

2024/0794

White's Healthcare Ltd

Change of use from commercial office to C2 residential Institute

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2019/0047 – Erection of one pair of semi-detached houses – withdrawn

2023/0340 - 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 – Refused for the following reasons;

- 1. In the opinion of the Local Planning Authority, the applicants have failed to fully 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 service that is required.*
- 2. In the opinion of the Local Planning Authority, the loss of the greenspace and the front wall as a result of the proposed car park and access arrangements is harmful to the Conservation Area. The Conservation Area as a whole lacks greenspace and the adopted conservation area appraisal makes the point that the loss of gardens and front walls for parking denudes the character of the area. Consequently, the proposed development is contrary to Local Plan Policies HE1 and D1 and paragraphs 199-202 of the NPPF.*
- 3. In the opinion of the Local Planning Authority, the proposed playground/outdoor space to the rear of the curtilage associated with 34 Victoria Road would, by reason of its close proximity to neighbouring residential private amenity spaces and habitable room windows, be detrimental to the residential amenity of neighbouring residents as a result of increased noise*

and disturbance. As such, the development would not be compatible with neighbouring land/uses contrary to Local Plan Policy GD1.

- 4. In the opinion of the Local Planning Authority, the applicant has not submitted sufficient details in terms of pupil drop-offs and pick-ups or what preventative measures are proposed. As such, the applicant 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'.*
- 5. In the opinion of the Local Planning Authority, the change of use would result in the loss of a potential 'larger dwelling' given the building was previously a larger dwelling and could be converted to a future larger dwelling without significant adaption. This would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' , and Supplementary Planning Document 'Design of Housing Development', which seeks to protect and re-introduce this type of housing stock*

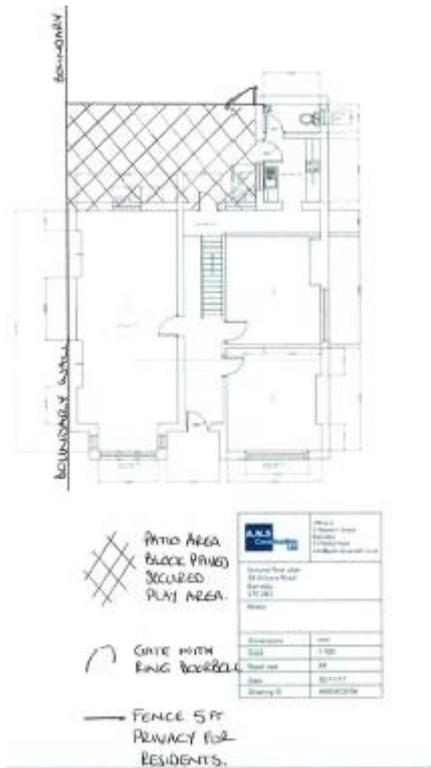
Proposed Development

The applicant seeks permission to change the use of the building from offices (Class E) to a residential institution. It is proposed to create a parent assessment centre which involves Local Authorities or courts referring parents with a child or children on a short term placement of 12 weeks in order for their parenting ability to be assessed. The outcome of that 12 week assessment is then used to determine the best interest of the child/children in terms of their future care i.e to remain with the parents or for alternative arrangements to be made such as kinship care or foster care.

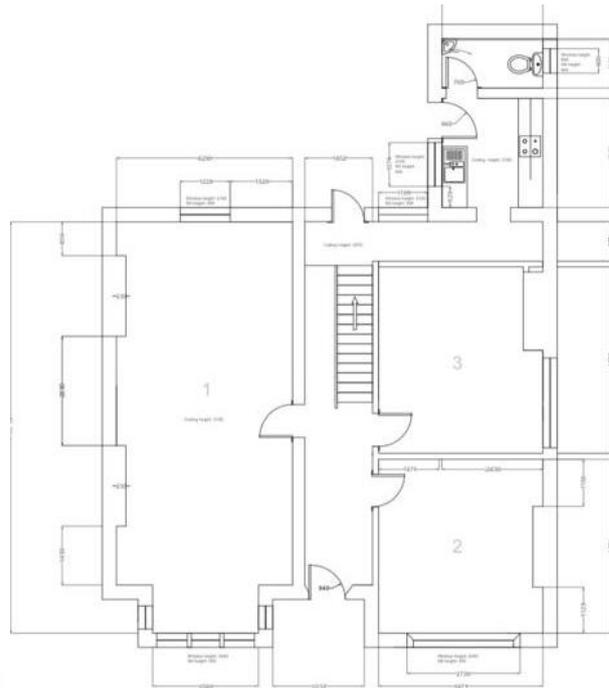
In terms of staffing, 6 staff will be present on site during the day and 2 over night. Staff will provide parenting classes and specialised training. There will be periodic visits to the site from third parties including solicitors and social workers.

