

2023/0340

Compass Schools

Change of use from office use (Class E) to education use (Class F1) and associated external alterations to the curtilage including revised parking and access arrangements and formation of a playground to the rear of the building

Enterprise House, 34 Victoria Road, Barnsley, S70 2BU

Site Description

The application relates to a detached 2.5 storey, stone built building which fronts Victoria Street on the edge of Barnsley Town Centre. To the front of the building is a grassed area with a pathway leading to the main entrance. Adjacent to the Western elevation is a driveway leading from Victoria Road to a car parking area to the rear. Beyond the drive is a rectangular area which is mainly laid to grass, separated from the neighbouring property by a hedge. To the rear of the building is a single storey extension and the car park mentioned above. The building is currently let to a number of businesses including an accountants and an architects.

Victoria Road consists of a mix of residential properties and financial and professional offices, however, immediately adjacent to the application site is predominantly residential with a detached dwelling to the East, a 3 storey block of apartments to the West, terraced dwellings directly opposite Victoria Road to the North and detached dwellings fronting Victoria Street to the South.

Site History

2017/1461 – Erection of 1 building containing 8no. apartments (outline) – approved subject to conditions

2019/0047 – Erection of one pair of semi-detached houses - withdrawn

Proposed Development

The applicant seeks permission to change the use of the building from offices (Class E) to education use (Class F1). The school would accommodate upto 24 students and approximately 13 staff. The children would receive specialist education provision as they could not be supported appropriately within mainstream education.

In addition to the above, external alterations are also required including replacing the existing 10 space car park to the rear of the building with a playground and creating a 23 space carpark to the side of the building with the existing single vehicular access amended and moved to allow 2 vehicles to pass.

No external alterations to the building itself are proposed.

Policy E4 protection of existing employment land

SPD's

Those of relevance to this application are as follows:

-Parking

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF 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.

Paragraphs of particular relevance to this application include:

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 95 - It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

Para 111 - 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 126 - 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 199 - When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Para 200 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Para 201 - Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Consultees

Highways – Require further information to fully assess the proposal

Conservation Officer – loss of the green space would be harmful to the Conservation Area

Local Ward Members – No comment

Representations

61no. neighbours were consulted regarding the application, a site notice was erected in the local area and a press notice put in the Barnsley Chronicle. Objections from 13no. properties have been received as a result; the main points of concern are;

- Increase in traffic at drop off/pick up times
- Lack of adequate parking at pick up/drop off times
- Limited space for delivery vehicles
- Increase in pollution from waiting vehicles
- Potential safety issues
- Anti-social behaviour
- Loss of residential amenity
- Increased noise and disturbance
- Play area is too small for the number of children proposed
- Negative impact on the Conservation Area
- Building would lend itself to conversion back to residential

Assessment

Principle

As outlined above the application property is currently operating as an office but this section of Victoria Road, and the adjacent Victoria Street, is predominantly residential in nature. Furthermore, the other commercial uses along Victoria Road are also low level office uses, predominantly serving financial and professional services which are generally compatible with the neighbouring residential properties. Recently a number of these offices have also been converted back into residential use as significant adaption is not required, given the buildings were predominantly residential originally.

The proposed F1 school use is considerably different than the existing office uses and will likely generate higher levels of activity and noise and disturbance, as such, would not be compatible with the predominantly residential immediate area, contrary to Local Plan Policy GD1 which state permission will only be granted if the development is compatible with neighbouring land. Furthermore, although the Planning and Heritage Statement states that the school is intended for pupils currently living within the borough, very limited details have been provided to justify how the proposal would relate to the local educational needs of the needs of the community, contrary to the requirements of Local Plan Policy I2 'Educational and Community Facilities'. Furthermore, the applicants did not enter any pre-application discussions with the Authority or provide any evidence that they have fully engaged with the Councils Education department to provide a service that is required.

Barnsley has many important heritage assets that reflect its long and complex history including a legacy of buildings, structures, places and archaeology. The site is located within the Victoria Road Conservation Area, as such, proposals must preserve or enhance the character or appearance of the Conservation Area, inline with Local Plan Policy HE1. Paragraph 199 of the NPPF also states 'when considering the impact of a proposed development on the significance of a designated asset, great weight should be given to the asset's conservation'.

