

Application reference number	2025/0744
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Application Type	Full Planning Application
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Proposal Description:	Erection of 5 dwellings
Location:	Land at Windmill Avenue, Grimethorpe, Barnsley, S72 7AQ

Applicant	Mr James Nippers
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Number of Third Party Reps	No representations have been received	Parish:	N/A
		Ward:	North East Ward

SUMMARY

This application is presented to Members as it involves a required Section 106 contribution to compensate for the loss of allocated green space.

The proposal seeks full planning permission for the construction of five dwellings, comprising two pairs of two-storey semi-detached houses and one detached bungalow. The development is considered acceptable in policy terms as the site does not make a significant contribution to the wider green space allocation, given that part of it is hardstanding and currently unused. The applicant has adequately justified the loss of green space in accordance with Policy GS1, and in this instance officers consider that the provision of a small number of new homes offers greater overall public benefit.

The proposal represents an appropriate and sustainable form of development, consistent with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2023).

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 or character of the area subject to suitably worded conditions.

Recommendation: GRANT Planning Permission subject to conditions and S106 agreement.

Site Description

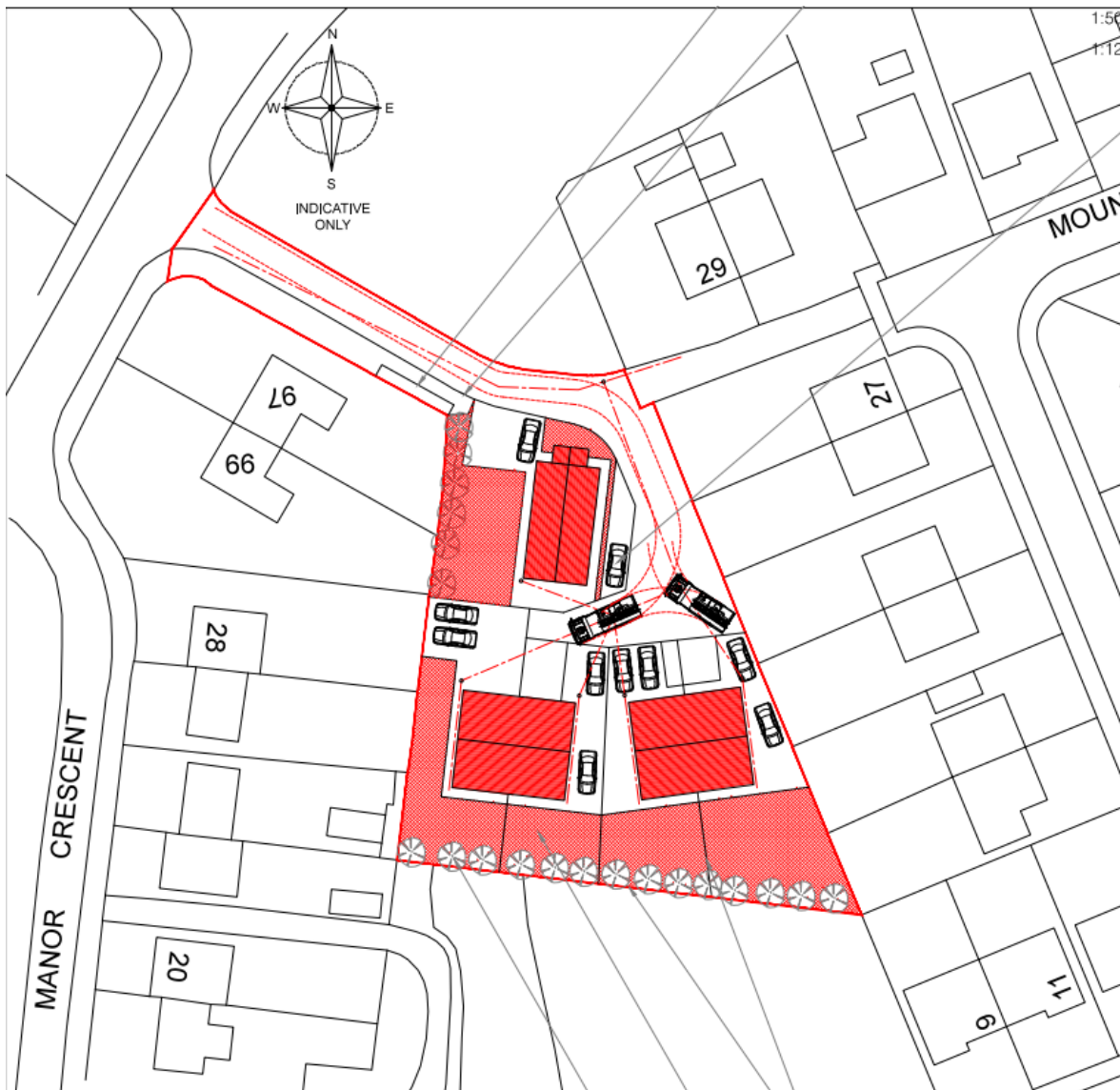
The application site is located directly off Windmill Avenue and comprises a mix of hardstanding and grassed areas. It is positioned between two established residential estates and benefits from existing vehicular and pedestrian access points on both sides. The eastern boundary is defined by wooden fencing that forms the rear boundary treatment of adjacent properties, while the western side contains properties set at a lower land level, with a mix of shrubs and trees providing natural screening between those dwellings and the site.

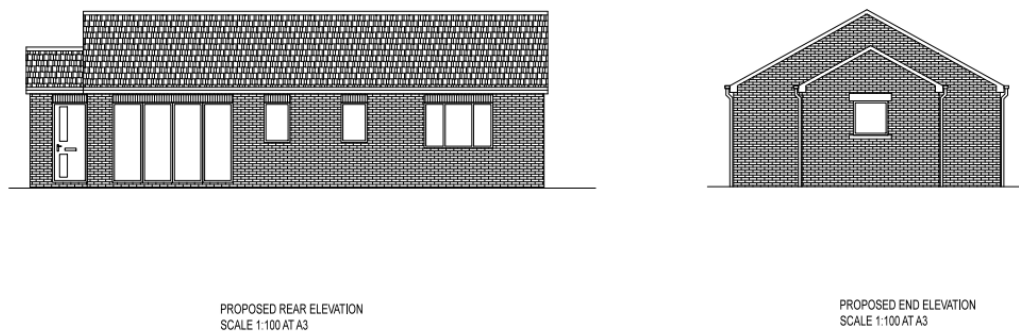
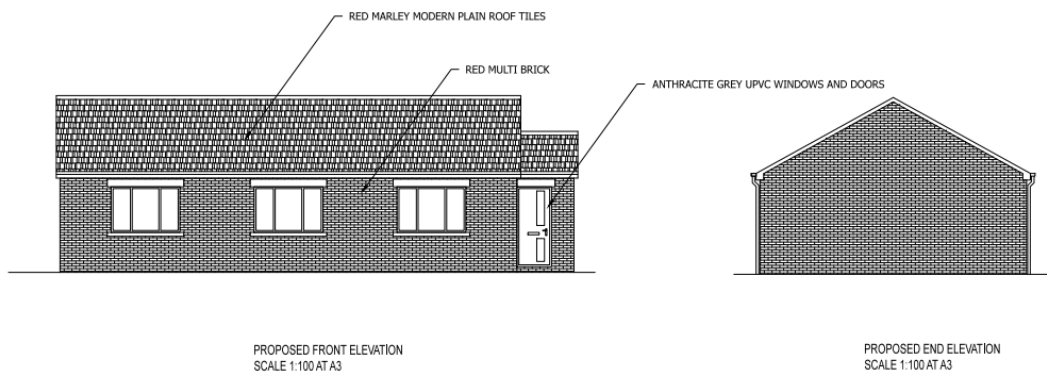
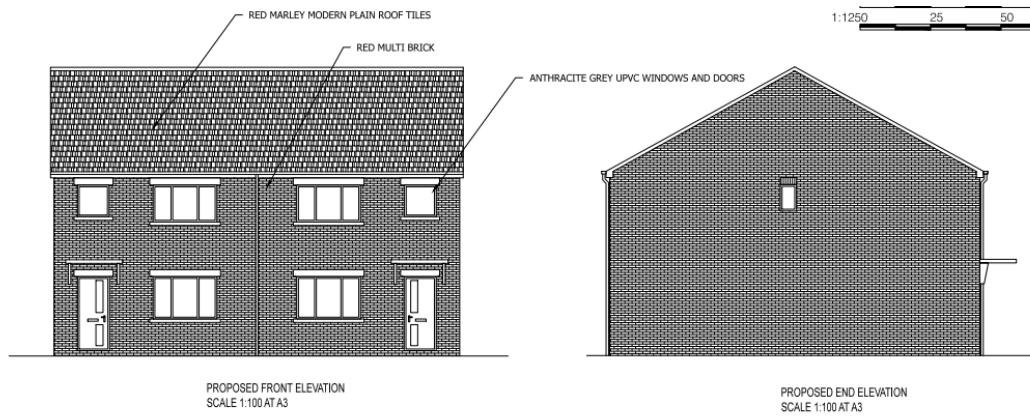
Planning History

There is no relevant site history.

Proposed Development

The applicant is seeking permission for the erection of 5 dwellings. The proposed plans are shown below:





Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 – Green Space (Manor Crescent)

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 0.4ha will be allowed where the proposal complies with other relevant policies.

Policy GS1: Green Space – Seeks to protect and prevent the loss of Green Space.

Policy T3: New Development and Sustainable Travel – New development is 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.

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 is expected to conserve and enhance the biodiversity and geological features of the borough.

Policy POLL1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, to an increase in air, surface water, or groundwater,

noise, smell, dust , vibration, light or other pollution which would unacceptably affect or cause nuisance to the natural and build environment or to people.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

The most pertinent SPD's in this case are:

- Design of Housing Development
- Parking
- Biodiversity and Geodiversity
- Sustainable construction and climate change adaptation

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

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 policies include:

- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Consultee	Summary of comments
Local Ward Councillors	No objection.
Biodiversity Officer	No objection subject to conditions.
Highways DC	No objection subject to conditions.
Yorkshire Water	No objection subject to conditions.
Drainage	No objection subject to conditions.
Pollution Control	No objection subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. No representations have been received.

Assessment

The main issues for consideration are as follows:

- The principle of the development
- The impact on visual amenity and character

- The impact on neighbouring residential properties
- The impact on highways safety
- The impact on ecology/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 unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The application site comprises a vacant parcel of land forming part of an allocated Greenspace as identified on the Local Plan Policies Map. The site measures approximately 0.2 hectares and therefore Policy H4: Residential Development on Small Non-Allocated Sites is relevant. Policy H4 states:

“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.”

As noted earlier, the entirety of the site falls within the designated Greenspace allocation. However, the wider Greenspace area is substantially larger, with the application site occupying only a small section at its northern edge.

With regard to development on designated Greenspace, the *Open Space Provision on New Housing Developments* SPD sets out the following:

“When we receive a planning application to redevelop green space for an alternative use we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.”

Based on this formula, and excluding the existing hardstanding, the total compensation required would be £13,800. This would be secured through a Section 106 agreement.

An assessment of the surrounding area identifies seven other designated Greenspaces located between 10 metres and 400 metres from the site. The site does not appear to function as a well-used recreational space, owing to its condition. In addition to this, the council cannot currently demonstrate a 5 year housing land supply and as such the delivery of housing would be a greater public benefit in this instance.

As such, the loss of this particular parcel is not considered to result in significant harm to local green space provision and the need for housing outweighs the minor harm caused by the loss of green space, subject to appropriate compensation being secured to deliver community benefit in accordance with Policy GS1.

In summary, the impact of the loss of the Greenspace is considered to be limited and therefore the principle of the development is acceptable in this instance.

Visual Amenity and Character

Policy D1 states that 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 heritage and town scape.

There are a mixture of house types and styles in the vicinity, particularly semi-detached properties and bungalows and therefore the proposed development would integrate well with the immediate area. Similarly, the proposed dwellings are to have a pitched roof and be built in a mixed red brick which are similar in terms of their design to surrounding properties. As such, the proposed development will harmonise with its surroundings and integrate seamlessly with the existing street scene.

The proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with the policies GD1 and D1 of the Local Plan. This weighs significantly in favour of the proposal.

