
2021/1545

Mr Kirsopp

Variation of condition 2 (approved plans) of planning permission 2020/0196 to enable changes to the design of plots 2 and 5 – Residential development of 9 no bungalows and associated works including access road, gardens and garages.

Land off Birk Avenue, Kendray, Barnsley, S70 3AH.

Site Location and Description

The site is located to the rear of modern retail units that front onto Birk Avenue, but in an otherwise residential area with dwellings to all other sides.

The site is generally flat and overgrown, with some rubble mounds following the demolition of the Kendray Hotel on the site some time ago. There is provision for access from Birk Avenue which is currently secured with a palisade fence.

Site History

2020/0196 – permission granted for the development of 9 no bungalows and associated works including access road, gardens and garages

2014/1538 – erection of a mixed use development consisting of A1 and A2 (full) and erection of 9no. dwellings with access (outline) – the commercial element has been implemented, the outline element for the dwellings expired.

Proposed Development

The application 2020/0196 was approved subject to conditions including condition 2 which reads:

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.

Plan Nos

- Site Plan - Rev F - 20-011-2
- Type A Floor Plan and Elevations - Rev A - 20-011-3
- Type A Plots 8 and 9 Floor Plans and Elevations - Rev A - 20-011-5
- Type B Plans and Elevations - Rev A - 20-011-4
- Type C Plots 1-3 Sheet 1 of 2 - 20-011-8 - Rev A
- Type C Plots 1-3 Sheet 2 of 2 - 20-011-9 - Rev A
- Type C Plots 4-6 Sheet 1 of 2 - 20-011-10
- Type C Plots 4-6 Sheet 2 of 2 - 20-011-11 Rev A
- Garage Detail - 20-011-6 - Rev A

The condition was imposed to ensure that the development would be of an acceptable appearance in the interests of the visual amenities of the locality, particularly given the mixed commercial and residential character of the area.

The applicant has now proposed to amend two of the proposed bungalows to add a porch. This proposed change is very modest and of limited and acceptable impact to the appearance of the bungalows.

In all other respects the proposal is unchanged from the previous permission.

Previously approved plots 2 and 5

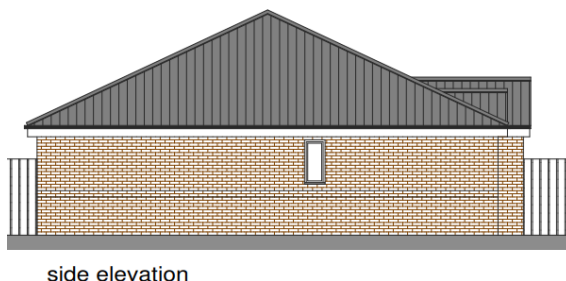
The proposed variation to plots 2 and 5.

Front elevations



Side elevation, previously approved

and proposed variation



Policy Context

Planning decisions 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.

Local Plan

The Local Plan was adopted on 3th January 2019. The site is designated as Urban Fabric on the Local Plan Proposals Maps. The following policies are relevant:

H4 – Residential Development on small non-allocated sites – Proposals for residential development on sites below 0.4HA will be allowed where the proposal complies with other relevant policies in the plan.

Policy AQ1 Development in Air Quality Management Areas – sets criteria for development which is sensitive to or could cause air pollution in areas sensitive to air pollution.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in

the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy BIO1 Biodiversity and Geodiversity - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Supplementary Planning Documents.

- Design of New Housing Development
- Parking
- Residential Amenity and Siting of Buildings

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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 126 (general design considerations) and paragraph 134, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Ward Councillors – No comments received

Representations

The application has been advertised via site notice (8-31 December) and direct neighbour notifications (3- 24 December). No comments have been received.

Assessment

Principle of Development

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged. Amongst other things, it indicates that development will be approved if the amenity of existing residents is not harmed and there is no conflict with other planning policy considerations. In addition, policy H4 indicates that permission will be granted on small non allocated sites like this subject to compliance with other relevant planning policies.

The proposal is therefore supported in land use planning policy terms and permission has previously been granted. Consideration needs to be given to the impact of the revisions to condition 2 in terms of the impact on visual appearance.

Residential Design.

As previously concluded, the massing and design of the proposed bungalows is in keeping with the residential character of area. The addition of porches to two of the bungalows is a very modest change and of limited and acceptable impact to the appearance of the bungalows. It is concluded that the proposal is in conformity with the requirements of Local Plan Policy D1 and the SPD Designing New Housing Development.

Other Considerations

The proposed plans remain consistent with the previously approved scheme which was considered to be acceptable in Highway Safety, Residential Amenity and tree/ecology terms.

Conclusion

The proposal will provide an appropriately designed and attractive group of 9 bungalows that reflect the character of the area, will enjoy a suitable level of amenity, will not harm the amenity of local residents or impact on highway safety and accordingly it is concluded that the proposal is acceptable. Conditions are recommended to reflect the conditions on the previous permission, amended to reflect the decision date on the previous permission, the revised plans subject to this application and the recent discharge of some of the conditions on the previous permission.

Recommendation

Grant subject to conditions