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Application reference number	2025/0848
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Application Type	Full
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Proposal Description:	Change of use from educational facility (Use Class F1A) to residential institution (Use Class C2) including internal and external refurbishment works.
Location:	Rock House, 31 Victoria Road, Barnsley, S70 2BG

Applicant	BMBC
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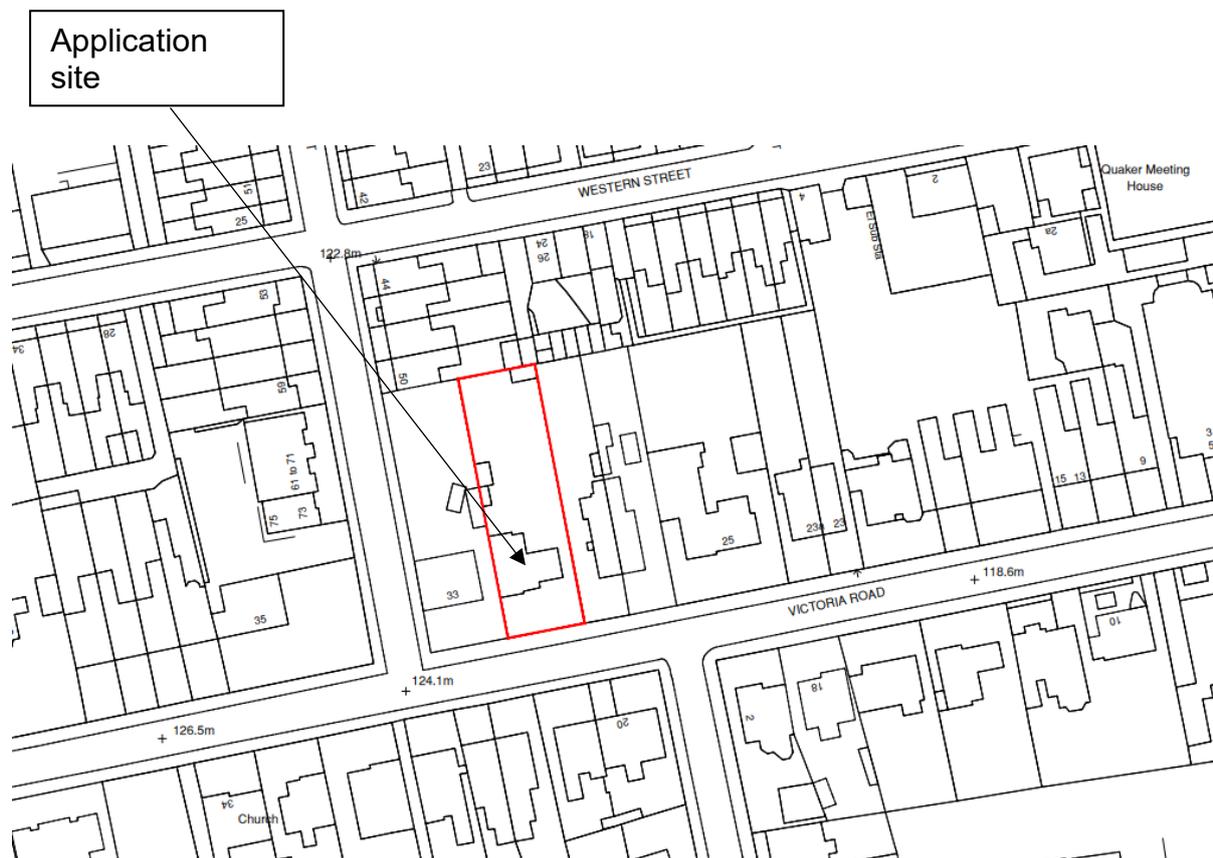
Number of Third Party Reps	9no. objections from 8no. properties.	Parish:	
		Ward:	Central

SUMMARY

The proposal seeks full planning permission for the change of use of Rock House from F2 'Learning and non-residential institutions' to C2 'Residential Institutions'. The proposal is considered to be acceptable in policy terms being designated as Urban Fabric within the Local Plan, located within an area of mixed residential/commercial, and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, or the wider character of the Conservation Area or streetscene, subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**



Introduction

This application is being presented to members through the Member Consultation process as it is a Barnsley MBC application. The property was transferred back to BMBC in 2023 following the educational day centre for children with disabilities (run by Greenacre School) vacating the building.

This application relates to the change of use of the building from F2 'Learning and non-residential institution' to C2 'Residential Institution' as set out in the main body of the report below.

The site is within Urban Barnsley and is allocated as Urban Fabric in the Local Plan and within the Victoria Road Conservation Area

The scheme has not been amended through the course of the assessment, but additional information was received regarding staffing and shift changes.

Site Description

The application relates to a large, detached stone built 2/3 storey Victorian property located on Victoria Road on the outskirts of Barnsley Town Centre. The building is currently vacant and boarded up and was last used as an educational day centre for children with disabilities and was operated by Greenacre School. The educational use ceased in 2023.

There is a vehicular access from Victoria Road into the site with a driveway running down the side of the property to a hard landscaped area to the rear. Adjacent to the rear boundary of

the site is a soft landscaped area and mature trees. There is external evidence that the building was adapted for its former use through access ramps to the front and rear entrances. Victoria Road is within the Victoria Road Conservation Area and is made up of predominantly detached and semi-detached Victorian villas. There is a mix of private residential properties and commercial properties, predominantly offices.

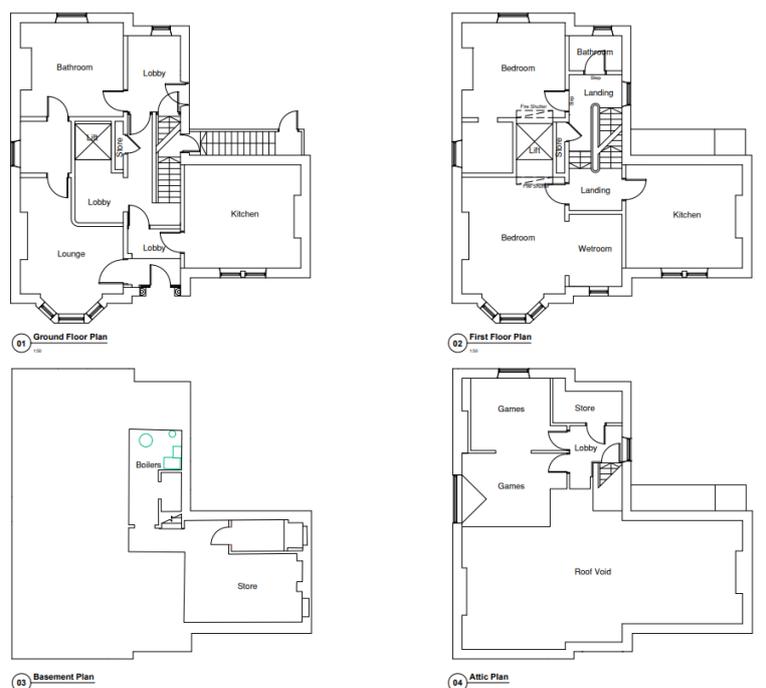
Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2010/0589	Installation of ramps to front and side doors, replacement windows and external works to improve car parking	Approved

Proposed Development

The applicant seeks permission to change the use of the building from F2 'Learning and non-residential institutions' to C2 'Residential Institution'. The facility will consist of 4no. ensuite bedrooms with kitchenettes on the upper floors to offer a maximum of 4no. young people (16+ year olds) an element of independent living. The ground floor of the building would consist of communal and training space for the residents as well as an office space and sleeping accommodation for staff. The facility is intended to aid care leavers adapt and prepare for independent living when they turn 18.

Existing floor plans



Proposed floor Plans

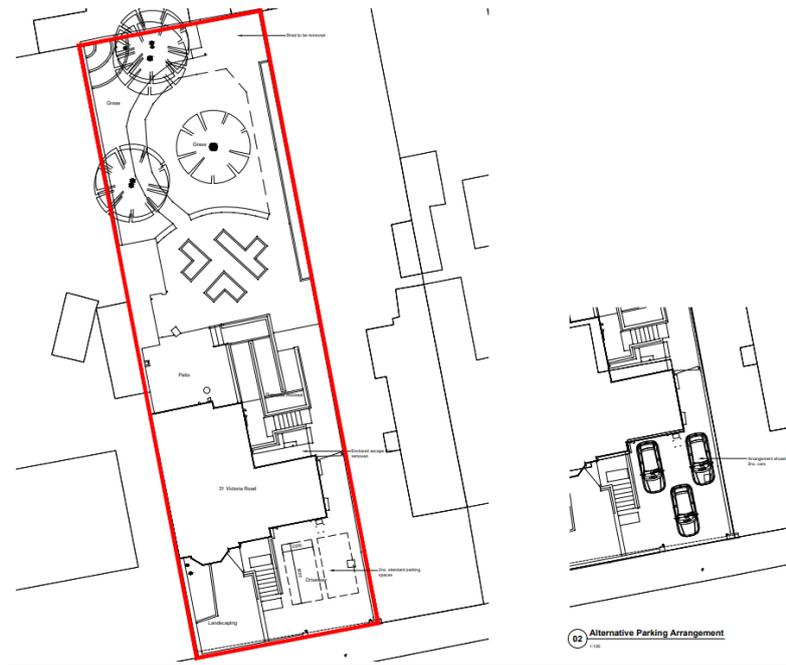


The rear garden space will be retained with residents encouraged to maintain the space. The existing outbuildings will be made good and used for storage.

Existing Site Plan



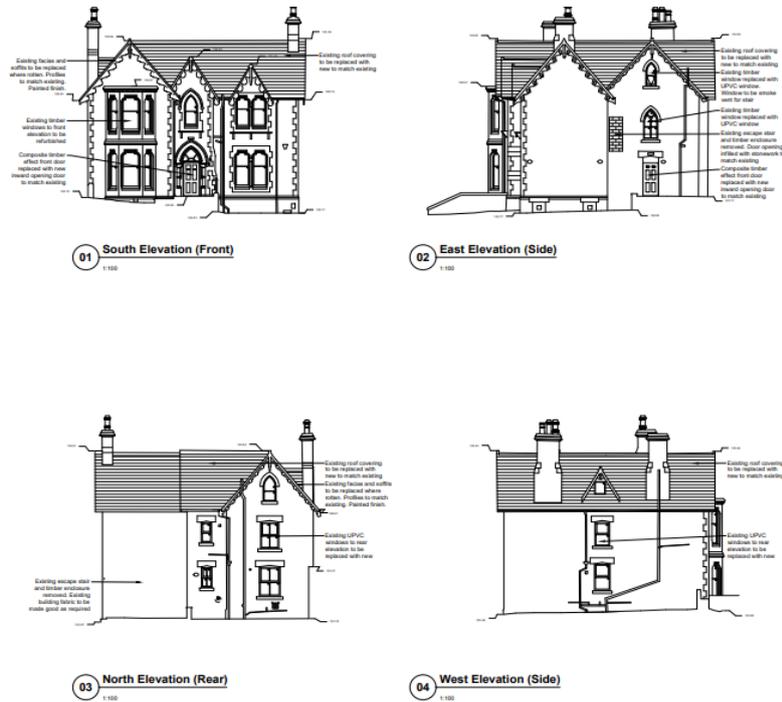
Proposed Site Plan



The facility will be staffed 24 hours a day, 7 days per week with 2 to 3 staff on site at any one time during the day with that reducing to 1 staff member overnight. Shift patterns will be on a 24-hour cycle with change overs either in the morning or late afternoon to avoid peak traffic times.

The residents of the property will still be in full time education so will attend college or training during weekdays. Visitors will be limited to 1 per resident per day at set times.

Very limited work to the exterior of the building is proposed which includes repairs such as replacing the roof, replacing/making good windows, replacing the fascias/soffits and replacement of doors.



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 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.

Local Plan

The site is identified as Urban Fabric and within a Conservation Area within the Local Plan and, as such, the following policies are considered to be relevant to this application:

Policy SD1 Presumption in favour of Sustainable Development

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy GD1 General Development

Policy D1 High Quality Design and Place Making

Policy HE1 The Historic Environment

Policy H4 Residential Development on Small Non-Allocated sites

Policy Poll1 Pollution Control and Protection

Policy LG2 The Location of Growth

Policy CC1 Climate Change

Policy CC2 Sustainable Design and Construction

BIO1 Biodiversity and Geodiversity

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows

Parking

Design of Housing Development

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. NPPF policy of relevance to this application includes:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Para 85: 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

Para 96: Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 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 would be severe.

Para 131: 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 207/208: Identify and assess heritage significance including the setting and the effect of a proposal

Para 212: Great weight given to an asset's conservation, irrespective of the degree of harm

Para 213: Any harm to or loss of significance will require clear and convincing justification

Para 219: LPA's should look for opportunities for development within conservation areas and within the setting of heritage assets that enhance or reveal significance

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72 (1): Buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing.

Relevant Consultations:

Conservation – No objections

Highways DC – No objections following the receipt of additional information and subject to suitably worded condition.

Drainage – No objections, Building Control to check

Pollution control – No objections subject to conditions

Ward Councillors – Objections were received from a Ward Member/resident. The main points of concern are;

- Questions raised regarding the consultation process and the residents that were/were not consulted.
- Recruitment has already started for the proposed use
- The Council are the applicants and determine the application, potential conflict of interest.
- The building could be used as a HMO in the future if the proposed use ceases
- Has the application been assessed thoroughly from a conservation perspective
- Insufficient parking on the site for the proposed staff levels
- Vehicles would have to leave the site in a reverse gear
- Several objections have been submitted to the scheme, would it remain a delegated decision.

Representations

Neighbour notification letters were sent to 34 surrounding properties, a site notice was placed nearby and a press notice placed in a local newspaper.

9no. representations from 8no. properties were received. The 9no. representations raised the following material planning issues:

- Insufficient neighbour notification exercise
- Negative impact on residential amenity
- Loss of privacy, overlooking from the garden area
- Increase in noise, disturbance and anti-social behaviour
- Description of the proposal is vague
- Located in close proximity to existing welfare provision
- Property should be changed back to a family home
- The use is not appropriate for the area
- The application property and grounds are not large enough for the proposed use and residents
- Insufficient on site parking
- The age range of the intended residents could cause issues

Assessment

The main issues for consideration are as follows:

- The acceptability of the proposed use
- The impact on the character of the conservation area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

Local Plan Policy LG2 'The Location of Growth' states that priority will be given to development in Urban Barnsley. Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town.

The NPPF paragraph 85 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

The property is located within the Victoria Road Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing buildings or other land in a conservation area. NPPF paragraph 212 places great weight to an asset's conservation, irrespective of the degree of harm, and paragraph 213 goes on to state any harm to, or loss of significance, of a heritage asset will require clear and convincing justification. Local Plan Policy HE1 'The Historic Environment' states support will be given to proposals that would preserve or enhance the character or appearance of a conservation area.

Given there are existing residential properties within close proximity of the site, Local Planning Policy GD1 'General Development' requires the development to result in no significant adverse effect on the living conditions and residential amenity of existing and future residents.

A Change of use from offices to C2 'Residential Institution' was recently approved under planning application 2024/0794 at 34 Victoria Road under currently adopted policies and guidelines, however, the approval of that application does not set a precedent for the area as each case needs to be assessed on its own merits, as is discussed under the headings below;

Residential Amenity

Victoria Road is made up of residential and commercial properties in juxtaposition. The application property previously accommodated an educational day centre for children with disabilities and operated during school hours and school term times, however, that use ceased in 2023 and the property has been empty since.

There are neighbouring residential properties which share a boundary with the site and their amenity should suffer no significant adverse effect as a result of the proposal, and the amenity

of the future residents of the proposal would need to be of an acceptable standard, in accordance with Local Plan Policy GD1 'General Development'.

The proposal is to convert the existing F2 'Learning and non-residential institution' into a C2 'Residential Institution'. As such, the current/previous use has/had a commercial/educational/training element in that there were staff operating from the building and the previous occupants were greater in number than what is now proposed, generating an element of noise and disturbance through activities and vehicular movements. However, it is acknowledged that the previous use only operated during sociable hours during weekdays and term times which was to the benefit of the neighbouring residents.

The proposed use would have a smaller number of occupants and staff, with 4no. residents and 2 to 3 staff at any time, plus limited visitors, however, that use would operate 24 hours a day. Given the residents will be 16-18 years old, during the day they will be at educational or training facilities, as such, arguably during the daytime noise and disturbance will be lower than the previous use.

During the residents' free time they will be afforded 1no. visitor per day at set times and the visits would be monitored by the staff. The facility will be staffed 24 hours of day with the residents monitored. The residents will sleep in the property overnight and there are also staff sleeping quarters proposed for the 1no. staff member on duty during unsociable hours, as such, the noise and disturbance levels over night are arguably similar to those of the residential properties within the immediate area. Residents have raised concerns regarding the use of the garden by residents but again the usage is likely to be relatively low given the number of residents and as a result of staff supervision.

In terms of the staff, there would be a maximum of 2-3 staff on site during the day. Meetings could occur within the property between staff and the facility manager but larger meetings are proposed at BMBC Offices on Westgate. Shift patterns are proposed to operate on a 24-hour cycle and change overs outside peak rush hour times and during sociable hours.

In terms of the future residents, the four proposed independent living quarters contain a single bed, shower room and kitchenette each. However, the floor space falls significantly short of what the South Yorkshire Residential Design Guide would consider acceptable for a studio apartment i.e. 33m². In this case though, the proposal is not to convert the building into C3 flats/bedsits. It is to create a residential institution so the C3 standards do not apply. In addition, in contrast to C3 independent units, the residents have access to communal spaces such as the lounge/activity space as well as the large garden area and associated outbuildings. The rooms themselves far exceed what would be expected, in terms of floor space, for a single bedroom. Similarly for the staff, their sleeping quarters are linked to their job, it would not be their permanent address, so the usual standards do not apply.

Some residents have raised concerns that if an application for a residential institution is supported, and the building is converted in to separate, independent living quarters, then the property could be used as an HMO in the future. However, an HMO falls in a different use class (Either C4 for 3-6 residents or sui generis for larger HMO's). As such, a change of use planning application would be required which would be subject to policies and guidelines, as well as consultation.

Given the comments above, the proposed use would not result in significant adverse effects on existing residents and the amenity of the residents of the use itself would be to a reasonable degree, in accordance with Local Plan Policy GD1 'General Development'. This weighs significantly in favour of the application.

Visual amenity & Impact of Conservation Area

Rock House was constructed in 1872 by John Moxon and is a notable example of Victorian Gothic architecture, enhancing the area's group value and positively contributing to the Victoria Road conservation area. Distinctive features include gabled elevations with deep fluted bargeboards, sharply raked gables, bays, and stone-dressed gothic arched windows and doors.

The proposed external interventions are minimal; they include reglazing certain UPVC windows, which pose no concerns. The timber windows on the front bays will be retained and refurbished, preserving the building's architectural integrity. On the east elevation, existing timber frames in the gothic arched windows will be replaced with UPVC frames—an acceptable compromise. At the rear, removal of the enclosed access stair and infilling of the doorway opening is welcomed by the Conservation Officer. Replacement of the existing composite timber-effect doors with new inward-opening composite doors raises no concerns. Finally, roof works will involve retaining, supplementing, and repairing the existing slates as required.

In light of previous internal modifications, required to accommodate the previous use, and the limited extent of the proposed external alterations, there is no anticipated detrimental impact on the character of the streetscene or the Conservation Area. The building's character and its significant contribution to the conservation area will be preserved. The Council's Conservation Officer has been consulted on the application and has raised no concerns for the reasons set out above.

The proposed internal and external alterations would retain the character of the property and the streetscene/Conservation Area as a whole, in accordance with Local Plan Policy HE1, section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 207-219 of the NPPF. This weighs significantly in favour of the application.

Highway Safety

Rock House is situated along Victoria Road on the outskirts of Barnsley town centre which is a distance of approx. 500m from the site. There is a bus stop located directly along the site frontage, and another stop approximately 35m to the east, providing frequent services to/from Barnsley town centre and surrounding areas. Footway provision within the vicinity of the site is good and the site is considered to be in a sustainable location. Furthermore, there are public carparks within the wider area which could be utilised by staff and visitors.

A Traffic Regulation Order (TRO) in the form of a single yellow line is in place along both sides of Victoria Road; this prohibits waiting or parking between the hours of 8am to 6pm Monday to Saturday.

The submitted site layout plan demonstrates that the frontage parking area of the site can accommodate two parking spaces of sufficient dimensions (5m x 2.5m) although it is known that three and occasionally four vehicles have parked within the site.

The frontage parking area does not have sufficient room to accommodate internal turning provision. Victoria Road is a classified road (C786), as such there is typically a requirement for vehicles to enter and exit in a forward gear in the interests of highway safety; no increase in the occurrence of vehicles reversing to/from the highway would therefore be accepted. However, comparisons should be made between the existing and proposed uses in order to demonstrate whether there would be any intensification of use in terms of vehicular movements and parking demand.

From the information provided, the proposed use of the site for the accommodation of 4no. 16–18-year-old residents supported by two to three members of staff would be a less intensive use than the existing/previous use as an educational facility, given the pupil and staff numbers

and the use of a minibus. Although no specific figures have been provided, it is clear that student numbers were in excess of the 4no. residents now proposed and similarly staff numbers previously exceeded five members on site at any one time which is greater than the two to three staff members now proposed.

Furthermore, the parking requirement, as per the Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1, is also less for the proposed use with one space per 4-8 staff members being required in comparison with one space per 3 staff members for the previous use as an educational facility.

BMBC Highways have been consulted on the application and, following the receipt of additional information regarding staff changeover patterns, they have raised no objections subject to suitably worded conditions.

Given the comments above, the development would meet the requirements of NPPF paragraph 116 which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. This weighs modestly in favour of the proposed development.

Biodiversity

In England, 10% biodiversity net gain is required under a statutory framework introduced by [Schedule 7A of the Town and Country Planning Act 1990 \(inserted by the Environment Act 2021\)](#). This application is exempt as it is subject to the de minimis exemption i.e the development does not impact a priority habitat and impacts less than 25 square metres (e.g. 5m by 5m) of onsite habitat, and 5 metres of linear habitats such as hedgerows.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential institutions in the Local Plan and this weighs considerably in favour of the application. In addition, the applicants have demonstrated that suitable external alterations and repairs can be undertaken which preserve the character of the property and the Victoria Road Conservation Area and this weighs significantly in favour of the application. The internal layout and use of the building and its grounds would be suitable in order to retain the amenity levels of existing residents and provide adequate accommodation for the residents and staff of the residential institution. Again, this weighs significantly in favour of the application.

Although there is limited on site parking and a lack of internal turning facilities, the impact on the highways of the proposed scheme is less than that of the existing use and the previous occupants. As such, the impact on highway safety would not be unacceptable.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs moderately in favour of the application.

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further submissions to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to conditions.

RECCOMENDATION

Approve subject to Conditions

The above objections, consideration and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.