
2019/0718

Jaguar Estates & Wortley Construction

Outline application for 10 new dwellings with matters of landscaping, access, layout and scale under consideration.

Land at Carrs Lane, Cudworth, Barnsley

The application is presented to Members as the Officer recommendation is the subject of a S106 Agreement to secure a contribution towards secondary and primary school places. 2 objections have been received from local residents.

Description

The site is a linear site, located immediately adjacent Carrs Lane, Cudworth, to the north east of Barnsley, South Yorkshire.

The existing site was previously used for agricultural purposes, being part of a wider network of fields which have approval for residential development of 289 dwellings, currently in the process of being built by Barratt Homes. The site is split by the access to this development and part of the site is currently used for the sales centre and associated car parking. To the east of this site the new development includes houses and a large surface water attenuation basin. Existing 1960's dwellings are located to the north and East (opposite on Carrs Lane). A strip of trees and low level bushes flank the southern boundary and the drainage outfall from the wider residential development runs from the attenuation basin to the sewer network in Carrs Lane.

The site has a moderate slope from North to South following the contours of the existing highway. It is currently overgrown with grass, shrubs and trees.

Proposed Development

It is proposed to build 10 dormer bungalows, fronting onto Carrs Lane with parking and gardens. The application is in outline form but seeks approval over the means of access, layout, landscaping and scale of the proposed development.

The proposed dormer bungalows are relatively uniform in layout and scale. The plans indicate that they would have pitched roofs and two dormer windows located at the rear, however as appearance is not under consideration this is indicative only. Plots 4-9 have an attached garage to the side, whereas plots 1, 2, 3 and 10 have detached garages located either to the side or rear.

Access is by private drives from Carrs Lane. All the properties have sufficient off street parking for 2 cars (at least) and front and rear gardens.

Planning History

There is no relevant planning history related to this site specifically other than the sales and information centre. The most recent application for the residential development to the rear is included for reference.

2017/1007 - Erection of sales and information centre with associated access and parking in connection with adjacent residential development – Approved 18/09/2017.

2018/1275 - Variation of condition 2 of 2017/0577 updating the house types design and / or repositioning 149 plots and increasing the total number of units on site by 4 – Approved 06/03/2019.

2017/0577 - Residential development of 278 no dwellings with associated roads, public open space and landscaping. Approved with S106 Agreement 06/03/2019 which included contributions towards education, public open space and affordable housing.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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.

Site Allocation: Housing Site HS35

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth' Cudworth is listed as one of the Principal Towns where priority is given to development.

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 6% of new homes to be built in Cudworth.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected in Principal Towns.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

Policy GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPDs

'Parking' states that the parking standards for new housing development shall be 2 spaces for 3 bed dwellings and above.

'Designing New Housing Development' provides guidance regarding the design of new housing and external space standards.

'Financial Contributions To Schools'. A financial contribution will be needed for planning applications for housing developments where:-

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition.

Other

The South Yorkshire Residential Design Guide is referenced within several of the SPD's including 'Designing New Housing Development' and provides guidance concerning many aspects of new developments including minimum internal space standards.

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

Biodiversity – The evaluation of the site is acceptable subject to additional biodiversity mitigation being secured through condition. Would prefer to see the retention of the existing hedgerow occupying parts of the site frontage.

Contaminated Land – As indicated within the desk study report, due to the potential contamination risk, further investigations are recommended. Therefore an intrusive investigation will be required to assess the actual potential contamination risks. This can be secured through an appropriate condition.

Drainage – No objections subject to a suitable condition requiring future drainage of the site is secured and agreed.

Education – No objections subject to a contribution towards 2 primary and 2 secondary school places.

Highways DC – No objections subject to conditions.

Regulatory Services – No objections subject to conditions securing appropriate working hours and noise and dust mitigation during construction.

South Yorkshire Police – No objections

Ward Councillors – No comments

Yorkshire Water – No objections subject to a condition.

