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**2017/0587**

**Applicant:** Mr Simon Cooper, C/o Jamie Hanson

**Description:** Erection of split level part 2 storey/part 3 storey detached dwelling with partially exposed basement floor and associated areas of hard and soft landscaping including retaining walls.

**Site Address:** 86A Burton Road, Monk Bretton, Barnsley, S71 2AA

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The application is referred to Councillors for determination as the recommendation is subject to a S106 agreement requiring the provision of compensatory Green Space provision.

### **Site Location & Description**

The site measures approximately 1575m<sup>2</sup> and is located to the rear of a row of terraced properties which front onto Burton Road. The site is relatively overgrown and is enclosed by metal fencing and is accessed via a single, unmade track which runs along the rear boundaries of the terraced properties with an access point into Burton Road between properties to the South East and South West. The site slopes up from the access track to the rear boundary which forms part of a quarry wall.

Beyond the northern boundary is an area of Green Space which runs towards to the west from the side of 70 Shelley Drive and forms part of the Green Space which is subject to this application.

To the east are two 2 storey dwellings and to the south, the access track with the rear amenity spaces associated with the properties fronting onto Burton Road beyond. The terraced properties are built on a lower level than the site in questions.

The area has been identified as allotments on the green space register, however it has not been functioning as such.

### **Proposed Development**

The applicant seeks permission for the erection of a split level detached dwelling, providing guest room and laundry at ground floor, kitchen and living areas at first floor and 3no bedrooms and bathroom at second floor. A terrace area is to be provided to the west of the dwelling which is to be accessed from the living areas at first floor and provide access to the garden area beyond.

### **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicated otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

The Council has submitted its emerging Local Plan to the Secretary of State but it is at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local

Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

### **Core Strategy**

CSP 2 – Sustainable Construction – states that all new dwellings will be expected to achieve at least Code Level 3 under the Code for Sustainable Homes.

CSP 4 – Flood Risk – states that all new development is located and designed to reduce the risk of flooding

CSP 26 – New Development and Highway Improvement – states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP 29 – Design – states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 35 – Green Space – the Council will only allow development proposals that result in the loss of green space where 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 an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or the development is for small scale facilities needed to support or improve the proper function of the green space.

CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

### **Barnsley Unitary Development Plan Saved Policies**

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

### **SPDs/SPGs**

Supplementary Planning Document – Design New Housing Development

Supplementary Planning Document – Residential Amenity and Siting of Buildings

Supplementary Planning Document – Parking

## **Good Practice Document**

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

## **National Planning Policy Framework**

The National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

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 58 (general design considerations) and paragraph 64, which states 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**

Highways DC – No objections subject to conditions  
Drainage – No objections  
Forestry Officer – No objections subject to conditions  
Planning Policy – No objections subject to conditions  
Northern Power Grid – No objections  
Biodiversity Officer – No objections subject to conditions  
SYMAS – No objections subject to conditions  
Coal Authority – No objections subject to conditions  
Public Rights of Way – No comments  
Ward Councillors – No comments

## **Representations**

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 3 letters of comment have been received raising the following issues:

- Provision being retained for existing residents to access their existing parking arrangements.
- Ensuring the existing access track running along the rear of the properties 64-86 and 88—106 remains clear
- Confirmation of boundary treatment.

## **Assessment**

### Principle of Development

The site is allocated as Urban Greenspace in the currently adopted UDP proposals maps, as green space on the Green Space register and partly as Green Space and Urban Fabric within the consultation draft of the Local Plan Document. It is therefore necessary to assess the application against Policy CSP35 and then, if acceptable against this policy, to assess the impact of the development on the surrounding area.

### Green Space

The site is identified on the greenspace register as Burton Bank Road allotments (GS761). Policy CSP35 states that green spaces are valuable for amenity, recreation, wildlife or biodiversity purposes. With regards to this site, whilst it is shown as allotments on the register, it is currently not used as allotments. Indications from the landowner/applicant suggest that the allotments are located further to the west. This is partly backed up by looking at aerial photos over the last 10 years which appear to show the site as overgrown and not used as allotments. The site therefore does not have any current formal use as allotments.

In terms of wildlife and biodiversity the applicant has submitted an Ecological Report which confirms the site has little ecological value and this has been supported by the comments of the Biodiversity Officer who has raised no objections to the scheme. In terms of recreation, there are no formal or informal recreation facilities on this site which is a private piece of land, enclosed by metal fencing, and therefore not open to the public.

In terms of amenity, the site does have some limited value as an open area but it is adjacent to a much larger area of green space. An assessment of the green space provision in the Monk Bretton area identifies there are deficiencies in terms of open spaces in particular to areas of formal recreation.

In conclusion, whilst the site has some limited value in terms of amenity, due to its size, shape and location, and current private ownership, it does not have the potential to offer any greater value in terms of future green space requirements and as such it is considered that it could be released for development without negatively impacting on the function of the remaining green space to the north and west,, subject to compensatory provision being attained. It has been agreed with the applicant that this compensatory provision can take the form of a compensatory sum. The applicant has agreed a compensatory figure of £2000 for the loss of green space.

### Residential Amenity

The introduction of a dwelling on the site would result in noise and disturbance through residential activity and vehicular movements. However, there are two existing properties in a similar position immediately adjacent and vehicular access already takes place to and from the site, as such, noise and disturbance will be to a reasonable degree. It is acknowledged that it is an awkward site to develop and there will be disturbance during the construction phase, however that can be controlled as much as possible through the use of conditions.

It is considered that the site is of a sufficient size to comfortably accommodate a detached dwelling which is of a similar scale to that of the neighbouring properties. The shape of the plot and the orientation of the proposed dwelling ensure that the necessary separation

distances are maintained between facing habitable room windows, gable walls and boundaries with adjacent gardens.

The Supplementary Planning Document – Designing New Housing Development states that where proposed dwellings are more than two storeys in height (excluding rooms in the roof space), the separation distances should increase by 3m for every additional storey. The facing habitable room window located on the southern front elevation maintains 11m to the front boundary, 15m to the rear boundary to the properties fronting onto Burton Road and 25.5m to the rear elevation of these properties. In addition the applicant has agreed to obscure glaze the secondary window located on the southern elevation serving bedroom 3 . Whilst it is acknowledged that there are level differences between the proposed property and the neighbouring dwellings to the south, given the distances involved it is considered that the proposed development would not result in a detrimental increase in overlooking of the surrounding properties.

The dwelling is located outside of the building line of the neighbouring property 86a Burton Road, which could lead to an increase in overshadowing however, the proposed dwelling is located approximately 8m from the boundary with this property and as such would not lead to an unreasonable level of overshadowing or loss of outlook from this property.

With regards to the residential amenity of the future occupants of the proposed dwelling; the property is generously proportioned with the majority of the rooms provided meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide. In addition, the detached dwelling would have a private amenity space in excess of 60m, therefore in accordance with SYRDG and SPD 'Designing New Housing Development'.

As such, residential amenity would be acceptable in compliance with SYRDG, SPD 'Designing New Housing Development' and policy H8D.

### Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of the area and protecting the street scene when considering proposals for new dwellings on small infill plots.

The proposed dwelling would be located to the rear of Burton Road and accessed via the existing access onto Burton Road which serves 86a and 86b Burton Road. Given that there are existing dwellings immediately adjacent, a property in this location would not appear overly dominant within the street scene nor an alien feature and it is proposed to construct the property in coursed stone and slate tiles to match the area. As such the proposed development would not have a detrimental impact on visual amenity, in accordance with CSP 29, H8D and SPD 'Designing New Housing Development'.

### Highway Safety

Highways have raised no objections to the development. It has been noted that the parking arrangements are somewhat convoluted, however 2no parking spaces can be provided within the site, in line with Supplementary Planning Document – Parking.

Concerns have been raised by residents in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of the access track and Burton Road. Although no objection has been raised by Highways DM in terms of the existing access being utilised, it is considered appropriate in this instance to include a condition requiring a construction

method statement to be submitted and approved prior to commencement on site to limit impact on the network. In relation to refuse and emergency vehicle access; the dwelling is not located an inappropriate distance from the adopted highway for refuse lorry's to collect wheelie bins. In addition alternative measures can be incorporated into the development to mitigate the lack of turning facilities for fire appliances which would be dealt with by Building Control.

It is considered that the amount of traffic generated by the new development can be accommodated on the existing highway without detriment to road safety and as such complies with Core Strategy Policy CSP 26 and is acceptable.

### Trees & Biodiversity

The site once formed part of the wooded bank which is located to the rear of the properties along Burton Road. Aerial photography indicates that some of the trees have been removed sometime prior to the submission of the application.

The tree survey indicates that a Sycamore tree is to be removed to facilitate the development, however it is not protected by a TPO and does not warrant protection. The trees located along the north western boundary are to be retained and will provide screening of the proposed development. The Council's Tree Officer has raised no objections to the scheme subject to suitable conditions.

The ecology survey finds that the site is considered to have little ecological value and that the trees on site are negligible in their potential to support bats.

### Conclusion

Subject to appropriate compensation for the loss of greenspace, the scheme is considered to be an acceptable use of this land within mainly residential surroundings which would not have any significant detrimental impacts on highway safety, residential amenity, bio-diversity, or the visual amenities of the area. Approval of the application is recommended subject to the signing of a legal agreement in relation to compensation payment due for the loss of green space.

### **Recommendation**

**Grant** subject to conditions and the signing of a Section 106.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission.

Plan reference:

1100-100 Rev B - Site location & proposed site plan received 24th September 2017

1100-101 - Proposed floor plans

1100-102 Rev A - Proposed elevations received 24th September 2017

Ecology Report dated August 2017 produced by Natasha Estrada for Estrada Ecology Ltd

Coal Mining Risk Assessment produced by Silkstone Environmental Ltd ref 17121/CMRA/0 dated 1st June 2017

Arboricultural Report produced by JCA Ltd ref 13548/ChC dated 19th May 2017

Tree Retention Plan JCA ref: 13548/ChC

**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

- 3 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings'. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details, including any necessary remediation measures.

