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**2022/0778**

Applicant: Blackstone Developments Ltd

Variation of condition 1 (approved plans) of reserved matters approval 2018/1040 to vary the approved plans from a development of 27no dwellings to 18no dormer and chalet bungalows. Application 2018/1040 was the reserved matters of outline permission 2018/0029 (as approved by appeal APP/R4408W/18/3213202), seeking approval over access, appearance, landscaping, layout, and scale

Site Address: Land at Sandygate Lane, Stairfoot

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The application has been amended

### **Site Description**

The site lies close to Stairfoot Roundabout on the eastern outskirts of Barnsley. It lies just off the main A635 Doncaster Road which lies to the north accessed from it by Sandygate Lane which forms the eastern boundary of the site. The site is bounded to the south by a footpath with woodland beyond and to the west by the Trans Pennine Trail. Beyond to the west is Wombwell Lane. Immediately to the west are a number of commercial activities including a McDonalds, and car sales wash operation.

The site has been denuded of all vegetation other than the steep embankment adjacent Doncaster Road, which is undevelopable but is now regenerating. Large trees lying outside the site and outside the ownership and control of the landowner impact upon the southern boundary.

Levels are varied over the site, being relatively flat on the southern end of the site and creating an embankment above Sandygate Lane on the eastern end of the site.

### **Background and History**

2016/0288 Outline application for residential development was granted under on 29/06/16 subject to a Legal agreement for payment of compensation for loss of Greenspace.

2017/0206 Variation of condition 13 of outline planning permission 2016/0288 - landscape strategy for a link through the site from Sandygate Lane to the TPT, buffer to north and west of site to provide secure boundary to TPT relating to proposed residential development. Granted subject to S106 on 3/1/2018 to provide footpath link from Sandygate Lane to TPT.

2018/0029 Application to remove condition 5 (Public Open Space contribution) of 2016/0288 - Residential development (Outline) refused. Appeal Upheld 13/03/2019

The indicative plan submitted with the outline application proposed layout of 14 dwellings on the site with a single access off Sandygate Lane and the retention of a substantial buffer of vegetation along Sandygate Lane. The outline application was assessed based on the indicative plan which did not exceed the threshold for affordable housing. However, the indicative layout did not meet Councils adopted spd guidance and an informative was attached to the permission which stated :

*“An indicative layout for 14 dwellings was proposed as part of this outline application. It is, however, deficient in a number of respects in terms of design, layout and achieving minimum space standards, and ensuring acceptable residential amenity for future occupiers. It would be difficult to achieve an acceptable layout with this number of proposed dwellings”.*

2018/1040 Residential development of 19 dwellings (reserved matters of outline permission 2018/0029 (as approved by appeal APP/R4408W/18/3213202)), seeking approval over access, appearance, landscaping, layout and scale. Approved 21 April 2020

Since the 2018 permission was granted a nearby unauthorised scrapyard has ceased use following enforcement action and an unsuccessful appeal against the enforcement notice. The design constraints developed as a result of potential noise issues are no longer required and a revised design has been submitted as discussed in the report below. Confirmation of commencement was provided on 15<sup>th</sup> October 2020.

