2019/1530

Applicant: Saul Homes

Description: Residential development of 36 no. dwellings and associated works including associated garages and parking.

Land at Hall Gardens, Brierley, Barnsley, S72 9HT

Site Description

The site is to the north east of Brierley Village Centre. It is an agricultural field and area of greenspace, which has been added during the application process. The site overall is 2.02ha, relatively level and broadly rectangular in shape. There are several trees on the site, with a number protected by TPO's and there is some hedgerow along the northern and north-eastern edge.

There are public rights of way to the northern and southern boundaries, a bridle way running along the northern edge and a footpath linking Church Street and Holy Grove along the southern edge. There is also a hedge along the southern edge of the footpath, but this is outside the boundary.

The site is located to the rear of Hall Gardens, a recent residential development adjacent Brierley Hall. The Primary School is located to the south and houses along Spa Well Grove bound the site to the east. The northern edge of the site opens on to fields.

Proposed Development

This application is for a residential development of 36 units. These are proposed to be a mix of dwellings made up of the following:

3 x two bed houses
16 x three bed houses
10 x four bed houses
4 x two bed bungalows
3 x three bed bungalows

The site is laid out around a main spine road running south east to north west with some smaller roads and private drives spurring of this road. There is a new area of greenspace adjacent the access and Hall Gardens at the western edge of the development as well as a large L-shaped area of greenspace to the south east. Dwellings are orientated to front onto the greenspaces.

Access is from Hall Gardens to the south west. As there is a land level change between this site and the development site there will be a need to alter levels on the development to grade into this access.

Some trees are required to be removed as part of the development, however, in the main these will be retained.

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 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).

The site is located within Brierley which is identified as a village in the settlement hierarchy. The Local Plan states that villages vary in size from larger villages to small hamlets but are generally characterised by a more limited range of services and public transport compared with Urban Barnsley and the Principal Towns.

Site Allocation: HS95 Land at Hall farm, Church Street, Brierley – Indicative number of dwellings 29

Development is expected to:

- Retain the mature on-site trees and protect them from development;
- Retain and manage the intact hedgerow forming the north wester and north eastern boundary; and
- Respect the historic setting of the Brierley Conservation Area and Brierley Hall by use of appropriate site layout, sympathetic design and materials.

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’ sets out the priority given to development by location with villages at the lowest after Urban Barnsley and Principle Towns which are expected to accommodate significantly more growth.

E7 ‘Loss of Local Services and Community Facilities in Villages’

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 4% of new homes to be built outside of Urban Barnsley and the Principle Towns.

H4 ‘Residential Development on Small Non-allocated Sites’

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 30 dwellings per hectare is expected in the villages.

H7 ‘Affordable Housing’ seeks 10% affordable housing in this area on sites over 15 units.

T3 ‘New Development and Sustainable Travel’. New development should be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

T4 ‘New Development and Transport Safety’

D1 ‘High Quality Design and Place Making’

GS1 ‘Green Space’ requires new development to provide or contribute towards green space in line with the Green Space Strategy. Proposals that result in a loss of greenspace will not normally be

allowed unless (amongst others) an appropriate replacement green space of improve or equivalent quality, quantity and accessibility is provided that will outweigh the loss.

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

HE1 ‘The Historic Environment’

HE2 ‘Heritage Statements and general application procedures’

HE3 ‘Development affecting Historic Buildings’

HE6 ‘Archaeology’

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’

I2 ‘Educational and Community Facilities’

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

Affordable Housing – There is a requirement for 10% affordable housing in the area and we would seek 2 x 2beds, and 2 x 3 beds.

Air Quality – 1 Electric Vehicle Charging Point should be provided per dwelling, this can be secured through condition.

Biodiversity – There are some concerns with the ecology report as submitted and the applicant has not demonstrated that there will be no net loss of biodiversity. However, the retention of the hedgerow is welcomed, and a condition can be added to ensure additional biodiversity mitigation is secured on site through the detailed landscaping. A Bat Roost Survey is required to ensure there are no bat roosts present in the trees to be removed.

