
2017/1609

Applicant: Mr Dean Mirfin

Description: Erection of 3 pairs of semi-detached houses (6 dwellings)

Site Address: Land Off Laxton Road, Athersley, Barnsley, S71 3DH

The application is referred to Councillors for determination as the recommendation is subject to a S106 Agreement requiring the provision of compensatory Green Space provision. No objections have been received from local residents.

Site Location & Description

The area is predominantly residential and is characterised typical post war housing originally built by the Local Authority. This is with the exception of the land to the west, which is a modern development of 27 dwellings that was granted permission in 2013.

The site area measures approximately 1300m² and currently comprises a disused part of the Newstead Road allotment site and the part of the adjoining Recreation Ground of the same name that could have been used to extend the allotment should the need have arisen. The site is flat and with the former allotment part of the site being enclosed by metal fencing and the remainder being open amenity grass. Both parts of the site are on the Green Space Register.

Proposed Development

The applicant seeks permission for the erection of 6no dwellings which would be arranged as 3no pairs of semis. The houses would all be two storeys and would be similar in appearance to the existing dwellings located on Laxton Road.

Plots 1-4 would have two bedrooms, with plots 5 and 6 both being three bed dwellings. The layout has been designed in a conventional manner with parking to the front and the provision of private rear gardens. The parking spaces to the front would be broken up by a mixture of walling, front gardens and shrub hedges.

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).

Barnsley Unitary Development Plan Saved Policies

UDP Notation: Existing Community Facility/Urban Greenspace

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

Barnsley LDF Core Strategy

CSP 4 Flood Risk – States that all new development should be located and designed to reduce the risk of flooding

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

CSP 29 Design – States that 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.

CSP 35 Green Space – The council 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 development is for small scale facilities needed to support or improve the proper function of the green space.

CSP 40 Pollution Control and Protection – States that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

SPDs/SPGs

Supplementary Planning Document – Design New Housing Development
Supplementary Planning Document – Residential Amenity and Siting of Buildings
Supplementary Planning Document – Parking

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

National Planning Policy Framework

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

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Planning Policy – Should material considerations indicate approval compensation would be required in accordance with policy CSP35. This is calculated at £3,000 per dwelling which, based on the submitted layout of 6 dwellings, would amount to £18,000

SYMAS – No objections

Coal Authority – No objections subject to conditions

Yorkshire Water – No objections

Ward Councillors – No comments

Forestry Officer – No comments

Biodiversity Officer – No comments

Representations

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. No representations have been received.

Assessment

Principle of Development

The site is allocated as an Existing Community Facility (Allotments) and Urban Greenspace (Recreation Ground) in the currently adopted UDP and these land use designations are proposed to be carried over in the Local Plan. In such circumstances development should only be permitted where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the needs of the Borough.

This part of the former allotment site was sold by the Council due to it falling vacant due to a lack of demand. The remaining part of the site forms a small part of the recreation ground that was previously identified to be suitable to extend the allotments if the demand arose. Given the lack of demand it is considered appropriate to release the site for development, subject to the payment of £18,000 as compensation to be used on off site green space enhancements.

Regarding housing policy considerations site is located in a residential area and so it therefore follows that redevelopment for housing is a compatible new use. The provision of 6 houses in sustainable location within Barnsley would also serve the identified development needs of the Borough and contribute towards addressing the shortfall in the 5 year housing land supply.

Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of the area and protecting the street scene when considering proposals for new dwellings on small infill plots.

The properties have been orientated to reflect and integrate with the existing environment and would engage actively with the highway. The off street parking has been designed such that it does not visually dominate the street and includes landscaping to the front of the properties.

The development comprises two house types which are of the same external appearance but have a different internal layout. The properties would be of a standard two storey pitched roof construction and the principle materials would include red brick and render which gives a more contemporary design to the scheme. As such the appearance of the development would be of an acceptable standard having regard to policies CSP 29, H8D and SPD 'Designing New Housing Development'.

Residential Amenity

It is considered that the site is of a sufficient size to comfortably accommodate 6 semi-detached dwellings. The proposals are for a form of conventional two storey housing that would relate well to the existing dwellings located on Laxton Road.

The development has been designed to ensure that the necessary separation distances are maintained or exceeded between facing habitable room windows, gable walls and boundaries with adjacent gardens.

With regards to the residential amenity of the future occupants of the proposed dwelling; the property is generously proportioned with the overall floor area and the majority of the rooms provided, meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide. In addition, the dwellings would each have a private amenity space in excess of 60m², in accordance with SYRDG and SPD 'Designing New Housing Development'.

As such, residential amenity would be acceptable in compliance with SYRDG, SPD 'Designing New Housing Development' and policy H8D.

Highway Safety

Highways have raised no objections to the development and the required number of parking spaces can be provided in accordance with the requirements of Supplementary Planning Document, Parking. In addition Highways are satisfied that the development can be absorbed on the local highway network without giving rise to any problems.

Trees & Biodiversity

The site was cleared of shrub vegetation during the course of the application being considered. However it was not protected and its loss would be offset by the financial contribution that is required for loss of Green Space.

Conclusion

In summary the proposal involves the loss of allotment land and a small part of the adjoining recreation land that could have been used to expand the allotments. However due to lack of demand it is considered suitable to release the site for the small residential infill development proposed, subject to the payment of £18,000 as compensation to be used on off site enhancements. The development would contribute towards housing needs being met in a sustainable and priority location to accommodate growth which are considerable benefits in favour. In addition the form of development proposed is acceptable with regards to visual, residential and highway safety considerations.

Recommendation

Grant subject to conditions and S106 Agreement (Compensation for loss of Greenspace)

- 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 and specifications as approved unless required by any other conditions in this permission.
Plan reference:
MDM001 001 Rev B, MDM001 002 Rev B, MDM001 003 Rev B, MDM001 004 Rev B and MDM001 005 Rev B received on 23rd March 2018 and Coal Mining Risk Assessment Ref CMRA 00193 dated 9th January 2018 produced by M. Lyons for Lyons CMC.
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 unless and until:
- (a) full foul and surface water drainage details have been submitted to and 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.
 - (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.
- are all approved in writing by the Local Planning Authority
Reason: To ensure the proper drainage of the area
- 4 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 entire 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
 - Measures to prevent mud/debris from being deposited on the public highway
- Reason: In the interests of highway safety and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.
- 5 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Relocation of the street lighting column
 - Construction of a footway along the site frontage to tie-in with the existing.
 - Any necessary street lighting
 - Any necessary lining and signing alterations.
 - Any other necessary highway works.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.

- 6 Upon commencement of development details of the proposed external materials shall be 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
- 7 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building.
Reason: In the interests of the visual amenities of the locality.
- 8 Prior to the development being brought into use any redundant vehicular access shall be reinstated as a kerb and footway.
Reason: In the interest of road safety.
- 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 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 are provided in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.
- 11 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interests of road safety in accordance with CSP26
- 12 Sight lines having the dimensions 2.4m x site frontage, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interests of road safety in accordance with CSP26

- 13 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of road safety in accordance with CSP26.
- 14 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.
- 15 Upon commencement of development a plan indicating the position of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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.

PA Reference:-

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BARNESLEY MBC - Economic Regeneration



Scale 1: -----