Residential Amenity

Policy GD1 states that proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;

The Design of Housing Development SPD establishes minimum separation distances between dwellings to prevent overbearing impacts on existing residential properties. It specifies that proposed elevations without habitable room windows (typically side elevations) should be positioned at least 12 metres from original habitable room windows.

In this instance, the east- and west-facing side elevations include only a single landing window each, which are classed as non-habitable. The proposed separation distances comfortably exceed the required 12 metres, with approximately 17 metres to the nearest dwelling to the east and around 22 metres to the west. As a result, the development is not considered likely to give rise to issues of overlooking or loss of privacy.

The spacing between the existing and proposed dwellings is also sufficient to ensure that the new properties would not result in a significant loss of light or cause undue overshadowing to those dwellings or gardens.

The SPD further requires that dwellings meet the internal space standards set out in the SYRDG. For a three-bedroom, four-person dwelling, the SYRDG recommends a minimum internal floor area of 77sqm. The proposed dwellings exceed this standard, each providing over 100sqm of internal space. Each property includes at least one double bedroom measuring 12sqm, and the remaining bedrooms exceed 7sqm, thereby meeting the criteria for single bedrooms. Adequate storage space is also proposed. The proposed internal accommodation is therefore considered adequate and will provide a good standard of living for future occupiers.

Externally, the SYRDG requires a minimum of 60sqm of garden space for dwellings with three or more bedrooms. Each proposed property exceeds this requirement, offering between 80–130sqm of private amenity space. This is deemed acceptable and would provide ample outdoor space for future occupiers.

Overall, the proposal is considered to be in compliance with Local Plan Policy GD1: General Development and the SPD and is therefore acceptable in terms of residential amenity. This weighs moderately in favour of the proposal.

Highway Safety

Policy T3 of the Local Plan states that new development will be expected to be designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

Policy T4 of the Local Plan states that new development will be expected to be designed and built to provide all transport users within and surrounding the development safe, secure and convenient access and movement.

Following the submission of an amended site layout, the proposal is now considered acceptable from a highway development control perspective. The revised plan demonstrates that pedestrian access is appropriately directed onto the shared surface prior to reaching the bin store. In addition, satisfactory swept-path analysis has confirmed that a fire appliance would be able to access the site in the event of an emergency.

The scheme also provides adequate parking provision, with each dwelling benefitting from at least two off-street parking spaces and additional capacity for visitor parking. As such, the proposal complies with the Parking SPD. The site is located in a sustainable area with good access to public transport, and a condition will be imposed to secure appropriate cycle parking facilities, thereby supporting active travel in accordance with Policy T3.

Overall, the proposal is considered acceptable in terms of highways safety and therefore accords with policies T3 and T4 of the Local Plan. This carries moderate weight in favour of the proposal.

Ecology/Biodiversity

Policy BIO1 of the Local Plan states that development will be expected to conserve and enhance the biodiversity and geological features of the borough by protecting and improving habitats and species, maximising biodiversity and geodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

The submitted statutory biodiversity metric demonstrates that the proposal would result in a loss of 0.3 habitat units (–66.22%). Given the constrained size of the site, there is limited scope to deliver meaningful on-site habitat enhancements. As such, the applicant will be required to meet Biodiversity Net Gain obligations through off-site measures, to be detailed within the Biodiversity Gain Plan at the discharge of the Biodiversity Gain Condition.

Because no significant on-site habitat creation or enhancement is proposed, a Habitat Management and Monitoring Plan is not considered necessary. However, the precautionary working methods outlined in the Ecological Impact Assessment should be followed to safeguard protected and priority species. In line with the Biodiversity and Geodiversity SPD and the NPPF, the development should incorporate reasonable biodiversity enhancements, including bat and bird boxes and hedgehog access points. This will be secured via condition.

Overall, the proposal is not expected to result in significant adverse impacts on ecology or biodiversity, and appropriate enhancements will be delivered through planning conditions. The Biodiversity Officer has raised no objections, and the scheme is considered to comply with Policy BIO1 of the Local Plan. This weighs moderately in favour of the proposed development.

Conclusion

Having balanced all material planning considerations, the proposal will not be significantly harmful to residential and visual amenity, nor will it negatively impact upon highway safety. 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 subject to the signing of a legal agreement for £13,800 green space compensation.

Recommendation

Approve subject to S106 agreement