
2022/0321

Applicant: Mr W Borgia

Erection of 4 no. detached dwellings and associated works

Land adjacent The Stables, Pantry Hill, Worsbrough Dale, Barnsley, S70 4RP

Site Description

The application site is located to the Southern end of the settlement of Worsbrough, located approximately 2.5km to the South-East of Barnsley Town Centre. The site itself is an irregular shape which form the front of the Southern gardens of Darley Grove, a large detached historic building with access from Pantry Hill. Pantry Hill has a North-to-South slope with the site in an elevated position over Pantry Hill to the East, and the neighbouring properties located on Kings Croft to the South. There are pockets of trees and other vegetation on site, some of which are protected.

The access to the site itself is gated with a high stone wall, chamfered, to allow an access set back from the highway. Many of the trees on the site are protected by a tree preservation order, particularly those in the southern part of the site. Pantry Hill is a narrow steep lane with Grove Street uphill leading northwest to rows of stone built terraced houses; and Darley Grove, an unmade track, leading east to the rear of Darley House. Downhill of the site lies James Street Green St and George Street, with further terraced housing.

The site is located in the Urban Fabric in what is almost entirely a residential area. The site is located in a development area of high risk of coal mining legacy issues.

Relevant Site History

B/80/1638/T/WB – Felling of 4 trees and pruning of 5 trees

B/90/0690/WB – Erection of granny flat above existing garage

B/99/1460/WB – Change of use of dwelling to house in multiple occupation

B/03/0843/WB – Erection of three-storey extension to include workspace, three s/c accommodation units, studio bedroom with shared facilities and study room

2008/1560 – Selective felling and pruning of trees within A1 of TPO 9/78

2017/1738 – Residential of Three Detached dwellings (Outline with All Matters Reserved apart from means of access) (Amended Plans and Description)

2020/0056 – Conversion of HMO into 2 no dwellinghouses

2020/1318 – Remove and replace Ash Trees T1 and T2 and Yew Tree T4 and remove epicormic growth from Ash Tree T3 within TPO 9/1978

2021/0384 – Conversion of stable block into 1 no dwellinghouse (LDC for existing use)

Proposed Development

The applicant is seeking approval for the erection of 4 x dwellings with associated parking, garages and access off Pantry Hill. The dwellings are detached, split into two house types – A and B. A private access drive runs West to East from Pantry Hill, leading to the individual dwellings and a shared turning area positioned centrally in the site. Plots 1 and 2 are House Type A, with the frontages facing North. Plots 3 and 4 are House Type B with the frontages facing West.

