
2017/0666

Applicant: Mr Alexander Cook, C/o White Agus Partnership

Description: Erection of 2no. pair of semi detached dwellings and 1no. block of 3 town houses with associated parking.

Site Address: Land Adjacent 27 Windmill Avenue, Grimethorpe Barnsley, S72 7AN

One letter of objection and one letter of support from local residents

Site History

2015/0447 – Erection of 7 no. dwellings (Outline), Land at Windmill Avenue, Grimethorpe, Barnsley, S72 7AW

Site Location and Description

The site forms an open area of Green Space located to the northern side of Windmill Avenue within the outskirts of the village of Grimethorpe, approximately 5 miles to the east of Barnsley Town Centre.

The area is made up of predominately 1960s semi-detached brick built Council housing. Immediately opposing the site is a similar area of open Green Space. To the north east of the site is Sandhill Grove which runs to the south of Brierley Road and forms a garage site at the end. Elsewhere the surroundings are predominantly residential.

There is an access road / drive crossing the site to the rear of properties on the northern boundary (166-170 Windmill Avenue) and a single garage located on the site.

The site slopes considerably in level in line with Windmill Avenue falling from an east to west direction and in a north south direction.

Proposed Development

The proposed development is for 7 town houses split into 2 pairs of semidetached properties and a row of 3 terraced. The houses all have kitchen / diners and a lounge at ground floor level with W/C. Two of the three bedrooms are on first floor with a family bathroom. The third bedroom is located within the roof space.

The proposed dwellings all have small porches to the front and roof lights in the front and rear elevations. The roof line steps down east to west as the site slopes down creating a stepped effect. Level access and parking is created through cutting into the site and the use of retaining walls. Rear gardens provide the private amenity spaces to the dwellings.

No details have been provided with regards to materials at this stage. Parking for two cars is located to the front or side of the properties.

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'

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' proposals for the development of such areas will be assessed for their effect on the present and potential formal and informal function of the area.

H4 'Development on Housing Sites' promotes residential development

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

Yorkshire Water Services Limited – No comments received

Highways DC – No objections subject to conditions

Ward Councillors – No comments received

Drainage - No objections

Pollution – No objection subject to conditions

SYMAS – The site can be considered as stable with regards to deep mining subsidence. The risk of mining legacy issues affecting the land is considered low.

Representations

The application was advertised both through site notice and neighbour notification letters to which one letter of objection has been received raising concerns over access rights to their property. This is, however, a land ownership issue and cannot be taken into consideration as part of the planning application process. The agent has been made aware.

One letter of support has been received stating that the development would be an improvement to the area by reducing the presence of fly tipping on the site.

Assessment

Material Consideration

Principle of Development

Green Space

Design and Layout

Residential Amenity

Highway Safety

Other Matters

Principle of Development

The site lies within an existing housing estate and forms a linear gap adjacent the north side of Windmill Avenue. Outline planning permission has already been granted for residential development of the site back in 2015.

In terms of UDP allocation the site is allocated as a Housing Policy Area and it is within a predominantly residential area. However it is considered to function as greenspace and is on the Green Spaces register. As such proposals for development should be considered against policy CSP35 and will not be acceptable unless the area is surplus to requirements or appropriate compensation is provided.

Green Space

The application site forms part of GS252 Windmill Avenue North Open Space. 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 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.

Given an offsite contribution, a sum of £17500 has been agreed which is the same as was agreed under application 2015/0447, 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.

Design and Layout

The elevation design and scale of the properties are in keeping with the area. Townhouses are potentially an unusual feature as the wider street is dominated by semidetached properties; however, as the 3rd floor accommodation is in the roof space the roof line fits well within the street scene; as demonstrated by the sections. Further, the split into two sets of semidetached and a small terrace breaks up the frontage of the proposed scheme.

The existing levels on the site have impacted the layout with the proposed cut into the slope and retaining walls between plots. Plots 1, 2 and 6 all have parking to the side whilst plot 7 has parking at the front due to the steeply sloping land between it and No 37. Plots 3-5 are set back from the road to allow for a small parking court at the front with shared access. This allows for parking requirements to be met on the site without dominating the site frontage. The use of appropriate boundary treatments and landscaping will soften the appearance of the parking spaces and the changes in level. These factors, along with materials, can be conditioned on any approval.

Residential Amenity

The proposed layout allows for the majority of the space standards to be met on the site and each plot has sufficient external amenity space. However, No.27 and No.37 Windmill Avenue located either side of the proposed development site, have windows in their side elevations. Usually less consideration is given to side windows as the principal elevations that are protected are front and rear elevations where the habitable room windows are predominantly located. Notwithstanding this, between plot 7 and No. 37 there is a distance of 9.2m and given the change in levels between the plots and the retention of the existing hedge it is considered there is enough mitigation to prevent any significant loss of amenity to this near dwelling.

Between Plot 1 and No.27, the distance is tighter, being just 5.4m at the nearest point. The applicant has therefore provided detailed levels and a section, to allow assessment of the impact. These show that plot 1 is circa 2m higher at ground level than No.27 and there will undoubtedly be an impact on No.27 in terms of a loss of light to the side windows. However, No.27 is set at a slight angle and orientated so that the side elevation aspect faces the east, in this respect only the early morning sunlight will be affected by the proposed. Further, the removal of existing trees to the front of the plot (between No.27 and Plot 1) will lessen the impact, allowing increased light through. It is also of note that it is characteristic of properties on Windmill Avenue to have windows in the side elevation and be located in close proximity to adjacent properties. Furthermore, historic mapping shows that there was a line of houses on this plot in 1990.

There is no impact in terms of privacy as the only windows in the side elevation of Plots 1 and 7 are small hallway / bathroom windows. Permitted Development rights can also be removed for these plots to ensure that no additional windows or side extensions can be erected without fully assessing the impact.

Therefore, the proposed is acceptable in residential amenity terms.

Highway Safety

The proposal provides for vehicular access off Windmill Avenue and provides 2 off street parking spaces for each dwelling. The Council's Highways Section have raised no objections to the development and consider sufficient car parking and access facilities have been provided.

Other Matters

An objection has been received from No.166 Windmill Avenue who claims to have a right of access over the proposed site and there is a tarmac drive crossing the site to the rear of No.166 and 168. In addition, there is a garage located on the site, albeit it is not clear who owns / uses this. The applicant has been made aware of this claim, however, it is not a planning issue and cannot be taken into account in the decision making process.

Recommendation

Grant subject to S106 agreement for loss of greenspace and the following 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 (Nos. 16-166 DWG 01 RevB and 16-166 02 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the formation of new windows) of plots 1 and 7 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 amenities of neighbouring properties in accordance with CSP29.

- 6 No development shall take place unless and 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 and
 - (c) calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways and are all 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. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4.

- 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 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.

- 8 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.

- 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 to ensure safe and adequate access.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 11 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.

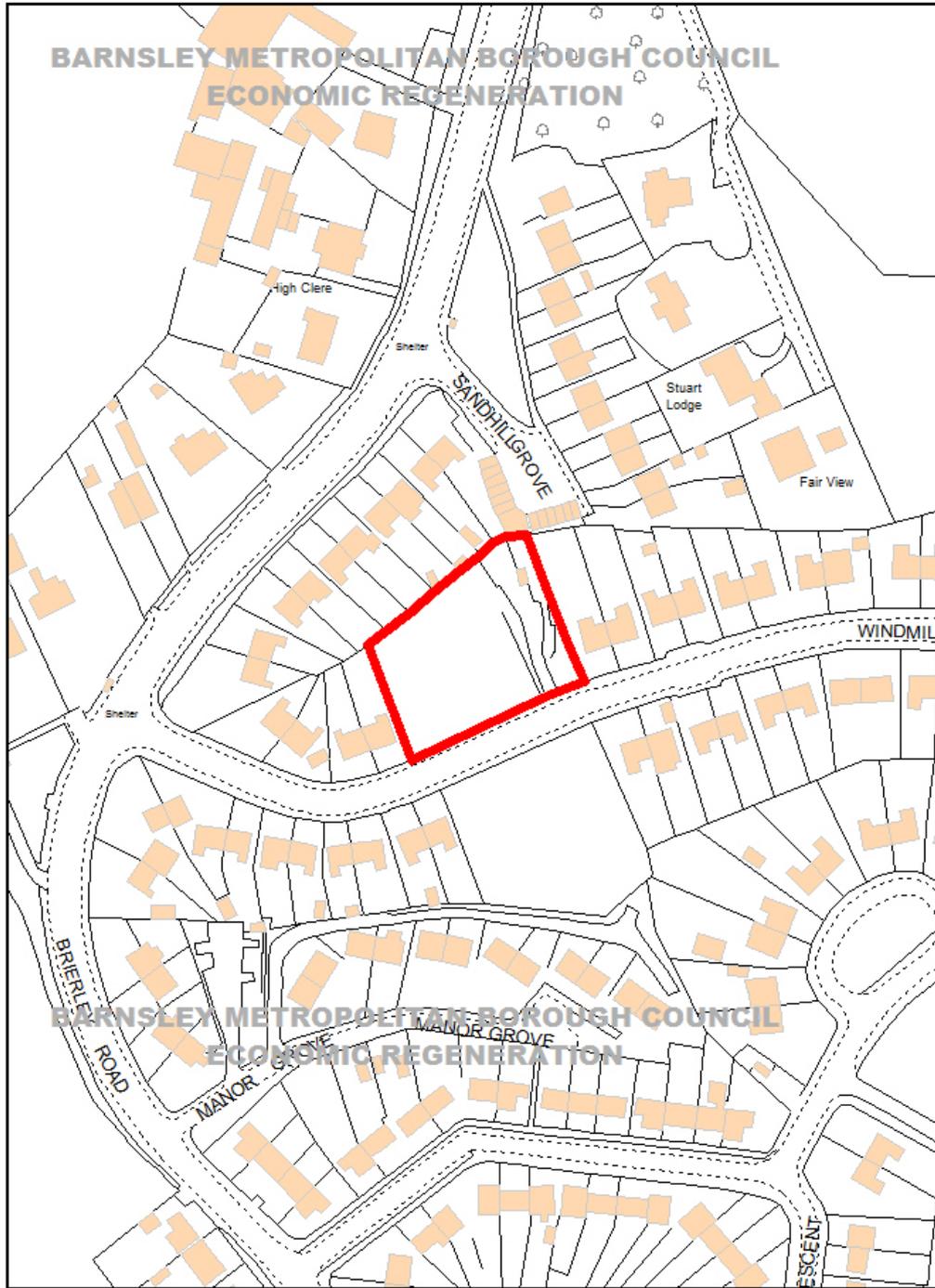
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- 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.**

PA reference :-

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