It is essential that land currently in use or last used for employment purposes is protected and safeguarded from non-employment uses. Non-employment uses will only be considered where it can be demonstrated that they provide a significant contribution to the economic offer of the borough. Policy E4 allows for non-employment uses where the proposal would not result in significant loss of existing jobs, there would still be an adequate supply of employment land or premises and the premises cannot satisfactorily support continued employment use.

It is noted that the building currently accommodates offices and is within Use Class E. However, Local Plan Policy H9 'Protection of Existing Larger Dwellings' is relevant as it aims to protect buildings which have 4/5 bedrooms or are 'capable' of supporting 4/5 bedrooms without significant adaption. The building previously accommodated a dwelling and the layout of it has not been altered significantly to accommodate the current use. As such, without significant adaption the building could be converted back to a residential property containing 4 or 5 bedrooms. This has occurred at a number of properties within the immediate area where the buildings have changed use from offices back to residential. In addition the change of use from class E to Class E is permitted development under class MA of the General Permitted Development Order, subject to a prior notification application.

Local Plan policy GD1 'General Development' states that development should not result in a significant adverse effect on the living conditions and residential amenity of existing and future residents.

Impact on the Conservation Area/visual amenity

As outlined above, the property is within the Victoria Road Conservation Area and proposals must preserve or enhance the character or appearance of the Conservation Area, in line with Local Plan Policy HE1. There are no alterations proposed to the building itself, however, the area of Green Space adjacent to the building would be covered in hardstanding in order to provide a car park. There would only be a token area remaining to the front of the site which could accommodate soft landscaping. In addition, the existing single vehicular access point would be blocked and a larger vehicular access point creating resulting in a section of the front boundary wall being removed.

The conservation area as a whole lacks greenspace and in the adopted conservation area appraisal the point is made that the loss of gardens and front walls for parking denudes the character of the area. Consequently, on its own merits the loss of this area of garden and soft landscaping is harmful to the Conservation Area, contrary to Local Plan Policies HE1 and D1 and the NPPF. As a result, the Conservation Officer has objected to the proposal.

It is recognised that a previous outline planning permission granted permission for apartments to be built on this parcel of land, however, that predates the currently adopted Local Plan and SPD's. That decision was also partially influenced by the neighbouring apartment development. Since that decision an application for a pair of dwellings was submitted and assessed under the currently adopted Local Plan. That scheme involved the partial removal of the boundary wall and the creation of a hardstanding parking area adjacent to Victoria Road. The Conservation Officer objected to that scheme and it was eventually withdrawn before a refusal could be issued.

Residential Amenity

It is noted that the existing property accommodates a commercial use and could accommodate a number of alternative uses under class E or as a result of permitted development rights. However, the officers are relatively small scale, are served by a modest car park to the rear and do not have external activities apart from the coming and going of pedestrians and vehicles. As such, the office use is compatible with the neighbouring residential properties. However, the proposed use would likely intensify the comings and goings at the site which is indicated by the requirements for a carpark over

twice the size of the existing car park as well as the number of staff and pupils proposed to be accommodated.

In addition, the rear part of the curtilage would be utilised as a playground/outdoor space for the pupils which would be immediately adjacent to several private amenity spaces associated with the immediately adjacent neighbouring dwellings on Victoria Road and Victoria Street. Although the noise generated from the playground would generally be within sociable hours, given the proximity to the neighbouring gardens and the lack of noise and disturbance from the current use it would be in stark contrast and detrimental to the amenity of the neighbouring residents, having a negative impact on the enjoyment of their gardens. As such, the proposal would be contrary to Local Plan Policy GD1.

Loss of Employment Premises

It is essential that land currently in use or last used for employment purposes is protected and safeguarded from non-employment uses. The current use can fall within the employment use category but the proposed F1 use would be considered a non-employment use. However, Policy E4 allows for non-employment uses where the proposal would not result in significant loss of existing jobs, there would still be an adequate supply of employment land or premises and the premises cannot satisfactorily support continued employment use.

