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**2021/1061**

Applicant: Mr Jack Mitchell

Description: Demolition of existing building and construction of detached dormer bungalow with attached double garage.

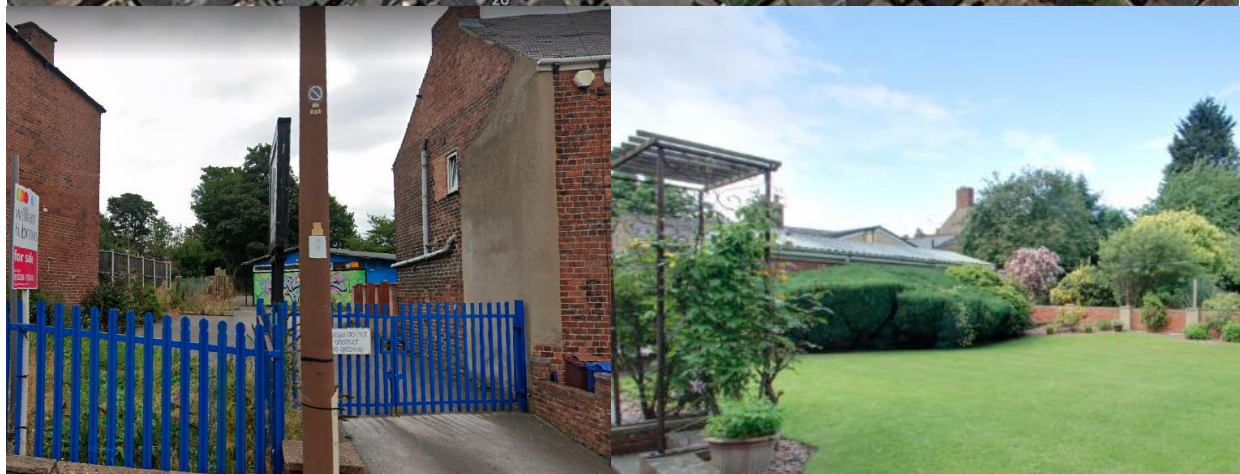
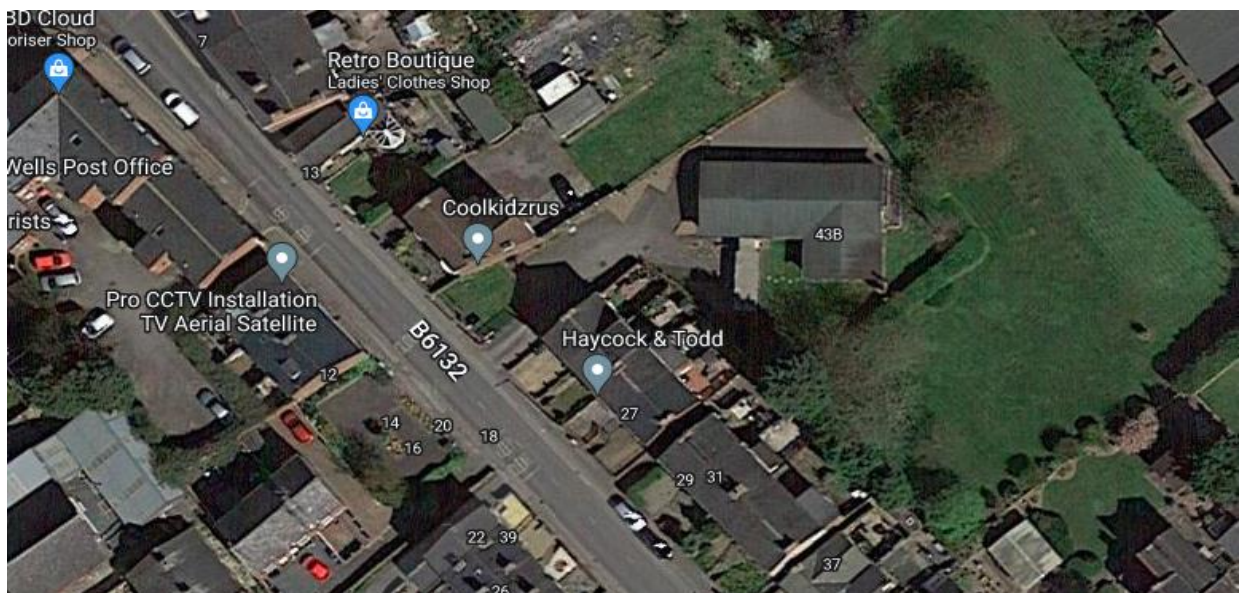
Site Address: The Clinic, Church Street, Royston, Barnsley, S71 4QZ

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### Site Location and Description

The site measures approximately 1200m<sup>2</sup> and is located within a backland location to the rear of residential properties which front Church Street. There is an existing single storey, 'L' shaped building on the site with a pitched corrugated roof. The building is currently vacant but previously accommodated a children's nursery and a clinic before that. Vehicular access is taken from Church Street between a row of terraced dwellings to the South and a detached dwelling to the North. There is hardstanding to the North and West of the building with soft landscaping to the East and South.

