

## **2023/0357**

Mr S Moss

Variation of condition 2 of application 2022/0007 (reserved matters application for 22 dwellings) to allow for amendments to the site plan to allow for double driveways to plots 3 bed and above, porches and wc to plots 1 and 2, amendments to house type F, and amendment to house type F on Plot 19 and house type H on plot 21, removal and replacement of trees T35 & T37 and relocation of 3-car visitor parking.

Roughbirchworth Lodge, Roughbirchworth Lane, Oxspring, Barnsley, S36 8YZ

### **Planning History**

2018/1433 - Demolition of all buildings within the site and proposed residential development of 22 dwellings (Outline - all matters reserved except access and layout.) – Approved subject to conditions and S106 Agreement (education, greenspace, affordable housing provision and sustainable travel)

2022/0007 - Reserved matters application for details of appearance, landscaping and scale in connection with outline application 2018/1433 (Demolition of all buildings within the site and proposed residential development of 22 dwellings (outline - all matters reserved except access and layout) – Approved with conditions

2023/0055 – Discharge of conditions 4 (Archaeology), 11 (Tree details), 12 (landscaping), 14 (landscape management plan), 15 (construction method statement), 21 (highway survey), 22 (ground contamination report), 23 (road engineering details), 24 (drainage), and 25 (drainage outfall) of application 2018/1433 (Demolition of all buildings within the site and proposed residential development of 22 dwellings (outline - all matters reserved except access and layout) – Under consideration

2023/418 – Removal of affordable housing provision of application 2018/1433 - Demolition of all buildings within the site and proposed residential development of 22 dwellings (Outline - all matters reserved except access and layout.) – Withdrawn

### **Description**

The site is located within the village of Oxspring positioned between existing housing and the countryside. The site previously comprised the main farm dwelling known as Roughbirchworth Lodge, dilapidated cottages and a number of outbuildings and farm sheds. The buildings occupied the central part of the site and were associated to a former agricultural use that has been vacant for some time. Works have now commenced on the site and some of the dwellings have been partially constructed.

Access to the site is via the existing drive that enters directly off Roughbirchworth Lane, immediately to the south west of the road bridge adjacent to the Trans Pennine Trail. The Trans Pennine Trail runs along the north eastern boundary of the site and there are a number of mature trees within the site. The site itself is generally flat; however the Trans Pennine Trail that is located adjacent to the site is set at a significantly lower level in a deep cutting.

The site lies adjacent to traditional two storey terraced housing to the south west and bungalows on the opposite side of Roughbirchworth Lane. Land beyond the north western boundary is Green Belt and to the south west is an area of Safeguarded Land as allocated within the Barnsley Local Plan.

## Proposed Development

This is a variation of condition 2 application for application 2022/0007 (reserved matters application for 22 dwellings) to allow for amendments to the site plan to allow for double driveways to plots 3 bed and above, porches and wc to plots 1 and 2, amendments to house type F, and amendment to house type F on Plot 19 and house type H on plot 21, removal and replacement of trees T35 & T37 and relocation of 3-car visitor parking.

The application follows the existing approved site layout plan with some small amendments to the footprint of the plots and amended house types to allow for porches and wc to plots 1 and 2 for building regulations purposes, double driveways, and amended parking areas. Unfortunately two trees have been removed as part of the development which were shown to be retained on the approved site plan. The Trees were not protected by TPO's therefore it is now proposed to replace these trees.

The proposal includes a mixture of detached, semi-detached and terraced houses of different house types, some of which have dormer style windows and integral/attached garages. The properties are arranged around a single cul-de-sac road accessed from Roughbirchworth Lane to the east with properties located at either side of the road. A habitat zone is proposed to the north western corner of the site. The site layout was originally dictated by the location of mature trees which are to be retained mainly to the north eastern portion of the site. Small changes have been made to the footprint of the dwellings and the parking areas however the plots are approximately in the same locations as approved within the outline and reserved matters.

The existing access is to be closed and the site accessed via the amended access point from Roughbirchworth Lane set adjacent to Vale View as approved and agreed within the outline application.

