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**2017/1324**

**Applicant:** CAS Behavioural Health, C/o AR2 Architects Limited

**Description:** Erection of a 10 bed care facility (Use Class C2) and occupational therapy cabin with associated access and parking.

**Site Address:** Mulberry Lodge, 75 Park Street, Wombwell, Barnsley, S73 0HL

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A request for the application to be presented at Planning Board was made by a Local Ward Member and 3 letters of objection including a solicitor's letter on behalf of one resident have been received.

### **Site Description**

The site, which consists of an area of 0.28 ha of vacant land, is located between two existing large detached houses fronting Park Street, Wombwell on the south eastern and north western boundaries. There is a disused canal on the northern eastern boundary and Park Street on the south western boundary, which is surrounded by woodland.

The site falls approximately 6m south west to north east and is set down from Park Street approximately 800mm. A 6m wide drainage easement runs down the south eastern boundary. There are numerous trees on site of varying size and condition. The site frontage has a small stone wall and a bus shelter lies near the centre of the frontage.

There is a variety of housing adjacent the site ranging from terraced properties to substantial detached houses. The neighbouring two large detached dwellings have long rear gardens projecting back to the canal to the north. A row of brick built terrace houses faces the site from the other side of Park Street

Shops, a medical centre & other local amenities, are located in the nearby town centre and substantial retail developments at Cortonwood & Stairfoot are a short distance away by car and public transport. Park Street Primary school is located close to the site. Main bus routes linking Barnsley, Rotherham and surrounding urban areas run past the site.

### **Previous Planning History**

Permission has been granted for a similar 10 bed Residential Care Unit (C2) and Occupational Therapy shed with access and car parking. (Ref 2014/1210) The permission was granted on 15<sup>th</sup> June 2015 so it is still extant and can be built. This is clearly a material planning consideration in consideration of the current scheme.

Permission was refused in 2014 for a 12 bed care home facility with two blocks of 6 beds ref 2013/0804, with one block situated behind the other. Permission was refused due to its impact on residential amenity due to the back land nature of the 2nd unit, the access and parking arrangements were also considered detrimental to highway safety and it was considered there was a lack of information with regard to the developments impact on trees. The decision was then appealed and dismissed.

Outline permission was given previously (2013) under ref 2013/0059 for 4 detached dwellings, with access in the centre of the site with a turning head in the centre of the 4 units.

## Proposed Development

The proposal is for a revised design for the 10 bed care facility to that granted under ref 2014/1210. The design is simplified with two projecting gables either side of a recessed central portion. There are no first floor side habitable room windows and the scale is essentially two storey. In addition to these basic factors there are other changes from the 2014 approval as follows.

1. The building is in slightly different position being closer to the north-west boundary with no 73 Park Street. It is 2.4m at its closest and this compares to 4.2m in 2014.
2. There is timber decking placed at the rear that could overlook the rear no. 73 Park Street but is only about 1m higher than the existing ground level. There is a high boundary fence so no overlooking should occur.
3. There are increases to the sloping ground level to provide the vehicular and parking areas at the front of the site. This was also shown on 2014/1210 but this now shows proposed ground levels.
4. The building height is shown as being lower than that approved in 2014.
5. Bin stores and steps have been added to the side of the building next to no. 77 Park Street.
6. There is significantly more development shown at the rear of the site than proposed on the previous approval. A timber cabin has replaced a shed but is further back in the site. The previous shed was a different shape and was longer. However, on the latest plan there would be more associated hard surfaces and a surface water attenuation facility is shown (an underground tank). Also network of pipes providing the connection to the public sewer is shown on the latest proposal.
7. There are TPO trees at the rear of the site and a more detailed Arboricultural Assessment has been provided to deal with all of the trees to be removed on the site. Previously fewer trees were to be removed. The Tree Officer has now agreed that all trees at the rear can be removed and replaced. This would be significant high quality replacement planting including more diverse woodland area adjacent to the canal.

## Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

## Core Strategy

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

CSP36 - Biodiversity - Development will be expected to conserve and enhance the biodiversity and geological features of the borough

## Saved UDP Policies

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the 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, landscaping and access arrangements.

H8D – Planning permission for infill, back land or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

## SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’ provides parking requirements for all types of development.

## Other material considerations

South Yorkshire Residential Design Guide - 2011

## NPPF

The National Planning Policy Framework 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.

