



PLANNING STATEMENT

**DEMOLITION OF 49 WOODSTOCK ROAD AND RESIDENTIAL DEVELOPMENT OF 5
NO. DWELLINGS (OUTLINE WITH ALL MATTERS RESERVED APART FROM MEANS
OF ACCESS)**

WOODSTOCK ROAD, WILTHORPE, BARLNSLEY, S75 1DX

PREPARED FOR: MR S CLAYBURN

PREPARED BY: JAMES ROBERTS (MRTPI)

1. INTRODUCTION

This statement has been prepared to support the submission of an application for a residential development of 5no. dwellings, including the demolition of an existing dwelling. The application seeks outline planning permission with all matters reserved except the details of the means of access to the site.

This application follows the recent grant of outline planning permission for a scheme of three new dwellings at the application site. The development as now proposed takes a very similar form to the previously approved scheme, but two detached units have been replaced by four semi detached dwellings. Overall, the appearance of the development would be very similar to the approved one. It will be demonstrated below that increasing the number of dwellings would not give rise to any harmful impacts, particularly in respect of highways issues, amenity and the impact on the character of the area – these have been the key issues throughout the lengthy planning history for the site.

As well as not having any adverse impacts, increasing the number of houses within the development would make much more efficient use of the land resource and would ensure that a more meaningful contribution to meeting the Council's housing targets can be made.

The proposed development would result in a sustainable form of development which complies with all relevant planning policy and guidance.

This statement should be read in conjunction with the submitted plans which demonstrate the credentials of the scheme in more detail. The submitted plans show the proposed means of access in detail as approval is sought under this application. The submitted plans also show an indicative layout to demonstrate that five houses can be accommodated within the site in a manner that would not give rise to any harm. It is anticipated the Local Planning Authority (LPA) will adopt a progressive approach to this sustainable scheme.

This statement now proceeds to give details of the site. The details of the proposal are then set out. The planning merits of the scheme are then discussed in relation to relevant planning policies

contained in the statutory development plan, together with Government guidance principally set out in the NPPF. In particular, it will be demonstrated that the proposal would result in a sustainable form of development, would make a positive contribution to the character of the area and would sufficiently protect neighbouring living conditions. Finally, the conclusion is reached that planning permission should be granted for the proposed development.

2. THE SITE

The application site comprises of three existing dwellings and their very large rear gardens on Woodstock Road in Barnsley (numbers 51, 53 and 55). The site also includes number 49 Woodstock Road, which is to be demolished under the recently approved scheme and is again proposed for demolition under the current application.

The site lies to the eastern side of Woodstock Road and to the north of Woodstock Gardens. The site is in a residential area that comprises mainly of semi-detached dwellings but there are also several detached properties in the locality. Numbers 53 and 55 are a pair of semidetached houses and number 51 is a detached dwelling. As noted by the Inspector in a recent appeal decision, the existing garden spaces are difficult to maintain and don't make a particularly positive contribution to the character of the area.



The site is only about 1km to the north of Barnsley town centre. The site is in a highly sustainable area with excellent access to public transport links, employment opportunities and town centre and local facilities.

The site lies within an Urban Fabric Area of Barnsley as identified under the provision of the Local Plan. The site is not within a Conservation Area and there are no listed buildings nearby.

3. PLANNING HISTORY

There is a long planning history relating to applications for residential development at the site. The pieces of planning history that are directly relevant to the current application are as follows:

2021/1024 - Demolition of 49 Woodstock Road and residential development of 3 no. dwellings (Outline with all matters reserved apart from means of access). This application was approved by the LPA in September of this year. An appeal against conditions imposed by the LPA has been submitted and is awaiting consideration by the Planning Inspectorate. A detailed appeal statement has been prepared and a copy has been provided to the LPA. As discussed further below, we urge the LPA to have regard to the points made in the appeal statement when considering what conditions are reasonable and necessary for the current application.

2019/1262 - Demolition of existing dwelling and residential development of 3no. dwellings (outline with all matters reserved apart from means of access) was refused for the following reasons;

1. In the opinion of the Local Planning Authority, the proposed development would be an undesirable form of backland development that would not benefit from a frontage to the existing public highway, nor reflect the prevailing settlement pattern of the area, to the detriment of the character of the area. As such, it would result in a visually harmful or incongruous form of development which would appear markedly out of kilter with that of its surroundings. This would be contrary to Local Plan Policy D1 'Design', SPD 'Design of Housing Development' and the design principles established within the NPPF.

