
2022/0709

Applicant: Mr Thomas Agus

Erection of 1 no. dwelling and associated works (Outline seeking approval over layout and means of access)

Land adj. 152 Barugh Lane, Barugh Green, Barnsley, S75 1LL

Site Description

The application site is in relation to an undeveloped piece of land to the South of no 152 Barugh Lane, accessed by a private drive which serves no. 152 and several (x 3) other residential properties. The last known use of the land was for an allotment however there is no planning history for the site to establish this previous use. Barugh Lane is a main/classified road.

The site is located in the Urban Fabric which the surrounding area primarily characterised by residential properties with the exception of a public house – the Crown and Anchor – immediately adjacent to the access to the site.



Relevant Site History

B/91/1715/DT – Erection of detached house with integral garage (Refused)

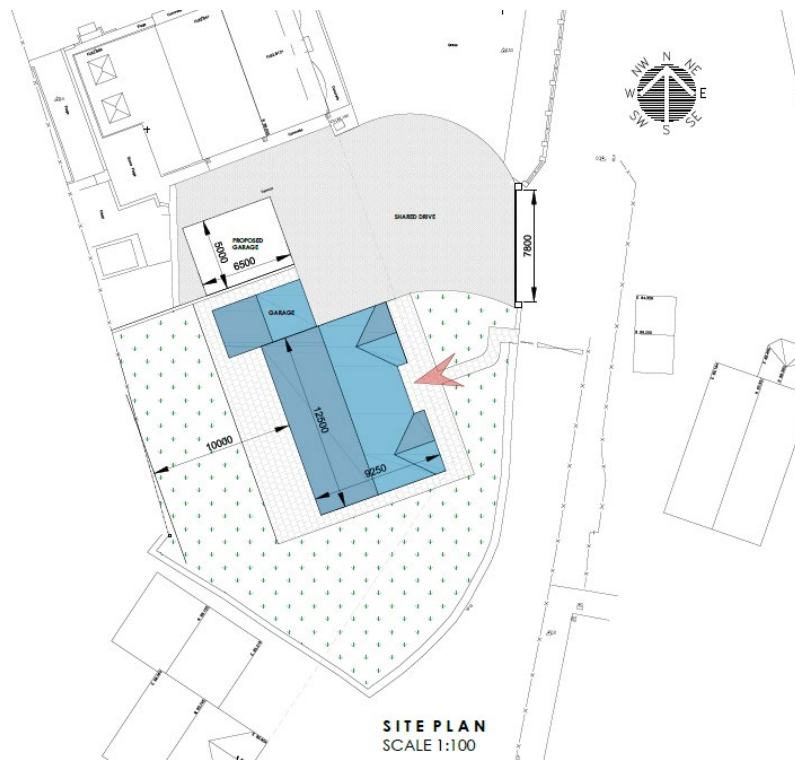
B/92/0212/DT – Erection of detached dwelling with integral garage (Approved with conditions)

B/92/1125/DT – Outline for erection of detached dwelling (Refused)

Proposed Development

The applicant is seeking outline approval for the erection of 1 no. dwelling (layout and means of access) and associated works. The dwelling will be accessed from an existing private drive off Barugh Lane, with a parking area formed to the front of the proposed dwelling. The site plan shows the dwelling to be detached, located centrally within the site at a distance of 10m from the rear boundary line, with an attached garage to the North, with the frontage of the dwelling facing East. An amended plan has been received which widens the access into the shared parking area to 7.8m.

To the front (North-East) of the dwelling is a shared parking area and the site plan also shows additional alterations to the neighbouring dwelling including a proposed garage and parking layout change. However, these do not form part of this particular application.



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 development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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 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, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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Relevant Local Plan policies include:

SD1 – Presumption in favour of sustainable development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which

mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

H4 – Residential Development on Small Non-Allocated Sites – Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

H6 – Housing Mix and Efficient use of land - Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

BIO1: Biodiversity and geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Supplementary Planning Documents

- Design of housing development
- Parking
- Sustainable Travel

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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 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 should be severe.

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 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.

Paragraph 134 – 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.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

The Coal Authority – No objection subject to conditions.

Forestry Officer – No comment.

Highway Drainage – No objection.

Highways DC – Raised concerns with the development due to the intensification of the access and insufficient visibility onto Barugh Lane.

Public rights of way (PROW) - There is no recorded PROW running along the access track. However, the path is subject to a long-standing formal application to record the lane as a public footpath. This was originally submitted as part of an application to record a public footpath from Barugh Lane through to Barugh Green Road. The status of all other sections of this route have now been resolved, with all of them now carrying public rights. There is no expiry date on the application, which remains valid for this section, and the Council retains its duty to investigate that application and reach a decision when it reaches the top of the authority's priority list. Should the application be approved, an informative note should be added to the decision notice.

South Yorkshire Mining Advisory service (SYMAS) – The report identifies that the site could be affected by shallow coal mine workings. It is recommended that site investigations are undertaken to confirm ground conditions. No objection subject to conditions.

Ward Councillors – No comments

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; no comments were received.

Assessment

Principle of development and Highways Safety

The site is located in the Urban Fabric with the surrounding area largely characterised by residential properties. The site is accessed via a narrow private drive which serves the immediately adjacent dwellings, and the application site is considered to be backland development. The SPD for design of housing development has a dedicated section relating to backland development which reads the following:

As well as the general criteria, including the external spacing standards, backland development should aim to comply with the following:

- *Tandem development, with one dwelling directly in front or behind another sharing the same access, will almost always be resisted.*
- *Piecemeal development, which could prejudice the potential comprehensive development of a larger area of land, should be avoided.*
- *Backland development is most effective where it includes a number of dwellings served by an adopted highway, which is capable of being used by refuse and other servicing vehicles. Long, narrow private drives (typically in excess of 30m), which would result in excessive 'man carry distances' should be avoided.*
- *Backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.*

The proposed development does not comply fully with the above policy as it would have a long private drive which is incapable of being used by refuse and other servicing vehicles and is excessive in length (60m) when measured from the start of the access track to the closest point of the site. However, the access track already serves 3 residential properties and the site was formerly an allotment. As such, it is felt that the general requirements of developing a backland development/infill plot are achieved.

Local Plan Policy H4 states that residential development on small non-allocated sites will only be allowed where it complies with other relevant sections of the Local Plan. Given the application is an outline

permission with means of access and layout under consideration, the access/highways considerations are a key element of the principle of development and will be assessed within this section.

The access road is already constrained at the junction to Barugh Lane, particularly on the Western side given the presence of two outbuildings and a boundary wall. The proposed development seeks to intensify the use of what is considered to be a substandard access by modern standards.

Highways DC have been consulted on the proposed development and initially raised several concerns including the width of the shared drive, width of the access road, size of the turning area, and visibility onto the main road. Following several amendments, retained an objection to the proposal based on the use of the access track being intensified and the need to demonstrate visibility splays of 2.4m x 43m onto the main road, which is not achieved. Improvements to the access junction are difficult in this instance given ownership issues and the fact that the applicant does not own any of the outbuildings or the boundary wall close to Barugh Lane. Adequate visibility is therefore not achievable and there would be inherent constraints improving this to the main road given that it is not within the applicant's control/ownership.

It should also be noted that there is planning history on the site with two refusals for similar development (B/91/1715/DT and B/92/1125/DT) based on highways concerns, the latest reason to refuse reads:

'In the opinion of the Local Planning Authority, the proposal would lead to the intensification of vehicular use of the existing long, narrow, unmade access track from Barugh Lane which is especially unsuitable for use by emergency and refuse collection vehicles and would result in additional hazardous turning movements to the detriment of the safe and free flow of traffic on Barugh Lane.'

The applicant has provided swept path analysis – in a technical highways note – which shows that a fire tender vehicle will be able to reach the site down the access and turn within the site, alongside another swept path analysis map which shows that two cars could pass each other at the junction of Barugh Lane. Notwithstanding this analysis, it is still considered that the development will seek to intensify a substandard access and the fire tender vehicle will be required to enter the application site in order to turn and enter the highway in forward gear. The swept analysis does not account for occasions on when there are vehicles parked on the driveway which would block the fire tender vehicle from entering the site and turning easily. Likewise, the swept path analysis only shows that a car would be able to use the access at one time and two cars could freely pass on the junction to Barugh Lane at a certain angle/position, with the vehicle leaving Barugh Lane required to veer significantly to the left hand side. This, over time, will very likely create a conflict whereby vehicles entering and leaving the access track at the same time will obstruct one another which will require vehicles to stop on the highway to avoid colliding. This is of increased concern for vehicles approaching the site from the West turning into the access given the visibility concerns raised above.

It is appreciated that the access road serves several existing residential properties however, the proposed development seeks to intensify a substandard private access, and given that highways DC have also raised significant concerns with insufficient visibility onto a main road, the proposed development is not considered to be acceptable in terms of its principle and the detrimental impact it will have on highways safety, contrary to Local Plan Policy H4 and T4.

Visual Amenity

The proposed development is an outline permission for layout and means of access, with no floor plans or elevation drawings provided at this stage. As such, a full assessment has not been taken as to the design/visual amenity of the development however a site plan has been submitted which shows a dwelling which is located centrally within the plot and is of a size which is proportional to the site and is acceptable in terms of overall layout and shape.

To the front of the dwelling is a shared parking area which appears to be hard surfaced on the plan but is not specified. In any case, a condition can be attached to any approval notice which ensures the parking area to be hard surfaced which is required from a design perspective. Likewise, boundary treatments and external materials will be covered through a pre-commencement planning condition.

The proposed development is in compliance with Local Plan Policy D1: High Quality Design and Place Making, the SPD for Design of Housing Development and is acceptable in terms of visual amenity and design, based on the information currently presented at this outline stage.

Residential Amenity

Only the means of access and layout are being considered at this stage, with a site plan showing the presence of a detached dwelling located centrally within the plot. No elevation drawings have been submitted which indicate that the dwelling will be single storey or greater, however the site plan shows separation distances in relation to neighbouring properties. The rear elevation of the dwelling is 10m from the rear boundary which is in line with the SPD for Design of Housing Development for the distance expected from first floor habitable room windows and rear boundary lines. The front elevation of the dwelling (facing East) faces onto what appears to be the frontage of a neighbouring property (Que Sera, 22 Eden Close) at a distance of 16.5m which is in excess of the minimum 12m expected between front facing windows/elevations.

At this stage, there is no concerns raised with the layout of development in terms of the impact on the neighbouring properties and the proposed development is in compliance with Local Plan Policy GD1 and the SPD for Design of Housing Development and is acceptable in terms of residential amenity.

Drainage

Colleagues in Drainage have assessed the details presented on the plans and have not raised any objection to the proposal. Standard conditions will be attached.

Conclusion

The applicant is seeking outline approval for the erection of a detached dwelling with associated parking/access alterations with means of access and layout under consideration at this stage. The proposed development represents backland development with an access track (60m) off Barugh Lane which already serves a number (x 3) of properties. The principle of developing the plot is therefore considered to be borderline acceptable in this case however the site follows on from a couple of historic refusals in regard to highways concerns. Likewise, highways DC have raised concerns with this development with particular concern raised with the lack of adequate visibility from the junction of the access track and Barugh Lane, with obstructions out of the control of the applicant. There are general concerns with intensifying what is considered to be a substandard access and the likelihood for fire/emergency vehicles to encounter issues with turning in the access and being able to enter the highway in forward gear and smaller vehicles obstructing one another at the access junction, as well as other road users on the highway. All of which is contrary to Local Plan Policy T4: New Development and Highway Safety and H4: Residential development on small non-allocated sites.

For the above reason, the proposed development is recommended for refusal.

Recommendation

Refuse