

Applicant: Leon Grayson

Description: Residential development of 13no dwellings and associated works (Amended Plans)

Site Address: Land lying to the North West of Cobcar Lane, Elsecar, Barnsley

10no. letters of objection have been received.

Site Location & Description

The application relates to an elongated strip of vacant land located to the South West of Cobcar Lane. The land measures approximately 0.38 Hectares and sits between a trainline to the South East and predominantly terraced properties, fronting St Helens Street, to the North West. Some clearance works have taken place but the site was predominantly laid to grass with some shrubs, hedges and trees around the perimeter, particularly along the railway embankment. Access to the site is from Cobcar Lane to the North. In terms of topography, the site slopes up from the highway to the South Eastern boundary.

The immediate area is predominantly residential in nature with dwellings adjoining the site to 2no boundaries and further dwellings opposite Cobcar Lane and the railway line.

Proposed Development

The applicants initially applied for a scheme containing 17no. dwellings and associated works, however, throughout the course of the application process the scheme has undergone a number of amendments and revisions and the total number of dwellings now stands at 13, all with 3no. bedrooms.

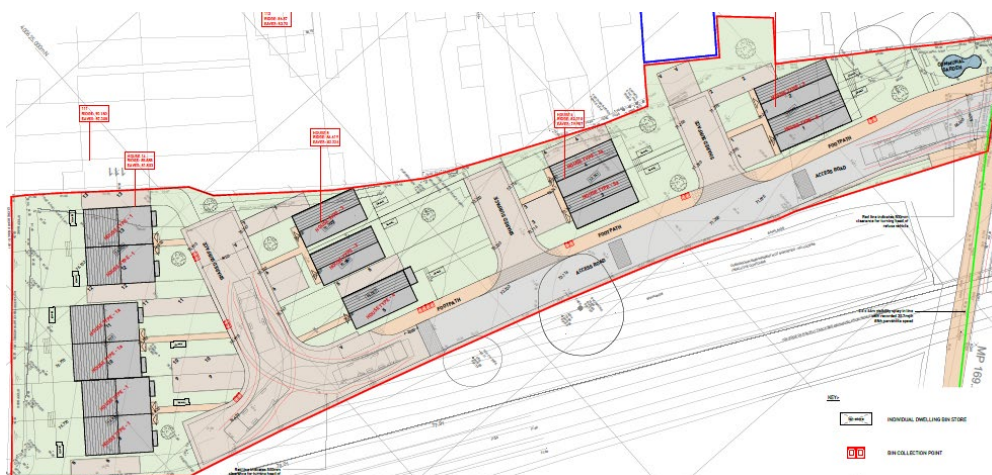
Access to the site is from Cobcar Lane with an access road proposed running parallel with the railway embankment leading to a turning head. 6no. properties are proposed adjacent to the turning head to the South West of the site, consisting of a pair of semi detached dwellings and a terraced row of 4no. townhouses, all 2 storeys in height. To the opposite site of the turning head are 3no. detached 2.5 storey properties.

Branching off the access road towards the Western boundary are 2no. private drives, each serving a pair of 2.5 storey semi-detached dwellings.

Each property has a buffer garden to the front and enclosed garden to the rear. Each property also has in curtilage parking (2no. spaces) either to the front or side of the dwellings. There is also visitor parking included adjacent to plot 2.

7 house types are proposed across the 13no. dwellings

Adjacent to the main entrance to the site, and adjacent to Cobcar Lane, is a communal garden area with pond and seating.





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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan Allocation – Urban Fabric & Dearne Valley Green Heart

Relevant Local Plan Policies include:

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

GS1 Green Space

H1 The Number of New Homes to be Built

H2 The Distribution of New Homes

H4 Residential Development on Small Non-allocated sites

H6 Housing Mix and Efficient Use of Land

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

CC1 Climate Change

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel

Other

South Yorkshire Residential Design Guide
New Strategic Housing Market Assessment (July 2021)

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 60 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Para 66 - Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership

Paras 75-78 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 136 - trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 139 - 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Para 200 - 'In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Consultations

Affordable Housing – No objection following the reduction in the number of units

Biodiversity – No objections following submission of additional information and subject to conditions & S106

Conservation – No objections

Education – no objection subject to contribution

Highways – No objections following amendments and subject to conditions

Network Rail – No objections subject to conditions and informatives

Reg Services – No objections subject to conditions

SFSY – No objections subject to condition

SYAS – No objections

SYMAS – No Objections subject to conditions

Yorkshire Water – No objections subject to conditions

Ward Members – 2no. ward members object to the scheme on highway safety grounds given the visibility from the site onto Cobcar Lane.

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (62no. in total). The application was also re-advertised following the receipt of amended plans which reduced the scheme from 17no. dwellings to 13no. dwellings.