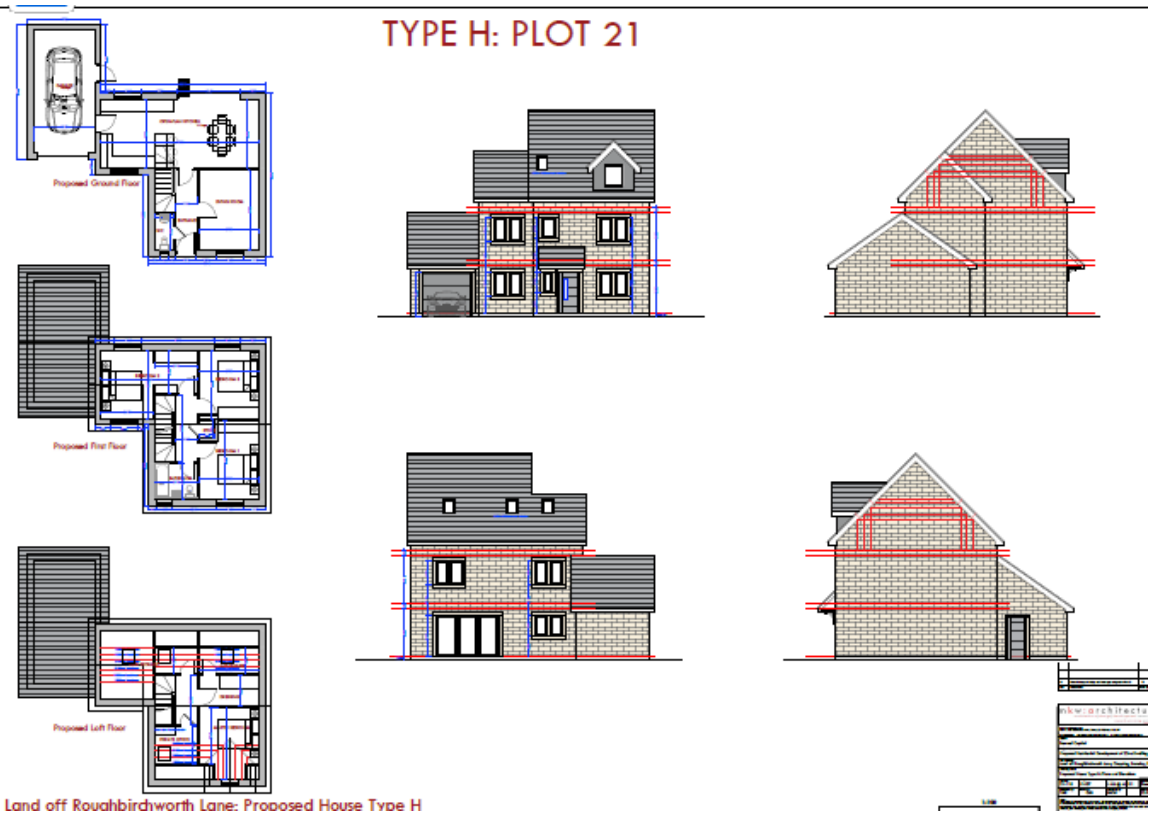
A discharge of conditions of the outline application 2018/1433 has been submitted and is in the final stages, subject to the submission of amendments.



Additional porches/WC to plots 1 and 2



Amendments to house type F plots 17, 18 and 19



Additional house type H – Plot 21



- Retain or create a buffer of trees/woody vegetation adjacent to the Trans Pennine Trail (to the north-east) to reinforce the wildlife corridor;
- Evaluate existing farm buildings for their bat roost and nesting bird value;
- Evaluate the site's importance as overwintering feeding habitat for golden plovers and provide mitigation or compensation habitat as appropriate; and
- Ensure the impacts/effects on the landscape are appropriately minimised and mitigated.
- There is a further protected species issue which affects the northern portion of this site.

Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains;
- An assessment of the significance of the remains; and
- Consideration of how the remains would be affected by the proposed development.

The following policies are also of relevance:-

SD1 'Presumption in Favour of Sustainable Development'  
 GD1 'General Development'  
 LG2 'Location of Growth'  
 H1 'The number of New Homes to be Built'  
 H2 'Distribution of New Homes'  
 H6 'Housing Mix and Efficient Use of Land'  
 H7 'Affordable Housing'  
 T1 'Accessibility Priorities'  
 T3 'New Development and Sustainable Travel'  
 T4 'New Development and Transport Safety'  
 D1 'High Quality Design and Place Making'  
 LC1 'Landscape Character'  
 HE1 'The Historic Environment'  
 HE2 'Heritage Statements and General Application Procedures'  
 HE3 'Developments Affecting Historic Buildings'  
 HE6 'Archaeology'  
 GI1 'Green Infrastructure'  
 BIO 'Biodiversity and Geodiversity'  
 CC1 'Climate Change'  
 CC2 'Sustainable Design and Construction'  
 CC3 'Flood Risk'  
 CC4 'Sustainable Drainage Systems (SuDs)'  
 RE1 'Low Carbon and Renewable Energy'  
 CL1 'Contaminated and Unstable Land'  
 Poll1 'Pollution Control and Protection'  
 I1 'Infrastructure and Planning Obligations'

#### SPD's

- Design of Housing Development
- Open Space Provision on New Housing Developments

- Planning obligations
- Affordable Housing
- Trees and Hedgerows
- Financial contributions to Schools
- Parking
- Sustainable Travel

### Oxspring Neighbourhood Plan

Policy OH1 Meeting Local Housing Needs

Policy OEN1 Protecting and Enhancing Natural Biodiversity Assets and Green Infrastructure

Policy OEN3 Planning for Climate Change

Policy OEN4 Landscape and Building Design Guidelines for New Development

### 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**

Affordable Housing – the amendments do not impact on the affordable housing provision, therefore we have no further comments on this application.

