
2022/1007

Applicant: Mr A Selby

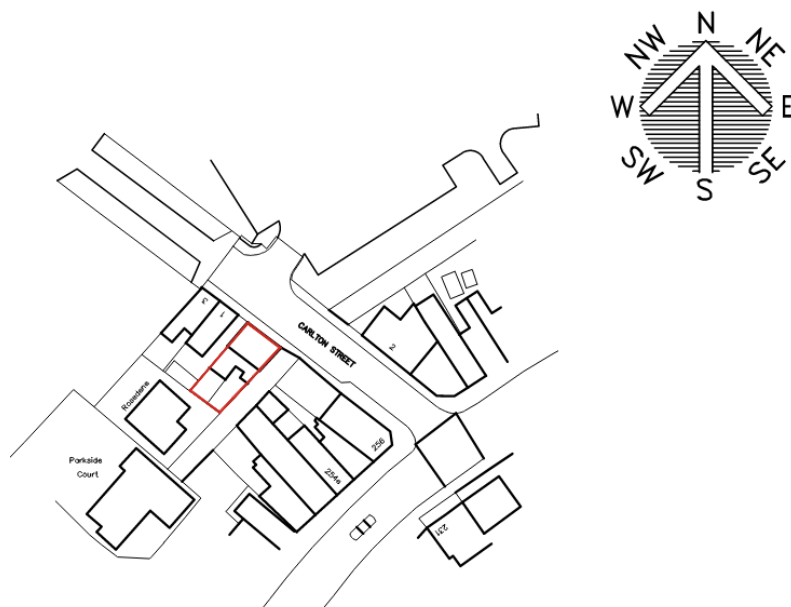
Agent: White Agus Partnership

Description: Demolition of existing building and erection of detached house

Address: 1 Carlton Street, Cudworth, Barnsley, S72 8ST

Site Description

This subject property is a redundant property. The site is on the edge of Cudworth town Centre, located nearby to Cudworth Welfare Park. Almost directly opposite the subject property is the Cudworth Centre. There are a few houses adjacent to the subject property, however the area is predominantly commercial in nature. The site is located in Urban Fabric and is not within a Conservation Area, nor the Green Belt.



