

2023/0566

Duchy Homes and The Church Commission

Reserved Matters application for erection of 46no. homes and associated works with appearance, landscaping, layout and scale under consideration (Application in connection with outline approval 2019/1244 as amended by application 2023/0579) (Amended Plans)

Land South of Darton Lane, Darton, Barnsley

Background

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 – Approved subject to Legal Agreement and conditions.

2023/0579 - 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 – Approved subject to conditions

2024/0260 - Discharge of conditions 5 (Broadband), 6 (EVC Charging Points), 7 (Ground Contamination), 8 (Mining), 11 (Surface Water Outfall), 12 (Drainage), 26 (Highway Construction Details), and 28 (Construction Method Statement) – Currently under consideration

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

This application relates to a Reserved Matters application for erection of 46no. homes and associated works with appearance, landscaping, layout and scale under consideration (Application in connection with outline approval 2019/1244 as amended by application 2023/0579).

Following on from the outline planning permission which had all matters reserved except access, the applicant has now submitted a reserved matters application that is seeking approval of the appearance, landscaping, layout and scale details relating to the proposed development.

The outline planning permission was granted to allow a maximum of 46 dwellings. The plans submitted as part of this reserved matters application propose a total number of 46 dwellings of which 37 would be open market dwellings of a mix of 1, 2, 3 and 4 bed dwellings. The remaining 9 dwellings including 4 x 1 bed units, 4 x 2 bed units and 1 x 3 bed unit. The proposed dwellings are a mix of detached, semi-detached dwellings with accommodation over 2 stories. In total there are 14 different house types proposed across the site.

The proposal also includes an area of open space with an attenuation basin, to the west of the development which is in accordance with the outline approval and parameters plan. It includes an accessible footpath and provides a space with potential for habitat creation and promotion of biodiversity. The proposal also provides a central pocket greenspace as a focal point of the proposal and creates a connection between northern and southern boundaries. New boundary planting is also proposed, and a landscaping and boundary treatment scheme has been submitted in order to mitigate the loss of part of the existing wall along the northern boundary of Darton Lane.

In terms of access, the proposal follows the approved parameters plan with 5 separate accesses from Darton Lane and shows improvement works to Darton Lane to allow the widening of the footpath.

Plans have been amended during the processing of the application due to comments made by the Affordable Housing, Urban Design and Highways Officers. The following changes have been made to the original submission:-

- Set back of all plots with gardens fronting the road and further landscaping proposed.
- Cross sections included and a Building for Healthy Life Assessment.
- Vehicle tracking shown on the plans.
- Plot 22 parking space has been relocated to the left of the plot boundary and Plots 20/21 set back.
- Parking space included to the right of substation for access. Extension of the adopted highway to provide access for drainage maintenance.
- Cross sections provided to demonstrate relationship of retaining structure with adopted highway.

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 – Queries raised with regard to the extent of the amendments made

Affordable Housing – Suggested the inclusion of a 3 bed unit. No objections to amended plans

Yorkshire Water - In discussion with agent with regard to the discharge of conditions application.

SYMCA – has requested a financial contribution towards the improvement of public transport services. However, this was not raised at outline stage when the S106 contributions were

agreed. As this application is only in consideration of the reserved matters, and not the principle of the scheme, it would not be considered reasonable to request any further contributions that had not been previously agreed at outline stage.

Pollution Control – No objections subject to conditions

Parks Services - Comments made in terms of the value of the habitat on site and the trees set adjacent to the south of the old railway line

Highways – No objection to amended plans subject to conditions applied to the outline approval

Urban Design – No objection to amended plans

SYAS – An archaeological desk-based assessment was submitted with the original outline application (2019/1244). It showed that the site has been in agricultural use probably since at least the late medieval period. Taken together with the lack of evidence for earlier occupation or activity here, SYAS agreed with the conclusion that archaeological potential was limited. As such that no further archaeological investigation was required for this application.

Coal Authority - The proposed layout appears to avoid the zone of influence of the recorded mine entry. On the basis that coal mining legacy related issues are able to be addressed as part of the discharge of condition application the Coal Authority has no objection to this planning application.

SYMAS – No objections. The applicant will need to apply for discharge of condition 8 (mining legacy) of the outline permission in due course.

Secured by Design Officer South Yorkshire Police -it is recommended that the development is designed and built to Secured by Design standards

Tree Officer – No comments received

Contaminated Land – No comments received

SFSY – Relevant condition is on the outline planning permission and as such details shall be submitted for discharge of conditions

Biodiversity Officer – No objections subject to conditions

Drainage – Relevant conditions are on the outline application and they are currently in discussion with agent with regard to the discharge of conditions application

Conservation Officer – No objections

Representations

A site notice was posted adjacent to the site and neighbouring dwellings have been consulted. The plans have been amended during the course of the application and residents have been renotified. The following representations have been received:-

Initial Consultations – Sept 2023

15 comments/objections

- Drainage and impact on wildlife and vegetation

- A safe crossing point on Darton Lane is requested
- 2m footway is supported
- The 30mph limit on Darton Lane is widely abused and exceeded.
- Traffic impact
- Impact upon primary school
- Speed bumps, speed camera and school crossing patrols are requested
- Concerns regarding multiple accesses
- No bungalows on the plans
- Location of affordable housing and impact upon existing properties
- Impact on wildlife and habitats – bats
- Can the junction of Darton/Huddersfield Road be upgraded to traffic lights or a roundabout
- Flood risk
- Increased pollution
- Destruction of mining heritage
- Overlooking impact to houses on Darton lane
- Impact on rare breeding birds

A further consultation was carried out to the submitted amended plans (details provided within description of development section of this report) - March 2024

12 objections, 1 comment of support (3 comments are supplementary to comments already made)

- Darton Lane is in a poor condition
- What has been put in place to support doctors, schools, dentists
- Traffic and safety along Darton lane from increased traffic
- No accommodation has been made for any disabled / elderly person requiring single story accommodation
- Loss of wildlife and green space
- Impact upon infrastructure due to increase in housing in the area
- There have been accidents along Darton lane
- Loss of trees
- Flood risk
- Merging of villages
- Loss of stone boundary wall
- Plenty of brownfield sites that could be developed
- Noise impact during development
- 1 letter of support

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. 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 were reserved apart from access. As the proposed accesses to the site were agreed at outline stage, an approved parameters plan was submitted and conditioned and varied to include additional accesses (5 in total) as part of the parameters plan.

As such, the principle of residential development on the site is already established along with the access. This particular application is therefore only about establishing the acceptability of the appearance, landscaping, layout and scale details relating to the proposed development.

Scale and mix of housing

The application is for 46 dwellings which was agreed at outline stage. Local Plan Policy H6 also states Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. The plans submitted as part of this reserved matters application propose a total number of 46 dwellings, with 37 open market dwellings and 9 affordable homes with of a mix of 1, 2, 3 and 4 bed dwellings. The proposed dwellings are a mix of detached and semi-detached dwellings with accommodation over 2 stories. In total there are 14 different house types proposed across the site. The Housing Officer has raised no objections to the amended plans. As such, it is considered to provide a broad mix of house size, type and tenure, in line with policy H6.

Visual amenity and layout

The proposal involves the erection of two storey dwellings which follow the characteristics of the adjacent residential developments which are mostly of two storeys in height. The main existing character of the site is set by the natural stone wall and the trees located behind the stone wall. The existing housing on the northern side of lane is set well back and the boundary treatments generally consist of natural stone walling with taller hedging behind. which gives a soft feel to the edge of Darton Lane. Generally, there is a high quality to the boundary treatments, with only a few close boarded fences installed behind the stone wall. The quality of these two boundaries is an asset to the character of the local area. As part of the proposal the pavement is to be widened, thereby requiring the dismantling of the existing dry stone wall on the edge of the site.

The Urban Design Officer has been consulted and initially requested changes to the boundary treatments along Darton Lane, given that some of the plots have rear garden boundaries along this frontage. The proposal now includes hedges located immediately behind the wall and railings in order to soften the foreground view of the development, including softening the view of the rear garden boundary treatments facing Darton Lane. This softening of the foreground is important as, in terms of Place Making, the current character of the site, when viewed from Darton Lane, is set by the natural stone wall and the trees located behind the wall. This gives a soft, countryside feel to the southern side of the lane, with trees located behind. The vast majority of properties have gardens to the front to incorporate some soft landscaping, this aids to soften the front elevations of the dwellings and results in a more attractive and greener street scene to the benefit of visual amenity.