7no. letters of objection were received on the first round of consultation and 3no. objections on the second round. The main points of concern are;

- Noise impact on residents from the railway
- Lack of parking provision
- Negative impact on pedestrian safety
- Lack of detail within the application
- Increased overshadowing/overbearing
- Loss of privacy
- Negative impact on ecology/wildlife
- Land stability
- Increased noise and disturbance
- Dust during construction
- Potential Japanese Knotweed along the railway line
- Increase water run-off/drainage problems

Assessment

Principle of Development

The site is located within the Hoyland Principal Town Area and also on the edge of Elsecar. The significance of the site being located in the Hoyland Principal Town area is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The delivery of 13 homes would make a modest contribution towards the overall new homes target in the Local Plan (policy H1). The site is not the subject of a specific allocation policy, but the urban fabric designation allows for development to take place on the site and means that it is not protected subject to an assessment against policy GD1 and other relevant development plan policies.

Whilst many new homes in the borough will be built on sites allocated for housing, other sites will also be suitable for residential development. These sites make a valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries.

The development would therefore classify as a type of windfall development which is a part of the Council's 5 year housing land supply as is permissible within the National Planning Policy (NPPF). NPPF Paragraph 70 states 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should: ...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes

The most up to date supply note April 2021-March 2026 published December 2021 assumes that an average number of 29 windfall allowance dwellings shall be built per annum and so the development would contribute with helping that number is sustained.

The site is greenfield at the present time and mainly laid to grass with shrubs and trees around the boarder. However, it is relatively small in size and is neighboured by the built environment on all four sides. The proposed development would therefore be of an infill nature that would be compatible with its surroundings which is a requirement of policy GD1.

Furthermore, Local Plan Policy H4 'Residential Development on Small Non-allocated sites is relevant which states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the plan.

Local Plan Policy H6 states that Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. On first glance the proposal is for 13no. 3 bedroom properties, however, there are a number of house types proposed and the way they deliver that 3 bedroom accommodation differs and is adaptable. The 2 storey dwellings have a fairly conventional layout with living accommodation on the ground floor and 3 bedrooms and a bathroom on the first floor. However, the 2.5 storey units are more adaptable with an open plan living/dining/kitchen on the ground floor and 2 bedrooms and bathroom on the second floor. The middle floor is shown as 1no. bedroom, a bathroom and a living area but that living area could be used as a study or a 4th bedroom.

Policy H6 also requires a density of 40 dwellings per hectare in Urban Barnsley and principal towns. This proposal equates to circa 34 dwellings per hectare. However, the scheme was initially for 17 dwellings but that resulted in an over developed site which fell short in a number of areas including parking, garden sizes, separation distances and design. As a result the number of dwellings had to be reduced to create a scheme that was predominantly policy compliant. There are also large level changes across the site as well as the elongated nature of the site which restricts its developability. On balance, it was considered a lower density but more balanced scheme was an acceptable compromise in this instance.

In addition to the above it is considered that there are no special factors that would warrant a stance to protect the site from development in that it is not the subject of any statutory designations and is neither designated as Green Space in the Local Plan. Furthermore, the site is in private ownership with no public access and it is relatively well hidden not providing any wider landscape, heritage or public value.

All new dwellings 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. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Residential Amenity

The Eastern boundary of the site is bordered by the railway line and associated embankments. There are residential properties beyond the railway but they are a significant distance from the proposed dwellings and are built on a different level.

Plots 2, 4 and 7 sit relatively closely to the rear boundaries of the dwellings fronting St Helens Street. Those properties are also 2.5 storeys in height whereas the neighbouring dwellings are predominantly 2 storeys. However, the separation distance between the existing rear elevations and the proposed side elevations is significantly above the required 12m. In addition, the proposed dwellings would be built on a lower level and the proposed ridge and eaves heights are comparable to, or lower than, the existing dwellings.

The proposed dwellings would be to the South of those neighbouring gardens so some overshadowing would occur, however, it would be to the bottom of those relatively long gardens and not the habitable room windows or the garden areas immediately adjacent to the dwellings, as such, it would not be significant enough to warrant refusal in this case or be contrary to Local Plan Policy GD1.

Plot 13 would be immediately adjacent to the side elevation of 111 St Helens Street. However, that property type is a standard 2 storey dwelling and would sit on a similar building line as the neighbouring property. The parking spaces are also proposed between plot 13 and the neighbouring dwelling to provide some separation, as such, it would not significantly increase overshadowing or result in an overbearing feature, in accordance with policy GD1.