The proposal would still result in the building accommodating circa 13 staff but there has been limited information submitted regarding the premises not being able to satisfactorily support a continued employment use, save for reference to the property being advertised with limited interest. However, it also has to be considered that under class E the property could be changed to a number of uses falling within that use class as well as the change of use to C3 subject to prior notification.

Highway Considerations

Barnsley MBC's Parking SPD recommends that off-street parking is provided at a rate of 1 space per 3 teaching staff and 1 space per 3 non-teaching staff. Clearly, the car park being proposed is more than adequate to meet these standards, particularly when taking into account the sustainable location of the site. However, Victoria Road is subject to a "no waiting 8am – 6pm, Monday – Saturday" restriction and the Planning and Heritage Statement produced by Alder King Planning Consultants suggests that most pupils will be dropped off and picked up by taxis. The main concern would be that these taxis (or private motor vehicles) wait on Victoria Road while the pupils are readied for collection.

Whilst Highways officers have raised no objections to the principle of the development, they cannot comment fully as there are a number of areas which have not been fully covered within the submission including;

- Cycle parking facilities have not been demonstrated on a plan.
- Refuse storage and collection pads have not been demonstrated on a plan.
- No details have been provided as to how pupil drop-off and pick-up will be managed. With restrictions in place to prevent waiting on Victoria Road, it is important that the proposal does not increase the likelihood of vehicles standing on the public highway. Information as to how many cars are likely to arrive at any given time should have been provided and what preventative measures are proposed; for example, if any staggered finishing times are being considered to prevent an influx of vehicles arriving at the same time, or if the car park will be managed by a member of staff at these busier times.

Policy H9

As outlined above, the property could qualify as a larger dwelling given that significant adaption would not be required to create a 4/5 bedroom property, especially as class E to class C3 is permitted development under class MA of the General Permitted Development Order (subject to a prior notification application). As such, its conversion to a commercial care home (C2) use would be contrary to Local Plan Policy H9 which seeks to resist the loss of existing larger homes given the conversion or loss of these properties is contributing to the imbalance in the housing stock. It is noted that an application could be made in the future for the change of used from F1 to C3, however, there are no permitted development rights for the change.

The applicants have stated that the existing building is only part occupied and there has been limited interest for the current use, as such, they stated that the change of use of the building to F1 is an acceptable alternative, however, as stated above the building could be converted to a larger home which would be more compatible with the immediately adjacent properties.

Summary

The applicants have stated that the school is intended for pupils currently living within the borough, however, very limited details have been provided to justify how the proposal would relate to the local educational needs or the needs of the community, contrary to the requirements of Local Plan Policy I2 'Educational and Community Facilities'. Furthermore, the applicants did not enter any pre-application discussions with the Authority or provide any evidence that they have fully engaged with the Councils Education department to provide a services that is required within the proposed location.

The conservation area as a whole lacks greenspace and in the adopted conservation area appraisal the point is made that the loss of gardens and front walls for parking denudes the character of the area. Consequently, on its own merits the loss of this area of garden and soft landscaping is harmful to the Conservation Area, contrary to Local Plan Policies HE1 and D1 and the NPPF.

The rear part of the curtilage of the building would be utilised as a playground/outdoor space for the pupils which would be immediately adjacent to several private amenity spaces associated with the immediately adjacent neighbouring dwellings on Victoria Road and Victoria Street. Given the proximity to the neighbouring gardens and the lack of noise and disturbance from the current use it would be in stark contrast and detrimental to the amenities of the neighbouring residents, having a negative impact on the enjoyment of their gardens. As such, the proposal would be contrary to Local Plan Policy GD1.

No details have been provided as to how pupil drop-off and pick-up will be managed. With restrictions in place to prevent waiting on Victoria Road, it is important that the proposal does not increase the likelihood of vehicles standing on the public highway. Information as to how many cars are likely to arrive at any given time should have been provided and what preventative measures are proposed. As such, the applicant has not submitted sufficient details and has failed to demonstrate that the proposed development would not give rise to unacceptable harm to parking and highway safety, contrary to Local Plan Policy T4 'New development and Transport Safety'.

The proposal would result in the loss of a potential larger home, as such, would be contrary to both policy H9 and SPD 'Design of New Housing Development'.

Recommendation

Refuse