SYAS – SYAS have not commented on this application due to archaeology being dealt with via a DOC application for the outline approval 2023/0055

Conservation Officer – No objections

Drainage – Drainage have not commented on this application due to the drainage being dealt with via a DOC application for the outline approval 2023/0055

Ecology Officer – No objections

Education Officer – No comments received – the plans do not impact education provision

Highways – No objections to the amended plans subject to the highways conditions on the previous reserved matters application being applied to any approval

Oxspring Parish Council –

- The retained trees on the Trans Pennine boundary are no longer within the site curtilage as the fence has been erected in front of the trees, leaving them on the TPT side of the fence. Whose responsibility will they be when the development is complete?
- Tree number T28 is no longer showing on the new drawing. Its roots have to be protected. Is there a reason this has been omitted.
- The application states that they are applying for all houses to have two parking spaces, but houses 5, 6 and 7 are only showing one parking space.

- The only other comment would be that house number 22 is very, very close to the boundary wall on Roughbirchworth. Are they planning to put in additional fencing and or shrubbery to conceal the end wall of this dwelling.

Pollution Control – No objections

South Yorkshire Archaeology Service – No comments received

Tree Officer – No objections to amendments. The Tree and Landscaping details are being dealt with via a DOC application for the outline approval 2023/0055

Ward Councillors – No comments received

Yorkshire Water – Yorkshire Water have not commented on this application due to the drainage being dealt with via a DOC application for the outline approval

## **Representations**

A site notice was posted adjacent to the site and letters have been sent to nearby residents.

1 letter of objection

- Objects to the loss of affordable housing

## **Assessment**

### Principle of development

The site is allocated in the Local Plan for housing under site reference HS89, Land off Roughbirchworth Lane and an outline approval (all matters reserved except access and layout) has been granted under application 2018/1452 for the development of the site for 22 dwellings. This was followed up by a subsequent reserved matters approval under application reference 2022/0007. As such, the principle of the development of 22no. Houses is acceptable in this location. The assessment of this application will therefore be related to the variation of condition 2 of reserved matters application 2022/0007 which proposes various amendments to the layout and house types as detailed within the application description.

### Residential Amenity

The SPD Design of New Housing Development states that *'in order to ensure adequate levels of privacy are provided/ maintained, to ensure residential development does not result in unacceptable levels of loss of outlook and in order to provide adequate amenity, development will be expected to comply with external spacing standards'*.

The proposed layout and number of units have already been agreed within the previous approvals. The proposal includes some minor changes to the footprint and house type of some of the plots, however the relationships between existing and new properties and their habitable room windows remain in compliance with the Councils external spacing standards and should not cause any significant overlooking, overbearing or overshadowing impact in accordance with the Design of Housing Development SPD.

The amended house types allow for sufficient internal spacing and room sizes in accordance with the South Yorkshire Residential Design Guide. In terms of external amenity space, the plots to be amended have sufficient garden space as required by the SYRDG and SPD.

As with the previous reserved matters application, as plots 1-7 have reduced garden areas due to the linear nature of the site, permitted development rights should be removed, in order to protect the amenity areas of plots 1-7 from further developments without planning permission.

The proposed small amendments to the layout and house types are considered to be acceptable when measured against the SPD Designing New Housing development and Local Plan Policy GD1 General Development and the Oxspring Neighbourhood Plan.

#### Visual amenity

The layout shows that the proposed dwellings would be orientated in a traditional layout, arranged with a cul-de-sac with the properties fronting the road and having parking to the front/sides with front gardens between the road and the front elevations and all have private gardens to the rear. The proposal still includes a mixture of different house types to provide interest and variety, with detached, semi-detached and terraced properties. The design of the amended house types are considered to be acceptable. In terms of scale and design, the proposed dwellings are mainly two storeys, some of which have rooms in the roof spaces with dormer windows. Policy OEN4 of the Oxspring Neighbourhood Plan states that 'low rise, two storey properties are likely to be most successfully accommodated into this rural landscape.' Dormer windows can be seen on adjacent residential developments and are acceptable to be used within the development as the roof heights are not overly excessive.

Detailed material specifications and samples have been conditioned on the outline approval and have been submitted and for approval and agreed as part of the DOC application.

The site borders onto the Green Belt to the north west boundary, however the dwellings are limited to two storeys in height, therefore they should not be any adverse impact upon openness. In addition, the layout does not prejudice the future development of the adjacent safeguarded Land. The design of the properties are considered to be in compliance with policy D1 of the Local Plan and policy OEN4 of the Neighbourhood Plan 'Landscape and Building Design Guidelines for New Development'.

