

2024/0161

Mr Robert Akroyd

98 - 100 High Street, Penistone, Barnsley, S36 6BS

Demolition of existing single storey building and construction of detached two storey dwelling

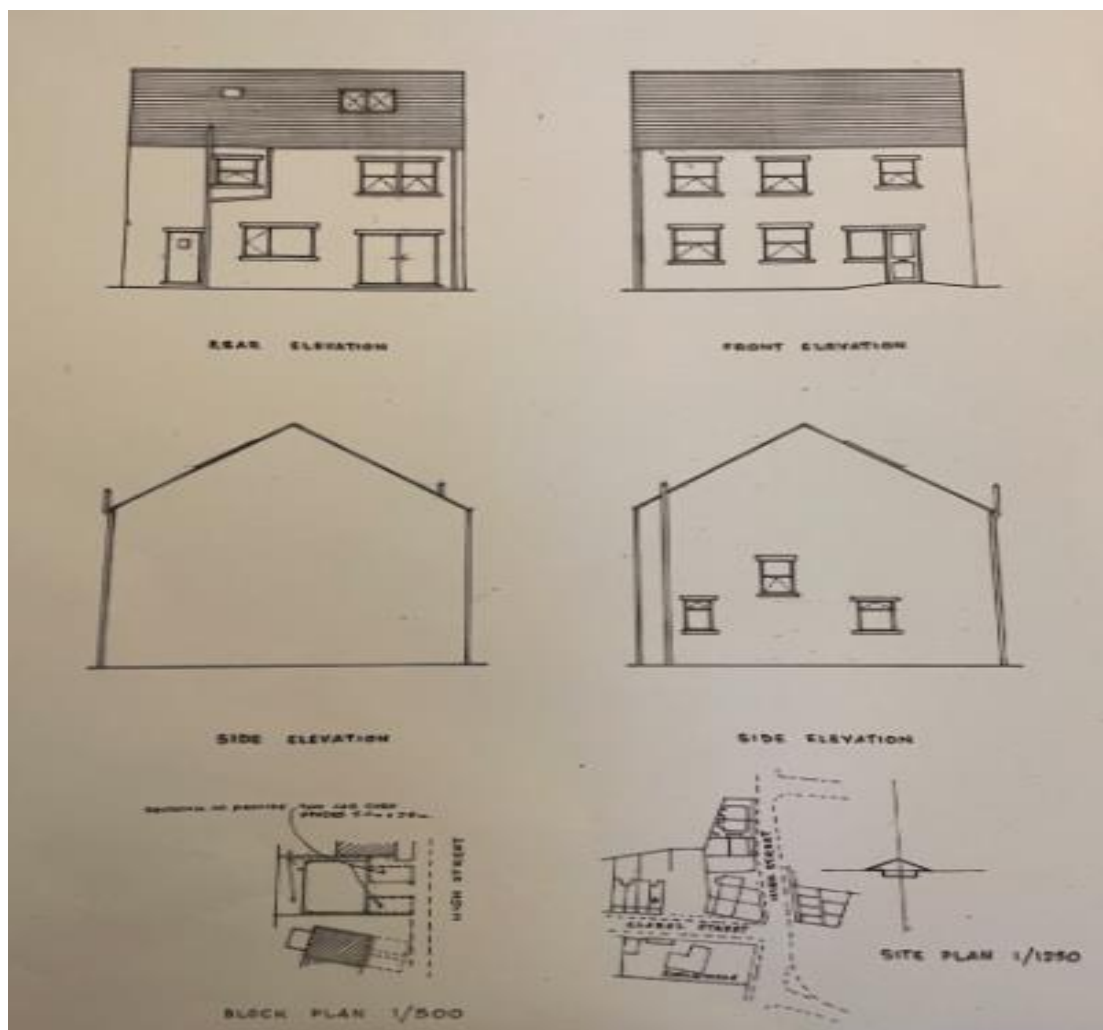
Site Description

This site is an existing single storey, semi-detached retail unit on High Street in Penistone. Attached to the building is a single storey dwelling (96 High Street) with both fronting the highway. The site is in the Penistone Conservation Area and adjacent a grade II listed building (104 & 106 High Street) to the south. The surrounding street scene is consistently residential and predominantly features two storey terraced dwellings.

Planning History

B/83/0462/PU - Alterations to shop front

Proposed Development



The applicant is seeking approval for the demolition of the existing building, and the erection of a replacement two storey, pitched roof detached dwelling. The dwelling features a living room, kitchen/dining room and utility room on the ground floor. On the first floor is three bedrooms and a bathroom with a games room in the roof space. The dwelling has a length of 8.8 metres and a width of 8.6 metres. The dwelling has a ridge height of 8.55 metres and an eaves height of 5.5 metres. The materials used for the dwelling will be coursed sandstone and natural slate roof tiles.

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 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 on 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 Allocation – Urban Fabric / Penistone Conservation Area

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy 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.

Policy HE1: The Historic Environment – Positively encourage developments that help in the management, conservation and understanding of the historic environment.

Policy HE2: Heritage Statements and general application procedures – Proposals that are likely to affect known heritage assets or sites where it comes to light there is potential for the discovery of unrecorded heritage assets will be expected to include a description of the heritage significance of the site and its setting.

Policy HE3: Developments affecting Historic Buildings – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance.

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.

Policy 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.

Policy 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.

Policy 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.

Policy Poll1: 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.

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

Penistone Neighbourhood Development Plan (2018-2033) – Following the successful referendum on 11 July 2019, Barnsley Metropolitan Borough Council resolved to make the Penistone Neighbourhood Development Plan on 27 August 2019. It now forms part of the statutory development plan for Barnsley Metropolitan Borough Council.

Supplementary Planning Documents

The proposals have been considered in relation to the following SPD's:-

- Design of housing development
- Parking
- Sustainable Travel

Other Guidance

South Yorkshire Residential Design Guidance

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- Section 12: Achieving well-designed places

- Section 16: Conserving and enhancing the historic environment

Consultations

The LPA's Biodiversity Officer was consulted and raised no objections subject to conditions.

The LPA's Conservation Officer was consulted and raised no objections subject to conditions.

Demolition were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Highways Drainage were consulted and raised no objections.

Penistone West Ward Councillors were consulted and raised no objections.

Penistone Town Council were consulted and raised no objections.

Pollution Control were consulted and raised no objections subject to conditions.

The South Yorkshire Mining Advisory Service were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections subject to conditions.

Representations

Neighbour notification letters were sent to surrounding properties. Additionally, a site notice was posted, and a press notice was issued. In total, three objections were received and in summary raised the following material planning considerations.

- Loss of privacy when in our back garden.
- Loss of light and overshadowing of our rear garden and kitchen.
- The current building being commercial has no noise after normal work hours which will impact on our quality of life in the evenings and weekends.
- During demolition, construction and after completion, there will be an increase in traffic on an already busy road near a school where parking is at a premium.
- The proposal does not fit next to a grade II listed property.
- Will the bungalow attached to the existing building be made good on the side when the existing building is knocked down. Will the chimney stack be made good too.
- The area is in need of affordable housing.
- On the application it says a two-storey dwelling but, on the plans, it's showing three storeys.

Furthermore, the following points that are not material planning considerations were also raised.

- Noise and damage during demolition and construction. Work from home and vehicles on the drive at all times.

- Emergency exit and access from the rear will be affected. This emergency access is shared with 96 and 106. This is marked on our deeds. There is also access to drains.
- Loss of view, the construction will not allow views of the trees and associated wildlife.
- No mention of the lamppost currently sited in front of the building. Or where it is to be moved.
- No mention of current boundary walls and any mitigation for any effects during construction and demolition.
- Security to the rear of our property during demolition and construction or after completion.
- A right of way is in between the property and 104 High Street. It runs across the back of the property in question to my back garden and door.
- Will there be an adequate gap between my property and the proposed property.