Representations

The application was advertised through neighbour letters and site notices. Two objections have been received which raise the following concerns:

- No more housing should be allowed on Carrs Lane given the amount already built;
- The lane can't support any more cars, is it unsafe for pedestrians;
- Residents shouldn't have to put up with more noise and dust from construction;
- Services are already overstretched;
- The proposed would overlook and overshadow houses to the rear;

Assessment

Principle of Development

The site is part of a wider housing allocation, HS35 'Land adjacent to Carrs Lane / Summerdale Road, Cudworth' which has an assumed yield of 278 dwellings, based upon planning permission 2017/0577 which was originally granted for that number of dwellings. Since this time the scheme has been amended (2018/1275) and the number of plots increased to 282. Whilst it is not usually acceptable for an allocation to be delivered incrementally in this way, the previous planning application was submitted and decided in advance of the adoption of the Local Plan. On this basis the proposed is acceptable in principle, being on a site allocated for housing.

Design and Layout

The application is unusual in that as it is in outline with all matters to be considered except appearance. Therefore, the scale, layout and landscaping of the proposed are the only matters under consideration that impact on visual amenity.

With regards to scale, the proposal is for dormer bungalows, which is consistent in scale with the majority of properties along Carrs Lane. The proposed bungalows are set within generous plots with front and rear gardens and off street parking. This is also consistent with existing properties along Carrs Lane. In some circumstances this low density nature of the proposed development would place plans in conflict with policy H6, which expects a minimum development density of 40 dwellings per hectare. However as has been explained all of the dwellings increase on the number of dwellings accounted for by the site allocation policy in the Local Plan and therefore represent extra which would positively assist growth targets. Also the linear nature of the site is such that achieving a higher density would require a design approach, which would be inconsistent with the character and appearance of the street i.e. town houses / terraced properties. Therefore, the proposed lower density is acceptable in this instance.

The landscaping submitted is limited in detail, with the plan only showing the location of drives, patios and soft landscaping / garden. Further details can be conditioned along with retention of any specific features for the first 5 years of the development. This is consistent with other residential development.

The boundary treatments as shown on the detailed site plan include a stone boundary wall along the site frontage with Carrs Lane. This would be a like for like replacement of the current field boundary and, subject to details of appearance being secured in the Reserved Matters application, the retention of this feature would contribute to quality of appearance.

There are two groups of trees on the site which are assessed as being category C albeit with some visual amenity value. The tree survey is not consistent with the layout in that the trees are all likely to have to be removed to facilitate the development. This can be mitigated through detailed landscaping for the proposed units which can include tree planting, in particular in front gardens along Carrs Lane.

Overall the plans are assessed to comply with the design policies as set out in the NPPF, the Designing New Housing Development SPD and Local Plan Policy D1.

Residential Amenity

The proposed dwellings are well spaced with sufficient external amenity space to achieve the standards as set out in the Designing New Residential Development SPD. There is also sufficient distance to the new houses at the rear of the site, all of which are set side on to the proposed development. Therefore no issues of overlooking or overbearing arise.

The relationship of the new dwellings with No.40 Carrs Lane has been reviewed closely given there are windows in the side elevation of this property. The layout initially proposed had a new bungalow located in line with this property and only a drives width (circa 3m) to the boundary. As No.40 is set very close to this boundary and to the north of the proposed, there would have been an unacceptable overbearing and overshadowing impact. The proposal has been amended with the bungalow set back further within its plot and 10m is retained to the rear boundary ensuring this relationship is judged acceptable. There remains some overlap but the impact is significantly reduced and although the new dwelling is now in line with the rear garden of No.40 the applicant has provided solar path analysis which demonstrates sun shading is limited with the only time that the whole garden is in shade being at sunset in the winter. Permitted development rights can be removed on this plot as well to ensure any future extensions are fully assessed. The windows of No.40 would overlook the driveway and front garden of plot 1. However, the impact is considered acceptable both due to front gardens being less private.

Therefore the proposed is in compliance with Local plan Policy D1 and the accompanying design guidance in terms of residential amenity.

Ecology

The applicant has submitted a Preliminary Ecological Report which assesses the site as being of low ecological value. This is consistent with the findings of the Council's own assessment when the site was allocated for housing in the Local Plan and has been agreed by the Council's Ecologist.

Policy BIO1 seeks to maximise biodiversity opportunities in and around new developments and to encourage provision of biodiversity assets. The enhancements as recommended in the Preliminary Ecological Report are not sufficient to address this aspect of the policy but further mitigation can be achieved through a specific condition, alongside the standard condition requiring a detailed landscaping scheme.

