

2023/0579

Duchy Homes and The Church Commission

Variation of condition 3 (parameters plan) of application 2019/1244 (Outline planning permission for residential development (Use Class C3) of up to 46 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access) to allow for an additional private drive off Darton lane as part of the parameters plan

Land South of Darton Lane, Darton, Barnsley

Background

2019/1244 - Outline planning permission for residential development (Use Class C3) of up to 73 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access – Approved subject to Legal Agreement and conditions including the following parameters plan:-



Site Description

The application site is circa 3.7 hectares of greenfield land located in Darton. Darton Lane runs along the northern boundary. The Site comprises agricultural land and is currently used for grazing horses. The Site has not been previously developed. As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the site is characterised as Grade 3 Agricultural Land. An existing farm track runs through the centre of the Site and links Darton Lane with the disused railway and countryside to the south.

Darton Primary School is to the west of the Site and the area to the north and east is residential. To the south-west is Darton Business Park, separated from the Site by the rail line. The land to the south is more rural with a dismantled rail spur along the southern boundary and beyond this, agricultural fields. The Site is part of an allocation for housing in the Barnsley Local Plan.

There are no recorded public rights of way across the Site but there are two informal footpaths which run along the dismantled rail line to the south and to the western boundary, accessing the school.

The site is generally flat, sloping slightly from north to south. The highest part of the Site lies at approximately 76m above Ordnance Datum (AOD) in the eastern portion of the Site. The Site has a gradual south-eastern aspect with the lowest part lying at approximately 60m AOD in the south-eastern corner. The Site sits lower than Darton Road, with a dry stone wall currently used to divide the changes in level.

Proposed Development

The proposal involves the variation of condition 3 (parameters plan) of application 2019/1244 (Outline planning permission for residential development (Use Class C3) of up to 46 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access) to allow for an additional private drive off Darton Lane as part of the parameters plan. The private drive is proposed adjacent to number 170 Darton Lane to the east of the site. No other changes are proposed.

LAND SOUTH OF DARTON LANE, DARTON, STAINCROSS
PARAMETER PLAN



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.

Site Allocation: Housing Proposal and Safeguarded Land

Site HS2:-

Land south of Darton Lane. Indicative number of dwellings 86. The development will be expected retain species-rich grassland meadows at the west of the site. A buffer strip of vegetation should also be retained adjacent to the disused railway line at the south. Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary).

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'

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 43% of new homes to be built in Urban Barnsley.

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

H7 'Affordable Housing' seeks 20% affordable housing in this area

T3 'New Development and Sustainable Travel'. The site is located in Urban Barnsley

T4 'New Development and Transport Safety'

D1 'High Quality Design and Place Making'

HE6 'Archaeology'

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

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

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'

SPD's

- Design of Housing Development
- Parking
- Open Space Provision on New Housing Developments
- Sustainable Travel
- Financial Contributions for Schools
- Trees and Hedgerows
- Affordable Housing
- Biodiversity and Geodiversity
- Planning Obligations

Other

South Yorkshire Residential Design Guide

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.

Consultations

Ward Councillors

Cllr Denton requested clarification of changes

Cllr Hunt – 'I am extremely concerned about the additional private driveway contained within this revised parameter plan. It's proximity to a road junction which has previously been the site of accidents (including one which was fatal) is very worrying from a road safety perspective. I cannot support it.'

Environment Agency – No comments received

Yorkshire Water - no objection to the variation of condition 3.

SYMCA – No comments received

Pollution Control – No comments

Highways – No objection

Urban Design – No comments received

SYAS – SYAS previously advised that the desk-based assessment submitted with the original application (2019/1244) was sufficient to comply with the site specific policy in the

local plan and, that agreeing with the conclusion that archaeological potential is limited, that no further archaeological investigation is required for this application. That advice holds for this application and, as such, SYAS have no further comments to make.