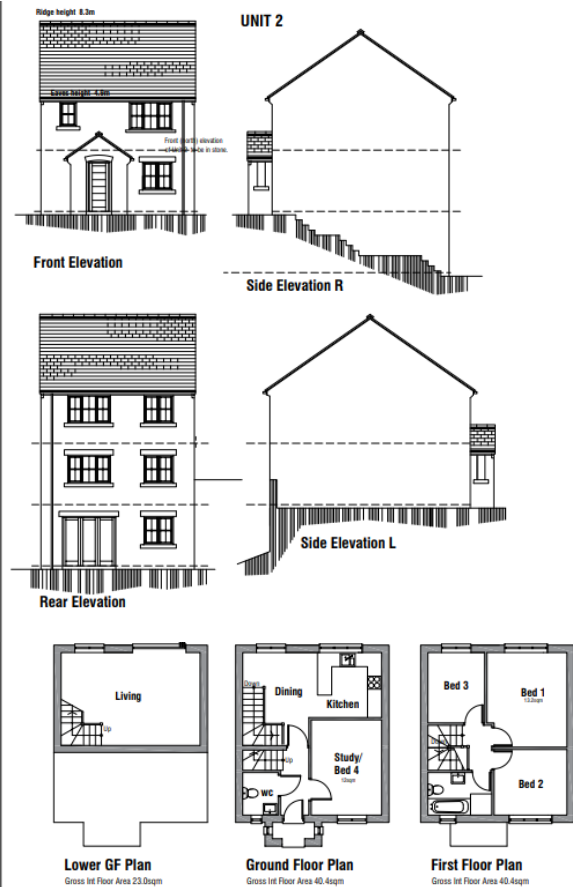
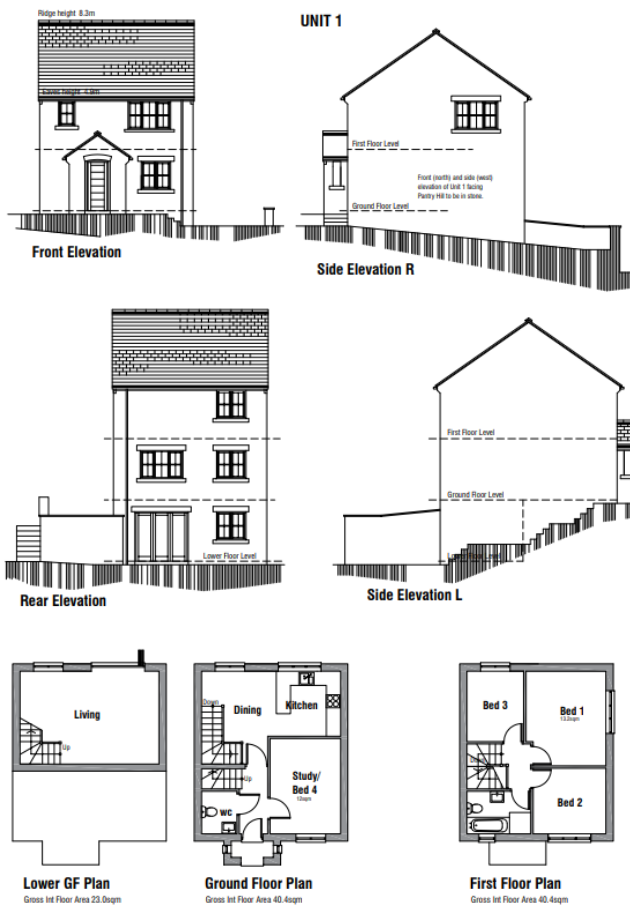
The proposed plans have been amended on numerous occasions to account for discrepancies in the tree survey and to make changes to the overall layout of development, as well as alterations to plots 1 and 4. Plot 1's parking has been repositioned to form a tandem parking space, with the garage being removed. Whilst plot 2 has been slightly repositioned 2m to the North, and 2 x rooflights have been added to plot 4 serving bedrooms 1 and 4.

Proposed Site Plan – Amended (Rev. D)

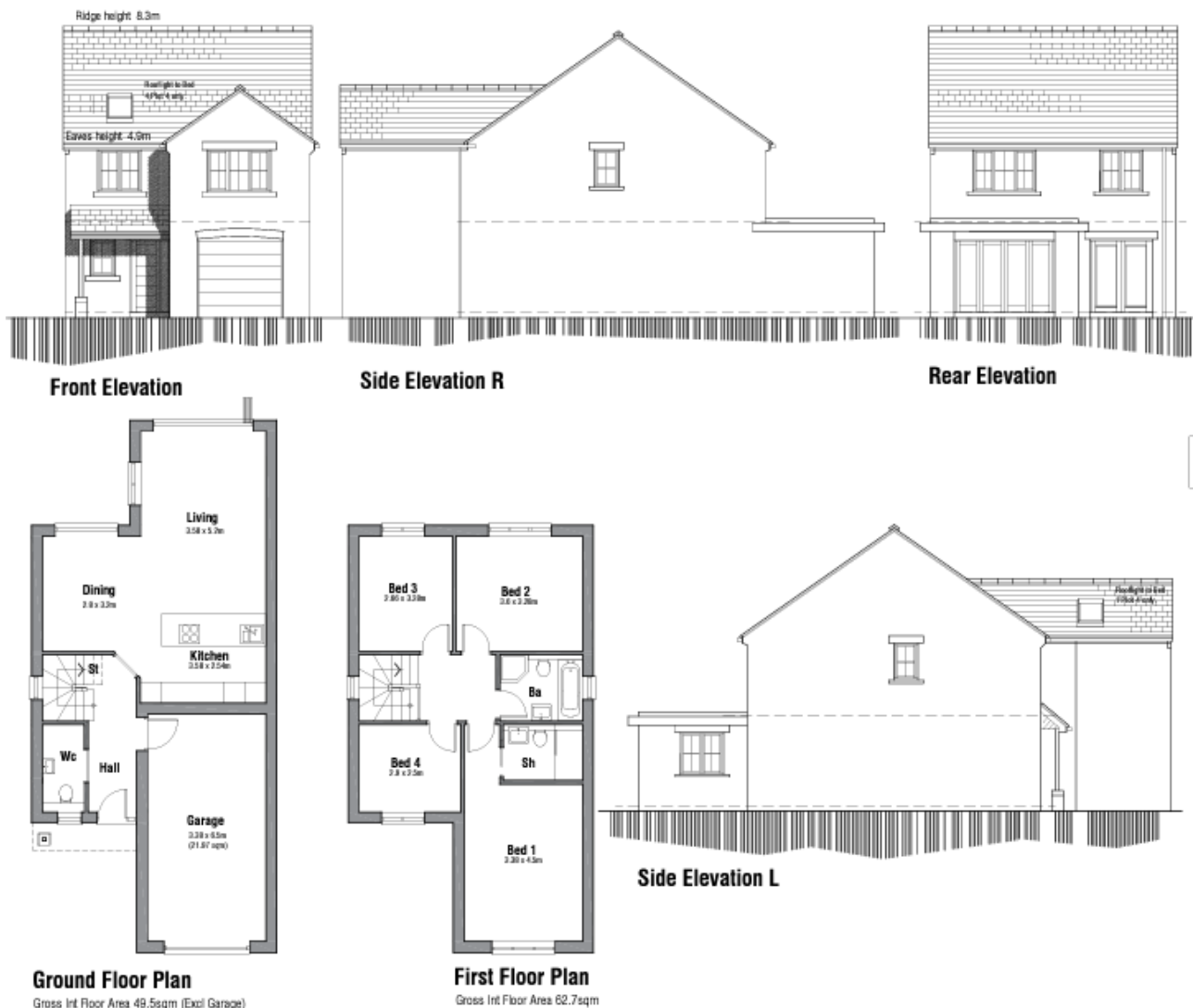


Proposed Units 1 and 2 (Rev. F)

House Type A –



Proposed House Type B – Units 3 and 4 (Rev. D)



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. As such, the following policies are relevant:-

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.

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.

SD1: Presumption in favour of Sustainable Development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

LG2: The Location of Growth - Priority will be given to development in the following locations:

Urban Barnsley;
Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
Villages.

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy

H1: The Number of New Homes to be Built – The Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.

H2: The Distribution of new Homes – The location of housing development accords with the settlement hierarchy and Policy LG2 regarding location of growth.

H4: Residential development on small non-allocated sites - 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.

T3: New Development and Sustainable Travel – New Development will be 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.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

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.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

HE3: Developments affecting Historic Buildings - Proposals involving additions or alterations to listed buildings or buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance

RE1: Low Carbon and Renewable Energy - All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

Supplementary Planning Documents

- Design of Housing Development
- Parking
- Sustainable Travel

NPPF

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Conservation Officer – The changes to the scheme are slight but it is welcomed that the turning area to the South of the oldest (North-Western) end of Darley House have been retained allowing some breathing space to the setting. This will allow for Darley House to be viewed uninterrupted from the South. Overall, there are no objections raised to the scheme.

Forestry Officer – Initially raised concerns to the scheme for a number of reasons. Firstly, the previous TPO decisions had not been fully complied with as trees had been removed but not suitably replaced as per the conditions on the previous decision notice. Secondly, there were concerns raised to the impact of the development on the trees, particularly plot 1 being located in the root protection area of trees. Lastly, the overshadowing impact of the trees on plots 1, 2 and 4. The agent confirmed that the trees had been replaced as per the terms of the previous decision notice and provided an amended site plan, alongside a change to the site layout plan showing a relocation of plots 1 and 2, and an additional rooflight for plot 4. Upon receipt of this information, the Forestry Officer did not raise any objection to the scheme in arboricultural terms subject to conditions.

Highways DC – The principle of a suitable access being achievable to serve a small residential development on this site was established with the granting of Outline approval under App. No. 2017/1738 where permission was granted for the matter of Access to serve 3no. detached dwellings. Full planning permission is now sought for 4no. detached dwellings. The proposals include the creation of a private drive access of adequate width and with a turning area suitable for a fire appliance. Sufficient parking provision is included within the site and a bin collection area is to be provided adjacent to the site access junction with Pantry Hill. The increase in the number of dwellings from 3 to 4 will not result in a sufficient enough impact upon the highway to warrant a recommendation of refusal, as such the proposals are considered acceptable from a highways development control perspective. No objections are raised subject to conditions and an informative note.

Highway Drainage – No objection raised subject to conditions.

Pollution Control – No objections subject to conditions.

Public Rights of Way (PROW) – There do not appear to be any Definitive Public Rights of Way affected by the proposed development. If the application is accepted then an informative is recommended.

The Coal Authority – Concurs with the recommendations of the Phase I Desk Study & Coal Mining Risk Assessment that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. No objections subject to two conditions requiring the developer to undertake investigative surveys and submit an associated report to be agreed by the LPA prior to the development commencing.

South Yorkshire Mining Advisory Service (SYMAS) – Concurs with the recommendations of the phase 1 desk study report for the proposals which concludes that a phase 2 intrusive investigation is required to fully determine any coal mining legacy risks to the proposed development, namely associated with shallow coal/mine workings. No objections to the scheme subject to a condition which requires the developer to undertake intrusive site investigations to submit and agree with the LPA prior to development commencing.

South Yorkshire Archaeology Service (SYAS) – No comments received.

Ward Councillors – No comments received.

Yorkshire Water – Foul water is draining the combined sewer in Pantry Hill via an existing 150mm diameter foul drain (private) that was indicated within the site and surface water stated as to draining to existing watercourse. No specific response is therefore made to the scheme.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; one comment was received raising concern with the impact of the development on local drainage systems.

Assessment

Principle of Development

The application site is in the Urban Fabric where no specific restriction to development is present, however an assessment of the nearby area is necessary in order to establish whether the development is acceptable in principle. The surrounding area is largely residential, and the application site has planning history for residential development which has since expired (application ref 2017/1738). Local Plan Policy H4 states that residential development on small non-allocated sites will be allowed where the proposal complies with other relevant policies in the Plan. Further assessment will therefore be made in the below sections but in general, the development of the site for residential is considered to be acceptable in principle subject to other Local and National Planning Policies being adhered to.

Residential Amenity

The site is located in a residential area with Darley House (residential) in close proximity to the North, and several properties to the South (on Kings Court) bordering the site alongside properties to the West on James Street. The site is at a higher level than the neighbouring properties to the South. Plots 1 and 2 (house type A) are therefore split level with the frontage being two storey (ground floor and first floor), and the rear featuring a lower ground floor. Effectively, this creates a three-storey property when viewed from the properties to the rear.

In line with the Council's SPD for Design of Housing Development, each additional floor requires an additional 3m to separation distances to respective boundary lines, neighbouring blank gable walls and neighbouring habitable room windows.

