

Application Reference: 2024/0574

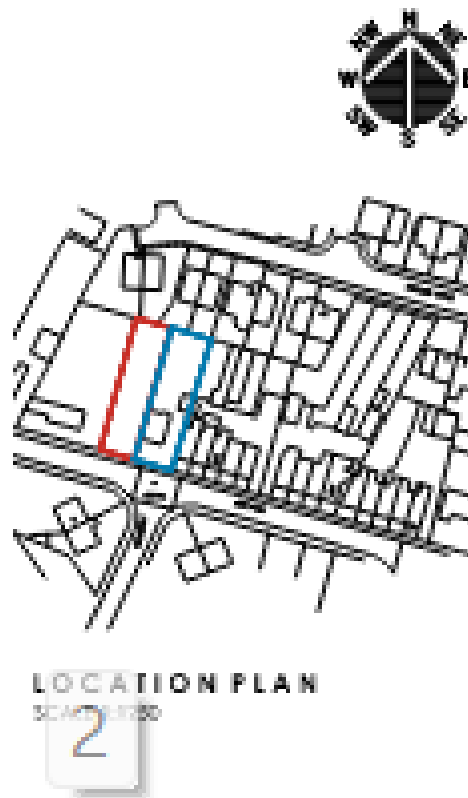
Site Address: 284 New Road, Staincross, Barnsley, S75 6GP

Introduction:

This application seeks outline permission for the erection of a detached dwelling with access and layout under consideration at this stage (Custom/Self Build).

Relevant Site Characteristics

The application relates to a plot of land within New Road in Staincross which forms part of the domestic curtilage of 284 New Road. The development site comprises part of the lawned garden area and is accessed from New Road. Bound by a mix of red brick walls, dry stone walls, vegetation, and trees to the north, south and west. The surrounding area is principally residential characterised by two-storey detached, terraced and semi-detached dwellings with a differing material palette mainly red brick, stone, and light-coloured render. The site is situated within the Urban Fabric policy area indicated within the Local Plan



Site History

Application Reference	Description	Status (Approved/Refused)
None		

Detailed description of Proposed Works

The applicant is seeking outline approval for the erection of a detached dwelling (custom/self build) with all matters reserved except for access and layout. Access would be taken from the front of the site, New Road. A new drive would be formed in front of the proposed dwelling to accommodate 2 off street parking spaces side by side located centrally along the access.

The site plan shows that the proposed dwelling would be detached, located towards the front of the site in line with 284 New Road. Private amenity space would be located to the rear.

There are existing ground floor side windows located on both the neighbouring properties flanking the site.



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 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 following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.

- Policy H1: The Number of New Homes to be Built.
- Policy H4: Residential Development on Small Non-allocated sites.
- Policy H9 Protection of Existing Larger Dwellings
- Policy LG2: The Location of Growth.
- Policy GD1: General Development.
- Policy POLL1: Pollution Control and Protection.
- Policy T3: New Development and Sustainable Travel.
- Policy T4: New Development and Transport Safety.
- Policy D1: High quality design and place making.
- Policy BIO1: Biodiversity and Geodiversity.
- Policy CL1: Contaminated and Unstable Land.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social, and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development.

Section 4 - Decision making

Section 5 - Delivering a sufficient supply of homes.

Section 9 – Promoting sustainable transport.

Section 11 – Making effective use of land.

Section 12 - Achieving well-designed places.

Section 15 – Conserving and enhancing the natural environment.

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

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 SPDs in this case are:

- Trees and hedgerows (Adopted May 2019).

- Design of Housing Development (Adopted July 2023).
- Walls and Fences (Adopted May 2019).
- Biodiversity and Geodiversity (Adopted March 2024).
- Sustainable Travel (Adopted July 2022).
- Parking (Adopted November 2019).
- South Yorkshire Residential Design Guide 2011 (SYRDG)

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

Consultations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice for the development of local interest was posted close to the site.

3 representations have been received with the following concerns:

- Loss of old fruit trees
- Impact to fragile dry-stone wall
- Bats within the trees
- Impact to already oversubscribed drains
- Ashes of family members are scattered on the land in question - unethical.

Yorkshire Water - No comments received.

Tree Officer – No objections subject to conditions

Drainage – No comments received.

Highways DC – No objections to amended plans subject to conditions.

Pollution Control – No objection subject to conditions.

SYAS – No comments received.

South Yorkshire Coal Authority – No objections subject to conditions.

Local Councillors – No comments received.

Planning Assessment

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited

- Little or no

Principle

The site falls within Urban Fabric. Local Plan Policy H4: Residential development on small non-allocated sites, sets out that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan. The principle of development is supported by Policy H4.

The site consists of part of the garden area associated with 284 New Road, and as such Policy H9 is of relevance. Planning Policy states that 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. Whilst the proposal will involve the use of part of the garden area associated with no. 284, the size of the proposed and remaining garden area exceeds size expectation for the size of the property. Furthermore, taking into consideration the surrounding properties within this location, the proposed and remaining garden areas will be comparable in terms of size and location at the rear of the properties to retain a private garden area for the occupants.

The development site is in an area that is principally residential, which comprises a mix of two-storey detached, terraced and semi-detached dwellings. The proposal for the erection of a detached dwelling would maintain an appropriate housing mix within the local area, and as such, the use of the development site for residential uses would be in-keeping with the local character.

The proposed development is aligned with the characteristics of infill development as set out within The Design of housing development SPD. The section for infill development requires proposals, amongst other things, to comply with external spacing standards.

Considering the above, the principle of development is considered acceptable, subject to compliance with other relevant policies in the plan and all other material considerations.

The application seeks outline permission with access and layout being considered at this stage. As such, layout and external spacing standards and highways considerations are key elements of the principle of development and an assessment has been made with this in mind.

Scale, Design and Impact on the Character

Outline approval is sought with layout and access considered at this stage. As such, the application is not supported by detailed floor plans and elevations and therefore, a full assessment has not been made regarding design and visual amenity. However, an indicative plan shows the siting of the proposed detached building, which would be in-keeping with the local character. The proposed dwelling would maintain established building lines, and the proposed layout shows the dwelling would adopt a footprint akin to the adjacent properties.

Full details of scale and design and external appearance will require further consideration at reserved matters stage.

Subject to conditions, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity.

Impact on Neighbouring Amenity

Development is acceptable if it does not have a significant adverse effect on the living conditions and residential amenity of existing and future residents and neighbouring properties. Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in pollution which would unacceptably affect or cause a nuisance to the natural and built environment or people.

Layout is under consideration at this stage and therefore, an assessment has been made regarding the ability of the proposal to achieve adequate external spacing standards and levels of residential amenity, including outlook and privacy considerations.

Design of housing development SPD sets out the external spatial requirements to protect existing and potential residential amenity. The SPD states that the minimum back-to-back dimension between facing habitable rooms, (i.e. any room used or intended to be used for sleeping, cooking, living, or eating purposes), should be 21 metres. Where housing abuts the edge of existing settlements, the back-to-back dimension towards existing housing should be greater than 21 metres.

Design of housing development SPD states that proposed habitable room windows at first floor level and above should be a minimum distance of 10 metres from the boundary of any private garden which they would face. It also sets out that 'walls without habitable room windows (usually side elevations) should be at least 12 metres from habitable room windows. The SPD then goes on to state that distances between new buildings and existing dwellings may be relaxed depending on several factors including site level relationships, existing screening or landscaping and each case will be judged on its merits, but detailed information must be submitted to demonstrate that adequate levels of amenity would be retained for existing residents and provided for residents of proposed dwellings.

The proposed layout indicates that an adequate separation distance (21 metres or more) could be achieved between any potential principal habitable room windows on the north and south elevations of the proposed dwelling and the neighbouring properties opposite, in accordance with the Design of housing development SPD. However, the east and west elevations would achieve substandard distances. The proposed siting of the dwelling will be located directly in-between 290 and 284 New Road. Both properties have a single ground floor window facing the application site, which will most likely be impacted by the development contrary to the Council's design guidance.

Nevertheless, any potential habitable room windows or blank gables on the east and west elevation of the proposed dwelling would face secondary windows. Such windows are not afforded the same protections as principal habitable room windows located on the front and rear elevations of adjacent neighbouring properties. Additionally, the NPPF and the Design of housing development SPD allows for some flexibility if living standards would be acceptable. In this instance, a flexible approach has been applied, and it is considered that the proposal could achieve reasonable levels of amenity, including privacy and outlook, for both the occupant(s) of 284 and 290 New Road and the potential future occupant(s) of the proposed dwelling. It is noted that further consideration would be given at reserved matters stage.

Design of housing development SPD states that the rear gardens for proposed dwellings should be at least 60 square metres for dwellings with three or more bedrooms. Smaller gardens may be acceptable on corner plots if privacy and daylighting can be maintained. The proposed and retained garden surpasses this expectation. Furthermore, the proposal has been assessed against Policy H9 for the protection of larger dwelling and although it is recognised that the proposal will result in the loss of existing garden area associated within No. 284 New Road, both the proposed and remaining garden area will far exceed the size expectations stated within SPD: Design of Housing Development. Assessment of the surrounding dwellings has also been taken into account in terms of spacing and has been found to be comparable in terms of size and location as summarised above.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction and demolition works. However, any impact is anticipated to only be temporary and construction hours can be controlled by condition.

Subject to conditions, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Highways

The development is not considered to be prejudicial to highway safety. The development site proposes two 5m x 2.5m parking off street parking spaces located at the front of the property, accessed from New Road which would provide satisfactory off-street parking arrangements for the proposed dwelling. The proposal also provides adequate pedestrian visibility and an accessible refuse bin storage point.

Subject to conditions, this is considered to weigh moderately in favour of the proposal.

In view of the above, the outline proposals are considered acceptable from a highways development control perspective and are considered to comply with Parking SPD and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact to Trees

There are a small number of trees and vegetation within the site boundary that will be impacted by the potential development therefore an assessment of the trees was undertaken with a subsequent Arboricultural report and impact assessment submitted and assessed by the Council. The findings within the report state that the proposal will result in the removal of one small apple tree, a dead tree, and some scrubby/shrubby material. As such the Tree Officer has no objections to the proposal subject to suitable replacement planting being provided to mitigate for the removal of the Apple tree. Tree protection measures will be conditioned to protect the replacement planting.

It is noted that the proposal is for a custom/self build and as such is exempt from BNG requirements. As such the following condition will be added to the decision notice:

“The dwelling hereby approved shall be constructed as a self-build/custom build property, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The dwelling

shall only be occupied as a self-build/custom build dwelling in accordance with Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 for a period of at least 3 years from date of the first occupation of the dwelling. In the event that the dwelling is not built and occupied for a minimum 3 years as a self- build/custom build property, a biodiversity net gain plan shall be submitted to and approved by the Local Planning Authority. The biodiversity net gain plan shall be implemented in accordance with the approved details.

Reason: In accordance with the Schedule 7A: Biodiversity Net Gain in England of the Town and Country Planning Act 1990.”

Subject to conditions, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1 Biodiversity and Geodiversity and is considered acceptable.

Impact upon Contaminated and Unstable Land

The development site is within a development high risk area as identified by the Coal Authority and therefore, the application is supported by a Coal Mining Risk Assessment. The submitted CMRA has been considered Coal Authority and South Yorkshire Mining Advisory Service, who were consulted.

The Coal Authority indicates that the application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (September 2024, prepared by Lyons CMC) to accompany the planning application.

The report indicates that, although no recorded workings are known in the Abdy or Top Beamshaw coal seams in this specific area, given their nature/thickness there will be some potential for unrecorded, possibly illicit, workings being present. Given this position and the nature of development proposed, the report CMRA report recommends that a site investigation should be undertaken to check the depth and nature of the shallow ‘Abdy & Top Beamshaw’ coal seams and inform any necessary remedial works required.

The coal Authority states that they agree with the reports’ recommendations and intrusive site investigation works should be undertaken prior to development to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority therefore raised no objections subject to conditions. SYMAS did not provide any further comments in relation to this proposal.

Subject to conditions, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy CL1: Contaminated and Unstable Land and is considered acceptable.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes acceptable development in respect of highway safety, residential and visual amenity and the proposal complies with the relevant plan policies and therefore planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval although further consideration will be required at reserved matters stage.

RECOMMENDATION: Approve subject to conditions