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Application reference number	2024/1007
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Application Type	Full
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Proposal Description:	Change of use from Residential Care Home (Class C2) to 24no. apartments (Class C3).
Location:	Rockley Dene, Residential Home, Park Road, Worsbrough, Barnsley, S70 5AD

Applicant	Kruidberg Capital
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Number of Third Party Reps	1	Parish:	None
		Ward:	Worsbrough

SUMMARY

The proposal seeks full planning permission for the conversion of the former Rockley Dene Nursing Home to 24no apartments, consisting of a mix of 1- and 2-bedroom units. The proposal is acceptable in policy terms being designated as Urban Fabric within the Local plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

There are no outstanding objections from consultees, and the report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to conditions.

This application is being presented to members due to the requirement of a S106 Legal Agreement for the financial contributions relating to Education, Open Space and Sustainable Travel

Recommendation: **GRANT Planning Permission**

Site Description

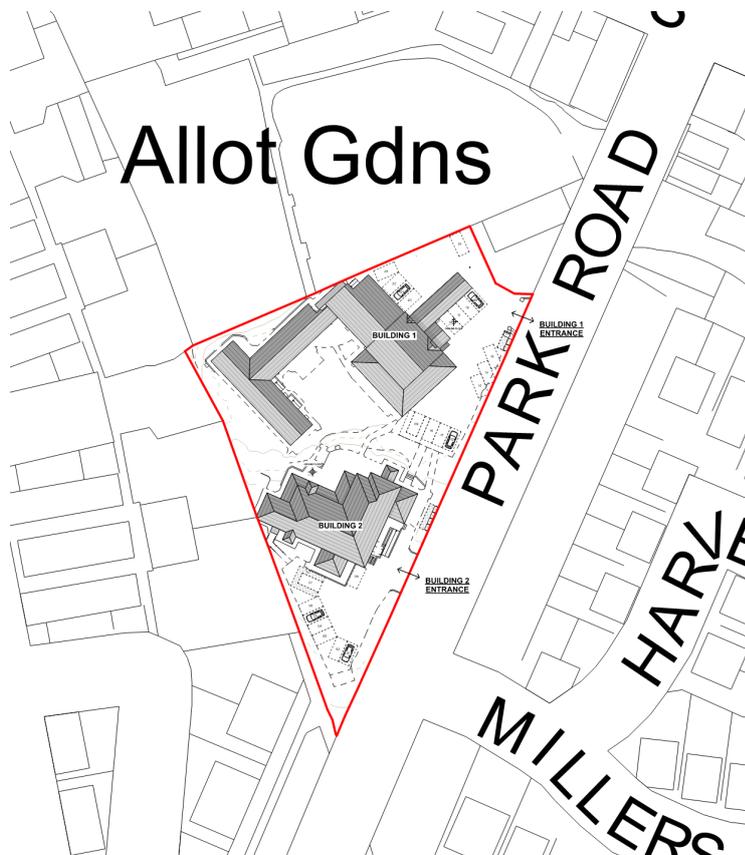
The site is triangular in nature and is located along the western side of the A61 Park Road, a main arterial route linking the south of the borough to the town centre.

The site is approximately 0.4ha in size and set at an elevated position to the highway and bounded along the eastern, Park Road boundary with an approximately 1m retaining wall with mature trees above and hard surfacing beyond.

It is currently occupied by 2no buildings which, until recently formed the Rockley Dene Nursing Home. The buildings are of a brick construction with tiled, hipped and gabled roofs. Building 1 is located to the north of the site, adjacent to the northern boundary and consist of a two-storey gabled element with single storey extensions located to the south-west elevation, wrapping around the south-eastern corner and extending beyond the north-eastern elevation. Building 2 is located towards the southern tip and is primarily two-storey with a small single storey extension to the eastern and southern elevations and a conservatory extension to the northern elevation. A communal garden area with an existing pond is located between the two buildings.

The site benefits from 2no accesses onto Park Road, situated towards the northern and southern tips of the site.

