Ref 2022/0618

Applicant: Ms Emma Wright

Description: Erection 1 no. detached dwelling (Outline seeking approval of layout and means of access)

Site Address: Land adjacent Hay Green Court, Birdwell, Barnsley

Site Description

The application relates to an area of vacant land, mainly laid to grass, which measures circa 840m2. The land sits in the South Western corner of a gated development of 3 dwellings made up of cottages and converted former agricultural buildings. Vehicular access is taken from Hay Green Lane via Hay Green Court. The existing buildings are set out in a 'U' shaped arrangement formed around a central courtyard area.

There are detached residential properties beyond the Eastern boundary and opposite Hay Green Court to the North. Immediately adjacent to the Eastern boundary of the site is a block of garages serving the existing dwellings within the gated development. There is a strip of land, currently laid to grass, to the West and an open field beyond the Southern boundary.

It should be noted that the currently undeveloped land immediately to the West and South is allocated for housing in the local plan (site HS59). It also has approved outline (Ref:2020/0577) and reserved matters (Ref: 2022/0680) planning applications for 113 dwellings.

History

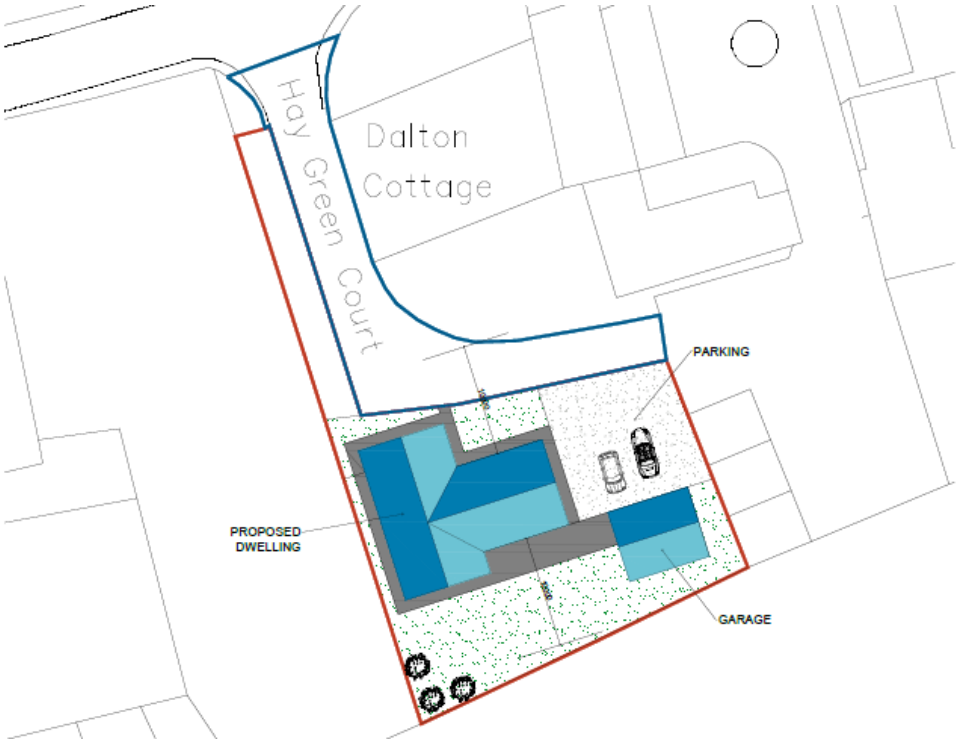
The details of the applications on the land immediately adjacent (HS59) are;

2020/0577 - Residential development of up to 118 dwellings and associated works (Outline with all matters reserved apart from means of access) – approved subject to conditions

2022/0680 - Residential development of 113no dwellings, associated infrastructure and public open space (Reserved matters of outline planning permission 2020/0577 seeking approval of the details of scale, appearance, landscaping and layout) – approved subject to conditions

Proposed Development

The applicant seeks outline permission (including layout and means of access) for a detached dwelling and associated detached garage. The submitted layout plan shows a 'T' shaped dwelling to the West of the site and the garage to the South East. Parking would be provided to the front of the garage and accessed via Hay Green Court. Private amenity space would be provided to the rear (South) of the dwelling.



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.

Site Allocation: Urban Fabric & Dearne Valley Green Heart Nature improvement Area

SD1 ‘Presumption in Favour of Sustainable Development’

Policy GD1 ‘General Development’

Policy LG2 ‘The Location of Growth’

Policy H1 ‘The Number of New Homes to be Built’

Policy H2 ‘Distribution of New Homes’

Policy H4 ‘Residential Development on Small Non-allocated Sites’

Policy H6 ‘Housing Mix and Efficient Use of Land’

Policy T1 ‘Accessibility Priorities’

Policy T3 ‘New Development and Sustainable Travel’

Policy T4 ‘New Development and Transport Safety’

Policy D1 ‘High Quality Design and Place Making’

Policy CC1 ‘Climate Change’

Policy CC2 ‘Sustainable Design and Construction’

Policy CC4 ‘Sustainable Urban Drainage’

Policy CL1 ‘Contaminated and Unstable Land’

Policy Poll1 ‘Pollution Control and Protection’

<u>SPD’s</u>

-Design of Housing Development
-Parking
-Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

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 59 - 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 del

Paras 74-77 - reiterates the importance of a deliverable supply of homes to meet the needs of the district.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 111 - 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 126 - The creation of high-quality 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 134 - '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.

Consultations

Biodiversity - No objections subject to conditions

SYMAS – No objection subject to condition

Highways – No objections subject to conditions

The Coal Authority – No objections subject to conditions

Representations

The application was advertised by neighbour notification letters (13 addresses in total) and a site notice was erected within the immediate area. 2no. objections have been received from 1no. address as a result. The main points of concern are:-

- increased traffic on Hay Green Lane
- Reduced highway safety

Assessment

Principle of development

The site is located within Hoyland Principle town boundary and close to the amenities within Birdwell. The significance of this is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2. It should also be noted that the site adjoins a housing allocation which has been granted permission for 113 dwellings which demonstrates the area is suitable for residential development.

Local Plan Policy H4 'Residential Development on Small Non-allocated Sites' states that proposals for residential development on sites below 0.4Ha will be allowed where the proposal complies with other relevant policies in the plan. These sites make a valuable contribution to the housing supply. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services. Developing these sites also reduces the need to provide new sites outside settlement boundaries. We will allow small scale residential development within towns and villages in line with other plan policies, including those protecting people's living conditions, road safety and design.

In addition to the above all new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety. An assessment of the proposals against those criteria is set out within the sections of the report below:-

Design/appearance/layout

The applicants have only applied for layout, as such, scale and appearance will be assessed under a reserved matters application.

In terms of the layout, the submitted plan demonstrates that the plot can accommodate a detached dwelling with associated detached garage while still providing adequate in curtilage parking and garden/amenity space. However, the proposed footprint of the building is larger than the footprints of the immediately adjacent 2 storey dwellings, as such, if a fully 2 storey dwelling came forward on that footprint it would unlikely be supported as it would not reflect the development pattern or the scale of the area. A single storey dwelling on that footprint would be more likely to be supported (subject to meeting the relevant policies and guidelines at reserved matters stage), as such, a condition will be recommended for the future dwelling to be single storey.

The proposed dwelling would not directly front Hay Green Lane but would have a frontage onto Hay Green Court, as such, it is not a backland location given an access already exists and there is development immediately adjacent. It is acknowledged

the dwelling would be set behind the predominant building line on Hay Green Lane and would also be further from the highway than the dwellings within the gated development. This is further exacerbated given the open space and fields to the West and South of the site.

However, There is an existing detached garage block immediately to the East on a similar building line. Furthermore, as highlighted above, the currently undeveloped land to the West and South of the site is allocated in the local plan for housing and has an approval for 113 dwellings, as such, a dwelling in this location would not be contrary to the development pattern of the area, in accordance with Local Plan Policy D1 and SPD 'Design of Housing Development'.

Residential Amenity

As outlined above, scale and appearance are reserved matters so there is limited information on the height and layout of the dwelling to fully assess the impact on residential amenity, as such, this would be explored further at reserved matters stage.

