

SUPPORTING PLANNING AND HERITAGE STATEMENT

SITE: FORMER BURTON GRANGE NURSERY, ABBEY LANE, LUNDWOOD, BARNSLEY, S71 5QD

FOR: ERECTION OF 4 NO. DWELLINGS AND ASSOCIATED WORKS

**PROPOSAL: SECTION 73 - VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING
PERMISSION 2021/1415 (DECISION DATE 29 NOVEMBER 2022)**

JANUARY 2023

CONTENTS PAGE

1.0 INTRODUCTION

2.0 PROPOSED DEVELOPMENT

3.0 NATIONAL PLANNING POLICY FRAMEWORK AND LOCAL PLANNING POLICY

4.0 PLANNING AND DESIGN ASSESSMENT

5.0 CONCLUSIONS

1:0 INTRODUCTION

1.1 We have been instructed by Wickersley Homes Ltd to prepare and submit a revised Section 73 planning application for the erection of 4 No. dwellings at the former Burton Grange Nursery School site, Abbey Lane, Lundwood. The subject application relates to each of the four plots.

1.2 This statement includes reference to the scheduled ancient monument known today as Monk Bretton Priory (“Grade 1 listed”) and addresses the impact of the proposed revisions to the scheme on the scheduled site and its buildings and its setting as well as the area generally. No works are proposed that directly or physically affect any part of the Priory.

1.3 Section 2 of this Statement provides a description of the proposed revisions to the design of the bungalows and houses, whilst Sections 3 considers the relevant national and local planning policy. Section 4 provides an overall planning and design assessment, whilst Section 5 provides the conclusions.

1.4 This Statement, and in particular the design assessment section, should be read in conjunction with the submitted full application form, proposed floor plans, elevation drawings and site layout drawing.

1.5 Section 73 of the Town and County Planning Act 1990 (‘the 1990 Act’) allows an application to be made to the LPA for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

1.6 Moreover, Section 73 planning permissions grant planning permission for an identical planning permission as the original, save for different conditions and in this case the condition imposed relating to approved plans.

2.0 PROPOSED DEVELOPMENT

2.1 Planning permission was granted conditionally, albeit subject to a Deed of Variation to the original Section 106 Agreement to secure green space enhancement and a variation to the

originally approved plans, under planning reference 2021/1415 (Dare of Decision - 29 November 2022).

The approval in November 2022 was subject on the compliance with a number of imposed planning conditions. Condition 02 is the key planning condition to this Section 73 application, this highlighting the approved drawings. For the avoidance of doubt, Condition 02 states the following;

2: The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

- 19012-010 Site Layout Plan

- 19012-004 REV C Schematic Proposals Plots 1 and 2 amended plan rec'd 29/10/19 MS/AL/2021-01 Proposed dwellings Plots 3 & 4 by Mark Smith Architectural design amended plan received 09/11/21

- Phase 2 Arboricultural Report by Wharncliffe Trees and Woodland Consultancy, dated 9 December 2019.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

2.2 This section 73 application proposes revisions to the design of both the 2 No. bungalows and 2 No. dwellinghouses approved under the recent approval at Council Reference No. 2021/1415, namely to drawings 19012-004 REV C Schematic Proposals Plots 1 and 2 amended plan rec'd 29/10/19 and MS/AL/2021-01 Proposed dwellings Plots 3 & 4 by Mark Smith Architectural design amended plan received 09/11/21.

2.3 The proposed revisions are summarised below:

Bungalows at Plots 3 and 4:

Front Elevation:

3 No. velux rooflights, the approval indicated 4 No rooflights.

3 No. windows with 2 light windows, the approval showed 3 No. windows with 3 light windows.

Rear Elevation:

3 No. velux rooflights, the approval having no rooflights.

1 No. window with 2 light window, the approval having 1 No. window with a 3 light window.

Houses at Plots 1 and 2:

Front Elevation:

The 4 No. velux rooflights have been omitted from the scheme.

