
2018/1399

Applicant: Mr Kevin Porter and Dean Evans

Description: Erection of 2 no. detached dwellings

Site Address: Land adjacent 52 Tower Street, Worsbrough Common, Barnsley, S70 1QS

2 representations have been received from members of the public.

Site Location & Description

The site of 0.05ha is approximately rectangular in shape and is situated at the southern end of Tower Street in Worsbrough Common. Tower Street is characterised by a long row of stone fronted terraced properties with one detached stone fronted dwelling located at the end (No.52) which is set slightly back from the building line but abutting the terraced housing. The site lies approximately 7m south of this dwelling. The site is rectangular site approximately 27m x 14m and lies adjacent and at right angles to land which has recently been granted planning permission for 5 dwellings under 2017/1116. There are semi-detached dwellings to the east at Columbia Street with rear gardens which abut the site. The site lies at a higher level than Tower Street, currently reached by a temporary ramp of clay and soil leading from highway level. It is currently covered in long grass and forms an informal open area. The detached houses granted under 2017/1116 are under construction and nearing completion.

Proposed Development

Full planning permission is sought to build two detached dwellings. The application has been amended during consideration to reduce their size and a reconsultation exercise undertaken. Due to the sloping nature of the site the dwellings are now proposed to be of two stories to the front elevation but only one storey to the rear, with accommodation in the roof space lit by Velux windows. The rear garden to each dwelling would be raised above a small patio with a staircase being provided to enable access onto the gardens located at a higher level. Each would have a single integral garage. Materials are proposed to be buff coloured art stone walls with artificial stone heads and cills with grey concrete roof tiles. Only one small high level window is proposed to side elevation, this being to a garage. Space for additional car parking is to the frontage. Dwellings are proposed to be 4 bedrooms with kitchen and open plan lounge/dining room. A private drive is proposed to be built to serve the dwellings from the end of Tower Street.

Planning History

Application site: - 2017/1398 - Erection of 1 no. detached house - Outline, all matters reserved refused 26/02/2018 for the following reason:-

In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Policy CSP29 in that it would appear out of character, isolated and incongruous within the street scene and not reflect the character of the existing dwellings by being located in an elevated and separated position. As a consequence it would appear as an unduly intrusive feature in the street scene to the detriment of visual amenity.

2007/0547- Residential Development of 2 dwellings (Outline) Refused (Land adj to the site)

1. The site lies within an area designated as Allotments/ Urban Green Space on the approved Barnsley Unitary Development Plan.

Adjacent land: - B/97/1519/BA Erection of dwelling refused for the following reasons:-

1. Despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on highway and residential amenity
2. In the opinion of the LPA the proposals would be contrary to policies H7D and GS31 of the draft UDP in that it would result in the loss of an area of open land last used for allotment purposes.
3. The applicant has not supplied sufficient details of either the gradients of the proposed access nor drainage to Tower Street to prove that a satisfactory means of access can be provided to the proposed development, which would result in substandard arrangements, to the material detriment of highway safety.

2017/1116 - Erection of 5 no. detached houses with integral garages and associated access road, driveways and landscaping. Granted 21/11/17

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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Relevant Local Plan Policies

Local Plan Designation – Urban Fabric and Greenspace (allotments)

SD1 Presumption in favour of Sustainable Development;
GD1 General Development;
LG2 The Location of Growth;
H1 The Number of New Homes to be Built;
H2 The Distribution of New Homes;
H4 Residential Development on Small Non-allocated Sites;
H6 Housing Mix and Efficient Use of Land;
T3 New Development and Sustainable Travel;
T4 New Development and Transport Safety;
D1 High Quality Design and Place Making;
GS1 Green Space;
CC1 Climate Change;
CC2 Sustainable Design and Construction;
CC3 Flood Risk;
RE1 Low Carbon and Renewable Energy

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing Development
Parking

It should be noted that depending on when the application is determined, additional requirements may be sought in accordance with new SPDs that are currently being drafted

NPPF

The NPPF (2018) 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.

Paragraphs of particular relevance to this application include:

Para 108 it should be ensured that safe and suitable access can be achieved for all users

Para 124 Good design is a key aspect of sustainable development

Consultations

Highways Drainage – no objection subject to conditions

Forestry Officer – no significant trees affected so no objections subject to conditions for tree protection

SYMAS – No objections subject to a condition requiring intrusive site investigations to determine coal mining

Highways – no objections subject to conditions

The Coal Authority – no objections subject to a condition requiring intrusive site investigations

Policy – whilst no longer used for allotments, there would be a loss of greenspace for one of the plots which lies on greenspace so compensation would be payable

Representations

The application has been advertised by site notice and nearby residents have been consulted in writing.

Two objections were received to the initial plans. Both related to land ownership and highway issues, one was from the landowner who owns the adjacent site and the other was written on his behalf. Both representations related to land ownership(although Certificate A has been signed), and concern about access for waste and emergency vehicles; and trespass onto the adjacent landowners land. Impacts on No. 63 Tower Street opposite were also raised in terms of overlooking.

Following the submission of amended plans, a reconsultation exercise was undertaken. However, no further objections were received.

Assessment

Principle of Development

The northern portion of the site is designated in the adopted Local Plan as urban fabric and the southern part of the site (which was the subject of a previous application 2017/1398) is designated green space (allotments). Policy GD1 is the starting point for making decisions on all proposals including those shown as Urban Fabric.

The southern part of the site (as per application 2017/1398) is identified on the green space register as part of Tower Street Allotments site (GS832) and policy GS1 will, therefore, apply. In accordance with policy GS1 we will only allow development proposals that result in the loss of green space where there is a surplus or compensation is provided. Whilst it is recognised that the allotment use has ceased, the southern part of the application site is still considered to perform a Natural Area green space function and, as such, is afforded a degree of protection and a presumption against development.

Given the above, and in line with policy GS1, compensation for the loss of the area of green space would be required which could include off site replacement or a financial contribution of that single dwelling located on greenspace.

Policy H4 Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the Plan.

Policy H6 Housing Mix and Efficient Use of Land expects a density of about 40 dwellings per hectare in Urban Barnsley. Lower densities will be supported where it can be demonstrated that they are necessary for character and appearance, need, viability or sustainable design reasons. The current proposal equates to a density of 25 dwellings per hectare which is below the policy requirement. However, due to the topography and constraints of the site, two dwellings are considered appropriate in this instance.

Design & Visual Amenity

The previous application for one dwelling was considered to be isolated and incongruous, located at a distance from both the new build dwellings granted under 2017/1116 and the existing terrace and detached dwelling at the end of Tower street (number 62). However, the proposal currently being considered is for 2 no detached dwellings of a scale not dissimilar to the existing detached dwelling at number 62 Tower Street and located on a similar building line, with a west facing front elevation, again similar to the existing. The layout neatly fills in the area of land between the existing dwellings on Tower Street and the small enclave of large detached dwellings at the southern end of Tower Street which lie behind a gated entrance and tall stone wall, with separate character and all of a south facing front elevation. As such the proposal is considered to be in accordance with Local Plan Policy GD1.

Residential Amenity

The plots meet external requirements for private amenity space. Internally whilst the ground floor meets internal space standards, some of the bedrooms are marginally below double size. Since they have not been identified as double or single it would be hard to support a refusal on these grounds there is sufficient space overall to provide sufficient internal space. The proposal is therefore considered to meet with policy D1. The rear gardens have been made usable through the provision of rear patio areas and a staircase to provide access the larger sections of the rear gardens which would be on a higher ground level.

Highways

Whilst the Highways Officer considers the single garage is too small to satisfy the requirements as set out in the South Yorkshire Residential Design Guide, there is sufficient external parking and manoeuvring space for each dwelling to have 2 no cars in accordance with the SPD Parking and the Local Plan policy T4.

Coal Mining and Contaminated Land

The site is located in a coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The development could potentially be at risk from mining legacy issues such as ground instability or fugitive gas migration. The coal mining risk assessment undertaken by LYONS CMC ref CRMA00191 concludes that intrusive ground investigations must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The Coal Authority also recommends a planning condition to secure intrusive site investigations. This can be secured by a condition for ground investigations and any appropriate mitigation. The application is therefore compliant with Local Plan Policy CL1 and 178a,b,c, and 170 e & f of the NPPF (2018)

Drainage

The main Local Plan policies for assessing drainage/flood risk are CC2 and CC3. The site is not in an area classed to be at risk of flooding. The Council's Drainage Engineer, have no objections subject to conditions. The application is therefore acceptable on this point in accordance with Local Plan policies CC2 and CC3.

Other matters

Objectors initially raised issues about land ownership and access. However, Certificate A was completed in the application form stating that applicants are the sole owner of all of the land included within the application. Any dispute about this issue would be a private legal matter between the two parties.

Highways have therefore assessed the submitted plans and are satisfied that there is sufficient space for safe manoeuvring and parking within the site boundary. Any incidents of trespass onto land in other ownership are a civil matter and not a matter for the Local Planning Authority.

Conclusion

The National Planning Policy Framework makes it clear that development proposals that accord with the development plan should be approved without delay.

This site is located within Urban Barnsley which has been prioritised to accommodate future growth; the development would therefore contribute to achieving housing objectives. The site is in a sustainable location on the edge of an established residential area and the proposals would be readily compatible with adjoining uses and accessible by public transport. It accords with T4 New development and highway safety and adopted SPD Designing New Housing Development in that it could be designed to provide safe, secure and convenient access for all road users and would add to existing highway safety problems.

In addition this proposal now complements the character of the end of Tower Street, reflecting the existing detached dwelling, whilst being of a smaller scale and orientation than the large detached dwellings at the end of Tower Street. Overall, the proposal is considered to comply with Local Plan Policy SD1, GD1 and D1.

Recommendation

Approve subject to conditions and S106 Legal agreement in the sum of £3,000 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 plans and specifications as approved unless required by any other conditions in this permission:
Site Plan and Location Plan
SEA/Tower/002 Existing Site layout/Sections
SEA/Tower/003 REV A Proposed Site Layout/Sections
SEA/Tower/004 Proposed Floor Plans and Elevations
Tree Survey Report
Tree Plan
Tree Plan NS627 Additional Tree Retained
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 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 Local Plan Policy D1 High Quality Design and Place Making.
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (ie 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 Local Plan Policy T4 New Development and Transport Safety.
- 5 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 6 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of highway safety and in accordance with Local Plan Policy T4 New Development and Transport

Safety.

- 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 Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 8 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 9 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 Local Plan Policy POLL1 Pollution Control and Protection.
- 10 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
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Local Plan Policy D1 and BIO1**

- 11 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 Local Plan Policy D1 and BIO1.
- 12 Prior to the commencement of development the site investigation recommended in the mining risk assessment undertaken by Lyons CMC ref CMRA00191 shall be undertaken by a suitably qualified engineer. The investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and development rests with the developer and/or landowner"
Reason- In accordance with Local Plan Policy CL1 (Contaminated and Unstable Land), and stability NPPF sections 178 a,b,c. 179 and 170 e & f
- 13 The development shall not be brought into use until a scheme for demarking the private drive to be used to serve the development from the adjacent private drive serving the adjoining development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and maintained thereafter.
Reason: In the interest of highway safety, in accordance with T4 'New development and Transport Safety'.

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