Land in Churchfield Lane, Kexborough, Barnsley

A pre-application enquiry was submitted, 10 March 2014, the response was received, 23 April 2014.

The LPA's observations are shown below in black text and the applicant's responses are shown in the maroon text.

Notes appended to the applicant's pre-application enquiry, 10 March 2014, as follows:

Description of Proposals

The site comprises No.116 Churchfield Lane, together with a very large garden within the curtilage of that address.

The proposal is to separate off No 116 and provided that site with an improved garaging/access arrangement. The resultant amenity to the dwelling will be appropriate and indeed quite pleasant.

The remainder of the site is proposed to be developed for 4no. 3/4 bedroomed houses, with access onto Churchfield Lane - consideration had been given to access onto Priestley Avenue, but that was discounted due to ownership issues, unsuitable location of the turning head in relation to the site and a degree of objection from a neighbour, who claimed to own the strip of land between the application site and the highway.

The site has considerable established tree cover and the intention is to retain and exploit it within the landscaping of the development.

Observations in support of proposal:

Planning:

a) Scores highly on the BMBC Housing Development Sustainability Checklist

b) Site is entirely within sub-regional town Map 1

c) Minimal overlooking/overbearing upon neighbouring properties

d) Trees mostly preserved

e) Reasonable balance of density/amenity/environmental/character

f) Shops and services within easy walking distance

g) Within designated Housing Policy Area

h) Secure established boundaries to curtilage

i) Existing street lighting to frontage

j) Brownfield site

k) Site is readily available for development

Highways:

1) Junction visibility criteria readily achieved - min. 100m in both directions

2) Level access/highway junction readily achieved

3) Entry/exit in forward gear readily achieved

4) Sufficient space for additional parking within individual plot boundaries

5) Enhancement to pedestrian provision at narrowest location along Churchfield Lane

6) Relocated bus stop removes current conflict between people queuing and pedestrians

7) Relocated bus stop removes current conflict with traffic accessing the 'Thoroughfare'

8) Frequent bus service (every ten minutes) to reduce vehicular trips from the development

9) Residents on Priestley Avenue unaffected by development

10) Vehicular parking provision improved for Nos 116 & 118 Churchfield Lane

11) Residual cumulative impacts of the development are minimal or even improved

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Response, 23 April 2014, from LPA's Planning Officer:

The site is located in a UDP housing policy area whereby new residential developments are acceptable in principle. However, please find attached comments from our Tree Officer, Ed Jowett who has raised concerns with the proposed plans. I share these concerns and as such would not encourage a formal planning application being submitted for the reasons Ed has stated. I would also add that I would have concerns about poor outlook and standards of amenity from a planning point of view.

In addition the proposals do not comply with the space standards in our Designing Residential Development SPD, which would mean an additional potential reason for refusal in that:-

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- A minimum of 21m would not be achieved between the rear of plot 4 (NB this is now Plot 3 on the submitted plan) and the existing dwelling located to the rear.

This appears to be a misinterpretation of BMBC's *'Supplementary Planning Document: Designing New Housing Development'*, which states:

"The minimum back-to-back dimension between facing habitable rooms, (ie any room used or intended to be used for sleeping, cooking, living or eating purposes), should be 21metres. Where the proposed dwelling/s is/are more than two storeys in height (excluding rooms in the roofspace), the separation distance/s should increase by 3 metres for every additional storey."

In that regard, there are no windows on the south elevation of the dwelling that the planning officer is referring to, as such, the guidance note quoted above is not applicable

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- A minimum 10m would not be achieved between the rear of plot 3 (Plot 2 on the submitted plan) and the boundary with the gardens of the properties located to the rear.

This appears to be reference to another guidance note within the aforementioned document, whereby:

"Proposed habitable room windows at first floor level and above should be a minimum of 10m from the boundary of any private garden which they would face and habitable room windows in existing dwellings at first floor level and above should be a minimum of 10m from any proposed private garden which they would face. A reduced distance may be accepted for bungalows provide they meet garden size standards and ensure adequate levels of amenity for occupants in terms of outlook, privacy and daylight."

In order to address this concern the proposed house in the location referred to, has been rotated by approximately 15 degrees, which renders the windows on its north-east elevation in excess of the min. 10.0m guidance.