The 2 No. doors and 2 No. windows have been replaced by 2 No. patio windows

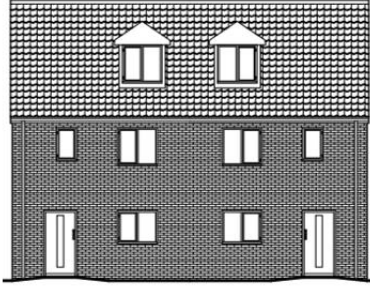
Rear Elevation:

The 2 No. dormer windows have been retained, but reduced in design and form.

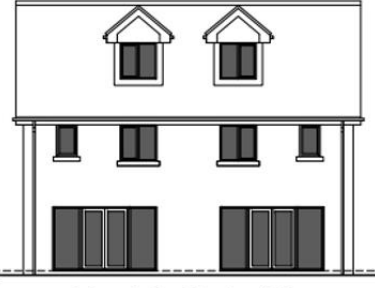
2 No. patio windows have been replaced by 2 No. doors and 2 No. windows.

The revisions proposed use the same footprint, general layout, external materials and access arrangements– all of which the Local Planning Authority found to be acceptable in the earlier planning approvals.

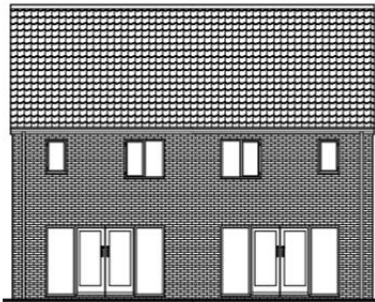
2.4 Below: Extracts from the presented drawings and comparative approved elevations.



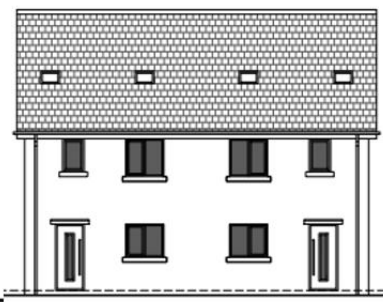
Above: Proposed rear elevation



Above: Approved rear elevation 2019/0637 & 2021/1415



Above: Proposed front elevation



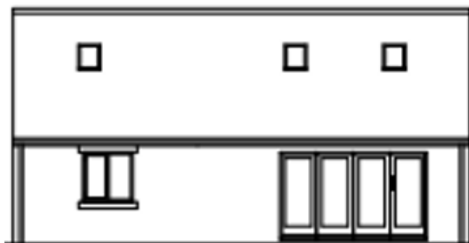
Above: Approved front elevation 2019/0637 & 2021/1415



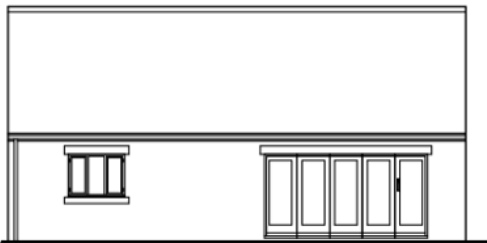
Above: Proposed Front Elevation



Above: Approved Front Elevation 2021/1415



Above: Proposed Rear Elevation



Above: Approved Rear Elevation 2021/1415

2.5 The revised application and proposed revisions to the design/layouts at the four plots has been carefully developed following a detailed analysis of the site, site levels, the surrounding area, neighbouring properties in term of outlook and privacy, consideration of the internal room spacing standards of the South Yorkshire Residential Design Guide and more importantly taken into full account the adjacent heritage asset. The outcome of this analysis has influenced and informed the proposal to:

- Retain the first-floor bedrooms to the bungalows and introduce 3 No. rooflights to each of the rear elevations.
- Reduce the 4 No. rooflights to 3 No. rooflights on the front bungalow elevations.
- Revise the window form on the bungalow elevations, a reduction from 3 light windows to 2 light windows.
- Revise the internal arrangements and orientation to the dwellinghouses, with subsequent external elevation changes at Plots 1 and 2 (Dwellinghouses).
- Remove the velux rooflights on the front elevation to the dwellinghouse block.
- Reduce the scale, form and design of the 2 No. dormer windows to the dwellinghouses.

2.6 This 'Section 73' application, and whilst not requiring to revisit the actual principle again, also responds directly to the need for Barnsley Borough Council to deliver additional housing in the area without delay and to provide the homes that the community need. The proposal will deliver much needed housing growth in a sustainable location.

3.0 NATIONAL PLANNING POLICY FRAMEWORK 2021 AND LOCAL PLANNING POLICY

NATIONAL PLANNING POLICY

3.1 Key planning considerations at a national level are set by the Government in the revised National Planning Policy Framework (NPPF) of July 2021. As a single integrated document, the NPPF represents the Government's streamlined planning policy direction for England.

Paragraphs in the Framework make it clear that this national guidance constitutes a material consideration in determining applications. In addition to local planning policies, it is therefore necessary to consider The National Planning Policy Framework.

3.2 General Presumption in Favour of Sustainable Development At the heart of the NPPF is the general presumption in favour of sustainable development when the social, economic and environmental objectives are clearly defined underpinning policy development and the decision-making process. The objectives are summarised as the following:

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;

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 a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

An environmental objective - To contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.3 In the context of the decision-making process this general presumption means approving development that accords with an up-to-date development plan without delay and where relevant policies of the development plan are out of date, granting planning permission unless: a. the application of policies in this Framework that protect areas or assets of importance provides a clear reason for refusing the development proposed; or b. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

3.4 Delivering a sufficient supply of homes Section 5 of the Framework is concerned with significantly boosting the supply of homes in order to meet the demands of the nation. Central

to this is that a sufficient 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.

3.5 Small and medium sized sites can make an important contribution to meeting the housing needs of an area, as is stated in Paragraph 69 of the Framework, and are often built out relatively quickly. Therefore, for Local Planning Authorities to meet their overall housing land requirements a good mix of site sizes should be promoted. The Paragraph goes on to dictate that land to accommodate at least of 10% of an Authority's housing requirement should be on sites no larger than one hectare, with sites identified through the development plan and brownfield registers.

3.6 Section 16 of the framework 'Conserving and Enhancing the Historic Environment' relates to the conservation of heritage assets in the production of local plans and decision taking. It emphasises that heritage assets are 'an irreplaceable resource, and should be conserved in a manner appropriate to their significance'. For proposals that have the potential to affect the significance of a heritage asset, paragraph 189 requires applicants to identify and describe the significance of any heritage assets that may be affected, including any contribution made by their setting. The level of detail provided should be proportionate to the significance of the heritage assets affected.

LOCAL PLANNING POLICY

3.7 Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that determinations must be made in accordance with the development plan, unless material considerations indicate otherwise. From this regard the statutory Development Plan for Barnsley Metropolitan Borough Council comprises the following:

- The Local Plan (adopted 03 January 2019), Barnsley, Doncaster and Rotherham joint waste plan (adopted 2012) and Neighbourhood Plan.

3.8 For the purposes of determining this Section 73 application the following Local Plan policies are considered to be of relevance:

3.9 Policy GD1: General Development In accordance with Policy GD1, developments will be approved if:

- *There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;*
- *They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;*
- *They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;*
- *They include landscaping to provide a high-quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;*
- *Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;*
- *Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;*
- *Any drains, culverts and other surface water bodies that may cross the site are considered;*
- *Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;*
- *Any pylons are considered in the layout; and*
- *Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.*

3.10 Policy D1: High Quality Design and Place Making This policy states that, any proposed development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- *Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;*
- *Views and vistas to key buildings, landmarks, skylines and gateways; and*
- *Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.*

Through its layout and design development should:

- *Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;*
- *Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;*
- *Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;*
- *Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;*
- *Provide clear and obvious connections to the surrounding street and pedestrian network;*
- *Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;*
- *Promote safe, secure environments and access routes with priority for pedestrians and cyclists;*
- *Create clear distinctions between public and private spaces;*
- *Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;*
- *Make the best use of high-quality materials;*
- *Include a comprehensive and high-quality scheme for hard and soft landscaping; and*
- *Provide high quality public realm.*

4.0 PLANNING AND DESIGN ASSESSMENT

4.1 This section of the Planning Statement assesses the key planning and design issues relevant to the revisions at the subject bungalows and dwellinghouses, and with specific reference to the relevant policies in the Local Plan.

4.2 Design Rationale and Assessment:

The design approach has taken precautions to prevent any issues such as overlooking between the site and the surrounding residential properties, also having material regard to

the impact of the proposed revisions on the listed building 'Monk Bretton Priory'. The site is situated in a sustainable location with good access to nearby local facilities. The site also has good access to public transport links which provide means of transport other than the private car to a range of services and destinations such as nearby Monk Bretton, Cudworth and beyond Barnsley Town Centre.

4.3 Evaluation

Use: The principle of residential development was clearly acceptable to the LPA by the granting of the original planning application for the four dwellings under planning reference 2019/0637 dated 23 April 2020 and more recently under planning reference 2021/1415 dated 29 November 2022, both subject to a Section 106 Agreement.

Amount: The proposed 'Site layout' plan remains unchanged and is not included with the application documents. It retains a development of 4 No dwellings with gardens and private parking spaces/garaging as per the earlier approved drawings, and by virtue of the extant permission and no changes in this regard the revisions on grounds of quantum are clearly acceptable.

Layout: The internal layout has had full regard to the minimum internal floorspace standards in the South Yorkshire Residential Design Guide, a document which provides a robust urban and highway design guidance.

Access: There are no changes to the scheme from that approved in terms of access arrangements.

Scale: It is considered that the use of the roofspace and retention of the rooflights to both bungalow plots, with it should be stated no changes to the ridge height from that on earlier approved drawings of the extant planning permission, is fully justified. By virtue of the use of rooflights, as opposed to dormer windows, no existing dwellings adjoining or adjacent the site would be affected by the addition of bedrooms to the roofspace in terms of overbearing, overlooking or loss of privacy. Moreover, the grain and form of adjacent properties is very similar and repeated in terms of the rooflights, properties adjacent the application site containing both rooflights and dormer windows. Furthermore, **it is argued that the precedent**

has also been set by the Council for the introduction of velux rooflights to properties in **Abbey Lane itself and in close proximity to the listed Monk Bretton Priory.** To evidence this, example images are shown below, the listed priory seen in some of the images.



Landscaping: There are no changes to the scheme from that approved in terms of landscaping proposals.

Appearance: Whilst the initial design rationale for the bungalows introduced only ground floor living accommodation, the revisions presented retains the utilization of the upper roofspace for the provision of bedrooms approved under reference 2021/1415, albeit just the one additional one from the two bed dwellings approved. The retention of 6 No. rooflights, 3 No. to the front and 3 No. to the rear, is considered to have no detrimental impact on the visual amenities of the area, the comparative elevations in this statement fully demonstrating this conclusion. Having regard to the precedent images evidenced, it is argued that these features can satisfactorily co-exist with the established grain and pattern of development in the immediate area of the subject site. Moreover, these relatively small roof features would not detract from the visual quality of the area. Turning to the changes made to the block of dwellinghouses, it is also considered that these modifications made would not detract from the visual quality of the area. Of particular note is the removal of the rooflights facing the highway in Lang Avenue and the reduction in size to the 2 No. rear dormer windows, wherein it is argued that these are positive enhancements in both visual and amenity terms.

4.4 Impact on existing/proposed residents:

4.5 In assessing the impact of the proposed 6 No. rooflights to each of the bungalow plots in terms of the impact on the amenity of neighbouring residents, regard has been given to the South Yorkshire Residential Design Guide. Further to the above the NPPF at paragraph 130 (f) states that planning decisions should ensure that developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

4.6 With regards to neighbouring amenity, and by virtue of the juxtaposition to adjacent properties, boundary treatment and the relatively large distance to other properties, it is presented that the development in this revised form would fully comply with the Council’s minimum spacing standards for both bungalow plots and the development would therefore not harm the outlook of the residents of neighbouring properties or have any detrimental impact on the living conditions of these adjacent occupiers. The below extracts clearly show

that interspacing standards are fully achieved at Plot 3 (nearest to existing properties), in excess of 25 metres respectively, and that the rear rooflights this plot by virtue of both the lower site levels and screen boarded boundary fencing in situ will have no detrimental impact on the living conditions currently enjoyed by existing occupiers in Abbey Lane.



Above: Google extract during site construction, clearly showing the adjacent properties in Abbey Lane and the interspacing standards/acceptable relationships



Above: Rear site boundary to Plot 3, the rooflights seen beyond.

NB: Further details of the design of the bungalows can be referenced in the full set of scaled drawings with the Section 73 planning application, which demonstrates that the proposal is compliant with policies SD1 'Presumption in Favour of Sustainable Development' and GD1 'General Development'.

4.7 Other Material Considerations

Sustainability - The construction of these four dwellings in the form of the revisions highlighted achieves an economic role by providing new residential properties in this part of Lundwood and so comprises an integral part of the Council's principal settlement for growth and it can reasonably be expected that the residents of the dwellings will support the local economy.

4.8 It achieves a social role by creating a site that has the potential to support the community's housing needs in terms of its windfall status and the bungalows and dwellinghouses both provide well-designed family units that will enhance the local landscape. It is also able to play an environmental role by incorporating high standards of building design and sustainable measures to minimise any environmental impact and potential impact on the identified heritage asset in terms of its setting.

4.9 Planning policy assessment and Review of key policies in the Local Plan (January 2019)

4.10 Policy GD1: General Development The revised scheme in this Section 73 planning submission meets fully the criterion in this policy, in that the scheme for the two redesigned and relatively small bungalows on plots 3 and 4 and dwellinghouse revisions at Plots 1 and 2 will; - have no adverse effect on the living conditions and residential amenity of existing and future residents; - be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land; - will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land; - will include landscaping to provide a high-quality setting for the buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape; - not have any adverse impact on the environment, natural resources and waste - provide adequate access and internal and not be at odds with the more general strategy to provide appropriate vehicular and pedestrian links into adjacent areas - not have any impact on any drains, culverts and other surface water bodies - have taken full consideration of the existing trees on the site (visual and residential amenity/overshadowing considerations- submitted tree report with earlier approved application)

4.11 Policy D1: High Quality Design and Place Making. The NPPF emphasises the importance of the creation of high-quality buildings and places with good design being a key aspect of sustainable development. Additionally, Policy D1 states that any proposed development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley. The proposal meets this requirement through the design and layout of the scheme, refer to earlier evaluation section of this report, considering the specific characteristics of the development site, the surrounding area and the wider context of its location and incorporating high quality design that will complement existing properties within the neighbourhood. With the highlighted design policy criteria in mind, it is considered that the proposal is in keeping with the character of the locality and of paramount importance here is virtually exactly the same in terms of scale, appearance and orientation to adjacent built form.

4.12 Local Policy Summary: It has been demonstrated that the revised design of these four plots is in accordance with national and more importantly the relevant policies in the adopted Barnsley Local Plan (2019).

