2016/0738

Applicant: Mr C Noble C/o Self Architects

Description: Demolition of existing semi-detached bungalow and erection of 10 no. dwellings with garages and car parking.

Site Address: Land off Park Avenue, Royston, Barnsley, S71 4AD

This application was deferred from the December Planning Board to allow Members the opportunity to visit the site. The remainder of the report remains as presented to the previous Board meeting.

Introduction

The application is referred to the Planning Board for determination as the recommendation proposes that a S106 Agreement is entered into with the applicant to agree compensatory Green space provision. 16 letters of objection have been received from local residents and a petition containing 155 signatures. Councillor Clements also objects to the proposed development.

Site Location and Description

The main body of the application site is approximately rectangular in shape and measures approximately 0.36Ha. The land rises relatively gently from the north-east corner to the south-west corner. The site is currently largely overgrown with some shrubs, hedges and trees around the boundaries. The site is bounded by residential properties on St John's Walk to the East, Plantation Avenue to the South and Park Avenue to the West with Royston Park lying to the North. The site is separated from the park by a row of mature conifers and a drainage ditch. There are a mixture of house types evident within the immediate area including semi-detached bungalows off Park Avenue (East), detached bungalows on Plantation Avenue (South) and detached and semi-detached single storey and two storey properties off St Johns Walk (West).

Access to the site would be via Park Avenue and would require the demolition of number 42 Park Avenue which is a semi-detached bungalow.

Site History

Planning application B/02/0261/RO proposing the erection of one pair of semi-detached houses and a new access road was refused planning permission by the Council 7th May 2002. The planning application was refused as the development would have resulted in the loss of land designated as Greenspace which was considered to contribute significantly to the character and quality of the area. The subsequent appeal to the Planning Inspectorate was dismissed 24th January 2003.

Proposed Development

The applicant seeks permission to demolish number 42 Park Avenue to create a vehicular access into the site and build 10no. dwellings in a courtyard arrangement. There would be 5no. property types as follows:

Type A: 2 bed, 2 storey semi-detached dwellings (2no.)

Type B1: 3 bed, 2 storey semi-detached dwellings (4no. – 2 sets of 2)

Type F1: 4 bed, 2 storey detached dwelling with single integral garage (1no.)

Type G: 4 bed, 2 storey detached dwelling with double integral garage (1no)

Type H: 4 bed 2 storey dwelling with single integral garage (2no.)

Each property would have a driveway or dedicated parking space in accordance with SPD 'Parking'. They would also have a modest front garden and enclosed rear garden.

Plots 1, 8, 9 & 10 would be accessed from a new adopted highway created within the site with the remaining plots accessed off 2no. private access drives which off shoot the main roadway.

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 and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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.

Local Development Framework Core Strategy

CSP1 'Climate Change' CSP3 'Sustainable Drainage Systems' CSP4 'Flood Risk' CSP8 'The Location of Growth' CSP9 'The Number of New Homes to be Built' CSP10 'The Distribution of New Homes' CSP14 'Housing Mix and Efficient Use of Land' CSP25 'New Development and Sustainable Travel' CSP26 'New Development and Highway Improvement' CSP29 'Design' CSP35 'Green Space' CSP36 'Biodiversity and Geodiversity' CSP37 'Landscape Character' CSP39 'Contaminated and Unstable Land' CSP40 'Pollution Control and Protection' CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Housing Policy Area and Urban Greenspace

Policy H8 – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use. Other uses will only be permitted where they are compatible with a residential area and other policies of the plan.

Policy H8A - the scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the 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, landscaping and access arrangements.

<u>SPD's</u>

- Designing New Residential Development

- Parking

- Open Space Provision on New Housing Developments

Planning Advice Note's

30 - Sustainable Location of Housing Sites

33 - Financial Contributions to School Places

Local Plan

Urban Fabric & Green Space

<u>Other</u>

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

Para 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe' Para 49 'Housing applications should be considered in the context of the presumption in favour of sustainable development.

Para's 58 & 60 – Design considerations

Consultations

Drainage - No objections subject to conditions

Highways - No objections subject to conditions

Regulatory Services – No objections subject to conditions

SYMAS – No objections

Ecology - requested additional information which has been received

Tree Officer - No objections subject to conditions

Yorkshire Water - No objections subject to conditions

Policy - No objection subject to compensation payment

Ward Councillors – Cllr Makinson requested the application to go to PRB and Cllr Cements objects for the following reasons;

- Detrimental to the view from the park
- Out of character with the area
- Drainage issues
- Access & Highway Safety issues

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing. Re-consultations also took place following a reduction of numbers on the site from 12 to 10.