The building was originally a dwelling so limited internal alterations are required to accommodate the proposed use. The property would have 10 bedrooms. The proposed changes are limited to;

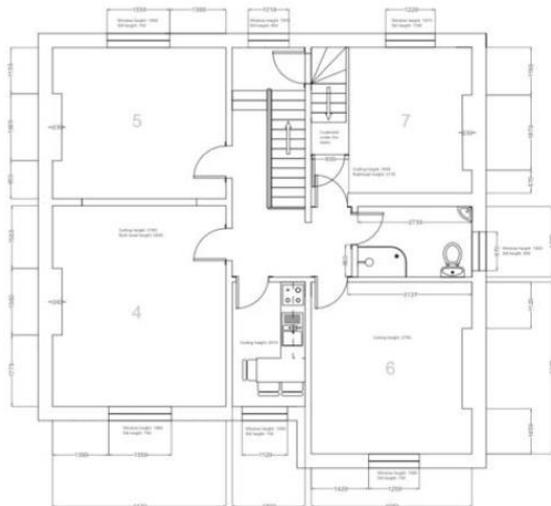
- 1) Bath added to top floor bathroom where there was only a toilet (no change to grey water pipework as the bathroom already had a sink)
- 2) Redecoration throughout to turn from offices to a home with lounges and bedrooms
- 3) Fence erected at the rear of the building to create a patio area resulting in small loss of car parking however car parking remains sufficient for our needs no additional traffic is anticipated beyond what is already allowed under existing usage (to the contrary traffic is expected to be below the existing commercial usage). Existing water run off drains remain unaltered.
- 4) New boiler system added using existing pipework to accommodate increased use of hot water. This alteration used existing pipework and is situated within the building with no external work required
- 5) Privet hedge planted on road facing perimeter directly in front of the house for privacy
- 6) Land adjacent to the property is covered by our tenancy and is to be maintained as grassland and manicured until any future applications submitted



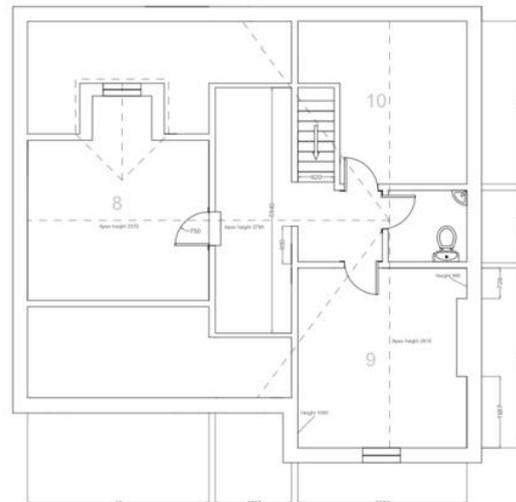
External Patio



Ground Floor Plan



First Floor Plan



Second Floor Plan

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the 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 also now 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 and 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.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is within the Victoria Road Conservation Area in the Local Plan Proposals Maps and therefore the following policies are relevant:

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 LG2 The Location of Growth

Policy Poll1 Pollution Control and Protection

Policy H9 Protection of existing larger dwellings

Policy HE1 The Historic Environment

Policy E3 uses on employment land

Policy E4 protection of existing employment land

SPD's

Those of relevance to this application are as follows:

-Parking

-Trees and Hedges

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.

Paragraphs of particular relevance to this application include:

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, taking into account both local business needs and wider opportunities for development.

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

Para 115 - 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 205 - 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 206 - 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 207 - 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 – No objections, sufficient parking space

Conservation Officer – No objections, limited internal and external alterations required.

Reg Services – No objections subject to a condition limiting hours of construction.

South Yorkshire Police – No objections subject to Secured By Design principles being adopted

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. 3no. objections have been received as a result; the main points of concern are;

- Increased noise and disturbance
- Use would not sit comfortably with existing residential/commercial uses
- Safety concerns for existing residents within the area
- Highway safety issues due to proximity of access to a bend
- Concerns regarding the background of the residents and how they will be managed
- Parking may take place on the grassed area, impacting the visual amenity of the Conservation Area

Assessment

Principle

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. The other commercial uses along Victoria Road are generally 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. This proposed use straddles both residential and commercial uses and the building has been both in the past, as such, the principle of a residential institution in this area could be accommodated subject to the relevant policies and guidelines being met, as discussed under the headings below.

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, in line with Local Plan Policy HE1. Paragraph 205 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'. As outlined in the 'Proposed Development' section above, with the exception of a small patio to the rear of the building, there are no external alterations proposed. The internal alterations are also kept to a minimum given the building was previously a dwelling and there were limited works undertaken to accommodate the current office use.

It is essential that land currently in use or last used for employment purposes is protected and safeguarded from non-employment uses. As outlined above, the building has been utilised as offices and the current proposal would retain an employment element with 6no. staff during the day and 2no. staff during the night.

Although the building is used for employment purposes, 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 or above. 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 C3 is permitted development under class MA of the General Permitted Development Order, subject to a prior notification application.

It is noted that in this case there would still be a commercial element in that it is a business with staff, however, there would be a residential element in that the parents would reside within the building for 12 weeks at a time. Although there would be no permitted development rights to change from C2 to C3, there is currently no reason why a full residential use within the building couldn't be considered in the future. Furthermore, the conversion works proposed to accommodate the residential element could make a conversion simpler in the future. As such, on balance, given the existing use and the potential uses that could be accommodated under class E, the proposal would not be contrary to policy H9 in this case.

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. This will be discussed further below;

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 external alterations proposed to the building itself or any significant internal alterations. Externally, there is just a proposal to create a small patio area to the rear which would be sandwiched between an existing extension and the boundary, as such, there would be no views from

public vantage points. In any case, it would be akin to patio areas to the rear of existing residential properties within the immediate area.

The previous application for a school on the site was partially refused due to its impact on the Conservation Area but this was due to the area of Green Space adjacent to the building being covered in hardstanding in order to provide a car park with only a token area remaining to the front of the site. Furthermore, the existing single vehicular access point was proposed to be blocked and a larger vehicular access point created resulting in a section of the front boundary wall being removed. That is not the case with this application as the existing access point and area of soft landscaping would remain. As such, the previous reason for refusal 2 has been addressed.

Residential Amenity

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. It is acknowledged that unlike the office use, the proposed use would operate 24 hours a day. However, during unsociable hours the property would operate similar to a large household in that the residents would be asleep and the noise would be controlled by the 2no. staff on duty overnight. As with many households with newborn and young children there will be some inevitable noise and disturbance, however, the building is of solid construction and is detached, as such, there are no shared party walls. During the day, the parents would receive parenting classes and assessment so noise levels would be comparable to the previous office use or neighbouring commercial uses carried out under class E.

Vehicular movements to and from the site would be limited compared to neighbouring commercial uses with just 6no. staff during the day and 2no. staff during the night. Visitors would be minimal and would be restricted to sociable hours.

It is noted that the previous application for a school on the site was partially refused for potential impact on residential amenity, however, they proposed a larger car park, vehicular movements would have been greater due to pick up and drop offs and an external play area was proposed to the rear of the building and shared a boundary with a residential property. Although this application includes a rear patio, it is only a small addition and its use would be significantly less than that of a school.

As a result of the comments above, residential amenity would be maintained to a reasonable degree in accordance with Local Plan Policy GD1.

Highway Considerations

Barnsley MBC's Parking SPD recommends that off-street parking is provided at a rate of 1 space per 4-8 staff and 1 space per 4 daily visitors. The existing car park is more than adequate to meet these standards, particularly when taking into account the sustainable location of the site.

Unlike the previous school application of the site, there are no alterations proposed to the carpark and the location and size of the patio to the rear would not significantly impact parking numbers or turning/manoeuvring facilities. Furthermore, also unlike the previous application, the existing access point from Victoria Road would be retained.

As a result of the comments above, highway safety would be maintained in accordance with Local Plan policy T4. As Such, Highways DM have not objected to the application or request

Summary

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies H9, GD1, D1, BIO1 & Poll 1) and the relevant SPD's, including Parking, and is assessed to be a suitable form of development. The application is also considered acceptable in relation to the other considerations set out in the assessment section of the report including visual Amenity, residential amenity, highways matters, and mining legacy subject to appropriately worded conditions.

Based upon the above the proposals are in compliance with the development plan meaning that the presumption in favour of sustainable development set out in Local Plan policy SD1 and in paragraph 11 is considered to apply. In such circumstances proposals that accord with an up to date development plan should be approved without delay.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve Subject to conditions

- 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.*
- 2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.*
- 3. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.*
- 4. The premises shall be used as a Parent Assessment Centre and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).*
- 5. Reason: In the interests of residential amenity and highway safety, in accordance with Local Plan policies GD1 and T4.*