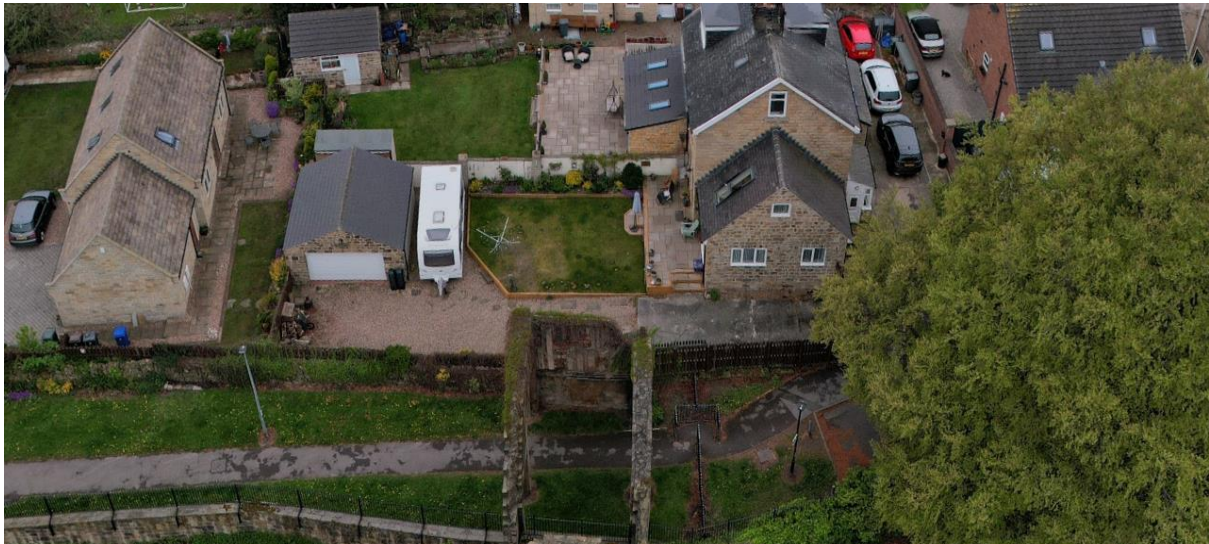
4.13 Heritage Considerations

The proposed development has been assessed in accordance with the relevant legislation, national and local planning policies.

4.14 The Planning (Listed Buildings and Conservation Areas) Act 1990 The 1990 Act incorporates several 'statutory duties' for decision makers, including the following: "S. 66: In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

4.15 In redesigning the bungalow elements of the wider scheme consideration has been given to the impact on the listed Priory and its shared boundary with the application site. Care has been taken to ensure there is no overlooking to the site from these two bungalow properties, with both bungalows retained at the approved ridge height (5.672m), in exactly the same

approved position and with the use of high level rooflights as opposed to dormer windows. Moreover, and in the absence of any Conservation Area designation for this subject site and wider areas, any requirement for these to be conservation style is not justified. It should be noted that the shared boundary adjoins the access road and parking area for the Priory, the least significant features to the listed curtilage. The proposed dwellings are to be constructed from natural stone to match the stone used in the construction of the Priory buildings. Furthermore, and by virtue of their small size, low key form, position on the roof slope, the large distance to the heritage site and its built form, the resultant visual impact and light pollution is very much low key and will not result in any strong sense of domesticity in terms of the setting of the listed priory. Given the above, the revisions in this proposed development is assessed to have a neutral impact on the significance of the identified listed building.



Above: Google extract showing the precedent 11 No. rooflights to dwellings in Abbey Lane, the Monk Bretton Priory (“Grade 1 listed”) in the foreground to the image.

4.16 With these factors in mind, and looking at the comparative elevations presented and precedent images above in the extract, it is concluded that the resultant changes to those plans earlier approved would still preserve those aspects of setting that contribute positively to the identified listed building and as such the proposed development is therefore assessed to be in accordance with the relevant statutory duties of the 1990 Act (Sections 66). Moreover, the proposed development, albeit design changes to the two bungalows in terms of setting, would not harm the ability to appreciate or experience the listed building identified

and would preserve its significance in accordance with S.66 of the 1990 Act and policies in the Local Plan.

5.0 CONCLUSIONS

5.1 The physical form of the proposed development largely mirrors that granted permission under Council planning references 2019/0637 and 2021/1415 – it uses the same footprint, general layout, materials and access arrangements – all of which the planning authority found to be acceptable. The only material differences are the proposed 3 No. rooflights to the rear elevation of each bungalow, the revised window detailing to the bungalows and the fenestration changes to both rear and front elevations as a result of the changes to the floorplans on the block of dwellinghouses. From the evidence provided, it is concluded that these presented changes to the approved plans would not detract from the visual quality of the area, have any detrimental impact on the living conditions of adjacent occupiers and perhaps more importantly have in the least a neutral impact on the significance of the identified listed building.

5.2 In determining this Section 73 application consideration also needs to be given to both the National and Local planning framework. The key planning considerations at a national level are set by the Government in their revised National Planning Policy Framework (NPPF). As a single integrated document, the NPPF represents the Government's streamlined planning policy direction for England. The Framework makes it clear that this national guidance constitutes a material consideration in determining planning applications. With this in mind and the 'golden thread' of the NPPF of sustainable forms of development, it is demonstrated that this proposed development is able to meet the three dimensions of sustainable development as set down in the NPPF namely: economic, social and environmental.

5.3 In conclusion, there are no adverse impacts of the proposed development (the earlier existing consent dealt with other planning considerations and found the scheme wholly acceptable) and certainly none that would significantly and demonstrably outweigh the benefits. Accordingly in line with the National Planning Policy Framework, the proposed development should be granted planning permission without delay.