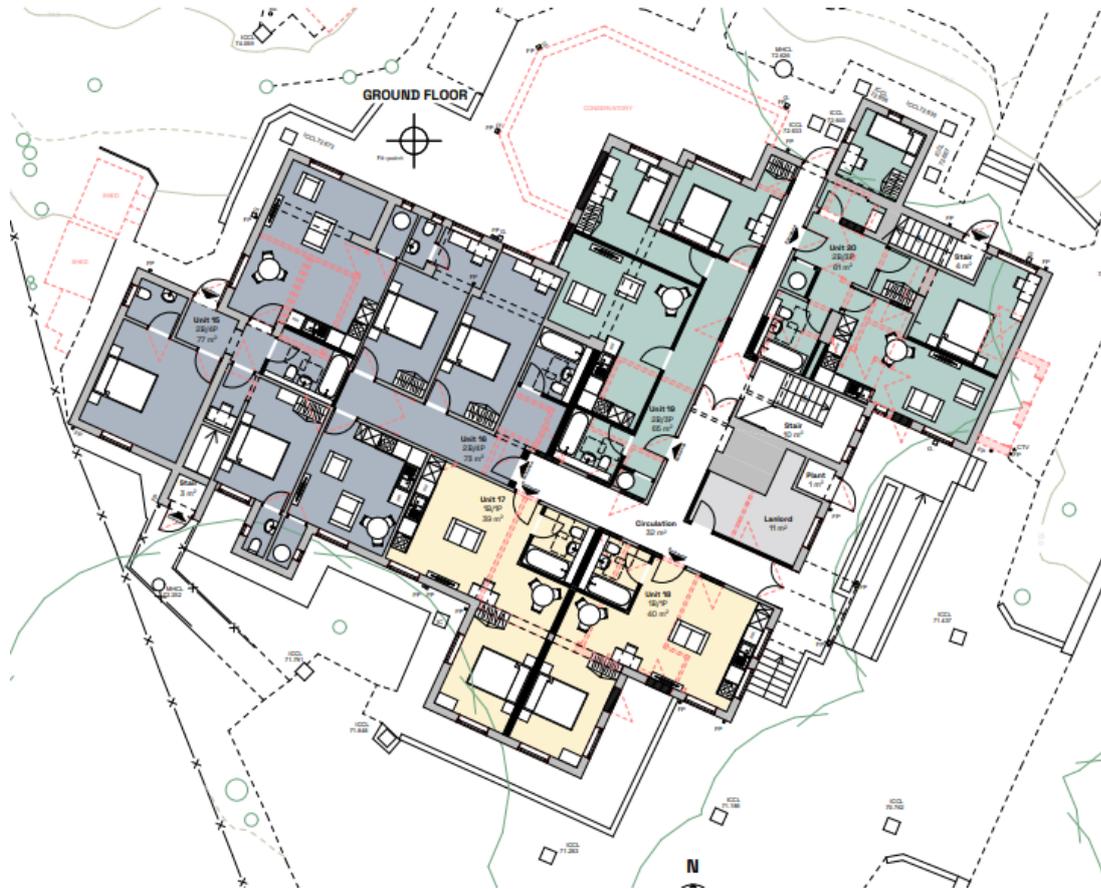
The immediate area is predominantly residential in nature with residential properties bounding the site to the south, east and west and allotment gardens to the north.



Floor Plans Building 1



Floor Plans Building 2



FIRST FLOOR - PROPOSED GA PLAN
BUILDING 2

1:100

Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
B/74/1399/WB	Erection of 26 self-contained flats	Historical Decision
B/87/0818/WB	Extensions to residential home for the elderly	Approved with Conditions July 1987
B/88/0165/WB	Erection of extension to residential home for the elderly	Approved with Conditions April 1988
B/88/0637/WB	Bedroom/lounge/dining/staff/laundry/admin. extension to residential home	Approved with Conditions June 1988
B/91/0103/WB	Erection of extensions to residential home	Approved January 1991
B/91/0104/WB	Erection of extension to nursing home	Approved February 1991
B/91/0926/WB	Erection of extension to residential home and two storey extensions to nursing home	Approved with Conditions October 1991
B/94/0888/WB	Erection of conservatory extension to nursing home	Approved with Conditions August 1994

Proposal

The applicant seeks permission for the conversion of the former Rockley Dene Nursing Home to 24 apartments, consisting of a mix of 1- and 2-bedroom units. It is also proposed to erect a small 4.3m by 4.3m extension to the south-eastern corner of building 1, to provide additional space for unit 2.