As a result of the consultation 16 letters of objection have been received as well as a petition containing 155 signatures. The main points of concern are;

- Errors in the submission
- Demolition of existing bungalow unacceptable
- Park Avenue unable to accommodate additional traffic
- Reduced highway safety
- Over development
- Reduced residential amenity levels
- Reduced privacy levels
- Impact on wildlife
- Drains are at capacity
- Out of keeping with surrounding area
- Loss of Green Space

Assessment

Principle of Development

One of the main primary goals set out by the NPPF is to boost significantly the supply of housing. This is discussed at length in paragraph 47; which determines that Local Planning Authorities need to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing.

Policy CSP 8 'The Location of Growth' states that priority will be given to development in Urban Barnsley and the principle towns which includes Royston.

The site is designated Green Space in the currently adopted UDP and Green Space within the publication draft of the Local Plans maps. It is also acknowledged that a previous application was refused, and an appeal dismissed via a hearing, due to the loss the green space and the negative impact it would have on the adjacent park. However, that decision was over 14 years ago and the Council has since adopted an ambitious target for the number of new homes to be delivered within the Core Strategy. Within the Core Strategy the policy regarding Green Space has altered to focus on the public amenity, recreation, wildlife or biodiversity function of a particular site. The overall planning policy outlook has significantly altered therefore. Furthermore, a hedge has been established between the park and the site which visually separates the two. The Councils Policy department accept that the loss of the site would not affect the existing and potential green space. As such they have resolved not to object to the loss of the site under policy CSP 35 'Green Space', subject to the applicant paying a commuted sum for the enhancement of greenspace off the site as compensation.

It is also important to note that the Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies. This means that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.

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, residential development will only be granted where the proposal would maintain visual amenity and not create traffic problems.

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through increased spending within the local area, creation of jobs etc.) and social dimensions (increased housing provision to meet identified needs/targets, contributions for improving local green spaces). In addition the site is located in an established residential area which is a priority to accommodate new homes growth within the Borough. Furthermore, the site is located within a sustainable position with all the facilities within Royston Centre a short distance away as are a recreation ground and open countryside. On this basis, it is considered the presumption in favour of sustainable development applies.

Visual Amenity

A number of the objections to the scheme have cited the fact that the proposed dwellings would be two storey houses whereas the majority of the existing dwellings within the immediate area are bungalows. However, although the site would be accessed from Park Avenue it would be set back from it and would not be read in the same context.

There would be some views of the development from neighbouring highways and public vantage points but, these would be largely over existing dwellings or mature trees/hedges which would be largely retained around the boundary. As such, the site would be relatively non-prominent and would not have a significant impact on neighbouring streetscenes or viewpoints, despite the height difference. It should also be acknowledged that the surrounding area is not exclusively made up of bungalows as there are some two storey dwellings evident from St Johns Walk to the North West. As a result, 2 storey dwellings would not be unacceptable.

A previous application for residential development on the site was refused partially due to the impact it would have on vistas from the neighbouring Welfare Park. However, the site was previously open to the park and was considered as an extension to it despite it being in private ownership. However, the site is now separated from it by both a drainage ditch and mature hedge, which is to be retained. In any case, as the site is enclosed on 3 sides by existing residential development, given current pressures for residential development, it forms a logical infill site and would not have a significant impact on the visual amenity of the park or surrounding area.

Regarding the development itself, the dwellings would be arranged in a courtyard setting with the majority facing onto the courtyard/access roads. There are 5 different house types proposed which would provide a mix and variation of house design, in accordance with CSP 14, to provide visual interest while still maintaining a level of continuity across the different types.

The plans show parking solutions across the site including side/tandem parking, out of curtilage parking and attached garages. As a result, there would be ample space for soft landscaping and the car, or hard landscaping, would not dominate the development to the detriment of visual amenity.

All the plots would have pedestrian access to their rear gardens to store the bins. Therefore, bins should not be in prominent positions or detrimentally affect the streetscene.

Residential Amenity

It is acknowledged that the site has not previously been developed and the introduction of 10 dwellings would inevitably introduce a level of noise and disturbance associated with residential activity and vehicular movements, especially as an existing property would be demolished to create an access road passing between 2 existing properties. However given that residential use is proposed within an established residential area, the development would not introduce types of noise and disturbance activity that would be out of character with the area.

A number of objections have been received regarding the demolition of the existing semidetached property and, the impact this would have on the elderly occupant of the remaining half of the pair of semis. This is obviously unfortunate, however, although there is some sympathy with the situation, the personal circumstances of that resident are not a material planning consideration, and that particular aspect of the development would be addressed by the Party Wall Act, which is separate to both Planning and Building Control.

As mentioned above, the site adjoins existing residential development to 3 sides with a number of properties backing onto the site. The side elevations of plot 10 would be to the rear of numbers 36 and 38 Park Avenue. However, there would be a separation distance of over 15m from the attached 1.5 storey garage and approximately 19m from the side elevation of the dwelling itself; therefore, the separation distances would exceed those

recommended in the SPD. There would be no side elevation windows facing the shared boundary so overlooking would not be to an unreasonable degree.

Plot 6 would be within close proximity to the Western boundary adjacent to the properties on St Johns Walk. The side elevation of the proposed dwelling would be approximately 20m from the rear elevation of number 17 and would be separated from the dwelling by an attached single storey garage and a private access road, again the recommended separation distances would be exceeded.

There are 4 plots proposed (2-5) which back onto the private access road and in turn the rear elevations and amenity spaces of the existing dwellings fronting St Johns Walk. The proposed dwellings in that area would all be 2 storeys. Although there would be rear habitable room windows facing the existing amenity spaces and elevations, there would be separation distances in excess of 10m from neighbouring gardens and 21m from habitable room windows, in accordance with the SPD.

The side elevation of plot 2 would face the front elevation of number 5 Plantation Avenue. As with the plots above, the side elevation would be 12m from the neighbouring front elevation and there would be no habitable room windows on the side elevation.

The rear of plot 1 and the front of 7 Plantation Avenue would oppose each other by a separation distance of 16m. The 21m standard is usually only applied back to back with the SPD potentially allowing a distance of 12m if the relationship was two front elevations facing one another. The 16m splits these two standards and is judged acceptable accordingly for a relationship which is a rear elevation facing a front elevation, particularly as the area to the front of number 7 is also a parking area and not a private amenity space. Furthermore, there is mature planting between the two properties which would reduce overlooking from the ground floor and the majority of the first floor. This hedge/planting could not be removed by the applicant or future residents as it is outside of the real elevation facing the neighbouring habitable room windows which serves the 2nd and 4th bedroom. As a result no significantly overlooking issue would occur.

In terms of the amenity of the future residents of the scheme, the recommended separation distances within the site are met in accordance with the SPD. Furthermore, the internal spacing would generally meet the requirements of the South Yorkshire Residential Design Guide and the external amenity areas meet or exceed the requirements of the SPD and the South Yorkshire Residential Design Guide.

Ecology

The site is relatively heavily vegetated. However, the applicants have submitted an ecology report and the Councils Ecologist is satisfied that the site has relatively low ecological value. The remaining issue is that there is the potential for the roofspace of the existing dwelling to be suitable to contain bat roosts as with most types of building. However this potential has been identified to be low. Nevertheless to be sure of this a condition is recommended for a survey to be submitted and approved prior to the demolition of the dwelling. It would have been preferable for this to be undertaken prior to the determination of the application. However a condition is considered appropriate in this case because of the low risk involved as being as such a survey can only be taken between May and August.

<u>Trees</u>

The applicants have submitted a Tree Report to accompany the application. The Tree Officer has confirmed that there are no trees of note within the site. However, there are some specimens located just outside the boundary which, due to being outside the applicant's ownership, will have to be retained and remain unharmed by the development proposal. Given adequate protection measures it should be possible to implement the proposed layout without detriment to the off-site trees and screening they provide. As such, the Tree Officer has raised no objections subject to conditions.

Green Space

The site is allocated as Green Space on the currently adopted proposals maps and also on the publication draft of the Local Plan maps. However, Policy have accepted that, in accordance with Policy CSP 35 'Green Space' the loss of the site would not affect the existing and potential green space needs of the borough, especially given the proximity of the neighbouring park/green space. However, compensation would be required to be spent on improving local Green Spaces to the tune of £2,000 per plot which equates to £24,000 in total. This would need to be the subject to a S106 agreement.

Highway Safety

The applicant proposes to demolish the existing bungalow and bring an adopted road with 700mm hard margins into the site from Park Avenue. There would be 2 no. private drives which off shoot the adopted road and would serve no more than 5 dwellings each, in accordance with the South Yorkshire Residential Design Guide. There are a mixture of parking options available including allocated spaces, in curtilage parking, tandem parking and attached garages.

Highways have been consulted on the application and are satisfied with the proposed adopted road within the site and associated visibility and turning and manoeuvring space. It is acknowledged that a number of objections were received regarding the suitability of Park Avenue to serve the new development but the Highways Officers have stated the access to the site already exists and is adequate.

Each of the properties would have access to off road parking spaces in accordance with SPD 'Parking' i.e. 1 space for dwellings with 2no. bedrooms and below and 2 spaces for dwellings with 3 bedrooms and above. It is acknowledged that the proposed garages fall marginally short of the 3m x 6.5m set out in the South Yorkshire Residential Design Guide at 3m x 6m. However, they would still be large enough to be considered a parking space. The applicant has also proposed 3 of visitor parking spaces within the site due to the limited availability of on road parking.

Conclusions

Taking into account the relevant development plan policies and other material considerations, subject to mitigation measures, 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. 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

Members resolve to grant subject to conditions and subject to the completion of Section 106 agreement for the Green Space contribution payment.

- 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.
- The development hereby approved shall be carried out strictly in accordance with the plans (Nos4200-03-U, 4200-04-H, 4200-05-J, 4200-06-P, 4200-07-O, 4200-10-A, 4200-11-B, 4200-16, 4200-18 & 4200-19) and specifications as approved unless required by any other conditions in this permission.
 Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey by Whitcher Wildlife Ltd. Ecological Consultants (Ref: 160519) dated 6/05/2016. Reason: In accordance with CSP 36 'Biodiversity and Geodiversity'
- 4 The demolition of the bungalow shall not commence until a bat survey is carried out, and submitted to the LPA for approval, in accordance with the Bat Conservation Trust (BCT) Good Practice Guidelines which includes a dusk emergence survey. The survey shall be carried out by a suitably qualified surveyor and the development carried out in accordance with the recommendations/mitigation measures. Reason: In accordance with CSP 36 'Biodiversity and Geodiversity' and in the interest protected species.
- 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 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.
- 7 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. 8 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.

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

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

- 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 12 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.
- 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 Core Strategy Policy CSP 40, Pollution Control and Protection.

14 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.

- 15 The window at first floor level on the Southern elevation of plot 1 serving bedroom number 2 and the roof lights on the Southern Roof plain of plot 2 facing 7 Plantation Avenue shall at all times be fitted with obscure glass and retained as such thereafter. Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 16 Vehicular and pedestrian gradients within the site shall not exceed 1:12. Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 17 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

18 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 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

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

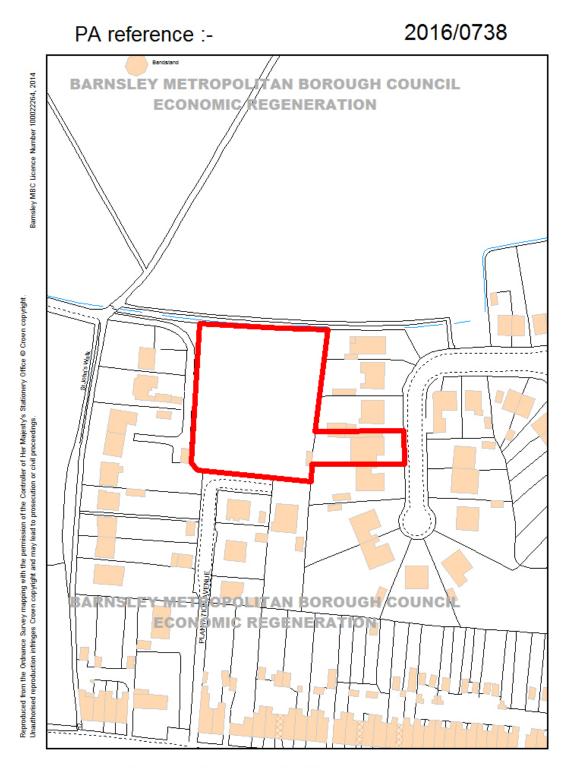
Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

19 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, 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. The approved hard landscaping details shall be implemented prior to the occupation of the building.

Reason: In the interests of the visual amenities of the locality.

- 20 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 operatives 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
 - The erection and maintenance of security hoarding
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.



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