
2023/0937

Applicant: Mr A Woodrow

Outline application for 2no dwellings (all matters reserved)

Land at Surrey Close, Worsbrough Common, Barnsley, S70 4NB

Site Description

The application relates to an undeveloped infill plot, which is currently overgrown with vegetation, at the head of a residential cul-de-sac adjacent to 16 Surrey Close. The site is located in a predominantly residential area characterised almost entirely of red brick, two-storey, semi-detached dwellings.

The site is irregular in form; triangular shaped with a section of the red line boundary including the head of the cul-de-sac. There is a significant south to north topographical difference in the vicinity. The area generally falls south to north, however, there is also some fall across the site east to west. The topographical differences result in the dwellings located along the southern side of Surrey Close being located at an elevated position to the highway and the properties along the northern side, with these properties being elevated to the most northerly corner of the site. The site is set at a slightly higher level than the rear gardens associated with dwellings fronting onto Highstone Avenue.

The site was formerly Council owned land sold by auction with the potential for a small amount of residential development.

Relevant Site History

2018/0321 – Erection of 2 no. detached dwellings and associated access and parking (Outline with all matters reserved) – Refused January 2019

- 1. In the opinion of the Local Planning Authority, the proposed development would be contrary to Adopted Local Plan Policy D1 High Quality Design and Place Making and the SPD 'Designing New Housing Development', in that it would be an undesirable form of backland development that would be materially detrimental to the amenities of the neighbouring properties by reason of disturbance from increased residential and vehicular activity, and from overlooking and loss of privacy. Furthermore, the proposal would not integrate well within the immediate area, nor reflect the development pattern of the area, to the detriment of the overall character and layout resulting in an incongruous form of development*

2023/0173 – Erection of 1no detached dormer bungalow and associated works including conservatory to rear – Refused August 2023

- 1. The application site is located on a plot which has been identified and allocated as Green Belt in the Local Plan which requires the developer to enter into a legal agreement and meet necessary planning obligations to mitigate the loss of green space on the site through off-site financial contributions to improving existing green space in the area, or the creation of new green space, in line with Local Plan Policy GS1 and the Council's SPD for Open Space Provision. The applicant has refused to enter into such a legal agreement which would provide off-site financial contribution for the above which would be contrary to Local Plan Policies GS1, I1 and the SPD for Open Space Provision, rendering the proposed development unacceptable in principle due to the lack of appropriate funding to secure community benefit which would mitigate the loss of green space.*

2. *In the opinion of the Local Planning Authority, the proposed development is a poorly designed dwelling which features a flat roof dormer on each of the front and rear roof slopes which are bulky, horizontally emphasised and dominate the roof slope/proposed dwelling. The proposed design is not considered to be in keeping with the character of the surrounding area, forming an incongruous feature in the street scene which does not raise the design or architectural quality of the surrounding area, and has a harmful impact on the visual amenity of the area, contrary to Local Plan Policy D1, the Council's SPD for Design of Housing Development, the South Yorkshire Residential Design Guide (SYRDG) and NPPF paragraph 134.*
3. *The proposed development introduces a dormer on the rear roof slope of the proposed dwelling which contains 2 x habitable room (bedroom) windows facing onto the existing neighbouring properties located to the North-West on Highstone Avenue, at a distance which falls short of the minimum required separation distance in the Council's SPD for Design of Housing Development - 10m to the rear boundary line and 21m between habitable room windows, respectively. In the opinion of the Local Planning Authority, the proposed relationship between the development and the existing neighbours will result in a significant loss of privacy for the existing residents, to both the rear elevations and rear garden areas, of nos. 32 and 34 Highstone Avenue, having a detrimental impact on amenity enjoyed by existing and future residents, contrary to Local Plan Policy GD1: General Development and the SPD for Design of Housing Development.*
4. *The applicant has submitted an ecology survey dated from December 2017 which exceeds the lifespan of ecology survey as outlined by CIEEM's Advice note for ecological report writing (April 2019) which states that reports over 3 years old are unlikely to be valid. Despite numerous requests, the applicant has failed to supply an up-to-date and accurate ecology survey which would allow the LPA and the Council's ecologists to make a fully informed assessment of the potential impacts of the proposed development upon habitats and protected species. The lack of an up-to-date and accurate ecology report which is contrary to Local Plan Policy BIO1 and the Council's SPD for Biodiversity and Geodiversity and is unacceptable in regard to the applicant presenting insufficient information.*

2023/0920 – Erection of 1no detached dormer bungalow and associated works including conservatory to rear – withdrawn by applicant December 2023

2024/0567 – Erection of 1no detached dormer bungalow and associated works including conservatory to rear – Currently under consideration and at the time of writing this report, within the statutory 21-day consultation period.

