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**2016/1329**

**Applicant:** David Smith, C/o SBP Architect

**Description:** Residential development of 19 no. dwellings and provision of access and parking.

**Site Address:** Land to Rear of 26 Cross Lane, Royston, Barnsley, S71 4AT

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Three letters of objection have been received

### **Site Description**

The site is located to the rear (East) of the properties fronting Cross Lane and adjacent (North) to the recently completed affordable housing scheme on Lineside Lane. The site measures approximately 4000m<sup>2</sup> and accommodates an orchard, ménage and some outbuildings. The surrounding area is predominantly residential but there are some small scale commercial premises to the East of the site. The site was recently sold in connection with number 26 Cross Lane and there is a narrow access to the site from Cross Lane down the side of number 26. Potential access to the land was also built into the housing scheme to the south where the existing cul de sac could be extended into the site over Council owned land, subject to a percentage of the uplift in the value of the land.

### **Proposed Development**

Members may recall that this application has been in front of the Planning Regulatory Board before at the September 2017 meeting. Members voted in favour of the officer recommendation to grant subject to a legal agreement relating to affordable housing. At the time of that meeting there was limited information relating to the affordable housing provision and the applicant proposed to discuss the proposal with registered providers and reach an agreement with the Affordable Housing Team, which would then be secured by a s106 agreement.

Since that PRB meeting the applicant has been in discussions with Berneslai Homes and reach an agreement to provide 3no of affordable units on site (equating to 15% of the total dwellings in line with CSP 15). The units would comprise 2no. 2 bedroom properties and 1no. 3 bedroom property occupying plots 7, 8 and 9.

The previous scheme comprised only 3 bedroom units, as such, in order to accommodate the requirements of Berneslai homes the scheme requires minor amendments to that previously approved. The amendments relate solely to plots 7, 8 and 9 and consist of the reduction in footprint of the terraced block by 2m in width and 0.46m in depth. The rest of the site and road layout remains as previously approved.

Subject to the alterations above, the scheme is as Members will have seen it at the previous Planning Board. The applicant is seeking permission to erect 19no. dwellings. There would be 2 no. pairs of semi-detached properties, 1no. terraced block containing 3no. properties and 3no. blocks containing 4no. properties each. 15 of the properties would front the proposed adopted highway with 4no. fronting a private drive. Each property would have 2no. allocated parking spaces to the front/side and a private garden area to the rear. Vehicular access into the site would be taken from the neighbouring affordable housing estate off Lineside Lane.

## Site History

2013/0537 – Erection of 14 dwellings refused due to inefficient use of land, reduced distances to neighbouring properties affecting residential amenity and internal road layout not meeting standards. Appeal dismissed.

## 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).

## Core Strategy

CSP 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 35 'Green Space' – We will only allow development proposals that result in the loss of green space where;

- an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or
- the development is for small scale facilities needed to support or improve the proper function of the green space

## Saved UDP Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

#### SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’ provides parking requirements for all types of development.

Other Material Considerations

South Yorkshire Residential Design Guide - 2011

#### 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that ‘permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’.

#### **Consultations**

Yorkshire Water Services Limited – No objections subject to conditions.

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Regulatory Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ecologist – No objections subject to condition

Design – No objections to the revised scheme

## **Representations**

Three letters of objection have been received. The main points of concern are:

- Drainage problems/increase flood risk
- Increased traffic/reduced highway safety
- Loss of habitat for wildlife
- Loss of privacy
- Increased noise and disturbance
- Loss of outlook

## **Assessment**

### Principle of Development

The site contains an orchard and was most recently used for equestrian activities. It is located partially within a Housing Policy Area and partially within a Housing Proposal area in the UDP proposals maps. It is also within a predominantly residential area and as such residential use would be considered acceptable in principle,

The application site is also identified as Green Space and is on the Councils Green Space Register as GS2185, land East of Cross Lane Local Neighbourhood Green Space. However, the land does not appear to be functioning as green space in accordance with the current definition and does not offer any positive green space attributes. In this instance policy CSP35 is therefore not considered applicable.

All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the proposal would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

It should also be acknowledged that the principle of residential development for 19 dwellings was previously accepted at PRB in September 2017, this application purely relates to the reduction in footprint of the terraced block containing plots 7, 8 and 9.

### Residential Amenity

Residential amenity would remain unchanged since the previous scheme and it could be argued that there would be a slight improvement given the reduction in size of the terraced block. It is acknowledged that 2no. properties would be downsized from 3 bed units to 2 bed units but they would still meet the internal sizing requirements of the South Yorkshire Residential Design Guide.

Given the relatively minor amendments to the original scheme, the comments made on the previous report remain relevant and are outlined below;

*It is acknowledged that the development of the site would introduce noise and disturbance into an area previous undeveloped. However, the site is currently allocated as Housing Policy and Housing Proposal area and is surrounded on 3 sides by residential development.*

*As such, the introduction of 19no. dwellings in a relatively densely populated area would not reduce residential amenity to an unreasonable degree.*

*There are existing neighbouring residential properties to the North, West and South of the site. Block C would be immediately adjacent to the side elevation of the existing properties to the south, however, it would be on a similar building line and be orientated to the North, as such, it would not significantly increase overshadowing or result in an overbearing feature.*

*Block E would have its rear elevation facing the side elevation of properties to the south but would have a separation distance in excess of 12m as recommended in SPD 'Designing New Housing Development'. Its side elevation would face the rear elevation of properties fronting Cross Lane but again the separation distance would be circa 21m, in excess of the required 12. Furthermore, the proposed side elevations would not incorporate habitable room windows.*

*Block D, (containing plots 10 to 13) would also have a side elevation facing the rear elevations of properties fronting Cross Lane but would be located at least 18m away, again there would be no habitable room windows in the side elevation. The rear elevations of this block would face private amenity space but would be in excess of the recommended 10m from the shared boundary. Blocks D and A would both have rear elevations facing the rear elevations of properties fronting Midland Road, however, the separation distance would be at least 25m, in excess of the 21m required. In addition, the properties to the north are built on a higher level than the application site.*

*With regards to the separation distances between the proposed properties themselves, they meet or exceed the separation distances set out in the SPD.*

### Visual Amenity

Given the relatively minor changes to the scheme, relating to the reduction of footprint of 1 terraced block, the previous comments regarding visual amenity remain relevant and are outlined below;

*The scheme incorporates 5no. different block types which have a common theme and design as one another, but, each introduce differing elements and features to add interest to the scheme, in accordance with CSP 14 'Housing Mix and Efficient Use of Land'.*

*The dwellings would have accommodation over 2 floors and comprise semi-detached and terraced blocks, which reflect the development pattern of the area. Visual interest would be added to the front elevations of the blocks through the addition of porches and projecting gables. These would also break up the front elevations of the larger blocks and avoid a monotonous or regimented appearance, in accordance with CSP 29.*

*The site would be entered via Lineside Lane which accommodates existing dwellings. Block C faces onto the access road to provide an active frontage into the development and incorporate it within the neighbouring estate. It is acknowledged that block B would have a side boundary and side elevation facing the access to the site. However, the corner plot would have fenestration and its front entrance facing the access road, and, the fencing would be set in from the hard margin to allow a landscaping strip to be incorporated. This would soften both the dwelling and the fencing and provide a more attractive entrance into the development.*

*A number of the properties would have parking to the front of the dwellings which would result in vehicles being in prominent positions. However, the largest run of vehicles in a row*

*is 4 with some properties incorporating parking to the sides. This allows for front garden areas to be included in the scheme to allow the areas of hard landscaping to be softened and parking areas softened. As such, the development would not be car dominated, to the detriment of visual amenity.*

*There are also opportunities for landscaping in prominent corner positions, for example adjacent to block C and to the front of block E. Again, this would aid to soften the development and balance the areas of hard landscaping.*

*Despite some of the properties being in terraced rows, each dwelling would have pedestrian access to their rear gardens. For example, block D would have a central passage way through to allow the 2no. 'internal' properties access without crossing over neighbouring gardens. This would allow bins and recycling containers to be stored away from the prominent front elevations and the streetscene.*

### Highway Safety

The road layout and parking situation remains the same as previously approved, despite 2no. of units losing bedrooms. The previous comments are outlined below:

*The turning head off Lineside Lane was designed with the potential of accessing the application site in mind. The road layout has been amended during the course of the application in line with comments provided by the highways department. 15no. of the dwellings would be accessed via the 5.5m carriageway with 700mm wide margins which would become adopted highway. The remaining 4no. plots would be accessed via a private drive. The adopted road would incorporate a turning area large enough for refuse and emergency vehicles.*

*Each property would have at least 2no. parking spaces, in accordance with SPD 'Parking'.*

### Ecology

The applicant has submitted an Ecology Report alongside the application which the Councils Ecology Officer accepts as broadly acceptable. However, it will be conditioned that the subsequent mitigation measures and recommendations outlined in the report shall be carried out. These include the provision of bat boxes within the development.

### Trees

The site was previously, partially an orchard with a number of fruit trees across the site. There are no protected trees on the site; therefore, the applicant could remove them without planning permission. However, they have proposed to retain a mature pear and apple tree to the West of the site as well as incorporating a number of new trees within gardens and landscaped areas. Conditions will be recommended to safeguard the trees to be retained as well as for further information regarding the landscaping to be submitted.

### Affordable housing

CSP 15 'Affordable Housing' states that housing developments of 15 or more dwellings will be expected to provide affordable housing. 15% of the site will be expected within Royston unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

The reason for the amendments to the scheme are to accommodate the requirements of Berneslai homes who would be taking on the proposed affordable units upon completion.

The applicants propose 2no. 2bedroom units (plots 8 &9) and 1no. 3 bedroom unit (plot 7). The 3no. of units would equate to 15% of the total development and accord with policy CSP 15. The units would be secured via a legal agreement.

### Green Space

The application site is identified on the Councils Green Space Register as GS2185 land East of Cross Lane Local Neighbourhood Green Space. However, the land does not appear to be functioning as green space in accordance with the current definition and does not offer any positive green space attributes. In this instance policy CSP35 is not considered applicable and as such no compensation will be required.

### **Conclusion**

The proposed amendments to the scheme are relatively minor and would ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

### **Recommendation**

**Approve** subject to signing of S106 agreement (for affordable housing) and the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 16-025-20-A, 16-025-21-A, 16-025-24-A, 16-025-26 & 16-025-30) 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 Upon commencement of development details of the proposed external materials shall be 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 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.**

- 6 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

- 7 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.**

- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 9 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
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

**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.**

- 10 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.**

- 11 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.**

- 12 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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.

**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 13 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 14 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 15 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005):

Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

- Root protection areas (RPA)
- Tree protection plan (TPP)
- Arboricultural method statement (AMS)
- Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

No development or other operations shall take place except in complete accordance with the approved methodologies.

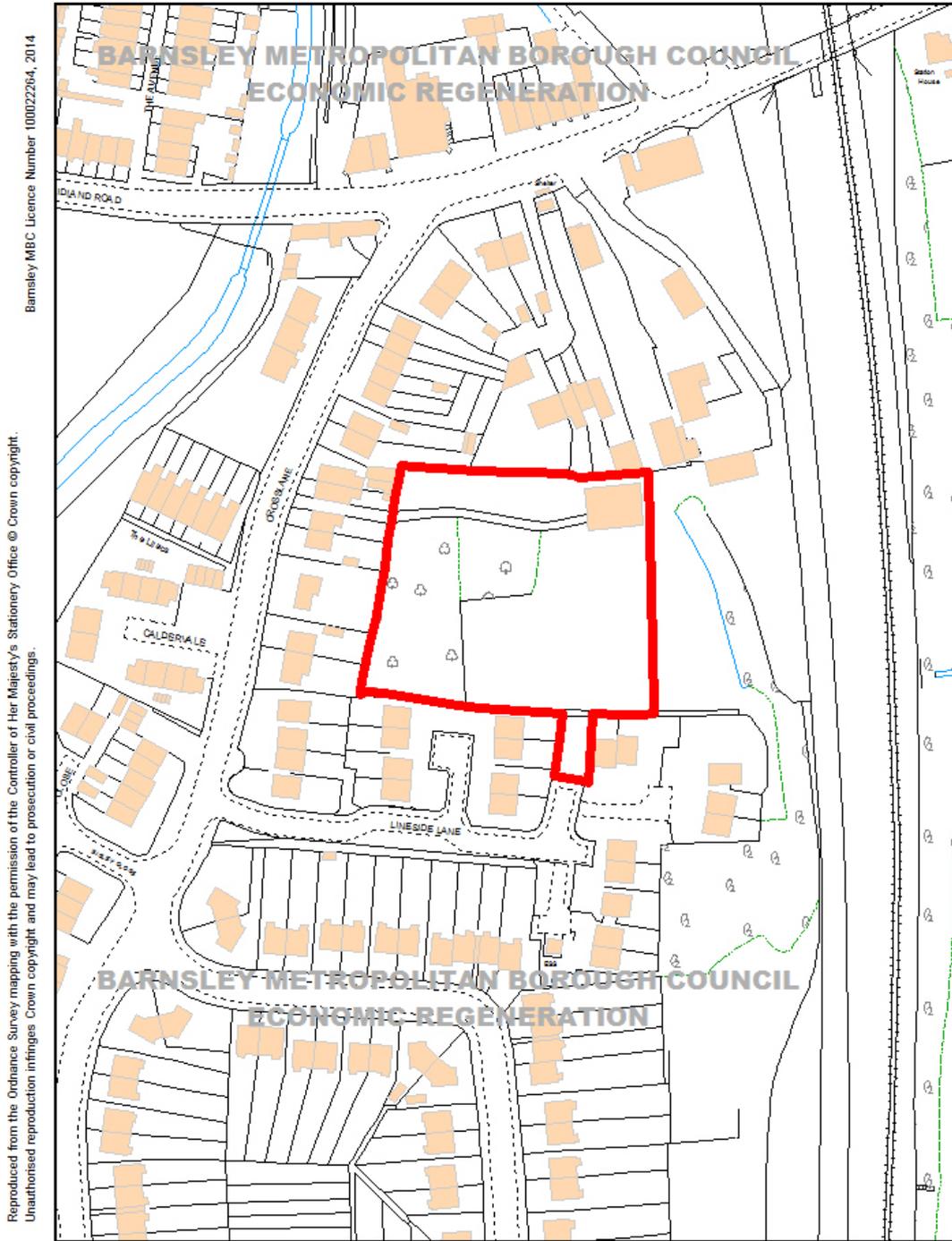
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

- 16 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.**
- 17 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.**
- 18 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 19 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.  
**Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network in accordance with CSP4.**
- 20 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted, including a timescale for implementation, shall be 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 order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.**



PA reference :-

2016/1329



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