
2017/0084

Applicant: Ms Dunlavey, C/o White Agus Partnership

Description: Residential Development of 14 no. dwellinghouses (Site 1 Plots 1-5) and site 2 (Plots 6-14).

Site Address: Land adjacent to 16 Park View, Brierley, Barnsley, S72 9EN

5 local residents have objected to the scheme

Background

2013/0166 Erection of 2 Residential Units (Full) – Approved

Description

Park View is a residential street off Common Road which lies to the east of Brierley. The street comprises mainly red brick semi-detached dwellings set fairly close to the highway.

Plot 1 of the application site includes a small plot of grassed land to the west of Park Road. The open space comprises an elongated parcel of grassland which is bounded by a dwelling to the north east and Park View to the east. The width of the space varies from 26m at its widest point, to approximately 13m at its narrowest and is approximately 60m in length. It is narrowest at the junction with Common Road, extending northwards and eastwards to the boundary with 16 Park View. The site is mostly maintained grass with a mature hedgerow, trees and brambles to the western boundary with adjacent properties. The boundary with No.16 is demarked with a circa 1.8m fence.

Plot 2, on the opposite side of Park View is part of an area known as Pudding Hill and allocated as Urban Green Space. The site fronts onto Park View with the rear edge demarked by a maintained hedge beyond which is an additional area of green space and Common Road. The site is maintained grass with a few small trees.

Proposed Development

The proposed development is to erect 14 new dwellings, 5 units on Plot 1 and the remaining 9 units on Plot 2. One dwelling faces onto Common Road with the remaining facing Park View.

The properties vary in size and type with 6 four bedroomed properties (all two storey but 4 have rooms in the roof) and 8 three bedroomed properties (2-storey). The majority are semi-detached with two detached properties located at the junction with Common Lane. All the properties allow for two off street parking places, with 7 of the properties proposed to have a garage. The materials proposed are red brick and red clay pantiles.

The majority of the existing trees on the site will be removed.

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).

Core Strategy

CSP2 'Sustainable Construction.'

CSP4 'Flood Risk'

CSP10 'The Distribution of New Homes'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'.

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'

Saved UDP Policies

GS34 'Urban Green Space'

H4 'Development on Housing Sites'

H8A 'Existing Residential Areas'

SPDs

'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 CABI '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:

General principles para's 17

Delivering a wide choice of high quality homes para's 47 – 55

Design para's 58 – 65

Consultations

Highways DC – No objections subject to conditions

Ward Councillors – Cllr Higginbottom is concerned that the proposal would add to existing on-street parking problems.

Design – Raised a number of concerns regarding design which have been discussed in detail with the applicant and a revised scheme has been submitted.

Trees – No objections subject to conditions

Drainage – No objections subject to conditions

Ecology – Requested an ecology report which has been provided, including proposed mitigation. No objections subject to conditions

Pollution – No objections subject to conditions

Representations

The application was advertised through neighbour letters and a site notice. 5 residents have objected, raising concerns regarding:

- loss of valued green space,
- impact on wildlife,
- negative impact on visual amenity,
- loss of privacy,
- lack of school places
- impacts on water pressure,
- highway safety and parking issues,
- over development of the site

There has also been an objection regarding a possible land ownership dispute and the line of the gas main which has been passed to the applicant for their information.

Assessment

Material Consideration

Principle of Development / Loss of Green Space

Visual Amenity

Residential Amenity

Highway Safety

Trees and Wildlife

Principle of Development

Plot 1 is a greenfield site and is on the greenspace register; however, it is allocated in the UDP as being in the Housing Policy area. In addition, residential development for two bungalows was approved here in 2013. Therefore, the principle of residential development is accepted on this part of the site.