However, layout is to be considered and a site/layout plan has been provided. The proposed dwelling would be positioned to the South West of the existing dwellings within the gated development and would be separated from them by Hay Green Court. Although the scale of the dwelling would need to be considered further at reserved matters stage, the layout demonstrates a dwelling could be accommodated on the site without significantly increasing overshadowing or being an overbearing feature.

At present there is only a detached garage to the East and open space/fields to the West and South. However, as outlined above a housing development of 113 dwellings has been approved on the neighbouring land to the West and South. The approved layout of the neighbouring development shows a pair of semi-detached dwellings to the North West but these would front Hay Green Lane and be separated from the site by a footpath and area of open space. The approved semi detached dwellings to the West would front the site but there would be in excess of 12m from their front elevations to the proposed side elevation. The footpath, open space and an access road would also separate the two sites.

To the south of the site a detached dwelling has been approved within close proximity of the rear boundary. However, the proposed dwelling would be orientated to the North of this dwelling and would not result in unreasonable overshadowing or be an overbearing feature. The plan also shows that a separation distance of circa 12m could be achieved between the proposed rear elevation and the approved side elevation, as well as a distance in excess of 10m from the proposed rear elevation to the approved private garden spaces, in accordance with the SPD. There is also a distance of at least 10m from the proposed front elevation to the private amenity spaces serving the dwellings in the gated development.

No details of internal spacing has been provided and this will be assessed further at reserved matters stage, although the submitted layout plan does demonstrate a private amenity space of over 60m2 can be achieved, in accordance with the SPD.

Given the comments above, the layout plan demonstrates a dwelling can be accommodated on the site which achieves adequate residential amenity for both existing and future residents, in accordance with Local Plan Policy GD1 and SPD 'Design of Housing Development'.

Highway considerations

The layout plan demonstrates at least 2no. off street parking spaces can be located within the curtilage of the dwelling which would be in addition to any space created

within the garage, as such, the development with accord with the requirements of SPD 'Parking'.

The plan also shows that the development would share Hay Green Court with the existing residents and the total number of dwellings served by that driveway would not exceed 5. There is also adequate turning and manoeuvring space to allow vehicles to enter and exit the site in a forward gear.
Highways DM have been consulted on the application and have raised no objections subject to conditions. As such, highway safety would be maintained, in accordance with Local Plan Policy T4.

Biodiversity

The application was accompanied by a Preliminary Ecology Survey which sets out a number of recommendations given the loss of habitat. The recommendations include a planting scheme utilising native species, hedgehog sized gaps left in fences and bat and bird boxes incorporated within the scheme. There is also advise to protect species such as bats, birds and hedgehogs during construction.

The Councils Biodiversity Officer agrees with the findings and recommendations within the report and has raised no objections subject to conditions.

Mining

The application is accompanied by a Coal Mining Risk Assessment report (CMRA 00298) prepared by Lyons CMS Coal Mining & Geotechnical Consultancy, dated 30th June 2022.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings within the Shallow Wood coal seam. The author states that no further seams are expected to be of effect below this level. These investigations should inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

SYMAS and the Coal Authority concur with the findings in the report and have raised no objections subject to conditions requiring the ground investigations to be carried out and details submitted for approval.

Conclusion

In summary the proposed residential development is considered acceptable in principle due to the land being designated urban fabric in the local plan and it being within the Hoyland Principal Town which is a priority to accommodate housing growth. The proposal therefore achieve compliance with local plan policies LG2, H1, H2 and therefore SD1 Presumption in Favour of Sustainable Development by consequence.

The proposals are only in outline stage at the moment but the indicative layout plan shows that the development could achieve the required spacing and garden sizes to provide and maintain the required standards of residential amenity for existing and future occupiers.

The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including highways matters, coal mining risk and Biodiversity subject to appropriately worded conditions.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most

notably policies LG2, H1, H2, H6, GD1, I1, BIO1, T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay. The recommendation is one of approval therefore subject conditions.

Recommendation Grant planning permission subject to conditions.