LOCATION PLAN

SCALE 1:1250

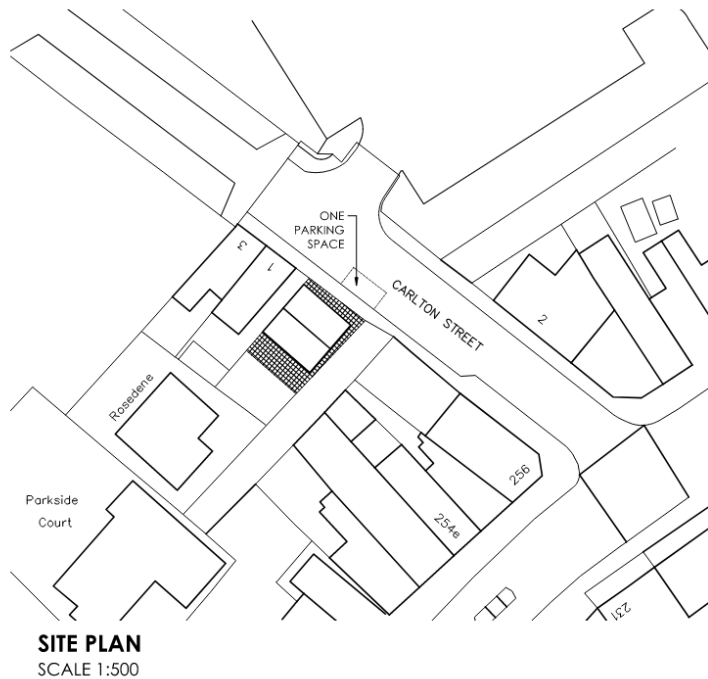
Location Plan

Relevant Site History

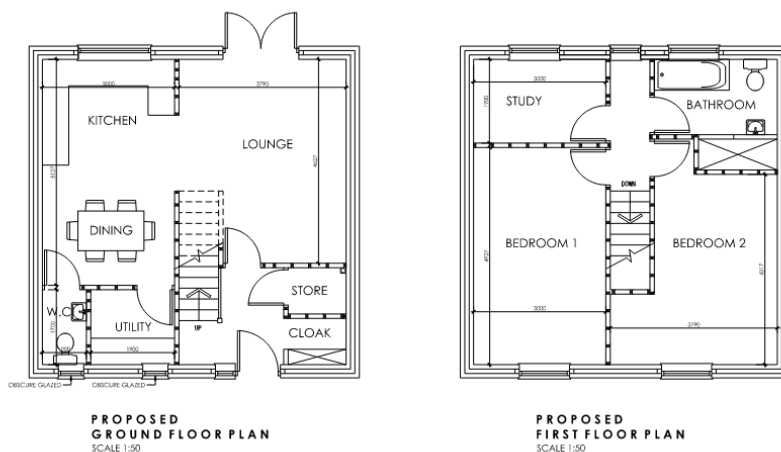
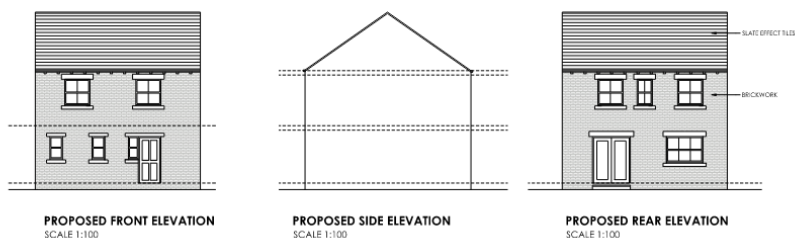
No relevant history.

Proposed Development

The applicant is seeking permission for the demolition of the existing building and erection of a detached house. The dwelling would measure approximately 8m in height with a dual pitch roof with eaves of 5.43m. The dwelling would be constructed from brick and slate effect tiles. There would be fenestration to the front and rear elevations.



Proposed Site Layout



Proposed Elevations and Floor Plans

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. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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 new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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Relevant Local Plan policies include:

SD1 – Presumption in favour of sustainable development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

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.

H6 – 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.

T3: New Development and Sustainable Travel – New Development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

BIO1: Biodiversity and geodiversity – Development will be expected to conserve and enhance the biodiversity and geological features of the borough.

Supplementary Planning Documents

- Design of housing development
- Parking
- Sustainable Travel

NPPE

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.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network should be severe.

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 126 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Biodiversity- Recommend approval, subject to condition.

Drainage- Details are sufficient, happy for them to be checked by building control.

Highways- Recommend approval, subject to condition.

Pollution Control- Recommend approval, subject to condition.

Ward Cllrs- No comment received.

Yorkshire Water- Recommend approval, subject to condition.

Representations

Thirteen neighbour consultation letters were sent. 1 comment was received as follows:

- The street is narrow and parking is difficult. Concern that contractors will restrict the width of the street and it will impact the access onto the Cudworth Centre.

Assessment

Principle of development

The site is located in the Urban Fabric with residential properties immediately adjacent to the site, however it is noted that the area is mostly commercial in nature.

Local Plan Policy H4 states that residential development on small non-allocated sites will only be allowed where it complies with other relevant sections of the Local Plan. As such, the principle of development is acceptable, subject to the assessment with other properties as below.

Visual Amenity

Local Plan Policy D1 High Quality Design and Place Making, sets out the principles that will apply to the consideration of planning applications for new housing development.

The street scene is varied with the adjacent dwellings being a pair of semi-detached dwellings, constructed from brick with dual pitch roofs, there are also a number of flats within the immediate area of similar construction.

The proposed dwelling would be constructed from brick, tile and would have a dual pitch roof, alike the other dwellings seen in the immediate vicinity, thus assimilating well. The proposed dwelling would be considered a betterment to the redundant property currently occupying the site and would introduce fenestration to the front elevation ensuring an active frontage. Boundary treatments and external materials can be covered through planning condition. The proposed development is therefore acceptable in terms of visual amenity in accordance with Local Plan Policy D1: High Quality Design and Place Making.

Residential Amenity

The Supplementary Planning Document 'Design of Housing Development' provides guidance in terms of separation distances and other amenity requirements, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. Further detailed guidance on residential development is provided in the South Yorkshire Residential Design Guide. The Guide includes information requirements, design guidelines and technical requirements.