In terms of privacy levels, the majority of the proposed elevations facing the existing neighbouring gardens and rear elevations are relatively blank side elevations. It is noted that there are dwellings beyond the proposed rear elevations of plots 8-13, however, side elevations face the site and there is a separation distance of over 12m. In addition, the proposed dwellings are on a lower level than the existing dwellings, further reducing overlooking.

Internally within the site, the separation distances between the proposed dwellings and their associated habitable room windows meet or exceed the requirements set out in SPD 'Design of Housing Development'.

The applicant has supplied a table setting out both the internal spacing and external spacing of all the house types proposed. These demonstrate that all of the proposed dwellings meet or exceed the requirements set out in the SPD and the South Yorkshire Residential Guide, as such, the amenity of the future residents would be to a good standard, in accordance with policy GD1.

It is noted that the site sits immediately adjacent to a railway line linking Sheffield with Leeds and Huddersfield which accommodates regular train journeys. The application is accompanied by a 'Noise and Vibration' report by Blue Tree Acoustics. The report concludes that the site is acceptable for residential development subject to a number of mitigation measures including boundary treatments, glazing and ventilation. Regulatory Services concur with the findings of the report and have raised no objections subject to the mitigation measures being conditioned.

Visual Amenity

The site is not in an overly prominent location with only fleeting views between the railway bridge and neighbouring houses when traveling along Cobcar Lane. There are also views from the trains traveling adjacent to the site and from the rear elevations/garden spaces of the dwellings fronting St Helens Street.

The designs of the dwellings are relatively contemporary and differ from the existing housing stock within the immediate area. However, there are a number of differing architectural styles, ages and sizes of properties within the immediate area, as such, there is no set architectural language to follow. In addition, given the elongated nature of the site and relatively small frontage onto the existing highway network it lends itself to a break from the norm. The drawings and images submitted also demonstrate the development would be of a high quality and benefit the visual amenity of the area, in accordance with Local Plan Policy D1.

It is recognised that plots 1-7 would have a 2.5 storey design whereas the majority of the dwellings within the immediate area are bungalows or two storeys. Those plots would also sit at a higher level than Cobcar Lane. However, as outlined above, views into the site from Cobcar Lane are fleeting with a railway bridge and dwellings located either side of the entrance. Furthermore, plots 1 and 2 are set back from Cobcar Lane with a community garden proposed immediately adjacent to the vehicular access to the site. Those properties would also be viewed against the rising land levels beyond which would reduce their prominence and dominance.

Furthermore, there is a railway embankment on one side of the site with the railway line being on a higher level and on the other side is a dense area of predominantly residential properties. It is acknowledged that those terraced properties are generally 2 storeys, however, due to the land levels the proposed eaves and ridge heights of the dwellings are comparable or lower. As such, the proposed 2.5 storey plots would not be overly prominent or dominant within the area.

Plots 1, 3 and 5 would have large gable side elevations facing the access road into the site and be relatively close to the pavement. However, those elevations have been designed with multiple points of interest including fenestration and feature brickwork to add visual interest. There are also areas for soft landscaping proposed between the back edge of the pavement and the side elevation to aid soften the development.

Each dwelling has 2no. in curtilage parking spaces and these are a mix of front and side parking spaces to enable variety and avoid a car dominated streetscene. Each property also has adequate areas adjacent to the parking spaces for soft landscaping to create a pleasant and green frontage.

11 of the 13 properties have pedestrian access to their rear gardens to allow the wheelie bins and recycling containers to be stored away from public vantage points. Plots 9 and 10 are mid terraced units so access to the rear garden is not possible, however, to avoid the bins being prominent to the front of the properties, bin storage areas are proposed which would hide the bins from view and sit comfortably within the overall design of the development.

The proposed communal garden area would sit on the corner of the proposed access road and Cobcar Lane. It would consist of an open soft landscaped area with pond and seating. It would provide a pleasant open access to the site and would be beneficial to the visual amenity of the area.

Given the comments above, the proposed development would maintain or enhance the visual amenity of the area, in accordance with Local Plan Policy D1.

Highway's considerations

Through the course of the application the entrance into the site has been amended with the applicant providing swept path analysis and visibility splays. This was essential given vehicles would be exiting the site onto Cobcar Lane between existing buildings and a railway bridge. The applicants have now demonstrated that the required visibility can be achieved and Highways DM have raised no objections subject to suitably worded conditions.

In terms of the internal layout the access road is an adequate width and has turning facilities at its head. There are also private drives off the access road which serve less than 5 dwellings and have adequate visibility and turning facilities. Each property has at least 3 bedrooms and are served by 2no. in curtilage parking spaces, in accordance with SPD 'Parking'.

Although only 2no. visitor parking spaces are proposed the access road can accommodate visitor parking which would avoid displacement outside of the site.

Given the comments above, highway safety would be maintained and the development accords with Local Plan Policy T4.

Ecology

The application is accompanied by a Preliminary Ecology Appraisal (PEA) which was also amended during the course of the application inline with the Council's Biodiversity Officers comments.

The BNG metric calculation indicates that there will be a loss of 3.72 habitat units (-66.58%) and 0.14 hedgerow units (-100%). No off-site mitigation solutions have been proposed, but there is an option for the applicant to enter into a Section 106 agreement and pay a tariff, which will be used for biodiversity projects to offset these losses. The BMBC tariff is currently £25,000 per biodiversity unit, therefore the payment would total £96,500.

Given the comments above, the Council's Biodiversity Officer has raised no objections subject to suitably worded conditions and associated legal agreement. As such, the proposal complies with Local Plan Policy Bio1 'Biodiversity and Geodiversity'.

Trees

The application is accompanied by a Tree Report, Tree Protection Plan and Arboricultural Impact Assessment & Method Statement. The majority of the trees/shrubs/hedgerows are located around the perimeter of the site, with the centre of the site mainly laid to grass. The report identifies a mixture of category B and C trees within, and adjacent to, the site.

2no. Hawthorn hedges require removal and 2no. trees (Leyland Cypress and Sycamore). The rest are retained and require a program of pruning. Additional tree planting is shown across the site and will be subject to landscaping conditions.

The works set out in the report, alongside the additional soft landscaping works proposed, are considered acceptable for the development and meet the requirements of Local Plan policy BIO1.

Historical coal mining risks

The proposed development is located in a Coal Authority coal mining high risk referral area due to the presence of shallow coal and former opencast coal workings.

The application is accompanied by a Phase 1 Geotechnical & Geo-environmental Site Investigation for as prepared by Eastwood Consulting Engineers ref 47655 dated 11th Jan 2023. This report concludes that further phase 2 intrusive borehole investigations are required to fully determine the coal mining legacy risks to the proposed development, in this case associated with potential shallow coal/mine workings. As such, there are no objections subject to the further investigations being conditioned.

Archaeology

The St. Helen's area of Elsecar developed in the late 19th/ early 20th century. When the railway was constructed in the early 20th century, the proposed application area was a thin strip of land marooned between the track and housing. Prior to this, historic maps show the area as fields. The South Yorkshire HER indicates little of archaeological potential within this site and, as such, South Yorkshire Archaeological Society (SYAS) has raised no objections.

Drainage

A SuDS Statement dated 05/01/2023, prepared by Eastwood Consulting Engineers, has been submitted with the application. In summary the report states that Foul water will discharge via gravity to the 150 mm public combined water sewer crossing Cobcar Lane. Sub-soil conditions and the steep gradient of the land do not support the use of soakaways and a watercourse is remote from the site. Surface water will discharge to 375 mm diameter public surface water sewer located within St Helens Street/ Cobcar Lane, north of the site, with restricted discharge of 3.5 litres/second.

The Councils Drainage Officer and Yorkshire Water have not raised any objections to the proposals subject to conditions.

Contributions

Given the proposal is now for 13no. dwellings it falls short of the threshold for Affordable Housing and Open Space provision (although a communal area is provided at the developer's request).

It does exceed the trigger point of 10no. dwellings for education, as such, the 13no. dwellings would generate 3no. primary school places and 2no. secondary school place. Each place has a cost of £16,000, as such, a total contribution of £80,000 is required and will be secured via a S106 agreement.

The scheme also exceeds the trigger point of 10 dwellings for the sustainable travel contribution. Using the calculation set out in SPD 'Sustainable Travel' the total contribution equates to £9,750. Again this will be secured via a S106 agreement.

As outlined in the Ecology section above, the BNG metric calculation indicates that there will be a loss of 3.72 habitat units (-66.58%) and 0.14 hedgerow units (-100%). Our tariff is currently £25,000 per biodiversity unit, therefore the payment would total £96,500.

As such, the total amount of contributions subject to the S106 agreement is £186,250.

Summary/conclusions

As outlined above, the site is located within the Hoyland Principal Town Area and also on the edge of Elsecar, therefore, it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. Furthermore, the delivery of 13 homes would contribute towards the overall new homes target in the Local Plan (policy H1).

In addition to the above it is considered that there are no special factors that would warrant a stance to protect the site from development in that it is not the subject of any statutory designations and is neither designated as Green Space in the Local Plan. Furthermore, the site is

in private ownership with no public access and it is relatively well hidden not providing any wider landscape, heritage or public value.

Local Plan Policy H4 'Residential Development on Small Non-allocated sites is relevant which states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the plan. Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, H4 H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject to the completion of a S106 Agreement and the conditions listed below.

Recommendation: Grant subject to S106 agreement and conditions