
Ref: 2024/0461

Applicant: Newman Group Ltd

Description: Proposed residential development of 14no.dwellings with associated hard and soft landscaping

Site address: Land off Hawshaw Bank, Hoyland, Barnsley, S74 9ND

Summary

The proposal seeks full planning permission for the erection of 14 dwellings. the proposal is acceptable in policy terms being designated as Urban Fabric within the Local plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to conditions.

This application is being presented to members due to the requirement of a S106 Legal Agreement for the financial contributions relating to Education and Sustainable Travel

Recommendation: **GRANT Planning Permission**

Site Location and Description

The site is located on the periphery of Hoyland, at the junction of Upper Hoyland Road and Hawshaw Lane and is accessed via an existing housing development off Hawshaw Lane, referred to as Hawshaw Bank. The site subject to this application forms part of this wider site and benefits from an extent planning permission for the erection of 30no apartments within 3no blocks.

The site is not level, with the highest point of the site being the southern corner at the junction of Hawshaw Lane and Upper Hoyland Road. The site has been cleared and is currently forms the site compound for the works under construction.

The site is enclosed by mature hedgerows along the south-western boundary with Upper Hoyland Road and the south-eastern boundary with Hawshaw Lane well located, with good access links to the motorway network and 'A' roads serving the borough and wider area.

Planning History

B/04/1623/HN – Residential development of 65 no. units. 35 no. dwellings and 30 no. apartments in 3 blocks – approved November 2005

2019/0451 – Variation of condition 3 (approved plans) of planning permission B/04/1623/HN to allow substitution of 30 no. apartments and 2 no. dwellings with 18 no. dwellings – withdrawn

Proposed Development

The applicant seeks permission for the erection of 14no dwellings, consisting of 7no detached 2no pair of semi-detached dwellings and a terrace row of 3no dwellings, with 3 or 4 bedrooms.

Access to the site is to be taken from the existing development of Hawshaw Bank, which in turn is accessed from Hawshaw Lane, Hoyland. The access road is to run parallel to Upper Hoyland Road, culminating in a turning head adjacent to the south-eastern boundary with Hawshaw Lane.

Due to the topography of the site, the dwellings located on the north-eastern side (plots 301-306 inc.) are designed to be two storey at the front increasing to three-storey at the rear, with the dwellings located on the south-western side (plots 307-314 inc.) designed to be two-storey at the rear and three-storey at the front.

Each dwelling is to benefit from an integral garage, with parking area and landscaped area to the front and an enclosed garden to the rear.



Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. 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.

Site Allocation/Designation

The site is allocated as Urban Fabric as defined in the adopted Local Plan.

National Planning Policy Framework (NPPF) December 2024

The National Planning Policy Framework sets out the Governments 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.

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

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 the Efficient Use of Land
GD1 General Development
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
I1 Infrastructure and Planning Obligations
LG2 The Location of Growth
SD1 Presumption in favour of Sustainable Development
CC1 Climate Change
CC4 Sustainable Drainage Systems
RE1 Low Carbon and Renewable Energy

Supplementary Planning Documents

Design of Housing Development
Parking
Planning Obligations
Sustainable Travel
Financial Contributions for Schools

Other

South Yorkshire Residential Design Guide

Relevant Consultations

Biodiversity - No objections subject to conditions
Conservation Officer – No objections
Education Services – No objections subject to contributions in line with ‘Financial Contributions to Schools’ SPD
Forestry Officer – no objections subject to conditions
Highway Drainage – No objections – Building Control to check on site
Highways DC - No objections subject to conditions
Pollution Control – No objections subject to conditions
Public Rights of Way – No objections
Yorkshire Water – No objections subject to conditions
Ward Councillors – No objections received

Representations

The proposal was advertised by way of a site notice and neighbour notification letters; one letter of comment has been received in relation to:

- The timing of deliveries coincides with school drop off, and commuting times
- Soil and debris being deposited on the highway

During the course of the application the site layout was amended; neighbours were re-consulted and an updated site notice posted; no further comments were received.

