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**2015/0895**

**Applicant:** Mr W Cooke C/o Reshape Architecture and Design Ltd

**Description:** Erection of 5 no. detached and semi-detached residential dwellings.

**Site Address:** Former Garage Site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley, S71 4PJ

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Councillors may recall that the application was previously deferred from consideration at the November 22nd Planning Board meeting for further clarification to be obtained in relation to the means of access proposals. 5 letters of objection have been received from local residents. In addition Cllr Clements has requested that the application is determined by Councillors. Furthermore the recommendation is subject to a S106 Agreement requiring to compensatory Green space provision.

### **Site Location & Description**

The application relates to a triangular shaped former garage site, measuring approximately 0.27ha, which sits to the rear of several semi-detached properties fronting Kirk Cross Crescent and West Pinfold.

The site is largely vacant and generally laid to grass, apart from a gravel access track serving a small number of access points to the rear amenity spaces of the neighbouring dwellings. The site was previously accessed via a long diagonal track known as Pinfold Lane that connects with Kirk Cross Crescent to the south of the site. However this has since been introduced as a Safe Route to Carlton Community College from West Royston, although it does continue to serve a small number of properties along Pinfold Lane.

Residential properties boarder the site to the North and East and a row of trees/hedges separate the site from Pinfold Lane to the South West. Beyond Pinfold Lane are open fields designated as Green Belt.

### **Proposed Development**

The applicant seeks permission to erect 5 two storey dwellings. 3 would be detached and remaining 2 semi-detached. Those would house 2 x 3 bed and 2 x 4 bed houses.

Parking provision would be achieved via a mixture of in curtilage parking and integral garages. 2 spaces per dwelling would be provided and a visitor space adjacent to plot 5.

Access would be taken from Kirkcross Crescent adjacent to number 52 via a newly constructed private drive. This would pass over a grassed area which is registered as Green Space on the Council's register of Green Space sites.

There is an existing area of vegetation to the South West of the site which separates it from Pinfold Lane. This would be retained as part of the proposal.

### **Policy Context**

Planning decisions 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.

### The Core Strategy

CSP1 Climate Change  
CSP3 Sustainable Drainage Systems  
CSP 4 Flood Risk  
CSP8 The Location of Growth  
CSP9 The Number of New Homes  
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  
CSP39 Contaminated and Unstable Land  
CSP40 Pollution Control and Protection

### Unitary Development Plan

The UDP designation is Housing Policy Area

### Saved UDP Policies

UDP notation: Housing Policy Area

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.

### Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing  
SPD Parking

## 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 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

Yorkshire Water – No objections subject to conditions

Highways DC – No objections to revised plan

Waste Management- No comments have been received.

Public Rights of Way – No objections

Ward Councillors – Cllr Clements requested the application is determined by Councillors.

Tree Officer – No objection subject to conditions and further details

## **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. Neighbours were also re-consulted following an amendment of the access from Pinfold Lane to the new driveway off Kirk Cross Crescent.

As a result of the consultations, 5 letters of objection were received. The main points of concern are:-

- Increase in noise and disturbance
- Loss of privacy/overlooking
- Overbearing impact
- Overshadowing
- Reduced enjoyment of home & garden
- Access issues
- Pressure on drainage
- Historic flooding issues
- Reduced highway safety

## **Assessment**

### Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps. In addition the site is located in an established residential area which is a priority to accommodate new housing growth. Furthermore the development would contribute towards the recycling of derelict land located within urban areas. These are all sustainable development credentials in favour of the proposal.

It should be noted that the site is on the Council's Green Space register and is also proposed to be designated as Green Space on the Publication Draft of the Local Plans Maps. However, due to its limited function, size and location it is considered that its loss would not affect the existing and potential green space needs of the Borough, especially as the majority of the site previously functioned as a garage site. As a result, the proposed development would not be in conflict with policy CSP35 'Green Space, subject to a compensation contribution being paid.

Furthermore, 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.

Notwithstanding, new dwellings proposed within existing residential areas 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, infill 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. The assessment of the proposal in relation to these considerations is set out below:-

### Highway Safety

Originally the applicant proposed access to the site along Pinfold Lane which is where the garage site currently takes access. However, Pinfold Lane has in recent years been resurfaced and used as a 'Safer Route to School' linking Royston to the North with the Carlton Academy School to the South East. As such, there would likely be a conflict between vehicles and pedestrians.

As a result, and, as the Council were selling the garage site and also owned the triangular Green Space to the South east, between Pinfold Lane and Kirk Cross Crescent, it was considered a better option to separate the access from Pinfold Lane and create a new one off Kirk Cross Crescent, along the side boundary of number 52. As such, the proposed access would only adjoin Pinfold Lane at the entrance to the former garage and minimise conflict between the two, in accordance with CSP 26.

Councillors and residents did raise concern with regards to the potential of vehicles deviating from the access drive over the neighbouring Green Space or using the drive as a shortcut to Pinfold Lane. To address these concerns the applicant has agreed to a physical barrier along the length of the access road to prevent this from happening. Details of the barrier will be requested as a condition.

Highways have been consulted on the revised access and have raised no objections and are satisfied that adequate visibility exists at the junction of the new access and Kirk Cross

Crescent. Furthermore, within the site itself the properties would be allocated 2no. parking space each in accordance with SPD 'Parking'. There would also be a visitor parking space adjacent to the site entrance.

The proposed access road would serve as a private drive which is acceptable given it would serve the maximum number of 5 properties, in accordance with the South Yorkshire Residential Design Guide. The first few metres of the access would be 4.5m wide to allow vehicles to pass and also avoid vehicles waiting on the highway to turn into the site. Turning facilities are also provided with the site adjacent to plot 1 so that vehicles which enter the site could exist in a forward gear.

As the drive would be private refuse vehicles would not enter the site. However, the applicant has proposed a bin collection area adjacent to Kirk Cross Crescent so that on collection days the bins could be collected from adjacent to the adopted highway but no cause an obstruction to the footpath or the access road.

As Councillors will recall, the application was deferred from the November PRB following the site visit which raised concerns regarding the turn into the site which is proposed to be located between the rear boundary of number 52 and Pinfold Lane. The site plan has been slightly amended and the access road is entirely within the land being bought by the applicant, as shown on the submitted legal plan. As such, the applicant has demonstrated that the development can be accommodated within land under their control/ownership.

If there are any discrepancies on the ground this would result in a boundary dispute between the applicant and the owner of number 52 Kirk Cross Crescent which is separate to planning. The applicant also proposes to replace the side and rear boundaries for the owners of number 52 in order to maintain privacy levels. Any amendments to boundary lines, in accordance with the legal plans, could be done at that stage to accommodate the development.

### Residential Amenity

The proposed development would obviously result in noise and disturbance associated with residential activity. However, it is a relatively low density development and is adjoining an existing residential area. Furthermore, the site was previously used as a garage site for the surrounding dwellings and could have generated noise and disturbance through vehicular movements and the opening and shutting of doors. The type of activity being introduced would not be new therefore.

Plots 4 and 5 are located closest to the neighbouring dwellings and plot 5 would have a side gable within relatively close proximity to the rear boundary of 46 and 48 Kirk Cross Crescent. The proposed dwellings would also be built on a higher level than the existing dwellings. However, the properties would be orientated to the West and there would be a separation distance of approximately 14m, which is in excess of the 12m recommended in SPD 'Designing New Housing Development'. As such, plots 4 and 5 would not increase overshadowing to an unreasonable degree or result in overbearing features.

There are windows proposed on the side elevation of plot 5 facing the rear elevations and rear amenity spaces of the neighbouring properties, however, they serve non-habitable rooms and it is recommended that these be conditioned to be obscure glazed. As such it is not considered that it would reduce privacy levels to an unreasonable degree.

Plots 2 and 3 would be in excess of 20m from the boundaries with the existing neighbouring amenity space and over 35m from neighbouring rear elevations. As such, the recommended

separation distances set out in the SPD are significantly exceeded and residential amenity levels would be maintained to a reasonable degree.

The rear elevation of plot 1 would fall short of the 10m separation distance from part of the rear amenity space serving no's 3 and 5 West Pinfold. However, the proposed ground floor windows would have limited views given the boundary treatment and there is only 1 habitable room window at first floor level which is set in from the neighbouring boundary, as such, overlooking would not occur. It should also be noted that the proposed side elevation of plot 1 would be in excess of 12m from the neighbouring rear elevation.

It is acknowledged that the new access road would run along the side and rear boundary of number 52. The owners of number 52 were concerned with loss of privacy and increased noise and disturbance. However, they did outline that if the applicant provided them with a new 1.8m brick wall adjacent to the access road it would address their concerns. The applicant has agreed to this and has shown it on the plans to deal with this issue.

In terms of the proposed properties themselves, all the relevant separation distances would be met between each other and the internal and external space would exceed the requirements of the South Yorkshire Residential Design Guide and SPD 'Designing New Housing Development'.

### Design & Visual Amenity

The site is in a relatively hidden position, surrounded on 2 of its 3 sides by residential properties. The existing mature vegetation to the South West of the site would also be retained which would limit views into the site from Pinfold Lane. The vegetation would also aid to soften the development and help it sit more comfortably within its surroundings.

In any case, the proposed dwellings are of an appropriate scale and design to harmonise with their surroundings and maintain visual amenity to a reasonable degree. The development is relatively modest at 5 dwellings but the dwellings are all different from each other which provide a housing mix and adds interest visually, in accordance with CSP 14, CSP 29 and H8D.

The parking spaces for the dwellings are predominantly to the front but there are adequate garden and landscaping areas to break the hardstanding up and not result in a car dominated streetscene, especially as the front projecting gables of the detached dwellings would partially hide the vehicles. Each property would also have pedestrian access to the rear so that bins could be stored in non-prominent locations.

The access road would cut across an area of Green Space but the majority of the Green Space would be maintained. Furthermore, the previously proposed access along Pinfold Lane required the removal of a mature tree. By repositioning the access the tree can remain which is an asset to visual amenity.

### Footpath

There is an existing footpath which crosses the site from Pinfold Lane to West Pinfold which is currently blocked off physically but not legally. As the proposed dwellings would not interfere with the line of the footpath the applicant would have to apply through the Highways act, not the Planning Act, to stop up the right of way. The Footpath Officer has no objection to this given the footpath has not been used for a number of years, however, the applicant would need to go through the proper channels to achieve this.

## Trees

The majority of the existing trees/hedges/vegetation on the site would be retained as shown on the proposed layout plan. This would be a benefit to visual amenity and also maintain a physical barrier between the development and Pinfold Lane.

As mentioned above, by repositioning the access from Pinfold Lane to Kirk Cross Crescent, a mature tree alongside Pinfold Lane can be retained as widening works are no longer necessary.

## Green Space

As mentioned previously both the former garage site and the site of the proposed access are on the Green Space Register. The greenspace value of the site to the wider area has been assessed and it has been concluded that its loss would not affect the existing and potential green space needs of the borough, especially as the majority of the site previously functioned as a garage site. As a result, the proposal would be in accordance with policy CSP35 'Green Space, subject to a compensation contribution being paid. The contribution required has been calculated at £10,000 in total and would be subject to S106 agreement.

## **Conclusion**

In conclusion it is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8A, H8D, core strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it will successfully integrate into the existing residential environment without harming the amenity of existing residents.

**Recommendation – Grant** planning permission with conditions subject to S106 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 (Nos. 15-Royston-2-G, 15-Royston-3-A, 15-Royston-4-A, 15-Royston-5-B & 15-Royston-6) 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 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.**

4 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.**

5 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.**

6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the highway barrier to run alongside the proposed access road running from Kirk Cross Crescent to the site. The works shall be completed in accordance with the approved details and prior to the occupation of any dwelling hereby approved and thereafter retained as such.

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

7 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 dwellings being occupied, 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.**



- 8 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 including decorative displays and facilities for public viewing, where appropriate
  - 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 9 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.**
- 10 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.**
- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 10 years, 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.
- In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 12 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. 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 and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.**

- 13 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details

Tree protection plan (TPP)

Arboricultural method statement (AMS)

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.**

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 15 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.**

- 16 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.**

- 17 The 1800mm high wall proposed along the Southern and Western boundaries of number 52 Kirk Cross Crescent shall be completed prior to the occupation of any dwelling hereby approved and thereafter retained as such.

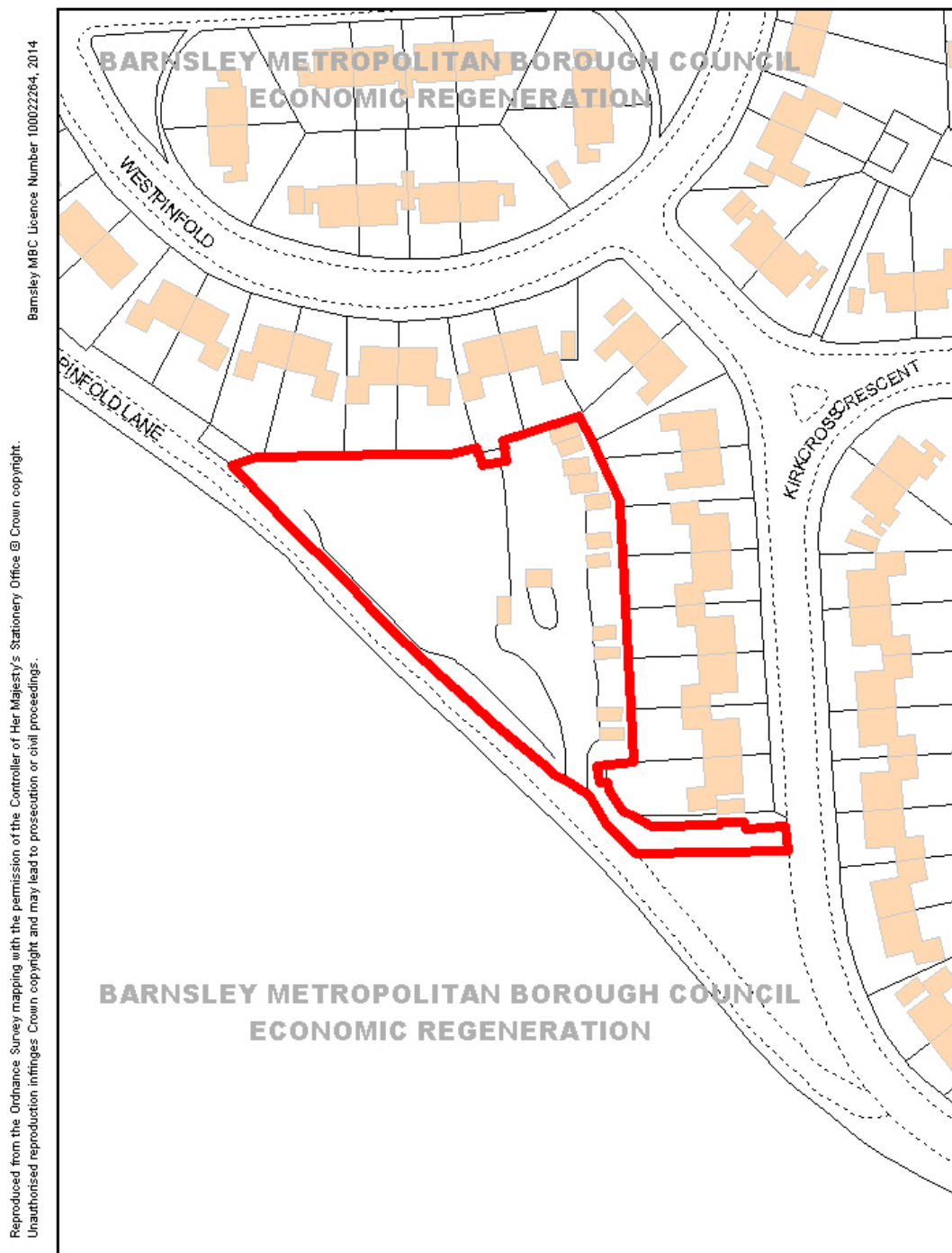
**Reason: In the interest of residential amenity in accordance with CSP29 and CSP40.**

- 18 The first floor side windows on plot 5, facing No.46 Kirkcross Crescent, shall be obscure glazed and shall be retained as such thereafter.

**Reason: In the interests of neighbouring amenities in accordance with CSP29.**

PA reference :-

2015/0895



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