
2017/0310

Applicant: Fred Ayres

Description: Erection of 1 no. detached dwelling with attached garage

Site Address: Land to the rear of 11 and 13 Hillside Crescent, Brierley, Barnsley, S72 9JL

Description

The site is a former sports ground to the rear of properties on Hillside Crescent and Brierley Road. Accessed via a 26m x 3.2m drive between No.s 11 and 13 Hillside Crescent, the site is a former hard surfaced sports pitch / MUGA. It is no longer in use with the fencing and goal posts removed and the surface showing sign of poor repair and damage. There is also littering and graffiti on the site and boundaries with properties adjacent.

The site is surrounded on 3 sides by the rear gardens of residential properties on Hillside and Barnsley Road. To the west is open fields located in the Green Belt. Footpath No.13 runs along the field boundary immediately adjacent the site. There appears to be an established access across the site to this footpath, although there is no dedicated right of way.

Proposed Development

The proposed development is to erect a single detached dwelling on the site with integral garage and 4 parking spaces located at the front and garden to the rear. The property is a generously sized 4 bedroom property orientated facing north with a southwards facing rear garden. There are windows proposed to all 4 elevations.

The materials proposed are either brick or stone with Old English concrete interlocking tiles to the roof and grey UPVC windows.

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 the 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 notation: Housing Policy Area.

H4 'Development on Housing Sites' promotes residential development.

H8A 'Existing Residential Areas'.

Core Strategy

CSP10 'The Distribution of New Homes' commits a total of 1000 new homes in other areas of the Borough.

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities. It also states that a minimum development density of 40 dwellings per hectare will be expected. In addition priority shall be given to the development of previously developed land with a target of 55% and 60% of the overall amount of new housing.

CSP26 'New Development and Highway Improvement' new development shall be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP 35 Green Space - We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

Green space refers to any land within or close to towns and village that has or could have demonstrable value for recreation or wildlife.

We will only allow development proposals that result in the loss of green space where:

- an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or
- the development is for small scale facilities needed to support or improve the proper function of the green space

We will assess the need for green space against the standards in our Green Space Strategy.

CSP 36 ' Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

Publication Draft Local Plan

The site is proposed to be allocated as Green Space on the emerging Local Plan Proposals Map. Policy GS1 would therefore apply which includes the following with regards to the improvement of existing greenspace:

Proposals that result in the loss of green space, or land that was last used as green space will not normally be allowed unless: an assessment shows that there is too much of that particularly type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough.

SPDs/SPGs

The following LDF Supplementary Planning Documents have been adopted which are relevant to the proposal:-

'Designing New Residential Development' sets out the standards that will apply to the consideration of planning applications for new housing development.

'Parking' states that the parking standards for new housing development shall be 1 space for dwellings under 3 bedrooms in size and 2 spaces for 3 bed dwellings and above.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABE 'Building for Life' scheme.

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.

In respect of this application, relevant policies include:

Para 7 – 3 dimensions to sustainable development

Para 14 – Presumption in favour of sustainable development

Para's 58 & 60 – Design considerations

Para 73-75 - Openspace

Consultations

Highways DC – No objections subject to conditions

Ward Councillors – Cllr Ennis has confirmed that there is an ongoing drug trading issue at the bottom of Hillside Crescent and associated bad parking which the police are aware of.

Drainage – No objections are raised – details provided are sufficient.

PROW – No objections raised as does not affect PROW which runs adjacent to the site.

Pollution – No objections subject to conditions

Planning Policy – No objections subject to a compensation payment to offset the loss of greenspace.

Representations

The application was advertised through neighbour letters and a site notice. 1 letter of objection was received raising concerns regarding the loss of an open space and rear access to their garden. However this letter has since been withdrawn and a total of 7 letters of support received, including one from the previous objector. All the letters confirm an ongoing issue of antisocial behaviour on the site and support the development proposed.