The development will also consist of demolition of conservatory extension located on building 2.

Each unit will benefit from 1no parking space, and area of landscaping within the site will provide outdoor amenity space.

Access to the site is to be taken via the 2no existing accesses from Park Road.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. 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 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.

Site Allocation/Designation

The site is allocated as Urban Fabric as defined in the adopted Local Plan.

National Planning Policy Framework (NPPF) December 2024

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.

Barnsley Local Plan 2019

The following Local Plan policies are relevant:

H1 The Number of New Homes to be Built
H2 The Distribution of New Homes
H4 Residential Development on Small Non-allocated Sites
H6 Housing Mix and the Efficient Use of Land
GD1 General Development
T3 New Development and Sustainable Travel
T4 New Development and Transport Safety
D1 High Quality Design and Place Making
POLL1 Pollution Control and Protection
BIO1 Biodiversity and Geodiversity
I1 Infrastructure and Planning Obligations
LG2 The Location of Growth
SD1 Presumption in favour of Sustainable Development
CC1 Climate Change
CC4 Sustainable Drainage Systems
RE1 Low Carbon and Renewable Energy

Supplementary Planning Documents

Design of Housing Development
Parking
Planning Obligations
Sustainable Travel
Financial Contributions for Schools
Open Space Provision on New Housing Development

Other

South Yorkshire Residential Design Guide

Relevant Consultations:

Affordable Housing – No objections subject to contributions in line with ‘Financial Contributions for Schools’ SPD
Air Quality – No objections received
Biodiversity – No objections subject to conditions relating to habitat improvement
Education Services – No objections subject to contributions in line with ‘Financial Contributions for Schools’ SPD
Forestry Officer – No objections
Highways Drainage – No objections; details to be checked on site by Building Control
Highways DC – No objections subject to conditions relating to parking layout and cycle parking provision
Mining Remediation Authority – No objections; the standard informatives should be included on any planning approval
Pollution Control – No objections subject to conditions relating to...
South Yorkshire Mining Advisory Service – No objections
South Yorkshire Police – No objections received
Superfast South Yorkshire – No objections
Waste Management – No objections
Yorkshire Water – No objections received
Ward Councillors – No objections received

Representations

Neighbour notification letters were sent to 34 surrounding properties, and a site notice was posted outside the site.

1 representation was received which raised the following material planning issues:

- Privacy and overlooking

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 the existing trees
- The impact on the ecology of the site
- Financial contributions

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 Urban Barnsley, which is a priority location to accommodate growth and new residential development in compliance with Local Plan Policies LG2 and H2

The delivery of 24 homes would make a modest contribution towards the overall new homes target in the Local Plan Policy H1.

The site is not the subject of a specific allocation policy, but the Urban Fabric designation, which allows for development to take place on the site subject to Policy GD1 and other relevant development plan policies.

Local Plan Policy H4 Residential Development on Small Non-allocated sites is relevant, which states that proposed 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.

Local Plan Policy H6 states that 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. Whilst the proposal is for 24no 1- or 2-bedroom apartments, the delivery of the units is adaptable and can provide a number of unit types. The units are to be located within 2no two storey buildings, with the majority located at ground floor level and it is also proposed to provide 2no accessible units.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new and existing residents. In addition, development will only be granted where it would maintain visual amenity and not create traffic issues or reduce highway safety. An assessment of the proposals against those criteria is set out within the sections below.

It is considered that the application is acceptable in principle for the reasons set out above and this carries considerable weight in favour of the application.

Residential Amenity

The application seeks permission for the conversion of an existing building, a former residential care home, which falls within the residential uses.