In terms of landscaping, a discharge of conditions application has been submitted in order to satisfy conditions no 12 and 14 of the outline approval. These details are currently being assessed as part of the submitted DOC application.

#### Trees/Biodiversity

The Ecology Officer has no objection to the proposed amendments.

Unfortunately two trees T35 and T37 have been removed as part of the development which were shown to be retained on the approved site plan. The Trees were not protected by TPO's therefore it is now proposed to replace these trees. A full Tree Report for the entire site was submitted in support of the outline application. The site contains a number of large mature trees, and the site layout has allowed for the retention of more of the prominent trees. The works will retain a buffer of trees and vegetation adjacent to the Trans Pennine Trail to reinforce the wildlife corridor in line with the site specific policy and in compliance with BIO1 of the Local Plan and Policy OEN1 of the Neighbourhood Plan.

There have been small changes to the footprint of some of the dwellings and the parking areas, however the Tree Officer has not raised any objections subject to the previous conditions applied to the outline permission being complied with. Tree protection measures are required as part of the discharge of conditions application for conditions 11 and 13 which have been submitted. In terms of re-planting and the replacement of trees T35 and T37, a revised landscaping plan will be provided as part of the discharge of conditions application for

the outline approval which is currently under consideration. These details are still to be agreed. A management plan will also need to be submitted via a discharge of conditions application in order to satisfy conditions no 12 and 14 of the outline approval.

Concerns regarding trees, landscaping and boundary treatments will be dealt with via the DOC application which is currently under consideration. Oxpsring Parish Council comments have been forwarded to the Tree Officer to review.

### Highways

The proposed amendments include double driveways to plots 3 bed and above and the relocation of the 3-car visitor parking on site. The Highways Officer is satisfied with the amendments subject to the highways conditions on the previous reserved matters application being complied with.

The internal layout and amendments provided includes sufficient off street parking for each unit and 6 visitor parking spaces, meeting the parking standards as set out in the SPD. The Highways Officer has requested an additional condition that requires garages to have a roller shutter type door rather than the up-and-over type if the drive is less than 6m in length.

Consequently, there are no objections to the proposal in a highway context, subject conditions in compliance with policy T4 of the Local Plan.

### S106 Contributions

Concerns raised with regard to the loss of affordable housing is no longer of relevance. Planning Application 2023/418 – Removal of affordable housing provision of application 2018/1433 - Demolition of all buildings within the site and proposed residential development of 22 dwellings (Outline - all matters reserved except access and layout.) has been withdrawn.

A Section 106 Agreement applies to the outline approval and will need to be complied with. As the development proposes 22 dwellings, there are no amendments to the number of beds on site therefore the following is still of relevance:-

- Additional School Places – The SPD ‘Financial contributions towards schools’ states that 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

The development would result in 3 secondary places required at £16,000 totalling £48,000. No primary places are required.

- Public Open Space - The SPD ‘Open Space provision on new housing developments’ states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Based on the number of bedrooms for the house types submitted with this reserved matters application and based on the formulas provided within the S.106 Agreement, the following amount would be required for POS:- £43,923.28.

- Affordable Housing – Policy H7 Affordable Housing states that housing developments of 15 or more dwellings will be expected to provide

affordable housing. 30% affordable housing will be expected in Penistone and Rural West.' The layout plan shows 7 (30%) affordable properties comprising 2 and 3 beds. Policy OH1 of the Oxspring Neighbourhood states that the affordable housing must be fully integrated with the market housing. The proposed layout plan identifies the affordable properties as plots 1-7 as agreed with the outline approval (house types A, B and C). The affordable properties are clustered in one location, however given the size of the site and the fact that there are market properties directly opposite (to the south-west of the access road), it is considered that this layout is considered acceptable. The proposed mix and layout is acceptable to the Affordable Housing Officer.

- Sustainable Travel – The SPD 'Sustainable Travel' states that 'contributions will be sought on developments of 10 dwellings or more.' Based on the formula set within the SPD a total of £22,000 would be required.

The Section 106 that accompanied the outline application contains the following clause:

3.4.15 In the event that an application is made pursuant to Section 73 of the 1990 Act for an amendment to the Planning Permission and planning permission is granted in respect of the application (and the Council is satisfied in its absolute discretion that no revised planning obligations are required as a result of such amendment) references to Planning Permission in this Agreement shall be to both the Planning Permission and a new planning permission granted pursuant to Section 73 of the 1990 Act and this Agreement shall apply to and remain in full force in respect of that new planning permission without the need for a further agreement to be entered into pursuant to Section 106 of the 1990 Act.

As such the original S106 contributions will still apply to this S73 application and no new S106 is required.

## **Recommendation**

**Approve subject to conditions**