

2025/0093

Claire Atkinson

31, Manor Court, Churchfield Lane, Kexbrough, S75 5DH

Change of use of part of the building (formerly a care home) to a 13 bed HMO.

Site Description

The application site is on the south side of Churchfield Lane opposite Allendale Road. There is one large building on the site which is split into three separate uses, a training centre, respite day care and a former care home. The part of the building to which this application relates is the former care home and the other two uses still occupy part of the building.

To the front of the property is a forecourt which provides a parking area for the occupants. Parking bays are not marked out however the submitted site plan shows the area could likely accommodate 9-10 vehicles.

The building itself is built of red brick and has a tiled hipped roof. The property appears to have been extended a number of times as there are various 'add ons' such as a porch/entrance way, side extension and rear extensions. The building extends almost the full length of the plot leaving a small grassed area at the rear and side of the property.

The surrounding properties are predominantly residential and are a mixture of bungalows, detached and semi-detached properties.

Planning History

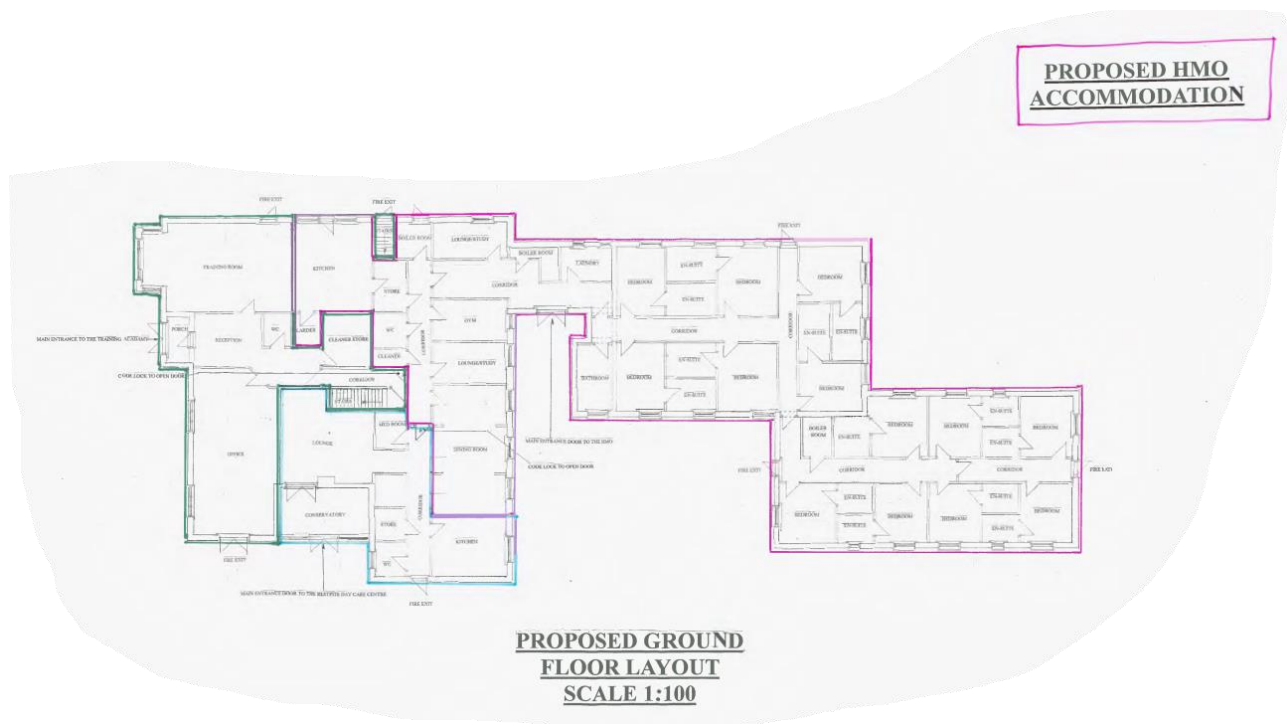
B/97/1406/DT - Erection of single-storey extension to form staff room - Granted

B/95/1289/DT - Erection of extension to residential home - Granted

B/94/1061/DT - Erection of extension to residential home – Granted

Proposed Development

The applicant is seeking permission for permission change of use of part of the former care home to a 13 bed HMO. No external alterations are proposed. The below floor plan indicates the area proposed to be converted to a HMO in pink. The green highlights the area occupied by the training centre and the blue indicates the respite day care facility.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at the full Council meeting on 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 Allocation – Urban Fabric

The site is allocated as urban fabric in the adopted Local Plan which has no specific land allocation.