Proposed Development

The applicant seeks approval for outline permission for the erection of 2no detached dwellings with all matters reserved. Reference has been made within the application form specifically detailing the types of dwelling proposed, along with the submission of indicative plans relating to access, appearance, layout and scale to support the application. These plans have been used to assess the principle of development but have not been assessed in detail given the outline nature of the application.

Policy Context

Local Plan

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 site is allocated as Green Space and Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant: -

Policy GS1 Green Space
Policy H4 Residential Development on Small Non-allocated Sites
Policy I1 Infrastructure and Planning Obligations
Policy GD1 General Development
Policy D1 High Quality Design and Place Making
Policy T4 New development and Transport Safety
Policy Poll1 Pollution Control and Protection
Policy BIO1 Biodiversity and Geodiversity
Policy SD1 Presumption in favour of Sustainable Development
Policy LG2 The Location of Growth
Policy H1 The Number of New Homes to be Built
Policy H2 The Distribution of new Homes
Policy RE1 Low Carbon and Renewable Energy

Adopted Supplementary Planning Documents

Open Space Provision on New Housing Developments
Design of Housing Development
Parking
The South Yorkshire Residential Design Guide (SYRDG)

National Planning Policy Framework (NPPF) - December 2023

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.

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 60 - To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay

Paras 75-79 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 136 – trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Para 139 - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Para 180 – Planning policies and decisions should contribute to and enhance the natural and local environment.

Consultations

Biodiversity Officer – No objections subject to the development commencing in line with the recommendations of the Preliminary Ecological Appraisal Report and conditions.

The Coal Authority – No objection raised subject to conditions.

Highways DC – No objections subject to conditions.

Drainage – No objections raised; happy for details to be assessed by Building Control.

South Yorkshire Mining Advisory Service (SYMAS) – The applicant has used an old report which was produced by SYMAS for BMBC Estates when the land was sold in 2016. SYMAS has raised no objection to the use of the report and raise no objection to the applicant progressing without a Coal Mining Risk Assessment (CMRA). However, a condition is requested for site investigation to ensure that there is no long-term risk to site stability.

Yorkshire Water – No objections received

Ward Councillors – No objections received

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; 2no. representations have been received in relation to:

- Building works will impede access to cul-de-sac and parking
- Objection to dwelling D1, the dimensions provided are incorrect and are taken to bathroom windows not living room or bedroom window
- Does not meet 10m to the boundary with the properties to the west

- Buildings out of character with area, no dormer windows within the vicinity of the site

Assessment

Principle of Development and Loss of Green Space

The site is allocated as a Local Neighbourhood Greenspace with the Local Plan and the Green Space Register. In such circumstances development should only be permitted where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the needs of the Borough.

The former council owned site which has become overgrown and is not currently used as green space nor is there any un-restricted access to the site. It is considered that the re-development of the site would not affect the existing or potential green space needs of the borough as there are numerous green spaces within close proximity to the site, include two larger scale recreation grounds and playing fields.

Additionally, the development will be required to comply with Local Plan Policy I1: Infrastructure and Planning Obligations and the Council's SPD for Open Space Provision on New Housing Developments. The SPD states that

Section 4.1 - Green spaces are 'green' open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments woodlands wildlife areas, recreation grounds, sports pitches, play areas and parks. We will seek to protect green space from development, particularly where an assessment indicates that there are current deficiencies within an area.

Section 4.2 - 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.

Local Plan Policy I1 states development must contribute as necessary to meet all on and off-site infrastructure requirements to enable development to take place satisfactorily. The contributions are typically sought through a Legal Agreement. On sites currently functioning as green space, redevelopment of the site would require the development to compensate for the loss of the green space.