Assessment

The main issues for consideration are as follows

- The acceptability of residential development
- The impact on the character for the area
- The impact on neighbouring residential properties
- The impact on the highway network and highway standards
- The impact on the ecology of the site
- Financial contributions

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The site is located within the Hoyland Principal Town Area, which is a priority location to accommodate growth and new residential development in compliance with Local Plan Policies LG2 and H2.

The delivery of 14 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, which allows for development to take place on the site subject to Policy GD1 and other relevant development plan policies.

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 there 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 14 no 3- or 4-bedroom properties, however there are a number of house types proposed and the way they deliver that accommodation differs and is adaptable. The dwellings are either three-storey to the front and two-storey at the rear or, two-storey at the front and three-storey at the rear. The dwellings have a fairly conventional layout with living accommodation at the lower floors with bedrooms and bathrooms to the upper floors, however due to the topography of the site and the split-level dwellings, it allows the internal arrangement to be adapted.

Policy H6 also requires a density of 40 dwellings per hectare in Urban Barnsley and Principal Towns; this site is approximately 0.36 hectares in area and therefore would require a density of 14.4 dwellings, therefore the site meets the required density levels.

In addition to the above, the site has also been subject to a previous approval application B/04/1623/HN for the residential development of 65 no. units. 35 no. dwellings and 30 no. apartments in 3 blocks. The 3 no apartment blocks consisting of 28 units was to be located on the area of the site subject to this application.

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 and existing residents. In addition, development will only be granted where it would maintain visual amenity and not create traffic issues or reduce highway safety. As assessment of the proposals against those criteria is set out within the sections below.

It is considered that the application is acceptable in principle for the reasons set out above and this carries considerable weight in favour of the application.

Residential Amenity

The dwellings are sited to limit the impact on the existing dwellings within the wider site. Plot 301 was originally sited further into the plot which significantly reduced the distance between the rear elevation habitable room windows and the habitable room windows on the existing dwellings to the rear. However, it was considered that due to the level differences and design of the dwellings would result in a significant detrimental impact on the existing dwellings to the north. The site layout was subsequently amended which ensured that the relevant separation distances, as set out in SPD Design of Housing Development, between facing habitable room windows, rear boundaries and existing dwellings, are met.

The properties are well proportioned, with the overall floor area of the properties exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide, with the rooms within the proposed dwellings meeting the requirements of the SYRDG; in addition, the private amenity space provided exceeds the requirements for the size of dwellings proposed.

It is in this regard that the proposed development complies with SPD Designing New Housing Development, Local Plan Policy H4 Residential Development on Small Non-allocated Sites and Local Plan Policy GD1 General Development and as such this carries significant weight in favour of the proposal.

Visual Amenity

The proposed dwellings have been designed to take account of the topography of the site and to reflect the character of the wider site and street scene. 7no dwellings are designed with forward projections which replicate the gable detailing on the existing dwellings and are to be constructed from red brick; with the remaining properties being designed without the gable detailing. The 2no pair of semi-detached dwellings are designed with a render feature at second floor level, a construction material which is prevalent within the vicinity of the site. These small differences in the design provide character to the area and avoid the prevalence of expanses of bland brickwork. In addition, the design of the dwellings is similar in scale and detailing to that of the apartment blocks approved under 2004 application, which is an extant permission and could be built out.

Whilst each dwelling has 1no in curtilage parking space which are located to the front of the integral garage, an area of soft landscaping, which includes tree planting has also been included which softens the development and avoids a car dominated street scene.

It is acknowledged that bin storage areas are included to the front of the properties, however due to the topography of the site, it would not be feasible to locate them to the rear. Nevertheless, soft landscaping in the form of planting provides some element of screening of the bin stores, reducing their prominence within the street scene.

As such the development complies with Local Plan Policy D1 High Quality Design and Place Making, which carries significant weight in favour of the proposal.

Highways Considerations

Access to the highway uses an existing access from Hawshaw Lane, approved under the previous planning permission and there are no changes proposed to this access. In terms of the internal layout the access road provides turning facilities at its head and submitted plans indicate there is suitable space for refuse vehicles and fire appliances to turn within the site.

