
2018/1360

Applicant: Mr Richard Bell

Description: Variation of condition 2 of application 2015/0461 (Demolition of farm buildings and erection of 9 no. dwellings and access road) to allow changes to plot types and layout alterations (Revised Position for the house erected on plot 4, Retrospective)

Site Address: 18 Low Cudworth Green, Cudworth, Barnsley, S72 8EF

8 objections received

Planning History

2015/0461 Demolition of farm buildings and erection of 9 dwellings and associated access. The scheme had a mixture of houses and bungalows. Four of the bungalows were on the southern part of the site. Works have commenced on this development.

Site Description

The site was a former turkey farm located at the end of Low Cudworth Green, a residential cul-de-sac. Work has commenced on planning permission 2015/0461 and as such the site is now a building site. This application relates to the southern part of the site, the northern part is virtually completed. Furthermore one dwelling on the eastern boundary has been built. The road has been formed but is currently unsurfaced.

The southern part of the site is bounded by existing hedges and trees and the land is located adjacent to the rear gardens of houses on Field Drive and Abbey Farm View.

Proposed Development

The application is to amend parts of the previously approved scheme, including to replace some bungalows with houses. The access into the site and road layout are to remain as previously approved. However, the proposals put forward amend the position and types of some of the plots as follows:

Plots 1, 2, 3 in the northern part of the site are unaltered.

Plot 4 on the eastern boundary is subject to a complaint about the position of the blank wall on the side of the house in relation to the rear windows of an existing dwelling overlooking the site. On the original approval the gap was measured off as 12m according to the submitted plans. As the property has been built the applicant has been requested to provide an accurate plan showing the distance and position of this property in relation to the neighbouring dwelling which has been submitted and neighbours have been re-consulted on. Due to the angle and orientation of the neighbouring dwelling this plan shows the distance between the new and existing dwelling as a minimum of 11.4m and maximum of 11.9m

Plot 5 is to remain as a two storey house but is proposed to change to the same house type as built on Plot 1.

Plot 6 is to change from a previously approved bungalow to a two storey house. It will be the same type as proposed on Plot 5 but will be a handed version of plot 5.

Plot 7 was a dormer bungalow and is remaining as a dormer bungalow but is changing to a different design.

Plot 8 is to change from a previously approved bungalow to a two storey house. It will be the same type as proposed on Plot 5.

Plot 9 was a dormer bungalow and is changing to a new house type which consists of a two storey house with use of rooms in the roofspace.

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 includes the Local Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Local Plan

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 Local Plan shows the site as being within Urban Fabric. The relevant policies are:

GD1 – General Development
H6 - Housing Mix and Efficient Use of Land
T4- New Development and Transport Safety
D1 – High Quality Design and Place Making
Poll 1 - Pollution Control and Protection
CL1 - Contaminated and Unstable Land
CC1 Climate Change
CC3 Flood Risk
CC4 Sustainable Drainage Systems (SuDS)

SPDs/SPGs

There is currently a consultation exercise taking place on a number of updated and new Supplementary Planning Documents following the adoption of the Local Plan.. The SPDs of relevance to this application are as follows:

- Designing new housing development
- Parking

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. Sections of relevance to this application are as follows:

Section 11 – Making effective use of land
Section 12 – Achieving well-designed places

Consultations

Highways - No objections given previous approval.

Pollution Control - No objections subject to conditions.

Contaminated Land - No objections subject to condition

YWA - No objections

Highways drainage- No objections subject to re-imposition of conditions

SYMAS - No objections

Representations

8 objections have been received raising the following concerns:

- The houses should not have been granted planning permission in the first place.
- The builder did not seek our permission to chop down conifers. The trees were there to maintain privacy and prevent land erosion and help with air pollution. The trees also had roots which soaked up the rain.
- Need to ensure re-enforcing walls between application site and neighbouring land are adequate. The trees also had roots which soaked up the rain.
- Loss of privacy.
- The views from adjacent properties have already been impacted by the development and allowing further extensions would have an increased negative impact on this. The house on plot 4 is too close to the adjacent occupiers' property.
- Plot 9 has gone from a bungalow to a 3 story house with a 50% bigger footprint.. The proposed houses will block the outlook from nearby properties more than the originally planned bungalows.
- The height and size of the proposed houses will impact greatly on my enjoyment of neighbours' houses and gardens. They will be visually intrusive.
- The proposed building on Plot 9 is not only higher than originally planned, but the ground floor has been extended so it will be closer in proximity to neighbouring houses. The people in the houses will be able to see directly into neighbours' homes and gardens. In addition, the noise level is almost certain to be greater.
- Houses will overshadow and overlook garden and patio areas. The proposed houses will cause a drastic reduction in daylight to primary living areas; my living room/dining room, kitchen and bedroom.
- Concerns over land levels
- Bungalows are sought after and less readily available than houses.

Assessment

Principle of development

Previous planning permission 2015/0461 has established the principle of residential development on this site. This scheme has been commenced and can therefore be built out in accordance with the approved plans.

The main consideration is therefore the acceptability or otherwise of changes made to the previously approved scheme particularly in relation to the introduction of houses where bungalows were proposed and the revised position of the house already constructed on plot 4.

In terms of reducing the number of bungalows the relevant policy would be H6 Housing Mix and Efficient Use of Land. Whilst this seeks a broad mix mixture of house sizes, types and tenure it does not specifically require so many bungalows compared with houses. In this case the proposed alterations would result in 2 out of the 9 properties being bungalows which is over 20% of the overall development which is still considered acceptable.

Residential Amenity

In terms of surrounding properties the introduction of more houses instead of bungalows could potentially have a greater impact on neighbouring properties. However, the distances to the boundaries on the previous approval were sufficient to have allowed two storey houses on these plots. The applicant has provided a plan which shows the changes to plots 5 to 9 still ensure that the separation distances meet those recommended in the SPD Designing New Housing Development and are therefore acceptable. In addition these properties are to the north of adjacent properties on Abbey Farm View thereby minimising the impact in terms of overshadowing. The separation distances that are recommended in the SPD are subject to revision in some circumstances (i.e. significant level differences) where a higher separation distance may be sought. In this instance the site levels (which have already been agreed) are not significantly changed from the existing ground level and so there is no need to increase the SPD recommended distances in this case.

One of the concerns raised by the residents relates to the position of the house constructed on plot 4 which is not in accordance with the original approval or the recommended separation distance in the SPD Designing New Housing Development. The issue is the difference between the 12m distance that is recommended in the SPD and the actual distance which has been achieved, which is on average 0.4m too close.

Clearly, the main consideration is the impact on the living conditions of the neighbouring occupiers who overlook the site and in this respect the side wall is in line with their rear garden so it does have a significant impact on their outlook. However, the land on which the dwelling is erected is at a lower level and there is a hipped roof that slopes away from the rear windows. There is a potential for shading of the rear garden of the adjacent house in the late afternoon and early evening as the new dwelling is located to the west. Nevertheless the difference between the recommended 12m distance and what has been built is only marginal and as such, it is not considered a significant enough difference to warrant refusal of the application on this ground.

Given the scheme does not propose any additional properties to what has been approved, there would be no increase in activity at the site from the proposed amendments compared to what could be built under application 2015/0461.

Visual Amenity

The scheme provides a mix of houses and a reduced number of dormer bungalows. The surroundings are predominantly two storey detached houses so the proposal would fit in with the general character of the area. The materials can be conditioned to ensure they harmonise with the locality whilst landscaping can also be similarly conditioned to ensure sufficient greenery remains on site.

It is the officer view that the revised proposal, which is still a low density scheme with a mix of dwellings would complement the surrounding buildings and comply with Local Plan policy D1 Design Principles.

Highway Safety

The scheme utilizes the same access and internal road layout as was previously approved. As such there are no highway safety issues from the amendments and no objections are raised.

Ecology

There was a requirement for an ecology report imposed on the previous permission and information has been submitted to discharge this. The Council's Ecology Officer has looked through this and is satisfied it meets the ecology requirements by providing suitable bat and bird boxes as part of the development.

Other matters

Conditions attached to the previous approval 2015/0461 have mostly been discharged so do not need to be re-imposed. Those that still remain mainly relate to highways issues and the need to provide confirmation that the remedial actions agreed on contamination risks have been completed.

Conclusions

This is a revised scheme following the grant of planning permission 2015/0461. The main changes relate to the replacement of bungalows with houses. There was no site specific need to provide bungalows and no Local Plan policy that would require a certain mix of houses and bungalows. The scheme meets the separation distances to neighbouring properties apart from between the blank side elevation of Plot 4 and the neighbouring house. However, the drop in distance is marginal and is not considered to result in a significant impact on the amenities of this neighbouring property. The amendments proposed are not therefore considered to be detrimental to residential amenity, visual amenity or highway safety subject to the imposition of suitable conditions.

Recommendation

Grant subject to conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans 2018-017-09-P02B, RB02/2018-03, RB1/2018-01F, RB1/2018-01e, RB1/2018-04, RBTF-315-2, RBTF-315-4, RBTF-315-13, RBTF-315-14, Eastwoods 41954-001, Whitcher Wildlife Ecology Report, 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 Local Plan Policy D1 High Quality Design and Place Making.
- 2 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 Local Plan Policy T4 New Development and Transport Safety.
- 3 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.
- 4 With regards to any remedial actions taken in relation to the contamination report submitted under application 2015/0461, there would be the requirement to provide a validation report to certify any works prior to the occupation of any houses.. This report should include the following:
 - Details of who carried out the work.
 - Details and justifications of any changes from the original Remediation Statement.
 - Records of chemical characteristics of any imported capping soils/materials.
 - Confirmation that capping levels have been achieved
 - Laboratory and in situ test results
 - Records of any materials disposed of off site and their disposal locations.
 - Confirmation that remediation objectives have been met.**Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Local Plan policy CL1 Contaminated and Unstable Land.**

- 5 Within 28 days of this permission, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- " Provision of a turning head capable of accommodating the manoeuvres of a refuse sized vehicle on Low Cudworth Green;
 - " Provision of/ any necessary alterations to street lighting;
 - " Provision of/any necessary alterations to highway drainage
 - " Any necessary signing/lining.
- 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 the free flow of traffic in accordance with Local Plan policy T4 New Development and Transport Safety.**
- 6 On completion of the development a 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 the free flow of traffic in accordance with Local Plan policy T4 New Development and Transport Safety.**
- 7 Upon commencement of development on plots 5 to 9 inclusive 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.**
- 8 All finished floor levels of all buildings and structures; road levels; existing and finished ground levels shall be as approved under planning approval 2015/0461 and as shown on approved plan drawing no. RB1/2018 - 01F. The development shall proceed in accordance with the approved details.
- Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Local Plan Policy D, High Quality Design and Place Making.**

- 9 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 Local Plan Policy BIO1 Biodiversity.
- 10 The drives shall be a minimum width of 5m and a separate pedestrian access to the front door shall be provided.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic in accordance with Policy T4 New Development and Transport Safety.
- 11 The boundary treatment shall be carried out in accordance with the approved details under application 2015/0461
Reason: In the interests of visual amenity in accordance with Policy D1 - High Quality Design and Place Making.
- 12 No part of the development shall be occupied or brought into use until the drainage scheme approved under application 2015/0461 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.
- 13 The bat and bird boxes to be implemented at the site shall be in accordance with the details agreed as part of application 2015/0461
Reason: In the interests of biodiversity in accordance with Policy BI01

