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**2017/1164**

**Applicant:** Mr Adam Richardson, C/o Spawforths

**Description:** Erection of up to 3 no. dwellings and associated car parking, garages, access and landscaping including new vehicular access onto Barnsley Road (Outline with All Matters Reserved apart from access).

**Site Address:** Land adjacent to Glebe Farm, Barnsley Road, Silkstone, Barnsley

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5 representations have been received from neighbouring residents Silkstone Parish Council object.

Cllr Barnard has expressed concerns regarding the proposed development and has requested that it is determined by the Planning Board.

### **Description**

The application site is set off Barnsley Road, Silkstone. The site is a former paddock which is located to the south of Glebe Farm. The site is approximately 0.3 hectares and sits within the defined housing policy area and within the settlement boundary. A field gate access is set to the southern boundary with Barnsley Road and the front boundary is bounded by dry stone walls. The site gently slopes from the west to the east and is mainly laid to grass. There are a number of trees located within the site, mainly set along the eastern boundary of the site.

To the north, the site is bound by Glebe Farm house and to the east by an existing Bridleway known as the Silkstone Wagonway Walk, which provides access to Glebe Farm house from Barnsley Road. To the west of the site is the main residential area with the rear gardens of a number detached bungalows on Fall View cul-de-sac facing onto the site. To the south, the site is bound by Barnsley Road and beyond is Vicarage Farm Court, a residential street and Pot House Hamlet.

### **Proposed Development**

The application is in outline form with all matters reserved for future consideration apart from the access. An indicative layout plan has been submitted which demonstrates three detached dwellings located in a linear pattern accessed from a shared driveway which links to the proposed access off Barnsley Road. The Design and Access Statement submitted with the application states that the plots could be delivered as self-build plots of up to 3, two storey dwellings.

As part of the submission the following has been submitted:

- Extended Phase 1 Habitat Survey and Bat Activity Report,
- Coal Mining Risk Assessment,
- Tree Survey,
- Highways Statement
- Flood Risk Assessment

### **Policy Context**

Planning decisions 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 Housing Policy Area

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.

### Core Strategy

CSP 26 – New Development and Highway Improvement

CSP29 – Design

### SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking'

SPG Silkstone Parish Design Statement

### 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.

## **Consultations**

Silkstone Parish Council have raised the following concerns:

- The addition of a further junction onto Barnsley road in this location was considered to be unsafe due to poor sight lines and the close proximity of the junctions at Vicarage Farm court and Pot House Hamlet as well as the proximity of a bus stop.
- The application is outside the curtilage of the existing properties garden and is an open space in the Parish. Building on open spaces in the Parish contravenes the Village Design Statement which states that "**GS2. All open spaces within the villages should be retained as a priority irrespective of size.**"  
This open space is listed in the Village Design Statement :
  - o *5.2 Inside the Villages*
  - o *The open spaces in the villages contribute towards the feeling of their rural nature as opposed to being a city suburb. Open spaces situated in Silkstone include: Silkstone Recreation Ground and adjoining Conroyd Wood; • The Chestnuts; • Open green space within and fronting Manor Park; • The woodland and grassed area between Manor Park and Towngate through which Footpath 29a passes; • 'Hillside' on High Street, opposite the Ring 'o' Bells; • The entrance to Silkstone Primary School and playing field; • **'Ribbon' open-space along Silkstone Waggonway from Silkstone Cross to the Parish boundary;***
- Silkstone Parish Council own the stretch of wagonway alongside the proposed development and have concerns regarding damage to the wagonway with the installation of services to the proposed new homes.
- Inaccurate documents -the site boundary shown on the Architect's plan is different to the boundary shown on the consulting engineers plan.
- It is understood that an ecological survey was submitted with this application – this was not copied to the Parish Council with the consultation documentation.

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections subject to conditions

SYMAS – No objections subject to conditions

Tree Officer – No objection subject to conditions

Biodiversity Officer – No objection subject to conditions

## **Representations**

Cllr Barnard raised the following concerns and requests that the application is taken to the Planning Board for decision:-

- Concerns regarding the access to the site given the proximity to both Pot House Hamlet and the bus stops. There is significant traffic flow on Barnsley Road already.
- The site has a history of problems with surface water according to local residents.
- Residents of Fall View have serious concerns about the impact on their properties.

5 representations have been received from neighbouring residents which raise the following objections:-

- The development of the site should be for bungalows and not two storey houses
- Concerns regarding the access, proximity to other vehicular accesses and the 50mph speed limit and its impact on highway safety
- Impact on protected species
- Adverse impact on amenity of home and garden to the properties on Fall View
- Loss of privacy to habitable room windows and garden
- The site is meant to be Green Belt
- Impact upon the character and outlook of the Silkstone Waggon Way
- Increased flood risk
- Concerns regarding the height of the proposed dwellings

Other non-material objections relate to a loss of view.

## **Assessment**

### Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps. All new dwellings proposed within existing residential areas 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, infill development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

### Residential Amenity

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments where they are adjacent to existing dwellings, it is recognised that there will be some impact on the residential amenity of existing residents.

A number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook, overbearing impact, loss of privacy and view. At this stage the application is in outline form only so issues of layout and design of the dwellings are not under consideration at this stage. However, the indicative layout plan demonstrates that three new dwellings could be sited comfortably on this large plot to meet

the separation distances required within the SPD in order to prevent significant overlooking or overbearing/overshadowing impact. Unfortunately a loss of view cannot be considered as a material planning consideration.

Overall, the development is considered acceptable in terms of residential amenity in compliance with UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

### Visual Amenity

Objections have been received with regard to the possible erection of two storey dwellings on the site; however at this stage as the application is in outline, the scale, siting and design of the properties is a matter reserved for future consideration. Silkstone village features various sizes of dwellings, including detached, semi-detached and terrace properties of one and two storeys in height. It is felt that the properties could be designed and sited in order to fit in with the surrounding properties and the Silkstone Parish Design Statement. There are no objections to the erection of two storey properties on this site, as this is a large plot and that there are two storey properties opposite the site on Vicarage Farm Court, and Glebe Farmhouse itself is a two storey dwelling.

Concerns have been raised by the Parish Council with regard to a loss of open space within the village and adjacent to the Waggonway. The site is allocated as Housing Policy Area, with the boundary drawn around Glebe Farm. It is also set adjacent to the Silkstone Waggonway which acts as a boundary to the built up area of the village and the Green Belt to the east. The site is not on the Council's green space register nor is it allocated or used as publicly accessible open space, therefore unfortunately would not warrant protection on these grounds. Unfortunately a loss of this small area of land which is allocated as part of the built up area of the village would not be significant, and could not be refused permission on this basis. The proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

### Highway Safety

Objections have been raised with regard to the impact of the proposal upon highway safety. The application site is located on Barnsley Road on the edge of the village. The access is slightly offset from Vicarage Farm Court on the opposite side of Barnsley Road. There is also the Pot House Hamlet business on the opposite side of Barnsley Road which generates a significant amount of traffic. The speed limit changes from National Speed Limit on Barnsley Road from the junction with Manchester Road (A628), to 30 mph just before the Pot House Hamlet. Pot House Bridge is just to the east of the proposed access and construction traffic would be expected to cross this. Access is proposed to be taken from the existing field gate, which will be widened accordingly. There is an existing dropped crossing which would also require widening. The Highways Section have no objections to the proposal subject to conditions and consider the access to be acceptable. A condition would be required in order to provide a Traffic Regulation Order to allow for traffic calming measures to prevent speeding vehicles which include the use of 'dragons teeth' and relocation of the speed limit signs towards the junction with the A628.

In terms of the internal layout, this is a reserved matter therefore parking and manoeuvring within the site must comply with the standards in the South Yorkshire Residential Design Guide and the SPD2-Parking, which would be subject to a reserved matters application.

Concerns have been raised by objectors with regard to the impact of the proposal upon the Bridleway to the rear. There should be no significant impact upon this right of way as the properties would be accessed from a separate access off Barnsley Road.

### Impact on Trees and Biodiversity

The Tree Officer has been consulted and considers that the information provided is acceptable in terms of the protection of the trees and there is therefore no objection to the scheme. Several trees are being removed however and as such replacement tree planting will be required as part of a landscaping scheme in accordance with CSP36 of the Core Strategy. This can be secured via a suitable condition

The Biodiversity Officer has no objection to the proposal and the Extended Phase 1 Habitat Survey Report and Biodiversity Enhancement Plan are acceptable. The habitats occurring on the site offer some opportunities for protected species, therefore it is recommended that a condition is applied in order to secure the Biodiversity Enhancements such as buffer zones, tree planting, wildlife ponds, bat roosts, bird and insect boxes, and hedgehog shelters on the site for a period of 5 years in accordance with CSP36 of the Core Strategy.

### Drainage

Concerns have been raised with regard to the impact of the proposal upon both surface water run-off and flood risk; however the Councils Drainage Officer and Yorkshire Water have raised no objection to the proposal subject to conditions. In terms of flood risk, the Flood Risk Assessment submitted with the application states that the site falls within Flood Zone 1 which indicates that there would be a 'low probability' and less than 0.1% annual probability of river flooding, however in the event of a flood from a catastrophic storm or blockage of existing or proposed sewers then mitigation measures are recommended. The proposal is considered to be acceptable in terms of flood risk and drainage subject to conditions.

### Conclusion

In conclusion, the site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development. It is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8D, Core Strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it would not significant harm the amenity of existing residents, subject to detailed plans being provided at the reserved matters stage. The proposed access is considered to be acceptable and there should be no significant highways issues. The proposal is considered to be an acceptable form of development and is recommended for approval.

### **Recommendation**

Grant outline planning permission with some matters reserved

- 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) the layout of the proposed development.
  - (b) scale of building(s)
  - (c) the design and external appearance of the proposed development.
  - (e) 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 access and site location hereby approved shall be carried out strictly in accordance with the plans (Nos 0001-0003 REV A, 0001-0001 REV E) 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.**
- 4 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. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining 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 and in accordance with Core Strategy Policy CSP26.**
- 5 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 operative 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.
  - Measures to prevent mud/debris being deposited on the public highway.
  - Measures to control dust and noise during construction.
- Reason: In the interests of highway safety in compliance with CSP26.**

- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangement which secure the following highway improvement works:  
Any necessary lining and signing.  
Any necessary changes to street lighting.  
Traffic Management measures on Barnsley Road; including any necessary Traffic Regulation Orders.  
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
**Reason: in the interest of highway safety and the free flow of traffic, and in accordance with Core Strategy Policy CSP26.**
- 7 Sight lines having the dimensions 2m x 54m (right on exit) and 2.4m x 42m (left on exit), shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway, in the interests of road safety.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 8 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway, in the interests of road safety  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12  
**Reason: To ensure safe and adequate access in accordance with Policy CSP26.**
- 10 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.**
- 11 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.**

- 12 The development site is located in a coal mining referral area due to the possible presence of shallow coal and possible unrecorded shallow coal mine workings. The site could therefore be at risk from ground instability and associated mining legacy health and safety risks. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.  
**Reason: In accordance with the NPPF sections 120 and 121 - Land stability.**
- 13 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.**
- 14 The development shall be carried out in accordance with the recommendations within the Phase 1 Habitat Survey Report and Biodiversity Enhancement Plan dated the 25/01/2018. Prior to the occupation of the dwellings, the recommendations within the Biodiversity Enhancement Plan shall be fully implemented and maintained for a minimum of 5 years.  
**Reason: In order to conserve and enhance the biodiversity in accordance with policy CSP36 of the Core Strategy.**

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