

2022/0453

Ms Dunlavey

Demolition of existing building and erection of 1no detached two storey dwelling and associated works

The Gate Inn, Chapel Road, Pilley, Barnsley, S75 3AR

Site Description

The application relates to a 2 storey, rendered former public house which has been vacant for a number of years and is currently in a poor state of repair. 2 no. detached 2.5 storey dwellings have relatively recently been constructed to the South of the site on the former pub carpark. To the North of the site a chalet style detached property has recently been constructed on part of the access and yard area associated with the pub.

Pub has been amended over recent years to accommodate the neighbouring development including the demolition of some extensions/projections and outbuildings. The front gable elevation of the building is relatively close to the footpath serving Chapel Road and to the rear is an area of hardstanding with an area of grass beyond. The front section of the site containing the building is within Urban Fabric and the rear part of the site is within the green belt.

Beyond the rear boundary are open fields and to the front of the site, opposite Chapel Road, is Pilley Pocket Park with an equipped children's play area.



Site History

2008/0464 - Outline application for residential development of 4 dwellings - Withdrawn

2008/0739 – Outline application for residential development of 4 dwellings (resubmission) – approved

2011/0894 – Erection of 2no detached dwellings (outline) – approved

2012/0228 – Erection of 1no detached two storey dwelling with detached garage to front – approved

2014/0330 – Erection of a detached dwellinghouse – Approved

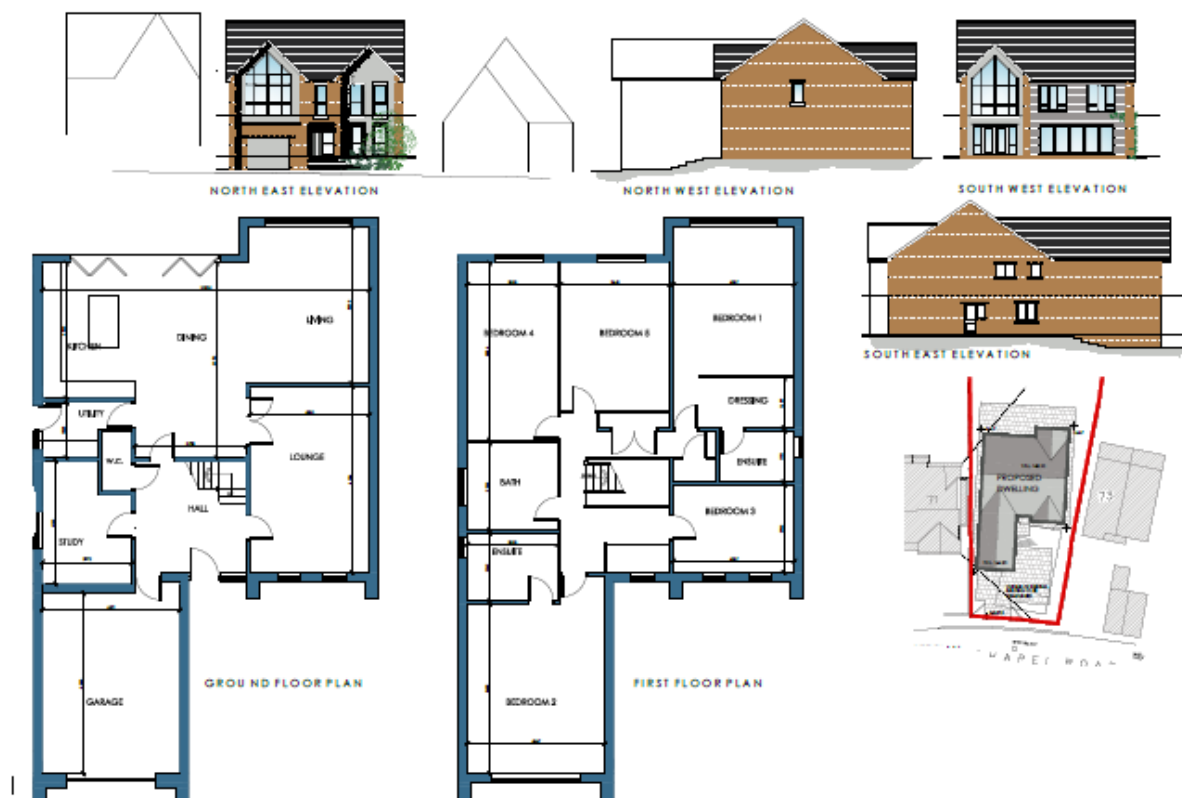
2014/1148 – Erection of a detached dwellinghouse - approved