There are neighbouring residential gardens surrounding the site to the North East and South. The rear elevations of neighbouring properties sit to the West and South West. The immediate area is predominantly residential but the commercial centre of Royston sits within close proximity to the North West.





## Proposed Development

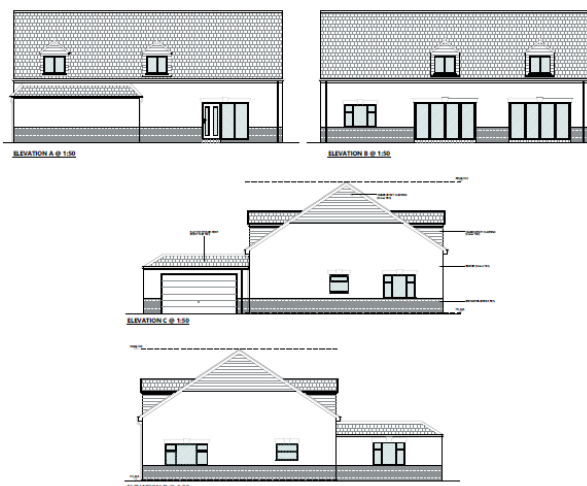
The applicant seeks permission to demolish the existing single storey building and erect a detached dormer bungalow with attached double garage as shown on the drawing extracts below. The dwelling would accommodate an open plan kitchen/diner, lounge, office, utility room, cloak room and WC on the ground floor and 3 bedrooms (2no. en-suite), a wet room and family bathroom on the first floor. The attached garage would be located on the front (North Eastern) elevation providing parking for 2no. vehicles.

The footprint of the building measures circa 208m<sup>2</sup> and the height of the building is 7.4m with an eaves height of 3.3m. Access would be taken from the existing access point off Church Street and lead to a large parking area and access to the garage to the front of the dwelling. Gardens would wrap around both side elevations and the rear elevation.

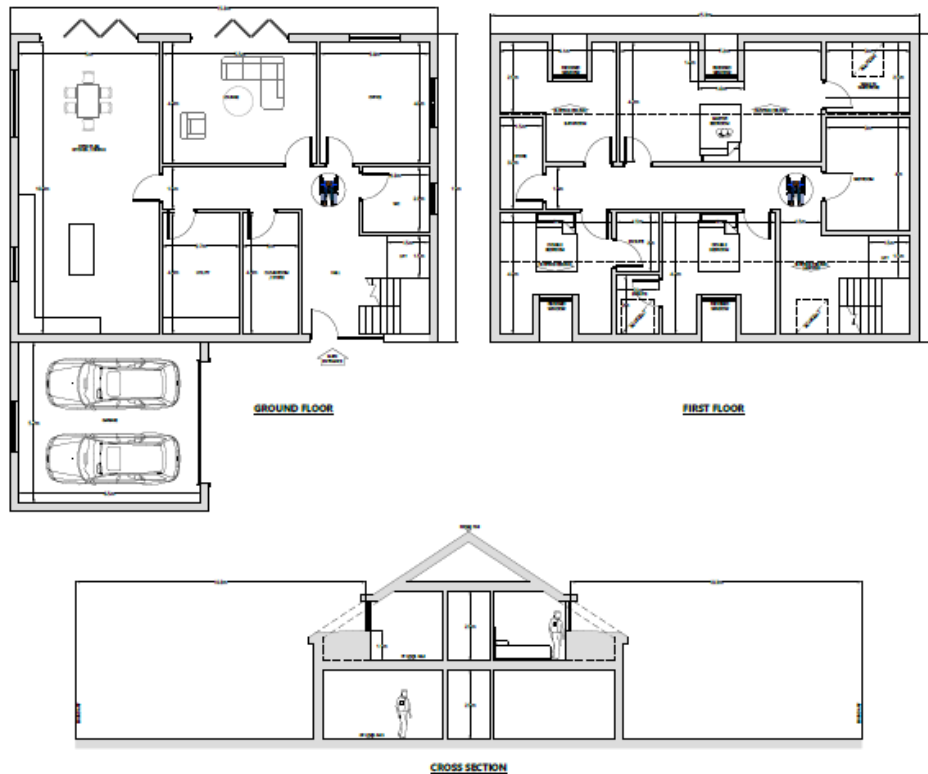
## Site Plan



## Elevations



## 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 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.

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and 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 I2 Educational and Community Facilities*

