2021/0647

Mr Kajani

Erection of 4no dwellings and associated works

Land to rear of 31 Mansfield Road, Athersley, Barnsley, S71 3BQ

The application is referred to Councillors for determination as the recommendation is subject to a S106 Agreement requiring the provision of compensatory Green Space provision.

One letter of objection has been received.

Site Location & Description

The application site is a rectangular shaped piece of backland located to the north of the B6132 (Laithes Lane) in a wholly residential area, Athersley North, and comprises of a neglected/grassed former Council owned garage site. The site is accessed from Mansfield Road, some 40m to the west, via a right-angled access road commencing between 31, Mansfield Road and 80, Lindhurst Road, before heading east and then south into the area which is enclosed by the rear and side gardens of properties off Mansfield Road, Lindhurst Road and Clipstone Avenue.

Residential properties in the area are predominatley semi-detached, brick-built properties.







Site History

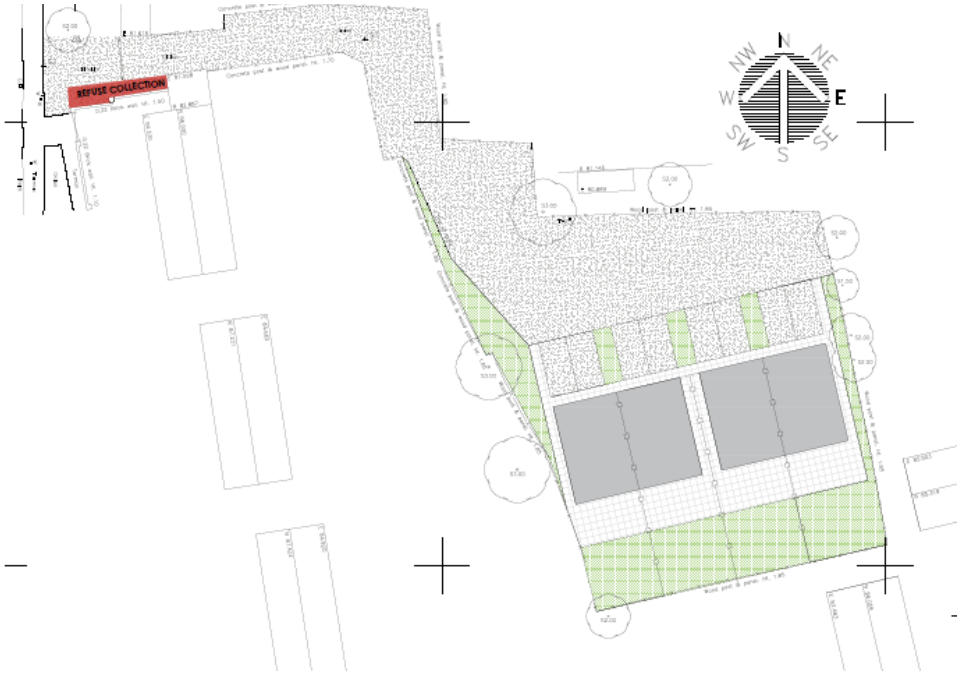
2015/1078 – Erection of 2 no detached dwellings – approved Dec 15 subject to conditions. It is clear from aerial photography that the footprint of these dwellings have been constructed however there is no indication when this was completed and pre-commencement conditions including drainage details, materials, landscaping had not been submitted and approved.

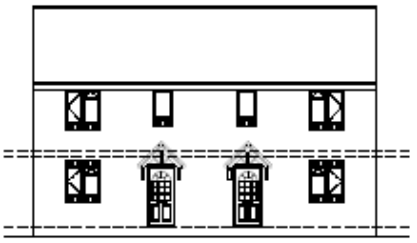
2020/0103 – Erection of 2 no detached dwellings – withdrawn since the previous application the allocation of the land changed from HPA to Green Space and the compensation payment was too much for two plots.

Proposed Development

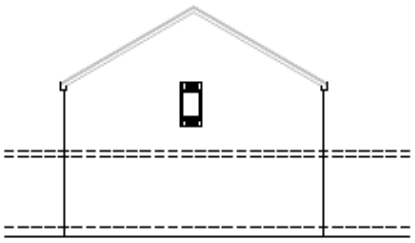
Planning permission is sought for 4no two storey detached dwellings, with the accommodation to be laid out in a traditional manner.

The proposal also involves parking to the front of the dwellings to provide 2no parking spaces per property as is shown on the following plan images:-

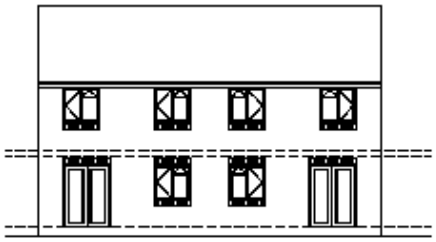




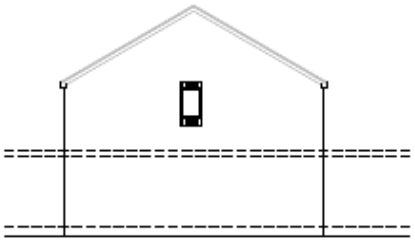
PROPOSED FRONT ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100



PROPOSED REAR ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

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 site is allocated as Urban Fabric 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 which was last used as green space will not normally allowed unless as assessment shows that there is too much of that particular type of green space in the area and its loss would not affect the existing and potential green space needs of the borough.
In order to improve the quantity, quality and value of green space provision will require new residential developments to provide or contribute towards green space in line with the standards set out in the Green Space Strategy.

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, amongst others, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

The supporting text to Policy GD1 states:
Further detail on some of these issues is set out in Policy D1 Design which sets the overarching design principles for the borough, and associated Supplementary Planning Documents on Residential Amenity and the Siting of Buildings, Designing New Housing Development and Advertisements.
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

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.
Through its layout and design development should, amongst others contribute to place making and be of high quality, that contributes to a healthy, safe, and sustainable environment.

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 T3 New Development and Sustainable Travel
Policy T4 New development and Transport Safety
Policy Poll1 Pollution Control and Protection

SPDs/SPGs
Supplementary Planning Document – Design New Housing Development
Supplementary Planning Document – Residential Amenity and Siting of Buildings
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 130 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 subject to conditions
Drainage – No objections subject to conditions
Forestry Officer – No objections subject to conditions
SYMAS – No objections
Ward Councillors – Cllr Tattersall – No objections

Representations choose

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site; 1 letter of representation has been received in relation to:

- Lack of privacy
- Noise and disturbance during construction period
- Loss of outlook
- Increase in noise from new occupants
- Feeling unsafe – people beyond rear boundary of property
- No access to property to access manhole for main water in garden

Assessment

Principle of Development

The site is allocated as a Local Neighbourhood Greenspace with the Local Plan and the Green Space Register. In such circumstances development should only be permitted where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the needs of the Borough.

The site is a former garage site which has become overgrown and is subject to fly tipping and is not currently used as green space nor is there any un-restricted access to the site. In addition the principle of re-developing the site for residential purposes has previously been established under application 2015/1078. It is considered that the re-development of the site would not affect the existing or potential green space needs of the borough as there are numerous green spaces within close proximity to the site, include two larger scale recreation grounds and playing fields.

Given the lack of functionality it is considered appropriate to release the site for development, subject to the payment of £16,458.84 as compensation to be used on off-site green space enhancements as that would be of greater benefit.

The site is located within a wider allocation of Urban Fabric. The site is also located in a residential area and so it therefore follows that redevelopment for housing is a compatible new use. The site is located within Urban Barnsley which is the main focus for housing growth.

Overall the principle of residential development is considered acceptable as 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.

Residential Amenity

The previous application 2015/1078 considered that the principle of development of the site for housing was regarded as acceptable given its approval, however this was for a 2no detached dwellings albeit on a similar orientation.

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 loss of outlook and in order to provide adequate amenity, development will be expected to comply with external spacing standards'.*

It states that a minimum distance of 12m should be maintained between habitable room windows and blank elevations, 21m should be maintained between facing habitable room windows and that dwellings should be sited with a rear garden at least 10m in length where it borders a private rear garden.

The proposed dwellings are sited on a north/south axis with the main habitable room windows being located on the northern front and southern rear elevations. The siting and orientation of the dwellings is such that it complies with the external spacing set out in the SPD. 12m is maintained between the habitable room windows on the existing dwellings and the blank side elevation of the proposed dwellings and likewise, 12m is maintained between the habitable room windows on the proposed dwellings and the blank gable wall of the property to the south, 33 Clipstone Avenue.

The windows located on the side elevation of the proposed dwellings are not habitable room windows and serve bathrooms and will generally be fitted with obscure glazing, however a condition can be included to that effect.

As mentioned previously the proposed dwellings are located at 90 degrees to the properties fronting onto Mansfield Road and Clipstone Avenue, and as such the habitable room windows located on the northern and southern elevations would not increase levels of overlooking of these properties. With the habitable rooms being located in excess of 21m to those in the rear elevation of the properties fronting onto Lindhurst Road.

Whilst the dwellings are situated to minimise the impact on the surrounding dwellings and provide the required amount of parking and turning to the front of the properties, the siting has resulted in the gardens falling minimally short of the 10m required. However, it is considered that a loss of 300mm would not seriously affect the amenity of the neighbouring residents by means of overlooking to an unreasonable level.

The proposed dwellings are located to the west of 31 Clipstone Avenue. Whilst the proposal could result in some overshadowing and possible loss of outlook, the siting of the proposed dwellings is not dissimilar to that of the previously approved application. In addition, the proposed dwelling closest to the boundary is set in from the boundary and the side elevation of the dwelling and has a similar arrangement to other housing developments. The neighbouring properties have been consulted and no comments were raised during the consultation period.

The South Yorkshire Residential Design Guide (SYRDG) is referred to in the Local Plan para 13.5, which states that 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.

Invariably this includes providing sufficient living conditions in line with Policy GD1 - General Development to ensure that the living conditions and residential amenity of people are protected.

It is acknowledged that the South Yorkshire Residential Design Guide applies specifically 10 or more dwellings but in its introduction, it clarifies that many of the guidelines are also appropriate to smaller developments and it provides a point of reference when assessing schemes of less than 10 dwellings.

With regards to the residential amenity of the future occupants of the proposed dwellings; the properties are proportioned with the overall floor area of the property exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide.

The internal arrangement has been amended to ensure that the rooms meet the requirements of the SYRDG, however, bedroom 2 falls minimally short of the requirements at 6.5m2, however when the lobby area is included the room exceeds the 7m2 requirements; a small alteration to the internal walls would result in the room meeting the requirements without the inclusion of the lobby area. It is therefore considered that on balance the proposed dwelling would not have a detrimental impact on the amenity of the future occupiers of the dwelling and as such is considered acceptable.

The SYRDG also states that dwellings with 3 or more bedrooms should have a private amenity space exceeding 60m2. The proposed dwellings are designed with a private amenity space meeting or exceeding 60m2.

Concerns have been raised in relation to the noise and disruption during the construction period and from four additional families. As with larger developments, a condition will be included to limit construction hours to specific times and days.

The layout of the proposed dwellings to the existing is not dissimilar to that on housing estates and it is considered would not give rise to a significant increase in noise and disturbance above a normal residential area.

It is in this regard that 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.

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 proposed dwellings would be two storey semi-detached dwellings is characteristic of the majority of surrounding dwellings. The site is in a backland location but benefits from an established access having used as a garage site historically. The proposal is seen as an acceptable form of urban infill therefore.

Proposed materials, landscaping and boundary treatments will be conditioned to be submitted upon commencement of development.

It is not considered that the proposed dwellings would be out of character with the area. The dwellings are proposed to be constructed of brick to match the surrounding area.

Highway Safety

Comments were raised by highways in terms of the location of the dwellings and access of vehicles such as refuse vehicles and fire appliances. Whilst the issue of fire safety is primarily a a consideration for the Building Regulations other methods such as a sprinkler system can be installed where there is no access for a fire appliance, but this is limited to 90m for a two-storey property from house to appliance. The further point of the furthest proposed dwelling is located within 90m to the highway.

In terms of refuse collection, a specific collection point has been allocated at the entrance to the site for the storage of bins on collection date. This area does not impact on the access road to the dwellings.

The development provides 2no parking spaces per property to the front of the dwellings in accordance with the requirements of Supplementary Planning Document, Parking. In addition, Highways are satisfied that there is adequate space within the site for turning and 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

Conclusion

In summary the proposals are judged acceptable as a suitably designed form of urban infill development subject to compensation for loss of land that currently sits on the Greenspace Register. This would require the payment of £16,458.84 as compensation to be used on off-site green space enhancements as that would be of greater public benefit.

The plans are considered acceptable in terms of the number of dwellings proposed, the relationships with neighbouring dwellings in terms of not being injurious to the living conditions of adjoining dwellings and in relation to Highway Safety.

It is therefore considered that the proposals put forward complies with Local Plan Policies H4, GD1 and Poll1 and the guidance within Supplementary Planning Document – Design of New Housing Development and South Yorkshire Residential Design Guide and is acceptable.

Recommendation

Approve with subject to the completion of a S106 Agreement (compensation for loss of Green Space) and conditions.