Drainage – No detail is provided regarding drainage, however the site is well served by sewers therefore no objections subject to a condition requiring further drainage details.

Education – There is a requirement for a contribution to address a shortfall in school places at both Primary and Secondary schools. This should be secured through a S106 Agreement.

Forestry Officer – There has been poor management of the trees on site and the majority of trees being removed are in a poor or damaged condition as a result of this and livestock damage. This is regrettable but their retention cannot be insisted on. However, the removal of the Lime tree T26 is objected to as there is no physical reason to remove this tree. Notwithstanding this it is accepted there are benefits to the scheme associated with bringing an unmanaged site back into formal management.

Highways – Initial concerns with the layout have been addressed through the submission of an amended scheme. No objections subject to conditions.

Pollution Control – No objections but requested noise and dust considered as part of the construction method statement. This can be secured through condition.

PROW - There is a public bridleway running around the boundary of this site, as shown on the attached plan. The bridleway has a recorded width of 9 feet / 2.75 metres. The bridleway is separated from the development by a hedgerow and provided that there is no encroachment, the site does not appear to affect the right of way.

Superfast South Yorkshire – Request a condition securing high speed broadband.

SYAS – The Geophysical Survey is welcomed, and some further trail trenching can be conditioned.

SYMAS – No objections, the site is not in a coal mining referral area and the Geo-Environmental confirms the site is not at risk from legacy issues.

Yorkshire Water – No objections subject to conditions securing detailed drainage.

Representations

The application was advertised initial in February 2020 by a press notice, site notice and neighbour letters. 8 letters were received raising the following concerns:

- Concerns that the entrance to the existing housing estate is too narrow and cannot sustain additional traffic.

- Concern that there will be a negative impact on the Listed Brierley Hall and the current housing scheme which has been sensitively designed to complement the setting of the listed building.
- Loss of protected trees
- Impact from overlooking and overbearing development
- The site is in a conservation area
- Impact on habitats and wildlife
- Loss of greenspace
- Impact on the village from increased traffic
- Development should be at the edges of the village not in the middle.
- Services in the village cannot support more houses
- Will the footpath be kept?
- The community consultation document does not demonstrate that engagement has been taken seriously and residents' concerns fully considered
- No information on construction impacts
- Insufficient information on the transport impacts especially construction traffic and sustainable travel
- Impacts on residents off Spa Well Grove from traffic entering the site, this is worse because of the levels
- The change in levels on the site will cause surface water to flood on to existing properties
- The mitigation hierarchy needs to be followed in relation to biodiversity
- Trees should not be removed and the development is designed to their detriment
- Support to Brierley Residents Group and their efforts to green the village, looking at the southern part of the site

A second round of consultation was undertaken in December 2020, following amendments to the plan and red line. A total of 10 comments were received, raising the following:

- The access into the site isn't wide enough for two cars.
- There is already issues with teenagers congregating on the greenspace late at night, will the gap between the new houses and the existing ones be blocked to stop them gathering there?
- Objecting to the loss of green space which the resident's group have been trying to make into an educational and community project.
- Accept that some plots have moved further away but there is still concern with overlooking.
- The village does not need more houses and there are too many proposed on the site with issues of overlooking
- There are already too many developments in the village with many unfinished and inappropriate for the conservation area.
- Objecting to the removal of tress, particularly healthy ones
- There shouldn't be 3 storey houses on the site.

In addition to the above concerns the following has been raised:

Properties on the original phase were mis-sold because residents were told no building would occur on the greenspace at the back. – unfortunately, this is a private legal matter between the residents and Saul and is not a planning issue.

Object to the sale of the public land by the Council and its loss as a community facility. Why wasn't it advertised and sold for market value? – again this is not a planning matter and can be referred to the Council's Estates Team.

Assessment

<u>Principle of Development</u>

Most of the site is allocated in the Local Plan for housing under policy HS95 where residential development is acceptable in principle. Policy HS95 sets an indicative yield of 29 houses and the following requirements for new development:

Development is expected to:

- Retain the mature on-site trees and protect them from development;
- Retain and manage the intact hedgerow forming the north western and north eastern boundary; and
- Respect the historic setting of the Brierley Conservation Area and Brierley Hall by use of appropriate site layout, sympathetic design and materials.

