
2018/0338

Applicant: Berkeley DeVeer

Description: Residential development of 24 dwellings (Reserved Matters relating to outline application 2016/0340).

Site Address: Land at the East of Cote Lane, Thurgoland, Sheffield, S35 7AB

The application has been amended twice and been subject to 3 rounds of consultation. Over the course of the re-consultations 8 local residents have objected (circa 30 letters).

Councillor Barnard and Thurgoland Parish Council have also raised concerns on the scheme.

Site Description

The application site comprises a 1ha field that is approximately rectangular in shape and is located on the eastern side of Cote Lane in Thurgoland.

The surroundings of the site are mixed. To the north of the site is a small housing estate (Springwood Close). To the east the site shares a boundary with an area of woodland. Adjacent the southern boundary is a group of 3 properties. The remaining half of the southern boundary is located adjacent to open land. Open countryside is located to the west of the site on the other side of Cote Lane.

The site is open and grassed and is not in use for any formal agricultural use at present. The site forms part of a hillside and is affected by topographical issues. This has the effect of land on the northern boundary being approximately 8m higher on average than land on the southern boundary and falls at a steep gradient. The differences are not as significant west to east with difference in levels being approximately 3m.

Proposed Development

The application follows the approved outline (2016/0340) seeking reserved matters approval on matters of scale, layout, landscaping and appearance. The application is for 24 dwellings with a mix as follows:

- 7 x 2 bedroom properties
- 3 x 3 bedroom properties
- 4 x 4 bedroom properties
- 10 x 5 bedroom properties

The properties are predominantly two storeys with five, three storey properties along the southern boundary, where levels allow the houses to appear two storeys from the access road. The house designs vary across the site with a total of 12 different house types, some detached and some semi-detached. Amended plans have been received in relation to some plots as the housebuilder has made changes to these housetypes, albeit there are not significant differences. All the properties are proposed to be Artstone with Calderdale Grey flat concrete tiles.

The layout has largely been driven by the challenging levels on the site which has dictated the spine road running from the agreed access point (2016/0340) east west through the site. A private secondary access would provide access to only two plots (23 and 24) off Cote

Lane with an application to vary the access on the outline accompanying this application (2018/1195). A number of retaining walls are proposed along the northern site boundary and at various points within the site; the majority being 1-2m in height with some up to 3m.

All the properties have off street parking and gardens and there is an open landscaped area to the front of the site with an attenuation tank located here as part of the drainage strategy.

History

2016/0340 - Outline application for residential development of up to 24 dwellings to include means of access and public open space – Approved 20/12/2016. The permission is accompanied by a S106 Agreement containing the following provisions:-

- 30% affordable housing provision on site;
- A contribution of £41,000 towards Secondary School Provision;
- A contribution of £43,000 towards off site green space;
- £66,000 of unallocated funding made available for community projects.

2018/1195 – Variation of condition 3 (relating to access) of 2016/0340 – Outline application for residential development of up to 24 dwellings to include means of access and public open space – under consideration at this Planning Board.

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 the 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 emerging Local Plan has now reached a very advanced stage with the Council having received the Planning Inspector's report for fact checking. The Final Report is anticipated to be received between this report being written and the date that planning and regulatory board will consider this application. This means that substantial weight can be given to the policies contained within the Local Plan. Strictly speaking, the Core Strategy and Unitary Development Plan remain the development plan for the borough. However, in light of the fact the Local Plan is on the verge of being adopted, these are now afforded less weight, particularly where it is clear that relevant policies within either of the documents are superseded by up-to-date policies within the Local Plan.

Core Strategy

- CSP3 'Sustainable Drainage Systems
- CSP4 'Flood Risk'
- CSP8 'The Location of Growth'
- CSP9 'The Number of New Homes to be Built'
- CSP10 'The Distribution of New Homes'
- CSP14 'Housing Mix and Efficient Use of Land'
- CSP15 'Affordable Housing'
- CSP26 'New Development and Highway Improvement'
- CSP29 'Design'
- CSP36 'Biodiversity and Geodiversity'
- CSP39 'Contaminated and Unstable Land'
- CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Safeguarded Land

GS10/WR11 'In areas shown as safeguarded land on the proposals map existing uses shall 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 of such land will only be granted following a review of the land in question'.

SPD's

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

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

Proposed allocation: Urban Fabric

In addition, the land to the south has been proposed for allocation as residential development. This formed part of the same area of Safeguarded Land and was originally proposed to remain as Safeguarded Land in the Publication Draft. It has now been brought forward as an allocation through the Main Modification Process. Access to this site can be gained from Cote Lane subject to improvements.

Policies of relevance would be;

Policy GD1 – General Development
Policy H7- Housing Mix and Efficient Use of Land
Policy T4 – New Development and Transport Safety
Policy D1 – High Quality Design and Place Making
Policy CC3 – Flood Risk
Policy Poll1 – Pollution Control and Protection

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.

Sections of relevance would be:

Section 5 – Delivering a sufficient supply of homes
Section 12 – Achieving well-designed places

Consultations

Affordable Housing – Provision should be 7 units as agreed in the S106 at outline. In terms of design, mix and tenure there are no objections. Ordinarily we would expect to see affordable housing dispersed throughout the site however in this instance, given the size of the site, design and quality of the proposed affordable housing units, we are satisfied with the proposed layout.

Biodiversity Officer – Further Ecology work was conditioned at outline and no development should commence until this has been completed and mitigation agreed.

Contaminated Land – No comments to make regarding contamination issues. We have no information to show any previous uses which may have caused any contamination, thus no further requirements are needed.

Drainage – No objections

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to standard conditions to limit the effects of noise and dust during the construction phase.

Thurgoland Parish Council – At the recent meeting of Thurgoland Parish Council, the above application was discussed. Whilst welcoming the changes to the site plan, and the amendments made to accommodate residents' concerns, there was still concern regarding the position of the proposed additional access onto Cote Lane (app. 2018/1195), which is still deemed to be an issue.

Tree Officer – Does not object subject to the imposition of conditions.

SYAS – Do not object subject to compliance with the condition requiring further detailed site investigation work to be carried out prior to the commencement of development.

South Yorkshire Police – Various comments on the detailed design in relation to designing out crime.

Ward Councillors – Councillor Barnard has objected based upon the following reasons:-

- Change to Layout – the layout does not reflect what was approved at outline with many of the proposed houses now side on and closer to the existing on Spring wood Close which will have greater impact in terms of overshadowing.
- Flood Risk - there have been flooding issues affecting the site in the past, (the name Springwood is itself a clue to the existence of underground watercourses and aquifers). The apparent intention to build retaining walls could well have unforeseen consequences both for existing properties and for the unsuspecting buyers of the new ones. How will surface water be managed and what guarantees are there for ongoing maintenance of the open space.
- Change to S106 – the applicant has requested to amend the S106 reducing the affordable housing on site and removing the community payment. This is not acceptable.

Yorkshire Water – The Flood Risk Assessment and proposed drainage strategy is acceptable.

Representations

The application was advertised by neighbour notification letters, site and press notice. In addition two further consultations have been carried out in relation to the amended plans. 8 residents sent in 30 letters raising various concerns with the scheme. These were as follows:

- Loss of privacy, light and outlook
- Road safety issues with regards to second access
- Too much parking
- Density of dwellings too great in northern half of site
- Pollution
- Boundary treatment between existing houses and proposed site
- Impact on wildlife
- S106 contributions need to be the same as agreed at outline stage
- Plans not accurately showing neighbouring dwellings
- Increased demand on local services
- Drainage issues

However, following consultation on the latest layout (rev: N) a number of residents have confirmed that the layout alleviates the majority of their concerns.

Assessment

Principle of Development

The principle of the proposed residential development has been established through the granting of outline planning application 2016/0340. This application therefore seeks approval for the remaining reserved matters which are layout, scale, design and external appearance and landscaping.

Visual Amenity

The proposed layout originally submitted differed from the indicative layout submitted with the outline planning application and a number of objectors raised this. Changes such as this are not unusual as more detailed design and survey work is undertaken and a full understanding of the constraints is established. The applicants confirmed that the topography of the site is challenging with the design of the spine road largely dictating the layout of the site. However, through discussions, a revised scheme has been provided which is closer to the indicative scheme submitted with the outline application, with houses located facing onto the spine road and rear gardens extending to the boundaries.

The levels plan provided shows that the finished floor levels of properties will not be significantly higher than the current levels on site, however a number of retaining structures are required across the site (between gardens and along the boundaries). The design and materials used for these can be conditioned to ensure that they do not create a dominant, overbearing feature.

