for 56 dwellings, this report will focus on the reserved matters including appearance, landscaping, layout and scale. The impact will be explored under the following headings:

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through council tax revenue, increased spending within the local area, creation of jobs etc.) and social dimensions (contributions for improving local secondary schools, improvement to local green spaces, provision of affordable housing etc.), especially with the increased unit numbers above the original outline, as such, the development is considered to be sustainable. On this basis, it is considered the presumption in favour of sustainable development applies.

Residential Amenity

The principle of 56no. dwellings on the site was considered and approved as part of application 2016/0952. 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 1no. 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

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 up to 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 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 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

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

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

Drainage & Flood Risk

No watercourses run directly through the sites but Birdwell Dyke is located adjacent to the southern side of New Road. Both sites lies within Flood Zone 1 on the Environment Agency's Flood Risk map. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low. The Environment Agency was previously consulted and raised no objections.

The location of the New Road access point has previously been agreed with Highways DC as well as the Drainage Authority. It occupies the higher ground which is not prone to flooding. This would ensure that access and egress to the residential site can be maintained at all times.

Trees

There are a number of existing trees and hedges on and off site to the West, North and East, although very few features are evident within the centre of the site itself. Obviously, the previous permission established the principle of 56 dwellings on the site; however, this application focuses on details such as scale, appearance, layout and landscaping.

The Tree Officer has been heavily involved with the application and the plots closest to the existing arboricultural features have been amended and repositioned on his advice. The proposed layout would achieve acceptable distances to the trees and hedges so that they can be retained while not being impacted upon significantly.

The Tree Officer is satisfied that the layout under consultation could be developed while still predominantly retaining the existing hedges and trees. Furthermore, the proposed separation and stand-off distances should not cause future problems for the residents of the scheme, in terms of the impact those trees and hedges would have on the dwellings themselves.

The Tree Officer has raised no objections to the scheme subject to conditions.

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 will be required to be submitted prior to commencement.

An indicative landscaping layout is provided though 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

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 principle of residential development has been set with the approval of application 2013/1107 and 2016/0952. In addition, the proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies.

Having thoroughly assessed the reserved matters against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the benefits of the scheme (subject to securing the necessary mitigation sought within the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable.

Recommendation:

Members resolve to grant subject to the conditions given and completion of section 106 agreements securing off site open space contributions.

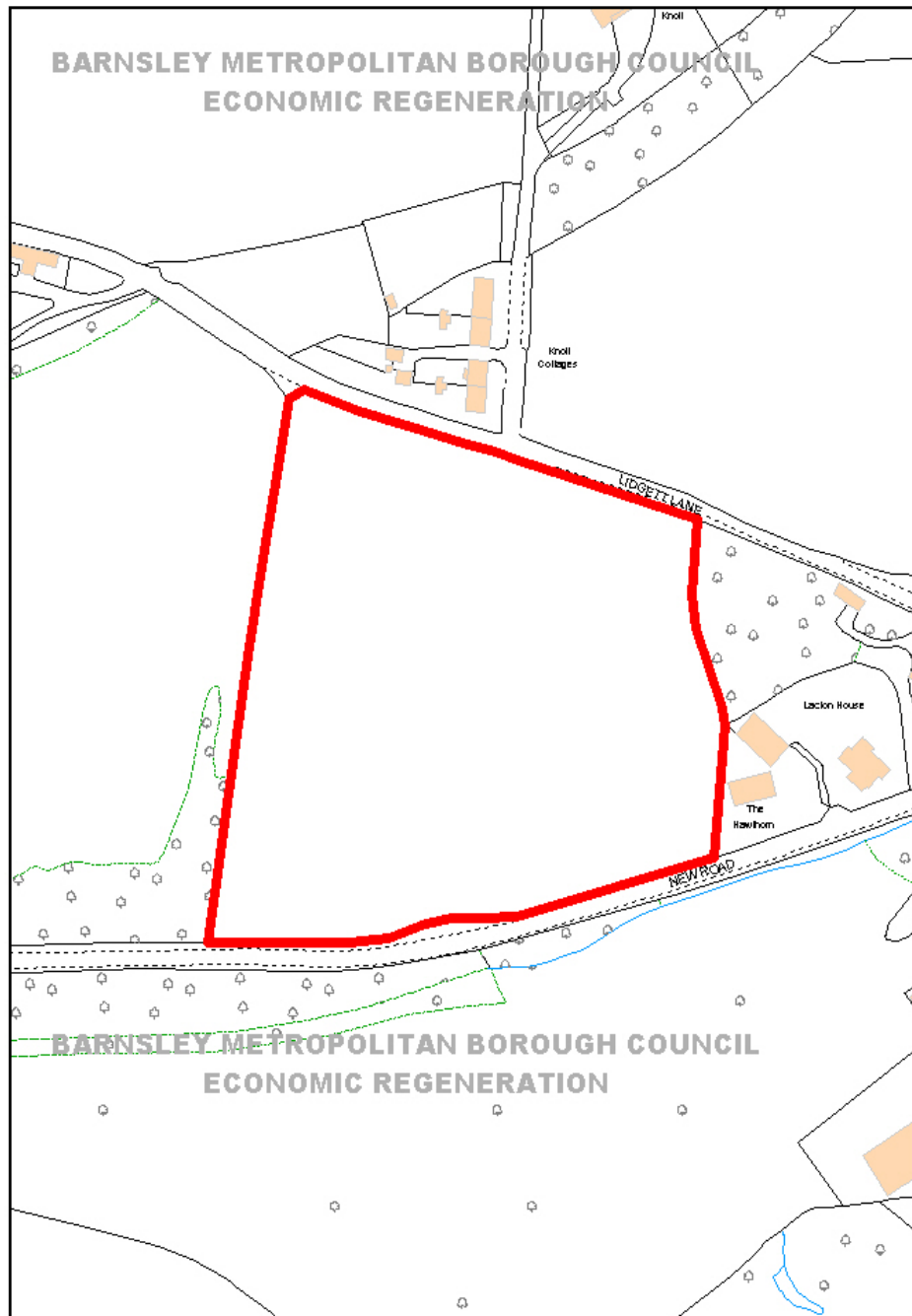
- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of this reserved matters approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2235-TL01-E, 2235-PL02-C, H497---5, H469--X5, H436---5, H411---5, H587---5, H587---5, N200TE-5, N300TE-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.
- 3 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.
- 4 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.
- 5 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.
- 6 Prior to the commencement of the development detailed plans shall be submitted to, and approved in writing by, the LPA indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

PA reference :-

2016/1027

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