The dwelling has been designed so that there are only habitable room windows to the front and rear elevation. The adjacent dwelling does not appear to have any habitable windows and the existing property is already built extremely close to the neighbouring property and therefore there will be no further impact or overlooking here.

To the rear of the property is Rosedene, the agent has confirmed by photograph that there are no habitable room windows to consider here and therefore there will be no issue through overlooking.

It is however noted that the proposed dwelling will be looking onto a blank elevation at a distance of around 11m. Whilst the SPD states that there should be 12m between habitable room windows and blank elevations, the existing property does not adhere to this distance and looks onto Rosedene at 8.6m, therefore a case can be established here that the proposed dwelling would be a betterment in terms of amenity and that 1m is not sufficient enough to refuse the application against.

Furthermore, the proposed habitable room windows would be looking onto the side garden of Rosedene at 8.4m. Whilst again this is less than the 10m that the SPD proposes, the existing property would be looking onto this property at 5.5m and therefore again a case can be established that this is a betterment in terms of overlooking. In addition, it is considered that views would be obscured by existing hedgerows and tree cover.

There are no residential properties to the front elevation to consider.

In terms of the residential amenity of any future occupiers, the proposed room sizes are in line with the SYRDG and the recommended internal spacing standards. In terms of external spacing, the dwelling would replace an existing dwelling in a similar siting. The property would benefit from a rear garden of approximately 66sqm which meets the standards within the Design of Housing SPD.

Given the above, the proposal is therefore considered to be acceptable in terms of residential amenity in compliance with Local Plan Policy GD1: General Development.

Highways

It is proposed to erect a single detached dwelling on the site of an existing vacant dilapidated building which would be demolished. The proposed site plan shows the intention to provide one on-street parking space, however, there is a Traffic Regulation Order in place along the site frontage in the form of a single yellow line with a prohibition of waiting order between the hours of 8am to 6pm Monday to Saturday. Even if the TRO was revoked and the carriageway along the site frontage left unrestricted, this would not constitute a designated or 'private' space for the use of any future resident, the area would be available for anyone to park at any time.

In view of the above, the proposed dwelling must therefore be assessed as having no parking provision. Nevertheless, it is noted that the existing building could be brought back into use without the need for planning permission and therefore without any parking provision. Further, the site is in a sustainable location, being close to numerous amenities within the centre of Cudworth and within 200m of bus stops.

Therefore, on balance, the proposals are considered acceptable from a highways development control perspective subject to a condition requiring a construction method statement to be submitted prior to any demolition or works starting on site.

Biodiversity

The application was supported by a bat survey which concluded that following an initial building inspection undertaken in late 2022, the building to be demolished was assessed as having a low potential to support roosting bats. The Council's ecologist was consulted and noted it was unclear within the survey report as to whether a data search had been undertaken and it should be supported by data from South Yorkshire Bat Group. They also asked that the application was supported by a single emergence/re-entry survey to further assess the presence/absence of roosting bats.

A single emergence survey was submitted, however it was unclear whether the ecologist agreed with the initial building inspection and whether the level of survey effort was sufficient. As such, an updated bat report was submitted. This now details that the results of two bat emergence/re-entry surveys carried out following an initial building inspection. No roosting bats were noted to be using

the building and no adverse impact upon bats is anticipated as part of the proposals. The report recommends enhancement measures, which are welcomed. As such, the application can be supported from a Biodiversity perspective subject to condition, in accordance with Local Plan Policy BIO1.

Drainage

Colleagues in Drainage have assessed the details presented on the plans and have not raised any objection to the proposal. Standard conditions will be attached. Yorkshire Water have recommended various conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

Pollution Control

Pollution Control have been consulted and note that the development could adversely impact upon health and quality of life and therefore have recommended a condition to ensure construction or demolition works will only take place during specific hours to ensure accordance with Local Plan Policy POLL1.

Conclusion

The applicant is seeking permission for the demolition of the existing property and erection of a new dwelling. The proposed is considered to be high quality development that would be a betterment to the existing property, would not unduly impact on residential neighbours, highway safety, would ensure the protection of protected species and be protect local aquatic environment and drainage infrastructure.

For the above reason, the proposed development is recommended for approval.

Recommendation

Grant