

---

**2019/0342**

**Applicant:** Mr M Miller

**Description:** Erection of 5 no dwellings.

**Site Address:** Land off Bismarck Street, Worsborough Common, Barnsley, S70 4NA

---

### **Site Location and Description**

The application relates to a currently vacant site which is roughly 'L' shape and mainly laid to grass. The site measures circa 0.28 Hectares and the area of the site north of Bismarck Street lies within the Warren Quarry Lane Greens Space. The site is accessed from Bismarck Street which contains terraced houses to the north and a pair of semis to the south. The immediate area is predominantly residential in nature with semi-detached properties to the east and south, with Highstone nursing home to the southeast. There are some trees to the southern boundary of the site.

The site falls gradually from Bismarck Street in the west, towards the east, and falls from south to north. However, the northeast corner falls quite steeply and immediately north of the northern boundary the land falls steeply providing an open view overlooking the Warren Quarry Lane Green Space. Part of Bismarck Street in this location is not adopted highway.

### **Background**

2017/0798 Residential development of up to 11 dwellings (Outline with All Matters Reserved)  
Approved 20/10/2017

2017/1533 Outline application for the erection of 1 no dwelling house – approved 23/01/2018

2018/0437 Erection of dwelling house (Reserved Matters of Outline planning permission  
2017/1533) Approved 1/6/18

### **Proposed Development**

This full application seeks permission to erect 5 no. dwellings, comprising 1 no detached and 2 no. pairs of semidetached. Plots 1-4 would have private amenity space to the side, due to the site constraints, and 2 car parking spaces each, whilst plot 5 (detached) has a double detached garage. A vehicular access to the remainder of Warren Quarry Lane is provided for Council vehicles to access the site for grounds maintenance etc. The dwelling types are as follows:

Type A - Detached, 5 bed, two and a half stories with central porch, two front dormers and rear flat roof sun room. Detached double garage with store.

Type B – Semi-detached two stories, 3 bedroom property.

Type C – Semi-detached single storey, 3 bedroom property.

Parking comprises 2 no parking spaces to each dwelling with additional garage space to plot 5, all have generous gardens.

Materials are proposed to be of natural coursed stone walling with grey concrete interlocking roof tiles landscape scheme accompanies the proposal.

## Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

The site is in a Coal Authority Coal Mining Referral Area and is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

- Policy H1 The Number of New Homes to be Built
- Policy H3 Uses on Allocated Housing Sites
- Policy H6 Housing Mix and Efficient Use of Land
- Policy H7 Affordable Housing
- Policy T3 New Development and Sustainable Travel
- Policy T4 New development and Transport Safety
- Policy SD1 Presumption in favour of Sustainable Development
- Policy LG2 The Location of Growth
- Policy GD1 General Development
- Policy D1 High Quality Design and Place Making.
- Policy Poll1 Pollution Control and Protection
- Policy GS1 Green Space
- Policy BIO1 Biodiversity and Geodiversity
- Policy CC2 Sustainable Design and Construction
- Policy CC4 Sustainable Drainage System (SuDS)
- Policy RE1 Low Carbon and Renewable Energy
- Policy I1 Infrastructure and Planning Obligations

### SPD's/PAN's

The adopted SPD's/PAN's relevant to this application are as follows:

Designing New Residential Development  
Open Space Provision on New Housing Development  
Parking

### Other

South Yorkshire Residential Design Guide

## NPPF

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

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 124 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

## **Consultations**

Yorkshire Water – No comments required

Highways – No objections subject to conditions

SYMAS – No objections subject to a condition

The Coal Authority – No objections subject to a condition

Forestry Officer – No objections subject to conditions

Biodiversity Officer - No objections subject to condition to implement the mitigation in the submitted ecology report

Drainage – No objections subject to conditions

Ward Councillors – No comments received

## **Representations**

The application was advertised by site notice and neighbour notification letter. Two representations have been received: one queried how this new development will affect the access road for Imperial Street, on checking it is clear that the application would not affect the buildings on Imperial Street. The second resident had concerns that the site will be accessed from Highstone View, which would cause increased congestion and highway safety issues. However, the application proposes access from Bismarck Street only and does not propose access from Highstone View.

## **Assessment**

### Principle of Development

Outline planning permission has been granted for residential development of this site in 2017 (2017/0798). Although this current application is not a reserved matters submission the outline permission is still live and as such has established the principle of residential development at this site.

The site is allocated as Urban Fabric in the Local Plan and part of the site is also allocated as Green Space on the Green Space Register.

All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

### Green Space

Part of the site (the area which lies north of Bismarck Street) is allocated in the Local Plan as Warren Quarry Lane Green Space and policy GS1 is therefore applicable. However, an assessment of the site indicates that the land does not appear to be currently functioning as green space and does not offer any positive green space attributes. Therefore in this instance it is deemed that a reduced compensation figure of £4,149.60 would be acceptable compared with the full amount that would usually be sought by the adopted Supplementary Planning Document (SPD) Open Space Provision on New Housing Developments. This position also takes into account of the fact that the site already benefits from outline planning permission making it an option for the applicant to submit an application for the approval of reserved matters as an alternative to continuing with the current planning application. This would be payable through a S106 legal agreement.

### Design / Visual Amenity

There are a mix of property styles and ages within the immediate area, including two storey terraced and semi-detached properties with a detached (though unoccupied) property immediately adjacent. As such, there is no particular architectural style to follow.

The proposed dwellings are relatively simple in design and take a number of design cues from the properties within the surrounding area, in order to harmonise and sit comfortably within the street scene. It is acknowledged that the detached dwelling incorporates front dormers which are not common within the immediate area but they are relatively small, pitched roof additions and sit within the roof plane, in accordance with the SPD. Furthermore, the plot is set back from the highway and would not be readily visible within the street scene.

Each dwelling would incorporate 2no. off street parking spaces. These would be to the side of the dwelling for plots 1 and 2 so as not to create a car dominated street scene/frontage. It also allows the amount of hardstanding to the front of the dwellings to be reduced and provides space for soft landscaping. In addition, the driveways to the side allow for bin and recycling containers to be stored away from the street scene and public vantage points.

### Residential Amenity

Given the slope of the site, plot 5 would be at a higher level than the other plots. The front elevation of this property would face the front elevation of Plot 4. The SPD on designing new housing development states that "Where front elevations face a road the dwellings should be an appropriate distance apart. The Council will accept a minimum of 12m where the dwellings are

of the same storey and it will achieve a streetscape that reflects local character.” In this case the properties are a two and a half storey to a single storey so the distance has been increased from the minimum of 12m to 17m.

The proposed windows of plot 5 would be in excess of 10m from the rear boundary of the properties to the South, in accordance with adopted SPD ‘Designing New Housing Development’. The proposed windows and raised deck would be in excess of 21m from the main rear elevation of the properties to the south, again in accordance with the SPD. The gardens to plots 1-4 are mainly to the side of the dwellings due to the shape of the site, however they overlook greenspace rather than other residential dwellings. The eastern elevation of plot 1 and the western elevation of plot 4 both exceed minimum distance requirements from neighbouring dwellings and in addition plot 1 does not have any side facing windows to first floor. Plot 4 has only a secondary bedroom window and hall window facing the neighbouring dwelling. As a result, the residential amenity levels of existing and proposed residents would be maintained to a reasonable degree, in accordance with the adopted SPD and Local Plan policy GD1.

The internal space standards generally accord with the South Yorkshire Residential Design Guide and many of the rooms are generous in size for all three house types which all exceed minimum floor areas.

Externally, the gardens are generous in size, and although the gardens to plots 1-4 are to the side of the dwellings, screening is proposed which will maintain residential amenity for both existing and proposed residents. The occupants would also benefit from long distance views overlooking the green space.

Overall the proposal accords with Policy D1 and GD1 and would provide a good level of residential amenity for existing and proposed residents in a small attractive development.

### Housing Mix

Although only a small development of 5 dwellings, a mix of house types is proposed comprising large detached, two storey semi-detached and detached bungalows, Overall the proposal is considered to comply with Local Plan policy H6

### Highways Safety

The applicant proposes 2no. parking spaces per dwelling which is in line with SPD ‘Parking’ and a construction method statement has been submitted with the application. As the 5 dwellings proposed will, together with the existing dwellings which access Bismarck Street at this point, exceed the threshold required for an unadopted highway, it is proposed to extend the adopted highway further along Bismarck Street.

Highways DM have been consulted on the application and raised no objections subject to conditions.

### Coal Mining

The application site falls within the defined Development High Risk Area and the Coal Authority and the South Yorkshire Mining Advisory Service confirm that a report has been submitted, and that mine entries potentially located within the site and shallow mine workings pose a risk to both public safety and the stability of the proposed development. Consequently, the Coal Authority and SYMAS require further intrusive site investigation works to be undertaken in order to establish the exact situation regarding them. A condition is proposed.

### Trees

The trees on and adjacent to this site are generally relatively small and of poor quality and as such the Forestry Officer has no issues with the proposed tree removals or the scheme in general.

Some trees are to be retained as part of the scheme and as such these will require protecting during the works in addition to the requirement for suitable new planting as part of the landscaping scheme. There are therefore no objection subject to conditions from an arboricultural perspective.

### Ecology

An Ecology Survey has been submitted in support of the proposal. Whilst the Biodiversity Office is supportive in principle to the mitigation measures, he considers that it would be appropriate to attach a condition requiring further details on wildlife improvement which are suggested in the ecology report.

### Conclusions

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the proposal which provides a small scheme of mixed dwellings within a sustainable location. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

### **Recommendation**

Approve subject to conditions and subject to a S106 legal agreement for the payment of £4,149.60 compensation for loss of Green Space.

- 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 plans and specifications as approved unless required by any other conditions in this permission:

903-02 REV A rec'd 17/06/2019 site and location layout

903-02A highway adoption proposal received 17/6/2019

903-07 Type A Elevations

903-06 Type A Layout

903-12 Type A detached garage

903-13 REV A Type B Layout

903-04 REV B plan amended plan rec'd 30/5/19 drainage layout

903-14 Type B elevations

903-18 Type C working drawings

903-01 site survey

903-03 External Works Layout amended plan received 17/6/2019

Construction Method Statement dated March 2019

Preliminary Ecological Appraisal dated April 2019 by Absolute Ecology

Arboricultural report and Impact Assessment by AWA Consultants

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 3 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 Local Plan Policy D1 High Quality Design and Place Making.**

- 4 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, 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 order to ensure compliance with Local Plan Policy I1.**
- 5 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**
- 6 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 and in accordance with Local Plan Policy BIO1 Biodiversity.**
- 7 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 Local Plan Policy BIO1 Biodiversity.**
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 9 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 areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
- 10 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**
- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface

water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

**Reason: To ensure proper drainage of the area in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

- 12 The site is located in a Coal Authority coal mining referral area due to the probable presence of shallow coal and mine adits. The land could therefore potentially be at risk from mining legacy risks such as ground instability and fugitive gas migration. Site investigations must therefore be undertaken as advised by a suitably qualified engineer to ascertain the depth and condition of the shallow coal seams and mine adits. The investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report undertaken by a suitably qualified engineer detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"

**Reason: Land stability NPPF sections 178 a,b,c.179 and 170 e & f**

- 13 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

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**

- 14 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To safeguard existing trees, in the interest of visual amenity.**

- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:20 to ensure safe and adequate access.

**Reason: In the interests of vehicle and pedestrian safety in accordance with Local Plan Policy T4.**

- 16 On commencement of the development a scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall provide details including but not limited to the size, materials, design, location and timing of insertion of the bird boxes and hedgehog street as set out in the Preliminary Ecological Appraisal (Absolute Ecology,

April 2019 s5.13 s5.16). Once approved the mitigation measures shall be implemented in full for the duration of the development.

**Reason: In the interests of biodiversity and in accordance with Local Plan Policy BIO1.**

- 17 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the LPA. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the LPA.

**Reason: In interest of highway safety; to ensure a satisfactory appearance to the highway infrastructure serving the approved development; and to safeguard the users of the highway in accordance with Local Plan Policy T4**

- 18 No development shall be commenced until a completion plan has been submitted to and approved in writing by the LPA. Before any dwelling is first occupied the streets, paths shall be constructed to binder course surfacing level from the dwelling to adjoining public highway in accordance with the details approved in writing by the LPA in consultation with the LHA.

**Reason: To ensure satisfactory development of the site and that the adoptable streets serving the approved development are completed and maintained to the approved standard, and in the interests of highway safety in accordance with Local Plan Policy T4.**

- 19 Prior to the first occupation of the development hereby permitted the proposed access, on-site car and cycle parking, garages, and turning shall be laid out and constructed in accordance with the approved plan and retained thereafter for these purposes.

