

| | |
|-------------------------------------|-----------|
| Application reference number | 2024/0999 |
|-------------------------------------|-----------|

| | |
|-------------------------|------|
| Application Type | Full |
|-------------------------|------|

| | |
|------------------------------|---|
| Proposal Description: | Erection of 2no. detached 2-bedroom dormer bungalows |
| Location: | Land adjacent to 20 Bismarck Street, Worsbrough Common, Barnsley, S70 4NA |

| | |
|------------------|-------------|
| Applicant | Mr M Miller |
|------------------|-------------|

| | | | |
|-----------------------------------|------|----------------|----------------|
| Number of Third Party Reps | None | Parish: | N/A |
| | | Ward: | Kingstone Ward |

Site Description

The application relates to a currently vacant site which is rectangular in shape and partly laid to grass. The site measures circa 0.09 Hectares and the area of the site north of Bismarck Street lies within the Warren Quarry Lane Green Space.

The site is accessed from Bismarck Street which contains terraced houses to the north, a pair of semis to the south and 2no detached dwellings to the east. The immediate area is predominantly residential in nature with semi-detached properties to the east, and south with Highstone Nursing Home to the south-east.

The site falls gradually from south to north. However immediately north of the northern boundary, the land falls steeply providing an open view overlooking the Warren Quarry Lane Green Space. Part of Bismarck Street in this location is not adopted highway.

Relevant Site History

| <i>Application Reference</i> | <i>Application description</i> | <i>Status</i> |
|------------------------------|---|---------------|
| 2017/0798 | Residential development of up to 11 dwellings (Outline with All Matters Reserved) | Approved |
| 2019/0342 | Erection of 5 no. dwellings | Approved |
| 2019/1337 | Details of conditions 3 (materials), 4 (full fibre broadband), 6 (landscaping), 11 (Drainage), 12 (mining investigation), 13 (tree protection), 14 (ecological mitigation), 17 (engineering and construction details), 18 (highway completion plan) of planning permission 2019/0342 - Erection of 5 no. dwellings | Approved DoC |
| 2019/1575 | Variation of condition 2 (amended plans) of planning permission 2019/0342 to add a single | Withdrawn VoC |

| | | |
|--|---|--|
| | storey side extension to plot 5 - Erection of 5 no. dwellings | |
|--|---|--|

Proposal

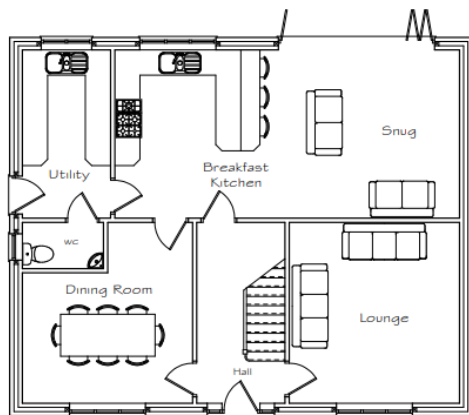
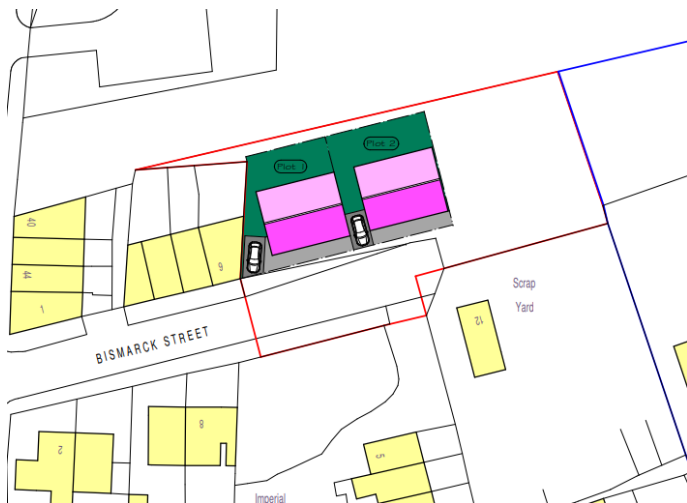
The applicant seeks permission for the erection of 2no 2-bed, detached dormer bungalow, with access to the dwellings taken from Bismarck Street.