Assessment

Material Consideration

Principle of development / Loss of open space

Visual Amenity

Residential Amenity

Highway Safety/PROW

Principle of development/Loss of Green Space

The site is located in a residential policy area and as such the proposed residential dwelling is acceptable in principle. Notwithstanding this the site is a former sports pitch which was sold by the Council. At the time planning policy confirmed that: *"Brierley is severely bereft of green space with the only alternative space on Common Road. In accordance with the Green Space Strategy and Core Strategy CSP35, green space should be protected from development or its loss compensated for. The proposed removal of the MUGA and development of this site offers very little in the way of opportunity to serve an alternative green space function due to the location behind properties and constrained size. Therefore a compensation payment for loss of green is required in accordance with CSP35"*. The sales particulars included a statement regarding the need for a compensation payment on this basis.

Discussions with the applicant has resulted in an agreement to pay a compensation payment of £3,000. This is substantially less than the cost of a new MUGA but is consistent with the typical sum required to offset the loss of informal green space. It also reflects the scale of the development proposed, the fact that the site was recently sold by the Council as surplus and the current state of repair of the pitch along with ongoing antisocial behaviour issues associated with the site.

In addition to the loss of greenspace, the proposed, located to the rear of existing properties, is backland development as defined in the Residential Design Guide SPD. However, the SPD on Designing New Residential Development does state that "Backland development may be more acceptable in circumstances where there is an existing use at the rear of the dwelling and where residential use would benefit the amenities of existing residents and character and openness of the locality". In this instance the site has had a past use as a MUGA with its own associated access. There was therefore a certain level of activity and disturbance associated with this use which would have impacted on local residents. From the letters that have been received from nearby neighbours, it is also apparent that the decline in use of the MUGA has been replaced by an increase in anti-social behaviour at the site. Given that the proposed dwelling would utilise the existing access, the development of the site has the potential to benefit the amenity of existing residents through the removal of an area prone to antisocial behaviour and a potential reduction in noise and disturbance compared to its previous use.. Furthermore the proposed will not impact on the potential comprehensive development of a larger area of land.

Therefore, residential development is considered acceptable subject to the agreed compensation payment and meeting the criteria outlined in both the NPPF and the UDP.

Visual Amenity

The design of the property, being a larger detached dwelling, is not in keeping with the wider area which is characterised by redbrick semi-detached properties. However, the site is unique in its location behind existing properties and not visible within the streetscene. Nor is it highly visible from longer distance views along Brierley Road which are obscured by mature hedgerows along the roadside. The site will be visible from various footpaths crossing the adjacent fields, however, the impact is reduced by the orientation of the dwelling (being side on to the fields) and can be softened through the use of appropriate materials and boundary treatment. Furthermore, the current sports pitch is in a poor state of repair creating an unsightly feature in the existing landscape.

Therefore, the proposed is considered to be acceptable in terms of visual amenity.

Residential Amenity

The proposed is located within a generous plot and the surrounding properties all have substantial gardens. As such the proposed dwelling does comply with the Residential Design Guide SPD with regards to external space standards. The exception being a bedroom window to the eastern boundary with properties along Brierley Road. This window is less than 4m from the adjoining gardens which is substantially less than the 10m required by the SPD however, to protect the privacy of neighbouring dwellings this can be conditioned to be obscure glazed. This won't impact on the overall house design or the amenities of near neighbours this can be removed by condition as a dormer and two skylights are also proposed for this room.

The internal layout provides a good standard of living space in accordance with the Internal Space Standards in the South Yorkshire Residential Design Guide and the proposed development includes a reasonable sized garden.

In addition to design considerations, the proposed development will help to alleviate an existing issue with antisocial behavior on the site. 7 of the surrounding residents have written to support the application on this basis. Berneslai Homes and one of the Local Ward Councillor's have also confirmed that this is a historic issue in the area. The development of the site will remove an open area which is not highly visible from the road and increase overlooking of the adjacent fields which will be of benefit to residential amenity.