**Reason: To ensure the permanent availability of the pedestrian, vehicle, parking and manoeuvring areas in the interests of highway safety in accordance with Local Plan Policy T4.**

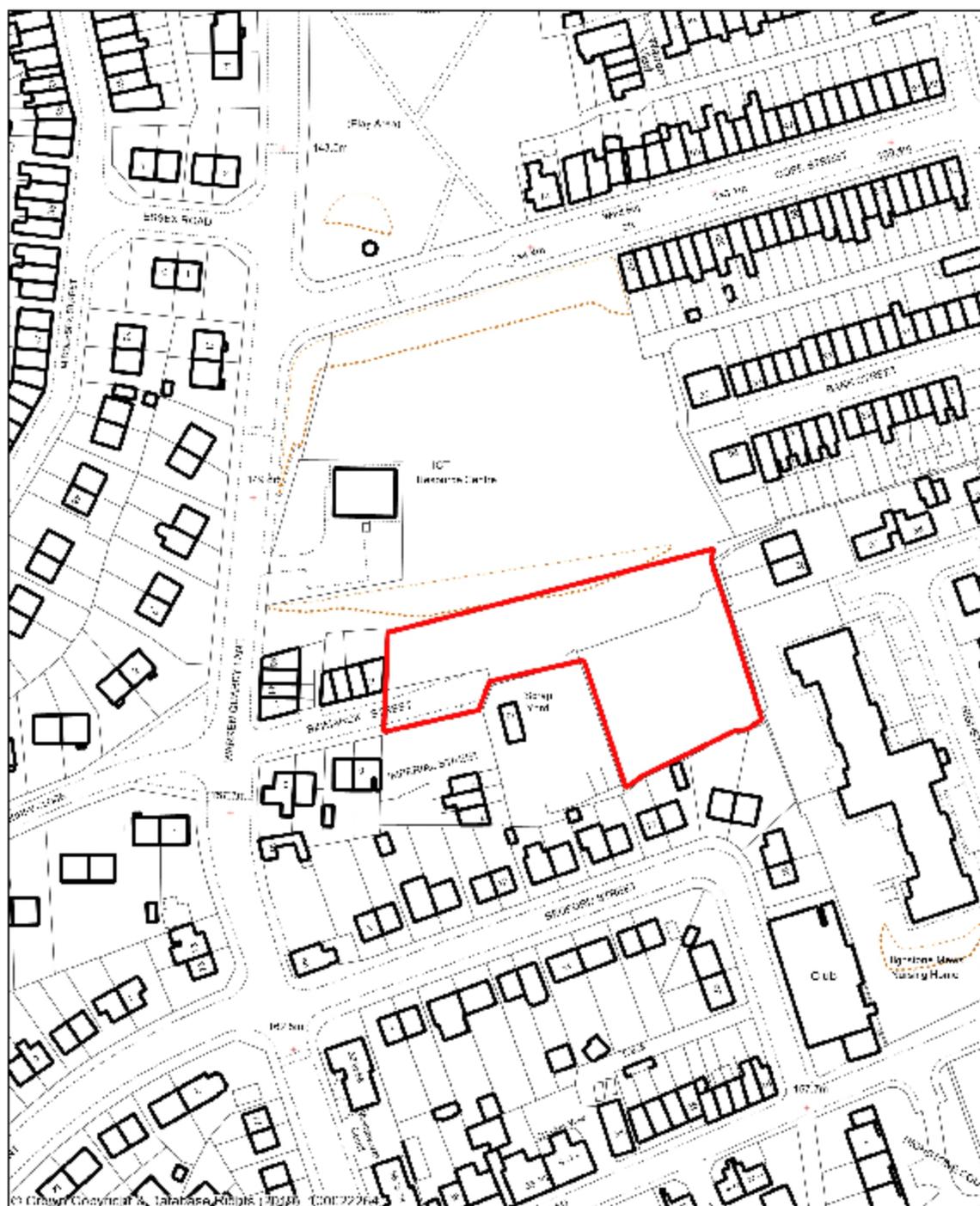
- 20 The Construction Method Statement (both written statement and plan drawing) supplied with the application shall be strictly adhered to throughout the entire construction period.

**Reason: In the interest of road safety and in accordance with Local Plan Policy T4.**

- 21 Any gates must be hung so as to open inwards into the site.

**Reason: In the interest of road safety and in accordance with Local Plan Policy T4.**

PA Reference:-



© Crown Copyright & Landbase Rights 1994/00, 100122764

**BARNSELY MBC - Regeneration & Property**

Scale: 1:1250