In addition, part of the site is greenspace with Local Plan Policy GS1 applying. This protects greenspace from development unless, an appropriate replacement greenspace of equivalent or improved quality, quantity and accessibility is proposed which would outweigh the loss.

The layout originally proposed, was limited to the allocated housing site HS95 and was unacceptable because it was overly dense which impacted negatively on the setting of the Listed Brierley Hall and the proposed houses were located too close to trees and existing residential properties around the edges of the site. In addition, the layout turned its back on the greenspace to the south, an area which already had issues with antisocial behaviour and was not well overlooked with very limited natural surveillance.

This inclusion of the adjacent greenspace in this revised is the result of negotiations with the applicant as well as discussions with the Council's Parks department and Estates, whereby it was established that the greenspace to the south is not accessible by vehicle making it difficult to maintain or manage appropriately. The amended layout replaces the greenspace lost, with some retained and additional provided on the wider site. In addition, it is now overlooked and fully accessible, making it safer and easier to maintain and manage appropriately. This addresses the requirements of Policy GS1 and will secure long term benefits for Brierley because the greenspace on site is public space accessible to all.

It is noted that residents and Ward Members have highlighted, through the consultation process, that there is a Brierley Residents Group operating in the area who had been progressing a community garden project on the site last year. This has suffered delays due to the current Pandemic. The applicant has agreed to work with the Local Residents Group and allow them access to part of the greenspace on site to manage as a community project. This can be secured through further discussion and the Legal Agreement.

The amended site layout also addresses other concerns leading to a better form of development which complies with Policy HS95. This is addressed in more detail in the assessment below.

Residential Amenity

The site layout as amended allows increased separation distance between existing properties on Spa Grove where these back onto the site. All the proposed houses along this boundary are two storey, set at an angel to the existing properties and exceed the minimum separation distances with circa 28m allowed when measured back to back. Separation distances with the existing houses on Hall Gardens also exceed the minimum separation distance requirements and the level change here reduces the impact further. Finally, trees located along the boundaries, are largely retained ensuring existing screening remains, reducing the impact of the new dwelling further.

Plot 19 remains close to the rear of No.22 Spa Grove. However, it is located side on to this property and is set forward of it so that the open aspect to the rear of the existing house is largely unaltered, looking over the garden of plot 19 to the fields beyond. There is some potential for

overlooking of plot 19's garden by the existing house but this would be known to buyers. Permitted development rights can be removed from the proposed to ensure the impact of any future extensions is fully assessed.

The proposed new dwellings comply with the internal space standards and gardens are sufficient to meet the external amenity space requirements as set out in the Design of Housing Development SPD and the South Yorkshire Residential Design Guide.

Taking account of the above the impact on residential amenity is accepted to comply with Local Plan Policies D1 and Poll1.

Visual Amenity

It is accepted that the site is currently open, being greenspace and a field, therefore the development of it for residential will inevitably have some negative impact.

Nevertheless, the proposed development is a continuation of the existing housing scheme adjacent to Brierley Hall and is designed by the same house builder. This has the benefit of ensuring the continuation of the same design quality and character in this part of the Conservation Area and the setting of Brierley Hall.

There is a good range of housetypes with 15 different designs; this is particularly good for a scheme of this scale. They are mostly two storey houses with 7 bungalows and only 3 being 2.5 storeys. These are located at the entrance into the site, adjacent to some existing 2.5 storey houses. The house types and design are similar to those on the existing site with simple window and door details, vertically aligned and the use of a mix of brick and stone detailing.

The layout as amended is less dense overall, giving a more open feel to the development. This has been welcomed by the Conservation and Design Officer as has the improved relationship with the greenspaces on site which are now overlooked with houses fronting onto them. This has addressed concerns with the impact on the setting of the Conservation Area and Listed Brierley Hall.

