

2021/1505

Mr Dimberline

Outline application for one dwelling with all matters reserved apart from access
Plot B, land off Dance Lane, Crane Moor, Barnsley

**This application was referred to the Planning Regulatory Board by Councillor Barnard Thurgoland Parish Council object to the proposal
3 objections have been received from local residents.**

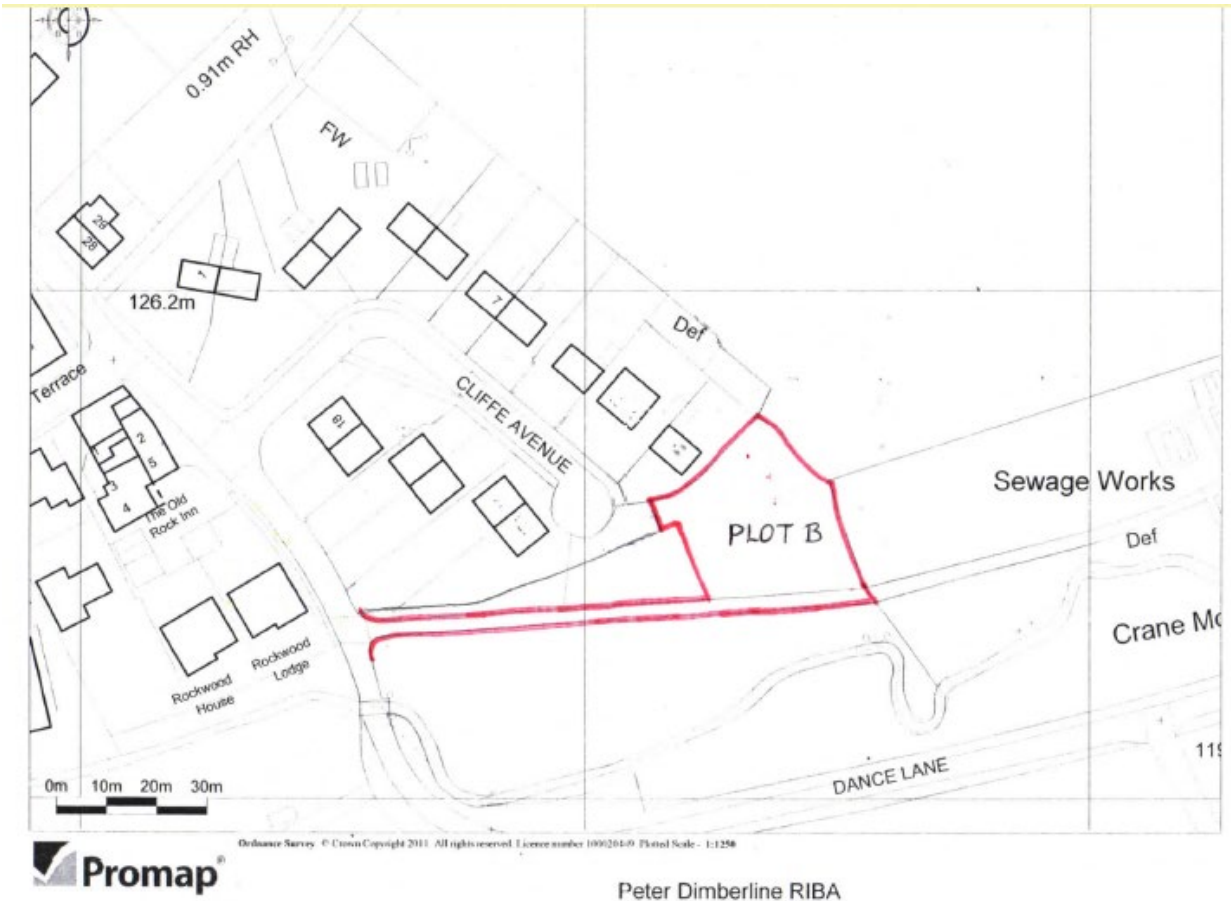
Description

The site lies on the southern edge of Crane Moor and was previously a council-owned garage site. The land is set at the head of the cul-de-sac of Cliffe Avenue but accessed from Dance Lane from a gravel track that also provides access to a sewerage works located to the west. Yorkshire Water have a right of access along the access track to gain access to the existing sewage works to the east.