Each property has at least 3 bedrooms and are served by 2no parking spaces in the form of a parking space and integral garage, in accordance with the Supplementary Planning Document Parking. Although no visitor parking has been provided, it is considered that the lack of visitor parking is not sufficient to warrant the refusal of the application given that there is an extant permission for the erection of 28 apartments across 3no blocks, which, whilst providing some visitor parking would have a greater impact on the highway network and the potential for displaced parking of visitors.

Highways have requested improvements to the junction of Upper Hoyland Road and Hawshaw Lane to improve pedestrian visibility, comprising the removal of the existing hedgerow. However, there would be no proposed intensification of this junction as part of this application and therefore the authority is not able to insist on improvements. However, whilst the hedgerow is to be retained, the applicant has agreed to remove the small section of close boarded timber fencing, therefore providing a slight improvement to pedestrian visibility.

In relation to the comments regarding mud and debris being deposited on the road, the wider site is currently under construction, and it is inevitable that there will be some deposit of mud on the highway, however a condition will be included to ensure that best practicable measures are implemented to prevent the deposit of mud and debris on the highway.

It is acknowledged that there will be some level of disruption during the construction phase, however this considered to be a temporary impact, and it is standard to only limit

construction hours and deliveries to protect the impact on residential amenity rather than to avoid peak traffic times.

Based on the above assessment it is considered that the proposed development would not have a detrimental impact on the highway network and as such is acceptable and in compliance with Local Plan Policies T3 and T4, which carries significant weight in favour of the proposal.

Biodiversity and Forestry

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date.

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Policy BIO1 follows on to state that development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

The application has been supported by a Preliminary Ecological Appraisal (PEA) and BNG Metric and report, and the council's Ecologist has reviewed the application in terms of the impact upon habitats.

The PEA indicates that a gain in 0.04 habitat units and 0.18 hedgerow units which equates as 12.69% and 26.62% net gain respectively, can be achieved as part of the proposals, meeting with mandatory 10% net gain in biodiversity requirement. The development is therefore acceptable subject to the mandatory Biodiversity Gain Plan condition and securement of the habitats for 30 years via the Habitat Management and Monitoring Plan condition.

Precautionary works have also been recommended in relation to nesting birds, which is welcomed. However, there are no further recommendations for the requirement of additional mitigation.

There are hedgerows located along the south-eastern and south-western boundaries; these are to be retained for the most part to meet the requirements of BNG, with only a small relatively low value section to be removed. The Forestry Officer has been consulted on the application and raises no objection to the proposed development, subject to the inclusion of a condition requiring their protection during construction.

In light of the above, it is considered that the development is acceptable and in compliance with Local Plan Policy BIO1 and the provision of 10% BNG will carry significant weight in favour of the proposal.

Planning Obligations

Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 58 states that planning must only be sought where they meet all of the following tests:

- a) Necessary to make the development acceptable in planning terms.
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

These are the statutory test as set out in the Community Infrastructure Levy Regulations 2010.

Education

The scheme exceeds the trigger point of 10no. dwellings for education contributions, as such, the 14no. dwellings would generate 3no. primary school places and 3no. secondary school places. Each place has a cost of £16,000, as such, a total contribution of £96,000 is required and will be secured via a S106 agreement.

Sustainable Travel

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 £10,500. Again, this will be secured via a S106 agreement.

Planning Balance and Conclusion

In accordance with Paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition, the amendments that have been undertaken have shown that a suitable layout can be achieved that would be reflective of the character of the area and safeguard neighbouring properties through appropriate separation distances and this weighs significantly in favour of the application. The dwellings, if built out, will constitute a small but welcome windfall which will contribute towards housing delivery in the Local Plan. This carries moderate weight in favour of the proposal.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions or S106 contributions and holistically this weighs moderately in favour of the application.

Any noise and disruption associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short-term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above are not outweighed by any other materials planning considerations and as such the proposal is therefore, on balance, recommended for approval subject to a Section 106 Agreement and the conditions listed below.

Recommendation: Grant subject to S106 agreement and conditions