When assessing the site against the relevant local plan policies and the associated SPD, the LPA is firstly required to assess the existing use of the site as green space, taking into account the surrounding area, whether there is enough provision of that particular green space type nearby and whether its loss would not affect the existing and potential green space needs in the area. The site visit showed that the Green Space is not well maintained, is overgrown and there are significant level differences within the site. The Council's mapping system showed that there are other green spaces nearby which serve a better function than the application site, most pertinently the 2no pieces of green space (parks) on Warren Quarry Lane 120m to the east and north-east which would better serve the local community. In comparison, the application site does not serve a formal function for the surrounding residents and is privately owned with the potential that the site could be easily secured. When assessed against the table within paragraph 17.17 on page 233 of the Local Plan, the green space of the site can be described as 'low quality and low value' which states that the space may not be needed, and the Council may allow it to be built on. As such, it is therefore considered that the loss of the green space to redevelop the site is acceptable.

Given the lack of functionality it is considered appropriate to release the site for development, subject to the payment of £12,526.31 as compensation to be used on off-site green space enhancements as that would be of greater benefit. The calculation is based on a site area of 0.0997ha as measured from the site plan provided by the applicant but excluding the indicative parking area, as this is not allocated as green space.

Local Plan Policy GS1 and Section 4.2 of the SPD is clear in that the Council would seek compensation for redevelopment of sites that have been allocated as Green Space, the applicant is required to enter into an agreement in order to secure community benefit to outweigh the loss of the green space. The financial contribution would be payable through a legal agreement and would contribute to improving existing green space in the area, or creation of new green spaces for the community.

The applicant has been informed that the loss of the Green Space and redevelopment would be suitable however they have stated that they do not intend to enter into a legal agreement to secure payment of compensation for the loss of Green Space. As outlined in detail above, the reluctance to enter into a legal agreement to secure compensation for the loss of green space is contrary to Local Planning Policies GS1 and I1 alongside the Council's SPD for Open Space Provision on New Housing Development. The proposed development is unacceptable in principle as it seeks redevelopment of (and therefore the loss of) a plot of green space without suitable on-site replacement or compensation for off-site provision which would serve the local community.

The applicant has made reference within correspondence during the application process that they were not aware of the requirement to pay financial compensation for the loss of green space, prior to submission of the application. The authority cannot provide detailed guidance on a development without the submission of pre-application enquiry or a formal application. The allocation of the site, along with the adopted Local Plan and Supplementary Planning Documents are all available to view on the public website. The applicant was notified of the level of compensation once the application had been formally submitted and an initial assessment made.

The site is located within a wider allocation of Urban Fabric. The site is also located in a residential area and so it therefore follows that redevelopment for housing is a compatible use. The site is located within Urban Barnsley which is the main focus for housing growth. Nevertheless, the principle of development is considered unacceptable as the applicant fails to agree to enter into a legal agreement to secure compensation of off-site Green Space provision.

Residential Amenity

Whilst the site and surrounding area have significant topographical differences; it is considered that there is potential to develop the site for residential purposes.

As mentioned previously the applicant has submitted indicative siting and design plans which indicate that both plots are of a sufficient size to accommodate a dwelling. The design of the dwellings put forward are single storey or utilise rooms within the roof space, which, due to the topography of the site and the orientation to the existing dwellings and to the path of the sun, are unlikely to impact on the amenity of surrounding residents by means of overshadowing, overlooking or loss of outlook to a detrimental level. However, a full assessment of the impact on the surrounding dwellings would only be made at the reserved matters stage when full details would be submitted and considered.

The plans provided also suggest that a suitably sized dwelling can be situated within the respective plots which could meet the internal floor space and external amenity space standards as outlined within the South Yorkshire Residential Design Guide.

It is noted that access to dwelling D2 would be taken via a private drive situated between the proposed dwelling D1 and 16 Surrey Close, it is not considered that this would lead to an increase in noise and disturbance to the existing and future occupants, given it would only serve one

dwelling and is an arrangement not dissimilar to the neighbouring properties where driveways are located adjacent to each other.

The comments of objection are noted, however, given that this application is in outline with all matters reserved, therefore only the principle of development is being established. The specific details and separation distances would be considered during the reserved matters application.

Whilst the principle of residential development is considered acceptable in terms of its impact on the living conditions of existing and future residents and in compliance with Local Plan Policy GD1. It does not warrant the approval of a scheme where the applicant fails to enter into a legal agreement to secure financial compensation for the loss of green space, contrary to Local Plan Policy GS1.