2014/1536 - Change of use from Public House (A4) to dwelling house (C3) including erection of rear & side extensions, conversion and extension of outbuilding to create granny annex, workshop and car port – Approved

2017/1091 - Erection of detached chalet bungalow and outbuilding and converted static caravan to be used for storage/workshop purposes - approved

Proposed Development

The applicant seeks permission to demolish the existing vacant pub building and erect a 2 storey detached dwelling. The dwelling incorporates a 2 storey projecting gable to the front and a smaller one to the rear. The dwelling would accommodate an open plan living/dining/living area, lounge, study, WC and garage on the ground floor and 5 bedrooms (2no. en-suite) and a bathroom on the first floor. To the front of the dwelling is a parking/turning area and to the rear of the property is an enclosed garden.



Policy Context

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).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The North Eastern part of the site is allocated as Urban Fabric within the Local Plan Proposals Maps but the South Western section lies within the Green Belt; therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H4 'Residential Development on small non-allocated sites'

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy GB1 Protection of Green Belt

Policy GB2 Replacement, extension and alteration of existing buildings in the Green Belt

SPD's

Those of relevance to this application are as follows:

-Designing New Residential Development

-Parking

-Sustainable Travel

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 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 would be severe.

Para 126 - The creation of high quality 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.

Para 130 – sets out the requirements for development in terms of layout and design.

Para 137 – The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt Policy is to prevent Urban Sprawl by keeping land permanently open.

Para 147 – Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 148 - When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Para 149 - A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Consultations

Drainage – Building Control to check

Biodiversity – No objections subject to conditions

SYMAS – No objections subject to conditions

Coal Authority – No objections subject to conditions

Highways – No objections following the submission of additional information

Tankersley Parish Council – No comments

Ward Councillors – No comments received

Representations

Notification letters were sent to 5 neighbouring properties and a site notice was erected within the immediate area. No objections or comments have been received

Assessment

Principle of Development

The portion of the site which currently contains a building and where the proposed dwelling would be located lies within designated Urban Fabric in the adopted Local Plan. As such, residential properties are acceptable in principle where all new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Local Plan policy H4 'Residential Development on small Non-allocated sites' is relevant and states 'proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies within the plan'.

Policy GD1 and the NPPF further require that proposals are compatible with neighbouring land, will function well and add to the overall quality of the area and will not significantly prejudice the future use of the neighbouring land. The requirements of these policies are echoed in the Council's SPD: Designing New Housing Development.

As outlined in the site history section above, a previous residential scheme on the site was approved on the whole site for 4no. dwellings and then a separate application was approved which involved converting and extending the existing pub building. Furthermore, 3no. dwellings have been built out within the curtilage of the former pub within recent years.

Part of the site which is currently predominantly laid to grass lies within the Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt Policy is to prevent Urban Sprawl by keeping land permanently open. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The proposal is to retain this area of land as garden and it would not contain any built elements, being mainly laid to grass. This is similar to the 3no. recently constructed dwellings in the curtilage of the public house.

Residential Amenity

The building previously accommodated a public house and has previously been granted permission for conversion to a residential property, including extensions to it. As such, the demolition of the building a replacement with a single detached dwelling would not unreasonably increase noise and disturbance for existing neighbouring residents.

It is noted that the proposed dwelling would be close to the boundary shared with number 71 and would also project beyond their front elevation. However, the proposed dwelling is orientated to the North and would not be within 45 degrees of the neighbouring front elevation windows, in accordance with the SPD. Furthermore, the existing building projects considerably more beyond the neighbouring front elevation.

The proposed rear elevation also projects beyond the rear elevation of number 71 but again it is orientated to the North and is not within 45 degrees of the neighbouring rear habitable room windows.