Highway Safety/PROW

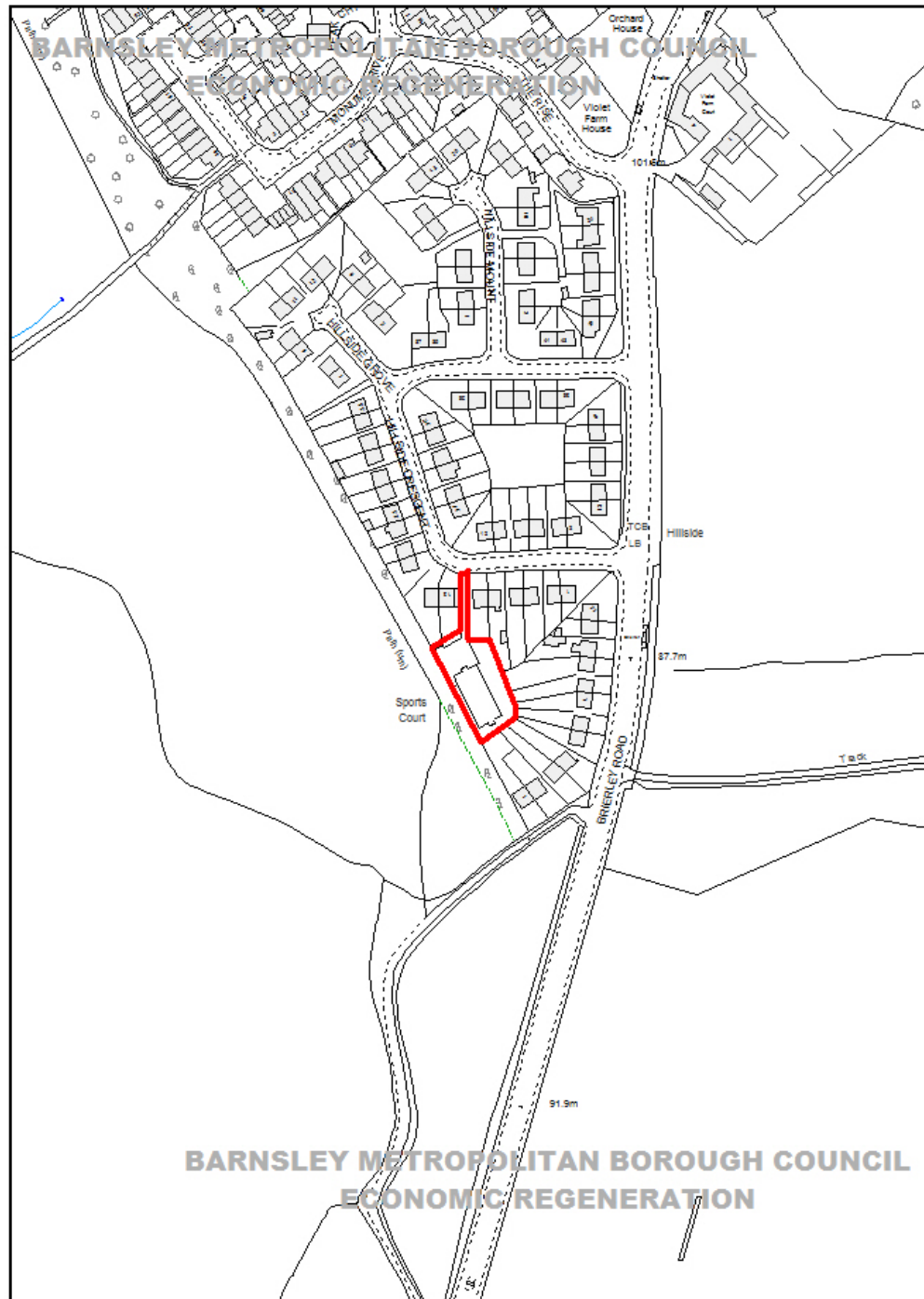
The proposal provides suitable access and sufficient parking space for the proposed development. Highways have no objection to the proposals subject to conditions. In terms of the PROW the development adjoins the footpath but the scheme does not encroach onto it so this right of way remains protected from the development.

Recommendation

Grant subject to conditions and the signing of a Section 106.

- 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 (Nos PG 159-1 and PG 159-2) 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 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.
- 5 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period, in the interest of road safety.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 6 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period, in the interest of road safety.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 7 The window on the north east elevation of the building facing rear gardens on Hillside Crescent 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 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 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.



BARNSEY MBC - Economic Regeneration



Scale 1: -----