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**2017/1493**

**Applicant:** Mr Roger Hunt, C/o Design Space

**Description:** Erection of 4 no. detached dormer bungalows and 2 no. detached garages.

**Site Address:** Land Off Ledbury Road, Athersley South, Barnsley, S71 1XE

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Cllr Platts has requested the application be heard at PRB. 5 letters of objection have been received.

### **Site Description**

The application relates to a triangular shaped piece of land measuring approximately 1,700m<sup>2</sup>. The plot is currently vacant and is mainly laid to grass; it is understood to have previously accommodated a number of garages. There is an electricity sub-station to the South of the site, access to which needs to be maintained. Access is from Wingfield Drive, between numbers 91 and 93, to the South East of the site via a gated single track drive. The site is bounded by a mixture of fences and hedges.

The site sits within a predominantly residential area to the rear of semi-detached dwellings fronting Wingfield Drive to the East and Ledbury Road to the West. Beyond the Northern boundary is Athersley South School and its associated playing fields.

### **Site History**

2016/0186 – Erection of detached bungalow (Outline all matters reserved) – approved

Outline planning permission was granted for the erection of a detached (dormer) bungalow and detached garage with all matters reserved. An indicative siting plan showed the bungalow located towards the north of the site with the garage located towards the southern end adjacent to the electricity sub-station. Access to the site was shown as being either from Ledbury Road or the shared access track from Wingfield Road.

Information submitted with the application suggested that the bungalow would have at least 4 bedrooms and materials would be to match those used in the surrounding residential areas.

### **Proposed Development**

The applicant seeks permission to erect 4no. detached 3 bedroomed dormer bungalows. Each property would have a living room, kitchen/diner, shower room and utility room on the ground floor with 2no. bedrooms and a bathroom within the roof space.

The site would be accessed using the existing access from Wingfield Road. As the shared driveway would only be single track, a system of two interconnected automatic gates with a traffic light system is proposed. It would give priority to vehicles accessing the site from Wingfield Road, preventing cars leaving the site until the access road is clear.

Each property would be allocated 2no parking spaces and 2no. visitor spaces are also proposed. In addition, plots 3 and 4 would be allocated a single detached garage located adjacent to the electrical substation.

## **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 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

CSP 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

### Saved UDP Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

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.

## SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

## 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

## **Consultations**

Yorkshire Water Services Limited – No objections

Regulatory Services – No objection subject to conditions

Highways DC – No objections subject to conditions

SYMAS – No objections

Coal Authority – No objections subject to development following recommendations within the Shallow Mining Investigation.

Tree Officer – No objections

Drainage – No objections subject to conditions

Ward Councillors – Cllr Platts raised concerns of overdevelopment and potential residential amenity impacts. Cllr Tattersall raised concerns with regards to inaccuracies in the application from, potential access from Ledbury Road which would be unacceptable, bin collection problems.

## **Representations**

Five letters of objection have been received. The main points of concern are;

- Pressure on local services
- Design not in keeping with the area
- Concern access could open up onto Ledbury Road
- Increase flood risk
- Impede right of access
- Bins on the highway

## **Assessment**

### Principle of Development

The site is predominantly 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.

The site is allocated as Green Space in the Local Plan submission maps and identified on the Councils Green Space Register as GS829 'Wingfield Road Green Space'. However, the site has previously been granted approval for a single dwelling (2016/0186) under currently adopted policies and guidelines. Furthermore, the land does not appear to be currently functioning as green space and does not offer any positive green space attributes. As such, policy CSP35 is not considered applicable and no compensation will be required.

### Residential Amenity

The development would introduce noise and disturbance to the area associated with residential activity and vehicular movements, especially with the access being close to existing dwellings. However, given the nature and density of the area 4 modest additional properties would not significantly reduce residential amenity. In addition, it should be acknowledged that the site previously accommodated a number of garages which generated vehicular and pedestrian movements.

Plot 1 would be beyond the rear elevation of number 20 Ledbury Road, however, there would be a separation distance of over 13m to the proposed front elevation and it would be orientated to the North East. Paired with the modest scale of the dwellings, plot 1 would not significantly increase overshadowing to the rear elevation of number 20 or its rear amenity space. Furthermore, it would not result in an overbearing feature.

There are habitable room windows proposed to the front of plot 1 but these would be on the ground floor, and, views of the neighbouring property would be limited by the boundary treatments. There is a front dormer window proposed but this only serves a bathroom which is not considered a habitable room, as such, privacy levels would be maintained to a reasonable degree. There are first floor habitable room windows to the rear of number 20 but they would not directly face the front elevation of plot 1.

Plot 4 has a side elevation beyond the rear boundary of numbers 81 and 83 Wingfield Road. However, the side elevation would be in excess of 20m from the rear elevations of the existing properties which is in excess of the 12m required within SPD 'Designing New

Housing Development'. As such, the proposed dwelling would not significantly increase overshadowing or result in an overbearing feature.

Plots 2 and 3 are located away from existing neighbouring properties within the centre of the site. All the properties back on to an area of trees associated with the neighbouring school, as such the proposed ground and first floor window would not reduce privacy levels.

The 2no.detached garages proposed would be to the rear of 87 Wingfield Road but they would be modest structures and in excess of 20m from the rear elevation. In addition, the site previously accommodated garages of a similar scale.

In terms of the residential amenity of the future residents, the dwellings generally meet the guidelines set out in the South Yorkshire Residential Design Guide and the SPD in terms of internal and external spacing. The dwellings are all on differing building lines but they would not overshadow each other significantly or be overbearing.

### Visual Amenity

Backland development is generally discouraged; however, in this case there is an existing vehicular access into the site and it did have a previous use for garages. Furthermore there is an extant permission for a dwelling on this site so the principle of residential development has been established. Furthermore, as the site is within a Housing Policy Area and is surrounded by dwellings on 3 sides, residential development is the most logical use.

The site is in a non-prominent position to the rear of properties fronting Wingfield Road to the East and the side/rear of properties fronting Ledbury Road to the West/South West. There is also a group of mature trees beyond the Northern boundary of the site restricting views from the neighbouring school. As such, views of the site from public vantage points and the surrounding road network are very limited.

It is acknowledged that the neighbouring properties are predominantly 2 storey semi detached dwellings and the proposal is for detached dormer bungalows, however, the site does not directly relate to the neighbouring streetscenes and the dwellings would not disrupt the development pattern of the existing streetscenes. The development would be self-contained and not detrimentally affect the visual amenity of the area. Furthermore, there has previously been permission granted for a dormer bungalow on the site which was assessed under currently adopted policies and guidelines.

Within the site the dwellings are located to the North but are not on the same building line, however, this is mainly dictated by the triangular shape of the plot. The proposed layout would still, however, be acceptable as all the properties would front the access and maneuvering space, in accordance with the SPD.

Parking would be to the front of the dwellings, however, small buffer gardens would be proposed in order to break up the areas of hardstanding and not result in a car dominated vista upon entering the site. Each dwelling also has pedestrian access to the rear which allows refuse/recycling storage areas to the rear away from the front elevations and more visible areas of the development.

The proposed garages would be separate from the plots to which they relate but they are set back from the adjacent boundaries and also relate closely to the neighbouring electricity substation, as such, they would not appear alien features or 'ad hoc'.

The dwellings themselves are relatively simple with a symmetrical front elevation. There is a dormer incorporated within the front elevation but this would be located centrally within the roof and line up vertically with the front door below, in accordance with SPD guidance.

### Highway Safety

The development would be served from the existing single access off Wingfield Road and not from the head of Ledbury Road as some residents feared. Given that the access is only single width there could be conflict between vehicles entering and exiting the site resulting in vehicles having to reverse onto the highway. However, a system of two interconnected automatic gates with a traffic light system is proposed. It would give priority to vehicles accessing the site from Wingfield Road, preventing cars leaving the site until the access road is clear.

Each dwelling would be allocated 2no. parking spaces with plots 3 and 4 also having access to a detached garage. Given the distance to the adopted highway there would also be 2no. Visitor's parking spaces incorporated.

It is acknowledged that bin wagons would not enter the site as it would be a private drive and not an adopted highway. Ideally there would be a bin collection point incorporated adjacent to the adopted highway on the access drive, however, given the width of the drive there is not the opportunity to do that in this case. As such, bins would have to be taken to the adopted highway. It is acknowledged that this is not ideal but that is the current situation for the existing neighbouring dwellings and there would only be 4 additional bins on collection days. There would be a relatively large distance to take the bins for the residents but they would be aware of this prior to purchasing.

Highways have assessed the application and have raised no objections subject to a number of standard conditions.

### Trees

A full tree survey has been provided with this application which deals satisfactorily with the trees implicated by the proposal and their protection. Some trees and hedges will be removed from the site, however the trees are small insignificant specimens and the hedges are not of a nature or in a situation which would allow us to insist on their retention.

There is therefore no objection to the proposed development from an arboricultural perspective providing the protective measure detailed in the arboricultural documents are adhered to.

### Conclusion

The proposed dwellings would 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. In addition, the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

### **Recommendation**

**Grant** subject to 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 2039/TP/003, 2039/TP/004, 2039/TP/005, 2039/TP/006 & 2039/TP/007), specifications and reports (Coal Mining Risk Assessment by G & M Consulting & Arboricultural Report (JC/117/171103)) 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 The proposed external materials shall be in accordance with the submitted materials samples sheet. 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 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.**
- 5 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.**
- 6 The system of two interconnected automatic gates with a traffic light system, indicated on the submitted plan, shall be made available prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: 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.**
- 7 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.**

- 8 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.**

- 9 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.**

- 10 Sightlines, having the dimensions 2.4m x 40m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 11 The approved Construction Method Statement as shown on drawing number 2039/TP/007 shall be adhered to throughout the construction period.
- 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.**

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