## **Proposed Development**

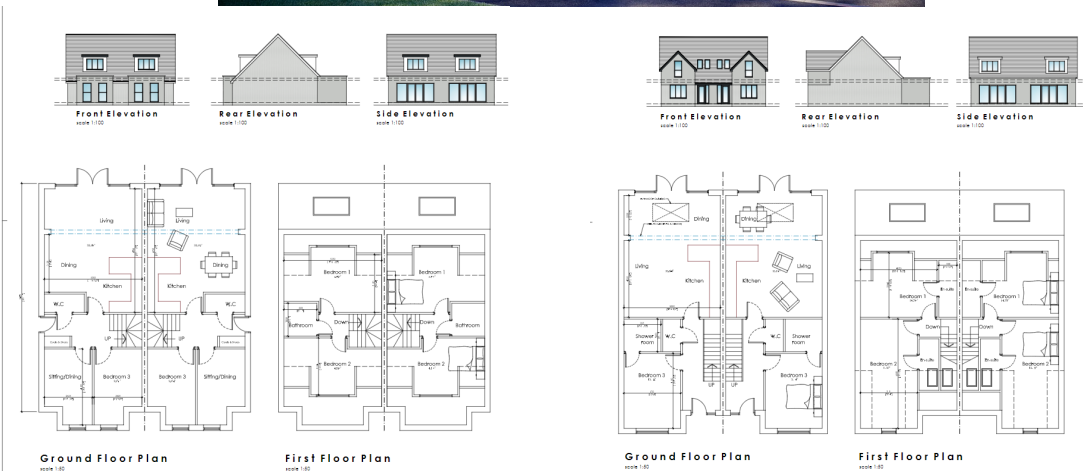
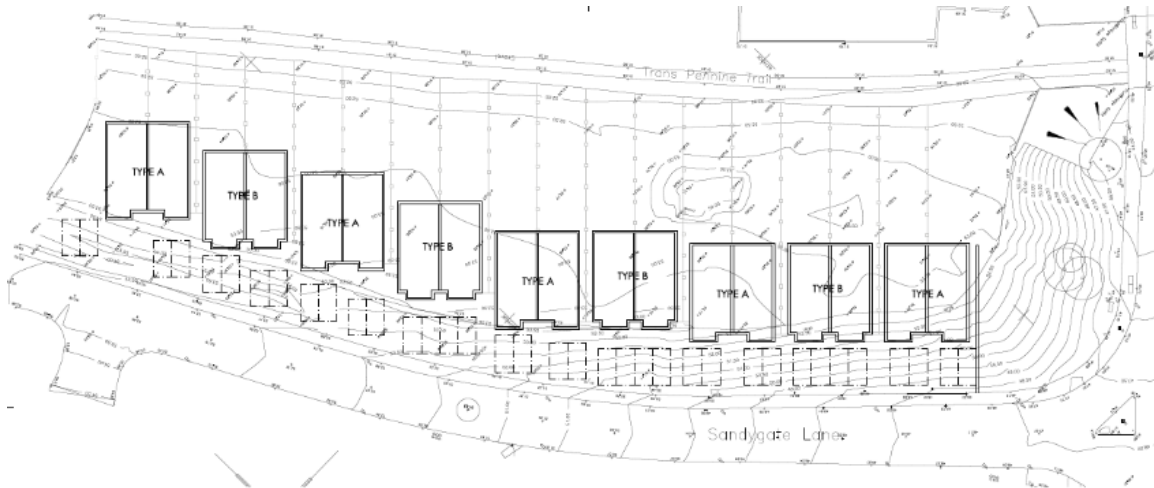
Reserved matters were granted on 21 April 2020 and the site has commenced, in a limited extent, with the majority of site remaining overgrown following earlier clearance. This proposal is a Section 73 application which seeks to vary condition 1 (approved Plans) as a result of the reduction in the noise issues which were caused by the unauthorised scrapyard adjacent which has now ceased use.

The proposed layout is reduced significantly from the indicative outline plan for 27 dwellings which comprised both houses and flats. The revised layout reduces the number of units to 18 semi-detached dormer bungalows, each with frontage parking sufficient for two no. cars. The dwellings will face Sandygate Lane with gardens to the rear backing onto the Trans Pennine Trail. The pairs of semis are of two types, a mix of gable elements and flat roofed dormer windows to second storey.

House type A has flat roof bay windows to ground floor with flat roofed wide dormers above. The main entrance is to the side of the dwelling. Further flat roofed dormers are proposed to the upper rear elevations with French windows to ground floor overlooking the gardens to the rear. A request was made to raise the level of the lowest point of the dormers slightly, however, this was unachievable as it would render them unacceptable as escape windows. It will have open plan space with separate sitting room, and bedroom 3 to ground floor, a further 2 bedrooms and bathroom to first floor.

House type B has a two-storey gable element to the front elevations with vertical style windows above horizontal shaped windows to the gable element. Velux windows add natural light to upstairs ensuite. To the rear are flat roof dormers and French doors matching those of house type A. It will have open plan space downstairs with bed 3 and downstairs shower room, with 2 further bedrooms upstairs, both with en-suite shower rooms.

There will be a retaining wall to the northwest of Plot 1. Materials are proposed to be of red brick, off-white render, anthracite windows and doors, and slate effect tiles. The dormers would be clad in decorative cladding of anthracite colour. Boundary treatment includes 1.8m hit and miss fencing to rear gardens, low shrub boundaries to front with hard landscaping delineating parking spaces. Substantial landscaping to rear boundary adjacent the TPT. A long term landscape management plan is provided.



## Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough,

The site is allocated as Urban Fabric within the Local Plan and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built  
Policy H3 Uses on Allocated Housing Sites  
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 GS1 Green Space  
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

The site is on the Council's Greenspace Register as during the survey of sites for the Local Plan the site was surveyed the site had high ecological value (Site AC20: Land south of Doncaster Road, Stairfoot).

#### SPD's

Design Of Housing Development  
Parking  
Biodiversity and Geodiversity  
Trees and Hedgerows

#### Other

South Yorkshire Residential Design Guide

#### NPPF 2021

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.

Paragraphs of 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 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 110 – appropriate opportunities to promote sustainable transport should be taken up and safe and suitable access to the site can be achieved for all users

Para 111 - 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 126 - The creation of high-quality beautiful and sustainable 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**

Air Quality – no comment

Biodiversity – following initial objections, amendments have been made and the proposal is now acceptable.

Contaminated Land- no comment

Highways Drainage – requests that previous conditions are attached

Highways DC – no objections, requests that previous conditions attached with requirement for driveways to be of solid bound material

Forestry – no comment

Pollution Control – no objection subject to conditions

PROW – vegetation buffer to extend to plots 16 and 18 adj to TPT and comments in relation to improving footpath

SYMAS – no objection

Trans Pennine Trail – the TPT should not be impacted during construction

Yorkshire Water – no objection

Ward Councillors – no comments

## **Representations**

The application was advertised by site notice, and press notice and by letter to local businesses. No representations were received.

## **Assessment**

### Principle of Development

The principle of the proposed residential development has been established through the granting of outline planning permission 2016/0288 and revised by 2017/0206, amended by 2018/0029 ( granted on appeal) and reserved matters 2020/1040. This application therefore seeks approval for the variation to approved plans for reserved matters which are access, layout, scale, design and external appearance and landscaping.

### Design/ Layout/scale

All plots are dormer bungalows which face Sandygate Lane, each with frontage parking for two no. cars and with long rear gardens. a driveway, most with long rear gardens which back on to the TPT to the northwest.

Dormer bungalows are a relatively low-level construction and of suitable scale for this location and the reduction in the number of units proposed is an improvement over the previous scheme, which will additionally result in a reduction in the pressure for parking.

House type A has flat roof bay windows to ground floor with flat roofed wide dormers above. The main entrance is to the side of the dwelling. Further flat roofed dormers are proposed to the upper rear elevations with French windows to ground floor overlooking the gardens to

the rear. A request was made to raise the level of the lowest point of the dormers slightly, however, this was unachievable as it would render them unacceptable as escape windows.

House type B has a two-storey gable element to the front elevations with vertical style windows above horizontal shaped windows to the gable element. Velux windows add natural light to upstairs ensuite. To the rear are flat roof dormers and French doors matching those of house type A.

The reduction in number of plots and the modern design of modest height are a significant improvement over the previous permission. The two house types with provide interest at street level and are of appropriate design and scale. Whilst all frontage parking would normally be discouraged, the shape and size of the site reduces the opportunities for other parking solutions. The frontages are however delineated by low level landscaping and coloured hard landscaping which adds some interest.

The generous rear gardens, front gardens to the flats and landscaped area adjacent to the TPT and the landscaped embankment adjacent to the A635 Doncaster Road provides visual interest and a layout softened by landscaping subject to landscaping conditions.

3D CGI illustrations have been provided.

Overall, the application is assessed to be acceptable having regard to the relevant assessment Local Plan policies D1 and GD1.

#### Residential Amenity

The proposed dwellings are of generous size and meet internal and external size requirements as set out in the adopted SPD and SYRDG. As such the proposal is considered to meet Local Plan policy D1 and adopted SPD Design of Housing. Substantial vegetation to be introduced between rear boundary and TPT will protect residential amenity from users of the TPT.

Information on levels has also been provided which confirms that rear gardens will have a reasonable area of useable space with acceptable gradients.

#### Landscape /Biodiversity

A number of existing trees are to be retained to the northwest of the site on the embankment close to Doncaster Road together with a proposed buffer of medium/tall native shrub species to the boundary with the TPT with a grassed verge beyond planted with trees. Improvements to the submitted landscape scheme have been made with an increase in the number of trees to the frontage, crushed stone footpath linking to the TPT and a dense shrubby belt with trees between the rear gardens and the TPT, incorporating a grassy margin immediately adjacent the trail for ease of maintenance and visibility along the trail. The amount of frontage planting does not meet the expectations required in the earlier scheme, however, in order to meet parking requirements in this narrow plot, the amount of land available for trees has been compromised somewhat. Nevertheless, it is considered that in this case, the amount of planting that can be reasonably be expected will be provided and the proposal is considered to be in accordance with Local Plan Policy BIO1.

