
Ref 2024/0451

Applicant: Mr J Wade

Proposal: Erection of 3no. dormer bungalows and associated works including new hardstanding for access, to replace fire damaged detached dwelling.

Site address: Park House, 9 Broom Close, Kendray, Barnsley, S70 3EG

Summary

The proposal seeks full planning permission for the erection of 3 dwellings. The proposal is acceptable in policy terms being designated as Urban Fabric within the Local plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to conditions.

Recommendation: **GRANT Planning Permission**

Site Location and Description

The site appears to be entirely enclosed by hedgerows and trees and is occupied by an existing dilapidated residential property which was a former caretakers dwelling associated with Kendray Recreation ground, which surrounds the site to the east, south and west. Two - storey domestic properties are located to the north, which are located on the residential cul-de-sac of Broom Close.

There is no clear existing vehicular access to the site nor is there any evidence to demonstrate a historical access, either from Broom Close or Hunningley Lane to the south-east.

Planning History

2023/0497 - Demolition of detached residential dwelling (Application to determine if prior approval is required over the method of demolition and means of restoration) – Approved September 2023

Proposed Development

The applicant seek permission for the erection of 3no dwellings, consisting of a terraced row of 3 properties with 2 bedrooms, with access to the site to be taken from the turning head of the neighbouring residential road, Broom Close, which in turn is accessed from Farm Road, Kendray.

The proposed dwellings are to be orientated on a north/south axis approximately following the building line of the existing dwellings.

The row of properties is designed with forward gable 'bookends' to utilise room in the room space 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 front of the block with an additional parking space for visitors, and an enclosed garden to the rear.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Local Plan was adopted in January 2019 and is also now 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 and 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.

Site Allocation/Designation

The site is allocated as Urban Fabric and Green Space as defined in the adopted Local Plan. However, the site, 9 Broom Close and its curtilage, has been removed from Green Space allocation as outlined on the Green Space Register. Section 17.18 of the Local Plan states new green spaces will be provided over time, and it will not be possible for the Policies Map to always be up to date. A separate map called the Green Space Register will be kept up to date. The site has no further allocation but is located on the periphery of an existing residential area.

National Planning Policy Framework (NPPF) December 2024

The National Planning Policy Framework sets out the Governments 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.

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

- H1 The Number of New Homes to be Built
- H2 The Distribution of New Homes
- H4 Residential Development on Small Non-allocated Sites
- H6 Housing Mix and the Efficient Use of Land
- GD1 General Development
- T3 New Development and Sustainable Travel
- T4 New Development and Transport Safety
- D1 High Quality Design and Place Making
- POLL1 Pollution Control and Protection
- BIO1 Biodiversity and Geodiversity
- LG2 The Location of Growth
- SD1 Presumption in favour of Sustainable Development
- CC1 Climate Change
- CC4 Sustainable Drainage Systems

RE1 Low Carbon and Renewable Energy

Supplementary Planning Documents

Design of Housing Development
Parking

Other

South Yorkshire Residential Design Guide

Relevant Consultations

Biodiversity – No objections subject to conditions
Forestry Officer – No objections subject to conditions
Highway Drainage – No objections subject to conditions
Highway DC – No objections subject to conditions
Parks – No objections subject to conditions
Pollution Control – No objections subject to conditions
Public Rights of Way – No objections subject to the inclusion of an informative
South Yorkshire Police – No objections
Yorkshire Water – No objections
Ward Councillors – No objections received

Representations

The proposal was advertised by way of a site notice and neighbour notification letters; one letter of representation has been received relating to:

- Parking issues in the area
- Dangerous Trees

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 highway standards
- The impact on the ecology of the site

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 located within Urban Barnsley, which is a priority location to accommodate growth and new residential development in compliance with Local Plan Policies LG2 and H2.

The delivery of 3 homes would make a contribution, albeit a small one, towards the overall new homes target in the Local Plan (Policy H1). The site is not the subject of a specific allocation policy, but the Urban Fabric designation, which allows for development to take place on the site subject to Policy GD1 and other relevant development plan policies.

Local Plan Policy H4 'Residential Development on small non-allocated sites' is relevant which states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the plan.

Local Plan Policy H6 states that 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. The proposal is for 3 no 2-bedroom single storey properties utilising room within the roof space. These dwellings are designed in a way which would allow the internal arrangement to be adapted in the future.

Policy H6 also requires a density of 40 dwellings per hectare in Urban Barnsley and Principal Towns; this site is approximately 0.0654 hectares in area and therefore would require a density of 2.5 dwellings, this demonstrates that the site is of a suitable size for the level of development proposed.

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 and existing residents. In addition, development will only be granted where it would maintain visual amenity and not create traffic issues or reduce highway safety. As assessment of the proposals against those criteria is set out within the sections below.

It is considered that this carries considerable weight in favour of the application.

Residential Amenity

The site is located at the head of a cul-de-sac, surrounded by recreational playing fields. 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 11 Broom Close. The site layout ensures that the relevant separation distances, as set out in SPD Design of Housing Development, between facing habitable room windows, rear boundaries and existing dwellings, are met.

