
2017/0027

Applicant: Greg Mcgrath, C/o Michael A Clynch

Description: Demolition of existing house and erection of 3 new houses (Outline).

Site Address: The Laurels, 24 Viewlands, Silkstone Common, S75 4QP

10 representations have been received from neighbouring residents Silkstone Parish Council object. Cllr Barnard has expressed concerns regarding the proposed development and has requested that it is determined by the Planning Board.

Description

The application site is set off Viewlands a residential cul-de-sac of detached, semi-detached and terraced two storey properties and semi-detached bungalows, within the village of Silkstone Common. The property is a traditional two storey detached dwelling set at an angle in a large plot. The dwelling is accessed from a private driveway set between number 23 and 26 Viewlands. Number 25 Viewlands is a detached bungalow which is set to the south east and shares this access. It is understood that currently three dwellings have a right of access over the private driveway, which includes the applicant's dwelling, number 25 and 26.

The site slopes gently from the south to north and is well screened due to the trees set along each boundary. The main garden areas are laid to grass. A public footpath runs along the north eastern boundary of the site adjacent to the detached properties set along Hall Royd Walk. To the north west are small bungalows set on Moorland Place.

Proposed Development

The application is in outline form with all matters reserved and proposes the demolition of the existing property and a residential development of 3 dwellings. The red line boundary to the site includes the existing private shared driveway, set between numbers 23 and 26 Viewlands.

An indicative layout plan has been submitted which demonstrates three detached dwellings located in a linear pattern accessed from a shared driveway which links to the existing access. No other detail has been provided at this stage.

History

89/1354 – Residential development of two detached dwellings (outline) – Refused for the following reasons:-

1. The development of this backland site would be materially detrimental to the amenities of the occupants of the dwellings adjoining the vehicular access by reason of increased loss of privacy and general disturbance.
2. The erection of two additional dwellings would result in a loss of trees to the material detriment of the visual amenities of the area.
3. The proposal involves an unsatisfactory form of tandem development which would lead to the intensified use of a narrow, substandard access that already serves four properties, to the material detriment of the safety of users of the highway.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP Housing Policy Area

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.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

Core Strategy

CSP 26 – New Development and Highway Improvement

CSP29 – Design

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’

SPG Silkstone Parish Design Statement

Other material considerations

South Yorkshire Residential Design Guide – 2011

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.

Consultations

Silkstone Parish Council - This is a backland development. The planning application goes against Silkstone Parish Council's Village Design Statement (adopted by the Planning authority as Supplemental Planning Guidance 35) which is against the construction of additional dwellings in existing gardens. Members raised concerns regarding emergency vehicle access to the new properties and increased number of owner's vehicles impacting on parking on Viewlands. Members also highlighted that the track proposed to be laid to tarmac is in shared ownership of all properties backing onto the track. The suggestion of the properties forming a gated development was considered to be out of keeping in a village setting.

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections

SYMAS – No objections subject to conditions

Tree Officer – No objection at outline stage, full tree survey required with any reserved matters application

Representations

Cllr Barnard raised the following concerns and requests that the application is taken to the Planning Board for decision:-

- The proposal appears to constitute a backland development and from the plans submitted there are serious concerns that access to the properties, especially by vehicles such as fire engines, would be difficult if not impossible.
- The proposed development is not in conformity with the Silkstone Parish Design Statement which does not envisage this type of intensification and it would not be in-keeping with the character of the village.
- The proposal would generate additional vehicle movements and does not provide adequate parking for the number of vehicles likely to be introduced by this development assuming it followed the same pattern as similar housing types in the Parish.
- There are concerns about both surface water run-off and the capacity of the local drainage system.

10 representations have been received from neighbouring residents which raise the following objections:-

- Noise and disturbance
- Loss of light and overshadowing impact from new dwellings
- Overbearing impact from new dwellings
- Concerns regarding access, parking and visibility
- Impact on visual amenity of the area
- Concerns regarding bin collections
- Drainage concerns

The following comments have also been made:-

- Queries over the location of the access
- Visibility spays should be created at the access with number 25 Viewlands
- The overbearing hedges along the boundary with 25 Viewlands are requested to be reduced in height
- There are large poplar trees along the boundary which have become unstable, construction works may disturb the roots and result in them becoming a danger
- The plots should be positioned a sufficient distance from the boundary with 25 Viewlands
- No vehicular access should be made to the footpath at the rear along Hall Royd Walk

Other non-material objections relate to disturbance during construction works

Assessment

Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps. All 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.

Residential Amenity

The previous proposal submitted in 1989 involved the retention of the existing dwelling, which is set almost centrally within the site and at an angle, and the construction of two further properties within the garden area. This proposal to include the retention of the existing dwelling, would have resulted in an awkward development, squeezing two further properties into this site and was resisted by the Council. In this case, the current proposal includes the demolition of the existing dwelling, which would allow for a comprehensive redevelopment of the site. Whilst the indicative layout plan would not be regarded acceptable in design terms, it does demonstrate that three properties can be designed to ensure that sufficient separation distances can be maintained. Furthermore being as the development would involve the demolition of an existing property to leave behind a sizeable open area of land within a built up residential area it is considered that the proposal would not represent an unacceptable form of backland development.

Given the proposal is a comprehensive redevelopment of this large site and as the access to the site is existing and already serves three properties, it is not felt that this proposal is a

traditional 'backland development' where additional dwellings are being built within the back gardens of existing properties.

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments where they are surrounded by existing dwellings, it is recognised that there will be some impact on the residential amenity of existing residents. A number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook and view. Whilst the loss of this garden is regrettable the plot is of a sufficient size in order to accommodate three new dwellings comfortably in order to meet the separation distances required within the SPD and to ensure that there will be no significant overlooking, overbearing or loss of light would occur to the existing residents.

Objections have been received with regard to potential increased disturbance to adjacent dwellings; however the site is large, currently used for residential purposes and is well screened along each boundary. The proposal results in an additional two residential units, which would not cause significant impact upon the adjacent dwellings once the properties, have been constructed. The access is existing and its surface would be improved as part of the reserved matters scheme therefore any additional increase in disturbance from the access would be minimal. Concerns have been raised with regard to the impact of the construction works upon residential amenity. Regulatory Services have been consulted and have no objection to the proposal subject to conditions. Whilst disturbance during construction is not a material planning consideration, working hours conditions should be applied to any approval.

Overall, the development is considered acceptable in terms of residential amenity in compliance with UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

Visual Amenity

In terms of visual amenity, the immediate area features various sizes of dwellings, including detached, semi-detached and terrace properties of one and two storeys in height. The site is a large plot and is surrounded on all sides by residential properties, however it is also well screened by existing trees along the boundaries. The current dwelling has been built at an angle on the site and does not fit in with the pattern of development which surrounds. As this application is in outline with all matters reserved, the details of the scale, design, siting and landscaping are a reserved matter for future consideration and it is felt that the properties could be designed and sited in order to fit in with the surrounding properties and the Silkstone Parish Design Statement. The proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

Highway Safety

The previous application submitted in 1989 was refused in part due to the intensified use of a narrow, substandard access that already serves four properties, however it was understood that only three properties have a right of access over the road. With the demolition of the existing dwelling and a potential three additional units, the access would serve no more than five properties which is the maximum number allowed for from a private driveway. The highways section have raised no objection to the proposals for three dwellings and consider that the width of the driveway is acceptable for the amount of properties it would serve, and adequate visibility exists at the driveway entrance/exit.

As the application is at outline stage with all matters reserved, the proposal could be designed to provide sufficient parking areas for at least two cars within each plot. The private shared driveway and any improvements to the surface would allow for the safe turning and manoeuvring of vehicles, and the proposed access has sufficient visibility in each direction.

Concerns have been raised with regard to the access to the site with fire appliances, however highways have confirmed that a fire appliance will be able to access the site and sufficient turning areas could be provided within the site so that a fire appliance could manoeuvre within the site. No objection is raised from a highway safety point of view.

Impact on Trees

There are a number of trees along the boundary which provide significant screening and amenity to the area. These trees would need to be protected as part of any development proposal. The Tree Officer has been consulted and considers that the proposal could be designed so that the trees along the boundaries are not significantly affected. Concerns have been raised with regard to the safety of the trees along the boundary and overshadowing issues. Conditions are recommended in order to ensure that a full tree survey and protection measures are submitted at reserved matters stage.

Drainage

Concerns have been raised with regard to the impact of the proposal upon both surface water run-off and the capacity of the local drainage system; however the Council's Drainage Officer has raised no objection to the proposal subject to conditions.

Conclusion

In conclusion, the site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development. 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 would be capable of successfully integrating into the existing residential environment without harming the amenity of existing residents, subject to a suitably set of plans being provided at the reserved matters stage. The proposed access is considered to be acceptable and there should be no significant highways issues. The proposal has therefore been assessed to be an acceptable form of development and is recommended for approval accordingly.

Recommendation

Grant outline planning permission with all matters reserved, subject to conditions

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3 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.

4 The site is located in a Coal Authority coal mining referral area due to the probable presence of shallow coal. The land could therefore be at risk from ground instability due to the presence of shallow mine workings or associated mining legacy health and safety risks, such as fugitive gas migration. Site investigations must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and potential risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of development. The development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: Land stability NPPF sections 120 and 121.

5 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree survey
- Tree constraints plan
- Arboricultural impact assessment
- Arboricultural method statement
- Tree protective barrier details
- Tree protection plan

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

6 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.

7 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to 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 LDF Core Strategy Policy CSP 29, Design.

8 The development hereby approved shall not exceed a maximum of 3 residential dwellings, the details of which shall be submitted under an application for the approval of the reserved matters.

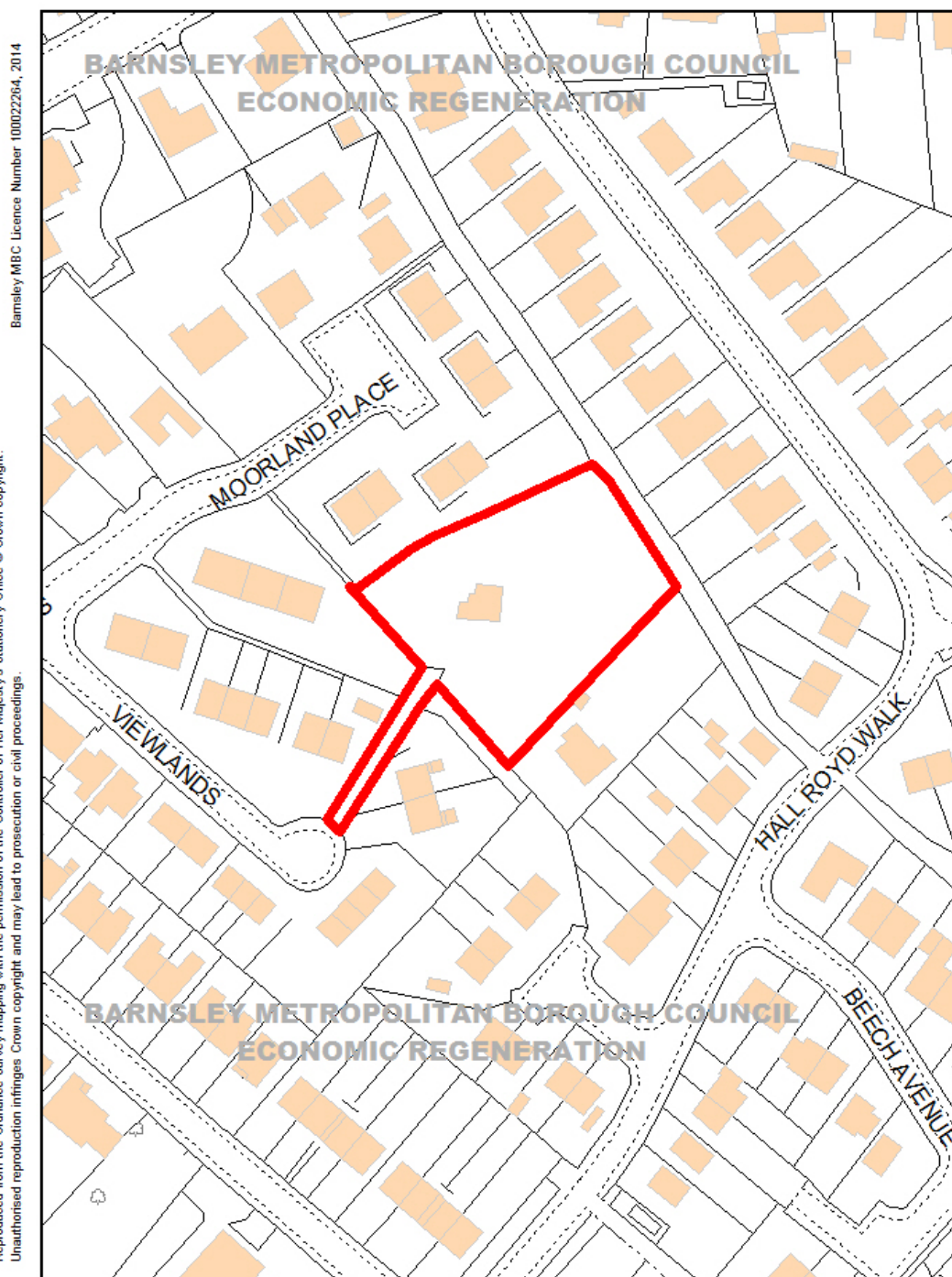
Reason: To ensure the development conforms with the outline planning permission and stays within the maximum assessed level of development.

9 The approved development shall be limited to a maximum scale of two storeys in height.

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

PA reference :-

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