The proposed dwellings are to be orientated on a north/south axis following the building line of the existing properties, 1-9 Bismarck Street.

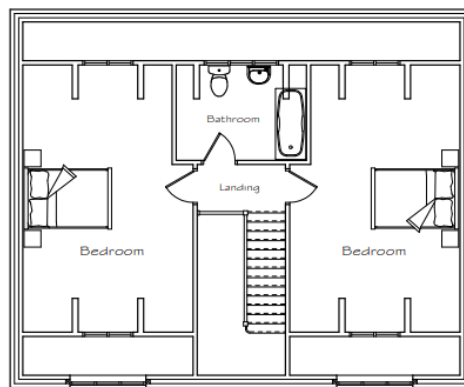
The properties are 1 ½ storey utilising room in the roof space via the inclusion of front and rear dormer windows and are to be arranged internally in a traditional manner with living accommodation at ground floor and bedrooms on the upper floor.

Each dwelling is to benefit from an allocated parking space to the side of the respective dwelling, and an enclosed garden to the rear.

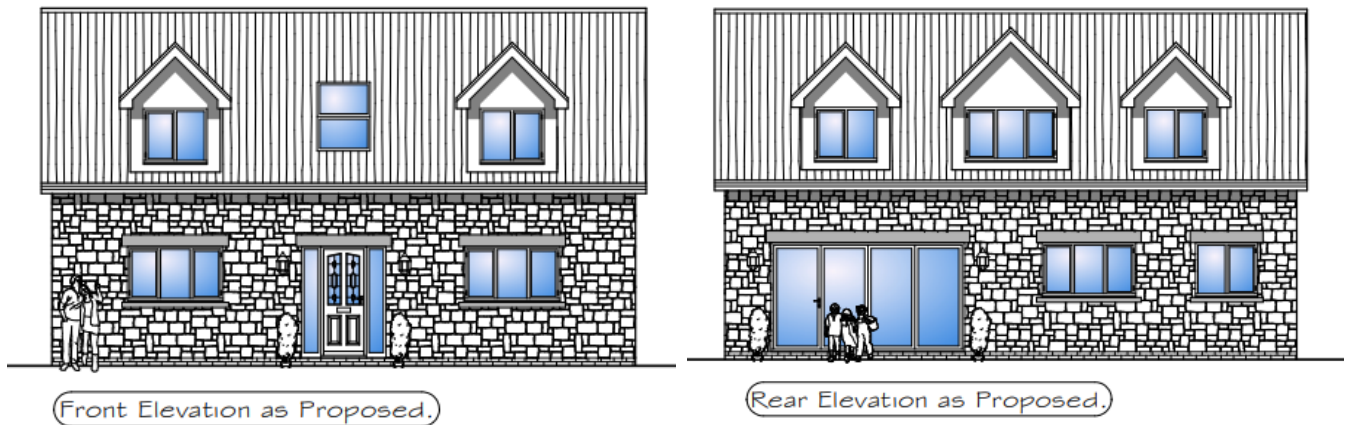
The design of the dwellings has been amended during the application process, by increasing the eaves height and reducing the ridge height to create a more balanced design and to avoid the dwellings appearing 'top heavy'



Ground Floor as Proposed.



First Floor as Proposed.



Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 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.

Local Plan

The site is allocated as Urban Fabric and within the Warren Quarry Lane Green Space, as identified within the Local Plan Proposals Maps and the Green Space Register respectively and therefore the following policies are relevant: -

- Policy GS1 Green Space
- Policy H4 Residential Development on Small Non-allocated Sites
- Policy I1 Infrastructure and Planning Obligations
- Policy GD1 General Development
- Policy D1 High Quality Design and Place Making
- Policy T4 New development and Transport Safety
- Policy Poll1 Pollution Control and Protection
- Policy BIO1 Biodiversity and Geodiversity
- Policy SD1 Presumption in favour of Sustainable Development
- Policy LG2 The Location of Growth
- Policy H1 The Number of New Homes to be Built
- Policy H2 The Distribution of new Homes
- Policy RE1 Low Carbon and Renewable Energy

Adopted Supplementary Planning Documents relevant to this application:

Open Space Provision on New Housing Developments
Design of Housing Development
Parking
The South Yorkshire Residential Design Guide (SYRDG)

National Planning Policy Framework (NPPF) - December 2024

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. NPPF policies of relevance to this application include:

Paragraph 7 The purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 11 Plans and decisions should apply a presumption in favour of sustainable development.