Whilst there are some external alterations, on the whole they are minimal alterations which would not have a detrimental impact on the amenity of surrounding residents. The external alterations are generally minor such as the replacement of windows with doors, or the blocking up of openings. The only significant alteration would be at first floor level of elevation 8, (north-eastern elevation) which sees the inclusion of a new habitable window opening serving bed 2 of unit 11. The inclusion of this window could lead to an increase in overlooking of the neighbouring property; however, the proposed window would be located approximately 26m from the side elevation of Rockley Dene Cottage, in excess of the 21m required by Supplementary Planning Document – Design of Housing Development between facing habitable room windows. In addition, whilst the window would be located only 5.3m from the boundary of the site at the closest point, there are no residential properties located beyond the northern boundary. Therefore, the inclusion of this first floor window would not lead to an increase in overlooking.

Comments have been made regarding privacy from a neighbouring resident, there are no changes proposed to the elevation which would lead to an increase in overlooking or

overshadowing; the concerns regarding the boundary treatments are noted and a condition will be included requiring details of all boundary treatments to be submitted and approved prior to the occupation of the units.

The development includes a small extension to the south-eastern corner of building 1, to create additional space for unit 2. The extension is to measure 4.3m by 4.3m and whilst it includes habitable room windows to the southern and eastern elevations, they are located at ground floor level and do not project closer to the neighbouring residential property than the existing building. Boundary treatment would provide sufficient screening to retain residential privacy.

The units are well proportioned, with the overall floor area of the properties exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide, with the rooms within the proposed units meeting the requirements of the SYRDG; in addition, the shared external amenity space provided exceeds the requirements as outlined within SPD – Design of Housing Development.

It is acknowledged that there will be some level of disruption during the development phase, however this is considered to be a temporary impact, and it is standard to limit construction hours and deliveries to protect the impact on residential amenity.

It is in this regard that the proposed development complies with SPD Design of Housing Development, Local Plan Policy H4 Residential Development on Small Non-allocated Sites and Local Plan Policy GD1 General Development and as such this carries significant weight in favour of the proposal.

Visual amenity

As mentioned previously permission is sought for the conversion of the existing buildings; therefore, external alterations are limited. Whilst the erection of a small extension to the south-east corner of building 1 is included, it is designed to harmonise with the original building and replicates the eaves and ridge heights and the roof style of the element to be extended. In addition, the position and size of the new window openings match those on the relevant elevation.

It is acknowledged that bin storage and cycle storage areas are included, and these are situated along the front edge of the site, at the back edge of the highway and could form a dominant feature within the site. However, due to the constrained nature of the site, it is not feasible to locate them elsewhere. Nevertheless, the existing mature trees located along the front boundary are to be retained and provide some element of screening of the bin and cycle stores, reducing their prominence within the street scene.

As such the development complies with Local Plan Policy D1 High Quality Design and Place Making, which carries significant weight in favour of the application.

Highway Safety

Access to the highway uses two existing accesses from the site, and there are no changes proposed to these accesses. In terms of the internal layout, it can be demonstrated that sufficient manoeuvring space is provided for the parking spaces and for a standard 7.5 ton delivery truck. The bin stores have been strategically located adjacent to the north and south access to limit the need for a refuse vehicle to enter the site.

Each property has a maximum of 2 bedrooms, and each unit is served by 1 no parking space, in accordance with the Supplementary Planning Document Parking. Although no

visitor parking has been provided, it is considered that the lack of visitor parking is not sufficient to warrant the refusal of the application given that it might be anticipated that not every unit would have or want a vehicle and that the site is located in a sustainable location with good access links to the town centre

Based on the above assessment it is considered that the proposed development would not have a detrimental impact on the highway network and as such is acceptable and in compliance with Local Plan Policies T3 and T4, which carries significant weight in favour of the proposal.

Biodiversity and Forestry

National requirements have seen the introduction of Biodiversity Net Gain (BNG). In England, BNG is mandatory under the Town and Country Planning Act 1990, whereby developers must deliver a biodiversity net gain of 10%, resulting in more or better-quality habitat than before a development. These regulations were introduced on 12th February 2024 and applied to any application submitted after this date.

