

2024/0930

Mr Sampson & Ledger

Land adjacent 1 Lord Street, Hoyle Mill, Barnsley, S71 1HZ

Erection of a pair of semi-detached two storey dwellings

Site Description

The application site is a rectangular piece of land which is currently vacant on Lord Street in Hoyle Mill. The site was previously overgrown but has recently been cleared and fenced off with temporary mesh panels. The site is located to the west of Lord Street which in turn is located to the north of Pontefract Road. Dearne Valley Park can be accessed via the head of Lord Street. The land slopes down from south to north and is enclosed by a brick wall to the south, stone wall to the west and a palisade fence to the north. The front of the site (east) is open to the back edge of the footpath serving Lord Street. The site is bounded by a detached residential property to the south, a car park serving an office building to the west and an industrial/commercial building to the north. Opposite Lord Street, to the East of the site, is a row of terraced dwellings.

Planning History

2016/0192 - Erection of 1 no. detached dwelling (Approved with Conditions)

2019/1544 - Erection of detached dwelling and associated works (Approved with Conditions)

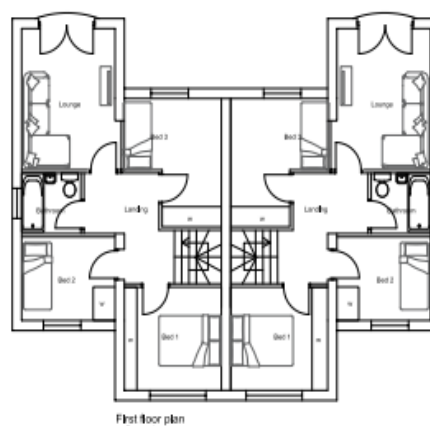
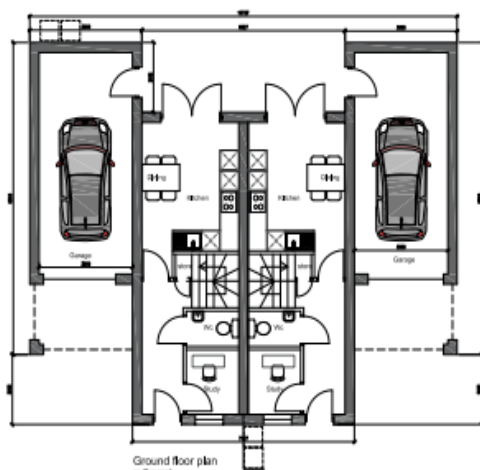
2023/0091 - Erection of a detached two storey dwelling, detached garage and associated works including a parking area to the side/rear and amenity space to rear (Approved with Conditions)

Proposed Development

The applicant is seeking approval for the erection of two, two-storey semi-detached dwellings. The dwellings have a length of 11.38 metres and a width of 6.7 metres each. They feature pitched roofs with a ridge height of 8.1 metres and eaves heights of 5.2 metres. The dwellings accommodate a kitchen/diner, study, WC and integral garage on the ground floor and three bedrooms, lounge and a bathroom on the first floor. To the front of the property is a small buffer garden with pedestrian access to the front door. A driveway providing parking and access to the integral garages are to the front of each dwelling. Two gardens are proposed to the rear.



3 bed 4 people
84 m2 floor area
Min 84m2



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 on 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 Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy 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.

Policy 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.

Policy 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.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Policy 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.

Policy 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.

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

Supplementary Planning Documents

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

- Biodiversity
- Design of Housing Development
- Parking

Other Guidance

South Yorkshire Residential Design Guidance

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- Section 12: Achieving well-designed and beautiful places

Consultations

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

Central Ward Councillors were consulted and raised no objections.

The LPA's Forestry Officer was consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

The Mining Remediation Authority were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

The South Yorkshire Mining Advisory Service were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties, two objections were received and in summary raised the following material planning considerations.

- The road is heavily trafficked. More dwellings would make access to our business impossible.
- Parked cars have blocked access to Yarwoods Ltd and SteelTek Ltd and we struggle with lorries gaining access and the use of a trailer on a van becomes very difficult to get in and out of the street. We are a business and there is signage stating no parking 24hr access.
- The street is overcrowded and parking terrible, we have a lot of cars parked outside the proposed land and we have had cars parked across our gates preventing access in and out.
- The flats next to the proposed properties have three separate tenants and all have cars, and have visitors who also park, there is only one house, so they park over the land outside.
- The street is a dead-end and people park cars at the bottom to walk their dogs in the park.
- Complaints have been made to the council regarding the parking and the occupants of Pontefract Road also parking their cars on Lord Street and within 5ft of the junction. its hazardous parking making it very dangerous to get in out of the junction.
- The land has a mound of dirt at the rear with smashed up asbestos sheeting. The prior owner was aware and said it would be removed safely but it hasn't. Concerns for health implications.

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
- The impact on biodiversity

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 an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings and in this case the street scene is largely residential, as such the use of this site for residential use would be in keeping with the locality.

There have been three previous approvals (2016/0192, 2019/1544 & 2023/0091) on the site for detached, two storey dwellings. The oldest two of these applications have since expired, with 2023/0091 still in date. The applications 2019/1544 and 2023/0091 were approved under the currently adopted policies within the Local Plan and the guidelines set out in the relevant SPD's, as such, the previous approvals do carry some considerable weight.

Furthermore, all new dwellings proposed 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, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Residential Amenity

The proposal involves the erection of two semi-detached dwellings. Other residential properties are adjacent and most notably to the northeast over the road (2 to 24 even Lord street) and to the southeast (1 Lord Street) and south (126 to 132 even Pontefract Road), therefore the impact upon the residential amenity of these properties is an important consideration. The site was previously spare land and the use of the site for residential purposes is in keeping with the majority of adjacent uses. This weighs significantly in favour of the proposal.

It is acknowledged that the site is bounded to the northwest and west by commercial/industrial properties which could generate a certain level of noise and disturbance impacting on the residential amenity of the future occupants. However, the businesses are relatively modest and generally operate during sociable hours. In addition, a number of properties already exist on Lord Street which have a similar relationship with the businesses, which demonstrates there is minimal conflict. The principle of a dwelling on this site has also already been established and the LPA's Pollution Control team raised no objections. This weighs significantly in favour of the proposal.

In terms of external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12 metres should be maintained between habitable room windows and a blank side elevation. No habitable room windows will face the immediately adjacent dwelling as the habitable room windows are located on the front and rear elevations. There are residential properties opposite the site on Lord Street and the habitable room windows proposed on the front elevation would face their front habitable room windows.

However, the separation distance would be approximately 12 metres, which is considered acceptable across a highway where the proposed dwellings would reflect the development pattern of the area, in accordance with SPD. The proposed rear elevation windows would fall short of 10m from the rear boundary, however, beyond the rear boundary is a car park which serves an office building. In addition, the rear boundary is made of a relatively substantial stone wall. This weighs significantly in favour of the proposal. The proposed dwellings would be directly adjacent to an existing detached dwelling (1 Lord Street) and the proposed rear elevation would project beyond this rear elevation. However, the projection is comparable to the previous approvals. In addition, the majority of the proposed dwelling would be adjacent to the neighbouring blank side elevation, as such; it would not significantly increase overshadowing or result in an overbearing feature.

The proposed dwelling has been largely designed with adequate room sizes which is in compliance with the standards set within the SPD and the SYRDG however there are some minor discrepancies from the recommendations. The first-floor lounge size falls short however there is an additional ground floor study room which provides separate living space from the bedrooms. Furthermore, the double bedroom is approximately 2sqm short of the recommendation however this will not be significantly detrimental especially given the two single bedrooms are above the recommended size. The smaller room sizes have limited weight against the proposal.

With regards to external amenity space the proposal falls short of the recommended amount. In this case the size of the rear gardens is reflective of the development pattern of the area as the adjacent dwellings to the northeast on Lord Street also feature small rear gardens which are smaller than the proposed. Also, it is noted the development forms an infill plot which is bound by constraints. Additionally due to the sites location it is within close proximity of allocated and accessible green space (Dearne Valley Park). This weighs modestly in favour of the proposal due to the availability of offsite amenity space. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development.

Visual Amenity

The site was previously overgrown and is currently cleared and fenced off, therefore, it adds little to the visual amenity of the street scene. It is acknowledged that the majority of the properties on Lord Street are terraced, whereas the proposal is for two semi-detached dwellings, however, the terraced properties are located on the eastern side of the highway. The western side of the highway has a detached two-storey dwelling, which shares a boundary with the site, and a detached commercial building to the north. As such, the proposed dwellings would not be contrary to the development pattern of the area or appear as an overly anomalous feature in the street scene. This weighs significantly in favour of the proposal.

The design of the dwellings is relatively simple and would be of a scale which harmonises with that of the adjacent buildings. Unlike the neighbouring dwellings, the proposed dwellings are slightly set back from the back edge of the footpath which provides a small area for planting. This is beneficial to the visual amenity of the street scene and aids to soften the front elevation of the dwellings. The proposed design and materials are deemed sympathetic to the street scene, and it would not have a negative impact. Sufficient landscaping and boundary treatments are indicated on the submitted site and the proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Impact Upon Biodiversity

The loss of habitat on site is minimal due to removal of a small area of vacant/derelict land, a low distinctiveness habitat. However, only a small area of vegetated garden is to be created on site alongside built structures, as such there is a net loss of habitats on site totalling 82.99%. The applicant will therefore be required to address the biodiversity losses through offsite mitigation, purchase of units from a habitat bank, or the purchase of statutory credits when the Biodiversity Gain Condition is discharged. This weighs modestly in favour of the proposal.

Highway Safety

There will be no impact upon highway safety. The proposed layout meets the requirements in terms of parking allocation per dwelling, taking into account driveway length and the internal dimensions of the garages. As such there are no objections from a highways point of view as the provided parking is satisfactory. This weighs modestly in favour of the proposal.

Conclusion

Having balanced all material planning considerations, whilst objections have been received in respect to the proposal, they are largely regarding highways issues and Highways DC have raised no objections to the proposal. The proposed dwellings are on land with a previously approved permission and will not be significantly harmful to residential and visual amenity. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions