
2016/1305

Applicant: James Nippers, C/o Chris Race

Description: Development of one pair of semi-detached dwellings (2 No. houses) and one detached dwelling including driveways and private gardens.

Site Address: 22 Windmill Avenue, (between houses twenty and thirty), Grimethorpe, Barnsley, S72 7AN

This application is brought to PRB due to the requirement for a section 106 agreement.

Site Description

The application site is an area of greenspace on Windmill Avenue, which is located within residential surroundings on the northern edge of Grimethorpe. Greenspace currently extends across both sides of the road. The greenspace is more steeply sloping on the opposite northern side of Windmill Avenue but the street also slopes from east to west. Outline planning permission has been granted on the northern section of greenspace for 7 dwellings in 2015.

The site backs onto Manor Grove to the south at a point where development is only on the opposite site of the road. Therefore development would be clearly visible from the south.

Site History

There have been no previous planning applications at this site of relevance to the proposed development.

Proposed Development

The application is for a large detached house and two smaller semi-detached houses. The detached dwelling is two storeys with a single storey forward projecting garage extension. The semis are two storeys but with utilisation of rooms in the roofspace and driveways to the site to provide off street parking. All the properties would have brick walls and a tiled roof.

The agent has indicated that the applicant wishes to live in the detached house and sell off the two smaller properties. This is the reason given for the large plot for the detached dwelling. It is noted, however that the layout for the detached dwelling is such that it allows the potential for further development at a later stage if the extensive garden was not required. This would however be the subject of a separate application if it was to be utilised as such.

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

CSP14 Housing mix and efficient use of land
CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green space
CSP40 Pollution protection.

Saved UDP Policies

Greenspace

SPDs/SPGs

Designing New Housing Development
Parking

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
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. 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.

Paragraph 59 requires good design and indicates that whilst design codes should be prepared. However, guidelines should not be unduly prescriptive, they should not go into too much detail and you can look at reflecting the character of the immediate street scene or the local area.

Consultations

Pollution Control- no objections
Highways- no objection subject to conditions
Highways Drainage- no objection subject to conditions
YWA-no objections
SYMAS-no objections

Representations

Neighbouring properties were notified about the application and a site notice posted. No representations were received. It was, however, noted that two properties to the south-east of the site weren't sent a letter originally, Although the nearest of these properties is over 40m away from the nearest proposed dwelling the back garden of these existing properties would adjoin the back of the site. Neighbour letters have therefore been sent to these properties but the consultation period for these neighbours expires after the Planning Board. The impact on these properties has been fully considered and referenced in this report but if Members are minded to agree with the recommendation it is requested that they defer the decision to Officers till after the consultation period has expired and after consulting with the Chair of Board if any representations are received.

Assessment

Principle of Development

The NPPF contains a presumption in favour of sustainable development provided no other policies are contravened.

This is a greenspace where development would not normally be permitted in accordance with Core Strategy policy CSP35. The site currently functions as local neighbourhood green space and offers an informal amenity/recreation function although there is no formal recreational equipment on the site. The immediate locality does have a lack of green space in relation to formal children's play and outdoor sports facilities. As the site is small and adjacent to residential properties it is however considered to offer limited potential to reduce those deficiencies whilst meeting distance standards and thus protecting the residential amenity of existing residents. There are also other informal green spaces within the locality. Given these factors it is considered that in this case, the loss of the Green Space can be appropriately compensated for with a monetary contribution which could go to improving other recreational areas. This would be secured by a S106 agreement which would contain a clause that would require further payment if further properties were proposed for the site.

Given an offsite contribution, the principle of development is considered acceptable subject to all other criterion being adhered to. The proposal is therefore considered to satisfy the requirements of policy CSP35 of the Core Strategy and the principle of the development is therefore considered acceptable given it borders onto existing residential properties

The other key policy is CSP14 which seeks higher density development than that proposed. Whilst, it would not be appropriate to refuse this application as there room is left for further development to take place the potential additional development would also be subject to a compensation payment.

Residential Amenity

There are dwellings either side of the site on Windmill Avenue and houses on Manor Grove overlook the site. There is ample separation as the development is low density. There would be no overlooking impact provided that side windows are non-opening and obscure glazed. These are not the only windows in these rooms so there is still an outlook and ventilation for future residents. The orientation of the site is roughly north south so there would be some limited overshadowing either early in the morning or late in the afternoon. However, given the separation distances at the sides this would only affect a small area of garden land on the eastern side of the detached house. The impact on the properties to the south-east, given that they are over 40m away and orientated at a different angle, would also be minimal and therefore there would be no significant detriment to the amenities of near neighbours.

Visual Amenity

The plans have been amended to follow the established building line and dormers have either been relocated or replaced with rooflights. There is a large forward projecting double garage on the detached house. This is acceptable as it is an integral garage and would not project significantly out into the street scene.

The original designs were more fussy e.g. front dormer windows and a chimney on the detached house compared with the simpler details on the existing houses on Windmill Avenue. However, with the removal of dormer windows from the frontage the designs would not be sufficiently different to be considered out of character with the area. The use of red brick and concrete tiles to match the existing will help reduce any differences due to design. The main difference is the detached house but the applicant wants this as his family home with the semi-detached dwellings to be sold.

The NPPF indicates that LPA should ensure good design but not try to prevent innovation in design and suggests looking at the wider context not just the immediate vicinity. In this part of Grimethorpe there are large detached houses on Brierley Road.

Furthermore, the land immediately opposite has outline permission for 7 dwellings and this is likely to introduce some variation to the street scene so there is a sound reason to accept a different approach in this case.

The site backs onto Manor Grove to the south at a point where development is only on the opposite side of the road. Therefore any development would be clearly visible from the south. The boundary treatments will be particularly important to ensure that they fit in with the character of the area and as such a condition is recommended to cover this.

Highway Safety

The proposal provides adequate off-street parking provision and vehicular access onto Windmill Avenue. Highways DC have been consulted and have raised no objections to the scheme.

Conclusion

This is a greenspace so there needs to be compensation paid at £2,500 per dwelling for the loss of greenspace. As the development does not wholly meet the development potential of the site the section 106 should also seek future payments if further dwellings are applied for in the future.

Recommendation

Grant subject to deferring to Officers to await the end of the consultation period and subject to the signing of a Section 106 Agreement and conditions.

- 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 0100-XX-XX-DR-A--02001, 0100-XX-XX-DR-A--02002-RevA, 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 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 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.
- 6 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.
- 7 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.

- 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 Sightlines, having the dimensions 2m x site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 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.
- 11 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
 - 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 12 The upper floor side windows to bedroom 2 and 4 in the detached house shall be non-opening and obscure glazed and thereafter retained as such.
Reason: In order to prevent overlooking of adjacent land and associated impact on living conditions or prejudicing future development in accordance with Core Strategy policy CSP29 Design.
- 13 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.

- 14 No development shall take place until full foul and surface water drainage details, including a scheme to maintain or reduce existing Greenfield run-off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

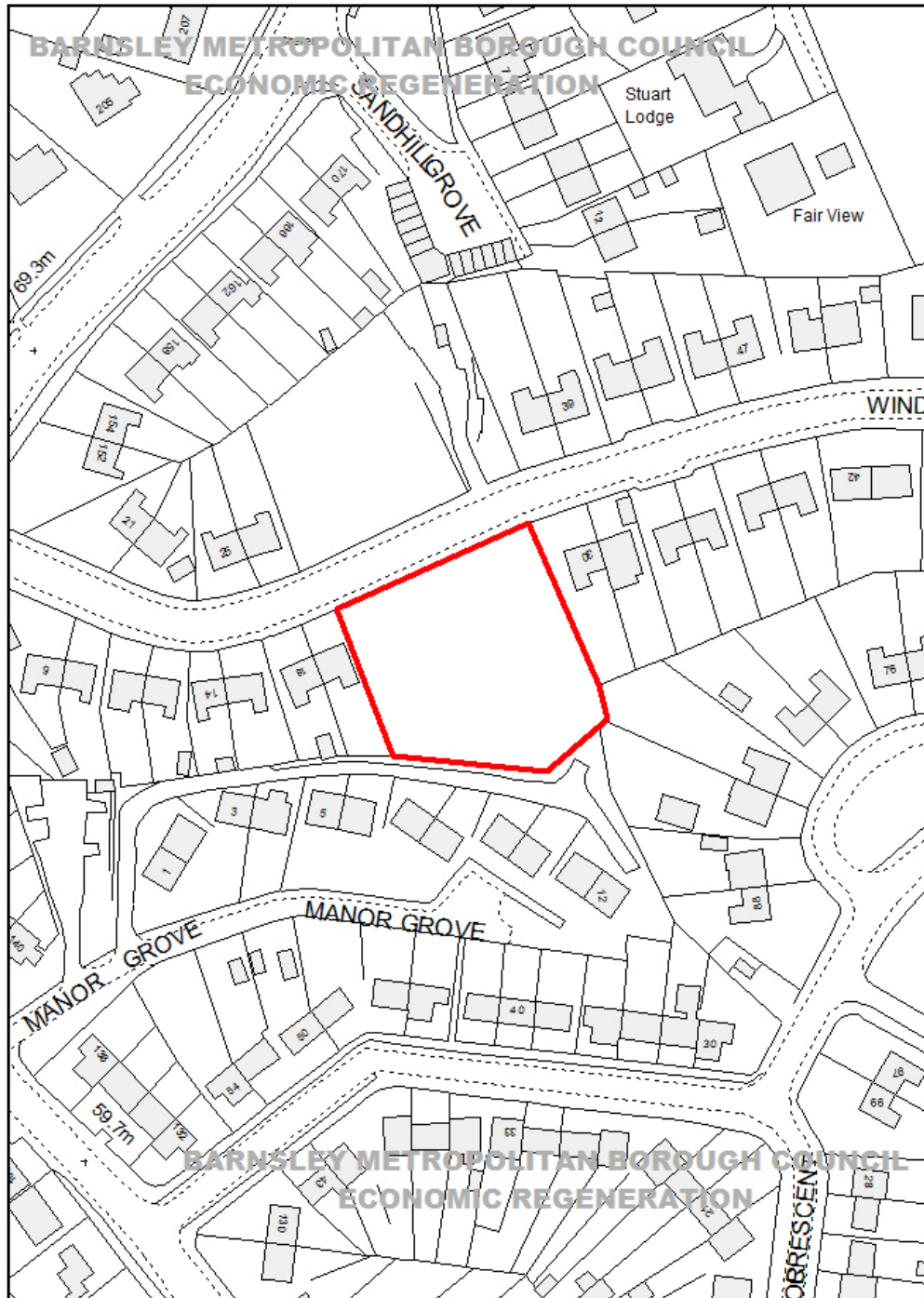
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

PA Reference:-

2016/1305

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BARNSELY MBC - Economic Regeneration



Scale 1: -----