2. The introduction of a vehicular access and an associated parking and turning area would result in an increased level of activity, noise and disturbance within an otherwise generally quiet environment, detrimental to the amenities of the surrounding dwellings, namely no's 51, 53 & 55 Woodstock Road and 1 Woodstock Gardens, contrary to Local Plan Policy GD1 'General Development' and SPD 'Design of Housing Development'.
3. The applicant has not submitted sufficient details, due to the lack of Ecology Report and Tree Survey, to enable an adequate assessment to be made of the effect of the proposal on potential ecological issues and Arboriculture.
4. The proposed access on to Woodstock Road is in extremely close proximity to that of the adjacent Woodstock Gardens and visibility would be constrained due to the topography of the site, therefore, the development would not be afforded safe, secure and convenient access and movement, contrary to Local Plan Policy T4 'New development and Transport Safety'.

Furthermore, the length of the drive would result in the 'man carry distance' to Woodstock Road of around 75m from the proposed properties to the rear of the site. This would conflict to a significant degree with Supplementary Planning Document: Design of Housing Development that seeks to restrict the length of such driveways to 30m.

5. The proposal does not conform with other Local Plan Policies, notably GD1, D1, or T4 and by consequence does not benefit from Local Plan Policy H4 for residential development on non-allocated sites and is refused permission by consequence.

An appeal against the above refusal was dismissed in February 2021. Crucially, however, although the Inspector ultimately dismissed the appeal, the Inspector did not uphold four of the five reasons for refusal, and only upheld the highways related reason for refusal in respect of inadequate bin store provision. In doing so, the Inspector confirmed that the development was acceptable in all respects other than bin storage. This means that the development was found acceptable in terms of impacts on character, amenity, ecology, trees and highways safety.

In July 2021 application 2021/1024 was submitted. This was a very similar scheme to the one subject to the appeal, but with an amended access to address the bin store issue by making provision for a refuse collection vehicle to enter the site. The LPA acknowledged that their previous concerns relating

to character, amenity, ecology, trees and highways matters were no longer tenable in light of the Inspector's decision. The application was therefore approved in September 2021.

The key point from the planning history is that the LPA's long standing in-principle resistance to development at the site has been found to be unsound. There is now an established position of approval for three new dwellings based on an indicative layout of three detached dwellings, with one building in the centre of the site and two buildings to the eastern side of the site. This same arrangement is replicated in the new application scheme, only with the two detached dwellings becoming pairs of semi-detached houses.

It will be demonstrated below that there would be no harmful impacts arising from altering two detached units to two pairs of semi-detached units.

4. THE PROPOSAL

This application seeks outline permission for a residential development of 5 no. new dwellings. Full design details of the proposed dwelling can be found in the supporting plans. However, at this stage the main details of the proposal are as follows:

- As with the recently approved application, the current application seeks outline planning permission with all matters reserved other than access.
- The indicative layout of the site is almost the same as the approved scheme. The plots to the western side of the site would become two pairs of semi-detached dwellings instead of two detached units.
- The access arrangement is the same as the approved scheme.
- The indicative plans clearly show that the additional parking requirements for the additional dwellings can easily be accommodated.
- As with the previous scheme, number 49 Woodstock Road is to be demolished to provide the new access.
- All minimum space between dwellings standards are met/exceeded.

- The impact on the character of the area, amenity, trees and ecology are almost identical to the approved scheme.
- The access arrangement is suitable for five dwellings and it is demonstrated further below that the additional traffic generation in comparison to the approved scheme would not be significant and would not give rise to any unacceptable highways impacts.

5. ALLOCATION AND POLICIES

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the Barnsley Local Plan, which was adopted in 2019.

Further material considerations exist in the form of national policy and guidance contained within the revised National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Allocations

The site is allocated as Urban Fabric within the Local Plan.

National

The NPPF is reflective of the guidance contained within the NPPG. The following sections of the revised NPPF are considered of direct relevance to the current proposal:

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 6 - Building a strong, competitive economy
- Section 12 - Achieving well-designed places

The overarching message of the NPPF is that LPAs should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development. LPAs should not place unnecessary burdens on developers and should look to support appropriate schemes such as this.

