
2018/0158

Applicant: Mr Garry Scothorn

Description: Erection of 2 no. detached two storey dwellings with provision of double integral garages

Site Address: Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ

Members may recall granting outline planning permission for a development of 2no dwellings on the site back in December 2016. This detailed application for full planning permission is referred back to the Board for determination as once again the recommendation is subject to a S106 Agreement. 1 objection has been received from a neighbouring resident.

Site Location & Description

The site is situated on Tithe Laithe, a private road accessed from Market Street, Hoyland. Tithe Laithe serves three properties and is a Public Right of Way connecting Market Street with West Street.

The site is referred to as Former Wood Yard. However, a wood yard has never operated on the site and was instead the name of the dwellings formally located on the land. The site is surrounded by residential properties, which are both single and two storey in nature and constructed from varying materials.

The overall site makes a poor quality contribution to the visual amenity of the area with much of it consisting of a gravel base which is overgrown with grass and moss. This is with the exception of trees which are located in the western side of the site with those in the eastern part having been removed since the previous decision. The site is also included in the Council's register of green space sites.

Site History

2016/0999 - Outline planning permission was granted for the erection of 2no detached dwellings with garages (Decision date 30/03/2017). The decision was accompanied by a S106 Agreement to cover the need for a £6,000 contribution to compensate for loss of the green space. A condition was also included limiting the height of the proposed dwellings to 1.5 storeys as it was not possible to carry out a full assessment of the proposal at outline stage due to appearance and scale being Reserved Matters.

Proposed Development

The application seeks full planning permission for a development of 2no detached dwellings on the site which would include the provision of attached garages with living accommodation above and dormer windows. The dwellings are virtually identical in design with the exception of plot 1 being designed with a slightly smaller footprint than plot 2. Both properties would provide 4 bedroom accommodation with the layout being designed to include parking to the front and a private garden area to the rear and sides.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. 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 this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Saved UDP Policies

UDP notation: Housing Policy Area

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.

Policy H8F refers (amongst other matters) to garages should be constructed to a design to respect the character, appearance and building materials of the dwelling to which they relate; be located and designed so that the amenity of the locality or neighbouring properties is not adversely affected; be provided with a surfaced driveway of at least 6m; and have an access with adequate visibility in the interests of visual amenity and highway safety.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

SPD's

-Designing New Residential Development
-Parking

Other

South Yorkshire Residential Design Guide

Publication Draft Local Plan

Proposed allocation: Green Space

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.

Consultations

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Contaminated Land officer – No objections

Regulatory Services – No objections subject to conditions

Forestry Officer – No objections subject to conditions

Planning Policy – No objections subject to conditions

PROW – Identify that the applicant would need to contact the PROW team to identify whether an application would need to be made for a temporary closure to the public right of way passing through the site during the construction period.

Ward Councillors – No comments have been received.

Yorkshire Water – No comments have been received.

Representations

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 1 representation has been received. Essentially the comments are a re-iteration of the comments raised against previous application 2016/0999. In summary the main concerns expressed are as follows:-

- Loss of light/privacy. In addition it is questioned whether certain windows on the new houses would be obscured glazed to prevent overlooking
- Highway safety – Concerns are raised about the potential for the development to contribute towards making a bad situation worse with regards introducing further traffic onto a road network that is congested with on street parking with access to Market Street being difficult from Spring Gardens, Little Leeds and Tithe Laithe.
- It is also stated that the development should include a passing place to prevent reversing manoeuvres onto Market Street.
- Pedestrian safety – It is stated that Tithe Laithe is a shared surface used by vehicles and pedestrians and that pedestrian safety must not be compromised by the development.
- Public safety – emergency vehicle access is queried.
- It is queried whether access to existing dwellings would be maintained during the construction process and whether Tithe Laithe would be resurfaced post construction of the development if it is damaged by construction vehicles.
- Concerns that the development may cause harm to private property.
- Appearance of the new dwellings – It is stated that the development should be designed in a 1930's style to conform with neighbouring dwellings.
- Noise during the construction phase – it is requested that hours of working is restricted by the Council.

The neighbours have been re-consulted following the submission of amended plans and no additional comments have been received.

Assessment

Principle of Development

The site is allocated within a Housing Policy Area in the currently adopted UDP proposals maps. In addition the site is located in a sustainable location which is a priority to accommodate new housing growth. The proposed development is potentially acceptable in land use planning policy terms therefore. Plans however must still comply with the criteria in the Designing Residential Development SPD regarding infill developments. In addition the site is also included on the Council's register of Green Space sites and is proposed to be designated Green Space in the Publication Draft version of the emerging Local Plan. Core Strategy CSP35 is considered to apply therefore. CSP35 aims to protect land designated Green Space unless except 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 existing and potential green space needs of the Borough. The assessment of the application against these considerations is detailed below.

Green Space

The site is identified on the greenspace register as Woods Yard Local Neighbourhood Green Space (GS273). In accordance with policy CSP35 the authority shall only allow development proposals that result in the loss of green space where an assessment shows there to be a surplus, or compensation is provided.

An assessment of the green space provision in the Hoyland area identifies large scale deficiencies in all areas. In terms of Parks and Open Spaces there are a lot of small spaces, such as the site under consideration, but no district level sites. The majority of the Hoyland area has access to youth facilities but there are large areas of Hoyland that have no access to children's play in line with the Green Space Strategy Standards. There are also deficiencies relating to outdoor sports facilities and natural areas, particularly in the built up area.

The assessment of this consideration has concluded that the site offers minimal potential to reduce existing deficiencies due to its constrained size, shape and location. Therefore it can be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision in the form of a commuted sum of £6,000 to enhance provision off site.

Residential Amenity

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'.

It was considered prudent at the time of the outline application to limit the number of storeys due to the proximity to surrounding dwellings and concerns that the site would be overdeveloped which would have a significant impact on residential amenity. However the full impact was difficult to assess at the outline stage as design and scale were Reserved Matters. The applicant has now submitted a scheme for two storey houses instead of the 1.5 storeys envisaged at outline. Objections have been raised in relation to overlooking from Plot 1. However the rear elevation more or less achieves the minimum 10m separation distance standard to the boundary and has been orientated to not directly face towards the side elevation of the neighbouring dwelling. Furthermore the French doors and Juliette balcony located on the eastern elevation have been removed. On balance therefore it is considered that harmful levels of overlooking would be avoided.

Whilst the separation distances between the proposed dwelling (Plot 2) and 11a Spring Gardens has been maintained there were concerns in regard to the relationship between 12a Spring Gardens and Plot 1. However the gap between the plots has been increased and the footprint of the dwellings reduced, allowing for a 6m gap between the properties, therefore reducing the overbearing impact.

It is in this regard that the proposed dwellings are therefore considered acceptable and would not have a significant detrimental impact on residential amenity. As such, residential amenity would be acceptable in compliance with SYRDG, SPD 'Designing New Housing Development' and policy H8D.

Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of an area and protecting the street scene when considering proposals for new dwellings on small infill plots. The character of the area consists of modest to large sized detached dwellings of varying types, which are set back from the road in generous green curtilages. The site is approximately 500sqm in size, and when measured against similar plots on in the area does not appear dissimilar to these. It is therefore considered that the overall plot size and nature of the proposals would be sufficiently in character with the immediate surroundings.

The area is characterised a mix of house types and styles, seeing the inclusion of single and two storey red brick and stone built properties. Despite the inclusion of flat roof dormer windows it is considered that the design of the proposed dwellings reflect the character of the area and the materials suggested within the application form, red brick and render, are considered appropriate, however a condition is to be included.

Highway Safety

Concerns have been raised by neighbours in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of Tithe Laithe and Market Street. However Highways are content that the highways implications of the development are sufficiently modest so as to not raise an objection. The site layout has been amended since the approval of the outline permission which allows, as indicated on plan, for a fire appliance to enter the site and turn to allow exit in a forward gear.

Whilst the garage widths do not allow for 2no vehicles to be accommodated within them, they are of sufficient size to accommodate 1no parking space with an additional parking space per dwelling to be provided adjacent to the turning head for the fire appliance without compromising it.

Overall the proposal is considered satisfactory in relation to policy CSP26.

An informative is proposed to ensure that the applicant is made aware of the need to contact the public rights of way team to discuss the potential need for a temporary closure of the public right of way passing through the site prior to development commencing on site.

Trees & Biodiversity

Mature trees were located on the eastern and western parts of the site at the time that the previous application was considered. However the three trees in the eastern part of the site have been removed since the approval of the outline application and shall need compensating for within the landscaping condition. There are 3no further trees to be removed to allow for the western plot this includes 2no Ash (T4 & T5) and 1no Alder (T6). Although there is no requirement for T6 to be removed Alders are high water demand trees and grow very large and it is considered prudent to remove the tree prior to any potential impact the tree would have on the future dwelling. Again these shall need compensating for within the landscaping condition.

Conclusion

In summary the proposed development is judged acceptable in land use planning policy terms taking into account that the site is located in a UDP housing policy area and an established residential area which is a priority to accommodate new housing growth. The site is also located on the Council's register of Green Space sites. However because of its limited size, function and value it is considered that a greater benefit would be achieved via the applicant paying a commuted sum of £6,000 to be used to improve a more important green space in the Borough. The other implications of the proposed development have been assessed. In the opinion of Officers the plans are satisfactory with regards to the relevant policies relating to residential and visual amenity, highway safety and other associated considerations. Approval of the application is therefore recommended subject to the signing of a legal agreement in relation to compensation payment due for the loss of green space.

Recommendation

Grant full planning permission subject to conditions and S106 Agreement (loss of green space):

- 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:
Site Plan Rev H
Site Plan (Vehicular) Rev C
Proposed Plans and Elevations Plot 1 Rev G
Proposed Plans and Elevations Plot 2 Rev F
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, 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;
 - measures to control the emission of dust and dirt during construction
 - Measures to prevent mud/debris being deposited on the public highway.**Reason: In the interests of highway safety.**
- 4 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
- 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 plan
Arboricultural method statement

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.
- 7 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
- 8 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 buildings.
Reason: In the interests of the visual amenities of the locality.
- 9 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.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings 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 privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.
- 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 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.

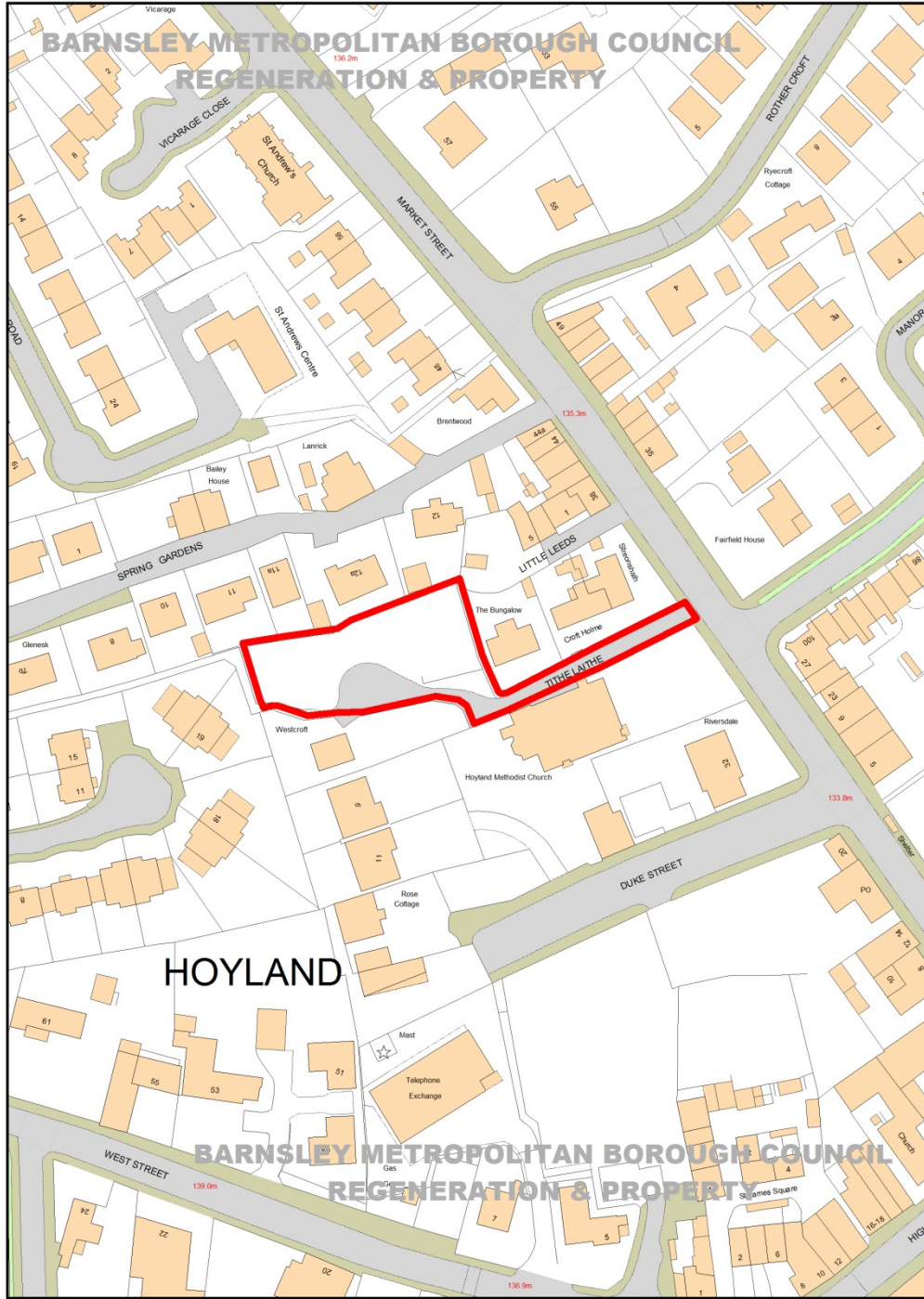
- 13 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interests of road safety in accordance with CSP26

- 14 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.

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