Plot 2 is allocated as green space and forms part of a wider allocation known as Pudding Hill. In accordance with CSP35 we will only allow development proposals that result in a loss of green space where the site is surplus or compensatory provision is provided. The site has no formal recreational facilities on it and serves as an informal open space. The site was sold by the Council; however, it was made aware to purchasers that there would be a requirement for a contribution for the loss of greenspace which could be put towards improving existing recreational facilities in the area. Brierley has suffered an incremental loss of green space over the past ten years and so a compensation payment will allow the remaining spaces to be improved in both their quality and function to serve both existing and future residents. It has been agreed with the applicant to provide £3,000 for each dwelling located on plot 2; this is a total contribution of £27,000. This can be secured via a S106 agreement

The number of dwellings proposed is under the threshold that would require any affordable housing or open space contributions.

Therefore, residential development is considered acceptable subject to meeting the criteria outlined in both the NPPF and the Core Strategy.

Visual Amenity

The layout of the proposed has been through a number of iterations to address concerns regarding design and residential amenity. The current layout is now considered to be an acceptable solution which fits comfortably within the existing street scene on Park View. The houses are a mix of detached and semidetached properties, all two storey with pitched roofs and off street parking. As far as possible, parking to the front has been kept to a minimum and the layout includes a good mix of soft and hard landscaping to property frontages. There is space for good boundary treatments to the front, details of which can be conditioned, and it is considered that the density of the site reflects that of the surrounding area.

Concerns have been raised regarding the design of the elevations, particularly the window detailing and the dormers on 4 of the properties. Some changes have been made to accommodate the concerns, however, the wider area is made up of a range of property styles and there are properties with similar Cills and Lintels as well as small dormers within close proximity to the site. The overall design is, therefore, in keeping with the character of the area. Furthermore careful use of materials can ensure that the appearance does not become overly ornate or fussy.

Overall the proposed development is acceptable in visual amenity terms.

Residential Amenity

The layout has been amended to address concerns regarding the space between dwellings and external amenity space. The rear gardens of plots 7-10 have been amended improving the space available and removing the previously awkward triangular shaped plots.

Plot 5 has been of particular concern; initially it was shown very close to the boundary with No.16 Park View which has windows in the side elevation. This plot has now been pulled away from the boundary with No.16 and the garage removed. This gives a distance of 10m between the proposed which is considered an acceptable taking account of the orientation of the properties and wider constraints on the site. The removal of permitted development rights for this plot will be conditioned to further protect the amenity of No.16.

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 reasonable sized gardens.

Highway Safety

On street parking and the potential for conflicts with residents reversing from driveways has been raised as a concern by residents and Cllr Higginbottom. However, the proposal provides suitable access and sufficient off street parking spaces to meet the requirements of the SPD. Highways did request that the access for plot 1 be taken from Park View rather than Common Road which has been accommodated without changing the orientation of the dwelling on this plot.

Highways therefore have no objection to the proposed subject to conditions.

Trees and Wildlife

The Council's Tree Officer has inspected the scheme and has noted that, whilst some trees are to be removed, these are relatively poor and not a constraint to the development. A suitable landscaping scheme to provide additional planting on the site is recommended.

In terms of wildlife, the applicant has submitted an extended Phase 1 habitat survey. This has evaluated that the site has little ecological importance and the development would not impact on any designated sites or habitats of importance, The Council's biodiversity officer has assessed the report and is satisfied with the findings.

Recommendation

Grant subject to S106 agreement for loss of greenspace and conditions

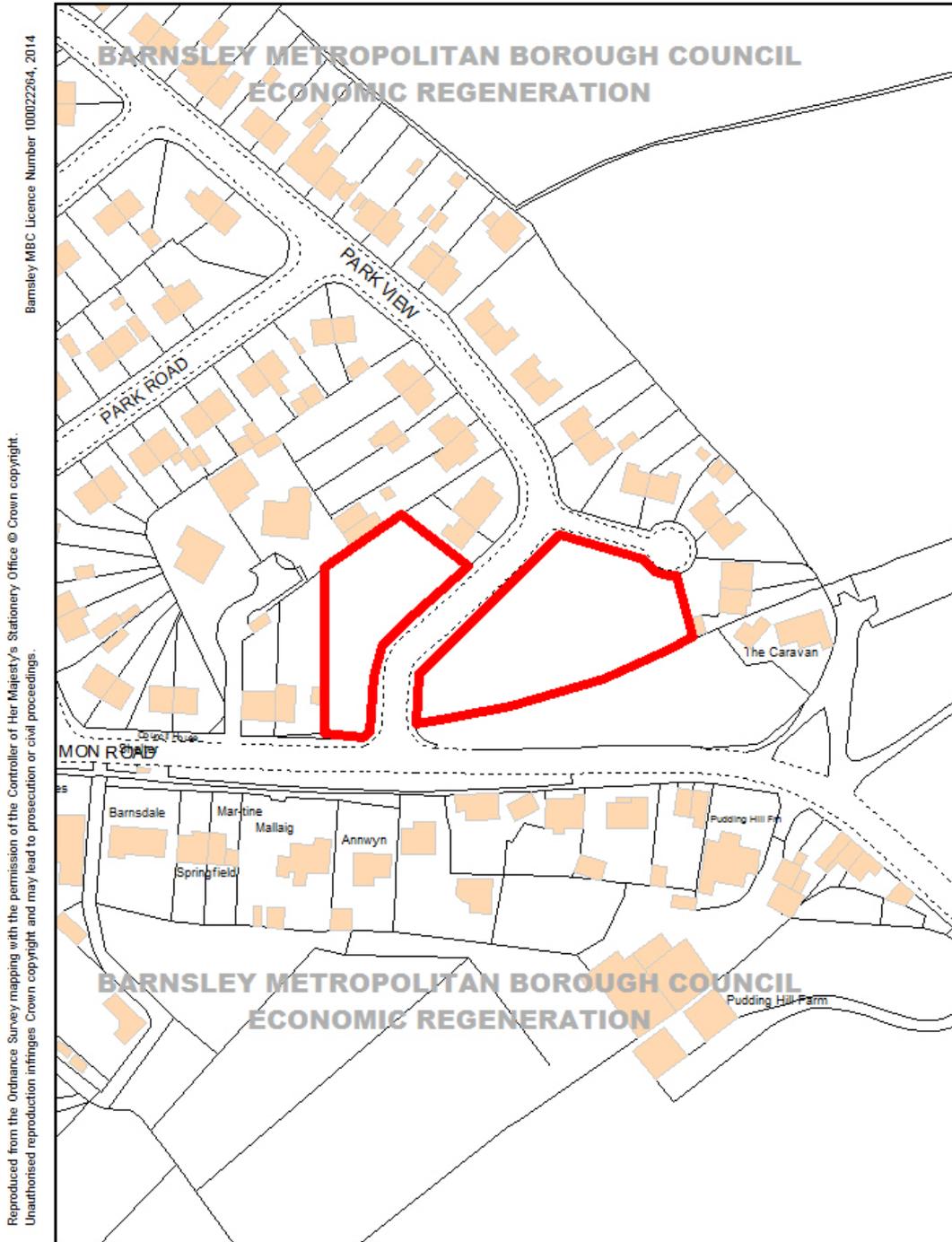
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos.16-117 01 Rev.C, 16-117 02 Rev.D, 16-117 04 and 16-117 06) 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 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 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 protective barrier details
 - Tree protection planThe scheme shall proceed in accordance with the approved details.
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 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 in accordance with CSP36.
- 7 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 in accordance with CSP29
- 8 Prior to commencement of development full details of the mitigation and enhancement measures, as mentioned in the Recommendations Section of the submitted Extended Phase 1 Habitat Survey dated 28th March 2017, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 9 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.
- 10 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.**

- 11 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.
- 12 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.
- 13 Sightlines shall be safeguarded at the drive entrance/exit(s), such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling on Plot 5 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.
- 15 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.
- 16 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at greenfield rates 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.

PA reference :-

2017/0084



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