
2024/0168

Mr C Bennett

Outline application for the erection of 5no. dwellings including access and layout with all other matters reserved.

Former Allotment Gardens, Wood Lane, Carlton, Barnsley, S71 3JL

Introduction

The application is being presented to Members due to the number of representations received/public interest and the recommendation being subject to the signing of a S106 Agreement for Green Space compensation.

Site Location & Description

The application site is a rectangular shaped parcel of land which is bound by residential gardens in all directions. The site is currently accessed via a narrow passage extending off the north-eastern corner between No.10 Wood Lane and No.11 Lambecroft.

The site was formally used as allotments but this use ceased within recent years and has since been mostly cleared, now consisting of scrubland. Garden fences and hedges define the site boundary, with a more modern open board style fence along the south-western boundary. A turning head on Francus Royd abuts this boundary, with the proposal to be accessed via this route. No.17 Francus Road is positioned immediately adjacent to the proposed access with an existing silver birch tree located to the front.

The surrounding area is characterised by residential housing. Modern, detached dwellings abut the site to the south, north and west, whilst more traditional terrace style properties are to the east. The external materials within the locality vary, with brick, stone and render used within the surrounding street scenes.

The site is fairly flat, with no significant level changes. The site is in a low risk development area as defined by the Coal Authority maps, and within Flood Zone 1 meaning low risk of flooding.

Site History

B/97/1196/BA - Erection of 113 dwellings, GRANTED, 28/4/1998

Proposed Development

The application seeks outline permission for the erection of 5x dwellings including details of access and layout. The proposal has been amended to address concerns raised by the Highways DC Officer as well as alterations to the red line boundary so that it abuts the adopted highway.

The development will be accessed via Francus Royd off the southern boundary, whilst the existing northern access will be retained as a pedestrian link to Wood Lane, as annotated on the site plan. A private drive will extend northwards off Francus Royd with a new turning head created at the

northern end of the site. The existing footway will be extended into the site and a bin collection point will be provided at the southern end of the site. In order to create the access, the existing silver birch tree will need to be removed.

The 5 residential properties will be positioned parallel with the private drive, with the rear gardens abutting the boundary of Nos 3 – 23 Grays Road. The proposed layout indicates that the properties will be detached with off-street parking to the front of each. 3 additional visitor spaces will be positioned along the north-western boundary.

Full details of the appearance/internal size of the dwellings and associated landscaping would be assessed at reserved matters stage.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. 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.

Allocation/Designations

The site is allocated as Wood Lane Allotments as defined in the adopted Barnsley Local Plan. The site is also washed over by Urban Fabric.

National Planning Policy Framework – December 2023

The National Planning Policy Framework (NPPF) was revised in December 2023, replacing the previous versions. The NPPF is a material consideration when assessing planning applications. The following sections are relevant to this application proposal:

- Section 5 – Delivering a Sufficient Supply of Homes
- Section 9- Promoting Sustainable Travel
- Section 11- Making Effective Use of Land
- Section 12- Achieving Well-designed and Beautiful Places

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

Policy GD1: General Development
Policy D1: High Quality Design and Place Making
Policy SD1: Presumption in favour of Sustainable Development
Policy T4: New Development and Transport Safety
Policy LC1: Landscape Character
Policy POLL1: Pollution Control and Protection
Policy H1: The Number of New Houses to be Built
Policy H4: Residential development on small non-allocated sites
Policy BIO1: Biodiversity & Geodiversity
Policy GS1: Green Space
Policy I1: Infrastructure and Planning Obligations

Supplementary Planning Documents

The Council have adopted SPDs to provide further guidance about the implementation of specific planning policies in the Local Plan. The adopted SPDs should be treated as material considerations in decision-making and are afforded full weight. The following SPDs are relevant to this proposal:

Parking, November 2019
Sustainable Travel, July 2022
Design of Housing Development, July 2023
Residential Amenity and the Siting of Buildings, May 2019
South Yorkshire Residential Design Guide, 2011
Biodiversity & Geodiversity, March 2024
Open Space Provision on New Housing Developments, May 2019
Trees & Hedgerow, May 2019

Consultations

Local Ward Councillors- No response.

Biodiversity – Additional information requested during the initial round of a consultation. A preliminary ecological assessment (PEA) was submitted on 21st June 2024, which provides an acceptable indication of the ecological value of the site prior to any clearance works being undertaken. The site is assessed as being largely unsuitable for protected/priority species with exception to some nesting birds species and hedgehog. The PEA includes appropriate recommendations in terms of precautionary works for nesting birds and access points for hedgehogs. The proposals shall also incorporate integral bat and bird boxes to enhance overall biodiversity. No objection subject to pre-commencement condition relating to the submission of a biodiversity mitigation scheme.

Contaminated Land – No response.

Environment Agency – No response.

Forestry Officer- The development requires the removal of one Silver Birch tree which is not of a sufficient quality or size to object to the proposed development. Other existing trees along the site boundary will need to be protected during construction. An arboricultural method statement and

landscaping scheme are required prior to commencement of development. No objection subject to the conditions attached.

Drainage- No objection subject to pre-commencement condition relating to full drainage details.

Planning Policy- Proposal needs to comply with Local Plan Policy GS1. A Green Space assessment which reviews the quality and value of green spaces within the local area and the impact of the loss of this site will need to be considered in accordance with the policy.

Pollution Control- No objection subject to pre-commencement condition relating to the submission of a construction method statement. Additional condition attached regarding hours of construction.

Superfast Broadband – Requirements covered by Building Control.

Waste Management- No response.

Yorkshire Water- No response.

Highways DC – The development proposes 5 dwellings which is acceptable via a private drive. The site plan has been amended to address concerns raised regarding the provision of a turning head and suitable refuse collection area. No objection based on the amended plans subject to condition relating to surfacing. Informatives also attached relating to works to the highway and shared drive regulations.

Representations

Two rounds of publicity have been carried out following amendments to the red line boundary. This application has been advertised in accordance with the Development Management Procedure Order (DMPO) 2015, as follows:

First Round- Original Proposal

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 2/4/2024
- Site Notice (public interest) displayed adjacent to the site- consultation expiry date: 11/4/2024

9 objections were received during the first round of publicity, raising the following concerns:

- Mud on road during construction;
- Impact upon drainage systems;
- Disturbance during construction;
- Impact upon existing utilities;
- Impact upon existing residential amenity;
- Inaccurate/insufficient ecological information;
- Impact upon habitats/species;
- Insufficient publicity;

- Impact upon trees;
- Loss of allotments/impact upon community facilities;
- Contaminated land issues;
- Concerns regarding increased use of Wood Lane;
- Overshadowing of existing residential gardens;
- Overdevelopment of site;

Second Round – Amended Red Line

- Neighbour notification letters sent to adjoining properties- consultation expiry date: 1/7/2024
- Site Notice (public interest) displayed adjacent to the site- consultation expiry date: 5/7/2024

3 additional objections (1 from the same address as comments summarised above) were received during the second round of publicity raising the following concerns:

- Land ownership/boundary treatment concerns;
- Impact upon trees;
- Concerns regarding site clearance;

As mentioned above, the site has been advertised on two occasions via a site notice and neighbour letters sent to all adjacent properties. Sufficient publicity has therefore been carried out and those comments are disregarded.

Land ownership issues is not a material planning consideration. Those comments are therefore disregarded. The other representations will be addressed within the assessment below.

Assessment

Principle of Development/Loss of Allotments

The site is washed over by urban fabric which has no specific land allocation. New buildings are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with other relevant Local Plan policies.

Policy H4 Residential Development on Small Non-allocated Sites states 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.

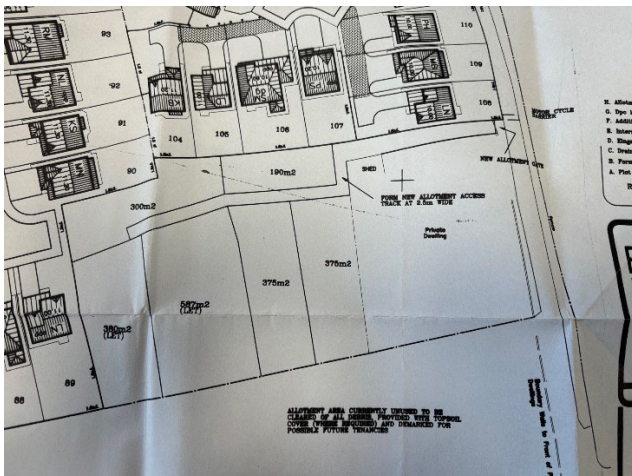
The application site is 0.25ha in size and therefore Policy H4 applies. However, the site is also allocated as 'allotments' within the adopted Barnsley Local Plan, with the site specific reference: Wood Lane Allotments. Local Plan Policy GS1 relates to various forms of allocated Green Space including allotments and states the following:

'Proposals that result in the loss of green space, or land that was last used as green space, will not normally be allowed unless:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or*
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or*
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.*

In order to improve the quantity, quality and value of green space provision we will require qualifying new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy and in accordance with the requirements of the Infrastructure and Planning Obligations Policy. The Supplementary Planning Document 'Open Space Provision on New Housing Developments' offers guidance to developers on what will be expected in terms of open space provision in order to achieve those standards.'

The agent for the application has provided additional information in relation to the former allotment use of the site. It is understood that that condition 16 of planning permission ref: B/97/1196/BA required 6 allotments to be provided at the application site, with the site plan associated with that permission also annotating the allotment use (see extract below). However, the agent states that a maximum of 2 allotment plots were implemented, with only two tenants known to occupy/rent the allotment plots. The S106 agreement for that permission does not refer to the allotments and the condition does not suggest that these need to be retained in perpetuity.



The agent/applicant has provided sufficient justification to demonstrate that appropriate public consultation has taken place in relation to the use/loss of the allotments. Photographic evidence demonstrates that site notices, which include contact details and information regarding potential occupation, have been displayed by the applicant at the entrance to the site. During the Local Planning Authority's publicity, none of the nearby residents stated that they occupied an allotment site or have provided firm evidence to suggest an interest in becoming a tenant.

In addition to this, the Council's Parks team have provided information regarding occupancy rates at the Council owned allotment sites. It is understood that there are currently vacant plots at other nearby allotment sites within Royston, Monk Bretton and Cudworth.

In summary, whilst the loss of the allocated allotment site is unfortunate, given its private ownership and lack of obvious occupation, the development of the site for residential purposes is considered to be acceptable. When assessed against the requirements of Local Plan Policy GS1, sufficient evidence has been provided to suggest that the loss of the allotment would not affect the existing or potential green space needs of the borough.

Section 4 of the Open Space Provision on New Housing Developments SPD refers to applications which propose to redevelopment green spaces for alternative uses. Paragraph 4.2 states: *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.*

For the reasons set out above, the loss of the allotments is considered to be acceptable in this instance subject to a suitable compensation being secured via a Section 106 Agreement. Based on the size of the application site and the calculation set out in the SPD a financial contribution of £31,410 ($£125,640 \times 0.25\text{ha}$) is to be paid by the applicant which will contribute towards the improvement/ enhancement of other green space.

Taking the above in account, the principle of residential development at this site is therefore considered to be acceptable subject to the considerations as followed and the signing of the S106 Agreement.

Design, Appearance & Impact Upon Character of Area

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials, as well as display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangements of materials, colours and details.

The proposed development seeks outline permission for 5x dwellings including layout details. This means the appearance and scale of the dwellings are to be assessed at reserved matters stage. However, the proposed site plan does include layout details, which indicates that the development would consist of 5x detached dwellings arranged parallel to the private drive.

Detached properties are characteristic of the local area, with detached style properties immediately abutting the site to the north and west. The proposed layout indicates similar separation distances and plot proportions to the neighbouring dwellings. The proposed dwellings will include private

rear gardens with driveways/gardens to the front, which is in-keeping with the surrounding built form. The proposed number of dwellings is considered to be suitable for the application site without appearing cramped or an overdevelopment. The overall layout of the development is considered to be reflective of the local character and is therefore acceptable.

Impact upon Residential Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable affect or cause a nuisance to the natural and built environment or to people.

As mentioned, the internal layout and appearance of the dwellings will be assessed at reserved matters stage. This includes the position of windows in terms of possible overlooking and the scale/height of the dwellings in regard to any overshadowing.

Nevertheless, the proposed layout does indicate that suitable separation distances can be achieved in accordance with the Design of Housing Development SPD. The SPD requires a 21m between back-to-back habitable room windows (section 2.2) and first floor windows must be at least 10m from existing garden boundaries (section 4.4). In this instance, the back-to-back distance between the proposed dwellings and the existing properties on Gray's Road would be in excess of 44m, with each of the dwellings positioned over 14m from the eastern boundary.

The proposed dwellings have good sized rear gardens, exceeding the requirements of the SPD in terms of private amenity space. Each dwelling will have a footprint of 58- 62sqm which is reasonable for a good sized 3-4 bedroom family home.

The surrounding area is primarily residential in nature, meaning that future residents are not expected to be subject to abnormal disturbance or nuisance.

It is noted that concerns have been raised regarding possible disturbance during the construction period and potential mud deposits on the adjacent streets. Whilst noise/dust can occur during construction, this impact is considered to be short term and not detrimental to adjoining amenity. Nevertheless, the Environmental Health Officer has proposed a condition which restricts construction hours to 0800- 1800 Monday to Friday, 0900- 1400 on Saturdays and at no time on Sundays or Bank Holidays to minimise any harm during unsociable hours. A construction method statement also needs to be submitted prior to development commencing to further regulate/assess any disturbance caused by construction traffic/activities which would include mitigation for issues such as mud on roads.

A full assessment in terms of any overlooking/overshadowing impacts upon residential amenity will be carried out at reserved stage, once the scale and massing of the proposed dwellings is understood. However, based on the siting of the dwellings and the sufficient separation distances, it is considered that the application site can easily accommodate the proposed number of dwellings whilst protecting existing and future residential amenity, subject to strict accordance with the attached conditions.

Highway Considerations

NPPF Paragraph 115 states that 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.

Local Plan Policy T4 states that 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. It follows on state if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

Table 1 of the Parking SPD (November 2019) sets out the adopted parking standards for new developments. The SPD states that 3+ bedroom dwellings must have at least 2 off-street parking spaces, with 1 visitor space per 4 dwellings.

The proposed development includes two off-street parking to the front of each dwelling in addition to 3x visitor spaces along the northern boundary of the site. The Highways DC Officer has no objection to the proposal based on the number of spaces proposed.

The South Yorkshire Residential Design Guide Section 4.B.1.1.9 states that unadopted shared private drives may give access up to a maximum of 5 dwellings. The development proposes 5 dwellings meaning a shared private drive arrangement is acceptable. The application red line boundary has been amended to abut the Francus Royd to the south, with the private drive to connect to the existing adopted road at this point. The existing footway will then be extended into the site. The applicant has confirmed ownership of the strip of land between the highway and the existing boundary treatment, which vehicles will cross over into the site. The Highways DC Officer has no objection on this basis.

The site plan has also been updated to include a sufficiently sized turning head at the northern end of the site, which provides adequate space for large fire vehicles to turn. A suitably positioned refuse collection area has also been added at the southern end of the site.

It is noted that neighbour representations have been received raising concerns regarding traffic/vehicle movements on Wood Lane. Whilst the application site is currently accessed via Wood Lane, as mentioned the main vehicular access will be served off Francus Royd, and via Lynwood Drive, meaning there is no direct impact upon Wood Lane. The existing access will be retained onto Wood Lane but this is for pedestrian purposes only. Therefore, the impact upon Wood Lane is considered to be limited.

On this basis the development is acceptable in terms of highways impacts subject to the condition attached relating to surfacing of driveways.

Ecology/Trees

Local Plan Policy BIO1 states development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees. The policy follows on to state that development will be expected to conserve and enhance the biodiversity and

geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements.

Policy GD1 states proposals for development will be approved if existing trees are to remain on site and are considered in order to avoid overshadowing.

The application has been supported by a sufficient PEA which the Ecologist has reviewed. It is noted that the allotment site was cleared prior to ecological site walkover and some neighbour concerns have been raised in this regard. However, the submitted reports take into account historical aerial imagery which demonstrate that the site largely comprised of bare ground, outbuildings (typical of allotment sites) with some areas of scrub and ruderal vegetation, all of which constitutes limited ecological value. The PEA details that the site has become re-vegetated since the clearance works being carried out, with the site now largely comprising of bramble scrub and bare ground. The submitted PEA therefore provides a suitable assessment of the site prior to be cleared.

The application was submitted prior to BNG becoming mandatory for small sites and therefore does not apply. Nevertheless, the report does include appropriate recommendations in regard to precautionary works for nesting birds and the provision of access points within the proposed fencing for hedgehogs. In addition to these recommendations, the proposals should incorporate integral bat and bird boxes within the proposed dwellings with the aim of enhancing biodiversity on-site. All new dwellings should include a bat or bird box, as per the mitigation/enhancement requirements set out within the Biodiversity and Geodiversity Supplementary Planning Document (2024).

It is noted that concerns regarding the ecological information and the impact upon habitats was raised in the neighbour representations. However, as summarised above, during the assessment of the application, sufficient ecological reports have been provided and the Ecologist is satisfied that the impact upon ecological species and habitats has been addressed. In summary, the ecological information submitted is acceptable and there is no objection subject to a condition attached relating to the submission of a Biodiversity Mitigation Scheme prior to the commencement of any development onsite.

In terms of trees, the development will unfortunately result in the loss of 1x silver birch tree in order to create the proposed access. Based on the specimen and size of the existing tree, on balance the loss of this tree is not considered to be outweigh the benefits of the scheme in terms of housing supply. However, in order to offset the loss, suitable replacement planting is required as part of the landscaping details as per the attached condition. The replacement planting would need to include a suitable number of trees/species and be located in sufficient locations.

It is noted that existing trees are located along the site boundaries however the agent has confirmed that these lie outside of the application site boundary and not within the applicant's ownership. On this basis, sufficient tree protection information in addition to a satisfactory method statement would need to be provided as per the attached condition, to ensure that those existing trees would not be impacted during the construction works and lifetime of the development.

Subject to the relevant conditions attached, the impact upon trees is considered to be acceptable and the concerns regarding trees have been addressed.

Drainage/Flood Risk

NPPF Paragraph 165 states that inappropriate development in areas at risk of flooding should be avoided.

Paragraph 166 states that advice from relevant flood risk management authorities such as lead local flood authorities and internal drainage boards should be taken into account.

Local Plan Policy CC3 states that new development should not be permitted where there would be an unacceptable risk of flooding.

Both Yorkshire Water and the Council's internal drainage department have reviewed the application submission and raised no objection subject to relevant conditions being attached. The development is therefore acceptable in terms of drainage/flood risk.

Other Neighbour Representations

It is noted that concerns have been raised regarding the impact upon existing services/utilities. In addition to the drainage systems (as addressed above), the impact/suitability of utilities would be dealt with by Building Control rather than under the planning regime.

In terms of land contamination, the Contaminated Land Officer was consulted during both rounds of public consultation and did not respond to the Local Planning Authority. Similarly, the Environment Agency or Pollution Control Officer have raised no concerns in this regard.

On this basis, the neighbour objections are considered to have been addressed.

Conclusion

The application site is allocated as 'Wood Lane Allotments' as per the adopted Local Plan Policy Map, meaning Policy GS1 applies. The policy sets out relevant criteria when assessing proposals for uses other than those referred to in the policy, which should be read in conjunction with the Open Space Provision on New Housing Developments SPD.

The application submission includes sufficient justification to satisfy the requirements of Policy GS1. The applicant has undertaken adequate consultation in relation to the use of the allotments, with no nearby neighbours expressing a clear or evident interest in occupying the allotment plots. The Council's Parks Team have provided evidence which demonstrates that there are suitable vacancy rates at the closest council owned allotments. On this basis, the Local Planning Authority consider that the loss of these allotments would not affect the existing or potential needs of the borough. The principle of residential development is therefore acceptable subject to the financial contribution being secured within the S106 Agreement.

The development of 5 detached dwellings is considered to reflect the surrounding built form and building traditions. The spaces between the dwellings reflect the local build patterns, with the plot sizes also in-keeping with the surrounding development. The dwellings are orientated the same as those immediately adjacent on Francus Royd and would therefore appear as a natural extension of the existing residential street. Details including the scale and appearance will be assessed at reserved matters stage, however based on the information provided, it is obvious that the application site can comfortably accommodate the proposed number of dwellings as well as associated garden space and off-street parking.

Further landscaping details will be required at reserved matters stage. This would need to include sufficient replacement planting details and tree protection information. However, similar to the above, the LPA consider that the site can sufficiently accommodate suitable planting. Whilst the loss of the 1x silver birch tree is unfortunate this is considered to be acceptable when taking into the wider benefits of the scheme.

The principle of 5 dwellings means that the private drive arrangement is acceptable and sufficient vehicle turning space can be accommodated within the application site. The Highways DC Officer has reviewed the application and has no objection in this regard.

Overall, the development will provide 5 family sized dwellings within an established residential area and is therefore acceptable.

Recommendation

Granted subject to signing of S106 Agreement.