Barnsley Local Plan policies

The following policies are considered of relevance:

- Policy H1 The Number of New Homes to be Built
- Policy H4 Residential Development on small Non-allocated sites
- 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

6. ASSESSMENT

As the site is a small, unallocated site within an Urban Fabric area, the principle of a small residential development is clearly acceptable here. This has been confirmed by the recent appeal decision and subsequent approved planning application. It is clear from the planning history that the key issues are the impact on the character of the locality, amenity impacts, trees and ecology and highways related matters.

CHARACTER

Prior to the most recent application, the LPA had taken the view that development here would be a harmful form of backland development. However, the Inspector in the appeal for the 2019 application disagreed, noting the following:

"Given the context of variation in local character, and the relatively substantial impression of verdant and spacious suburban character that would remain, the proposal would assimilate acceptably into the neighbourhood in terms of character and appearance.

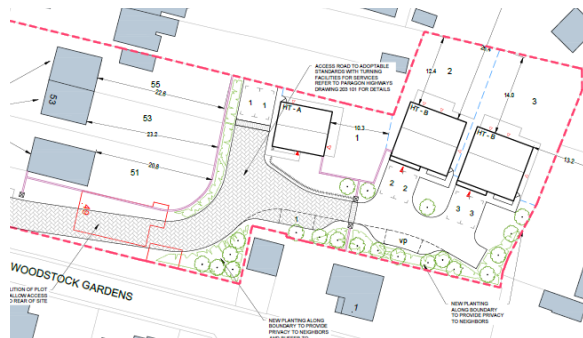
The arboricultural report and impact assessment submitted by the appellant with the appeal shows that the trees on site are generally smaller, lower value, semi-mature garden trees. Judging by the indicative layout it is likely that while most would be removed, there would be scope for new garden tree planting of substance, with seasonal and wildlife interest as part of a landscape scheme, which could be secured by planning condition. This would help to visually soften the scheme and contribute longer term to the attractive local characteristic of tree canopies visible among the buildings on the hillside terrain.

The Council is concerned that generally backland development 'can progressively erode' an area's character. However, this does not automatically mean that a specific backland development proposal would be harmful to local character and appearance. For the reasons outlined, I find that such harm would not occur in this instance.

The HSPD allows for the possibility that backland development would be acceptable. Given my above findings, the proposal would not conflict with the HSPD in terms of character and appearance."

As shown below, the approved and now proposed schemes have virtually the same layout:

APPROVED SCHEME:



PROPOSED SCHEME:



The detached unit to the centre of the site remains as shown on the indicative scheme for the approved scheme. The two pairs of semi-detached dwellings as now shown would have practically the same position and footprint as the two detached dwellings from the previously approved scheme. The only meaningful visual differences would be the additional parking spaces to the front and the subdivision of the garden spaces to the rear, and this would not be perceivable from outside of the site in any case.

The key factors that led the inspector to concluding that the 2019 scheme would be acceptable in appearance and character terms were the variation in the character of the locality and that the general sense of verdant space would be maintained. These comments are equally applicable to the scheme as now proposed.

As such, the same conclusion must again be reached that the indicative scheme shows a development that would not be harmful to the character of the area. The indicative scheme therefore demonstrates that a development of five dwellings can be achieved in a manner that would not be harmful to the character of the locality and the development is fully policy compliant in this respect.

AMENITY

Previous applications have been refused due to the LPA having concerns about the impact on the amenity of existing neighbouring dwellings, particularly in respect of impacts from vehicle movements to and from the new dwellings.

Again, this reason for refusal was not upheld at the appeal pursuant to the 2019 application. In respect of amenity impacts, the Inspector noted:

“Judging by the indicative layout, the modest scale of vehicular movement arising from the three dwelling cul-de-sac is unlikely to be discordantly intrusive to neighbouring properties, within the residential suburban context. There is also scope for boundary design - including to Nos. 51, 53 and 55 Woodstock Road - and site layout at a subsequent stage to focus on minimising vehicular disturbance.

It is also likely that the fenestration, orientation, layout and landscaping of the proposed dwellings could, in combination with the hillside topography, be designed so as to protect the privacy of neighbouring and future occupants.

Construction phase activity could be suitably controlled through a construction management plan.

Therefore, the outline proposal would not conflict with Policy GD1 of the LP, which seeks to ensure that, among other things, development safeguards the living conditions of residents.”

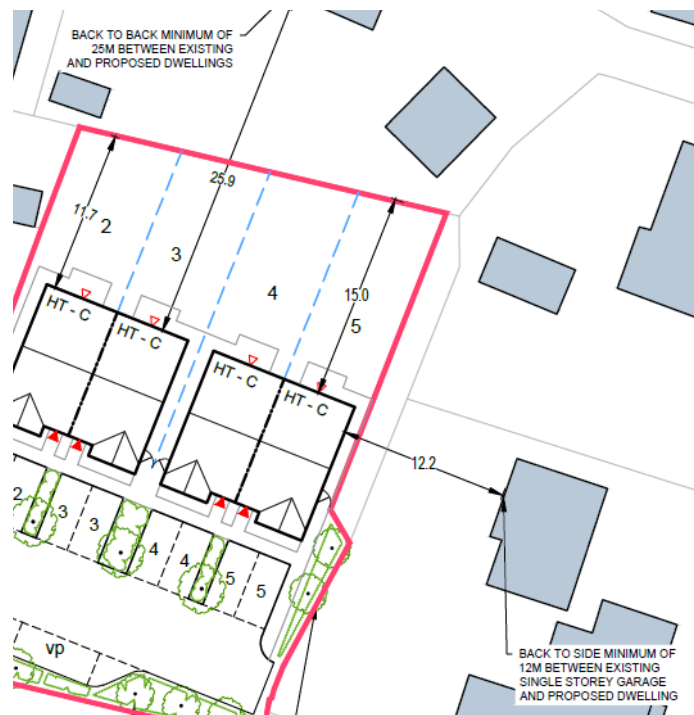
The point made by the Inspector in relation to boundary design and the design of the new dwellings remain equally applicable to the new scheme, given the very similar layout of the two indicative schemes. The material difference is that traffic would be generated by five dwellings instead of three. It is therefore necessary to consider if the traffic generated by five dwellings would reach a ‘tipping point’ in terms of amenity impacts over and above the traffic generated by three dwellings as already approved; we strongly contend that it would not.

For a start, the increase in the number of bedrooms as shown by the indicative scheme is very modest. The indicative scheme for the approved application showed two four-bedroom dwellings. The indicative plans for the current application show four three-bedroom dwellings. As such, there is an increase of only four bed spaces.

The Inspector acknowledged that the site is in a suburban residential context. Traffic movements are therefore commonplace all around the application site anyway. The provision of four smaller dwellings rather than two larger ones would be likely to result in one or two additional vehicular movements during the peak times of day, and very sporadic additional traffic movements at other times of day. The difference in the number of journeys between the approved and as now proposed schemes is likely to be very low.

Taking this in the context of the suburban residential context as identified by the Inspector and the baseline of frequent movements generated by the existing houses that surround the site to all sides, the impact on amenity of the low-level of additional traffic that can be expected would have a minimal impact on amenity, and would not be harmful.

In addition to vehicle movements from the new scheme not being a cause for concern, the physical layout of the development as shown on the indicative plans would also have a very similar impact on the amenity of neighbouring properties as the approved scheme. As shown on the plan extract below, the minimum back-to-back and side-to-back distances are still easily achieved:



The indicative plans therefore clearly show that the two additional dwellings can comfortably be accommodated in a manner that would not result in any harmful impacts on amenity by way of overlooking, overshadowing or oppressiveness.

TREES AND ECOLOGY

In not upholding the LPA's reason for refusal in respect of trees and ecology pursuant to the 2019 application, the Inspector stated:

"The preliminary ecological appraisal submitted by the appellant with the appeal indicates that while some suburban garden vegetation clearance would occur, there is scope to mitigate this through an imaginative scheme of landscaping, including wildlife-friendly planting and hedgehog-friendly design of boundaries and fencing. There is also scope for measures such as in-situ bat boxes and house sparrow boxes to be integrated into the proposed buildings' fabric. Such mitigation and appropriate seasonal limitation on timing of clearance work could be secured by condition. Therefore, the proposal would provide opportunity to enhance biodiversity on new development,

thus according with Policy BIO1 of the LP.”

These comments are not limited to a scheme of three dwellings only and are still just as relevant to the application as now proposed. The ecology report submitted with the recently approved application included a scheme of mitigation and enhancement measures and these are to be repeated for the new proposal.

The new application therefore remains fully acceptable in respect of tree and ecology impacts and wholly accords with local and national policy.

HIGHWAYS

The LPA refused the 2019 application due to concerns about visibility from the new access point, and also that man carry distances to the proposed bin store areas would exceed the recommended standard. The Inspector did not uphold the reason for refusal in respect of visibility, noting:

“From what I saw during my site visit, albeit a snapshot in time, Woodstock Road is an apparently lightly trafficked residential estate road with a 30mph speed limit. The appeal site is located around two thirds of the way down the street, some distance from the junction with the A635. The technical note submitted by the appellant’s highways consultant indicates a good road safety record in the vicinity of both the Woodstock Gardens entrance and current driveway at No. 49 Woodstock Road, and a number of similarly closely located pairs of driveway accesses in the borough.

As such, the proposed access would be similarly located and configured to that at Woodstock Gardens - which has an apparently safe highway record - while serving half as many dwellings. The proposal for three dwellings is unlikely to generate a significant increase in traffic volume within this suburban context. Furthermore, it is likely that off-street parking for the proposed dwellings would avoid pressure on on-street parking in the vicinity of the site.

The Council is concerned that the proximity of the proposed cul-de-sac access to Woodstock Gardens, and the road's sloping topography would result in constrained visibility and unsafe access. However, the combination of factors described above indicate that the proposal would provide safe access for drivers and pedestrians accessing and passing the appeal site, and on the surrounding highway network."

The key factors that led the Inspector to conclude that the proposed access arrangement was acceptable can therefore be summarised as follows:

- The access is onto a lightly trafficked road with a 30mph speed limit.
- The site is two thirds of the way down the street, well away from the A635.
- Evidence shows a good road safety record in the area.
- The access arrangement would be similar to Woodstock Gardens, which serves twice as many dwellings.
- The development would not generate significant amounts of traffic.
- The sufficient parking provision within the development would avoid the need for on-street parking.

These factors remain wholly applicable to the new application. The access arrangement is the same as the one found acceptable by the Inspector and by the LPA in the subsequent approved application. Whilst there would be an increase in the number of dwellings by two, as set out in the amenity section above, the additional level of traffic this would generate would be low and additional trips infrequent. The LPA's concern with the access arrangement related to visibility. Only one car can emerge from the site at any given time, so it does not make sense to conclude that the access visibility would be acceptable for three dwellings, but not for five.

The Inspector noted the perfectly adequate access arrangement for six dwellings at Woodstock Gardens, and the similarities between that and the proposed new access arrangement. The proposed development is still for fewer dwellings than take access from Woodstock Gardens.

The only conclusion that can reasonably be reached is that the access arrangement would be safe and suitable for five dwellings and the proposal accords with local and national policy.

The bin storage issue was addressed in the recently approved application and that arrangement is repeated again here. The access arrangement was amended to allow a refuse collection vehicle to enter the site and the Waste Management services at the local authority confirmed this would be acceptable. There is no material change in terms of refuse collection issues and the new application is fully compliant in this regard.

Other Planning Considerations – conditions

The recently approved application for three houses includes conditions removing permitted development rights for extensions and limiting the heights of plot one to single storey and plots two and three to two storey. In our view, these conditions fail the six tests as they are neither reasonable or necessary to make the development acceptable. An appeal against the imposition of these conditions has been lodged and is pending consideration by the Inspectorate.

Given the well-spaced and low-density layout of the development, and the generous separation distances to existing neighbouring dwellings, there is no need or justification for conditions limiting heights and removing permitted development rights. An appropriate height can be considered and achieved at the reserved matters stage, and there is no clear justification for why site-specific circumstances mean the new houses here should not enjoy the same permitted development rights as all the other existing houses in this residential, suburban area do.

We urge the LPA to take the points raised in our appeal statement for the aforementioned appeal against the conditions into consideration during the assessment of the new application as we believe, on reflection, the LPA should reach a different view on imposing these conditions on the new

application. Our concern is that imposing these conditions that are clearly unreasonable and unnecessary for a second time would represent unreasonable behaviour.

7. CONCLUSION

The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. The planning impacts of the development as now proposed would be very similar in deed to the recently approved application, and there would be no material harm from replacing two detached dwellings with four semi-detached dwellings within buildings of very comparable size.

As with the recently approved scheme, there would be no harm in respect of character, amenity, tree and ecology or highways impacts. The proposal accords with adopted planning policy and guidance and the LPA are respectfully urged to grant permission for the scheme.

The Applicant is willing to discuss any issues that may arise during the consideration of the proposal with the LPA.

James Roberts (BA, MSc, MRTPI)
JR Planning