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future

residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy T3: New Development and Sustainable Travel – New Development is expected to provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

Policy T4: New Development and Transport Safety - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019.

The most pertinent SPD's in this case are:

- Design of Housing Development
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting sustainable transport
- Section 12: Achieving well designed places

Consultations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Highways Development Control:

Highways development control have provided two rounds of comments on this application. Following the first round of consultation, highways requested the following additional information be provided:

- *The floor area of each of the current uses*
- *The peak car park demand (number of vehicles) for both current uses*
- *The number of staff (including both full and part time) for each of the current uses*
- *The number of daily visitors to each of the current uses.*

This was passed onto the applicant and a vague response was given stating that the use of the parking is adhoc, given that the training centre operates based on demand. The applicant stated that sometimes the training centre only operates 1 or 2 days a week and that some attendees travel via train or bus and as such car trips are difficult to quantify and are different each day. The applicant also states that these uses are only operational during the day time typically between 8am – 4pm with little to no car parking demand on evenings or weekends.

Highways DC provided further comments following receipt of the above information. Concerns were raised and highways have objected to the proposal on the basis that no details have been provided in terms of peak car park occupancy during the time of the training courses taking place and that the use could intensify at any given point. Highways DC also consider that if tenants are working professionals as suggested in the application, particularly nurses and doctors then this would introduce a higher likelihood of car ownership and, due to the nature of shift work, irregular hours, or not having access to public transport during off-peak hours, would result in such tenants being more reliant on the use of private vehicles, creating greater demand for parking provision within the site. Highways DC are not satisfied that the site has sufficient off-street parking provision and concerns remain that the proposals could lead to the indiscriminate parking of vehicles within the vicinity of the site, particularly along Churchfield Lane and Allendale Road, including the likelihood of parking on the footway, to the detriment of highway safety and contrary to Local Plan Policy T4 New development and Transport Safety.

Local Ward Councillors:

An objection letter has been received from the Local Ward Councillors raising concerns with regard to the following:

- Increased traffic/parking demand
- Antisocial behaviour

Case Management Officer

The Case Management Officer has provided comments and states that given the size of the HMO there is a requirement to provide two separate kitchen areas. At present the floor plans indicate only one kitchen and amendments would be required before the Case Management Officer could support this application.

Representations

Neighbour notification letters were sent to surrounding properties and 43 individual objections have been received from members of the public as well as a petition in opposition of the application with approximately 300 signatures from local residents. The concerns raised are as follows:

- Increased traffic and on-street parking
- Potential for undesirable tenants

Assessment

The main issues for consideration are as follows:

- The Principle of Development
- The impact on Highways/Parking
- The impact on visual amenity
- The impact on neighbouring residential properties

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

The site is defined as urban fabric within the Local Plan which has no specific land allocation. The former use of the site was a care home which falls under use class C2. This application proposes to change the use of this part of the property to a 13 bed HMO which would be Sui Generis, whilst retaining the existing training centre and respite day facility.

Changes of use are acceptable in principle if they would reflect and be compatible with other existing uses in the locality and would not be detrimental to the amenity afforded to adjacent properties.

The Design of Housing SPD states that development of new HMOs should:

- On the street in question, HMOs, studio apartments/bedsits account for less than 10% of the residential properties.
- HMOs, studio apartments/bedsits account for less than 10% of the residential properties within a 50 metre radius of the site.
- That the proposal would not result in 3 or more HMOs being located immediately adjacent to each other or the sandwiching of a dwelling house between two HMOs.

The Case Management Officer has been consulted and has confirmed that there are no other licensed HMOs on Churchfield Lane. A review of planning history has also confirmed that this is the case. As such the principle of the development would be acceptable subject to meeting other development plan policies regarding the amenity of existing and future residents, visual amenity and highway safety.

Residential Amenity

The proposal does not require any external alterations to the building, the existing windows/doors will remain in situ and the boundary treatment will continue to screen views from the windows into neighbouring gardens. As such the proposal will not introduce further overlooking or loss of privacy to neighbouring residents.

