

2024/0717

Mr A Daniels

Dove Valley Mews, 75 Park Street Wombwell, Barnsley, S73 0HL

Erection of detached single storey building to provide 1no. independent living flat within grounds of existing care facility.

Site Description

The application relates to a two-storey H-shaped residential care home set within a large plot located on the north-east side of Park Street and bounded by Wombwell Canal and public open greenspace to the north-east and detached dwellings to the north-west and south-east. The surrounding area is principally residential and is characterised by a mix of two-storey dwelling types of varying scale and appearance. Park Street is itself relatively level; however, the adjacent land at either side falls south-west to north-east. The existing care home features a mix of stone, red brick, white render and timber cladding. The building is fronted by a car park bounded by low boundary treatments and landscaping. A bus stop is located approximately ten metres to the south-east of the site's vehicular access. To the rear of the building are raised decking areas and a large communal garden with extensive paving and an existing occupational therapy cabin set centrally and to the north-east within the plot. A large proportion of the north-easternmost part of the plot accommodates a large variety of protected trees. The rear garden area is bounded by high timber fencing on all sides.



Site Location Plan
Licence ref: 100000000

SCALE 1:1250

0 10 20 30 40 50 100





Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

Local Plan Allocation – Urban Fabric

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy H1: The Number of New Homes to be Built.***
- ***Policy LG2: The Location of Growth.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy D1: High quality design and place making.***
- ***Policy T3: New Development and Sustainable Travel.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy BIO1: Biodiversity and Geodiversity.***
- ***Policy CC2: Sustainable Design and Construction.***

Supplementary Planning Document(s)

- ***Trees and hedgerows (Adopted May 2019).***
- ***Design of Housing Development (Adopted July 2023).***
- ***Biodiversity and Geodiversity (Adopted March 2024).***
- ***Sustainable Travel (Adopted July 2022).***
- ***Parking (Adopted November 2019).***
- ***Sustainable construction and climate change adaptation (July 2023).***

National Planning Policy Framework (December 2024)

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 8: Promoting healthy and safe communities.***

Paragraph 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

– **Section 9: Promoting sustainable transport.**

Paragraph 116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

– **Section 12: Achieving well designed places.**

Paragraph 131. The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Paragraph 136. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate

trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Other Material Consideration(s)

- **South Yorkshire Residential Design Guide 2011.**
- **National Planning Practice Guidance (NPPG) (as amended).**

Consultations

Adult Care Homes	<i>Support the proposal.</i>
Biodiversity	<i>No objections subject to conditions and informative.</i>
Forestry Officer	<i>No objection subject to conditions.</i>
Highway Drainage	<i>No objections.</i>
Highways Development Control	<i>No objections.</i>
Pollution Control	<i>No comments.</i>
Yorkshire Water Services Ltd	<i>No objection subject to conditions.</i>
Local Ward Councillors	<i>No comments.</i>

Representations

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 17th September 2024. No representations were received.

Assessment

Principle of Development

The use of the development site for residential institutions (Class C2) is established by the presence of an existing care facility which was approved under application 2017/1324. The development site is also allocated as urban fabric within the adopted Local Plan which has no specific allocation. The erection of a single storey detached building to provide one independent living flat within the grounds of an existing care facility is therefore considered acceptable in principle subject to compliance with other relevant policies in the Local Plan and material considerations.

Impact upon Residential Amenity

Development is acceptable if it would not have a significant adverse effect on the living conditions and residential amenity of existing and future residents and neighbouring properties. Development will also be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in pollution which would unacceptably affect or cause a nuisance to the natural and built environment or people.

Regarding overshadowing, the proposed building would adopt a single storey and would be located between the existing care facility and occupational therapy cabin and adjacent to the northern side

boundary of the development site. Whilst the proposed building would be located to the south of the neighbouring rear curtilage of 73 Park Street, the building would adopt a restrained height and would be screened by existing boundary fencing. As such, it is anticipated that any potential overshadowing impact would be confined to the curtilage of the development site with a low potential for a relatively limited impact upon the neighbouring curtilage.

Regarding overlooking and loss of privacy, new apertures would be located on all elevations of the proposed building. However, the building would be set down from the existing care facility and would be single storey and screened by existing boundary fencing. As such, it is not considered that there would be a significant detrimental impact upon the amenity of existing residents and occupant(s) of neighbouring properties.

The proposed building would be located within a communal garden setting that is readily accessible by existing residents and staff members. As such, there could be some impact upon the amenity of any potential future occupant. However, given that the building would be located within an existing care setting with an element of care provision involved, it is expected that some of the responsibility for maintaining privacy would lay with suitably trained staff members. Moreover, whilst the proposed building is intended to provide an independent living flat, it would have a similar function to an annex and would be ancillary to the existing care facility. It is not normally required for such development to adopt additional privacy measures such as obscure glazing or additional screening. Nonetheless, the windows serving the staff WC and en-suite will be conditioned to be obscure glazed. Subject to conditions, it is considered that privacy could be maintained to a reasonable degree.

Regarding outlook, it is not considered that the proposal would contribute to a significant detrimental impact on the amenity of existing residents and occupant(s) of neighbouring properties.

