
2019/1464

Applicant: Avant Homes

Description: Variation of conditions 2 (approved plans), 20 (highway mitigation works), 27 (removal of future permitted development rights) and removal of condition 13 (relating to affordable housing due to provision being secured by a S106 Agreement instead) of planning permission 2016/1308 - Development of 49 dwellings and associated roads and infrastructure.

Site Address: Land off Pilley Green/ Lidgett Lane, Tankersley, Barnsley, S75 3AE

Site Location and Description

The site comprises a roughly rectangular piece of land which measures approximately 2.4ha in area. The site has a longstanding agricultural use; it is located relatively central to the village of Pilley and is bounded by residential development to the north (Lidgett Lane), west (Pilley Green) and southern boundaries (Silkstone Close). A recreation field is located across the eastern boundary.

The site is contained by existing field hedges and trees to each boundary, levels fall to the south eastern corner by approximately 19m from Lidgett Lane. There are no landscape features of any significance within the site itself.

To the North Western corner of the site is St Pauls Church Pilley, which is not within the site boundary and is to remain.

Site History

2013/1006 – Outline application, including means of access, for upto 35 dwellings with access taken from a central location on the Northern boundary with Lidgett Lane. Approval was granted (02/12/2014) for the widening of Lidgett Lane to accommodate improved on street parking for existing residents and 2m wide footways would be provided to both sides of the highway. The application also included footpath linkages to the adjacent recreation ground.

2016/1308 – an application for 48no. dwellings and associated works was approved at PRB in May 2017 in accordance with officer recommendation and subject to a s106 agreement. However, following on from that approval the applicants amended the plans and added an additional plot, as such, the total number increased from 48 to 49. The amended plans went through a further consultation exercise and the application was again presented at PRB where it was again approved subject to a s106 agreement. The agreement was subsequently signed, and the decision notice released.

2018/1039 – Erection of 72 new residential units and associated works – withdrawn following concerns regarding the density of the scheme and the proposed retaining structures across the site.

Proposed Development

The applicant seeks to vary the following conditions associated with extant planning application 2016/1308;

Condition 2 - *The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.*

The applicants seek to vary this condition in order to substitute the previously approved plans for the current amended plans which will allow the new developer to revise the layout and house types are to be substituted with the applicants own product.

There are 10 different house types proposed, 1 of which is affordable. The proposed dwellings are 2 storeys in height, with the exception of the bungalows which are 1 storey in height.

The properties consist of 9no. 2-bedroom bungalows, 5no. 2-bedroom dwellings, 5no. 3 bedroom dwellings, 24no. 4 bedroom dwellings and 6no. 5 bedroom dwellings.

Other amendments include the omission of the 4no. apartments and replacement with the 3no affordable houses and 1no. detached dwelling and the realignment of the internal access road and adjustments of associated plots as required.

The access points from the existing road network and drainage principles remain unchanged.

Condition 20 - *Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:*

- *Widening of Lidgett Lane to provide a 5.5m carriageway and a 2m wide parking layby;*
- *Provision of 2m wide footway along entire site frontage;*
- *Measures to prevent parking at the junction of Lidgett Lane/ Pilley Green;*
- *Provision of roundabout at the junction of Pilley Green/New Road/Carr Lane;*
- *Provision of /any necessary alterations to street lighting;*
- *Provision of /any necessary alterations to highway drainage;*
- *Reconstruction/resurfacing as necessary.*

The applicants seek to vary the condition by removing the requirement of the 'provision of roundabout at the junction of Pilley Green/New Road/Carr Lane'.

Condition 27 - *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 6-14, 20-26, 31-36 & 45-46 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.*

This condition would need to be assessed to ensure it is still necessary and, if it is, the plot numbers would need to be amended to reflect the current scheme.

