
2016/0705

Applicant: Mr John Duggan

Description: Erection of 3 no. detached dwellings

Site Address: Land at Priory Road, Bolton Upon Dearne, Rotherham, S63 8AE

2 objections received

Background

This application is brought to PRB due to a requirement for a section 106 agreement relating to a financial contribution.

Site Description

This application relates to an enclosed area of open land located at the end of Priory Road, which is a cul-de-sac off Station Road.

Priory Road is primarily residential in character but also contains the former Lacewood Primary School, which has recently been sold. The site was used as a playing field associated with the former school. The land is flat and contains no topographical feature but does contain a large mature tree near the northern and eastern boundaries.

The site is overlooked to the west by a new gated development of 3 houses with an access at the end of Priory Road and older terraced houses to the north fronting Chapel Street. Immediately adjacent to the south of the site is a former Chapel of Rest that has been used for clothing manufacture. To the east there are houses fronting Edna Street.

Proposed Development

The submitted plans show three large detached 5 and 6 bedroom houses that would have rear gardens of about 15m in length. The dwellings are close to each other with only 1m gaps. The distance to the three new houses to the west is about 22m. The gated access onto Priory Road is shown as 4.1m wide, there is then a private drive with a turning area for each property.

The houses would be individually designed and would be between 2 and 2 and a half storeys in height. The house on plot one would have a large projecting double door garage at the front with a master bedroom over. The window of the bedroom and garage doors would face the driveway and front garden of plot two at a distance of about 7.5m. The house on plot two would have an integral garage that faces the access road. Plot 3 does not have a garage but has enough space for two parking spaces.

Policy Context

Planning decision 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 development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green Space
CSP39 Biodiversity and Geodiversity
CSP40 Pollution protection.

Saved UDP Policies

The site is located within a Housing Policy Area.

SPDs/SPGs

Designing New Housing Development.

Provides guidance regarding, amongst other things space about buildings and garden sizes.

Parking

Sets out parking requirements for housing relating to numbers of bedrooms.

Publication Consultation Document

The Council has produced the Publication Consultation Document of the Local Plan. 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 this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
GS1 Green Space
BI01 Biodiversity and Geodiversity
Poll1 Pollution Control and Protection
CC4 Sustainable Drainage Systems (SuDS)

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.

Consultations

Pollution Control - No objections subject to conditions

Highways- On submission of additional details, no objections subject to conditions.

Tree Officer - No objections.

Sport England. No response received.

Representations

Two objections received from residents on Chapel Street raising the following matters:

- My property at 32 chapel street will lose all the light to my garden, as they are three storey.
- The development would be right up to the boundary which would stop objector being able to repair and maintain their wall and outbuildings
- The development will adversely affect my enjoyment of my garden and home,
- The tree that is to be retained in the corner plot 3 overlooks objectors garden. During the Autumn/winter months the leaves and branches fall causing damage and the leaves block drains. A branch broke away last year and almost caused an accident.

Assessment

Principle of Development

The application site is within a Housing Policy Areas as designated within the Unitary Development Plan and is also within predominantly residential surroundings.

The site was previously a playing field in connection with Lacewood Primary School. However, the old school has since been demolished and the site has therefore been gated off and remained unused. However, it is identified as a greenspace in the greenspace register and as such consideration needs to be given to Policy CSP35.

Policy CSP35 is clear that where green space is no longer considered to be required for its existing use it should first be considered for its ability meet other green space needs arising from local or wider shortfalls, through a needs assessment in accordance with the Green Space Strategy. There are deficiencies of greenspace in the area at district and borough level. However, it is considered that the site offers minimal potential to reduce this deficiency due to its size, shape and location and could, therefore, be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision in line with CSP35.

In these circumstances it would be would be appropriate to seek a compensatory figure of £3,000 per dwelling in instances which result in the loss of informal open space. As such a Section 106 for £9,000 would be required with any approval.

Residential Amenity

There are existing dwellings around the site that could be affected by the development. In this regard the Council's SPD Designing New Housing Development contains guidance on separation distances and garden sizes. There would be a minimum distance of 22m between the front of the proposed houses and the front of the opposing dwellings on Priory Road. This is in excess of the guidance of 21m and more than is generally found elsewhere in the vicinity.

There are houses overlooking the site on Chapel Street. The average rear garden is about 12m long and there is a 2m gap between the side of plot 3 and the northern boundary. This exceeds the guidance of 12m.

The development would be located to the south of these gardens and as such there would be overshadowing of the gardens on Chapel Street adjacent to plot 3. Nevertheless, this would be a situation replicated elsewhere in the vicinity and an objection on this basis would not be sustainable.

Within the development the side window in the upper floor bedroom over the projecting garage at the front of plot one would be within 7.5m of the boundary with plot 2. However, this overlooks the front garden so would not reduce privacy into the neighbouring property or its rear private amenity space.

Visual Amenity

There would be a loss of an open area and this will clearly have a visual impact. However, the majority of the land is not readily visible from the rest of Priory Road as it is located behind the existing buildings and is fenced off. Whilst, the site is overlooked by three houses erected at the end of Priory Road and terraced houses on Chapel Street the protection of a view is not a planning matter so the visual impact would need to be assessed in the wider context. In this regard the only impact would be a narrow view of the parking and access. This is shown to be gated development as has happened on the adjacent development. Therefore the impact on the character and appearance of the area in general would be minimal.

In terms of the dwellings themselves, they are large properties. However, directly opposite the site there are three detached properties and there are a mixture of house types along Priory Road. The dwellings would be set back from the road and whilst the front of Plot 1 would project forward, this would be close to the adjacent factory and, given that the property at No. 23 already has a detached garage at the front of their property, would not be seen as overly prominent in the street scene. The materials can be conditioned to ensure they harmonise with the surrounding area.

Trees

The main tree of any significance on the site is a large mature tree towards the north-eastern corner. The plans that have been submitted show this tree to be retained and show that the rear elevation of plot 3 would be about 4m from the edge of the canopy of the tree. The Council's Tree Officer is satisfied with the layout and subject to suitable conditions has raised no objections to the scheme.

Highway Safety

The site gains access off the end of Priory Road and would lead into a new private access road to serve the three dwellings. Each plot has sufficient off-street parking and the council's Highways Section are satisfied that adequate access and maneuvering is catered for within the development.

Conclusion

The application site is within a Housing policy Area and within residential surroundings. The principle of residential development is considered acceptable and it is not considered that the scheme results in any significant detriment to highway safety, residential amenity, or visual amenities. A compensatory figure for the loss of greenspace can be agreed via a S106 agreement.

Recommendation

Grant subject to section 106 agreement.

- 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 (the location plan, Drawing nos 2 of 4, 3 of 4, 4 of 4 and drawing No. 5 which was received on the 15th September 2016.) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been 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.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), for plot 3 no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the health of a mature tree in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity.
- 7 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.
- 8 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 10 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 Core Strategy Policy CSP 40, Pollution Control and Protection.

11 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 unless agreed in writing by 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.

12 No development or other operations being undertaken on site in connection with the development shall commence until the following documents prepared in accordance with BS5837: 2012 (Trees in relation to design, demolition and construction Recommendations) have been submitted to and approved in writing by the Local Planning Authority:

Root Protection Area
Tree constraints plan
Tree protection plan
Arboricultural impact assessment
Arboricultural method statement

Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

13 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:

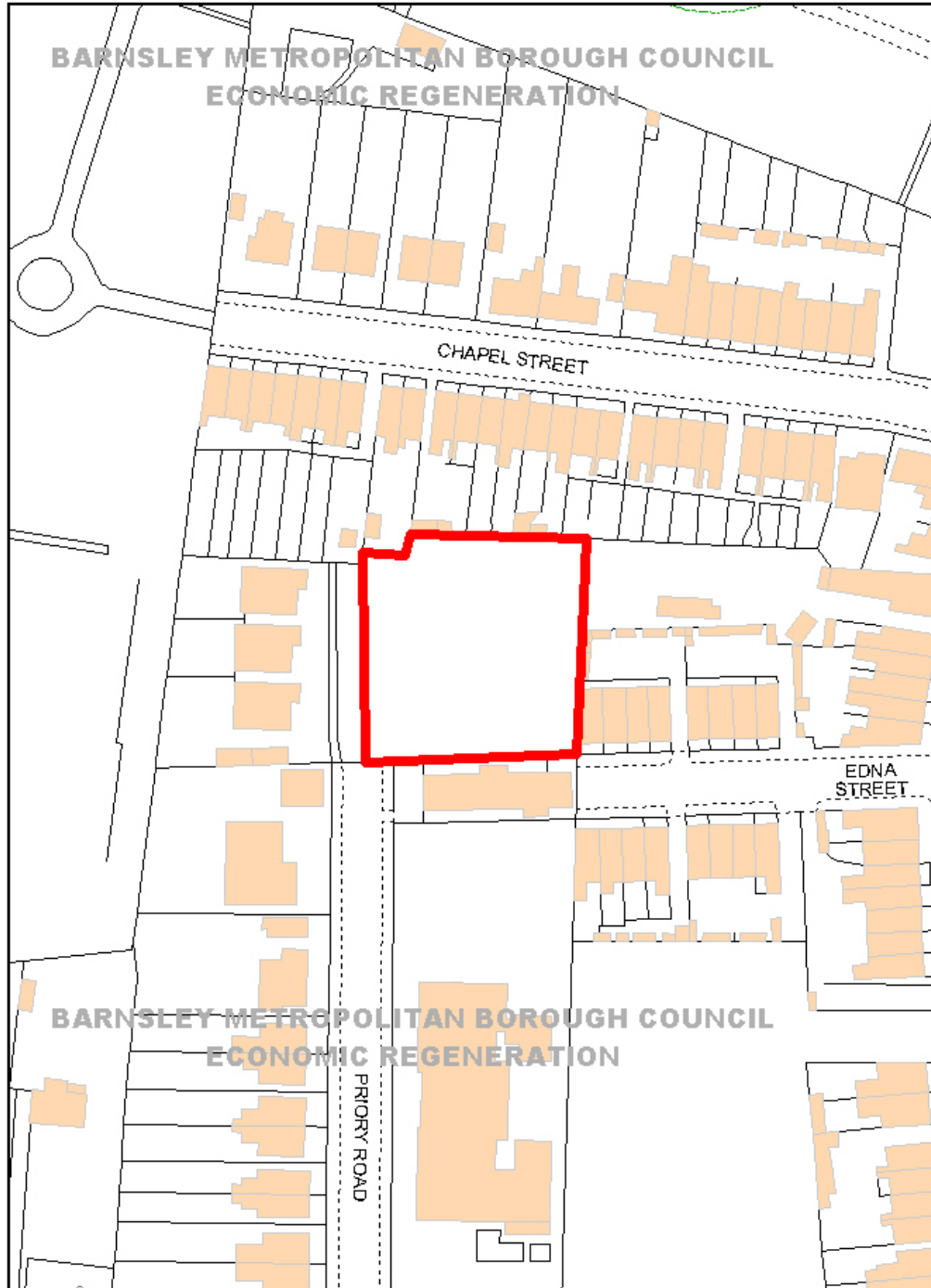
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of residential amenity and visual amenity and in accordance with Core Strategy CSP 29, Design.

PA reference :-

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