Visual Amenity

As mentioned previously, this outline application is with all matters reserved, and therefore a full assessment of the design of the proposed dwellings would be made at the reserved matters stage. The site is at head of a residential cul-de-sac on a non-prominent plot and given there is a wider variety of dwelling types in the surrounding area, excluding Surrey Close itself, some flexibility can be afforded to allow the site to be developed.

The indicative plans indicate that dwelling D1 would front onto Surrey Close with dwelling D2 being located to the rear with access taken via a driveway located adjacent to 16 Surrey Close. Dwelling D1 is a single storey property utilising room within the roof space via dormer windows and dwelling D2 a full single storey property on a slightly larger footprint.

Whilst the design is not under consideration, it is noted that planning application 2023/0173 was refused on the basis that the dwelling incorporated a flat roof dormer to the front elevation. The report referred to more attractive pitched roof dormer dormers nearby, on Warren Quarry Lane approx. 125m to the south-east (addressed as Wentworth Court) and it indicated that these dormers present a clear precedent on what type of dormer design has been established in the area and which would be considered acceptable. It is noted that the design of dwelling D2, whilst only indicative, does incorporate pitched roof dormers to the front roof plane.

Nevertheless, the application is at outline with all matters reserved and the design and appearance would be evaluated later. However, it is considered that suitably designed dwellings could be achieved in line with Local Plan Policy D1.

Highways Considerations

Although this is an outline application with all matters reserved, highways raise no objection to the development subject to the inclusion of conditions.

It is proposed to erect two dwellings on land off Surrey Close, a residential cul-de-sac. The site is in a sustainable location with access to local amenities and good public transport links. The proposals include adequate off-street parking provision and the dwelling D2, which is served via a long driveway, includes sufficient room for vehicles to turn within the site. This plot is also just within the maximum recommended distances in terms of a householder moving a wheelie bin for collection and the distance that a fire appliance can reach and be within 45m of all points of the house. It is therefore considered that the proposed development is in line with the Council's SPD for Parking and Local Plan Policy T4: New Development and Transport Safety and is acceptable in terms of highways safety.

Biodiversity

The site visit showed that the site is vegetated, predominantly grassland and small shrubs. The application has been supported by an ecology survey. The council's ecologist has been consulted on the application and raises no objection to the information and recommendations outlined within the submitted ecology report and subject to the inclusion of additional conditions.

Drainage

Colleagues in Drainage have assessed the proposed development and associated details, and raised no objections and are happy for the drainage details to be checked by building control.

Conclusion

The application is for outline permission for the erection of 2no detached dwellings with all matters reserved. The site is located within the Urban Fabric in what is an established residential area and residential development on small non-allocated sites is acceptable in principle subject to other local and national planning policies being complied with. However, the site has also been allocated as Green Space in the Local Plan and assessment against Local Plan Policy GS1 and the Council's SPD for Open Space Provision on New Housing Development is a key consideration in terms of the principle of development.

The site is allocated as Green Space in the Local Plan. Local Plan Policy GS1 requires the Local Planning Authority to take a judgement as to what quality the green space is and what value is placed on its use, the surrounding green space provision in the area and generally whether its removal would be acceptable. An assessment on site has shown that the green space is of low quality and low value, with better quality and higher value green space in close proximity. Furthermore, the site is privately owned and serves no formal function for the local community, therefore, its loss is considered to be acceptable. However, Local Plan Policies GS1 and I1, and the Council's SPD for Open Space Provision on New Housing Developments requires the applicant to either include replacement green space on site or agree to enter into a legal agreement to secure compensation for the loss of green space which contributes to the improvement of existing green space or the creation of green space to serve the community. The applicant has refused to such an agreement which is contrary to Local Plan Policy GS1, I1 and the SPD for Open Space Provision in that it does not provide compensation to secure community benefit which outweighs the loss of the green space.

Whilst the principle of residential development is considered acceptable in terms of its impact on residential amenity, visual amenity and highway safety as outlined above, it does not warrant the approval of a scheme where the applicant fails to enter into a legal agreement to secure financial contributions for the loss of green space, contrary to Local Plan Policy GS1, I1 and Supplementary Planning Document Open Space Provision on New Housing Development and as such, the application is recommended for refusal.

Recommendation

Refuse