The layout as amended shows a relatively green frontage along Cote Lane with the houses set back from the road. This is consistent with the character of Cote Lane. Plots 1 and 2 have been brought forward from the originally submitted layout with the garages moved to the rear to address concerns from residents and to comply with Policy CSP29 and the Designing New Housing Development SPD. The wider layout includes some areas of parking to the front of dwellings but in the main these are broken up by soft landscaped areas or screened from the main thoroughfare. A variety of house types have been proposed

all of a high quality design and materials; artificial stone is proposed which will fit well within the character of the street which has a mix of materials.

In terms of other visual amenity considerations the majority of the site is relatively open and clear of features. Vegetation exists in and immediately outside of the boundaries including the woodland to the east of the site. The tree survey and impact assessment submitted at outline showed that the majority of the trees on site are category C2 with only 2 being B2 (located to the south of the site) and the woodland to the east as A2. The revised layout shows no additional trees or hedges for removal other than two trees removed to facilitate the access which was agreed at outline stage. As such, no objections are raised from an arboricultural perspective given that tree protection details and an arboricultural method statement have been conditioned at outline. The plans show the details of landscaping including the trees, hedges and shrub planting to be provided which would enable an acceptable level of greenery to be provided for on the site. Overall the application is assessed to be acceptable having regard to the relevant assessment policies.

Residential Amenity

Residential amenity considerations are the most sensitive issue with the application overall given that existing dwellings are orientated to overlook the site at present in its open and green form. However Councillors will be aware that loss of view is not a material planning consideration. In addition the topography has the potential to increase the potential for overlooking and overshadowing.

All the properties along the northern boundary on Springwood Close will be impacted due to the relatively small distances to the boundary and sloping gardens. However, the impact on existing residents is mainly in relation to overbearing / overshadowing considerations with privacy impacts arguably reversed as a result of the levels (i.e. properties along Springwood Close are at a higher level and will look down onto the gardens of the proposed houses). No.2 is orientated side on to the proposed development with the amended plans showing the rear elevations broadly in line, therefore the impact here is acceptable. The relationship with No.4, No.6 and No. 8 is more sensitive as these properties face directly onto the site. Initially the layout had a number of plots located side on to the rear of these houses with side elevations very close to the boundary. Whilst this complied with the external spacing standards, ultimately the impact of this layout was overbearing and therefore unacceptable. The amended layout, with properties fronting onto the spine road and rear gardens backing onto the boundary, allows a much better spacing between the proposed and existing with most properties exceeding the 21m minimum back to back distance (the exception being plot 3 and No.4 which is 20m). In addition, the boundary is screened by a hedge and 1.8m close boarded timber fence, addressing residents' concerns in relation to privacy. This also screens the rear parking for plots 7-10 which are set down 1m in any case.

The relationship with properties to the south is less sensitive as these are orientated side on or at an angle with a number of outbuildings between them and the boundary.

The scheme layout has undoubtedly proven challenging, particularly as the detailed levels have been confirmed. However, the amended scheme is considered to be the best solution achievable on this site and as it complies with the various distances set out in the Designing New Residential Development SPD and Core Strategy Policy CSP29 it is acceptable in residential amenity terms. Permitted development rights will be removed from plot 3 to ensure any future extensions are fully assessed.

All the properties are generously proportioned (including the affordable units) and comply with the internal spacing standards set out in the South Residential Design Guide.

Highway Safety

The primary access was approved at outline stage and following consultation on the detailed design of the internal road layout there are no objections on highway safety grounds; subject to a condition securing appropriate site lines. The scheme provides for adequate off street parking to serve the dwellings and the secondary access, which only serves two dwellings, meets the required highway requirements to allow vehicles to enter and leave the site in forward gear. Subject to conditions the Council's Highways Section have raised no objections to the scheme

Other considerations

Drainage/Flood Risk

The site is located outside of flood zones 2 and 3 and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Residents and Councillors have raised concerns about surface water flooding in the area and the potential for the development to contribute towards the problems. The applicant has provided a Flood Risk Assessment and Drainage Strategy which shows surface water draining via a gravity sewer and attenuation tank (to control the rate of discharge) into the existing network on Cote Lane. Yorkshire Water and the Council's drainage officer have confirmed this is acceptable in principle. Overall therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations.