The proposed building would be erected in proximity of the northern boundary treatment and existing care facility which could result in reduced outlook from the proposed windows on the north-west-facing and south-east-facing elevations of the building. However, these windows would serve non-habitable rooms, including an en-suite, staff room and staff WC. Secondary windows are not afforded the same protections as given to windows serving principal habitable rooms. The principal habitable room windows located on the north-east-facing, north-west-facing and south-west-facing elevations of the building serving a bedroom, living room and kitchen would face into the development site and would remain free from obstruction. As such, it is considered that outlook would be maintained to a reasonable degree.

The proposed building would mostly comply with the minimum internal space standards specified by Table 4A.1 within the South Yorkshire Residential Design Guide (SYRDG), but the floorspace for the living room and kitchen would fall short of this guidance. However, the proposed building would not be a standard domestic dwelling but rather a specialist independent suite within the grounds of an existing care facility. The applicant has stated that the kitchen would be used for the preparation of meals and occasional kitchen-based life skills lessons rather than act as a 'standard' domestic kitchen. A larger kitchen is available within the existing care facility building, if required. The applicant has also stated that the proposals exceed the target areas for both Cygnet's internal guidelines and it is also understood that the Care Quality Commission (CQC) have reviewed the proposals, and no concerns were raised regarding the room sizes. In this instance, it is considered that the proposal is acceptable and would provide reasonable living standards with access to other facilities within the main building.

Whilst there could be some disruption and/ or nuisance caused because of construction works, any potential impact is likely to be temporary. Construction hours will also be controlled by condition.

Considering the above, this is considered to weigh significantly in favour of the development and the proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Impact upon Highway Safety

The development is not considered to be prejudicial to highway safety; the development site benefits from an existing off-street parking area to the front of the existing care facility which is not anticipated to be negatively impacted by significantly increased demand because of the proposal. The proposed building would provide a new independent living flat to the rear of the existing facility. It is anticipated that an element of care and/or support being provided for any potential occupant would be involved. The building would be accessible via the existing pathways within the grounds and the development site is in a sustainable location with good access to public transport and local amenities provided by the Wombwell District Centre approximately 525 metres to the north-west. Highways Development Control were also consulted, and no objections were received.

Considering the above, this is considered to weigh moderately in favour of the development and the proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact upon Visual Amenity

Development is acceptable if it would remain subservient and would be of an appropriate scale and design. Development should also provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces.

Whilst the flat roof design of the proposed building is not preferred, the building would be located to the rear of the existing care facility and would be well-screened from views from the surrounding public realm. As such, the proposal would not significantly alter or detract from the character of the street scene. The building would also adopt the use of closely matching external materials, including render and timber cladding, which would achieve and maintain a sympathetic relationship between the existing and proposed buildings.

The proposed building would adopt a relatively large footprint normally permitted for a 2-bedroom 3-person dwelling and would conflict with the Council's design guidance regarding annexes. However, consideration must be given to the additional space required to meet the specific needs of any future occupant who may require a level of care or support and the accommodation of staff facilities within the building to provide a safe, accessible and inclusive environment, in accordance with Policy D1. In this instance, the large footprint and conflict with the Council's design guidance is attributed limited weight as it is considered that the benefits of allowing the development would significantly outweigh any potential harm. In addition, the general scale and proportions of the building would ensure that the development appears subservient to the existing care facility. The development would also not cover a disproportionate amount of the existing communal garden space.

Considering the above, this is considered to weigh moderately in favour of the development and on balance, the proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding visual amenity.

Impact upon Trees

A proportion of the north-easternmost part of the development site accommodates a number of trees protected by a Tree Preservation Order (TPO).

There are three existing Category C young *Betula utilis* 'Jacquemontii' (Himalayan Birch) trees (T1, T2 and T3) adjacent to the northern boundary treatment and in proximity of the proposed location of the proposed building. During the application process, it was identified that the proposed building could impact the potential growth of these trees which in turn could impact the amenity of any future occupant, and as such, it was suggested that the proposed building could be re-located elsewhere

within the development site. The applicant declined to re-locate the building, but following further discussion, agreed upon re-locating the three trees that could be impacted by the development. An amended Arboricultural Memo and Tree Retention and Protection Plan shows the trees are to be re-located to a central grassed area within the development site. The Council's Forestry Officer was consulted, and no objections were received regarding the revised proposal to re-locate trees T1, T2 and T3. A condition will be used to secure tree protection measures.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Impact upon Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This application is subject to BNG.

This application is supported by the Statutory Biodiversity Metric for small sites which demonstrates a net loss of on-site habitat units of -1.04%. The loss of on-site habitat is minimal due to the removal of a small area of vegetated garden – a low distinctiveness habitat. The applicant is not intending to mitigate for the net loss of habitats on-site and has advised that they seek to purchase units from a habitat bank provider, which is acceptable. The Council's Ecologist was consulted, and no objections were received.

This application is subject to the Statutory Biodiversity Net Gain and Gain Plan conditions. The Gain plan should be prepared in accordance with the ecological details submitted, and evidence of the purchase of units from a registered habitat bank provider will be considered when submitted to the Local Planning Authority (LPA) to satisfy the relevant statutory condition(s).

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to conditions.

**Recommendation -
Approve with Conditions**