SYMAS – No objections to the revised parameters plan. Our previous comments regarding coal mining legacy remain applicable

National Grid – No comments received

Tree Officer – No comments received

Biodiversity Officer – No objections raised however an update report/metric will be required with the Reserved Matters application

Drainage – I would confirm that in my opinion the conditions regarding drainage applied to the original application referenced above should be applied to this resubmission.

Conservation Officer – No objections

Legal Officer – Deed of variation is not required due to relevant clause within the original outline S106 Agreement para 2.5.15 on page 18.

Representations

A site notice was posted adjacent to the site and 374 neighbouring dwellings have been consulted. 24 objections/comments have been received raising the following concerns:-

- Impact on Highway Safety
- Proposed accesses are steeply sloping
- Concerns regarding the additional accesses onto Darton Lane
- The junction at Church Street should be improved
- Speeding occurs on Darton Lane
- Congestion
- Access to properties during construction
- Impact on access to primary schools
- Impact on ecology
- Too many houses in the area
- Too many new developments
- Flooding of site
- Impact on local services such as schools and doctors
- Lack of infrastructure for additional houses
- Impact upon mental health
- Where will the money be spent

Assessment

The site is allocated for housing under Policy HS2 and is located in Darton, within Urban Barnsley where Policy H1, the distribution of new homes, confirms 43% of the boroughs overall housing supply will be delivered. As it is part of a wider allocated site for housing in the Local Plan, the principle of residential development on this site has been established as acceptable with the granting of Outline Planning Permission 2019/1244 for a residential development (Use Class C3) of up to 46 homes, highway works including access off Darton Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access. As the proposed accesses to the site were agreed at outline stage, an approved a parameters plan was submitted and conditioned. The applicant now wishes to add an additional access to the approved parameters plan. The private drive is proposed adjacent to

number 170 Darton Lane to the east of the site and no other changes are proposed. The impact of the additional access has been assessed below.

Highways

There have been several objections relating to highway safety and the impact on traffic in the area from local residents, however the change to the parameters plan relates to a single additional private drive which is proposed adjacent to number 170 Darton Lane to the east of the site.

The Highways Officer has been consulted and has made the following comments, 'this proposed variation of condition application only seeks to change the approved 'Parameters Plan' for an amended version that now includes an additional vehicular access into the site toward the eastern boundary. The access would be taken from the section of Darton Lane that then changes to Pye Avenue rather than the main Darton Lane itself. No specific access details are provided as part of this application in terms of width, sight lines, pedestrian visibility etc; this application merely aims to establish the principle of creating a vehicular access in said location. As such the proposed variation of condition is acceptable from a Highways perspective.' The proposed additional access does not raise any significant highway concerns subject to the final details and layout of the scheme being provided and agreed within the reserved matters application, in accordance with Local Plan Policy T4.

S106 Agreement

The proposed additional access would not have any impact upon the contributions required as part of the overall residential development of the site and the number of residential units will not increase. The Legal Officer has confirmed that a Deed of Variation to the original S106 Agreement is not required.

Other Matters

As the variation of condition relates to an outline permission with all matters reserved, there is no detailed design information at this stage, however the additional access would not cause any significant undue disturbance or significant impact to visual amenity in accordance with Local Plan Policy D1 and GD1.

In terms of drainage and flood risk, the Drainage Officer and Yorkshire Water have no objections to the additional access, subject to the previous conditions being applied to this variation of condition application. The Ecology Officer also has not raised any concerns and states that the reports required as part of the Reserved Matters application will need to be updated to include the additional access. The proposal is therefore acceptable subject to the submission of details to discharge the conditioned attached to the outline approval and details to be submitted at Reserved Matters stage.

Overall the proposed change to the parameters plan to include one additional access point is considered to be acceptable in terms of highway safety and other material considerations and the application is recommended for approval subject to the conditions of the outline approval being carried over to this variation of condition application.

Recommendation

Grant subject to conditions