Biodiversity & Archaeology

Biodiversity and Archaeology were looked at in principle at outline stage and further assessment and agreement of suitable mitigation was the subject of conditions on the outline application and will have to be submitted and approved prior to development commencing. Subject to these conditions both the Council's Biodiversity Officer and SYAS have raised no objections to the scheme, albeit the hedge shown along the northern boundary will create a green link between the woodland to the east, forming part of the biodiversity requirements.

S106 – Affordable housing, public open space, education and additional proposal

The following was agreed at outline:

- 30% affordable housing provision on site;
- A contribution of £41,000 towards Secondary School Provision;
- A contribution of £43,000 towards off site green space;
- £66,000 of unallocated funding made available for community projects.

As part of this application the applicant had initially sought to reduce the affordable housing to 25% and remove the requirement for the community projects funding (£66,000). However, this has not been agreed with the applicant and as such no changes are being made to the S106 contributions/provisions at this time.

Conclusion

In summary the principle of the proposed residential development is established by the outline planning permission. All other issues of principle including the impact of the development on the highway network, biodiversity considerations, flood risk and the conditions etc were considered at the outline stage. This particular application is therefore

about seeking reserved matters approval over the specific details of the development (layout, appearance, landscaping and scale). Furthermore the outline planning permission is subject to the following provisions which remain unaltered by this application:-

- 30% affordable housing provision on site;
- A contribution of £41,000 towards Secondary School Provision;
- A contribution of £43,000 towards off site green space;
- £66,000 of unallocated funding made available for community projects.

The challenging site topography and existing residential properties located adjacent to the site have posed difficulties to achieve a suitable design for new housing layout reserved matters. The layout now proposed has been agreed through lengthy negotiation with the applicant and is, in the opinion of officers, the best possible solution. The layout meets the spacing standards set out in the Council's Designing New Housing Development SPD and adheres to the maximum number of 24 dwellings restricted by condition 4 of the outline planning permission.

The plans also provide suitable standards of amenity for future residents by virtue of the generously proportioned gardens and internal space standards. Furthermore the development would deliver a varied mix of 2, 3, 4 and 5 bed properties delivering one of the aims of CSP14. The internal layout plans are also acceptable from a highway design and parking provision prospective. Furthermore no other trees would be affected other than those which it has already been agreed can be removed to facilitate access to the site.

Based upon the above the assessment has concluded that the reserved matters plans for the layout, appearance, landscaping principles and scale of this development are in a form that are suitable to be approved. The application is recommended for approval accordingly.

Recommendation

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 2 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 and the associated outline app 2016/0340.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans:

P17-5149-01 Site Layout (Rev N)
P17-5149-02 Location Plan (Rev 0)
P17-5149-03 Stone Wall (1800mm)
P17-5149-04 Timber Fence (1800mm)
P17-5149-06 Knee High Rail (900mm)
P17-5149-07 Garage Details (Rev A)
P17-5149-08 Site Sections (Rev G)
Section Through Boundary 29.08.18
P17-5149-10-N1+ (Plot 1) Rev A
P17-5149-11-T4+ (Plot 2) Rev A
P17-5149-12-T4+ (Plot 3)
P17-5149-14 -A6 (Plots 9-10) Rev A
P17-5149-15-T10 (Plot 11)
P17-5149-16-T9a+ (Plot 12) Rev A

P17-5149-17 Harrogate (Plots 13) Rev A
P17-5149-18 Harrogate (Plots 16) Rev A
P17-5149-19-T502 (Plot 14)
P17-5149-20-T502 (Plot 15)
P17-5149-21-T503+ (Plot 17) Rev A
P17-5149-17-T503 (Plots 18 & 19) Rev A
P17-5149-17-T3+ (Plots 20-21) Rev A
P17-5149-24-T9+ (Plot 22)
P17-5149-25-T7 (Plot 23-24)
P17-5149-26-A6 (Plots 4-6) Rev B
P17-5149-27 A6 (Plots 7-8) Rev A

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.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of Plot 3 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: To safeguard the amenity of neighbouring residents in accordance with Core Strategy Policy CSP 29, Design.

- 4 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.

- 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 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

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

- 7 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.
- 8 Upon commencement of development details of the proposed external materials, including the retaining walls a shown on plan 1018-003 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.
- 9 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.
- 10 Prior to occupation of the development full details of security lighting to the parking spaces for plots 7-10 shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.

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BARNESLEY MBC - Regeneration & Property

Service Director: David Shepherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621



Scale 1: 2500