### 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.

### **Consultations**

Highways – No objections

Drainage – Building Control to check

SYMAS – No objections subject to condition

Coal Authority – concerns due to lack of adequate CMRA

Ward Councillors – No comments

## **Representations**

26no. letters were sent out to neighbouring properties and a site notice was erected within the immediate area, however, the initial consultation was based on the address submitted by the applicant which was incorrect. As such, a further 21 day consultation exercise took place for the correct address. On the re-consultation 31 neighbouring properties were sent a letter and a new site notice was placed on Church Street. As a result of the re-consultation 2no. objections have been received. The main points of concern are;

- Increased overlooking/loss of privacy
- Increase from single storey building to 2 storey building
- Overshadowing
- Out of keeping with the area
- Coal Mining report lapsed
- Contamination to air quality from demolition/construction

Since the re-consultation the plans have been revised again and a further round of neighbour consultations took place. No additional objections were received.

## **Assessment**

### Principle of development

The site is located within the Royston Principal Town Area. The significance of the site being located in the Royston Principal Town area is that is a priority location to accommodate growth and new residential development in spatial and sustainable development terms making it compliant with policies LG2 and H2.

The site is allocated as Urban Fabric within the Local Plan. Local Plan policy H4 'Residential Development on small non-allocated sites' 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. It is noted the site is within a backland location, however, SPD 'New Housing Development' states 'backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality.

The site is also a predominantly brownfield site, especially where the existing building and hard standings are. Therefore, the development would represent the effective and efficient re-use of previously developed land on a site that is located within the Royston Principal Town Area. Furthermore, by recycling derelict/vacant brownfield land in an accessible part of Barnsley the development is a form of sustainable development, which would improve the economic, social and environmental conditions in the area, in accordance with Local Plan Policy SD1 'Presumption in Favour of Sustainable Development'. In addition, paragraph 120 (c) states that substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes and other identified needs.

It is noted that the building was last used as a children's nursery and before that a clinic, as such, Local Plan policy I2 'Educational and Community facilities' is relevant. That policy states that such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility. The previous nursery closed of its own accord and the site was subsequently advertised for sale. There were no community or educational uses that came forward to buy the property, as such, it was sold to the current owner who applied for planning permission for a house to live in themselves, rather than a speculative development.

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.

## Design / Visual Amenity

The site is located in a backland location with only fleeting glimpses into the site from neighbouring public vantage points due to the distance from the highway and the position of surrounding buildings. The building currently on the site is relatively simple in design and favours function over form, having been a clinic and children's nursery, as such, there is no objection to its demolition.

It is noted that the existing building on the site is single storey but the replacement building is 1.5 storeys. However, as outlined above, the footprint is decreased and the roof of the main dwelling slopes away from the East and West boundaries. The garage is also attached to the main dwelling and has a significantly lower roof. The immediately surrounding area is also predominantly made up of 2 storey buildings of a similar, or greater, height than the proposed.

The design of the building is relatively simple in that the main dwelling has a rectangular footprint with a dual pitched roof above. Interest is added through the attached double garage and the roof is broken up by the proposed dormer windows. There is also a mix of materials proposed with a brick plinth with render above and timber cladding at the top of the gables. Furthermore, the immediately adjacent housing stock is made up of a variety of size, style, ages and designs of properties, as such, there is no particular architectural language to follow. In addition, the existing building on the site is not reflective of the immediately adjacent buildings or its surroundings.

The first floor accommodation is served by dormers which can also be found on a number of neighbouring dwellings. The dormers also conform to the requirements of the SPD in that they are set within the roof plane and align with openings below.

The dwelling is in a backland location which is not entirely reflective of the development pattern of the area but there is already development on this site and an access to it, as such, it would be similar to the existing situation.

There is some soft landscaping associated with the existing building but due to the parking areas and footprint this space is limited. As the proposed building would have a smaller footprint and is set further away from the boundaries there is more space and opportunity for soft landscaping, especially to the rear and sides of the dwelling. This would aid to soften the new building and the site as a whole.

## Residential Amenity

The development would inevitably result in some noise and disturbance through residential and vehicular activity; however, the site previously accommodated a clinic and children's nursery so the site has a long established history of vehicular and pedestrian movements and associated activity. Arguably, the proposed single dwelling could also benefit the amenity of the surrounding neighbouring residents compared to the previous and potential commercial activities. SPD 'New Housing Developments' states that 'backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents'.

