
2023/0793

Miss C Day on behalf of Orion Homes

Variation of condition 2 (approved plans) relating to application 2019/0577 to enable changes to the window arrangements on the Edinburgh house type (9no plots) -Demolition of vacant former hospital buildings and residential development of 70 no dwellings and associated works.

Former Mount Vernon Hospital, Mount Vernon Road, Worsbrough, Barnsley

Site Location and Description

The site is located off Mount Vernon Road linking to Sheffield Road and Barnsley Town centre to the north. The vacant hospital building has been demolished, having closed in early 2018 with the development 2019/0577 currently under construction and nearing completion. The site is bounded mainly by residential properties comprising a mix of semi-detached and detached dwellings. To the west of the site is Worsborough Common Primary school and a children's centre. A belt of trees in the southern end of the site are protected by a tree preservation order. The topography of the site rises from Mt Vernon Road. A narrow private road, Coach House Lane runs along the northern boundary, bounded by a stone wall and hedgerow, turning north, with a brick wall with hit and miss timber fencing along the eastern boundary with Coach House Lane.

Planning History

2018/0379 – Prior notification for demolition of the former Mount Vernon Hospital – approved June 2018

2019/0577 - Demolition of vacant former hospital buildings and residential development of 70 no dwellings and associated works – approved April 2021 – under construction

Proposed Development

Variation of condition 2 (approved plans) relating to application 2019/0577 to enable changes to the window arrangements on the Edinburgh house type only (9no plots; plots (numbers 46, 47, 48, 55, 56, 57, 58, 67 and 68). The changes to the window arrangement include the introduction of 1no additional window at first floor level serving a bathroom and 1no additional window at ground floor serving a kitchen, would apply to all plots excluding plot 47 which is a mid-terrace property and has a layout as originally approved. Clarification has also been sought in relation to the boundary treatment along the eastern boundary of plot 56, with Coach House Lane, following concerns from local residents during the construction of the development.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF 2023 (National Planning Policy Framework) does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

Local Plan

The site is allocated as residential development under reference HS29 in the Local Plan therefore the following policies are relevant:

Policy SD1 Presumption in Favour of Sustainable Development
Policy GD1 General Development
Policy LG2 The Location of Growth
Policy H1 The Number of New Homes to be Built
Policy H2 Distribution of New Homes
Policy H6 Housing Mix and Efficient Use of Land
Policy H7 Affordable Housing
Policy T3 New Development and Sustainable Travel
Policy T4 New Development and Transport Safety
Policy D1 High Quality Design and Place Making
Policy GS1 Green Space
Policy BIO1 Biodiversity and Geodiversity
Policy CC1 Climate Change
Policy CC2 Sustainable Design and Construction
Policy CC3 Flood Risk
Policy CC4 Sustainable Urban Drainage
Policy CL1 Contaminated and Unstable Land
Policy Poll1 Pollution Control and Protection
Policy I1 Infrastructure and Planning Obligations

SPDs

National Planning Policy Framework (NPPF)

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.

Consultations

Conservation Officer – no objections received.

Legal – no objections subject to a deed of variation for the S106 agreement.

Ward Councillors – No comments received.

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice; material considerations have been raised from two residents in relation to plot 56:

- Overlooking
- Loss of outlook

- Over development of plot 56
- Raising of levels
- Failure to adhere to the approved plans

Other non- material considerations have been made in relation to

- The impact on property values
- Lack of robustness in the planning process
- The planning permission should be retracted as relevant facts were not available for consideration.
- Unsafe/dangerous boundary wall and fencing.

Assessment

Principle of development

The principle of the proposed residential development has been established through the granting of planning permission 2019/0577. This application seeks approval for the variation to approved plans to include the introduction of 1no additional window at first floor level serving a bathroom and 1no additional window at ground floor serving a kitchen to the Edinburgh house type only. Amendments have also been made to the boundary treatment along the eastern boundary of plot 56 as the approved plans were not clear as to the treatment along this boundary which consists of 1.8m vertically boarded hit and miss fencing above an existing retaining wall.

Residential Amenity

As mentioned previously, permission for the residential development of the site has already been granted and implemented prior to the submission of this variation of condition application and consideration is only being given to the impact of the proposed changes to the Edinburgh house type and not the development as a whole.

The Edinburgh house type was originally approved with no windows on the side elevation with it now being proposed to include 1no window at ground floor level and 1no window at first floor level serving the open plan kitchen/dining/lounge and bathroom respectively due to changes to the internal layout.

It is not considered that the inclusion of these windows would impact the future occupiers of these plots. It is acknowledged that in some instances these windows would face blank side elevations of the neighbouring dwellings or boundary treatment, which could reduce levels of outlook to the future residents. However, it is not considered that it would result in a loss of outlook to a detrimental level, given that bathrooms are not classed as habitable rooms and therefore not afforded the same level of protection as habitable room windows, and the ground floor window serving the open plan kitchen/dining/living would result in a secondary side elevation window, with primary outlook from the window on the rear elevation. As such the inclusion of the windows is considered acceptable in terms of impact on the future occupiers of the dwellings.

Comments have been made from the occupiers of the existing residential properties located on Coach House Lane in relation to the changes specifically to plot 56 (which is partially constructed) and the installation of boundary fencing above the retaining wall in relation to overlooking and loss of outlook.

It is acknowledged that the changes to the Edinburgh house type would result in the inclusion of 2no additional windows on the eastern elevation of plot 56 which would face the rear elevations of the 4 and 6 Coach House Lane, which could potentially lead to an

increase in overlooking. However, the ground floor window would be a secondary window serving an open plan kitchen/dining/living area. The hit and miss timber fence installed along this boundary would provide adequate screening to prevent an increase in overlooking of the properties beyond. The first-floor window would serve a bathroom which is not classed as a habitable room and would have obscure glazing to protect amenity of the occupiers of plot 56. Supplementary Planning Document – Design of Housing Development (SPD) outlines the minimum acceptable separation distances between dwellings. The plans submitted clearly indicate that the location of the additional windows far exceed the minimum distances required by the SPD, and in addition plot 56 and the existing dwellings are separated by Coach House Lane and as such would not result in an increase in overlooking.

Clarification was also sought in relation to the boundary treatment along the eastern boundary of plot 56 following concerns raised by neighbours. It is acknowledged that a 1.8m hit and miss timber fence located on top of the retaining wall could potentially lead to a loss of outlook. However as mentioned previously, the plans submitted clearly indicate that the location of the boundary far exceeds the minimum distances set out in the SPD and as such would therefore not result in a loss of outlook.

Comments have been made in relation to a change in levels. Whilst plot 56 lies at a slightly higher level than the properties on Coach House Lane, this was considered and approved by councillors when application 2019/0577 was considered and approved. There is no evidence to suggest that the levels of plot 56 have been raised above the levels approved.

Concerns were raised in relation to the overdevelopment of plot 56. However, the size of plot 56 and the type and size of dwelling on this plot has previously been approved by Councilors at Planning Regulatory Board; there are no changes proposed to the size of the plot or the type and size of the dwelling already approved. The internal alterations to the Edinburgh house type are considered minor and are not materially different to the plans already approved, and as such, it is not considered overdevelopment of plot 56.

The alterations to the Edinburgh house type are not considered to have significant adverse effects on the living conditions and residential amenity of the existing and future residents, therefore complying with Local Plan Policies GD1 – General Development and are acceptable.

Visual Amenity

The proposed changes to the Edinburgh house type would result in the inclusion of 2no additional windows on the side elevation of the dwelling. The fenestration relates well to the design of the dwellings as originally approved. As such it is considered that the proposed amendments would not be out of character nor have a detrimental impact on the locality of the area in compliance with Local Plan Policy D1.

Highways Safety

The proposed amendments to the Edinburgh house type do not result in the loss of off-street parking nor a requirement for additional parking provision and are therefore acceptable and in compliance with Local Plan Policy T4.

Other Matters

It is not unusual that developments of this size and complexity to result in minor changes during the construction period, in this instance the internal alterations have resulted in a secondary window to the ground floor side elevation and an obscurely glazed bathroom

window at first floor, which are considered to be minor amendments. Their impact has been considered in detail as part of this application and have been found to be acceptable.

Conclusion

The proposed, minor alterations to the Edinburgh house type are considered not to have a detrimental impact on the amenity of surrounding residents, on the character of the street scene or upon highway safety, in accordance with Local Plan Policies GD1, D1 and T4 and as such is acceptable.

Recommendation

Approve subject conditions and S106 agreement.