After initial objections from the Biodiversity Officer in relation to the footpath link, and insufficient tree and shrub planting and biodiversity mitigation and enhancement measures, amendments were made to include additional planting of trees and shrubs, openings for hedgehogs, shade tolerant wildflower mixes beneath trees, a minimum of four bird, bat and bee boxes and larger growing tree species adjacent the Trans Pennine Trail. The

Landscape Plan contains a 5 year aftercare plan and long term Landscape Management Plan

The Biodiversity Officer has reviewed the amendments and is satisfied with the level of mitigation and enhancement. The proposal is therefore considered to be in accordance with Local Plan Policy BIO 1.

### Highway Safety

Sandygate Lane is a quiet road currently serving only three commercial premises, each with ample off-street parking. The dwellings all access Sandygate Lane from individual driveways. No objection on highway access or highways safety has been received. The application is therefore considered acceptable in highway safety terms in compliance with Local Plan Policy T4.

### Noise

At the time of the previous permission, the unauthorised scrapyard generated significant noise issues which resulted in a layout which mitigated the noise through a high-density design and orientation of dwellings.

However, enforcement action has been successful, and the scrapyard use has ceased. Consequently, without the noise emissions from the scrapyard, the applicant has been able to submit a more customary layout, together with an updated noise impact assessment.

The Pollution Control Officer has considered the proposal in the light of the up-to-date noise impacts and mitigation proposals and is satisfied the future residents will have a satisfactory level of amenity, subject to conditions. A landscaped bund will be provided to the rear of the properties, where this is of insufficient height to provide adequate noise mitigation, a condition will require the bund to be topped by a fence. The proposal therefore satisfies Local Plan Poll1.

### Contributions

As the indicative number of dwellings at outline stage did not exceed thresholds for requiring contributions in relation to the provision of affordable housing, education contributions, and open space provision, contributions cannot now be sought at reserved matters stage even though the thresholds are now exceeded. Compensation for loss of greenspace was required at outline stage through condition 5 of the outline planning permission. The applicant submitted a S73 application to delete the condition which the Council refused (2018/0029). The applicant then appealed to the Secretary of State against the refusal, but the Inspector upheld the appeal. As such, compensation for loss of greenspace can no longer be required.

### Public Rights of Way

The amended outline permission was accompanied by a S106 agreement for the improvement of a footpath which lies just outside the site, linking Sandygate Lane to the TPT. The agreement requires this to be done to Council specifications and not to occupy any dwelling until the Council has certified in writing that the improvements are satisfactorily undertaken. The Public Rights of Way Officer has some issues about the status of the footpath and its dedication as a public footpath, but these are matters that are dealt with under separate legislation and do not impact on the current planning application. There are no objections from the public rights of way officer to the proposal providing that the footpaths remain free of obstruction during construction and an informative is required.

## Trees

The previous permission satisfactorily demonstrated that impacts relating to the adjacent off-site trees had been minimised and suitable tree protection proposed for the construction period. As a result, the Forestry Officer had no objections. Whilst no comments have been received from the Forestry Officer, the proposed dwellings would not be materially closer to boundary trees than the extant permission. As a result, there is no objection in relation to trees and the proposal is in compliance with Local Plan Policy BIO1 on this point.

## **Conclusion**

In summary the principle of the proposed residential development was established by the outline planning permission and previous reserved matters which had an unorthodox design to reflect the need to mitigate against noise impacts of a nearby unauthorised scrapyards.

As a result of the reduction in noise issues from the closure of the unauthorised scrapyards, the scheme has been revised with a reduction in the number of units and the scale, design and quality of materials in the proposal are significantly improved as a result. The dormer bungalows have the appearance of modest height and scale with a modern design and enhanced landscaping and biodiversity mitigation and enhancement measures.

The proposals also provide suitable standards of amenity for future residents by virtue of the generously proportioned gardens and internal space standards. The layout plans are also acceptable from a highway design and parking provision perspective, and tree impacts are adequately addressed. Based upon all the above the reserved matters application is recommended for approval.

## **Recommendation**

Grant subject to conditions