**Reason: In the interest of Land stability NPPF sections 120 & 121.**

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for
- The parking of vehicles of site operative and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development.
  - Measures to prevent mud/debris from being deposited on the public highway.

**Reason: In the interests of road safety in accordance with CSP26.**

- 5 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details

Tree protection plan

Arboricultural method statement

The scheme shall then proceed in accordance with the approved details.

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**

- 6 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**

- 7 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality.**
- 8 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.  
**Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.**
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 10 The parking/manoeuvring facilities indicated on the submitted plan shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: to ensure that satisfactory off-street parking/manoeuvring are provided in the interest of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.**
- 11 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: in the interests of road safety in accordance with CSP26.**
- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.  
**Reason: In the interests of road safety in accordance with CSP26.**
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: In the interests of road safety in accordance with CSP26.**
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be

replaced in the next planting season with other of similar size and species.

**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

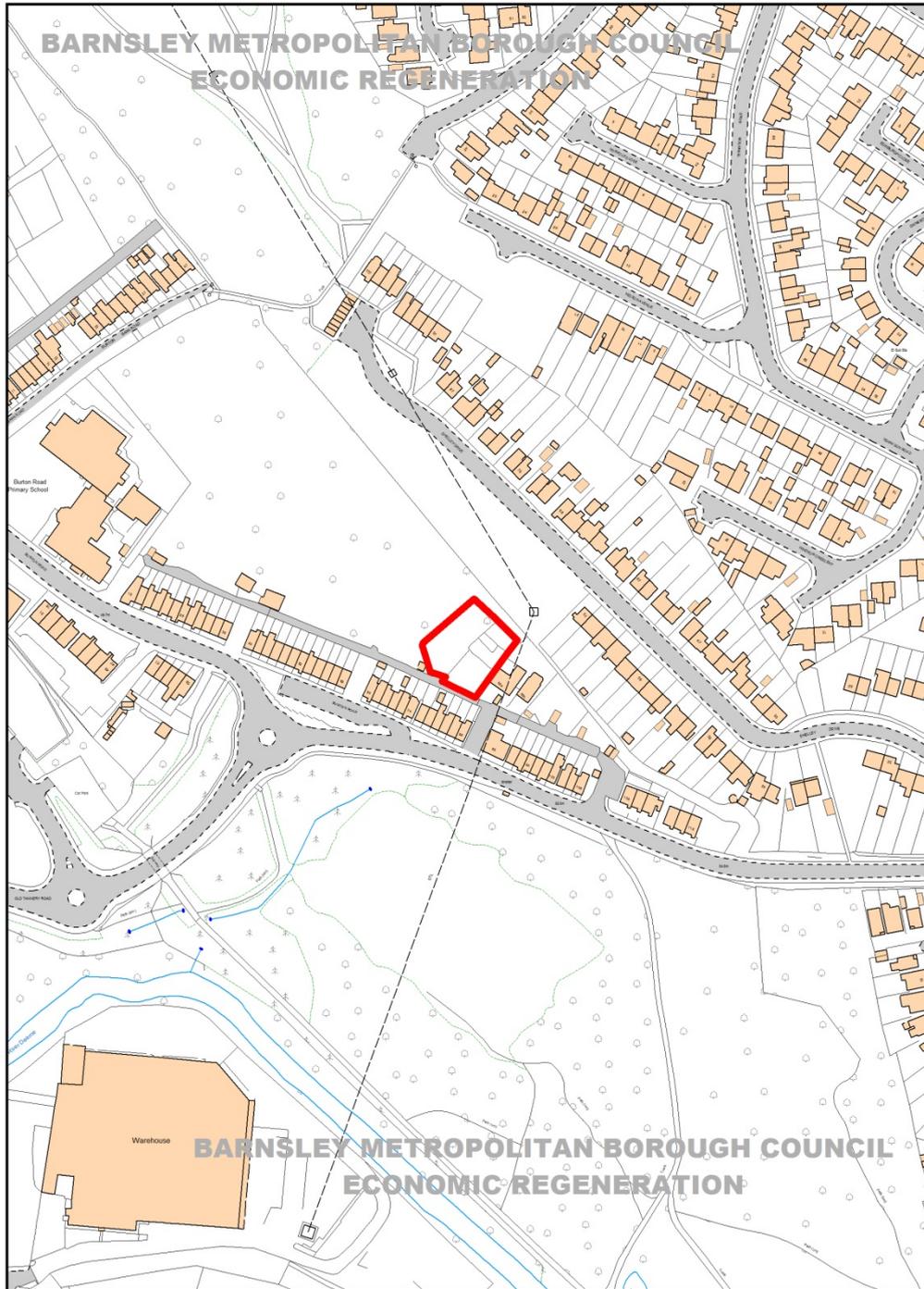
- 15 The secondary southern side window to bedroom 3 shall be obscure glazed and shall be retained as such thereafter.

**Reason: In the interests of visual amenity in accordance with CSP29.**

PA Reference:-

2017/0587

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