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**2023/0731**

Applicant - Mr Lee Forster

Proposal – Demolition of existing bungalow (retrospective) and erection of 3no bungalows with associated works including new access from Pontefract Road

Address – 402 Pontefract Road, Lundwood, Barnsley, S71 5JZ

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## Description

The site previously accommodated a bungalow with associated garden and garage; however, it has recently been cleared including the demolition of the bungalow, demolition of the detached garage and the removal of trees and hedges. As such, the site is relatively clear with the exception of some waste relating to the demolition and vegetation clearance. Vehicular site access remains and is located to the Northern corner off Tumbling Lane.

Immediately adjacent to the site is Pontefract Road to the East, Tumbling Lane to the North and a bungalow, listed as a children's resource centre, to the West. To the North East of the site is a watercourse and public footpath bounded by mature trees and vegetation. Beyond the footpath is a residential estate. To the North East of the site is a wooded area, fire station and West Green roundabout beyond.

Redline Boundary



## Proposed Development

The applicant seeks retrospective permission to demolish the residential bungalow and full permission to erect 3no. 3 bedroom bungalows. The existing access from Tumbling Lane to the Northern corner of the site would be retained and the 3no. bungalows would be accessed off a private drive. Each bungalow would have a small buffer garden to the front, private gardens to at least 2 sides, a driveway and detached garage. The layout and house types are shown below;



**Plot 1**



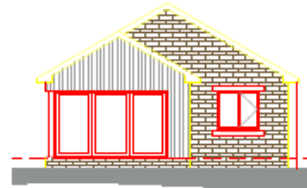
**FRONT ELEVATION**



**SIDE ELEVATION**



**REAR ELEVATION**



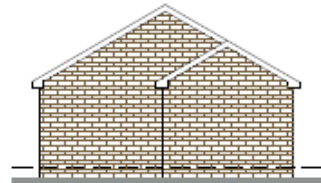
**SIDE ELEVATION**



**Plot 2**



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



PLAN

**Plot 3**



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



PLAN

## **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 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.

The site is allocated as Urban Fabric and is within the Dearne Valley Green Heart nature improvement area.

The following policies are of relevance:-

GD1 General Development  
H1 The Number of New Homes to be Built  
H4 Residential Development on Small Non-allocated Sites  
H6 Housing Density and Efficient Use of Land  
LG2 The Location of Growth  
T3 New Development and Sustainable Travel  
T4 New development and Transport Safety  
I1 Infrastructure and Planning Obligations  
SD1 Presumption in Favour of Sustainable Development  
CC1 Climate Change  
CC3 Flood Risk  
CC4 Sustainable Drainage Systems (SuDS)  
D1 High Quality Design and Place Making  
Poll1 Pollution Control and Protection  
BIO1 Biodiversity and Geodiversity

### SPDs

The proposals have been considered in relation to the following SPD's:-

- Design of housing development
- Parking
- Trees and Hedgerows

### Other Guidance

South Yorkshire Residential Design Guidance

### NPPF

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.

## **Consultations**

Biodiversity – no objections following receipt of additional information and an off-site contribution payment.

Drainage – No objections subject to conditions

Highways – no objections following receipt of amended plans and subject to conditions.

Reg Services – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

## **Representations**

The site was advertised by a site notice and neighbour notification letters sent to surrounding properties (18no. dwellings in total). No objections have been received.

## **Assessment**

### Principle of development

The site is located within Urban Barnsley and between the centres of Lundwood and Cudworth. The significance of the site being located in Urban Barnsley is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. It would also be a relatively small but valuable windfall site and would contribute to the Councils overall housing targets.

The site previously accommodated a residential property and its associated garden, as such, policy H9 'Protection of Existing Larger Dwellings' is relevant. This policy states 'development within the curtilage of existing larger dwellings will be resisted where it will have an adverse impact on the setting of the original dwelling and the remaining garden size'. Furthermore, the Government has changed the designation of garden areas from 'brownfield land' to 'greenfield land', in an attempt to resist development of additional houses within the curtilage of larger homes, known as 'garden grabbing', as this has also had an adverse impact on larger housing stock. Often additional dwellings have been built within their curtilage, resulting in an adverse impact on the original dwelling.

However, in this case the original dwelling on the site was in a poor state of repair and has since been demolished. As such, the proposed development would not have a negative impact on the existing dwelling and in fact would create an additional 2 family homes over and above what the site previously accommodated, to feed into the housing stock. Therefore, the proposal is not contrary to policy H9 and the positives of the proposal would outweigh the negatives of the loss of the original dwelling.

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. Development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

### Visual amenity

The site is located on a corner plot with Pontefract Road to the South East and Tumbling Lane to the North East. However, views of the site are relatively fleeting from public vantage points as there are wooded areas opposite Tumbling Lane to the

East, directly to the North along a public foot path and opposite Pontefract Road to the South. There is also mature planting to the front of the property to the South.

It is noted that the mature planting that previously surrounded the site has since been removed, however, additional landscaping, especially along the most prominent boundaries is proposed to soften the development.

The development itself comprises of 3no. relatively modest bungalows. This fits with the building previously on the site as well as the neighbouring properties immediately to the South. It is noted that plots 1 and 2 would be located closer to the neighbouring highways than the original dwelling or the neighbouring dwelling, however, there is still a sufficient stand off to create a landscaping strip to aid soften the development. In addition, as the houses are modest bungalows with modest eaves and ridge heights they would not be unduly prominent within the streetscene, as such visual amenity would be maintained.

Pontefract Road and the surrounding area has a varied stock of housing in terms of size, design, age etc. so the proposed dwellings would sit comfortably within their surroundings, especially as the site is relatively isolated from the immediate buildings and would not be necessarily compared and contrasted with the neighbouring properties.