The proposed dwelling is also relatively close to the boundary shared with number 73 and is located to the South. However, the front and rear elevations next to the boundary are similar to those of the neighbouring dwelling. It is noted that the proposed dwelling has 2 storey gable which projects beyond the neighbouring front elevation but that is set in from the shared boundary and would not significantly increase overshadowing or result in an overbearing feature, in accordance with Local Plan Policy GD1.

The only habitable room window proposed in the side elevations of the proposed dwelling serves the study on the ground floor, as such, views would be limited by the side boundary treatment. All the other habitable room windows are either on the front or rear elevation and do not directly face neighbouring residential properties or their associated privacy amenity spaces. As such, privacy levels would be maintained for the existing neighbouring residents and the residents of the proposed development.

In terms of the amenity levels of the future residents, the internal spacing meets or exceeds the requirements of the South Yorkshire Residential Design Guide and the garden areas considerably exceed the requirements of the SPD.

Visual Amenity

The existing building on the site is vacant and in a current state of disrepair. Some sections of the building have also been demolished to accommodate the adjacent development, as such, the building as it stands contributes little to the streetscene. Permission was granted to convert the building to a dwelling and extend its footprint, however, that permission was never implemented. The building stands between relatively recently constructed dwellings which were approved within the carpark and curtilage of the former pub. As such, the application site is the only part of the pub still remaining which has not been redeveloped.

The design of the building takes cues from the recently constructed neighbouring properties with projecting front gables and similar fenestration. It is noted that the proposed gable in this case projects further forward than the neighbouring properties, however, it is not as close to the road as the existing building on the site and number 69 has a detached double garage to the front of the property on a larger footprint. The footprint of the main part of the proposed dwelling is comparable with the dwellings within the immediate area. It should also be noted that the main part of the front elevation is set back from the projecting gable and the property has accommodation over 2 floors, rather than the 2.5 floors of the properties to the South. As such, it would not be overly dominant withing the street scene.

It is noted that the proposed dwelling is larger than the recently constructed chalet style dwelling to the North, however, the proposed ridge sits at a height between the properties to the South and the chalet, as such, there is a graduated step down between the properties. The projecting gable is also set away from the chalet with the main front elevation on a similar building line. As such, the dwelling acts as a step in front elevations between the existing buildings to the South and the chalet.

The dwelling is proposed to be built predominantly from stone with some accents in render. This reflects the character of the streetscene with the dwellings to the South Being stone and the existing pub building and chalet being predominantly render.

The dwelling would have an integral garage with front facing door, similar to number 71 and would have a parking and manoeuvring area between the front elevation and highway, similar to number 71 and the chalet.

For the reasons outlined above, it is considered that the design and position of the dwelling would sit comfortably within the streetscene and harmonise with the existing development pattern and housing stock, in accordance with Local Plan Policy D1 and the SPD.

Highway Safety

The site is located on Chapel Road, a classified road with a 30mph speed limit where it passes the site. The site is located in a row of residential dwellings with a narrow footway running adjacent to the site with the opposite side of the carriageway being bounded by highway verge and stone walls with open country side beyond. The site is approximately 350m from the local post office and is close to services, amenities and facilities which complies with NPPF 9 Promoting Sustainable Transport policies and Barnsley Local Plan (January 2019) Policy T3 New Development and Sustainable Travel which will be acceptable.

The application proposes to provide 1 x 5 bedroom residential dwelling with access being gained from Chapel Road which will require that vehicular visibility splays of 2.4m x 43m and 2.0m x 2.0m pedestrian visibility splays which are within the control of the applicant and contain no obstruction over 0.6m are provided. Drawing TGICR VSP 01 rev C Access and Parking Proposals with Vehicle Swept Paths shows that the access has been relocated with 2.4m x 43m visibility splay being provided when measured along the kerb line which will be acceptable. Pedestrian visibility splays are also demonstrated which are acceptable.

Drawing TGICR VSP 01 Rev C Access and Parking Proposals with Vehicle Swept Paths shows that a vehicle can turn within the site when the garage and additional space are occupied which will be acceptable.

The Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1 requires that 2 parking spaces are provided for a 3+ bedroom dwelling which should be shown on a revised drawing and as Chapel Road is a classified road on site turning that allows all vehicles to enter and leave the site in a forward gear will be required. The application proposes to provide a garage with internal dimensions of 4.571m x 6m which would be an acceptable size to accommodate a vehicle and to be considered as a parking space. Drawing TGICR VSP 01 Access and Parking Proposals with Vehicle Swept Paths shows that 6.606m forecourt length which will be acceptable. The parking area will need to be surfaced in a bound material to prevent loose stones, mud and detritus being trafficked onto the highway and that no surface water from the site will be allowed to discharge onto the highway.

Barnsley SPD Parking (2019) Table 2 Cycle Parking Standards requires that 1 secure and undercover cycle parking space is provided per dwelling which could be provided within the garage.

Green Belt

As outlined above the part of the site where the existing building is located and where the dwelling is proposed is within Urban Fabric, as such, it is not inappropriate development. The only part of the development that would be in the Green Belt would be the garden area, which is the case for the 3no. recently constructed dwellings within the carparking area and curtilage of the pub. Furthermore, there have been several permissions for residential development on the site with a similar arrangement.

As with the neighbouring properties, it will be conditioned that the immediate domestic curtilage of the property is within the urban fabric area, with the land in the Green Belt still within the applicants ownership but separate to the garden area. Furthermore, permitted development rights will be removed to ensure no outbuildings or extensions are built on the Green Belt land without further permissions being required.

Mining

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

Records also indicate that the site lies in an area where ironstone mining has taken place at shallow depth. The potential zones of influence of two off-site recorded ironstone mine shafts also encroach into the site.

The planning application is accompanied by a Coal Mining Risk Assessment report (14 April 2022, prepared by Lyons CMC). Based on a review of relevant sources of coal mining and geological information, the submitted report acknowledges that the site lies in an area where coal and ironstone mining activity has taken place.

Whilst the report is able to conclude that the site can be regarded as stable from a deep mining perspective, it considers that possible shallow coal (and ironstone) mining activity poses a potential risk of instability at the site. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of the drilling of boreholes, in order to establish the shallow mining situation at the site and to inform and necessary treatment works or mitigatory measures.

These should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The Coal Authority notes and welcomes the report recommendation that a watching brief should be maintained during groundworks for any anomalous features which may be indicative of an unrecorded mine entry. Should any previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance details permitted under a Coal Authority Permit.

Given the comments above, both SYMAS and the Coal Authority have not raised objections to the proposal subject to a condition for further investigative work.

Biodiversity

The bat survey report supporting the application details the findings of a building inspection and subsequent bat emergence and re-entry surveys. The building was assessed as having a moderate potential to support roosting bats and two activity surveys were undertaken as per the Bat Conservation Trust Good Practice Guidelines (2016), with an adequate number of surveyors covering the building and appropriate bat survey equipment used during each visit.

No roosting bats were identified using the building during the surveys undertaken, though swallows were noted emerging and entering the building, indicating that this species is using the building for nesting purposes.

Recommendations made within section 5 of the report are considered appropriate, including undertaking proposed demolition works with caution and contacting an appropriately qualified ecologist if any roosting bats are found during works. In addition to this, proposed demolition works should be undertaken outside of the breeding bird season (March – August inclusive) unless checks by an appropriately qualified ecologist find active nests to be absent immediately prior to works commencing; these measures should be added as advisories to the planning permission.

Further recommendations within the report include the provision of an integrated bat brick into the new build, as well as two swift bricks. As swallows were identified using the existing building for nesting purposes, the report recommends the provision of swallow cups within an associated outbuilding. The proposals plan doesn't show any outbuildings as proposed; however, as an alternative, swallow cups could be installed beneath what appears to be overhanging eaves, proposed to the north-east elevation to mitigate the loss of a swallow nesting site. In addition to the bat and bird boxes, provision for hedgehog access within the site should be provided. A bat, bird and hedgehog plan should be secured by a planning condition.

Conclusion.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, GD1, D1 and T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

The recommendation is one of approval therefore subject to the conditions listed below.

Recommendation

Approve subject to conditions