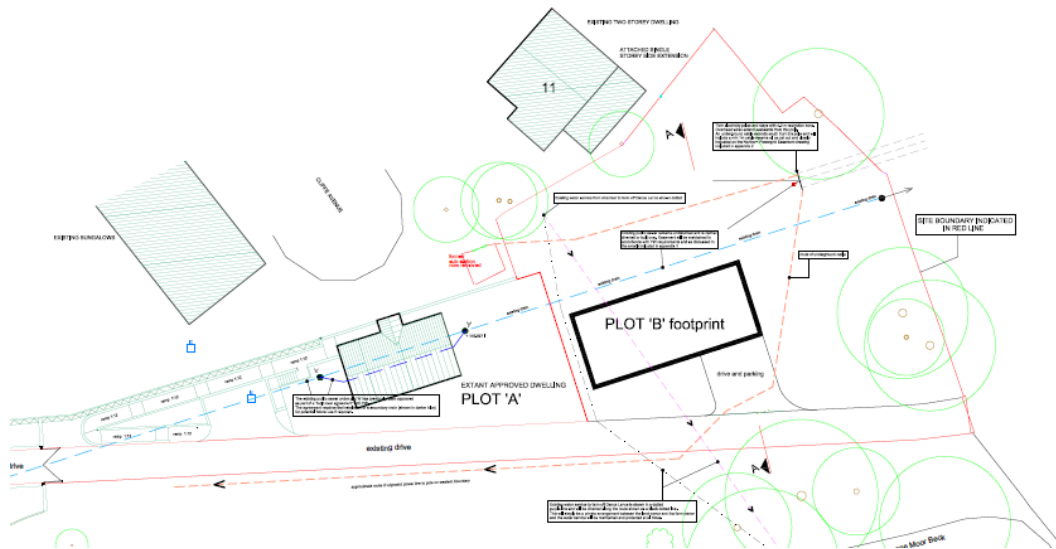
Cliffe Avenue consists of semi-detached bungalows and semi-detached and detached two storey properties. The site slopes upwards to Cliffe Avenue where the houses and bungalows are set at a higher level. A stream runs along the southern edge of the village just beyond the application site. Beyond this lies a belt of woodland. The Green Belt boundary is situated at the southern side of the access track.

An overhead electricity line runs over the site and a sewer pipe runs through the land with a manhole access. The site has evidence of being used as a garage site in the past, with the outlines of 5 'garage sized' buildings present on ordnance survey maps from the 1960's. There are no structures on the site at present and it is currently laid to grass.

The application site, plot B, edged red on the location plan, sits between plot A, which was granted approval for a detached dwelling in 2013 (ref: 2012/1203) with a subsequent Variation of Conditions approval in 2016 and the adjacent sewerage works to the east. Whilst the dwelling at Plot A has not been constructed yet they have made carried out sufficient works to ensure a material start and as such this permission is still extant.



Site Location Plan



Indicative site plan





Proposed Development

The application is an outline application for one dwelling with all matters reserved apart from access. The dwelling would be accessed from Dance Lane via an existing private unmade single track access way which serves plot A, plot B (the site) and the local sewage treatment works. The access track would be upgraded and parking and turning areas provided within the site to accommodate the parking spaces.

Whilst the scale and appearance of the proposed dwelling remains a reserved matter, the design and access statement states that the dwelling would reflect the scale and proportion of the previously approved dwelling on plot 'A' but will be lower than the existing dwellings to the north, on Cliffe Avenue. The site plan also shows the indicative siting of the proposed dwelling which would be set within the existing building line of Cliffe Avenue and Plot A. The site slopes upwards from the access drive off Dance Lane, towards Cliffe Avenue and the agent states that the proposed dwelling will be built into this sloping site.

There is an existing underground power cable that is located on the site and the existing sewer and this underground cable have been taken into account when determining the indicative footprint position of the proposed dwelling.

The agent states that no trees will be removed from the application site as part of this proposal.

Planning History

The site has had a number of previous planning applications which are summarised below: -

2007/1559 – Residential development of 2 detached dwellings with integral garages - Refused due to reasons of extension into open countryside, design of development out of context with locality and proximity to sewerage works.

2008/0483 – Erection of two detached dwellings (resubmission) – Refused due to reasons of extension into open countryside, design of development out of context with locality, proximity to sewerage works, and impact on public sewer.

The applicant appealed the decision under application 2008/0483 but this was dismissed. However, in terms of Flood Risk, the Inspector considered the 'proposed dwellings would not flood, other properties or land would not be put at increased risk of flooding and future occupiers of the proposed dwellings would not be put at undue risk of flooding, provided the flood mitigation measures identified in the Flood Risk Assessment were incorporated.' The Inspector also considered that there would be no significant harm from the proximity to the sewage works or highway safety. The Inspector did state that the diversion of the public sewer would need to be satisfactorily agreed with Yorkshire Water. Therefore, the main reason for the dismissal of the appeal was the harm caused by the size, scale and design of the proposal in respect to the impact on the character of the settlement and the visual amenities of the surrounding area including the adjoining Green Belt.

2011/1155 - Erection of 1 no. detached dwellinghouse – withdrawn

2012/0693 – Erection of 1 no. detached dwellinghouse and associated parking area – withdrawn

2012/1203 - Erection of a detached dwelling with associated parking – Approved with conditions

2015/0036 - Variation of condition 2 of application 2012/1203 - Erection of a detached dwelling with associated parking - to reduce size of building – Approved with conditions (permission implemented but the dwelling not yet constructed)

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.

Local Plan

The site is set within an area of Urban Fabric as allocated within the Adopted Local Plan.

The following policies are of relevance: -

GD1 General Development

H1 The Number of New Homes to be Built

H4 Residential Development on Small Non-allocated Sites

LG2 The Location of Growth

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

SD1 Presumption in Favour of Sustainable Development

CC1 Climate Change

CC3 Flood Risk

CC4 Sustainable Drainage Systems (SuDS)

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

BIO1 Biodiversity and Geodiversity

SPDs

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

-Design of Housing Development

-Parking

-Sustainable Travel

Other Guidance

South Yorkshire Residential Design Guidance

NPPF

The National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. 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.

Consultations

Thurgoland Parish Council raised some initial issues with regards to the accuracy of the plans and the location of certain aspects such as drainage pipes, electric cables and boundary treatment. The plans were amended during the course of the application and additional information provided. The Parish Council has provided the following additional comments on this application: -

- There is still concern that the location of plot B is disjointed from Cliffe Avenue and does not "round off" the existing housing in Crane Moor. This issue was highlighted

by the Planning Inspector at a previous Appeal considering an application on almost the same site.

- It is considered not to be a suitable site for development, being so close to the sewerage works, being adjacent to the green belt (the access road sits in the green belt) and with the access being shared with the sewerage works.
- Therefore, Thurgoland Parish Council objects to the application 2021/1505.

Stainborough Parish Council – No comments

Drainage – Details to be checked by Building Control

Biodiversity Officer – No objections subject to conditions

Forestry Officer – No objections raised

Environment Agency – No comments received

Yorkshire Electricity Group – Safe dig plan provided

Yorkshire Water – No objections subject to conditions

Pollution Control – No objection

Highways – No objection subject to conditions

SYMAS – Condition required

Coal Authority – No objection subject to condition

Representations

3 objections have been received which raise the following concerns: -

- Safety concerns surrounding the entrance and exit to the proposed property.
- Inappropriate development of the site, resulting in a disconnected development that is incompatible with Planning Inspectorate rulings and the context of the site.
- Unwarranted threats and disturbances to critical utilities infrastructures serving many residents in Thurgoland parish.
- Potential threat to the stability of the neighbouring boundary at 11 Cliffe Avenue (incorrectly numbered 12 on some plans).
- Incongruous with properties/amenities in the surrounding area.
- Concerns that existing infrastructure, particularly main drainage is inadequate and construction could adversely affect the existing drainage infrastructure.
- Impact on existing sewer
- Impact on Mains water supply to Dance Farm
- Impact on underground power cables
- Parking issues in an already overcrowded area which has no safe on street/road parking.
- Historical evidence of severe flooding. Area not suitable for domestic property.
- The same reasoning the previous application for two properties on the site was deemed unacceptable.

Following the re-consultation with amended plans a further 3 comments have also been received. Concerns were reiterated as above although one comment did state the following:

- I have now reviewed these amendments and consider that they have adequately addressed the principal concerns I raised over the preceding scheme. Therefore, I have no additional comments to make at this time regarding this outline application.

Assessment

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, in this case the land is set adjacent to a residential area and as such the use of this site for residential uses would be in keeping with the locality. The site does border onto the Green Belt, although is not within it, so consideration would need to be given to the impact on the adjacent Green Belt.

Residential Amenity

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

The site is set within a predominately residential area therefore there are other dwellings which are set close to the site off Cliffe Avenue and plot A. The application is in outline, however the indicative site plan shows that the layout could be designed so that they meet the separation distances set within the SPD in terms of distances from habitable room windows. As a result, a reserved matters scheme could be designed so that it should not cause any significant impact upon residential amenity in terms of overlooking/loss of privacy or overbearing/overshadowing/loss of light impact in accordance with the SPD.

The indicative layout plan shows that the dwelling would have an adequate garden which exceeds the requirements of the Supplementary Planning Document Design of Housing Development, and the overall footprint size of the dwelling means that it could be designed to meet the requirements of the South Yorkshire Residential Design Guide in terms of internal spacing standards.

In terms of the proximity to the adjacent sewerage works, the proposed dwelling should not be significantly impacted by smells or disturbance. The Pollution Control Officer has not raised any concerns. In addition, with the 2008 appeal the Inspector considered that there would be no significant harm from the proximity to the sewage works. The proposal is therefore acceptable when measured against Local Plan Policy Poll1.

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

Visual Amenity

The previous applications at the site for two dwellings were both refused. The first submission (2007/1559) was for the erection of two large three storey properties. These were of a modern and unusual design, consisting of various elements including render and timber cladding, large amounts of glazing, balconies and mono pitched roofs. The properties were situated so that they faced onto to the south and the west and had no relationship with Cliffe Avenue. The second application (2008/0483) included a more conservative design but still of a modern nature with large areas of glazing and timber cladding. The dwellings were again designed to

face towards the countryside, turning their backs on the Cliffe Avenue properties. This application was refused and dismissed on appeal.

In response to the previously refused applications and in line with the Inspector's comments, the applicant submitted a significantly reduced scheme for one dwelling (2012/1203), re-designed so that the dwelling faced onto Cliffe Avenue in order for the dwelling to appear as part of the village and to reduce impact to the Green Belt. This application was then approved. The applicant has now submitted a further application for Plot B which would effectively be an infill plot and would not extend into the Green Belt to the south. At this stage appearance is a reserved matter, however it is felt that the dwelling could be designed as such that it would fit in with the adjacent dwellings in terms of style, scale and materials. The indicative proposed layout plan shows that the proposed dwelling can be sited comfortably on the site and allow for the building line to be maintained. It is therefore considered that a suitable dwelling can be designed to fit in and assimilate with the neighbouring dwellings and not have any detrimental impact on the adjoining Green Belt. The proposal meets all the amenity requirements set within the SPD.

The proposal put forward is considered to be acceptable in terms of visual amenity in accordance with the Supplementary Planning Document Design of Housing Development and Local Plan Policy D1.

Highway Safety

The proposal is for a detached property with vehicular and pedestrian accessed from Dance Lane via an existing private unmade single track access way which serves the site, Plot A and the local sewage treatment works. The access track is to be upgraded and parking and turning areas provided.

The access has a width of 3.1m which is insufficient to allow two vehicles to pass. However, the distance from the point at which the access becomes too narrow for two vehicles to pass, to the approved parking area for Plot A is around 28m and there is good intervisibility between these two points. It is therefore unlikely that conflicts would occur between the vehicles of Plots A and B.

The maximum distance that a fire appliance should enter into a site without suitable turning provision is 20m and the fire appliance should then at that point be within 45m of the dwelling. In this case, from a point 20m into the access, the dwelling would be around 55m from the fire appliance. Although this distance is a little further than the requirement Highways consider that this would not be sufficient to justify the refusal of planning permission.

Some vehicular traffic has been associated with the use of the site in the past with the previous use being as a garage site. The use of the access for an additional detached dwelling and the movements generated by the additional dwelling are not considered to impact upon highway safety nor the adjacent sewerage works in accordance with Local Plan Policy T4. The Council's Highways Section has therefore raised no objections to the scheme subject to conditions.

Impact on Trees/Biodiversity

The dwelling can be sited to ensure that no trees which would be physically impacted upon by the construction of the dwelling. The only trees on the application site are few in number and are located on the site boundaries and the trees are a significant distance away from the indicative siting of the dwelling to ensure that they would not be adversely affected by the proposal. The siting of the dwelling can be fully assessed at reserved matters stage and any tree protection measures could be conditioned at this stage if required.

The applicant has submitted an Ecological Impact Assessment with the application. The Council's Ecology Officer has considered the details within the report and has no objection to the proposal subject to conditions. The proposal is therefore acceptable when measured against policy BIO1 of the Local Plan.

Drainage

Concerns have been raised by neighbouring residents with regard to flooding of the site. The site does not lie within a flood plain and, according to the Environment Agency, is in flood zone 1, which is the lowest risk from flooding incidents. Most developments that are less than 1 hectare (ha) in flood zone 1 do not need a flood risk assessment (FRA) as part of the planning application, however given there has been previous local flooding issues on the site, the applicant has provided a Flood Risk Assessment.

In order to overcome the local flooding issues, the applicant has put forward a range of mitigation measures which includes raising the building more than 600mm above existing ground level, and the external levels of the building would be designed so as to ensure overland flood water from Cliffe Avenue is directed past the proposed dwelling without causing flooding. Surface water would also be restricted to the existing run-off rate of either 0.07l/s direct to the watercourse, or by utilising existing flow from properties on Cliffe Avenue at a rate of 2.9l/s with discharge to the existing outfall. This will ensure that future potential flooding issues are mitigated, and measures are in place to ensure the proposed dwelling does not flood. The measures proposed are the same as put forward for Plot A and approved under planning application 2012/1203 and 2015/0036 and are acceptable subject to conditions.

Concerns have been raised with regard to the public sewer which crosses the site. The agent has confirmed that the position of the proposed dwelling has been amended, so that the footprint now ensures that the public sewer crossing the site neither needs to be built over or diverted. Yorkshire Water and the Council's Drainage Officer have been consulted and have no objection in principle to the drainage details submitted. Subject to the imposition of planning conditions, the proposal is therefore considered to satisfy Local Plan Policy CC3 Flood Risk.

Coal Mining

A Coal Mining Risk Assessment (CMRA) has been submitted with the application. This investigates ground stability and mining legacy issues and there is no evidence that the site has unstable ground conditions. The applicant has agreed to undertaking site investigations into coal mining legacy issues as recommended in the CMRA, which should be conditioned as part of any planning approval.

Other issues

Objections have been raised with regard to the disturbance to the services such as the relocation of the electricity line and the sewer pipe. It is accepted that there will be some disruption as is with all developments; however, this would not give grounds to refuse the application. Yorkshire Water and Yorkshire Electricity have been consulted and have not raised any objections to the proposal.

Recommendation

Grant subject to conditions: