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PLANNING SUPPORTING STATEMENT

DETAILED APPLICATION FOR CHANGE OF USE OF BUILDING TO 1 NO DWELLING (RESUBMISSION)

LONGBOW BUNGALOW, BARNSLEY ROAD, DARFIELD, BARNSLEY

MR AND MRS LEACH

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10 Rishworth Street, Wakefield, WF1 3BY - t: 01924 366733 f: 01924 367317

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1.0 INTRODUCTION

This application, which is submitted in detail, seeks the change of use of a building to a dwelling at a site known as Longbow Bungalow, Barnsley Road, Darfield, Barnsley.

The following supporting documents/information is also submitted with the application:

(i) Full plans and elevations – JRB Designs;
(ii) Planning Support Statement – Townsend Planning Consultants; and
(iii) Noise Report – Clover Acoustics.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function. Prior to the submission of this application the matter has been discussed with the Council's Planning Officer, Matthew Smith. It is clear by reference to the planning history that the principle of the redevelopment of this site for residential purposes was considered acceptable by the Council subject to overcoming issues of noise and design. Those issues are now fully addressed in the supporting plans and documents. It is considered that this statement, together with the accompanying documents and plans fully demonstrate that the proposal is acceptable.

This statement now goes on to describe the site and sets out the details of the proposal and the planning history. Following this, planning policy in the form of Central Government advice (the National Planning Policy Framework) and the Council's adopted development plan policies are examined. The issues that the proposal raises are then examined and finally the conclusion reached that in the context of the Development Plan and all material considerations planning permission should be forthcoming. Notwithstanding this, the applicants remain willing to provide any further information or clarification on any issues that may arise.

2.0 THE SITE, PROPOSAL AND PLANNING HISTORY

The subject site forms a currently unused building which formerly functioned as the ancillary dwelling to the former Longbow public house. It is understood that the Longbow public house ceased trading and the overall property was disposed of in lots. The main pub and car park were sold on separately to the subject building and are now utilised as a supermarket. The subject property was purchased by the applicants with the intention of extending and refurbishing to form a dwelling.

It is acknowledged that the site has a lengthy planning history and it appears from discussions with the Council's Planning Officers that the authority considers that in planning terms the subject building has a nil use. The site is located in a highly sustainable urban location in a generally residential area close to schooling and shopping facilities and just off a well served public transport route. The reuse of the building for residential purposes would be wholly appropriate and would constitute sustainable development.

Prior to the resubmission of this application the matter has been discussed with the Council's Planning Officer, Mr M Smith, and it was agreed to submit this application and provide further supporting information to fully address the Council's previous concerns in respect of design and noise issues. It was also established through discussions with the officers that the principle of the reuse of this building for residential purposes was considered acceptable. It is also understood that the details of the scheme were discussed directly between the applicants and the Council and are considered to be acceptable in design terms.

The starting point for the drafting up of this scheme, therefore, was the previous planning application (2013/1208) which was refused by the Council on the 18th February 2014. It will be noted that application sought the change of use from A1 retail following advice from the planning authority. Please note that the use of the building never constituted A1 use.

It was identified that both the Council and Inspector regarding the subsequent appeal had two main issues with the proposal:-

(i) The character and appearance of the building by reference to the proposed rear dormers to the building; and

(ii) The living conditions of future occupiers in the context of noise and disturbance.

To address these concerns the following will be noted in respect of this revised submission:-

(i) Design

It will noted that the proposed scheme has been amended to remove the full roof width dormers which were proposed to be located on the rear pitch of the dwelling. It is understood that the redrafted scheme is considered by the Council to be satisfactory in terms of design. It will also be noted that at the same time the internal layout of the proposed dwelling has been amended to remove bedrooms from the façade adjoining the supermarket car park.

(ii) Noise

The submitted updated acoustics report demonstrates that through design detailing (acoustic attenuation) and internal layout satisfactory living standards can be achieved for the future occupants.

Overall, it is considered that the reuse of this unused urban resource will be of benefit to the issues of sustainability. The specific issues of concern with regard to the design of the site have been fully addressed in the revised scheme. This submission also demonstrates that any issues of noise and disturbance can be adequately dealt with and provide the occupants with a satisfactory standard of residential amenity.

It is considered that in the context of the above and all circumstances that planning permission should be forthcoming. Nevertheless, the applicants remain willing to discuss all aspects of the proposal.

3.0 PLANNING POLICY AND CENTRAL GOVERNMENT POLICY ADVICE

By virtue of Section 36(6) of the Planning & Compulsory Purchase Act 2004, the planning authority must determine the application in accordance with the statutory development plan, unless material considerations indicate otherwise. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship of the policies of the plan to one another and to available government guidance, principally through published policy guidance and circulars.

3.1 Central Government Policy Advice

It is considered that the following central government policy advice in the form of the NPPF is relevant to the consideration of this proposal:-

3.1.1 The National Planning Policy Framework

In the Ministerial Forward it states:-

"The purpose of planning is to help achieve sustainable development."

The Minister goes on to state:-

"Development that is sustainable should go ahead without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

Para 7 of the Framework goes on to state that there are three dimensions to sustainable development: economic, social and environmental.
Para 11 goes on to state:-

"Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate

otherwise."

Para 13 outlines that:-

"The NPPF constitutes guidance for local planning authorities and decision takers both in drawing up the plans and as a material consideration in determining applications."

Para 14 goes on to state:-

"At the heart of NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking." …

"For decision taking this means:-

- ***Approving development proposals which accord with the Development Plan without delay …"***

It is considered that this proposal constitutes sustainable development.

Section 6 relates to delivering a wide choice of high quality homes and seeks to boost the supply of housing.

Para 49 goes on to state:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development."

At para 50 it goes on to state:-

"To deliver a wide choice of high quality homes widen opportunities for home ownership and create sustainable, inclusive and mixed communities local planning authorities should:

- ***Plan a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).”***

Para 51 goes on to state:-

“Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty home strategies …” (TPC underlining)

Section 7 relates to requiring good design. At para 56 it states:-

“The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.”

With regard to decision taking, at para 108 the advice states:-

“Local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development”.

At para 87 it goes on to state:-

“Local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.”

With regard to determining applications, at Para 197 it states:-

"In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development".

It is considered that the subject proposal, which clearly constitutes sustainable development, is entitled to the presumption inherent in the advice and should be approved without delay.

3.2. Local Planning Policy

The Development Plan for Barnsley MBC consists of the Core Strategy (September 2011) and the Saved Unitary Development Plan Policies. It should be noted that these documents predate the current National planning guidance (the NPPF). It should be noted that on the UDP proposals map the site falls within the Housing Policy Area.

3.2.1 LDF - Core Strategy

The following policies are considered relevant to the proposal:

(a) CSP 29 – Design Principles

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 OTHER 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".***

There is no conflict with this policy and the proposal will be high quality and contribute to a healthy, safe and sustainable environment.

(b) CSP40 – Pollution Control and Protection

"DEVELOPMENT WILL BE EXPECTED TO DEMONSTRATE THAT IT IS NOT LIKELY TO RESULT, DIRECTLY OR INDIRECTLY IN AN INCREASE IN AIR, SURFACE WATER AND GROUNDWATER, NOISE, SMELL, DUST, VIBRATION, LIGHT OR OTHER POLLUTION WHICH WOULD UNACCEPTABLY AFFECT OR CAUSE A NUISANCE TO THE NATURAL AND BUILT ENVIRONMENT OR TO PEOPLE.

WE WILL NOT ALLOW DEVELOPMENT OF NEW HOUSING OR OTHER ENVIRONMENTALLY SENSITIVE DEVELOPMENT WHERE EXISTING AIR POLLUTION, NOISE, SMELL, DUST, VIBRATION, LIGHT OR OTHER POLLUTION LEVELS ARE UNACCEPTABLE AND THERE IS NO REASONABLE PROSPECT THAT THESE CAN BE MITIGATED AGAINST.

DEVELOPERS WILL BE EXPECTED TO MINIMISE THE EFFECTS OF ANY POSSIBLE POLLUTION AND PROVIDE MITIGATION MEASURES WHERE APPROPRIATE."

As demonstrated in this submission, any issues with regard to noise can be adequately dealt with.

3.2.2 Unitary Development Plan Saved Policies

The saved UDP policies relevant to the proposals are as follows:

(a) H8 and BA2

The policies sets out that Housing Policy Areas will remain in predominately residential use.

(b) H8D

It is considered that the new proposal would not harm the local environment, not cause any traffic problems and critically not create any traffic problems as set out in the supporting highways report.

There is no conflict with the above policy.

4.0 OTHER ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of these proposals. It is considered that the proposal wholly conforms with the Development Plan (as evidenced by the previous grant of planning permission) and, by reference to Section 38 (6) of the Act, the presumption inherent should be weighed in favour of the applicants.

4.2 Other Material Considerations

It now falls to consider the proposal in the light of all other material considerations.

4.2.1 Planning History

Following the consideration of the proposal, in the context of the Development Plan it is then necessary to examine the proposal in the light of the planning history. It is clear that the Council previously refused an application for a change of use to a dwelling and that proposal was subsequently dismissed on appeal. It is noted, however, that the principle of residential use was considered acceptable but specific issues relating to design and noise. These issues are fully addressed in this submission.

4.2.2 Design

It is clear that in respect of the previous application that the issue of the design that both the Council and the Inspector took odds to was the full width dormer proposed for the rear roof pitch. That has now been removed and replaced by more appropriate dormers. It is understood that in pre-application discussions with the Council that this fully addresses the previous design concerns.

4.2.3 Noise

An updated noise report has been undertaken in respect of the site and proposal. It is considered that this report fully demonstrates to the Council that a suitable standard of living accommodation can be provided on site. Methods used to ensure a high standard of residential amenity include:-

(a) Altering the proposed internal layout so that bedroom windows no longer face the source of noise (as was previously proposed);

(b) The use of acoustic barriers on the boundary; and

(c) Construction and fenestration detailing.

It is demonstrated in the submission that a suitable living environment can be provided and this fully overcomes the previous concerns of the Council and the Inspector.

4.2.4 National Planning Policy Framework

As outlined above, this proposal wholly conforms with the National Planning Policy Framework and constitutes sustainable development and significant weight should be given to this matter. Specifically the proposal constitutes sustainable development which must go ahead without delay.

5.0 CONCLUSION

This application seeks a change of use of this former ancillary residential accommodation to the former public house. The subject property was sold off separately to the main public house building which now functions as a supermarket.

It is acknowledged that a previous proposal for a change of use was refused by the Council and subsequently dismissed on appeal. Indeed, that planning history was the starting point for drafting up this scheme. In terms of design issues, the rear roof pitch dormer proposed (which the Council and Inspector considered unacceptable) has now been removed and it is understood that in general design terms the Council's Planning Officers consider that the proposal is acceptable. With regard to noise, an updated noise report has been provided and, through a combination of rearranged internal layout noise attenuation at the boundary of the site and constructional / fenestration details, it is clear that any issues of noise can be readily addressed and the property will have an acceptable standard in terms of living environment.

The property constitutes an unused urban resource in a sustainable location. It is clear by reference to the NPPF that there is a presumption in favour of the sustainable development. That presumption must be weighed heavily in favour of the proposal. Any issues of harm as previously raised in respect of the previous application have now been fully addressed in this submission.

Should the Council require any further information the applicants are willing to provide this.