Assessment

The main issues for consideration are as follows:

- The acceptability of residential development
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on heritage assets

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site is located within an area of Urban Fabric where Local Plan Policies GD1 'General Development' and H4 'Residential Development on Small Non-allocated Sites' apply. These require that development should be compatible with its surroundings. In this case the street scene is largely residential as such the use of this site for residential use would be in keeping with the locality. The development of the site for residential purposes adjacent other residential uses is therefore acceptable in principle. This weighs considerably in favour of the proposal

The site is located within Penistone Principal town boundary and close to the amenities within the district centre. The significance of this, is that it is a priority location to accommodate growth and new residential development in spatial and sustainable development terms. In addition to the above, all new dwellings must ensure that living conditions and overall standards of residential amenity are provided for or maintained to an acceptable level both for new residents and those existing. Also, development will only be granted where it would maintain visual amenity and not create traffic problems or reduce highway safety.

Impact upon Heritage Assets

Upon submission the application was lacking essential information in the context of the Penistone Conservation Area and the setting of the adjacent listed building. There were brief comments on the materials of the new build, and the proposed building line alignment with the adjacent listed building. However, nothing was provided previously on the wider impact of the new development, explanation of any design rationale, and any mitigation in terms of the setting alteration. When dealing with a designated conservation area, and the setting of a listed building a fair and proportionate amount of information is required. Throughout the course of the application this information was provided which sets out in acceptable detail the elements that contribute to the character of the conservation area, the setting of the listed building at 104 and 106 High Street, and the contribution the existing building makes. It is noted in relation to the conservation area that:

The building (existing) does not conform to the established character of the area and is not considered to be of any architectural merit in its own right. Consequently, the site is considered to make a neutral contribution to the heritage significance of the Penistone Conservation Area.

Owing to its relative age, appearance, architectural design and materiality, this statement is acceptable with regards the neutral contribution. It's an inter-war building and of minor heritage interest but different from the bulk of the housing stock and other types in the area. Essentially it is not typical and does not contribute to the group value. In terms of the setting of the listed building 104 and 106 it is noted:

The site is located to the immediate north of the listed building. The building on the application site is constructed of brick and stands in contrast to the materials and style of both the listed building and its immediate surroundings. In appearance the site appears to date to the second half of the twentieth century, despite its 1920s origins, and it is considered to make a neutral contribution to the setting of 104 and 106 High Street.

This is also a reasonable assessment, being a building that is markedly different and much later than the listed building and of substantially different form, scale, appearance and materials to 104 and 106. The LPA is satisfied there is now a reasonable amount of detail that satisfies policy HE2. Regarding the proposal it is a fairly unassuming building of two storeys of three bays. The front elevation lacks some symmetry, but the listed building next door also has the doorways offset to one side in the two semi-detached units. Even so, the fenestration is strongly mullioned in the listed building, and some relationship with the design of this should be incorporated in the new dwelling.

The windows in the new dwelling are top opening sashes, which are rather squarely proportioned. Genuine sliding sashes of a more conventional vertically emphasised proportion would be better and reflect the Victorian dwellings in the Conservation Area more closely. Also, its noted ashlar dressings to the openings in the listed building and other adjacent properties as well as other stone detailing such as kneelers, verge coping and some chimneys in stone are present. The proposed dwelling is lacking pretty much any extraneous detail and looks quite plain and lacking in local character. Some of these features listed above should be included in the new dwelling to improve the sympathy of the design. Additionally little detail is included in terms of the site boundary or materials in the setting and the forecourt. Overall, the proposal is acceptable in broad principle and the matters can be secured via conditions. The proposal is therefore considered in compliance with Policy HE1 and HE3 and this weigh in favour of the proposal.

Residential Amenity

The proposal involves the erection of a detached dwelling on the site of an existing building (to be demolished). Other residential properties are adjacent and most notably to the north (96 High Street), east (85, 87 & 89 High Street) which is separated by the highway (High Street) and south (104, 106 & 108 High Street) therefore the impact upon the residential amenity of these properties is an important consideration.

For external spacing standards and overlooking, the SPD Design of Housing Development states that a minimum of 21 metres should be achieved between facing habitable room windows, and 12

metres should be maintained to a blank side elevation. There are no habitable room windows facing the dwellings to the north and south and no windows at all at first floor level facing these dwellings. With regards the dwelling to the east it is separated by the highway and the dwellings on High Street are designed with facing habitable room windows. With regards to the west there is planning permission for a house adjacent to 8 Clarel Street under application 2023/0498. However, the position of the house is close to Clarel Street and therefore would not be directly overlooked by the proposal with only the bottom of the rear garden in view. The proposal therefore accords with the distance requirements.

The proposal should not cause any significant overbearing or overshadowing to any neighbouring dwelling. It is acknowledged that it is set to the immediate south of 96 High street although it is set to the south of a dwelling, it must be noted that beyond the proposed two storey dwelling is a three-storey building which already causes an impact. The proposed dwelling shares a similar building line with this property as well and this neighbouring property has a rear extension which means the garden area of the neighbouring property is similarly positioned to where the garden area of the proposed property would be reducing the impact of the building on the garden area of the neighbouring dwelling.. Whilst some overshadowing would occur it is not considered to be of significant detriment to warrant refusal of the application.

The proposed dwelling has been designed with adequate room sizes which is in compliance with the standards set within the SPD and the SYRDG. However, with regards to external amenity space the proposal falls short of the recommended amount. In this case the size of the rear garden is reflective of the development pattern of the area and the adjacent dwellings to the south which also feature small rear gardens. Also, it is noted the development forms an infill plot in close proximity to a town centre which is bound by constraints. Additionally due to the sites location it is within close proximity of allocated and accessible green space on Boggard Lane as well as open countryside. This weighs modestly in favour of the proposal due to the availability of offsite amenity space. The proposal is considered to be acceptable in terms of residential amenity in accordance with the SPD Design of Housing Development.

Visual Amenity

The immediate street scene consists primarily of two storey terraced dwellings however the adjacent properties to the south are three storey and the currently attached dwelling to the north is single storey. Therefore, even though the street scene is consistent there is still some variation. The development on this prominent site should relate to these adjacent properties. The proposal involves the erection of a detached stone-built dwelling with a pitched roof.

In terms of materials it will relate well to the established street scene and the adjacent listed building as discussed above. This weighs significantly in favour of the proposal. The siting of the dwelling is acceptable as it is akin to that of the existing building which it replaces. Landscaping and boundary treatments are not indicated on the site layout plan and will be dealt with via conditions. The proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Highway Safety

There will be no impact upon highway safety and Highways DC raised no objections. The existing single storey property, which is to be demolished, has been in use for many years as a carpet sales showroom. It is proposed to demolish the building and erect a two-storey, three-bedroom residential dwelling with a frontage off-street parking area.

The site is located on the western side of High Street, no.98-100 sits within a row of approximately eleven properties between Clarel Street and the access road leading to the Primary School and Care Home. High Street is the main route to/from the south of Penistone and is also a classified road (C63), as such it would ordinarily be a requirement for vehicles to enter and exit in a forward gear, however, it would appear that at least five of the row of properties that the site sits within have off-

street parking provision with no internal turning provision. It could not therefore be justified to insist that such provision be included as part of the redevelopment of this site.

In terms of parking provision, to comply with the Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1, the proposals require two off-street parking spaces having minimum dimensions of 5 metres x 2.5 metres. The amended layout now includes two off-street parking spaces with dimensions of 2.5 metres x 5 metres which is satisfactory. The proposals are considered acceptable from a highway's perspective. This weighs in favour of the proposal.

Other Issues

Concerns have been raised in relation to demolition and construction works and the responsibility for securing a safe development rests with the developer and/or landowner. A demolition license will also be required. It is also noted that a party wall agreement may need to be reached which is not affected by the decision on this planning application. Also building regulations approval would be required. In addition, it is clarified that planning law and property law are separate entities and that it is the applicant's responsibility to prevent damage being caused neighbouring properties to prevent them being liable for claims made under civil law.

Conclusion

Having balanced all material planning considerations, whilst objections have been received in respect to the proposal, it is deemed that the proposed dwelling as discussed above will not be significantly harmful to residential and visual amenity. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions