

**DESIGN AND ACCESS STATEMENT  
PLANNING PERMISSION APPLICATION FOR CHANGE OF USE AT:  
99 LANG AVENUE, BARNSELY, S71 5LU  
Applicants: MR TOSIN OMOLEWA OLUFEMI OF JIBT INVESTMENTS LTD**

**Introduction**

My clients - MR TOSIN OMOLEWA OLUFEMI OF JIBT INVESTMENTS LTD at 99 LANG AVENUE are proposing to seek planning permission for the change of use of the residential dwelling (Use Class C3) to a children’s home to accommodate a maximum of two children aged between 8 and 18 years old (Use Class C2).

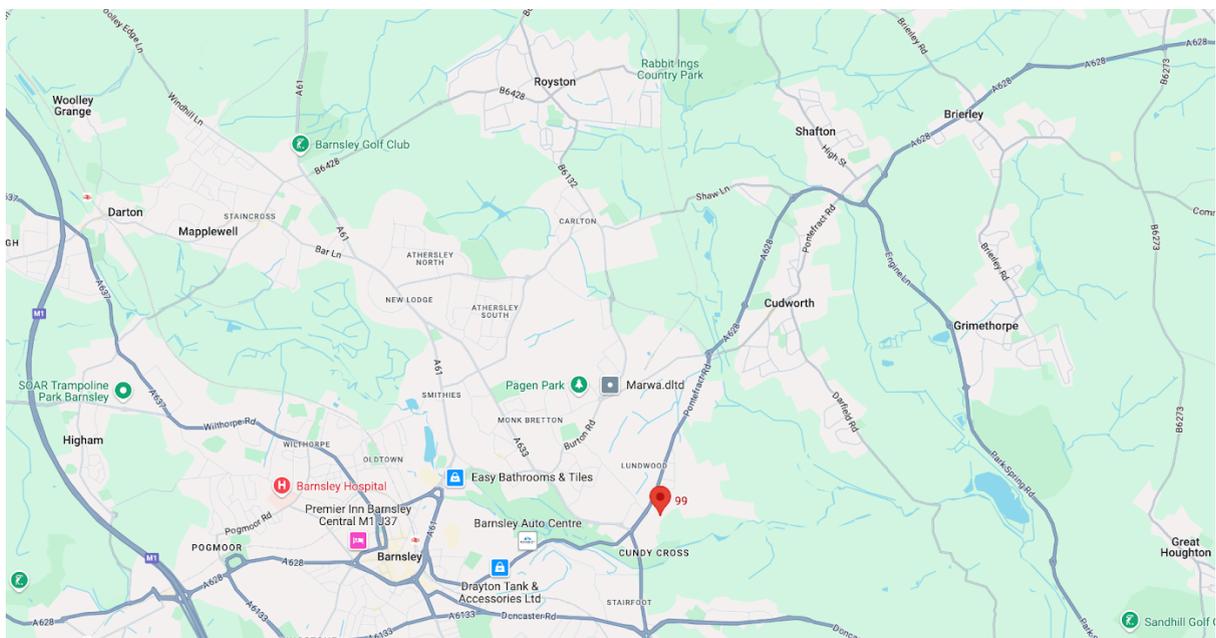
**Site Location and Accessibility**

The site is located at 99 Lang Avenue, Barnsley, S71 5LU. It lies within a predominantly residential area in the northern part of Barnsley and benefits from good access to the local and regional highway network.

Lang Avenue connects to the A61, a principal route running north–south through Barnsley. The A61 provides direct access to Barnsley town centre to the south and connects to Wakefield and Leeds to the north. Additionally, the site is located within close proximity to the M1 motorway, which is a key arterial route providing strategic connectivity across South Yorkshire and beyond.

The surrounding highway infrastructure, including nearby local distributor roads, supports efficient vehicular access to and from the site. The area is also served by local public transport routes, facilitating sustainable travel options for future users of the development.

Overall, the site at 99 Lang Avenue is considered to be in a sustainable and accessible location, well positioned to accommodate a range of planning uses subject to the appropriate consents.



Also within CLOSE PROXIMITY to AMPLE AMENITIES and AWARD-WINNING PUBLIC TRANSPORT LINKS.

The site is located within **Flood Zone 3**, which is classified as having a **high probability of flooding**. As such, a **Flood Risk Assessment (FRA)** will be submitted in support of this application, in accordance with national and local planning policy.

Although the site is in a high-risk flood zone, **no increase in impermeable area** is proposed, and **no sleeping accommodation is planned for the ground floor**. The **first floor will be situated above the modelled flood risk level** and will serve as a **safe refuge** in the event of flooding.

Mitigation measures will be incorporated into the design to manage residual flood risk, including safe access and egress routes where feasible. The proposed development has been carefully designed to ensure that the **flood risk is not increased on-site or elsewhere**. Further information on this can be found in the flood risk assessment submitted with this application.

The property benefits from a rectangular rear garden and off-street parking at the front of the driveway. Our proposal will include these **two** parking spaces for staff and visitors. The proposed change of use to a children's home is not expected to have any significant impact on parking conditions compared to the existing residential use. The current property also has on-street parking and benefits from any off-street parking provision. No parking-related issues have been reported, and you can see in the photo below that there is plenty of parking on the street.



In its current form as a family home, it is typical for multiple occupants (such as both parents) to own and use vehicles. In contrast, the proposed use as a children's home will involve a lower level of car usage. Only one staff member will be present on-site at any given time, typically arriving in a single vehicle. Where possible, staff will also be encouraged to make use of public transport and sustainable travel methods, including cycling.

Given this reduced parking demand, we are confident that the existing on-street parking arrangements will remain adequate and will not give rise to any additional pressure or highway safety concerns.

### **The Property**

The proposal does not alter the visual appearance or structure of the existing building from any ELEVATION. Whilst the change of use would result in the loss of a family house, the proposed 2-bed children's home will be a managed provision where assisted living is provided for the residents, which is an alternative form of residential accommodation. We consider the principle of the use to be following the Local policy.

Whilst some comings and goings to and from the house may change in character, the property will be used in a way that is similar to a typical family house and as such, We do not consider the proposal would materially affect the amenities of neighbouring properties or result in a detrimental impact on the residential character of the surrounding area subject to a condition limiting the number of residents at one time.

In terms of the host property, each of the bedrooms will be provided with a good outlook from the existing windows. We consider that an acceptable level of amenities will be provided in terms of outlook and natural light for each of the residents.

There is an adequate garden area at the rear of the house, screened by a boundary fence which would provide a satisfactory private amenity area, storage for cycles and bins is part of the proposal: the residents and ample green space for them to socialise and relax outside the property.

### **The Proposal**

MR TOSIN OMOLEWA OLUFEMI - is part of an independent organisation with experienced social work personnel aiming to provide a high-demand service within Barnsley.

The dwelling on Lang Avenue is in the process of registering a Children's home for vulnerable children at risk of harm.

It will provide social work activities to the community and support the children. The service provides short-, medium & long-term care for children aged between 8– 18 years who have experienced developmental difficulties or placement breakdowns, including family, foster and residential displacements.

The dwelling on Lang Avenue will apply a supportive model of care to give children an opportunity for personal growth and development by:

- Keeping children safe and healthy
- Helping children to express their feelings and ensure they are listened to

- Helping children remain in touch with and have news about family and others who are important to them, or to know why this cannot happen
- Ensuring they are told clearly what they can and cannot do through a children's guide.
- Ensuring children are treated fairly and equally to others, regardless of their background, including gender, disability, or ethnicity, through our equality policy.
- Ensuring that children are allowed to develop and follow hobbies or interests as part of their wishes and feelings, as developed in the 2015 Children's Homes Regulations Quality Standards.
- Ensure children continue to attend the education and health services they need.

The home will provide a home for up to two children aged between 8 - 18 years of age, referred to us by the Local Authority. We aim to refrain from supporting children in accommodations that appear institutionalised and instead provide accommodation that presents as homely and comfortable.

There will be a maximum of 3 people in total living in the home: 2 children and 1 Staff who will be on the premises 24/7. Staff will be working shifts with residential staff staying over the weekend, including Friday.

99 Lang Avenue will house two individuals, maximum (2 young people). The individuals will be assessed for compatibility to reduce behaviours through in-depth assessments before admission.

The Staff will consist of one member per shift, including 24-hour supervision. The shift patterns are as follows: 7 am-2:30 pm; 2 pm -10 pm; and 10 pm-7 am.

TOTAL STAFF 2 FULL TIME; HOWEVER, NO MORE THAN 1 STAFF ON-SITE AT ANYTIME, only during the changeover of shifts.

THERE WILL ALSO BE 2 PART-TIME FLOATERS TO COVER SHIFTS FOR HOLIDAYS AND WEEKENDS ETC

There will be minimal cars in the vicinity as our staff are picked up from their homes to come to work, and we will encourage the safe use of public transport and cycle-to-work schemes with a new secure and sheltered cycle store proposed to the rear and two off-road parking spaces will be maintained as part of this proposal.

There are also a couple of bus stops within the vicinity with regular services to and from the city, within a minute's walk from the site. We would class this site as excellent in terms of transport links, and we would encourage our employees to reduce the use of private transport and increase the use of public transport.

There are a variety of **shopping options near 99 Lang Avenue**, combining both independent retailers and well-known chain stores to meet a wide range of everyday needs.

Within walking distance, the nearby **New Lodge and Athersley** areas offer several **independent shops and local amenities** such as **family-run convenience stores, local bakeries, takeaways, cafés, barbers, and specialist food outlets** including **New Lodge Express, Steve's Fish Bar, and Athersley Bakery**. These independent businesses provide a strong local community feel and cater to day-to-day requirements.

For larger-scale shopping, **Barnsley town centre** is approximately a **10-minute drive** away and features the **Alhambra Shopping Centre** and the traditional **Barnsley Market**. The Alhambra houses a range of well-known **chain retailers** such as **Primark, Boots, Iceland, Superdrug, and The Entertainer**, alongside numerous cafes and eateries. Barnsley Market offers a vibrant mix of **independent traders** selling fresh produce, clothing, and household goods.

For out-of-town retail, **Cortonwood Retail Park**, about a **15-minute drive** from the site, provides access to major **chain stores** including **Next, Argos, Matalan, Currys, B&Q**, and dining options like **McDonald's** and **Costa Coffee**.

This diverse shopping provision ensures that residents at 99 Lang Avenue benefit from **easy access to local independent shops for unique and community-focused services, as well as larger national retailers and supermarkets for a full range of shopping needs**.

Visitors will be on planned appointments only. These will be either a YP's social worker or other professionals supporting them, or a relative. These will be timed appointments in the house or outside the premises. On average, professional visitor appointments can be once or twice a month, as most therapeutic appointment staff will take the YP to the appointment outside the premises.

These YPs are very vulnerable and need a home that is committed to nurturing them to bring the best out of them and modifying behaviours to secure a better, stable future. The therapeutic input would be to help the clients self-regulate their emotions with staff supporting them by following Person Centred Behaviour Plans and Interventions.

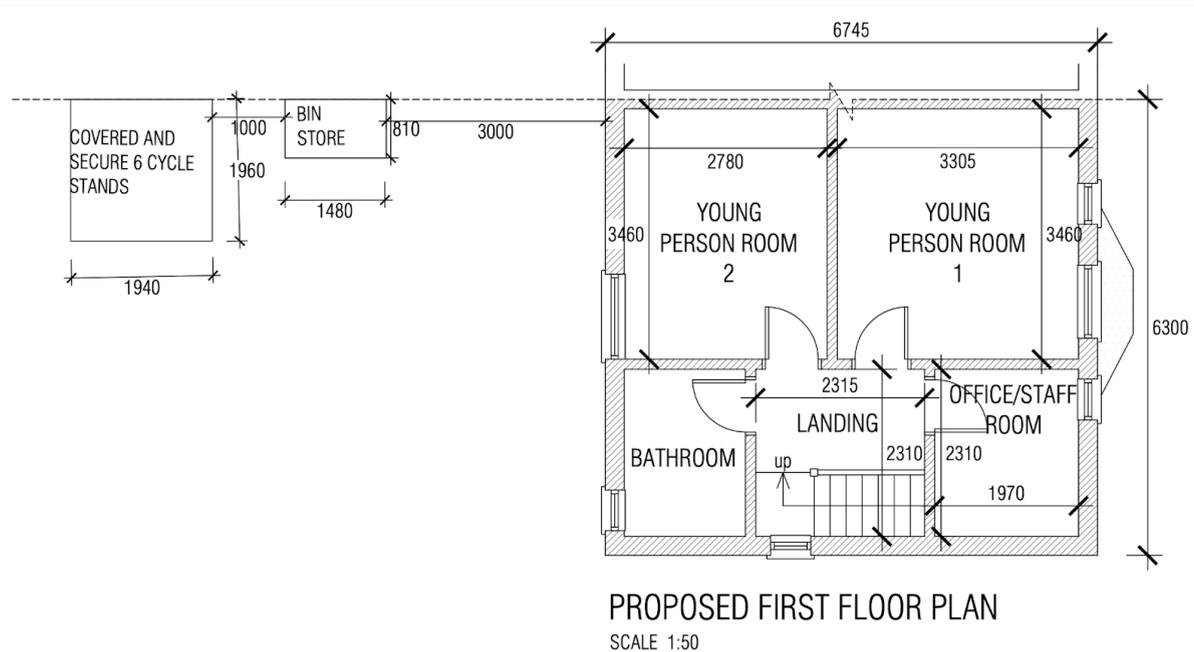
The dwelling is a semi-detached property joined on only one side.

Currently, the ground floor comprises a kitchen, lounge and a WC near the rear. Parking bays exist at the front of the property.

Upstairs comprises 2 x large double-sized bedrooms and 1 x smaller double-sized bedroom. There is 1 x shower room upstairs which will be used by the young people. 2 bedrooms will be for the 2 young people.

The 3rd bedroom will be used as an office and staffroom. The office will be used by staff members to sleep on-site during their shifts.

The proposed first-floor plan is attached to illustrate this.



A locality risk assessment will be carried out, and the home shall have house risk assessments, individual children risk assessments, activity risk assessments, as well as policies to mitigate any existing community risks. Management of the home will ensure that the home complies with Fire Safety Regulations before and after commissioning.

Fire Risk Assessment will be carried out by a fully qualified consultant. The effectiveness of the fire safety measures will be inspected by the regulator (Ofsted) before opening the proposed Children's home as part of their quality assurance and compliance monitoring.

This is a well-presented property set over two floors and provides good-sized accommodation, making it an ideal children's home for 2 young people.

All visits to the home shall be risk assessed and conform to National Covid guidelines as well as our safeguarding policies and procedures. Statutory visits by social workers are pegged at once in 6 weeks, while all other visits, including maintenance and repairs, will fall under child protection rules, including enhanced DBS for practitioners such as child psychologists and tutors. Professional meetings and strategy meetings shall be held over social media such as Zoom or Microsoft Teams, and these will be reviewed following government guidelines.

We believe that children in care should be offered the same opportunities as other children; and that we should work together with them and others involved in their care and welfare to diminish as far as possible the impact of their past experiences of rejection, abuse, neglect,

exploitation and exclusion. Each child will have their care plans, and all our looked-after children are expected to conform to our Behaviour Management policy, which outlines the expectations from the staff team on how to manage any such behaviours and the training that will be in place to equip our staff team with the level of skills needed.

### **Relevant Planning Permission Nearby**

There is no Relevant Policy

### **National Planning Policy Framework (2021)**

The National Planning Policy Framework establishes the key principles for proactively delivering sustainable development through the development plan system and determining planning applications. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

These objectives are:

- An economic objective
- A social objective
- An environmental objective

For decision-making, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or policies which are most important for determining whether the application is out-of-date, granting permission unless:
  - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the Development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
  - iii. when assessed against the policies in this Framework taken as a whole.

iv. Always work proactively with applicants to find solutions, which means that proposals can be approved wherever possible.

## **National Planning Policy Framework (NPPF) 2021**

The NPPF outlines the government's planning policies and how they should be applied. Relevant sections include:

- **Paragraphs 2 and 11:** Establish a presumption in favour of sustainable development.
- **Paragraph 130:** Ensures developments function well and contribute positively to the local area.
- **Paragraphs 159 and 167:** Address flood risk and drainage considerations.
- **Paragraphs 111 and 112:** Discuss highway considerations, emphasising the need for developments to be accessible and sustainable.

## **Barnsley Local Plan (Adopted January 2019)**

Barnsley's Local Plan sets out how the council will manage the physical development of the borough. Key policies relevant to C2 children's homes include: [barnsley.gov.uk](https://www.barnsley.gov.uk)

- **Policy GD1:** General Development
- **Policy H8:** Residential Care Homes and Supported Housing.
- **Policy T4:** Travel Plans.
- **Policy D1:** Design. These policies guide the development of residential care homes and supported housing, ensuring they meet the needs of the community while maintaining the character of the area. [barnsley.gov.uk](https://www.barnsley.gov.uk)

## **Barnsley Children's Services Policies**

Barnsley's Children's Services have specific procedures and policies for placements, including:

**Children's Homes Procedures:** Guidelines for operating children's homes within the borough.

- **Placement and Sufficiency for Children in Care:** Strategies to ensure adequate placement options for children in care.

## Planning Considerations

Planning applications must be determined per the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail concerning any proposal. The following are material planning considerations in the determination of this planning application:

The principle of development

Impact on Character and Appearance of the Area

Impact on Residential amenity

Highway and parking implications

Several issues tend to arise with respect to privately registered children's homes and whether or not planning permission is required. The Town & Country Planning (Use Classes) Order 2015 (as amended) distinguishes a range of uses of buildings and specifically permits changes of use from one use to another within individual classes. Where activity results in a material change of use of a building to a use falling within a different use class, then planning permission will be required.

Depending on the circumstances of each case, a children's home will either fall into Class C2 or C3. Use Class C2 (Residential Institutions) of the above Order reads as follows:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre. Use Class C3 (Dwelling houses) reads as follows:

Use as a dwelling house (whether or not as a sole or main residence) by —

- (a) a single person or people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

A material change of use from Class C3 to C2 amounts to development requiring planning permission. There is therefore a potential requirement for planning permission to use a dwelling house as a children's home. The starting point is to first establish, as a matter of fact and degree, whether such a use would constitute a change of use from C3 to C2. Class C3 (b) of the Town and Country Planning (Use Classes) Order, as amended, refers to "use as a dwelling house by not more than six residents living together as a single

household, (including a household where care is provided for residents).” If a children’s home were being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

However, the matter is less clear when the care is based on shift patterns. In the North Devon District Council [2003] case, Justice Collins made the point that children “need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go with running a home ... children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them, and someone to make sure that the household operates as it should.” The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24-hour care but were not residents could not be regarded as living together in a household. The concept of living together as a household means that a properly functioning household must exist, and children and carers must reside on the premises. In such circumstances, the user cannot, therefore, be considered to fall within Class C3 (b). A children’s home run on shift patterns could not be considered to fall within Class C3 (a), because clearly, this is not the occupation of a dwelling house by a single person or people living together as a family.

Equally, C3(c) distinguishes groups of people living together as a single household, which could, for example, include people with lodgers, or student accommodation for up to six individuals. Children’s homes based on shift patterns would not be considered to fall into these criteria either. Following an assessment of case law and the Inspector’s decision of 2010 at Stockport, the use of premises as a children’s home will generally be held to fall within Class C2 of the Order (Residential institutions).

However, despite the above, it has to be taken into consideration as to whether the change from C3 to C2 has amounted to a material change of use and if not, then it does not amount to development which requires planning permission. So it is possible to conclude that no material change of use has occurred if there is no material difference in activity from that which may be anticipated in the case of conventional residential use.

Therefore, if the premises have the look and character of a conventional residential dwelling, and the use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then no material change of use has occurred.

Should the carers be living on the premises full-time, and have no other permanent address, the likelihood is that this may amount to a C3(b) use even where substantial internal adaptation of the building has taken place.

Concerning this current application, it is considered that the proposed ratio of two carers (working in shift patterns) to two resident children would constitute a material change of use. Given that the carers are not residing at the property except for weekends and are providing 24/7 care with comings and goings outside of what would usually be expected under C3(a), it is considered reasonable to arrive at such a conclusion.

## **The Principle of Development**

Impact on the character and appearance of the area. There would be no external changes to the dwelling as part of this application, apart from the creation of cycle parking and a bin store erected within the rear garden to the side of the property, the residential character of the property will not outwardly change and therefore there will no impact upon the visual amenities of the street scene or wider character of the area as it will not be seen from the front of the property.

## **Impact on Residential Amenity**

The development works will not be significantly detrimental to the amenities enjoyed by existing or new occupiers of nearby uses. Development proposals that meet the criteria and provide a satisfactory relationship will be supported.

At present, the application property is a dwelling house under Use Class C3 and could, now and in the future, be occupied by a traditional family unit that could include several children and therefore have the noise and disturbance associated with family life.

It is readily acknowledged that the proposed use of this building could create some element of noise and disturbance. It is also readily acknowledged that the children to be placed within the home are unlikely to have a relationship with one another. This could lead to increased noise and disturbance compared to a traditional family unit, however, two children within the property would not tip the planning balance, which would mean the application would be considered for refusal.

My clients could convert the house into a 5-bedroom HMO WITHOUT THE NEED FOR PLANNING PERMISSION, OR INDEED FOSTER TWO CHILDREN AND AGAIN WOULD NOT REQUIRE PLANNING PERMISSION.

We can confirm that there will only be one carer on-site at one time, except for shift change-over, where there are likely to be two carers. The provision of two carers on site for a short period would unlikely give rise to noise or disturbance that is expected outside of a single-family dwelling.

Furthermore, we can confirm that, should visitors wish to visit the property, this will be on an appointment basis only and will only consist of one visitor a day. The applicant has confirmed that;

“One Visitor will be on planned appointments only. These will be either a Young Person's social worker or other professionals supporting them, or a relative. These will be timed appointments in the house or outside the premises. On average, professional visitor appointments can be once or twice a month, as most therapeutic appointments staff will take the YP to the appointment outside the premises.”

Furthermore, the dwelling house could operate as a home of multiple occupations for up to 3 residents without the need for planning permission.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise complaints be received.”

The use carried out from the site address will continue to have the character and appearance of a conventional residential dwelling, will continue to be residential and will be in context with a dwelling of this scale. Therefore, it is considered, on balance, that the proposed use of the building will not be significantly detrimental to the amenities enjoyed by the existing or new occupiers of nearby uses.

### **Highways and Parking provision.**

The provision of cycle parking and proximity to public transport links provide opportunities for the use of sustainable modes of travel.

Off-street parking spaces maintained will ensure no impact on the neighbouring properties.

### **Site Access**

There are changes to the proposed vehicular access to the site on 99 Lang Avenue. There is on-street parking also outside the property itself, which is an adopted unclassified road subject to a 30 mph speed limit. There has been no recorded Personal Injury Collision on 99 Lang Avenue in the previous five years. The Local Authority should be satisfied that there are no patterns in the data which could be exacerbated by the proposed development.” It is therefore considered that this proposal is acceptable on highway grounds and could not be resisted on highway safety matters.

## **Why Children's homes are a benefit to society and reduce the need for institutions**

**Children's homes are often considered better than institutions for a variety of reasons, especially when it comes to providing a more nurturing, personalised, and stable environment for children. Here are some key reasons why children's homes are seen as beneficial:**

- 1. Smaller, Family-Like Environment:** Children's homes are usually smaller in scale compared to large institutions. This allows for a more intimate and familial atmosphere, where children can receive individualised care and attention. In contrast, institutions can feel more impersonal and structured, making it harder for children to form close, emotional bonds.
- 2. Personalised Attention:** In children's homes, staff members can often focus more on the specific needs of each child. With fewer children to care for, caregivers can provide more tailored support for emotional, educational, and physical development. This personalised approach can help children feel more secure and supported.
- 3. Stable Caregiver Relationships:** In children's homes, children often stay with the same caregivers for a longer period, fostering stable and trusting relationships. In contrast, in institutional settings, children may face more turnover among staff, which can disrupt their emotional well-being and make it harder to form strong attachments.
- 4. Homelike Atmosphere:** A children's home aims to provide a more homelike environment, where children have a sense of belonging and normalcy. They may live in a setting that mimics family life, which can have positive effects on their emotional and psychological health. Institutions, on the other hand, can sometimes feel sterile or institutionalised, which can lead to feelings of alienation or disconnection.
- 5. Focus on Emotional and Social Development:** Children's homes tend to prioritise the emotional and social development of the children in their care. With a more family-oriented environment, children can have opportunities for social interactions, emotional learning, and nurturing relationships. Institutional settings may sometimes prioritise efficiency and structure over emotional well-being.
- 6. Better Educational Support:** In a children's home, caregivers often work closely with children to ensure they receive proper educational support tailored to their needs. They can better monitor academic progress and help with homework or tutoring. While institutions may provide education, the large number of children and a more rigid structure can limit individual attention.
- 7. Reduced Stigmatisation:** Children in institutions may sometimes face stigma because of the institutional setting itself. However, children's homes, while still providing care for children who need it, often offer a more private and less

**institutionalised living situation, which may reduce social stigmas and allow for a more integrated life.**

**While children's homes can offer more personalised and nurturing care, it's important to note that the quality of care can vary depending on resources, staff training, and the specific organisation involved. A well-run institution can also provide adequate care, but children's homes often have a greater chance of fostering a sense of belonging and stability.**

## **Conclusion**

In assessing this application, it is essential to strike a fair balance between safeguarding the residential amenity of the surrounding community and meeting the important need to provide appropriate accommodation for vulnerable children. Given the **small number of children** to be cared for and the presence of only **one on-site carer at any given time**, the proposal is not expected to generate any **greater level of activity, noise, or disturbance** than would typically arise from a standard family dwelling within Use Class C3.

Taking all relevant factors into account, and in the absence of any technical objections from statutory consultees, the proposal is considered to be **acceptable in planning terms**. It is therefore **recommended for approval**, subject to the **imposition of appropriate and reasonable planning conditions** to ensure the continued protection of local amenity and the safe operation of the use.

Faizal Osman

13 Architectural Consultants Ltd