
2018/0994

Applicant: Mr Dilip Dhanak – Precious Homes

Description: Change of use of dwelling to residential family support centre, erection of a two storey rear extension and split level part single storey/part two storey side extension

Site Address: 34 Gawber Road, Barnsley, S75 2AF

Representations have been received from 10 households along with an 18 signature petition of which 2no residents submitted individual letters of representation. Councillor Lofts has requested that the application be heard by Planning Regulatory Board due to the concerns of the residents in relation to parking and impact on residential amenity.

Site Location and Description

The applicant property is a two storey detached dwelling, attached to the neighbouring property 32 Gawber Road by a garage extension. The dwelling is constructed from red brick with a grey tiled roof and occupies a corner plot at the junction of Gawber Road and Prince Arthur Street which runs along the rear of these properties.

The building is two storeys at the front elevation and three storeys at the rear. It is bounded by a red brick wall approximately 1.8m in height with an access taken from Prince Arthur Street. The neighbouring properties 30 and 32 Gawber Road were subject to similar applications in 2009 which were approved.

Relevant History

2009/1093 – Change of use from residential to residential family care centre and erection of single storey rear extension – 30 Gawber Road – Approved December 2009 by the Planning Regulatory Board

2009/1381 – Change of use from residential to a residential family care centre.
(Retrospective) – 32 Gawber Road – Approved December 2009 by the Planning Regulatory Board.

Proposed Development

The applicant seeks permission to change the use of the premises from a Dwellinghouse (Use Class C3) to a Residential Institution (Use Class C2) to provide a family support centre for vulnerable people to care for their children. The applicant wishes to provide additional accommodation and therefore proposes to convert no.34 into a similar facility to their existing premises at nos. 30 & 32. This proposal will provide a five bedroom facility. No internal openings to connect these premises to the existing use at 30 and 32 Gawber Road.

The applicant also proposes the erection of 2no. two storey extensions, one to the southern side elevation and one to the south western corner of the building. The existing garage at ground floor is to be extended to the full depth of the property and be converted to a family contact centre. Below this at the rear an extension is proposed measuring 4.2m by 2.7m at lower ground level to accommodate a baby play area accessed from the lounge area.

The two storey extension to the south western corner of the building is to provide an extension to the dining/ kitchen area at lower ground floor with an office at ground floor level. A rear single storey pitched roof extension is proposed to be added to allow an additional lounge and shower room and the existing hard standing at the rear would be utilised to provide 2no off-street parking spaces. Furthermore 3no off street parking spaces are shown at the front of the property.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 saved Unitary Development Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

Barnsley Unitary Development Plan Saved Policies

Policy H8 indicates that areas defined on the proposals map as housing policy areas will remain in predominantly in residential use. Other uses will only be permitted where they are compatible with a residential area and other policies of the plan scale.

Barnsley LDF Core Strategy

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

CSP 29 – Design – states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

SPDs/SPGs

Supplementary Planning Document – House Extensions

Supplementary Planning Document – Parking

The South Yorkshire Residential Design Guide (SYRDG)

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Local Plan

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 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).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance in the emerging Local Plan would be:

Policy GD1 General Development
Policy D1 High Quality Design and Place Making
Policy Poll1 Pollution Control and Protection

The emergent policies of the Local Plan that are attributable to this development are GD1 and D1. In general they resonate with the requirements of Core Strategy Policy 29.

Consultations

Highways DC – No objections subject to conditions

Pollution Control – No objections

Ward Councillors – Cllr Phillip Lofts request the application be determined by PRB due to residents' concerns in relation to highway safety and residential amenity.

Childcare Services – No comments have been received.

Children and Adolescent Care Homes – No comments have been received.

Representations

The application was advertised by way of neighbour notification letters and the erection of a site notice. 10 households along with an 18 signature petition have been received, the reasons for which can be summarised as follows:

- Unfair on the residents who already deal with the issues in the area
- Increase in movements visitors/pick up/drop offs
- Issues regarding 'vulnerable adult'
- Impact on residential amenity by means of increased noise, loss of privacy and overlooking from the use and proposed extensions by means of overshadowing
- Concerns regarding protected species within the garden
- Removal of trees and greenspace
- Increase in this kind of facility in a residential area
- On street parking is a local problem with the visitors to the hospital and workers within the town centre using surrounding streets. The development will further burden this.
- Impact on safety of existing residents
- Increase in antisocial behaviour

Assessment

Principle of development

The site is located within a housing policy area where residential uses are considered acceptable. As the proposal still falls within a residential use class it is acceptable in land use planning policy terms. It has been established that such 'residential institutions' are compatible/suited to existing residential areas. Residential homes cover a number of uses including nursing homes, residential care homes and special needs group homes. It is considered that residential area and supported living schemes for people in ordinary housing in residential areas are acceptable provided that they do not have a detrimental impact on the amenity of neighbouring properties and the wider locality is not adversely affected.

Residential Amenity

Representations have been received raising concerns that the development will encourage anti-social behaviour within the locality and also increase crime levels. Anti-social behaviour is not inherent to the character of a children's/family home, and to all intents it is considered that the characteristics are much the same to that of a regular dwelling house. The residents who live in the facility do so as a family unit, whereby they have access to their own private bedroom but share a communal lounge, kitchen and dining area. It is also of note that the property would be staffed and a high level of supervision provided throughout the day. Therefore should any anti-social activities arise they are likely to be quickly controlled. In addition the applicant has stated that the facility does not accept residents who are using drugs or alcohol and their placement would be terminated if this was the case. As such it is not considered that the proposal would be detrimental to residential amenity on this basis.

With reference to the noise and disturbance, it would be difficult to sustain arguments/claims made within the representations that the facility will result in additional noise above that which could be associated a residential dwelling. Each family will include a young baby and a member of staff will remain overnight. In relation to increase in noise in relation to increased movements, the property is located in a heavily built up area, on a busy arterial route within the town centre. No significant disturbance associated with comings and goings to the property is expected therefore taking into account the existing high level of activity in the area and background noise levels.

The two storey extension which extends behind the existing garage is located on the southern side elevation and within the building line of the original dwelling and does not project closer to the rear boundary than the original dwelling. There are no windows proposed on the side elevation and there are no windows on the side elevation of the neighbouring building No 32, therefore it would not affect the amenity of the residents of the neighbouring property.

The two storey extension located on the south western corner would infill an existing gap and therefore would not extend beyond the existing side elevation or rear extension. As such it would retain existing separation distances between any facing habitable room windows of the proposed extension and surrounding residential properties.

It is considered that residents of the facility will be afforded with an appropriate level of amenity. The property is served with a large side garden and there are several sitting rooms and extensive kitchen/diner within the premises which will provide a typical home environment for the future occupants. In addition, the bedrooms and the communal areas such as the lounge and kitchen/dining area are well in excess of the specification as set out in the South Yorkshire Residential Design Guide for a new dwelling of this.

For the reasons above it is considered that the development adheres to Policy CSP 29 in that the amenity of existing neighbouring properties and the wider locality will not be adversely affected or impacted upon as a result of the proposals.

Visual Amenity

The addition of modest extensions to the side and rear of the property harmonise with the original dwelling and ensure the original dwelling remains the dominant feature. The extensions are to be constructed from materials to match the host dwelling with red brick for the outer walls, concrete tiles for the roof and white UPVC for the windows and doors. The side extension incorporates a pitched roof whilst the rear extension is designed with a lean to roof.

It is acknowledged that the extensions would be visible from public vantage points. However they are not considered to have a domineering appearance/presence within the street scene and as such the design is considered to be acceptable and in compliance with Core Strategy Policy CSP 29 and Supplementary Planning Document – House Extensions.

Highway Safety

The site is located with good access to the town centre, is within a short walking distance of local services and both Gawber Road and Summer Lane are served with frequent bus services. Concerns have been raised within the submitted representations that the development will be a further burden to the current on street parking problems. When assessing the impact on highway safety, the application cannot be refused on basis of the existing parking problems in the locality. It would therefore be necessary to demonstrate that the proposed use would significantly increase demand for parking over and above that associated with the current use.

In this instance the existing property is a large house with three parking spaces proposed to the front of the dwelling and two parking spaces available to the rear, which would be primarily used by staff. The applicant points out that residents rarely have cars and they are aware of only three residents in the last 15 years who have had a car whilst resident at the neighbouring facilities at Nos 30-32. As such it is not considered that the change of use would significantly increase parking problems and this is confirmed in the consultation response from Highways. Consequently, it is not considered that the development will adversely affect highway safety and as such is considered acceptable.

Conclusion

Overall it is considered that the proposal is compatible with a residential area, essentially comprising an extension of the same residential functions being carried out on the two neighbouring properties Nos 30-32 Gawber Road. The facility would be supervised by staff, is family and children orientated and the applicants have stated that they do not accept residents who are using alcohol or substances of any kind. As such there is no reasoning or evidence to determine that disturbance or anti-social behaviour issues would be a problem.

The proposed extensions are in keeping with the building and would not harm residential amenity compared with the existing relationships with neighbouring properties. The plans include the provision of 5no off street parking spaces and it is considered that this would be sufficient to cater for the parking demand at the site which is mainly expected by staff and visitors rather than the residents themselves. The proposals are therefore assessed to be acceptable and are recommended for approval accordingly.

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 amended plans (891-01 Rev A, 891-04 Rev A & 891-05 Rev A received on 19th September 2018) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 The premises shall be used as a residential family care centre and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: The site consists of a property adjacent to dwellings with limited parking provision and the Local Planning Authority considered it is proper and reasonable to limit the use in the interests of residential amenity and highway safety.
- 5 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 are provided in the interests of highway safety and the free and safe flow of traffic, and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.
- 6 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrances/exits such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highways
Reason: In the interests of road safety.
- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of road safety.
- 8 Any gates must be hung so as to open inwards into the site and not out onto the adopted highway.
Reason: In the interests of road safety.

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