The properties are well proportioned, with the overall floor area of the properties exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide, with the rooms within the proposed dwellings meeting the requirements of the SYRDG; in addition, the private amenity space provided meets the requirements for the size of dwellings proposed.

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.

Visual Amenity

The proposed scheme initially had the appearance of one large, detached dormer bungalow rather than a row of 3 terraced dwellings. This was due to the two end properties having their main doors located on the respective side elevations. This design was considered unacceptable, and amendments were sought. In addition to the design, it was requested that the main doorways were re-located to the front elevation. The applicant demonstrated that

by relocating the doorways to the front elevation would result in a reduction in the internal space of the proposed living rooms. Nevertheless, the design was altered to remove the dormer windows and include two 'bookend' forward projections as a feature, with a similar feature on the rear elevation of the middle property. These alterations were considered acceptable.

Whilst the plans indicate the proposed materials are to match the surrounding area, which is generally red brick, it is considered prudent to include a condition requiring final details to be approved.

The area to the front of the properties is to provide a parking and manoeuvring area for the proposed development. The plans indicate that the area allocated for manoeuvring is to be constructed from permeable matting to allow grass growth and to avoid the unnecessary dominance of hard landscaping to the front of the properties. No details have been provided in relation to the surfacing of the parking spaces and therefore a condition requiring these details will be included.

Existing hedgerows and trees are to be retained which provided some screening of the development from the wider area and whilst limited in site planting is proposed, due to the inclusion of the parking and manoeuvring area, the retained planting provides some screening and softens what could be a car dominated area.

A bin storage pad has been provided within the parking and manoeuvring area and access beyond the rear elevation of plot 1 has been provided for plot 2 to allow bin storage to the rear on non-collection days avoiding their prominence within the street scene.

As such it is considered that the proposal complies with Local Plan Policy D1 High Quality Design and Place Making, which carries significant weight in favour of the development.

Highways Considerations

The proposed development is to be located at the head of a turning head on a residential cul-de-sac, Broom Close. The site appears to be entirely enclosed by hedgerows and is occupied by an existing dilapidated residential property. There is no clear existing vehicular access to the site nor is there any evidence to demonstrate a historical access, either from Broom Close or Hunningley Lane to the south east.

The development consists of 3no 2-bedroom properties and the adopted Supplementary Planning Document – Parking states that 2-bedroomed properties require the provision of 1no space per dwelling, this along with 1no additional visitor space 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 Broom Close, subject to conditions

The comments received in relation to the parking issues are noted, however it is considered that given there are no on-street parking restrictions, the loss of a small section of the turning head to allow for access to the site, carries little weight against the application. In addition, this is an existing residential property and Broom Close is not a classified road; therefore, an access could be installed without the need for planning permission.

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.

Biodiversity and Trees

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.

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Policy BIO1 follows on to state that development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

The Ecologist has reviewed the application in terms of the impact upon habitats. The application has been supported by a Preliminary Ecological Appraisal (PEA) and BNG Metric and report.

The BNG metric indicates that a gain in 0.16 habitat units and 0.39 hedgerow units which equates as 70.41% and 48.45% respectively, can be achieved as part of the proposals, meeting with mandatory 10% net gain in biodiversity requirement. However, it is noted that the information submitted does not adhere to the trading rules and therefore it cannot be claimed that the scheme meets the 10% increase in BNG. This is not a reason for refusal, as there is no requirement for post development calculations to be provided at the application stage and would be dealt with through the discharge of the Biodiversity Net Gain condition and does not have to be rectified for the purposes of this application.

The development is therefore acceptable subject to the mandatory Biodiversity Gain Plan condition and securement of the habitats for 30 years via the Habitat Management and Monitoring Plan condition.

Precautionary works have also been recommended in relation to badgers, herptile species, hedgehogs, bats, and nesting birds, which is welcomed. There is also a recommendation for the installation of an integral bat box and the installation of a bird box on the proposed structure; these recommendations can be secured by a planning condition.

It is proposed to remove trees T1, T2, T3 and T8 to facilitate the development and to remove trees T6 and T7 regardless of any development on site due to their condition. The forestry officer has been consulted on the application and raises no objections to the development. However, it is noted that tree T4 is not shown as being protected by barriers, which given the level of overhang and the amount of rooting area within the site is remiss. It is therefore considered that notwithstanding the submitted details an amended Arboricultural Method Statement is submitted which outlines the protection of tree T4 and a condition will be included to that effect.

Comments have been received in relation to a cluster of large trees between No 9 and No 11 which pose a danger to the area. It is unclear which specific trees this relates to, however as mentioned previously there are trees to be removed to facilitate development and should these not be the trees in question, it is the responsibility of the site owner to ensure the safety of trees on site. This carries little weight against the development.

In light of the above, it is considered that the development is acceptable and in compliance with Local Plan Policy BIO1 and the provision of BNG will carry significant weight in favour of the proposal.

PROW

A public footpath (Barnsley 402) runs adjacent to the site. This should remain safely open and available for the public to use at all times, and it is considered that an informative is included within the decision notice notifying the developer that the public right of way should remain available where possible and free of obstruction. This carries little weight in favour of the application.

Planning Balance and 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 material 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 the following conditions:-