In respect of this application, relevant policies include:

General principles para 17  
Design para 58 – 65

## **Consultations**

Highways - No objection provided the highway conditions attached to the extant approval are re-imposed.

Tree Officer - Providing the submitted arboricultural information and tree planting scheme are adhered to then there is no objection to the proposed scheme from an arboricultural perspective.

YWA - No objections subject to conditions including no buildings or landscape features to be located within 4m of a public sewer crossing the site. This would be more onerous than the condition on the extant planning permission, which states a boundary of 3m so it would be unreasonable to impose this additional requirement when the current permission can still be implemented.

Waste Management – Adequate access to bin store needs to be maintained.

Highways Drainage - No objections subject to conditions.

Pollution Control - No objections subject to conditions for the hours of construction and deliveries and a noise and dust management plan detailing how they will control noise and dust during demolition and construction.

## **Representations**

Three letters of objection including a solicitor's letter on behalf one resident have been received. The issues raised by the objectors are summarised below:

Impact on no.77 Park Street

The development proposals are misleading vague in terms of their impact on adjoining dwellings. More accurate supporting information should be provided to allow the developments impact to be properly assessed in the absence of this information the application should be refused.

A full topographic survey should be provided with the application that can be used to accurately identify the proposed floor levels of the development and how this relates to the adjoining residential properties. The neighbouring 77 Park Street sits at a lower level than the adjacent highway. The submitted plans indicate that the ridge height of the proposed building and that of 77 Park Street will be at approximately the same height. However, in the absence of full topographic information it is suspected that this may not actually be the case.

The proposed development seems unnecessarily high.

The windows in 77 Park Street are habitable room windows in the side that look across the site. These windows are large in size and the outlook from these windows would be severely and unacceptably impacted upon by the proposed development. The resulting development by virtue of scale and proximity to 77 Park Street will have an overbearing impact on the living condition of the occupiers of 77 Park Street.

The application proposes bin storage facilities just over 3m to the north west and facing principle main room windows in the side elevation of 77 Park Street. This would be sited in an elevated position that would mean it will be over 2m above the ground level at 77 Park Street. This is wholly unacceptable. These bins would also cause noise nuisance and odour.

This proposal includes 18 parking spaces and increased vehicular movements which would be out of keeping with the area and given their elevated position in comparison with no. 77 Park Street would impact on the occupiers living conditions.

Noise and audible reversing warnings and shift patters of the workforce will further impact on the neighbours. This sort of facility should not be within residential areas but on the edge close to main roads to allow for these traffic requirements.

This site was formerly a single dwelling and the development needs to be considered in this context.

The future occupants will need appropriate precautionary measures to help protect both themselves and adjoining neighbours.

#### The applicant's response to the objections raised:

The applicants believe that design has been altered in such a way that the impact on No.77 is reduced. The key points that they wish to make are summarised as follows:

1. The building is 2.8m further away from the boundary with no.77 than shown on the previous approved scheme.
2. The ridge height is lower than previously approved and would be approximately the same height as no.77.
3. The side windows in no.77 are sufficiently far away so as not to materially affect amenity and should not be afforded the same level as amenity as windows facing a rear garden. This matter was considered on the previous approval.
4. The bin store would be fully enclosed and due to levels will not impact on no.77.
5. Parking provision accords with the Council's requirements and are similar to the previously approved proposal.
6. Traffic and servicing movements will not occur regularly 24 hours a day and will not be significant compared to background noises from the road. Most vehicular movements would be during the day.
7. The previous approval is most relevant not the original use of the site as a single house.
8. The type of residents is not a material planning consideration. However, supervision and care is provided and the use is one generally found in a residential area.

## **Assessment**

### Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan Document

Saved UDP polices H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide. The National Planning Policy Framework also has many parallels to above polices and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Development of the site was initially established with the granting of permission for 4 detached houses ref 2013/0059. The proposed care home is considered a form of residential development and the grant of a 10 bed Residential Care Unit (C2) and Occupational

Therapy shed with access and car parking in 2015 is a material consideration as this permission is still extant and can be built. (Ref 2014/1210). As such the principle of this type of development has been established on this site.

### Residential Amenity

This is a resubmission of the previously approved scheme. There are changes that mean that the impact is increased (e.g. closer to no.73 Park Street) but other factors that mean that the impact is reduced (the height of the building is reduced). On balance the overall impact of the proposed changes from the approved scheme on the immediate neighbours on either side is neutral.

There is an 18 space car park with servicing created at the front of the site on land that is raised to achieve suitable gradients. This was also proposed on the previous scheme and there would not be significant traffic movements at unsocial hours.

The bin stores have been relocated closer to no. 77 Park Street but these were previously as close to no. 73 Park Street.

The decking created at the rear is not high enough to result in increased overlooking. There are existing windows overlooking in the side walls of the houses either side. The situation is no different compared to when consideration was given to the previous scheme which was deemed acceptable.

The objections received make reference to the need for topographic surveys and whilst the plans do not differ significantly from the previous approved scheme this has been submitted by the applicant along with their analysis of the potential impact. There is now sufficient detail to make a planning judgement that the revised proposals would not unduly affect the living conditions of the immediate neighbours.

### Visual Amenity

This scheme is a simpler design to that approved under reference 2014/1210 with two strong gables and a recessed central section. There is significant amount of render proposed and this would be at variance to the predominant red brick seen in the immediate vicinity. However, this is not a domestic use but a commercial care home and as such the some change in materials may be appropriate. A condition requiring details of materials is imposed to allow this matter to be given further consideration. The main visual impact relates to the increased impact on trees which is discussed below.

### Trees

The main visual changes relate to the additional development (extra hard surfaces and a surface water attenuation tank) that will impact upon the TPO trees in the rear of the site.

The tree survey provided shows the site contains a significant amount of tree cover, some of which is protected by a Tree Preservation Order. This is a Woodland Order which protects the lower part of the plot as part of a wider Order relating to a large piece of woodland.

As noted in the arboricultural information submitted the trees within the site are of poor quality with many defects. Previous applications have not ventured to the bottom part of the site and as such these trees have previously been shown for retention. A lack of management and the progression of the proposal further into the site means that these trees are now more of a consideration. Given their condition and nature the Council's Tree Officer concurs with the report that they are beyond sensible management and could not be

considered either as a constraint to the development or even as suitable for retention in close proximity to areas which will now be used.

The proposal to clear the site of these poor quality trees and replace with new woodland planting is the most sensible solution. The planting scheme provided shows that there will be extensive new planting consisting of native trees which will have aesthetic and ecological value. This new planting will be a significant improvement over what is already present.

There are three trees located just off the site which will be retained and protected and an arboricultural method statement has been provided detailing how this will be managed. There will be some minor encroachment into the rooting areas of two of the trees and as such some minor root pruning will be required, however this should not prove detrimental to the trees.

### Highway Safety

No objections are raised to the revised scheme as long as the conditions on the previous approval 2014/1210 are re-imposed. The vehicular access into the site will be similar to that previously approved, as is the size and layout of the car parking area to the front of the building.

### Conclusions

There is an extant planning permission for a similar scheme that can still be built (2014/1210). The effect of the changes when compared to the previous approval is neutral and would not result in any greater impact on the living conditions of neighbouring occupiers and in some respects it can be claimed that the impact would be less.

The main change is in relation to the encroachment of development nearer to the rear boundary of the site and removal of all trees on the site, which are covered by a woodland TPO. However, the Council's Tree Officer is happy to allow this on the basis that the trees are not of a high standard and the loss will be offset by a proposed comprehensive landscaping scheme that shows significant replanting.

### **Recommendation**

**Grant** subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

- 2 The development hereby approved shall be carried out strictly in accordance with the plans  
(100)-01-RevP1-Proposed Floor Plans  
(100)-02-RevP1-Proposed Elevations  
(100)-03-RevP3-Proposed Site Plan and Sections  
13824A Arboricultural Implications Assessment  
13824B Arboricultural Method Statement  
13824C Tree Planting Scheme  
AR1001B Topographical Survey  
Drainage Strategy dated September 2017  
and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Relocation of bus shelter on Park Street
  - Any necessary resurfacing/reconstruction/construction of footway.
  - Any necessary lining and signing
- The scheme shall then proceed in accordance with the approved details.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 9 Sightlines, having the dimensions 2.4m x site boundary, shall be safeguarded at the junction with Park Street, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 10 The windows on the side elevations of the building facing Nos 73 and 77 Park Street shall at all times be fitted with obscure glass and retained as such thereafter.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.  
**Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction

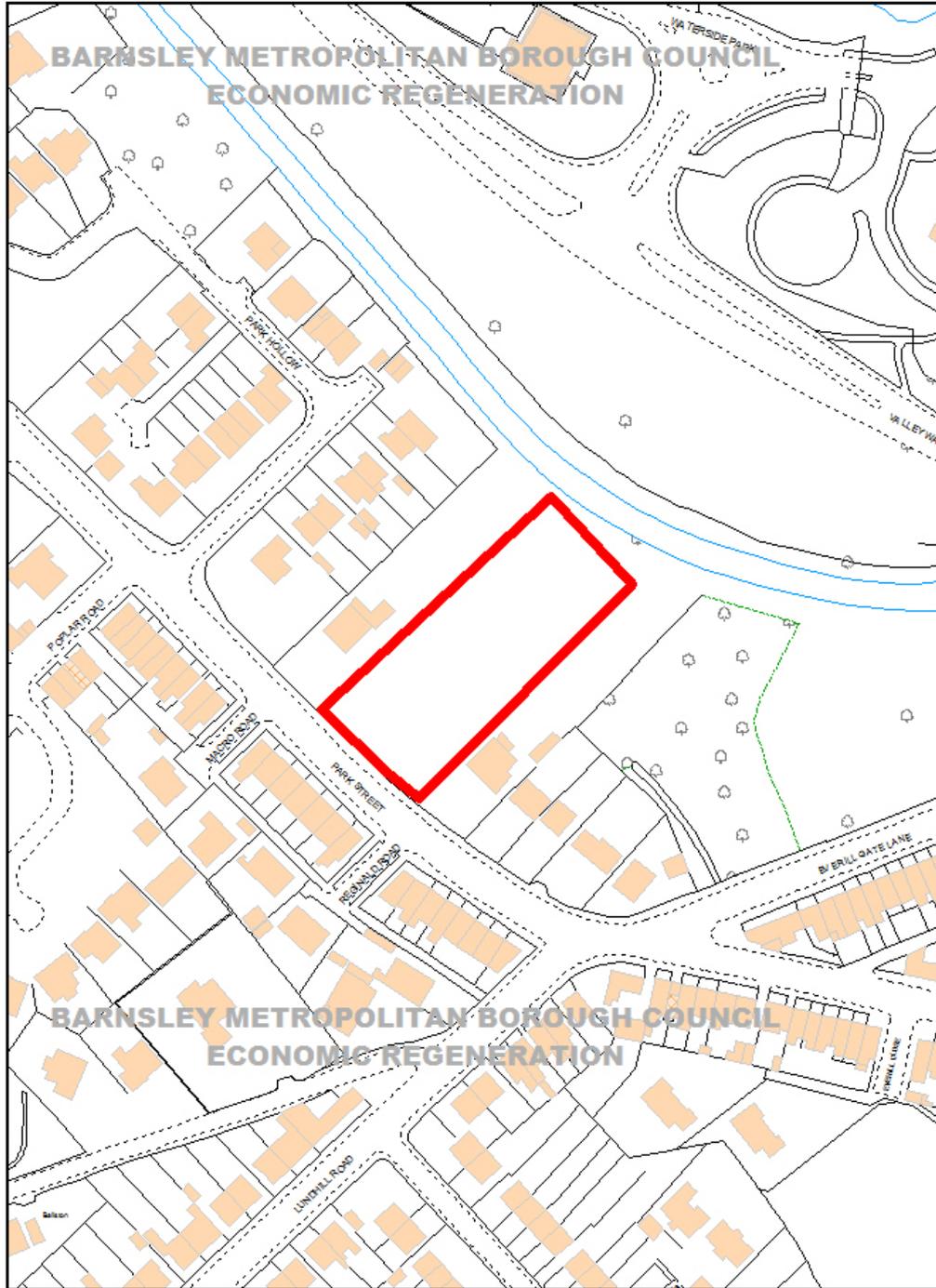
**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

PA reference :-

2017/1324

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**BARNESLEY MBC - Economic Regeneration**

Service Director: David Shepherd  
Westgate Plaza One, Westgate,  
Barnsley S70 9FD  
Tel: 01226 772621



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