The applicants also seek to remove condition 13 as the affordable housing provision would be secured by a s106 agreement and, as such, would no longer be necessary.;

Condition 13 - *The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:*

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;*
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;*
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*

v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3th 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 allocated as a District or Local Centre within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H6 Housing Mix and Efficient Use of Land

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's/PAN's

The SPD's/PAN's are currently being updated due to the adoption of the Local Plan with some already out to consultation. Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Financial Contribution for Schools
- Open Space provision on new Housing Developments.
- Affordable Housing
- Planning Obligations
- Biodiversity & Geodiversity
- Sustainable Travel

- Trees and Hedgerows

Other

South Yorkshire Residential Design Guide

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. 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.

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

Para 109 - 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 124 - 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.

Consultations

Tankersley Parish Council – No comments

Affordable Housing – No objections, recommended wording for s106

Yorkshire Water Services Limited – No objections subject to informatives

Highways DC – initially raised concerns but the plans have been revised in accordance with Highways advice

SYMAS – No objections

Coal Authority – No objections

Forestry Officer – No objections to the revised plans

Biodiversity Officer – No objections

Drainage – No objections subject to conditions

Waste Management – No objections, advice provided

Superfast South Yorkshire – No objections subject to conditions

South Yorkshire Police ALO – No objections, advice given

Ward Councillors – No comments

Representations

114 properties neighbouring the site have been sent notification letters, a site notice was erected adjacent to the site and a press notice was put in the Barnsley Chronicle. As a result, 14no. objections have been received; the main points of concerns are;

- Reduced Highways Safety
- Surrounding road network not adequate
- Reduced pedestrian safety
- Increased flooding
- Reduced visual amenity
- Loss of soft landscaping
- Impact on wildlife/biodiversity
- Local schools at capacity
- Increased overlooking/loss of privacy
- Fault lines and mine workings in the area
- Local services stretched
- Out of character with the surrounding area
- Affordable units in a prominent position
- Increase overshadowing

Assessment

Principle of development

The site is currently in agricultural use and is allocated as safeguarded land in the Local Plan. However, the principle of residential development has previously been set on the site with the approval of 2013/1006 an outline application for upto 35 dwellings, the resolution to grant 48no. dwellings at PRB on 23/05/2017, under application 2016/1308, and the approval of 49 dwellings under the same application number.

This application is also for 49no. dwellings and simply seeks permission to substitute the plans approved under application 2016/1308 for the current amended plans which will allow the current applicant to make minor amendments to the layout and substitute the approved house types with the applicants own products.

It should also be noted that application 2016/1308 is extant and could be built out.

This application will therefore be assessed on the amendments made since the previous approval. These will be explored under the headings below;

Design / Visual Amenity

Residential development would represent a significant departure from its Greenfield Status where the site is currently used for agricultural purposes. It needs to be stressed that the site is not

subject to any special designations, including Green Belt, SSSI's, Landscape Value or Conservation Area, its visual amenity attributes would therefore not be sufficient to outweigh the NPPF's presumption in favour of sustainable housing development. Furthermore, the principle of residential development on the site has previously been established, there is a currently extant permission for 49 dwellings on the site and a similar development for 56 units has recently been constructed by David Wilson Homes on a similar agricultural site to the East.

The site is defined by strong boundaries provided by the highway as well as the recreation ground to the East. Given that there is existing residential development to the North, West and South of the site the proposal would present itself as a natural extension to the existing settlements of Pilley.

Locally architectural styles vary significantly; the proposed dwellings are more akin to those of more recent residential developments at Silkstone Close, Thorncliff Way and Stone Leigh where detached family housing is the predominant house type. In addition, the recent approval on the Lidgett Lane/New Road site incorporates detached family dwellings of a similar style. The proposals would therefore provide an element of cohesion with the existing housing stock.

Furthermore, unlike the recently approved scheme to the East, which is more rural in character and predominantly relates to larger detached dwellings, this site is immediately adjacent to ex Local Authority properties and smaller detached and semi-detached dwellings. As a result, this site contains more of a mix of housing stock including detached, semi-detached, 2 storey dwellings, bungalows and townhouses. This would accord with Local Plan Policy H6 'Housing Mix and Efficient Use of Land' and provide options for future purchases. Given the mix of properties it could also aid younger buyers from the village to stay within the village and, given the number of proposed bungalows, elderly residents to remain in the village following downsizing.

