

2023/0816

Mr Daniel Goulding (BMBC)

10 and 12 Woodland Drive, Kingstone, Barnsley, S70 6QN

Demolition of 2no. semi-detached dwellings (Application to determine if prior approval is required)

Site Description

The application relates to a pair of semi-detached dwellings located in Kingstone on Woodland Drive.

Proposed Development

The application was submitted as a Prior Notification of the intended demolition of the proposed works under Part 11 'Heritage and Demolition', Class B of the Town and Country Planning (General Permitted Development) Order 2015. Under this procedure the Council had 28 days for consider whether Prior Approval was required for the proposed method of demolition and means of site restoration. The proposal is to demolish the building and remove all rubble/debris off site with knee rail fencing erected to the front. The site is not within a Conservation Area nor is the building Listed.

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

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 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 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.

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 policies include:

Section 12: Achieving well designed places - The Government attaches great importance to the design of the built environment. 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. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes. Within section 12, paragraph 134 states *"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"*.

Consultations

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

Demolition was consulted and raised no objections.

Dodworth Ward Councillors were consulted, and one comment was received raising no objections.

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

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

Representations

None received.

Assessment

Principle of Development

Demolition is a form of permitted development under Part 11 'Heritage and Demolition', Class B of the Town and Country Planning (General Permitted Development) Order 2015 and so there are no grounds to oppose the demolition of the building in principle, which is not listed or located within a Conservation Area. It is acknowledged that there is a lack of details submitted with the application, however, notice has to be given to Building Control and Highways and Engineering where further controls and legislation apply. In addition, the contractor would have to adhere to Health and Safety Legislation set out by the Health and Safety Executive and Environment Agency.

Residential Amenity

There would be noise and disturbance as a result of the proposed demolition works, however, long standing residential amenity issues are not envisaged once all the materials have been removed. The building has clearly fallen into disrepair and has been disused since and its removal would benefit the area, allowing the land to be used more suitably. Pollution Control have been consulted on the application and have raised no objections to the proposals subject to the inclusion of a condition limited construction and demolition hours.

Visual Amenity

There are no implications for visual amenity through the loss of the building as the buildings do not have any special or significant architectural merit. The site would be left in a safe and level condition until detailed proposals are put forward for its re-development, however no details have been submitted at this stage.

Impact on Ecology

Colleagues in Ecology were consulted on the application due to fact that an old building was being demolished. A preliminary bat survey was requested by the Council's ecologists which was duly submitted and assessed. They agree with the conclusion within the report in that bats are a mobile and opportunistic species, and as such can use roosting features at any time. Therefore, precautionary measures should be undertaken during site clearance, as per the bat report. The development shall be completed in line with the recommendations in the Bat Roost Suitability Assessment & Emergence Survey Report and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

Highway Safety

There will be no impact upon highway safety.

Other Issues

A demolition method statement was not provided however both Highways DC and Pollution Control were consulted and didn't object to the lack of one.

Recommendation

Approve with conditions