Local Plan Policy BIO1 states that development will be expected to conserve and enhance the biodiversity and geodiversity features by protecting and improving habitats; maximising biodiversity opportunities in and around new developments and encouraging provision of biodiversity enhancements. Policy BIO1 follows on to state that development will be expected to conserve and enhance the biodiversity and geological features by protecting ancient and veteran trees.

The application has been supported by a Preliminary Ecological Appraisal (PEA) and BNG Metric and report, and the council's Ecologist has reviewed the application in terms of the impact upon habitats.

Given that the site is constrained in that the application sees the conversion of the existing building, the mandatory 10% net gain cannot be achieved onsite despite the developer including all possibilities within the site, such as the retention of the pond and the inclusion of a wildflower grassland. As such, there will be a requirement for the purchase of off-site credits to meet the overall 10% gain. This will be secured through the Biodiversity Gain Plan condition. As some enhancements are to be provided on site, these will be secured via the Habitat Management and Monitoring Plan condition.

Precautionary works, along with the inclusion of mitigation measures have also been recommended within the PEA, which are welcomed, these additional measures will be secured via condition.

The existing mature trees along the front boundary to the site are to be retained; the Forestry Officer has been consulted on the application and raises no objection to the proposed development, subject to the compliance with the submitted tree protection details.

In light of the above, it is considered that the development is acceptable and in compliance with Local Plan Policy BIO1 and will carry significant weight in favour of the proposal.

Planning Obligations

Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 58 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

These are the statutory tests as set out in the Community Infrastructure Levy Regulations 2010.

The following contributions will be secured through a Section 106 legal agreement:

Education

The scheme exceeds the trigger point of 10no. dwellings for education contributions, as such, the 24no. dwellings would generate 4no. primary school places and 3no. secondary school places. Each place has a cost of £16,000, as such, a total contribution of £112,000 is required and will be secured via a S106 agreement. This has been calculated on a housing yield of 17 residential apartments (application total of 24, less 7 one bed roomed apartments, as set out in the planning statement).

Open Space

The scheme exceeds the trigger point of 20 dwellings for the open space contribution. Using the calculation set out in SPD 'Open Space Provision on New Housing Development' the total contribution equates to £30,764.51.

Sustainable Travel

The scheme also exceeds the trigger point of 10 dwellings for the sustainable travel contribution. Using the calculation set out in SPD 'Sustainable Travel' the total contribution equates to £10,936.08.

Affordable Housing

The Council supports the re-use of brownfield land, and where vacant buildings are being re-used or redeveloped, the Council will allow a proportionate reduction in the affordable housing contribution in line with Paragraph 65 of the NPPF. (Proportionate amount is equivalent to the existing gross floorspace of the existing buildings). Given that there is no significant increase in floor space and the development sees the re-use of the existing buildings, a 100% reduction is considered acceptable in this instance.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition, the amendments that have been undertaken have shown that a suitable level of parking provision can be achieved that would not have a detrimental impact on the highway network and this weighs significantly in favour of the application. The amended scheme has also seen as many of the valuable trees on the site as possible retained and this is now reflected in the overall layout.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions or S106 contributions and holistically this weighs moderately in favour of the application.

Any noise and disruption associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short-term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal, they have been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- The inclusion of suitable bin storage areas
- The inclusion of cycle storage areas
- Alterations to the parking layout to ensure suitable turning and manoeuvring space

RECOMMENDATION

MEMBERS RESOLVE TO GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW AND FOLLOWING THE COMPLETION OF AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 IN RELATION TO THE FOLLOWING MATTERS AND THE HEAD OF PLANNING BE AUTHORISED TO ISSUE THE PLANNING PERMISSION UPON COMPLETION OF THE LEGAL AGREEMENT:

- a) A contribution £112,000 towards education
- b) A contribution of £30,764.51 towards open space
- c) A contribution of £10,936.08 towards sustainable travel