With regards to the hedgerow assessment, the Preliminary Ecological Report assesses the hedgerow as being species poor and small in size, concluding it is low in ecological value. Similarly the tree survey for the site has concluded the trees are category C (trees of low quality). These conclusions are consistent with those made at the time that the larger residential development to the rear was approved (2017/0577). It is also worthwhile noting that at the time

that this application was approved, no hedgerow assessment was required and the larger portion of existing hedgerows on the site were approved for removal. Therefore, it is not appropriate to require a hedgerow assessment for what are remnants of a hedgerow left following recent development.

Highway Safety

Highways have confirmed no objections to this scheme, subject to conditions applied in accordance with Local Plan Policy T4. The provision of a continued footway along the site frontage with associated individual vehicular access provisions and street lighting are required as mitigation works to make the development acceptable in vehicular and pedestrian safety terms.

S106

As the development is for 10 dwellings, no affordable housing or greenspace contribution is required. However, the site does meet the threshold for an education contribution. Education Services have confirmed that the development would generate 2 primary and 2 secondary school places and that there is a need for a contribution towards the provision of these, to meet a shortfall in current capacity. As a result a S106 agreement is required to secure a financial contribution of £64,000 in accordance with 'Financial Contributions To Schools' and Local Plan Policy I1.

Conclusion

In summary the proposal is in accordance with the Local Plan in that it proposes residential development on a site that is allocated for new housing development, delivering additional dwellings on top of the anticipated yield. It would assist with the delivery of housing growth targets therefore.

The plans do not seek determination over the full details with the final appearance of the dwellings being held back until a future application for the approval of the reserved matters. However the proposals over the proposed site layout, scale of the development, landscaping and means of access are all been assessed to be acceptable for the purposes of this outline application. In particular a development made up of detached dormer bungalows would intergrate very well with the existing dwellings on Carrs Lane. Also the generous spacing standards would ensure that separation distances to existing dwellings would be met and very high amenity standards for the new residents. Furthermore the provision of a new footway along the site frontage with associated individual vehicular access provisions and street lighting would make the development acceptable in vehicular and pedestrian safety terms. The application is therefore supported to Members subject to the applicant entering into a S106 Agreement to secure the financial contribution already described towards primary and secondary school places. Also new planting shall be required to compensate for the loss of the existing low value vegetation.

Recommendation

Grant subject to conditions and S106 Agreement (to secure the financial contribution towards primary and secondary school places)

- 1 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 design and external appearance of the proposed development.**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.**

- 2 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.
- 3 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos: CLB-PA-PL-004 Detailed Site Plan Rev B, CLB-PA-PL-003 Rev B Proposed Site Plan, CLB-PA-PL-005 Rev B Proposed Site Sections) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 6 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 plots 1 and 2 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 openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.
- 7 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 Local Plan Policy BIO1 Biodiversity.
- 8 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 Local Plan Policy BIO1 Biodiversity.

- 9 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Carrs Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved details and timescales.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 10 Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway works has been submitted to and approved in writing by the LPA, to include:
i. Details of new 2m footway and associated vehicle access crossings along the frontage of plots; and
ii. Details of new or amended street lighting proposals.
The development shall thereafter be implemented in accordance with these details.
Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.
- 11 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:
i. The parking of vehicles of site operatives and visitors
ii. Means of access for construction traffic
iii. Loading and unloading of plant and materials
iv. Storage of plant and materials used in constructing the development
v. Measures to prevent mud/debris being deposited on the public highway.
Reason: In the interests of highway safety.
- 12 No development shall be commenced until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety.
- 13 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided as measured to back from the centre line of the access or give way point and extending 43m along the nearside carriageway edge to each side of the access and such splays with no obstruction exceeding a height of 1.05m above the level of the adjacent carriageway.
Reason: In interests of highway safety.
- 14 Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plans. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.

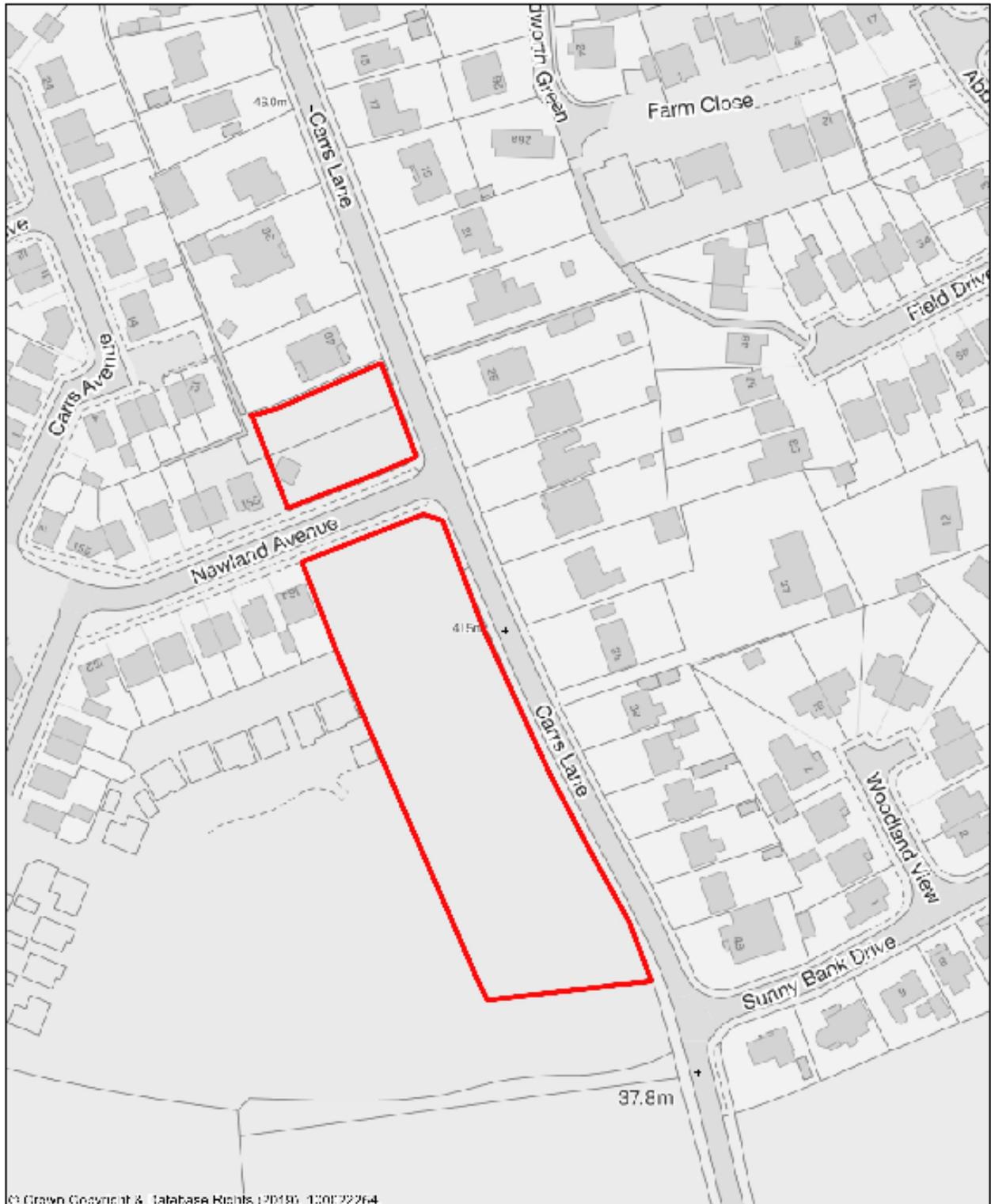
- 15 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
- Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy CL1.
- 16 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4.
- 17 Prior to commencement of development full details of ecological mitigation and enhancement measures, 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 Local Plan Policy BIO1.
- 18 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a noise and dust management plan which details how noise and dust will be controlled during the construction of the project. Once approved the applicant shall strictly adhere to the plan.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 19 Prior to the commencement of the development details of the provision of an on-site water supply or water storage facility along with other dust suppression measures as required shall be submitted to and approved in writing by the LPA. The approved details shall be put in place from the start of the construction period and shall be adhered to for the duration of the construction period.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 20 The maximum scale of the development shall be limited to one and a half storeys per dwelling.
Reason: In order to accord with the maximum scale of development assessed as part of the outline planning application and in the interests of residential and visual amenity having regard to Local Plan policy GD1 'General Development'.

21 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development 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 with Local Plan Policy I1.

PA Reference:-

2019/0718



BARNSELY MBC - Regeneration & Property



Scale: 1:1250