It is noted that the proposed building is predominantly 1.5 storeys in height compared to the existing single storey building on the site, although the footprint of the proposed building is smaller. The building is located towards the North Eastern boundary and is set away from the rear elevations of the neighbouring terrace row by in excess of 15m with the proposed side elevation circa 10m from the neighbouring rear boundaries. It is also set further away from the other surrounding neighbouring properties fronting Church Street. As such, the proposal would not significantly increase overshadowing or be an overbearing feature, in accordance with Local Plan Policy GD1.

The dwelling would be visible from, and surrounded by, neighbouring garden areas. However, the front and rear elevations would be set in 10m from the boundaries and the northern side elevation would be circa 4.5m. In addition, the proposed building would be set further away from the boundaries than the existing building and be adjacent to the rear portions of relatively large gardens rather than the areas more frequently used adjacent to the neighbouring rear elevations.

In terms of privacy levels, the only elevation which would directly face neighbouring elevations containing habitable room windows is the South Easter side elevation. This elevation does not contain any habitable rooms windows at first floor level and would maintain privacy levels. There is a ground floor habitable room window on that elevation but it is a secondary window serving the office which meets the required separation distances and views would be limited by boundary treatments.

The opposite side elevation is circa 4.5m from a neighbouring garden area and again does not contain habitable room windows at first floor level. There are windows serving the open plan kitchen/dining area but views would be limited by the boundary treatments between the two sites.

The main habitable room windows on the front and rear elevations do face the side boundaries shared with neighbouring gardens but there is at least a 10m separation distance from both which is in accordance with the SPD.

In terms of the residents of the proposed dwelling, it exceeds the internal spacing requirements of the South Yorkshire Residential Design Guide and there are gardens proposed around the dwelling which far exceed the 60m<sup>2</sup> required in the SPD.

### Highways Safety

The demolition of the existing building and erection of a single dwelling will see a less intensive use of the site in terms of vehicle movements compared to the previous out of school club. The access from Church Street already exists and the submitted plans show adequate parking and turning provision within the site, in accordance with SPD 'Parking'.

The proposals do not affect the current access or adversely impact upon the highway and are therefore considered acceptable from a highways point of view, in accordance with Local Plan policy T4.

### Mining

The site is located within a Coal Authority coal mining referral area due to the probable presence of shallow workable coal. The proposals are therefore potentially at risk from coal mining legacy risks such as ground instability if unrecorded shallow mine workings are present beneath the site.

The applicant has submitted a Coal Authority con29m report. This does not constitute a coal mining risk assessment. However, the report does state "*the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk*".

The Coal Authority has raised concerns given the lack of information submitted, however, SYMAS who have local knowledge of the site, have recommended that, given a Coal Mining Risk Assessment would likely recommend further investigation works, an approval can be given subject to those works and findings taking place and submitted prior to commencement of development on the site.

### Trees

There are no trees of note within the redline boundary but there are some in the neighbouring gardens to the North and East of the site, although none are subject to a Tree Preservation Order. However, the proposed building has a smaller footprint than the existing building on the site and it is set further away from some of the boundaries. It is noted the proposed attached garage would be closer to one of the trees in the neighbouring garden, however, it would be in an area already covered by hardstanding.

The amount of hardstanding on the site overall would be reduced and more soft landscaping proposed. As such, there would be no significant impact on the neighbouring trees. Tree protection details will be required as a condition.

### Conclusions

The application is considered acceptable in relation to the considerations set out in the assessment section of the report including highways matters, residential and visual amenity and mining risk subject to appropriately worded conditions.

It is noted the site is within a backland location, however, SPD 'New Housing Development' states 'backland development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality. In this instance there is an existing building on the site which previously functioned as a children's nursery and, as such, a single family home is likely to generate less traffic and noise and disturbance, of benefit to the existing residents.

The site is also a predominantly brownfield site, especially where the existing building and hard standings are. Therefore, the development would represent the effective and efficient re-use of previously developed land on a site that is located within the Royston Principal Town Area. Furthermore, by recycling derelict/vacant brownfield land in an accessible part of Barnsley the development is a form of sustainable development in accordance with Local Plan Policy SD1 'Presumption in Favour of Sustainable Development'. In addition, paragraph 120 (c) states that substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes and other identified needs.

The building was last used as a children's nursery and before that a clinic, as such, Local Plan policy I2 'Educational and Community facilities' is relevant. However, the previous nursery closed of its own accord, not due to this application, and the site was subsequently advertised for sale as a business premise unfortunately there were no community or educational uses that came forward to buy the property, as such, it was sold to the current owner who applied for planning permission for a house to live in themselves, rather than a speculative development.

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, H4, D1, GD1 & 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