Plot 1 is situated at 13.5m to the rear boundary line and 24m from the nearest rear elevation of the nearest adjacent property to the South on Kings Croft. The rear elevation has a single bedroom window at third floor level on the rear elevation however, the separation distance meets the minimum distance expected in the SPD taking into account the additional floor. The rear elevation of plot 2 features 2 x habitable room windows at third floor level which are 14.5m from the rear boundary line and 24m from the nearest habitable room window of the dwelling to the immediate South. Additionally, there is a high amount of screening between the development and the existing dwelling with protected trees which is highlighted on the proposed site plan. The side elevation of Plot 4 is at a distance of 19.5m from the rear elevation of the nearest neighbouring plot directly to the South, which is much greater than the required 12m between habitable room windows and blank gable walls. That being said, this side elevation contains a window serving a bathroom however this will be conditioned to be obscure glazed and will not result in overlooking into the neighbouring property.

The side elevation of Plot 3 is located at a distance of 18m from the residential property to the North – the Stables – and 16m from the nearest part of Darley House. The Northern side elevation is blank apart from an obscure glazed bathroom window and this layout respects the minimum 12m between gable walls and habitable room windows. The front elevation of plot 2 faces onto the front elevation of Darley House at a distance of 17.5m which again meets required separation distances between frontages.

Both unit types (A and B) contain an internal floor area which is large enough to be in compliance with the Council's SPD for Design of Housing Development and the South Yorkshire Residential Design Guide, and the proposed private amenity space is greater than 60sqm which is in compliance with the SPD and is sufficiently private for each property.

There are level differences throughout the site with partial level details denoted on the site plan. Plots 1 and 2 will have a North-to-South sloping rear garden with the Lower ground floor level of plot 1 being 86.400 and plot 2 being 86.600 and the rear boundary line of both plots being 85.400. This is a 1m and 1.2m difference in floor levels from the North of the rear gardens to the respective rear boundary lines. This will create some form of gradient in the rear garden areas of both plots is not likely to be severe. That being said, further clarification will be required as to the gradient details alongside full level details of the site which will be added as a condition.

The properties are in close proximity to the trees on/immediately adjacent to the site and there were initially concerns raised by the LPA that plot 1, 2 and 4 would be overshadowed to varying degrees. An amended plan has been submitted which slightly re-positions plots 1 and 2 North to allow for increased spacing/separation to the trees which would overhang into the respective rear garden areas and significantly overshadow the rear garden areas and rear elevations. The trees are still relatively close to plots 1 and 2 and several of the trees still overhang into these respective rear garden areas however, there is now sufficient spacing to ensure that the overshadowing impact is not severe. In relation to plot 4, the primary concern was the overshadowing impact to the front elevation of the dwelling which contained the sole window for plot's 4 largest bedroom. An amended plan has been submitted which shows the addition of a roof light on the Southern facing roof slope of this bedroom to allow additional light into the bedroom. This arrangement is considered to be appropriate to allow sufficient natural light into the property.

The proposed development is in compliance with Local Plan Policy GD1 and the Council's SPD for Design of Housing Development and is acceptable in terms of residential amenity.

Visual Amenity

The application site is off Pantry Hill in Worsbrough with the site screened from the street by trees and a fairly high stone wall on the Western boundary. The surrounding area is primarily residential with a mix of dwelling types, structures and external materials. The proposed dwellings are all similar in appearance to one another with two Unit types which relate well to the surrounding area, with the site not forming a prominent part of the street scene given it is off Pantry Hill and screened. A condition will be attached to a forthcoming decision notice requiring external materials details to be submitted to and agreed by the LPA upon commencement of development.

Given the inherent nature of the site being green, covered with various pockets of trees and other vegetation, it was important to retain these characteristics and qualities through the development. The proposed layout does not result in any of the trees being removed and The Forestry Officer has been consulted at an early stage to request alterations to the site layout in order to retain trees. Alongside this, a condition requiring a soft landscaping scheme has been added and will be required to be submitted and agreed prior to development commencing.

The access, parking and turning area on site shall be surfaced in a solid material, rather than loose material such as gravel which is suitable in terms of visual amenity/design. This will be added as a condition.

The proposed development is considered to be in compliance with Local Plan Policy D1 and the SPD for Design of Housing Development and is acceptable in terms of visual amenity, subject to conditions.

Impact on the Historic Environment

The site is in the Southern Garden/grounds of Darley House which is a non-designated heritage asset. The key question of the application therefore in terms of its impact on the historic environment. The conservation officer has been consulted on the proposal and has not objected to the amended scheme which removes the garage attached to plot 1 and also slightly changes the layout of the development. The main consideration is that development is designed with a parking/turning area directly to the front/South of Darley House and this would allow for uninterrupted views to the front/main elevation of Darley House.

The proposed development is in line with Local Plan Policy HE3 in that it does not detrimentally impact the setting of the historic building and is acceptable in terms of its impact on the historic environment.

Highways Safety

The site is located off Pantry Hill with the development making use of an existing access into the site. Each of the plots allow for 2 parking spaces, which is in compliance with the Council's Parking SPD and a turning area is retained centrally in the site to allow all units to enter and leave into Pantry Hill in forward gear. Conditions will be placed onto the approval which ensure that the parking/access/turning area will be hard

surfaced and that adequate visibility will be retained for each plot's parking area and the junction into the development site and Pantry Hill. The proposed development is in compliance with the Council's Parking SPD and Local Plan Policy T4 and is acceptable in terms of highway safety.

Impact on Trees

The site contains pockets of protected trees, largely centred on the Southern and South-West boundary lines of the site. The site also has previous planning history which includes the removal and replacement of trees which the site visit showing that the trees had been removed but not replaced. After discussions between the applicant and the tree officer, the agent confirmed that the trees had been replaced in line with the previous TPO permission.

To support this, an updated tree survey/AMS was submitted which outlined the correct positioning of the trees and the species. The replaced trees were in fairly close proximity to plot 1 on site and concern was raised by the Forestry Officer in relation to plot 1's proposed parking spaces (side by side) and the attached garage. An amended site plan was received which removed the garage entirely and altered the parking spaces into tandem spaces. This significantly reduced the pressure on the trees, and the amended site plan was reassessed by the Forestry Officer with no objections to the scheme raised. The proposed development is considered to be acceptable subject to conditions.

Coal Mining Risk

The site is located in a development area which is at high risk of coal mining legacy and a Coal Mining Risk Assessment (CMRA) has been submitted which requires investigative drilling and associated reports to be submitted to and agreed by the LPA prior to development commencing. A condition will be added to the decision notice which requires the developer to submit such details.

Drainage

Colleagues in Drainage and Yorkshire Water have been consulted on the application and no objections was raised subject to standard conditions, which will be added to the decision notice.

Conclusion

The applicant is seeking approval for the residential development of the Southern gardens/grounds of Darley House, Pantry Hill, Worsbrough – which is considered to be a non-designated Heritage Asset. The development will include the erection of 4 x detached dwellinghouses, with access from Pantry Hill, with each plot having an associated parking area for each plot and shared turning area centrally in the site. The site is in the Urban Fabric and has history of residential development (ref 2017/1738) for an outline application for 3 dwellings. Whilst this has since expired and the application is an unrelated full permission, it is considered that the site is appropriate for residential development.

The proposed development is considered to be acceptable in terms of design, its impact on highway safety/parking and on the residential amenity of neighbouring properties. Several conditions and informative notes are required which includes additional information including samples of external materials, levels, intrusive coal mining investigations and associated reports, landscaping scheme, tree protection, noise management plan, dust management plan, drainage details and boundary treatments. None of the consultees have objected to the scheme subject to the addition of the associated/requested conditions and informative notes.

The proposed development is therefore considered to be in line with Local and National Planning Policies and is recommended for approval, subject to conditions.

Recommendation

Approve with Conditions