

Application reference number	2024/0976
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Application Type	Reserved Matters
Proposal	Reserved matters for residential development of up to 19 dwellings
Description:	and associated works with layout, scale, appearance and landscaping (in connection with outline application 2021/1519).
Location:	Land to north of Upper Hoyland Road, Hoyland, Barnsley, S74 9EP

Applicant	Mandale Homes
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Number of Third Party Reps	5	Parish:	
		Ward:	Rockingham

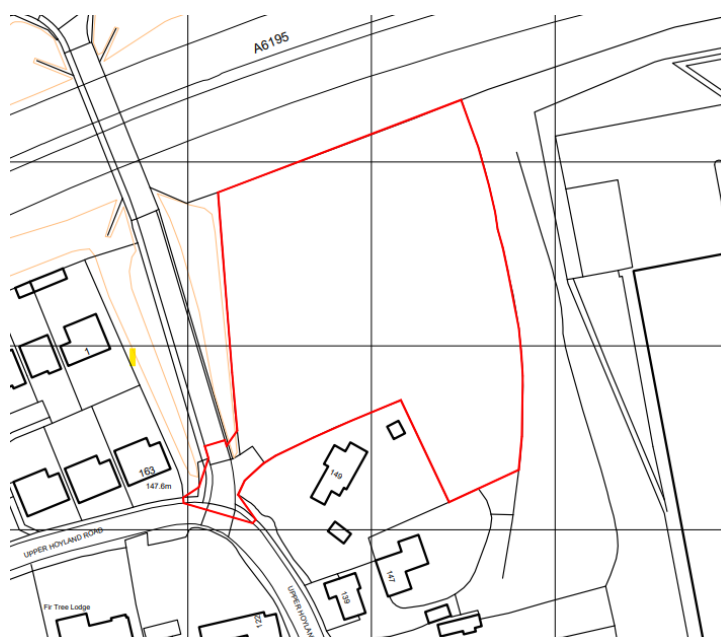
SUMMARY

The proposal seeks reserved matters approval (including layout, scale, appearance and landscaping) for 19 dwellings and associated works following the approval of the outline permission (2021/1519).

*The proposal is considered to be acceptable in policy terms being designated as Urban Fabric and Dearne Valley Green Heart within the Local Plan and also having **thee** benefit of Outline Planning Permission including means of access. It 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, **2023**).*

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 suitably worded conditions.

Recommendation: **GRANT Planning Permission**



Site Location & Description

The site is irregular in shape and measures approximately 0.6Ha. It is currently predominantly laid to grass and consists of a paddock which is used for horse grazing purposes. It is enclosed on all sides by trees and hedgerows. The site slopes down from the southern boundary towards the northern boundary. There is an existing vehicular access into the site positioned in the southwestern corner from Upper Hoyland Road, which is shared with a farm access and is also a Public Right of way that crosses above the Dearne Valley Parkway on a bridge.

The site is bounded by the Dearne Valley Parkway (A6195) to the North, large sized commercial/industrial units, accessed from Ashroyds Way to the East and residential properties to the South and West. Along the Western boundary is the farm access and Public Right of Way which separates the site from a recently constructed development of 14no. detached and semi-detached, 2 storey stone-built dwellings.

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2021/1519	Residential development of up to 19 dwellings and associated works (Outline with all matters reserved apart from means of access)	Approved subject to conditions

2021/1519 indicative layout.



Proposed Development

The application is a reserved matters application which follows the approval of the outline planning permission under reference 2021/1519. The matters reserved are layout, scale, appearance and landscaping. The proposed scheme is for 19no. properties including 7no. detached dwellings, 2no. detached split-level dwellings and 5 pairs of semi-detached dwellings. There are 2no. 2 bed properties, 14no. 3-bedroom properties and 3no. 4 bedroomed properties arranged over 5no. house types.

The dwellings would be constructed from stone for the walls and grey concrete tiles for the roofs.





Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The site is designated as Urban Fabric land within the Local Plan Proposals Maps and therefore the following policies are relevant:

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

H1 The Number of New Homes to be Built

H5 Residential Development on Large Non-allocated sites

H6 Housing Mix and Efficient Use of Land

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

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel
- Financial Contributions to schools

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

Para 116 - 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 139 - 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

Drainage – No objections, the conditions on the outline permission are sufficient

Biodiversity – No comments on this application as further information is required through the outline conditions and subsequent Discharge of Conditions application.

Highways – No objections subject to conditions

The Mining Remediation Authority – No objections, the site is in an area of low risk

Pollution

PROW – No objections, the conditions and informatives on the outline still apply

Yorkshire Water – No objections

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter (22no. in total). 5 letters of objection have been received as a result. The main points of concern are:

- Increased vehicular movements
- Reduced Highway safety
- Access is on a bend, history of incidents
- Access conflicts with adjacent footpath/public right of way
- Presence of Bats on the site
- Loss of Green Space
- Increased air pollution
- Difficulties with bin collections

It should be noted that the majority of the objections submitted cited access and highways safety as concerns, however, the access from Upper Hoyland Road into the site was fully considered at the outline stage as the application included access.

Assessment

The main issues for consideration are as follows:

- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on highways standards in terms of the internal layout, the access from Upper Hoyland Road into the site has already been approved under the outline permission.
- The impact on the existing trees
- The impact on the ecology of the site
- Flooding and Drainage issues
- 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 principle of the development for up to and including 19 dwellings was approved as part of the outline application, as was the access from Upper Hoyland Road into the site. This carries substantial weight in favour of the development.

The site is in the Hoyland Principal Town area and is designated Urban Fabric in the Local Plan. It is also within the Dearne Valley Green Heart Nature Improvement Area. The significance of the site being located in the Hoyland Principal Town area is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The delivery of up to 19 homes would make a significant 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 allows for development to take place on the site and means that it is not protected subject to an assessment against policy GD1 and other relevant development plan policies. As outlined above, the principle of residential development on the site was established through the approval of the outline permission.

The development would therefore classify as a type of windfall development which is a part of the Council's 5 year housing land supply as is permissible within the National Planning Policy (NPPF paragraphs 72 & 73).

The Local Plan does also contain policy H5 relating to residential developments on large non allocated sites amongst the suite of policies. To term the site large in scale seems overly punitive because at 0.6ha it is only 0.2ha above the stated threshold for small non allocated sites where no specific criteria apply beyond the General Development policy GD1. In addition, the site area of 0.6ha is below the 1ha threshold for major developments on site area alone. However, with such sites that are above the 0.6ha threshold Policy H5 looks to ensure that the following assessment criteria are applied to the assessment of large non allocated sites:-

Proposals for residential development on sites above 0.4 hectares which are not shown as housing sites on the Policies Map will be supported where they:

- *Are located on previously or part previously developed land;*
- *Are located within Urban Barnsley, Principal Towns and Villages;*
- *Are accessible by public transport; and*
- *Have good access to a range of shops and services.*

The site is not previously developed, but the urban fabric designation allows for development to take place on such land, and it is in a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. Furthermore, the principle of development has been established with the approval of the outline application. That point is outweighed therefore especially given the need for suitable windfall sites to contribute towards housing supply and delivery.

Policy H6 'Housing Mix and Efficient use of land' is also relevant which states;

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.

Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

A density of 40 dwellings per hectare net will be expected in Urban Barnsley and Principal Towns and 30 dwellings per hectare net in the villages.

The proposed layout plan shows there is a mix of house size, type and tenure. The density proposed is approximately 32 dwellings per hectare which falls short of the 40 dwellings per hectare required in Urban Barnsley and Principal towns. However, Policy H6 does go on to state;

Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons.

In this case, the density is the same as that approved at outline stage and the site is on the fringe of the urban area and the development pattern of the area reflects a lower density. That is also the case with the recent developments carry out along Upper Hoyland Road under reference numbers 2018/0447 and 2018/1264 which were developed out at a density of 24 dwellings per hectare and 18 dwellings per hectare respectively. It is therefore considered that the layout as proposed would achieve a suitable balance between making an efficient use of land and housing delivery with the need for the future development to be suitably in character with the neighbouring forms of residential development. Furthermore, there is a need to retain the vegetation around the edges of the site and to ensure sufficient stand off distances so as to avoid pressures on that vegetation in the future and to safeguard amenity via over shading and insufficient outlook.

In addition to the above, 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 residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the reserved matters against those criteria is set out within the sections of the report below:-

Residential Amenity

An environmental noise survey and noise impact assessment were undertaken and submitted alongside the outline application to assess the suitability of the site for residential development given its proximity to Dearne Valley Parkway (A6195) and commercial/industrial units. The reports conclude that, much like the recently completed development to the West, the site is suitable for residential development subject to the implementation of mitigation measures. These measures include a sound insulation scheme which incorporates glazing and alternative ventilation strategies and would create appropriate internal noise levels. Accoustic barriers were also recommended along the Eastern boundary of the site.

9 properties would back onto the Dearne Valley **Park way** (compared to 5 on the indicative plan). Initially, on the outline approval a combination of bund and acoustic fencing were proposed to protect these properties (in addition to mitigation measures). However, the applicants are **no** proposing just an acoustic fence and have submitted a revised noise assessment outlining the fence would meet or exceed the performance of the measure previously approved.

It is noted that the acoustic fencing totals 4m in height, circa double a standard rear boundary treatment. However, as shown on the site sections, that part of the site is on a lower level than the properties and garden areas which it serves and would ensure it avoids causing excessive overshadowing and/or appearing as an overbearing feature. This fence would also be directly comparable to the 4m high acoustic barrier approved on the neighbouring residential development along the North West perimeter with a number of properties also backing onto that.

The only existing residential properties adjoining the site are directly to the South and the separation distances required in the SPD are met or exceeded. There is a relatively recent residential development to the West of the site but a tree belt and access track separates the two sites. Dearne Valley Park Way sits to the North, beyond a tree belt, and employment units sit to the East, again beyond a tree belt. As such, the amenity levels of existing residents would be maintained in accordance with Local Plan Policy GD1. It is noted there would be an increase in vehicular and pedestrian movements along Upper Hoyland Road but this was fully considered as part of the outline application.

In terms of the amenity of the residents of the proposed scheme, the separation distances generally meet or exceed those set out in the SPD. The one exception is the distances from the rear of plots 16 and 17 which fall below the 12m requirement by 1m. The applicant could move these plots forward but it would be at the cost of parking and soft landscaping, as such, on balance in this case the marginally smaller separation distance is acceptable, especially as it is not being imposed on residents, it would be buyer beware.

The internal spacing within the proposed properties meets the requirements of the South Yorkshire Residential Design Guide and the garden areas meet the requirements of the SPD.

As a result of the comments above, the residential amenity levels for existing and proposed residents would be acceptable and accord with Local Plan Policy GD1 and the SPD. This weighs significantly in favour of the development.

Design & Visual Amenity

The proposed layout differs from the indicative layout at outline stage and is arguably an improvement as there is no requirement for the attenuation tank and pump station which allows more breathing space for the dwellings across the site.

The properties mainly front an estate road through the site with just 2no. detached split-level dwellings served by a private driveway. There are a mix of detached and semi-detached dwellings with accommodation over two floors. There are 5no. house types proposed which, given only 19 dwellings are proposed, represents a healthy mix and variety across the site and accords with Local Plan Policy H6.

The site is set back from Upper Hoyland Road and is predominantly surrounded by a tree belt which limits views of the site from public vantage points. In any case, the layout of the site is acceptable in that the majority of the properties face the highway, there is a mix of parking solutions and there is adequate front of dwelling soft landscaping, including street trees. The prominent corner plots also have a higher quality boundary treatment including dwarf walls, brick pillars and infill panels. Views around the site are also terminated by the existing mature trees which are to be retained and maintained which softens the development.

Upper Hoyland Road is made up of a mixture of property styles, sizes and ages, as such, there is no set architectural language for this development to follow. The proposed dwelling elevations are relatively simple but would be constructed from stone with stone heads and sills which does reflect a number of the dwellings within the area, including the recently constructed residential development to the West. As such, the proposal would sit comfortably within its surroundings and would not be overly dominant or prominent.

As a result of the comments above, visual amenity levels would be maintained, in accordance with Local Plan Policy D1 which weighs significantly in favour of the development.

Highway's considerations

Access from Upper Hoyland Road into the site and any impacts of the development on the surrounding road network were approved as part of application 2021/1519 and are not revisited as part of this application. However, the internal road layouts and parking provision are considered as part of the reserved matters.

Highways DM initially had reservations with the proposed internal road layout in terms of the proposed hard margins and swept paths for refuse vehicles, however, the applicant has subsequently submitted amended plans which have rectified these concerns and Highways DM have recommended approval subject to conditions.

17 of the 19 dwellings would be served by the proposed main estate road running through the site which would be built to adoptable standards. Only 2no. dwellings would be served by a private drive which is below the maximum of 5 properties allowed to be served by a private drive as set out in the South Yorkshire Residential Design Guide.

The parking arrangements proposed meet the requirements of SPD parking in that the 2 bedroom properties have at least 1no. off road parking space and the 3+ bedroom properties have at least 2no. parking spaces, with the larger detached Laurel and Split Level units also having integral garages. There are also 2no. dedicated visitor parking bays provided in a layby arrangement.

Given the comments above, the development would maintain highway safety and would meet the requirements of Local Plan Policy T4, SPD 'Parking and the NPPF'. This weighs moderately in favour of the development.

Trees

Given the site is currently a grazing field it is mainly laid to grass with the only trees and hedging around the boundaries of the site and predominantly outside the redline boundary. The plans demonstrate that the proposed dwellings can be accommodated within the site without having a detrimental impact on the trees and the shading plan provided within the Tree Report demonstrates the trees would not have a significantly detrimental impact on the future residents. Suitably worded conditions formed part of the outlined permission.

Ecology

As part of the outline application Ecological surveys, site appraisals and impact assessments were carried out with respect to the site and a preliminary Ecological Appraisal and Badger Report were submitted. As such, Biodiversity was fully considered as part of the outline applicant and the Biodiversity Officer has confirmed they have no further comments on the Reserved Matters application and the conditions imposed on the outline approval are still suitable.

Public Rights of Way

A public bridleway runs north from Upper Hoyland Road along the bridge over the Dearne Valley Parkway, which includes the first part of the proposed access into the site. The bridleway has a recorded width of 3 metres. Public bridleways provide access rights for pedestrians, horse riders and cyclists.

The proposed access arrangement would involve changes to the existing connection to the bridleway adjacent the western boundary of the site. The existing gate is to be removed and re-provided to the north accordingly to restrict vehicular access to the bridleway. The precise details of this are to be addressed through a condition on the outline permission.

The Public Rights of Way Officer has assessed the proposal and raised no objections with the conditions and informatives on the outline permission being suitable.

Air Quality

The Air Quality Assessment submitted with the outline application concluded;

The impacts on air quality at the proposed development due to emissions from the local road network have been shown to be acceptable, with predicted concentrations being below the air quality objectives.

The operational air quality impacts on the development are judged to be insignificant. This professional judgement takes account of the conclusion that no residents of the proposed development will be exposed to exceedances of the objectives.

There should be no constraints to residential development at the application site with regard to air quality, as the proposed development is consistent with the relevant parts of:

- *The NPPF; and*
- *Policy Poll1 and Policy AQ1 of the Barnsley Local Plan.*

As a result of the above the air quality impacts are considered to be acceptable

Historical coal mining risks

The site is not located within a Coal Authority development high risk referral area and therefore the site is not deemed to be at risk from coal mining legacy issues.

Given the scale of the development, it would be prudent to undertake limited near surface site investigations to evaluate the depth and suitability of bedrock and finalise foundation design. The Mining Remediation Authorities standing advice informative was placed on the outline permission at the request of SYMAS.

Drainage

The site is located in Flood Zone 1, as such, is at a 'very low' risk of fluvial flooding.

The outline application was accompanied by a Flood Risk and Drainage Strategy (19317 Rep01(A)). Yorkshire Water stated that the report required amendments but were content that the amendments could be addressed through the conditions imposed on the outline permission.

Infrastructure and Planning Obligations

The Infrastructure and planning obligations remain as approved under the outline application and associated S106 agreement. These are set out below;

Education

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*

As Hoyland falls within a Masterplan area an education contribution would need to be sought for both primary and secondary provision due to the high level of planned development and the subsequent impact on school places. Based upon the indicative number of dwellings the contribution required would be:-

- Primary – 4 primary pupils at £16,000 per pupil totalling £64,000*
- Secondary – 3 secondary pupils at £16,000 per pupil totalling £48,000*

That would equate to a total of £112,000. Again, this would need to be secured via the proposed S106 Agreement.

Sustainable Travel

The objective of the 'Sustainable Travel' SPD is to ensure that the accessibility of new development via public transport, walking and cycling is acceptable in order to promote sustainable transport and active travel and where possible enhance the safety, efficiency, and sustainability of the transport network to meet Barnsley MBC's economic, health and air quality aspirations. This document also supports the Council's 'Zero to 40' Climate Change strategy.

The SPD requires contributions on developments of 10 or more dwellings using the calculation set out in the SPD. Based upon the indicative number of 19 dwellings a contribution of £14,250 would be required. This is another matter for the proposed S106 Agreement therefore. The contributions will be used to help finance and deliver the programme of public transport improvements and enhancements identified in the Infrastructure Delivery Plan, the updated Barnsley Rail Vision, and other relevant documents.

The SPD also requires that 1 electric vehicle charging point (EVCP) will be provided per unit. A condition requesting the EVCP will be imposed on any permission.

Affordable Housing

Policy H7 sets out that; 'Housing developments of 15 or more dwellings will be expected to provide affordable housing...10% in Hoyland, Wombwell and Darfield...These percentages will be sought unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable...The developer must show that arrangements have been put in place to keep the new homes affordable...'

In areas where the affordable housing requirement is 10%, the SHMA sets out that the Council will expect 60% affordable rent and 40% affordable home ownership, and 25% First Homes. Therefore, for this application the Affordable Housing Officer has requested 2 affordable rent dwellings. The units would need to be secured through the proposed S106 Agreement.

Conclusion

In summary, the principle of the proposed residential development was established under the approval of the outline permission due to the land being designated urban fabric in the local plan and it being within the Hoyland Principal Town which is a priority to accommodate housing growth.

In accordance with Paragraph 11 of the NPPF (2023) 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.

The provision of 19 dwellings would make a significant contribution to housing delivery and supply on a site that has been assessed to be compatible to accommodate housing development being positioned adjacent to existing residential developments and by virtue of being a form of infill site that is surrounded by the built environment on all 4 sides. Furthermore, it is in a suitable location that is related to the Hoyland Principal Town settlement that is located near to existing facilities including the employment developments located at Ashroyd Business Park, Platts Common Industrial Estate, Shortwood Business Park, the Hoyland North Masterplan area and the public rights of way network. The proposals therefore achieve compliance with local plan policies LG2, H1, H2 and therefore SD1 Presumption in Favour of Sustainable Development by consequence.

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.

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

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms.

Recommendation: Grant subject to conditions