Paragraph 61 To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraphs 78 and 79 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

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

Paragraph 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.

Paragraph 131 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.

Paragraph 136 Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Paragraph 139 Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 187 Planning policies and decisions should contribute to and enhance the natural and local environment.

Relevant Consultations:

Drainage – No objections subject to conditions
Highways DC – No objection subject to conditions
Pollution control – no objections subject to conditions
Mining Remediation Authority – No objections subject to conditions
South Yorkshire Mining Advisory Service – No objections subject to conditions
Waste Management – No objections received
Ward Councillors - No objections received
Yorkshire Water – No objections subject to conditions

Representations

Neighbour notification letters were sent to 14 surrounding properties and a site notice was placed adjacent to the site; no representations were received in relation to this application.

Assessment

The main issues for consideration are as follows

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

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 site is allocated as a Local Neighbourhood Greenspace with the Local Plan and the Green Space Register. In such circumstances development should only be permitted where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the needs of the Borough.

The former council owned site has become overgrown and is not currently used as green space nor is there any un-restricted access to the site. It is considered that the re-development of the site would not affect the existing or potential green space needs of the borough as there are numerous green spaces within close proximity to the site, include two larger scale recreation grounds and playing fields.

Additionally, the development will be required to comply with Local Plan Policy I1: Infrastructure and Planning Obligations and the Council's SPD for Open Space Provision on New Housing Developments. The SPD states that

Section 4.1 - Green spaces are 'green' open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments woodlands wildlife areas, recreation grounds, sports pitches, play areas and parks. We will seek to protect green space from development, particularly where an assessment indicates that there are current deficiencies within an area.

Section 4.2 - When we receive a planning application to redevelop green space for an alternative use, we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.

Local Plan Policy I1 states development must contribute as necessary to meet all on and off-site infrastructure requirements to enable development to take place satisfactorily. The contributions are typically sought through a Legal Agreement. On sites currently functioning as green space, redevelopment of the site would require the development to compensate for the loss of the green space.

Local Plan Policy GS1 and Section 4.2 of the SPD is clear in that the Council would seek compensation for redevelopment of sites that have been allocated as Green Space, the applicant is required to enter into an agreement in order to secure community benefit to outweigh the loss of the green space. The financial contribution would be payable through a legal agreement and would contribute to improving existing green space in the area, or creation of new green spaces for the community.

As mentioned previously this site, was subject to a previous application for the development of 5no dwellings, which was subject to a S106 agreement for the payment of compensation for the loss of greenspace. The compensation in relation to this agreement has been paid and the wider development commenced and therefore there is an extant permission on this site. As such, it is therefore considered that the loss of the green space to redevelop the site is acceptable, and that in this instance there is no requirement for the payment of further compensation for the loss of green space.

The site is located within a wider allocation of Urban Fabric. The site is also located in a residential area and so it is therefore considered that redevelopment for housing is a compatible use. The site is located within Urban Barnsley which is the main focus for housing growth.

Local Plan Policy H4 'Residential Development on Small Non-allocated Sites' states that proposals for residential development on sites below 0.4Ha will be allowed where the proposal complies with other relevant policies in the plan. These sites make a small but valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries. We will allow small scale residential development within towns and villages in line with other plan policies, including those protecting peoples living conditions, road safety and design.

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 proposals against those criteria is set out within the sections of the report below.

Residential Amenity

The site is located adjacent to the head of Bismarck Street, with recreational green space located beyond the northern boundary. The dwellings are sited to limit the impact on the existing dwellings within the wider area and are proposed on a similar building line to that of the nearest neighbouring dwelling 9 Bismarck Street. The site layout ensures that the relevant separation distances, as set out in SPD Design of Housing Development, between facing habitable room windows and existing dwellings, are met.

It is acknowledged that the distance between the rear elevation of the dwellings and the boundary of the rear gardens is reduced to 5m due to the depth of the site. SPD paragraph 4.4 states *Proposed habitable room windows at first floor level and above should be a minimum of 10 metres from the boundary of any private garden which they would face. A reduced distance may be accepted for bungalows provided they meet garden size standards and ensure adequate levels of amenity for occupants in terms of outlook, privacy and daylight.* In this instance, given that the dwellings are 1 ½ storey, that there are no residential properties located beyond the rear boundary and that the area of the rear garden exceeds the requirements for dwellings of this size, the reduced garden depth of 5m is considered acceptable. However, to protect the amenity of the occupiers of the dwellings a condition will be included to remove permitted development rights for the erection of extensions and outbuildings.

It is in this regard that the proposed development complies with SPD Designing New Housing Development, Local Plan Policy H4 Residential Development on Small Non-allocated Sites and Local Plan Policy GD1 General Development and as such this carries significant weight in favour of the proposal.

Scale, Design and Impact on the Character

The site is located adjacent to the head of a residential cul-de-sac on a non-prominent plot and given there is a wide variety of dwelling types in the surrounding area, some flexibility can be afforded to allow the site to be developed.

The dwellings are set on a similar building line to the row of terraced properties 1-9 Bismarck Street to the west and whilst the proposed properties are to be 1 ½ storey, utilising room in the roof space via the inclusion of dormer windows, there are a mix of house types and styles within the immediate vicinity of the site and slightly further afield and as such it is not considered that the design of the proposed dwellings and the inclusion of dormer windows would form a dominant feature within the street scene to the detriment of visual amenity.

Materials, boundary treatments and landscaping have been identified on plan; however, no details have been provided and as such will be conditioned to be submitted upon commencement of development.

Based on the above assessment, it is therefore considered that the proposed dwelling would not be out of character with the area and is considered acceptable and in compliance with Local Plan Policy D1 which carries significant weight in favour of the development.

Highway Considerations

The site is positioned off Bismarck Street, a residential cul-de-sac in Worsbrough Common; this is considered to be a sustainable location with access to local amenities and good public transport links.

The development consists of 2no 2-bedroom properties and the adopted Supplementary Planning Document – Parking states that 2-bedroomed properties require the provision of 1no space per dwelling, which has been provided.

Highways DC have been consulted on the application, and they raise no objection to the development or the introduction of the access onto Bismarck Street, subject to conditions

As such the proposal is considered acceptable in terms of its impact on the highway network, in compliance with Local Plan Policy T4. This carries considerable weight in favour of the development.

Impact on Geodiversity and Biodiversity

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England; BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date.

Whilst this application was submitted after this date, there are exemptions which can be applied; one of which is an exemption where the development is a custom/self-build and therefore the National BNG requirements would not apply in this instance.

Coal Mining

The application site falls within the defined Development High Risk Area and the Mining Remediation Authority (formerly the Coal Authority) and the South Yorkshire Mining Advisory Service confirm that a report has been submitted, which addresses the coal mining legacy and recommends further intrusive site investigation work to determine the shallow coal mining position; namely to ascertain any stabilisation requirement should any unrecorded shallow mining voids be present within an influencing depth.

Consequently, the Mining Remediation Authority and SYMAS require further intrusive site investigation works to be undertaken in order to establish the exact situation regarding them and as such relevant conditions will be included. This carries moderate weight in favour of the application.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024), 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. In addition, 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.

The noise and disturbance associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short-term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above are not outweighed by any other materials planning considerations and as such the proposal is therefore, on balance, recommended for approval subject to the conditions listed below.

Recommendation

Grant planning permission subject to conditions:-

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application.

The eaves height was increased and the ridge height reduced to create a more balanced design and to avoid the dwellings appearing 'top heavy'

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.