In terms of existing features, there are few constraints which significantly influence the design or layout. The agricultural nature of the sites means that tree cover and hedgerows are generally located on or just outside of the development boundary. The layout shows that a number of the existing trees and hedgerows can be retained and that new tree planting can also be accommodated throughout the site. It is acknowledged that the hedgerow to the North of the site would be removed, but that was the case with the previous approval. The removal of the hedgerow benefits highway safety, as discussed in the Highway Safety section below, furthermore, the applicant has proposed a new relatively, continuous landscaping strip along the Lidgett Lane frontage to replace the hedge and soften the development.

Some of the planting to the West on Pilley Green is also to be removed but this is to accommodate the site entrance, in the same position as previously approved, and a 2m wide footpath which was previously conditioned. The applicants have proposed new hedging and heavy standard trees in that location to compensate.

The applicant has proposed 10 house types which complies with Local Plan Policy H6 and adds visual interest across the site. The proposed house types are considered acceptable for the site and are positioned so that they have an acceptable relationship with the existing and proposed road layouts, in order to create attractive and active streetscenes, in accordance with SPD 'Design of Housing Development' and the South Yorkshire Residential Design Guide'.

The Northern section of the site fronting Lidgett Lane is similar to that approved under application 2016/1308 in that it is made up of detached 2 storey dwellings accessed from private driveways with a junction with Lidgett Lane. Those dwellings would be built on a lower level than Lidgett Lane and set back from the highway with landscaping to the front, in the form of front gardens and a buffer to the rear of the footpath, to soften the dwellings. As such, those dwellings would sit comfortably within their surroundings and not be overly dominant within the streetscene, in accordance with Local Plan Policy D1.

The level changes across the site are acknowledged and the majority of the retaining structures required are incorporated as rear boundaries so as not to be prominent from the highway or public vantage points, or elsewhere within the village. The height of the retaining structure across the Northern section of the site are similar to those previously approved, given the similar layout. The height of the retaining structures has been kept to a minimum by stepping/terracing some of the rear gardens. It is acknowledged that at 2 points the retaining structure would terminate the view of cul de sacs; however, those views would only be from within the site and only fleeting. They would not be overly visible from outside the site or elsewhere within the village.

Apart from 1no. plot, parking would be to the side of the proposed dwellings and, as such, vehicles would not be overly prominent in the streetscene, in accordance with Local Plan policy D1. This arrangement also allows for gardens and soft landscaping to the front of the dwellings to soften the development and create a more attractive streetscene.

All the dwellings would have pedestrian access to the rear private amenity space, including the 1no. mid terrace dwelling (plot 34). This allows residents to store refuse and recycling containers to the rear of the dwellings and away from the more prominent areas within the site. This aids to avoid clutter and present a more attractive streetscene, in accordance with Local Plan Policy D1.

Residential Amenity

It is acknowledged that the site is currently in agricultural use and the introduction of 49no. dwellings would result in noise and disturbance associated with residential activity and vehicular movements. However, as previously mentioned, the principle of residential development on the site has already been set for this number and there is an extant permission.

The site directly borders residential properties to the south which includes a total of 4no. of properties, fronting onto Pilley Green and Silkstone Close. There are residential properties to the West, but these are separated from the site by Pilley Green, and further residential properties to the North, which are built on a higher level and separated from the site by Lidgett Lane. There is also a property to the east of the site

The proposed dwellings to the North and West of the site are an acceptable distance from the existing properties, opposite the adjoining highways, and exceed the separation distances set out in SPD 'Design of Housing Development'. The proposed dwellings on the Southern boundary of the site, directly adjoining boundaries shared with existing neighbouring properties, have habitable room windows over 21m from existing principle elevations and are at least 10m from shared boundaries with private amenity space, again in accordance with the SPD. The property to the east has its side elevation facing the site and the nearest part of this dwelling is over 50m from the site.

With regards to the separation distances within the site between the proposed dwellings, these generally meet or exceed the requirements set out in the SPD. Several cross sections have been produced to accompany the application which demonstrate that, even given the level differences, retaining structures and orientations, the proposed dwellings would still retain reasonable levels of residential amenity.

The proposed dwellings meet or exceed the internal spacing requirements of the South Yorkshire Residential Design Guide and meet or exceed the required external spacing/garden sizes set out in the Design Guide and the SPD.

Highways Safety

The site lies to the south of Lidgett Lane, an all-purpose road which is subject to a 30mph restriction. It connects Pilley Green (West) to New Road (east). The road provides direct access to frontage properties located on the north side of Lidgett Lane the majority of which are

dependent on on-street parking. In the vicinity of the sites frontage to Lidgett Lane the carriageway has a 5.5m width and is served with a 1.8m wide footway and 0.5m wide verge. Extending beyond the site to the east, Lidgett Lane becomes far more rural in character being subject to several pinch points and not having a continuous footway.

The proposed vehicular access points into the site, 1no. from Pilley Green and 3no. from Lidgett Lane reflect those previously approved under application 2016/1308, as such, Highways DM did not raise any objections to these. They did raise some points on the internal road layout and some of the parking solutions, but the applicant has address these through the course of the application and has submitted amended plans to reflect the changes.

Internally, the proposed roadways meet the required standards and provide adequate turning and manoeuvring areas. Furthermore, each dwelling has adequate parking arrangement, in accordance with SPD 'Parking'.

It is noted that the parking spaces for plot number 35 are remote from the dwelling which is not ideal, however, this is to avoid a car dominated frontage to the front of the terraced block and also avoid vehicles manoeuvring in close proximity to the junction with Lidgett Lane and directly opposite the private drive serving plots 36-40. As such, it is considered an acceptable compromise in this instance.

The parking layby incorporated in the previous scheme has been carried forward to the current scheme which would provide parking spaces for the residents in the existing dwellings to the North of the site. This would further aid to improve the traffic flow along Lidgett Lane and reduce the amount of vehicles parking within the highway itself.

Highway safety issues have been a prevalent concern expressed within the representations received. Principle concerns relate to the volume of traffic on local roads, inadequacy of Lidgett Lane and annual Flooding along New Road. In accordance with policy Local Plan T4 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

To address concerns over pedestrian and highway safety along Lidgett Lane this application, along with the previously approved application, would introduce a 2m wide footway around the entire site frontage and require the widening of part of Lidgett Lane. A link would also be created in the South East corner of the site to the adjacent field, which in turn is linked to the David Wilson Homes site. This would create a pedestrian route through to New Road and Tankersley School.

It should be noted that a roundabout was requested as part of the previous approval on the junction of Pilley Green/New Road and Carr Road. Following consultation with Highways it was considered that the roundabout would be unnecessary, and, in any case, there is not the space to carry the work out in that area. Furthermore, it would be unreasonable to request the applicants to provide improvement works that the two other recently approved schemes in the area were not.

It is considered that the proposed mitigation measures would deliver significant improvements that more than offset the impacts associated with the additional traffic generated. Therefore, taking into account Local Plan Policy T4, the development would not have a detrimental impact upon the highway network.

Green Space

In accordance with Local Plan Policy GS1 and the SPD Open Space Provision on New Housing Developments, all residential development over 20 units are expected to provide green space, whether that be on site or a financial contribution to upgrade existing. The SPD requires that a minimum of 15% of the gross site area of new housing development must be open space of a type

appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

The site layout plan provided does not indicate any green space provision on site. However, it is considered that the site affords little opportunity to accommodate a green space of sufficient size. In this instance, it is deemed appropriate to seek an off-site contribution in its entirety in line with SPD standards. Based on the submitted unit split shown on the site layout plan for 49 dwellings, and in accordance with the figures provided in Appendix 2 of Supplementary Planning Document 'Open Space Provision on New Housing Developments', the off-site contribution for this application has been calculated as £95,767.10. This has already been secured via a deed of variation to the previous S106 legal agreement.

Affordable Housing

Given there is an extent permission which could be built out, the affordable housing provision is to remain as previously approved. The provision includes 8no. units off site at the Rockingham Row/Locksley Gardens site at Birdwell in addition to 3no. 3-bedroom units onsite (plots 33-35). The Affordable Housing Officer agrees with this approach and the provision has been secured through a deed of variation to the previously signed s106 agreement associated with application 2016/1308.

Education

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 local schools. The proposed development for 49 dwellings will mirror the contribution previously agreed for the 49 dwellings under application 2016/1308. £112,816 has already been secured through a deed of variation to the previously signed s106 agreement.

Drainage & Flood Risk

No watercourses run directly through the site and the site lies within Flood Zone 1 on the Environment Agency's Flood Risk map. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low. The Environment Agency has been consulted and raised no objection to the application subject to details of surface water disposal being conditioned.

The site would be developed with separate foul and surface water drainage systems. Geological records indicate the presence of sandstone underlying the majority of the site which suggest that soakaways may be feasible. This will, however, require further investigation. Notwithstanding this, the proposed surface water drainage systems would have to be designed with an allowance for climate change and restricted to the greenfield discharge rates with appropriate attenuation proposals incorporated.

There are no objections in principle to the proposals, but due to the size of the development and potential impact on the watercourse, full drainage details would be required via condition.

Subject to the compliance with the above, the proposed development can satisfy the requirements of the National Planning Policy Framework, its accompanying Technical Guidance in relation to flood risk and accords with the relevant Local Plan policies.

Ecology and Biodiversity

The site is a single field of improved grass which is considered to be of little ecological value. Some value can be attributed to the site boundaries, although this is reduced through human disturbance associated with roads, housing etc. The Northern hedgerow would be removed as

part of the application; however, this was the case with the previous approval. The Eastern and Southern boundaries would be retained, along with the limited ecological value associated with them.

The Councils Ecologist has assessed the proposal, and associated documentation, and has not raised objection to the scheme, subject to conditions.

In terms of the trees, the majority are located on the boundary of the site. Those to the East and South boundaries are to be retained but heavily pruned. The majority of the vegetation to the West of the site would be removed to accommodate the widened footpath, the entrance into the site and the drainage easement. However, the trees around the church would be retained and new heavy standard trees are proposed adjacent to plot 32 to replace the lost trees and vegetation.

The conditions relating to trees on the previous approval will be carried across to this application to ensure the trees have adequate protection during the construction period and beyond.

Land Contamination and stability

The preliminary site investigation report identifies that there is potential for some onsite contamination risks associated with Agricultural activities and Mining Legacy. This should not be to an extent that should comprise residential development, especially given the previous approval on the site. As is common with most developments it is recommended that a condition is applied requiring an intrusive site investigation to be undertaken. Accordingly, the contaminated land officer has raised no objections.

In terms of coal mining legacy, the site has potential risks from mining legacy hazards in the form of unrecorded shallow mine workings, associated land instability and fugitive mine gasses, there is also a fault recorded across the site. This is not an uncommon situation within the Borough given the coal mining heritage. SYMAS recommend further intrusive ground investigations are conditioned so that conditions can be fully evaluated and suitable remedial works (if necessary) put in place.

Conclusions

The principle of residential development has been set with the approval of applications 2013/1106 and 2016/1308.

Having thoroughly assessed the revised application against other relevant development plan policies and taking into account other material considerations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the benefits of the scheme (subject to securing the necessary mitigation sought within the deed of variation to the S106 agreement and recommended planning conditions). On this basis, the revised proposals are considered acceptable.

Recommendation:

Grant planning permission subject to the list of accompanying conditions and completion of section the s106 agreement deed of variation securing off site open space, education and affordable housing contributions.