
2023/0168

Applicant: Mr John Scholey

Variation of condition 3 (approved plans) of planning permission B/00/0409/WO (Erection of three detached dwellings with garages) to amend the house type and layout of plot 2 to a detached two storey dwellinghouse with an associated underbuild and an integral double garage at basement level

71 Pilley Green, Tankersley, Barnsley, S75 3AB

Site Description and background

The application site refers to a piece of land located on Pilley Green in Tankersley. Permission was granted in 2000 for the erection of three detached dwellings, only one of which (plot 1) commenced and has been completed. Plots 2 and 3, located to the South of Plot 1 are at lower level, given the North to South slope of Pilley Green. The site is located in the settlement of Pilley, which is a primarily residential area comprised of a mixture of different dwelling types, structures and external materials. St Paul's Church is immediately adjacent to the site. To the rear of the site is an undeveloped area of green belt land.

Relevant Site History

B/00/0409/WO – Erection of three detached dwellings with garage (Approved with conditions)

B/00/0411/WO/TF – Fell trees T1 and T2 within TPO 4/1992 (Approved with conditions)

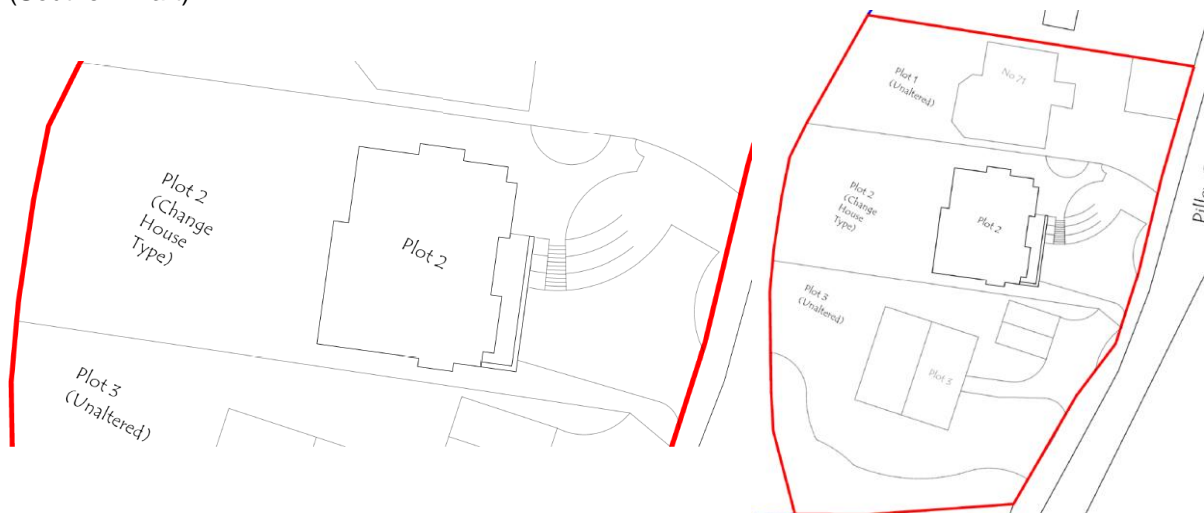
B/00/1112/WO – Substitution of house types (Approved with conditions)

2021/1098 – Erection of stable block and associated change of use of agricultural land to equestrian use (Withdrawn)

Proposed Development

The applicant is seeking approval for the variation of condition 2 of application ref. B/00/0409/WO with the changes referring solely to plot 2, the middle plot between plots 1 (completed) and plot 3 (yet to commence). The alterations are in relation to the design and external appearance of the dwelling, but also includes the removal of the detached garage to the front garden area and replacement with an undercroft parking/garage area to the dwelling.

The application has been amended to reduce the height and width of the dwelling by 0.5m, respectively. The resultant size of the dwelling is 13.2m in width with the height differing given the slight level of the property. The height from the base of the undercroft garage to the roof is 10.85m with the height from the higher part of the ground level being 8.4m from the base to the roof ridge. The front curtilage area includes a parking area, a turning head and external steps connecting the higher level (Northern part) of the site to the lower level (Southern Part).





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 National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. The following policies are relevant:-

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.

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.

LG2: The Location of Growth - Priority will be given to development in the following locations:

Urban Barnsley;
Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy

H1: The Number of New Homes to be Built – The Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.

H2: The Distribution of new Homes – The location of housing development accords with the settlement hierarchy and Policy LG2 regarding location of growth.

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.

H9: Protection of Existing Larger Dwellings – 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 size of the remaining garden area.

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.

Poll1: Pollution Control – 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. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

RE1: Low Carbon and Renewable Energy - All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

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.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Biodiversity Officer – The application has been supported by an ecology survey, which covers the area where plot 2 is situated. The survey was undertaken in October 2021 hence is in time and can be considered up-to-date at the time of submission. Ecology agree with the findings of the survey which states that there are no adverse impacts upon designated nature conservation sites are anticipated as a result of the proposals, habitats on site are of limited conservation value and the use of the site by protected species is unlikely. There are recommendations within the survey which need to be adhered to and a condition is recommended which ensures this. Additionally, a condition relating to the submission of a biodiversity mitigation and enhancement scheme is required. This will be covered through a condition which requires the developer to submit and agree such as scheme with the LPA prior to development taking place on site.

The Coal Authority – Initially responded stating that no objection is raised to the development and the findings of the CMRA are agreed with. A condition was requested which required intrusive investigations on the site, and an associated report submitting to and agreed with the LPA prior to development taking place. The applicant submitted this information as part of the application which The Coal Authority assessed and raised no objection.

Forestry Officer – The applicant has submitted information in relation to the trees on site and how they will be protected from the impacts of the development. The information includes a tree protection site plan, tree constraints plan and a Phase 2 Pre-development arboricultural report. No objection was raised subject to compliance with the proposed details.

Highway Drainage – No objection subject to the previous conditions on the 2000 application being replicated onto the variation of conditions.

Highways DC – No objections raised from a highways perspective.

South Yorkshire Mining Advisory Service (SYMAS) – Initially responded stating that no objection is raised to the development and the findings of the CMRA are agreed with. A condition was requested which required intrusive investigations on the site, and an associated report submitting to and agreed with the LPA prior to development taking place. The applicant submitted this information as part of the application which SYMAS have assessed and raised no objection.

Tankersley Parish Council – No comments received.

Ward Councillors – No comments received.

Representations

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

Assessment

Principle of development

The residential development of the site has already been established through the previous permission (B/00/0409/WO) with the S73 application seeking to amend the size, design and external appearance of the dwelling however the principle of development is considered to be acceptable subject to other local and national planning policies being complied with.

Residential Amenity

The plot is located centrally in the site, in a similar position to the previous position of the extant approval. There are no residential properties located to the front (East) or rear (West) of the site, and the main residential amenity impact will be on the immediate two plots which were approved under the original application also. This is the completed plot 1 to the North, and plot 3 to the South. The proposed plot is located directly to the South of plot 1 with buildings generally having a greater overshadowing impact on neighbouring properties when they are located directly to the South of neighbours. Plot 1 features 2 x side-facing ground level windows, with the original plans showing that these windows are secondary windows serving plot 1's lounge area. The neighbouring plot's lounge also contains 2 additional windows on the rear

and front elevation of this room and it is considered that the lounge area still has appropriate outlook and natural light despite the presence of plot 2 directly to the South.

The position of the dwelling is not considered to have a detrimental overshadowing or overlooking impact on the rear or front garden areas of plot 1, given its positioning and the lack of first floor side-facing habitable room windows on the dwelling. There are 2 x side-facing windows on the dwelling, but these are both serving bathrooms/en-suites and a condition will be attached to ensure that these are obscure glazed to protect the privacy of neighbouring properties and future residents.

The proposal also includes 2 x lounge windows at ground floor level, but these are secondary windows and will face onto the blank gable side wall of plot 2. Sufficient outlook will be gained into the lounge from a three-paneled front-facing window, with the 2 windows allowing for additional outlook and light into the lounge.

The plot is fairly large, and greatly exceeds the minimum expected internal and private external amenity spacing standards within the Council's SPD for Design of Housing Development and the South Yorkshire Residential Design Guide (SYRDG) and will provide sufficient living accommodation for future residents.

The proposed development is considered to be in compliance with the Council's SPD and the SYRDG and is considered to be acceptable in terms of residential amenity.

Visual Amenity

The proposed dwelling is the middle plot (plot 2) of three approved dwellings. Plot 1 is the only dwelling out of the development which has been constructed and the agent has submitted a street scene drawing showing that the proposed redesign of the dwelling would maintain the stepped relationship of this side of Pilley Green which has been formed by the North to South slope in ground levels in the area.

The dwelling is fairly large in size, scale and massing, with a total width of 13.5m and undercroft parking area which creates a 2.5 storey dwelling on one side of the proposed dwelling. The footprint size of the dwelling is also larger than a typical new build detached dwelling, however it is considered to be proportionate to the plot size which is above average for a typical single domestic plot. The footprint size constitutes c. 25% of the entire plot. Undercroft parking is not a common feature in the street scene, however there is an example of such further South on Pilley Green at no. 45 Pilley Green and is considered to be an acceptable feature.

The design of the dwelling is considered to be in keeping with the other two plots on site, and despite the much larger height compared to the extant approval, it retains the stepped relationship of the entire development and Pilley Green in general. The external materials are to match those used in the completed plot 1 and are suitable, subject to details being confirmed at a later stage and agreed with the LPA. Landscaping details will also be required under a planning condition.

The agent has also produced an illustrative street scene drawing which shows that the frontage of the proposed dwelling would be substantially screened from the street through a variety of retained trees, a hedgerow and the aforementioned landscaping. Additionally, plot 1 has a large garage located in the front curtilage area which will screen views into the front of plot 2 from the North and plot 3 also features a garage in the front curtilage area which will also result in screening from the South when constructed.

The proposed development is in compliance with Local Plan Policy D1 and the Council's SPD for Design of Housing Development and is acceptable in terms of visual amenity.

Highways Safety

The access into plot 2 is as approved under the original application and provides space within the site for the parking of 2 vehicles, and an associated turning head. Highways DC have been consulted on the proposed development and have not objected subject to conditions. The proposed development is considered to be in compliance with Local Plan Policy T4 and the Council's SPD for parking and is acceptable in terms of highways safety/parking provision.

Coal Mining Risk

The site is in a high-risk development area for coal mining risk and land instability. The applicant has submitted a Coal Mining Risk Assessment which has been assessed by colleagues in SYMAS and The Coal Authority who both did not object and agreed with the findings of the report. However, this required intrusive

investigations to be carried out and an associated report to be submitted. The applicant submitted this report as part of the application which was duly assessed by The Coal Authority and SYMAS who raised no objection.

The proposed development is therefore considered to be acceptable in terms of coal mining risk.

Ecological Impact

The application has been supported by a preliminary ecological appraisal which has been submitted by the applicant and assessed by colleagues in Ecology. No objection was raised by the Council's ecologists subject to conditions. The conditions require the developer to submit and agree a biodiversity and habitat improvement scheme. The agent has agreed to this planning condition and the proposed development is considered acceptable in terms of its ecological impact.

Impact on Trees

The alterations to plot 2 do not significantly change the layout of the development and the agent has confirmed on the site plan that the site will be cleared in adherence to the extant permission. However, a condition requiring a landscaping to be submitted and agreed with the LPA will be attached to any decision notice. This will ensure that any tree loss will be mitigated through replacement planting.

The agent has submitted an arboricultural report and method statement and raised no objection subject to the associated report being adhered to.

Drainage

Colleagues in Drainage have been consulted on the proposal and have not raised any objection to the proposal. Standard relevant conditions in regard to drainage shall be attached to any forthcoming decision notice.

Conclusion

The applicant has submitted a Section 73 (Variation of Conditions) application to vary the plans of application ref B/00/0409/WO. Application ref. B/00/0409/WO referred to the erection of 3 dwellings on the piece of land on Pilley Green, in the village of Pilley, with plot 1 having commenced some time ago and is now complete. The section 73 application refers to alterations to the middle plot – plot 2, to change the size, shape and layout of the dwelling as well as the general topographical details and landscaping within the plot.

The scale and massing of the dwelling is fairly large for a new build dwelling which forms part of an established street scene. The width of the dwelling is 13.5m which is across almost the entirety of the width of the plot, and the redesign features an undercroft parking area, which results in half of the dwelling effectively being 2.5 stories. Notwithstanding, a street scene drawing has been provided which shows that the stepped relationship on site is retained and that visibility into the plot is substantially screened by existing/retained trees and hedgerows, neighbouring structures and boundary treatment. The design characteristics are considered to be in keeping with the existing plot 1 alongside the neighbouring area and the design of the dwelling is considered to be in compliance with Local Plan Policy D1 and is acceptable in terms of design.

Numerous internal and external bodies have been consulted on the proposed development, with several consultees requesting further information and planning conditions which have been supplied as part of the application by the agent, with the planning conditions agreed.

The proposed development is considered to be acceptable subject to conditions and is recommended for approval subject to conditions.

Recommendation

Approve subject to conditions

Conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the following amended plans and associated documents:
-Amended plans and specifications received on 6th June 2000 (application ref. B/00/0409/WO)

- Dwg. no. 2020.00800.000-PL001 Rev. B
- Dwg. no. 2020.00800.000-PL002 Rev. B
- Dwg. no. 2020.00800.000-PL003 Rev. B
- Dwg. no. 2020.00800.000-PL004 Rev. B
- Phase 2 Pre-development arboricultural report (Dated 22nd July 2023)
- Ecology Survey (Ref. 211043 Dated 15th October 2021)
- Coal Mining Risk Assessment

and specifications as approved unless required by any other conditions in this permission.

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

- 2 Upon commencement of development details of the proposed external materials to plots 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
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.
- 3 The facing stone to the proposed dwellings shall be squared natural stone with a sawn, split, pitched or tooled face and laid in regular courses.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 4 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making
- 5 No branches or trees on the site (except those shown to be removed on the approved plan - Ref. 2020.00800.000-PL004), or their branches or roots, shall be lopped, topped, felled, or severed without the prior consent of the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality, in accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 6 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 7 All in curtilage planting, seeding or turfing comprised in the approved details of landscaping (plan refs) shall be carried out on each plot no later than the first planting and seeding season following the occupation of the individual dwellinghouse/s; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.
- 8 Plots 2 and 3 shall not be occupied until the means of vehicular access to them has been constructed, the frontage stone walls set back and the visibility splays of 2metres by 50metres provided, in accordance with the approved plans, and thereafter, such means of vehicular access and visibility shall be retained.
Reason: In the interests of highway safety, in accordance with Local Plan Policy T4.
- 9 Prior to occupation, of plots 2 and 3 the proposed access and driveway must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard, in accordance with Local Plan Policy T4: New Development and Transport Safety.

- 10 The site shall be developed with separate systems of drainage for foul and surface waste.
Reason: In the interests of satisfactory drainage, in accordance with Local Plan Policy T4.
- 11 The proposed development hereby approved shall strictly comply with the recommendations (page 15) of the amended Ecology Survey (Ref. 33558 00448 Dated 15th October 2021).
Reason: To conserve and enhance the biodiversity and ecology features of the Borough, in accordance with Local Plan Policy BIO1.
- 12 No development shall take place to plots 2 and 3 (including vegetation/site clearance) until a Biodiversity Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full according unless otherwise agreed in writing by the local planning authority. The scheme shall include, but not limited to, the following details:
-Precautionary measures to be adopted during construction works in the interest of nesting birds, amphibians, reptiles and hedgehogs;
-Details of landscaping proposals;
-Incorporation of integral bat and bird boxes on the proposed dwelling, including detail on the type and location of boxes to be installed; and,
-Incorporation of hedgehog access points on site to allow continued access for this species.
Reason: To conserve and enhance the biodiversity and ecology features of the Borough, in accordance with Local Plan Policy BIO1.
- 13 Prior to any work commencing to plots 2 and 3, the applicant shall submit to the Local Planning Authority for their approval a dust management plan detailing how they will control dust during construction. Once approved the applicant shall adhere to the dust management plan at all times.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.
- 14 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 15 Upon commencement of development to plots 2 and 3, plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.

Informative(s):

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.
- 2 The development hereby approved includes the creation of/carrying out of alterations to vehicular access(es). You are advised that before undertaking work on the adopted highway you will require a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.
- 3 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine

entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

- 4 The applicant/developer should be aware that the Council maintains a register of people who are interested in self-build or custom build projects in Barnsley. If you are interested in making your land available for self-build and custom housebuilding we can, with your permission, pass your contact details on to those people on the list so they have the opportunity to get in touch. For more information on this, please refer to the Councils self-build register website at www.barnsley.gov.uk/local-self-build-register or contact planningpolicy@barnsley.gov.uk or telephone 01226 773555.