The proposed dwellings would not have a frontage on to Pontefract Road which the majority of neighbouring properties do, however, the previous dwelling on the site was isolated from Pontefract Road too and the proposed development would utilise the same access. There would, however, be some interaction between plot 1 and tumbling Lane.

Each dwelling would have access to an unattached garage which would be subordinate to the host property and set back from the principle elevation so as not to be dominant within the newly created streetscene.

Each dwelling is detached and would have pedestrian access to the rear, allowing bin storage away from public vantage points and the proposed private drive.

In terms of boundary treatments, along Pontefract Road a stone dwarf wall with stone pillars and infill panels is proposed. It is noted this would differ from the current boundary treatment and the treatment of the immediate neighbour, however, there are a number of boundary treatments evident along Pontefract Road. Planting is also proposed to the rear of the boundary treatment that would be visible above it.

Overall the proposal would have a limited impact on visual amenity and would comply with Local Plan Policy D1 and the SPD Designing New Housing Developments.

### Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens.

There are no residential properties immediately to the East or South of the site and there is a tree belt and public footpath separating the proposed development from the properties on Eshlands Brook. There is a single story property to the South West of the site which is run as a business. However, the proposed dwellings would be predominantly adjacent to the side elevation and front garden of that property and, given the scale and orientation of the proposed dwellings, overshadowing would be limited.

Furthermore, as both the neighbouring property and the proposed dwellings have only ground floor accommodation, any overlooking would be limited due to the proposed boundary treatment and landscaping between the sites.

In terms of the internal layout of the site, the proposed dwellings are relatively close, however, the windows have been arranged to avoid direct overlooking and the SPD allows for closer relationships between bungalows given their scale and ability to limit overlooking through the use of landscaping and boundary treatments. It is acknowledged that some of the main habitable room windows fall short of a 10m separation distance to the rear boundaries but the rooms would gain adequate natural light and outlook.

Each of the properties has a small buffer garden to the front and gardens to at least 2 sides which equate to in excess of 60m<sup>2</sup>, which meets the SPD garden size requirement for 3 bedroom plus homes.

The internal spacing of the properties also meets or exceeds the requirements of the South Yorkshire Residential Design Guide, resulting in adequate residential amenity for the future occupants.

It should also be noted, it is proposed to remove PD rights for each plot given the limited separation distances and modest garden depths. This will help assess residential amenity levels in the future if extensions or alterations are required.

As such, overall the proposal is considered acceptable when measured against the guidelines set within the SPD Design of Housing Development in terms of residential amenity and the proposal complies with Local Plan Policy GD1 of the Local Plan.

#### Highway Safety

The development would utilise the existing access off Tumbling Lane and create a private drive and associated turning facilities for the 3 properties. Each property would also have access to a single garage and 2no. parking spaces in total, in accordance with SPD 'Parking'.

Highways have not raised objections to the current proposed layout, subject to conditions. One of those conditions requires some works adjacent to Tumbling Lane including providing a pedestrian link between the public footpath which sits to the North of the Site and Pontefract Road to the South East. A link between the two does not currently exist and, despite Tumbling Lane being a dead end, pedestrians and vehicles have to utilise the same space. Given this application would result in an increase in vehicular movements there could be a conflict between those vehicles and passing pedestrians, hence the need for a link. The link would be secured by a S278 agreement.

The construction of a footway between the site and the pedestrian access would be of significant benefit to both the residents of the three proposed dwellings and to the wider community to allow safe access to Pontefract Road from existing routes. In both instances, the provision would prevent pedestrians from having to enter the carriageway and would provide safer crossing facilities over the site access linking to the new footway to the site frontage that is already shown to be provided in drawing no. 23-051-08-B.

Consequently, there are no objections to the proposed development in a highway context, subject conditions. The proposal is considered acceptable in terms of Highway Safety in accordance with the SPD and Local Plan Policy T4.

#### Drainage/Flood Risk

The Councils Drainage team and Yorkshire Water have raised no objections to the proposal subject to suitably worded conditions.

### Biodiversity/trees

The site is located within the Dearne Vally Green Heart Nature Improvement area, an area of strategic significance, and sits between existing wooded areas, as such, biodiversity enhancements are required to be over and above the minimum mitigation/compensation requirements.

Unfortunately the site had been cleared prior to the application being submitted. A Tree Survey and a Ecological survey were submitted with the application. However, at the time of submission the validation requirement for a BNG assessment was a site greater than 0.5Ha or less than 0.5 Ha where habitats of principle importance are. As the site had been cleared it was not possible to establish whether the habitat on the site was of principle importance, as such, a BNG assessment was requested.

Due to the heavy clearance of the site and the limited replacement planting shown on the submitted plans, the loss could not be mitigated within the development and the BNG assessment demonstrated a net loss. At the time of submission the 10% BNG net gain requirement had not been introduced but a 'no net loss' requirement was in place.

The total loss of habitat units is -42.11% (-1.07 habitat units) and 100% hedgerow loss (-0.36 hedgerow units), a total loss of 1.43 units. Given on-site mitigation has not been provided, and off-site mitigation has not been proposed, the applicant will have to pay for 'habitat credits' through either a third party provider, agreed with the LPA, or the LPA itself. In terms of LPA payments this equates to £25k per credit resulting in a total of £35,750 which would be secured through a S106 agreement.

Given the above, the Biodiversity Officer has raised no objections to the proposal subject to the habitat credit payment and suitably worded conditions. The proposal is therefore acceptable when measured against policy BIO1 and the Biodiversity/ Geological Conservation SPD.

### **Conclusion**

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

### **Recommendation**

Grant subject to conditions