The housing design SPD states that HMO buildings and its curtilage should be of sufficient size to provide suitable facilities for residents. Each one should have a shared lounge and shared dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres). In all cases, amenity space, external and internal spacing standards and separation distances should adhere to the requirements within the general criteria.

The South Yorkshire Residential Design Guide requires single bedrooms to be a minimum of 7sqm. Each of the bedrooms indicated on the proposed floor plan measure between 9sqm and 11sqm therefore exceed the requirements set out in the guidance. There are also multiple shared living and dining spaces and a large garden area to the rear which all meet the relevant requirements.

The Design of Housing SPD also states that proposed HMOs should not create unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s). The building is detached and separate from any other residential uses, as such it is unlikely this proposal would cause harm to nearby residents in terms of noise.

Visual Amenity and Design

The Housing Design SPD states that as the appearance of a building or its curtilage should not be altered to the detriment of the visual amenities of the area as a result of a change of use to a HMO. The proposal does not require any external alterations as such would have limited impact on the visual amenity of the area.

In terms of design, the internal layout shows one single large kitchen with an attached Larder room. It also indicates there would be two separate dining rooms and three separate rooms for dining/living. The Case Management Officer has noted that due to the property being classed as a 'large' HMO two separate kitchens would be required and internal alterations would be required to provide the appropriate facilities.

Highways and Parking

The Design of Housing SPD states that HMO developments should provide satisfactory provision for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking.

Policy TC3, New Development and Sustainable Travel, states that new development is expected to provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

The parking provision on the site is a small car park located at the front of the building. There are no marked bays however the submitted site plan indicates a maximum of 10 spaces could be squeezed into the site. It is important to note that this building is split into three different uses with two different businesses currently operating within the building, a training centre and respite day care facility. The former care home which is subject to change of use under this application was the third use within this single building. There are also a number of offices at the first floor which form part of the training centre business.

Limited information has been provided from the applicant with regard to trip generation and parking demand associated with the current operational uses on the site. As such, Highways DC requested some additional information to allow them to further consider whether the site has sufficient parking provision for the existing uses and the proposed HMO.

Highways DC requested the following additional information be provided:

- *The floor area of each of the current uses*
- *The peak car park demand (number of vehicles) for both current uses*
- *The number of staff (including both full and part time) for each of the current uses*
- *The number of daily visitors to each of the current uses.*

Specific numbers for staff, visitors and peak parking numbers was not provided by the applicant. A response was provided however this was vague and stated that the use of the parking is difficult to quantify as the training centre operates based on demand. The applicant stated that sometimes the training centre only operates 1 or 2 days a week and that there are never a set number of attendees. It was also noted that some attendees travel via train or bus and as such car trips are difficult to quantify and are different each day. Little information was provided with regard to the respite day care facility in terms of staff or users. The applicant also states that these uses are only operational during the day time typically between 8am – 4pm with little to no car parking demand on evenings or weekends.

Following receipt of the above information Highways DC have objected to the proposal on the basis that no details have been provided in terms of peak car park occupancy during the time of the training courses taking place and that the use could intensify at any given point.

Highways DC also consider that if tenants are working professionals as suggested in the application, particularly nurses and doctors then this would introduce a higher likelihood of car ownership and, due to the nature of shift work, irregular hours, or not having access to public transport during off-peak hours, would result in such tenants being more reliant on the use of private vehicles, creating greater demand for parking provision within the site.

Highways DC are not satisfied that the site has sufficient off-street parking provision and concerns remain that the proposals could lead to the indiscriminate parking of vehicles within the vicinity of the site, particularly along Churchfield Lane and Allendale Road, including the likelihood of parking on the footway, to the detriment of highway safety and contrary to Local Plan Policy T4 New development and Transport Safety.

The Local Planning Authority acknowledges that the site is within a sustainable location, however as discussed above, there is potential for future occupiers to be dependant on private vehicles and insufficient information has been provided to suggest otherwise or to support the amount of parking proposed. No information has been provided with regards to cycle parking however there is adequate space within the grounds of the site for storage to be provided.

Other Considerations

Any proposals for conversion to HMOs should provide appropriate waste and recycling facilities. No information has been provided with regards to waste and recycling.

Conclusion

Whilst the principle of development would be acceptable in this location, the Local Planning Authority do not consider that adequate information has been provided to fully assess the existing and proposed parking demand at the site with full consideration to the existing uses as well as the proposed HMO.

**Recommendation:
Refuse**