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**2019/0947**

**Applicant:** ABS Ltd

**Proposal:** Residential development comprising 2no detached bungalows and associated works

**Address:** Former garage site, land to the rear of 1-5 Hardwick Crescent, Athersley South, Barnsley

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The application is referred to the Board as the Officer recommendation is the subject of a S106 Agreement. 2 representations have been received.

### **Site Location & Description**

The site comprises a former Council garage court that is surrounded by existing dwellings within the housing estates located in Athersley South.

It is predominately rectangular in shape with a slight fall north west to south east, mainly laid to grass and measures circa 0.06 Hectares. It is bounded by residential properties which front onto Hardwick Crescent, Derwent Road and Chatsworth Road.

The immediate area is predominantly residential in nature surrounded by single storey dwellings with the exception of 3no pairs of semi-detached dwellings (Nos 5-15) which front onto Hardwick Crescent.

Historical mapping indicated that the site was previously accommodated by a garage site and one of the bases remains. However it now grassed over for the most part which is an indication that the garaging use ceased sometime ago.

The site topography is relatively flat with access being taken between 3 and 5 Hardwick Crescent. It appears that some of the surrounding properties have taken advantage of this access to obtain vehicular access to the rear of their properties with some caravans being stationed within them and a garage built elsewhere fronting the land.

### **Proposed Development**

The applicant seeks permission for the erection of 2no detached bungalows that would be of a matching appearance.

The dwellings are gabled fronted with a forward projection and consist of 2no bedroomed properties. Each would front directly onto the private drive with parking for each dwelling and a visitor space to the south of the drive.

### **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).

### **Local Plan**

The site is allocated as Urban Fabric and Greenspace within the Local Plan Proposals Maps and therefore the following policies are relevant:

#### **Policy GS1 Green Space**

Proposals that result in the loss of green space, or land that was last used as green space, will

not normally be allowed unless:

- 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
- The proposal is for small scale facilities needed to support or improve the proper function of the green space; or
- An appropriate replacement green space of equivalent or improved quality, quantity and accessibility is provided which would outweigh the loss.

#### **Policy H4 Residential Development on Small Non-allocated Sites**

Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

#### **Policy GD1 General Development**

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;

- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

The supporting text to Policy GD1 states:

We want to make sure that the living conditions and residential amenity of people are protected, that development is set within high quality landscaping and that land is used efficiently by making sure that new development does not reduce development opportunities on neighbouring land.

We will assess impact on living conditions and residential amenity in relation to:

- Noise, smell, dust, vibration, light, air, surface water, groundwater or other pollution and disturbance from any proposed activity, including traffic related noise and the comings and goings of visitors to premises particularly when late evening activity is involved.
- Planning conditions will be used to control the construction process;
- Overlooking and privacy;
- Outlook from dwellings including consideration of whether structures in close proximity to windows are considered visually over dominant. However, consideration does not extend to the protection of a person's particular view from a property as this is not a material planning consideration;
- Daylight/sunlight and overshadowing; and
- Landscaping and boundary treatments.

### **Policy D1 High Quality Design and Place Making**

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;

- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

The supporting text to Policy D1 states:

Development should take account of the following design standards and guidance (and any future updates of these) which will be used (but not exclusively) to help assess the quality of design:

- Building for Life 12 (for residential developments of 10 or more dwellings).
- Secured By Design/ Safer Places- the Planning System and Crime Prevention.
- Manual for Streets (for residential developments).
- Manual for Streets 2- Wider Application of the Principles (which takes this guidance beyond just residential developments).
- The South Yorkshire Residential Design Guide.

#### **Policy T4 New development and Transport Safety**

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

#### **SPDs/SPGs**

Of main relevance is the Open Space Provision on New Developments SPD which states:-

When we receive a planning application to redevelop green space for an alternative use we will undertake a green space assessment to determine the level of provision within the area. In some instances, material considerations may indicate approval for development on green space, in which case we will seek compensation in order to secure community benefit to outweigh the loss of the green space. As set out in Policy GS1, compensation could include on-site retention and enhancement, off-site replacement or financial contribution. In instances where the Council deem it appropriate to seek a financial contribution towards improvements of an existing facility nearby, the contribution will be calculated at £125,640 per hectare of green space that will be lost to development.

In addition the following SPD's are also of relevance:-

Supplementary Planning Document – Design New Housing Development  
Supplementary Planning Document – Parking  
The South Yorkshire Residential Design Guide (SYRDG)

### **National Planning Policy Framework**

The National Planning Policy Framework sets out the Governments 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.

Chapter 12, Paragraph 127 states that:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

### **Consultations**

Highways DC – No objections

Drainage – No objections

Yorkshire Water – No comments

Ward Councillors – Cllr Tattersall is supportive of the proposals provided that the rights of access issue affecting existing residents can be resolved.

### **Representations**

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. Two letters of objection have been received from neighbouring dwellings in relation to blocking of the access to the rear of properties. However private rights of access are not something that can be taken into account of as a material planning consideration.

## **Assessment**

### Principle of Development

The site is designated Urban Fabric in the Local Plan and is within Urban Barnsley which is the main focus for housing growth. Policy H4 - Residential Development on Small Non-allocated Sites states that proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan. The proposal would be a form of infill development within a very established housing estate in the main Urban Barnsley Sub Regional town which is the priority to accommodate new housing growth.

In addition the site is also Greenspace on the Local Plan proposals maps. However it is of very limited value, being a landlocked site, not visible from outside the site and not having any formal or informal recreational use, or vegetation on it other than amenity grass. In this instance therefore it is considered that its loss would be outweighed by the benefits of a compensation payment that has been calculated at £8,166.60 using the formula in the recently updated Open Space Provision on New Developments SPD.

Taking the above considerations into account the principle of development is considered acceptable where the proposal complies with the terms of policies GD1 General Development, Policy D1 High Quality Design and Place Making and the Designing New Housing Development SPD, subject to a compensation payment for loss of Greenspace.

### Visual Amenity

Local Plan Policy D1 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 dwellings would not be located in a highly prominent location and is not highly visible from public vantage points. In any case the proposal is for bungalows which would be in keeping with the majority of surrounding dwellings. Also the properties are proposed to be constructed of brick to match the surrounding area.

Each dwelling would incorporate 1no. off street parking spaces, with additional. These would be to the side of the dwelling so as not to create a car dominated streetscene/frontage. It also allows the amount of hardstanding to the front of the dwellings to be reduced and provides space for soft landscaping. In addition, the driveways to the side allow for bin and recycling containers to be stored away from the streetscene and public vantage points.

### Residential Amenity

The SPD Design of New Housing Development states that *'in order to ensure adequate levels of privacy are provided/ maintained, to ensure residential development does not result in unacceptable levels of overshadowing or loss of outlook and in order to provide adequate amenity, development will be expected to comply with external spacing standards'*.

The shape of the plot and the orientation of the proposed dwellings ensures that the necessary separation distances are maintained between facing habitable room windows, gable walls and boundaries with adjacent gardens. The main habitable room windows are to be located on the front and rear elevations of the proposed dwellings facing north and south, therefore the habitable room windows of the properties on Derwent Road are separated from the habitable room windows of the proposed dwellings in excess of 21m as stated in the Supplementary Planning Documents.

It is acknowledged that the dwellings do not meet the required separation distance of 10m to the rear boundary, however the dwellings are single storey and a 1.8m timber fence is to be provided around the boundary of each plot, which would limit increasing levels of overlooking of the neighbouring dwellings to the rear. In addition SPD – Design of Housing Development states that a minimum of 10m should be retained from the first floor habitable room windows and private gardens and the a reduced distance maybe acceptable for bungalows provided they meet garden size standards. The 2no bed detached dwellings would have a private amenity space in excess of 50m<sup>2</sup>, therefore in accordance with SYRDG and SPD ‘Designing New Housing Development’.

The orientation of the dwellings in relation to the path of the sun and the surrounding properties would not result in an increase in overshadowing. In addition the dwellings have been designed to ensure massing is kept to a minimum to reduce any negative impact on the surrounding dwellings by means of loss of outlook and overbearing impact.

The level of activity of vehicles visiting and leaving the site is considered to be acceptable and would not result in any undue disturbance to residents of adjacent properties above what could occur if the garage site was to be re-instated.

Policy D1 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The South Yorkshire Residential Design Guide (SYRDG), although not part of the development plan, has been adopted as a good practice guide and provides assistance when interpreting the requirements of Local Plan Policy D1.

With regards to the residential amenity of the future occupants of the proposed dwellings, the units are modestly proportioned with the rooms provided, meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide.

It is in this regard the proposed development complies with SPD Designing New Housing Development, Local Plan Policy H4 Residential Development on Small Non-allocated Sites and Local Plan Policy GD1 General Development.

#### Highways considerations

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 and as such complies with Local Plan policy T4.

## Other Issues

### Existing rear accesses

Concerns have been raised by surrounding residents who currently access over the application site in order to park vehicles in their rear gardens. The agent acting on behalf of the applicant has been notified, who has informed the authority that the required notice has been served. There are no public rights of way over the land and any issues in relation to the access would be a civil matter rather than a material planning consideration.

### Conclusion

In summary the proposals are considered acceptable in principle as it would comprise an infill form of development within a highly established housing estate that is in the main priority area to accommodate new housing growth (Urban Barnsley) and is Local Plan Urban Fabric Land. The site is also designated Greenspace. However it is of very limited value, being a landlocked site, not visible from outside the site and not having any recreational or vegetation on it other than amenity grass. In this instance therefore it is considered that its loss would be outweighed by the benefits of a compensation payment in line with the recently updated Open Space Provision on New Developments SPD.

In addition the proposed plans have been judged acceptable with regards to visual amenity, residential amenity and highways considerations. This position takes into account that existing rights of accesses are not a planning consideration and would be a separate legal matter. The recommendation is therefore one of approval subject to conditions and a S106 Agreement (compensation for loss of Greenspace).

### **Recommendation**

Grant planning permission subject to conditions and a 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 Plans and Elevations ref 19-071 2 Rev A 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.**

- 3 No development shall take place unless and until:
- (a) No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, 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. 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.**

- 4 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 and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

- 5 The external materials shall match those specified on Plans and Elevations ref 19-071 2 Rev A

**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.**

- 6 The boundary treatments indicated on the approved Plans and Elevations ref 19-071 2 Rev A shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

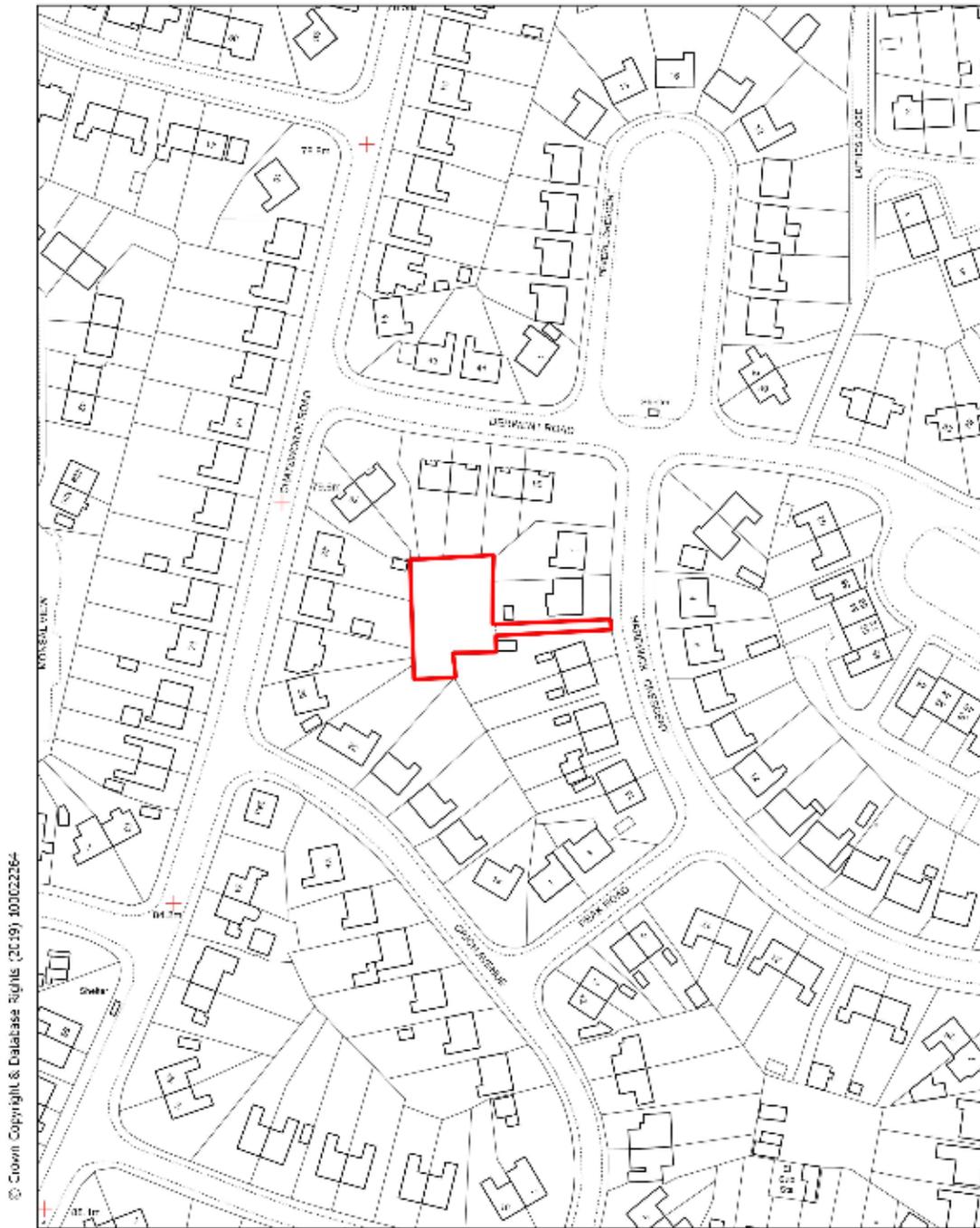
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making**

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 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 amenities of surrounding residents in accordance with Local Plan Policy GD1 General Development.**
- 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 Policy Poll1 Pollution Control and Protection.**
- 9 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 Local Plan Policy T4 New Development and Transport Safety.**
- 10 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 highway safety and the free and safe flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**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.**

- 12 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: 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.**
- 13 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 and Geodiversity.**

PA Reference:-

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