-The removal of garden land from 116 Churchfield Lane would mean that its private rear garden area would be below the minimum standard of 60m² for three bedroom properties.

https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/spg/Designing%20New%20Housing%20Development_v2.pdf

This appears to be reference to a further guidance note within the aforementioned document, whereby:

"*Rear gardens of proposed dwellings should be at least 50m2 in the case of two bedroom houses/bungalows and 60m2 for houses/bungalows with three or more bedrooms. Smaller gardens may be acceptable in corner plots if privacy and daylighting can be maintained.*"

The revised scheme results in a significantly larger plot allocated to No.116 and the planning officer's observation therefore no longer applies.

The dwelling sizes would also need to meet the internal space standard stated in the South Yorkshire Residential Design Guide.

https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/South-Yorkshire-Residential-Design-Guide_2011.pdf

The dwelling sizes meet with the quoted guidance

I also anticipate that highways issues would have a significant bearing upon the proposals and have sought comments accordingly following my site visit. These comments shall be forwarded as soon as I have them available.

Comments had not been received by the application date

I have also asked for other consultations to be carried out and can include the response from our drainage officer:

The Council have no records of any culverted or open watercourses crossing the site indicated on the attached plan.

I am not aware of any flooding issues associated with the site.

There are both foul and surface water public sewers adjacent to the site.

There are alternatives to conventional storage for the control of surface water run-off that are favoured by the authority where ground conditions are suitable. Sustainable Urban Drainage techniques (SUD's) tackle surface water run-off problems at source using features such as soakaways, permeable pavements, grassed swales, infiltration trenches, ponds and wetlands to attenuate flood peak flows, produce water quality improvements and environmental enhancements.

The authority seeks to promote the use of SUD's techniques to this site and the authority expects the developer of the site to submit detailed investigations such that the use of SUD's has been fully explored.

There should be no increase in surface water runoff from the new development. PPS25 recognises that the management of flood risk is not simply restricted to flood plains and that a catchment-wide approach should be employed.

> The applicant does not foresee any problems with issues raised by the Drainage and Highways Engineer.

Please also note that any application may also need to be accompanied by an ecology survey should a planning application be submitted that proposes works affecting any of the trees.

> The planning officer suggests that there may also be a need for the planning application to be accompanied by an ecology survey, however having considered Core Strategy saved policy GS18, the criteria for same does not appear to be pertinent to this application. In the event that such a survey is requested, it would be helpful if the LPA could clarify the applicable criterion.

Please also be aware of the planning policies that would be relevant in our LDF Core Strategy including CSP2, CSP3, CSP14, CSP26, CSP29 and CSP36:-

https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/LDF/Core%20Strategy%20Submission/Adopted%20Core%20Strategy.pdf

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"CSP 2 Sustainable Construction

Development will be expected to demonstrate how it minimises resource and energy consumption, compared to the minimum target under current Building Regulations legislation, and how it is located and designed to withstand the longer term impacts of climate change.

All new dwellings will be expected to achieve at least a level 3 rating under the Code for Sustainable Homes or equivalent. This requirement will rise over the plan period and by 2013 new dwellings should achieve at least level 4, rising to level 6 by 2016.

All non-residential development will be expected to achieve at least BREEAM standard of 'very good' or equivalent."

The applicant does not foresee any limitation to complying with the requirement of this policy and would accept a planning condition to ensure compliance.

"CSP 3 Sustainable Drainage Systems (SuDS)

All development will be expected to use Sustainable drainage systems (SuDS).

Only in exceptional circumstances, where it can be demonstrated that all types of SuDS are impractical, will other drainage management systems be permitted.

Planning applications must include an assessment to show that SuDS will work and be maintained. Measures should be taken to avoid water contamination and safeguard groundwater supply.

Developers will be required to contribute to the maintenance of SuDS."

The individual houses will be provided with soakaways to deal with the surface water drainage from the site, however onsite treatment of foul sewage would be wholly impractical due to the area of land required for such an arrangement. And given the drainage officer's advice, it would seem that the best and obvious solution for dealing with foul sewage is to simply connect into the sewer which runs within the highway immediately adjacent the site.

"CSP 14 Housing Mix and Efficient Use of Land

Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population.

Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Priority will be given to the development of previously developed land and we will seek to achieve between 55% and 60% of homes to be built on previously developed land.

A minimum density of 40 dwellings per hectare will be expected, rising to 45 dwellings per hectare within good public transport corridors, and to 55 dwellings per hectare in Barnsley Town Centre.

Lower densities will only be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons."

The area surrounding the application site has varied housing types and the proposed dwellings will maintain the character of the locality. As for the density prescribed by

the policy, CSP14, this is completely unachievable due to the existing mature trees on the site.

"CSP 26 New Development and Highway Improvement

New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

If a development is not suitably served by the existing highway, or would create or add to highway safety problems or the efficiency of the highway for all road 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.

The highway access to Churchfield Lane will readily comply with the required technical standards of new highway junctions, however, the existing bus stop on the pavement adjacent No. 118 Churchfield Lane is currently located in a manner that causes significantly unsafe conflict between queuing/alighting passengers and pedestrians using the pavement - the design of the access accommodates a minor relocation of the bus stop, such that this problem is completely eliminated.

The NPPF guidance refers to the severity of a proposed development causing residual cumulative impact - in this case it is submitted that the proposal would create minimal impact upon general road safety along Churchfield Lane, whereas the relocated bus stop combined with a widened footpath along the frontage of the site would result in greatly enhanced pedestrian safety.

"CSP 29 Design

Design Principles:

High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including:

- topography, Green Infrastructure assets, important habitats, woodlands and other natural features

- views and vistas to key buildings, landmarks, skylines and gateways

- heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around:

Barnsley Town Centre
Penistone and the rural villages in the west of the borough
within and adjacent to Conservation Areas

Development should:

- contribute to place making and be of a high quality, that contributes to a healthy, safe and sustainable environment

- help to transform the character of physical environments that have become run down and are lacking in distinctiveness

- enable all people to gain access safely and conveniently, providing, in particular, for the needs of families and children, and of disabled people and older people

- contribute towards creating attractive, sustainable and successful neighbourhoods

- achieve a Building For Life assessment rating of 'good' or equivalent as a minimum, in developments of 10 or more dwellings"

The design of the layout has been given due regard in relation to existing residences and the effects that the development would have upon them, furthermore each of the neighbours has received plans of the initial proposal of four houses. The response from neighbours has been very supportive and none have taken the opportunity to object to the proposal.

In that regard then and combined with the generous spatial provision to the new houses and the brownfield status of the land, it is reasonable to state that the design contributes to a healthy, safe and sustainable environment.

Regarding the condition of the site, it has irrefutably become run down and overgrown and the trees have grown to maturity without regard to neighbouring residents and their property. Thus the site is potentially unsafe and it is not reasonable to expect any future inhabitant of No116 to undertake enthusiastic renovation of such a large garden and incur the costs associated with the required arboreal management. The proposal therefore seeks to maintain the character of the locale with the design of the houses and integrate as much of the existing tree growth into the scheme, thereby resulting in a realistic distribution of responsibility for the upkeep of the land.

The design provides for safe, convenient and accessible living, within a locality that enjoys all essential and desirable amenities, and which cater for the needs of all individuals.

CSP 36 Biodiversity and Geodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough by:

- protecting and improving habitats, species, sites of ecological value and sites of geological value with particular regard to designated wildlife and geological sites of international, national and local significance, ancient woodland and species and habitats of principal importance identified in Section 74 of the Countryside and Rights of Way Act 2000 and in the Barnsley Biodiversity Action Plan

- maximising biodiversity and geodiversity opportunities in and around new developments

- conserving and enhancing the form, local character and distinctiveness of the river corridors of the Dearne and Dove as natural floodplains and important strategic wildlife corridors

Development which may harm a biodiversity or geological feature will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

The biodiversity and geodiversity of the application site is limited to that which would exist in any large garden or area of accumulated garden land and the response to the pre-application enquiry did not identify any attributable known status to the site.

Nevertheless, the applicant is fully appreciative of the need to preserve and enhance natural habitats and by way of example, most of the neighbours to the site are pressuring him to remove the trees that are growing on their boundaries. He is resisting these calls until such time as the current nesting season is over and he has

taken stock of the situation and decided which trees are to be managed, and how each needs to be attended to.

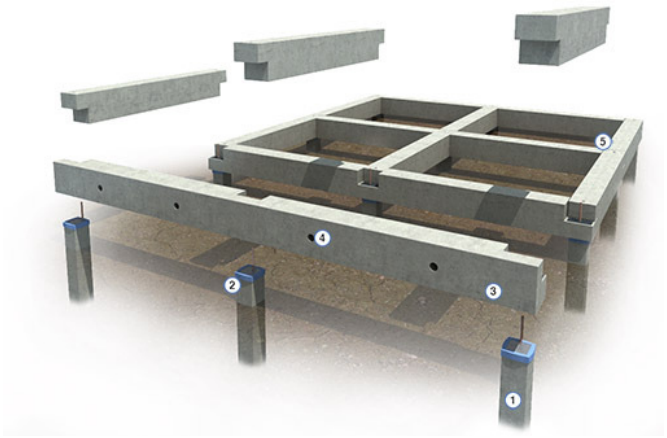
Response from LPA's Tree Officer:

I have some serious reservations about this scheme. In principle it could actually prove possible to construct the dwellings shown with the use of specialist construction techniques and still retain the trees, however the resulting properties would be heavily overshadowed by the trees and there is the potential for future conflicts with the residents. I personally feel that the proximity of the dwellings to the trees is too close and would lead to future pressure on them to be removed or severely pruned, but as stated previously this doesn't mean that physically it couldn't be done. Given the significance of the issues then any construction is likely to be very costly as nearly all the buildings to be constructed implicate the trees. I would suggest that the pros and cons of this layout be looked at to try and ease the potential issues between the trees and the buildings and the trees and future residents if it is decided to pursue the development of this site.

If this application were to be pursued then we would require all the arboricultural and engineering information up front for consideration as it would be inappropriate to grant permission and ask for it at a later date given the obvious issues. In addition to a full tree survey to BS5837:2012 a detailed arboricultural method statement would be required and would need to incorporate all the specific engineering details of the methodologies to be used to clearly demonstrate that the construction could be carried out in a way which would not damage the trees.

As the proposal stands at the minute I would be minded to recommend it be refused on arboricultural grounds unless a very good case could be put forward as to why it is feasible and how any potential future conflicts both during construction and afterwards could be managed to prevent both short and long term damage/threats to the trees.

The construction techniques of buildings within close proximity of trees are well established and not necessarily expensive e.g. the Charcon Fast Beam system:



and future management of the trees on the site is achievable without the need for drastic felling measures, which is acknowledged by the tree officer.

Comment is made about the proposed dwellings being overshadowed by the existing trees and whilst they may well create a darkening of the sky, it should be noted that the trees are mainly located along the northern and eastern boundaries.

The tree officer also makes reference to the potential conflict between the trees and future occupants of the proposed homes, however his observations do not take into account the comfort and safety of existing neighbouring properties and having consulted with those householders, there is a consensus in support of the development, particularly in respect of reducing the tree growth on the site and the consequential improvement in their amenity.

Furthermore, there are no tree preservation orders on the site and had the applicant been of a less responsible disposition, then those trees would have been under much greater threat.

The submitted scheme incorporates most of the existing trees, which is in line with the LPA's *Supplementary Planning Guidance: Tree and Hedgerows, Note 4*, and the applicant would be more than happy to engage with the Tree Officer to explore the options that would provide for the continuing presence of arboriculture within the curtilage of the site and which will accommodate the development proposals, maintain resident safety and respond to the wishes of the neighbours.

Below are the observations received from the neighbours to the site:

10 Rushworth Close -	Resident phoned, 13 May, and advised that she was not particularly concerned about the development, but wanted to retain the trees generally in order to maintain her privacy. She did pass comment about the large Silver Birch that is overhanging her garden and that it should be attended to.
8 Rushworth Close -	Resident at No.10 above, advised that the owner is in care and that the daughter is intending to sell the property.
63 Priestley Avenue -	Resident phoned, 14 May, and advised that he was happy to support the development and he would prefer to have the trees on his boundary completely removed, due to his garden being wholly devoid of sunlight. He did not envisage any privacy issues and confirmed there are no windows on the southern side of his bungalow. Resident phoned again, 02 June, expressing further concern about the danger that the trees pose to his home, in that should one be felled by a storm, it could cause serious damage and injury to himself.
116 Churchfield Lane -	Resident phoned, 19 May, advised that he was concerned to retain the trees as it gave him his privacy.
68 Priestley Avenue -	Resident phoned, 21 May, advised that he was happy to support the application and commented that all of his neighbours shared his view.
6 Strafford Street -	Resident phoned, 02 June, advised that he was happy to support the application and that he would prefer the trees adjacent his boundary be removed completely, due to the serious overshadowing effect they have across his property. He also confirmed that he did not think the development would affect his privacy. Furthermore, he expressed concern about the stability and consequentially the safety of the trees in relation to his own garden.