Therefore, the proposed is acceptable in terms of visual amenity as assessed in accordance with Local Plan Policy D1 and the accompanying SPD Guidance and Local Plan Policies HE1 and HE3 with respect to the impact on the Listed Building.

Trees

The trees on site are, in the main, large mature specimens, however these have not been maintained in the best of condition with apparent livestock damage to many of the trees which has unfortunately rendered some of the larger protected trees unsafe along with several having major defects which massively limit their long term retention prospects. Several of these are requested for removal as part of the scheme and regrettably their impaired conditions mean that their retention could not be insisted on.

The removal of the Lime Tree T26 is objected to in principle given the trees protected status and because there does not appear to be any physical reason to remove this as it is shown to be in acceptable condition with a reasonable retention span. However, it is accepted that the scheme and its benefits as a whole must be looked at including the subsequent management of what was previously an unmanaged waste area owned by the Council

In terms of the landscaping a landscape masterplan has been submitted. The species noted as 'suggested species' are not acceptable in the main as those trees which have been or would be removed need to be replaced on a like for like basis where this is appropriate/desirable. In

addition, the direct replacement of protected trees to be removed must be provided for. This can be secured through a condition.

On balance the impact on trees will be neutral as although some trees will be lost, including the Lime Tree which is in good condition, this can be mitigated to some extent through replacement planting and there are benefits of bringing the site under appropriate management. This is acceptable under Local Plan Policy BIO1.

Highways

Initial concerns with the layout and maneuvering within the site have been addressed and the proposed is acceptable subject to conditions. No objections are raised by the Highways Officer in relation to the access and the proposed is in compliance with Local Plan Policy T4.

S106 Agreement

Based on the current layout and mix of dwellings, assessed against the formulae in the published SPD's the following contributions would be required: -

Affordable Housing – 10% is required onsite.

Education – A contribution towards providing 8 primary and 5 secondary school places is required equating to £208,000

Sustainable Travel – Local Plan Policy T3 requires financial contributions towards improvements to sustainable travel, where levels of accessibility through public transport, cycling and walking are unacceptable. Using the formulae in Appendix C of the SPD the figure required is £27,000. In addition, EV charging points would need to be conditioned for each dwelling as would cycle storage.

Greenspace – the site layout as proposed meets the requirement for informal greenspace onsite. However, in accordance with Local Plan Policy GS1 and the accompanying SPD there is a requirement both for a compensatory payment to offset the loss of greenspace (based on the whole site area, less the land retained as greenspace) and towards improvements to children's play space and formal recreation off site. This equates to £255,230 and is broken down as follows:

- £58,176.25 towards offsite improvements
- £197,053.77 compensation.

The applicant has provided a viability assessment for the development which has been assessed independently on behalf of the Council. It has been accepted that the site is not viable to deliver a policy compliant scheme. The total pot has been agreed to be £267,000 with no affordable housing achievable. Whilst most allocated sites are viable based on assessment undertaken during the Local Plan process, this site was added in late and as such not subject to the same rigorous testing as other allocations. Therefore, in this case, entering into negotiations has been deemed appropriate in accordance with Local Plan Policy I1. The applicant can meet the education and sustainable travel requirements with £32,000 remaining which can be put to greenspace improvements within the area. This has been accepted, alongside the wider benefits of the scheme in relation to the improvements to the greenspace on site, as sufficient mitigation in this case.

Conclusions

The proposed development is mostly located on an allocated housing site where it is acceptable in principle. The inclusion of the adjacent greenspace into this site has allowed the redesign of the scheme so that the greenspace is overlooked and accessible for maintenance. This addresses an

existing issue with this space and secures an overall improvement in greenspace both qualitatively and quantitatively, in accordance with Local Plan Policy GS1. The revised layout is also an improved design which now accords with Local Plan Policy HS95, design Policy D1 and Heritage Policies HE1 and HE3. Overall, these benefits are judges to outweigh the harm as assessed and approval is recommended.

Recommendation

Approve – Subject to a S106 Agreement and conditions