In terms of landscaping, the proposal includes areas of new planting and the large area of open space to the west. In terms of management of these areas, the landscape maintenance plan provided includes the general landscape layout plan for the whole scheme and details which areas are being managed by a private maintenance company and which areas are being privately maintained by householders.

The proposal includes a mix of house types and there is a good mix of different styles of dwellings in order to provide interest to the scheme. The proposals include 14 house types

comprising a mix of detached and semi detached dwelling set over 2 floors, which is in line with the adjacent existing dwellings. This creates a varied and interesting street scene, as demonstrated on the street scene drawings. The affordable housing units have been separated and dispersed around the site and is indistinguishable from the market housing, as is good practice and the design of the market and affordable house types themselves are appropriate for the site and sit comfortably within their surroundings, in accordance with the SPD and Local Plan Policy D1. In terms of materials these have been provided and includes a mix of stonework and brick which is acceptable, given there is a mix of materials used along Darton Lane. The Urban Design Officer has raised no objections to the design or materials to be used.

There are a mix of parking solutions proposed including front of dwelling parking and side parking, with some plots having detached or semi detached garages. The majority of the front parking is limited which avoids car dominated frontages and streetscenes. Each plot also has pedestrian access to their rear gardens which allows bins and recycling containers to be stored to the rear of the properties and away from public vantage points.

Given the comments above, the proposed development would maintain the visual amenity of the existing area in accordance with Local Plan Policy D1, SPD 'Design of Housing Development' and the NPPF.

Residential Amenity

There are existing dwellings fronting Darton Lane which face onto the site. The required separation distances of 21m between habitable room windows and 12m from neighbouring habitable room windows to side elevations have been met or exceeded, in accordance with SPD 'Design of Housing Development'.

In terms of the amenity for the future residents, the internal layout meets the separation distances set out in the SPD. The proposed house types also meets or exceed the required internal spacing as set out in the South Yorkshire Residential Design Guide. In terms of external areas, a garden sizes plan has been submitted with this application, 43 of the plots meet the recommended sizes set within the SYRDG. For plots 20 and 21 these are 1 bed quarter dwellings and these fall slightly below the standard expected for a 1 bed unit. The Urban Design Officer has been consulted and has no objections to this as these are not likely to be family dwellings and are more likely for people to get a foothold on the property ladder. Although they have small enclosed rear gardens, they do benefit from good, open views across the adjacent public open space. Plot 22 is a 2 bed unit and the rear garden is below the recommended size by 5sqm. However it is noted that the other 2 bed units (5 affordable dwellings) all meet the minimum standard so this compromise is acceptable, given the desire to have a consistent set-back distance from Darton Lane of the rear garden boundaries of the development. This is also a linear development which makes the internal design of the scheme more complex. It must also be noted that the residents also have access to on site public open space.

It is recommended that permitted development rights are removed from these plots to ensure that any extensions and outbuildings to the dwellings which would reduce the overall garden sizes would require planning permission and that adequate amenity space is provided for future residents in accordance with the SPD Design of New Housing Development.

Highways

As this is a reserved matters application, the impacts of the development on the highway network were assessed at outline stage, with the points of access agreed within the parameters plan. The main highways considerations with this application have been about ensuring the acceptability of the internal layout and detailed design for the development.

The applicant has been in consultation with the Councils Highways Officers in order to make a number of amendments internal layout and the provision of a Road Safety Audit. The audit has been referred to the Traffic team to review and they have advised that they are satisfied with the findings of the audit and no additional comments to add. Swept paths have also been supplied to demonstrate refuse vehicles can manoeuvre around the proposed junctions to demonstrate that the layout is acceptable.

In terms of parking, the dwellings meet the requirements for off street parking set out in SPD 'Parking'.

As a result of the above, the proposed plans meets the relevant technical design standards and is considered acceptable in highways terms in accordance with Local Plan Policies T1, T3 and T4. Highways have raised no objections to the proposal subject to the conditions applied to the outline approval.

Drainage and Flood Risk

In terms of drainage and flood risk, the Drainage Officer and Yorkshire Water raised no objections to the outline consent subject to conditions. The applicant has submitted a discharge of conditions application to deal with the drainage details of the site which are currently being considered and will be subject to a separate discharge of conditions consent.

Ecology

The Ecology Officer has been consulted and has no objection to the proposal. A S106 agreement was required with the Outline application to secure the off site biodiversity mitigation in accordance with BIO1 which, when the outline application was submitted required no net loss of biodiversity. The applicant has submitted further Ecology Reports with the Reserved Matters application and the proposed development will result in a net gain of 7.14%, 357.18% and 62.37% in habitat, hedgerow and river units, respectively. This has been achieved through on and offsite mitigation.

The development shall be completed in line with the recommendations set within the submitted Biodiversity Management Plan, Biodiversity Net Gain Assessment, Biodiversity Metric 3.1, Habitat Condition Assessment, Construction Environment Management Plan - CEMP: Biodiversity, Reptile Survey Report, Bat Activity Survey Report, Preliminary Ecological Appraisal Report, Badger Assessment & Report, Breeding Bird Survey, Invertebrate Survey and the conditions and S.106 agreement of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

In addition to the above, the development shall be carried out in accordance with the submitted Biodiversity Management Plan to ensure that there is no net loss of biodiversity within a 30 year period as a result of the development. Monitoring reports will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The applicant will need to undertake offsite mitigation (completed by the Yorkshire Wildlife Trust) at Smithies Marsh and the Barnsley Canal (Biodiversity Net Gain Assessment - ER-6517-02C). These works have been agreed under S106 agreement 2019/1244. Monitoring reports for the offsite mitigation areas will be submitted to the Council during years 2, 5, 7, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Management Plan, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Subject to the above, the proposal is therefore considered to be acceptable in terms of Biodiversity Impacts, in accordance with Local Plan policy BIO1.

S106 Agreement

A S106 agreement was required with the Outline application to secure the of site biodiversity mitigation in accordance with BIO1 which, when the application was submitted required no net loss of biodiversity. Furthermore provisions and contributions towards specific infrastructure requirements was based upon the final number of dwellings allowed at the detailed reserved matters stage. The S106 with the outline permission using suitable formulas that are based on the contents of the SPD covered the following topics:-

Affordable Housing - Local Plan Policy H7 states that housing developments of 15 or more dwellings will be expected to provide affordable housing, with 20% affordable housing provision expected in the Darton area. The SHMA Table ES1 identifies a need for smaller affordable accommodation in Darton and Barugh sub-market area, however it also identifies a need for 3-bed units and level-access accommodation. The proposal provides 9 dwellings on site which are a mix of units including 4 x 1 bed units, 4 x 2 bed units and 1 x 3 bed unit. During the processing of the application a further 3 bed unit was included within the mix of units which is acceptable.

Education – There is a requirement for an education contribution. The Education Officer has responded and the following contributions are required. Primary, 9 pupils yield from the proposal £144,000 and Secondary 7 pupils yield from the proposal, £112,000.

Greenspace – The proposal meets the 15% onsite greenspace but this is informal only. Therefore, there is a requirement for a contribution towards formal greenspace and play provision improvements off site in accordance with Local Plan Policy GS1. Based on the number of units and number of bedrooms, the following contributions would be required:-

Contribution towards Formal Greenspace £45,946.90

Contribution towards Informal Greenspace £26,701.17

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. The site is located in the Accessibility Improvement Zone therefore this contribution is required. EV charging points and cycle storage are to be provided.

Number of residential units x person trip rate x £figure to be determined x reduction factor. The site is located within Urban Barnsley, therefore there is a 50% reduction to be applied. The proposal therefore requires a sustainable travel contribution of £23,000.

SYMCA have requested a contribution towards the improvement of public transport services, however this was not requested at outline stage and did not form part of the S.106 Agreement.

Concerns have been raised by residents in terms of impact upon local infrastructure, however subject to these S106 obligations and conditions, the proposal is compliant with the requirements of Policy I1 Infrastructure and Planning Obligations which states that development must contribute as necessary to meet all onsite and off-site infrastructure requirements to enable development to take place satisfactorily.

Conclusion

Outline planning permission, including means of access, has already been granted and so the reserved matters under consideration as part of this proposal are layout, design, scale and landscaping. The details submitted have been amended following officer and consultee concerns regarding the original plans. Following these amendments, the layout, design, scale and landscaping are considered acceptable subject to the conditions proposed with the planning obligation and infrastructure requirements already secured by the S106 Agreement that was signed at the outline stage.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan and the relevant SPD's including Designing New Housing Development and is assessed to be a suitable form of development.

The recommendation is therefore to approve the reserved matters subject to the conditions below.

Recommendation

Grant subject to conditions