
Ref 2021/1326

Applicant: Mrs Rachel Bradshaw - MAC Group Ltd

Description: Change of use of property to a residential children's home for one young person

Site Address: 15 Churchfield Avenue, Cudworth

Description

The property is a two storey, two bedroom end terrace dwelling set on Churchfield Avenue which is set within a predominantly residential area. The property has a lounge, kitchen and bathroom on the ground floor and two bedrooms at first floor.

The property does not have off street parking, however there are no parking restrictions along Churchfield Avenue. The property has a rear yard area and a paved front garden.

Proposed Development

The applicant seeks permission to change the use of the dwelling (C3) to a residential children's home for one young person (C2). In support of the application, the applicant has provided the following additional information:-

'The home will have one staff on at all times on a general rule. If required the staff may change to two staff but this is very slight. Therefore there will only be one staff member on at a time using only one parking space.

The shifts will start at 8 am and end at 8pm. The handovers will commence at 15 minutes prior to these times. This fits in with the car spaces on the street as home owners leave the house before 8 and there are available parking spaces at that time. The 8pm handovers home owners have already come home and parked their cars. I am aware of the home owners on the street as many have two or even three car parking slots. Staff that I have coming there are only two staff who have a vehicle and the rest are on public transport. We will not be having a provision car as we are aiming for the young person/s to be independent and be confident in using public transport.'

There are no material alterations proposed to the exterior or interior of the property.

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 new Local Plan was adopted at the full Council meeting held 3rd January 2019. 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.

Local Plan

The site is allocated as Urban Fabric within 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 H6 Housing Mix and Efficient Use of Land
Policy Poll1 Pollution Control and Protection

SPD's

Those of relevance to this application are as follows:

- House extensions and other domestic alterations
- 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.

Consultations

Ward Councillors – 3 comments have been received from Ward Councillors which raise the following concerns:

- The proposal is unsuitable in the middle of a densely populated area
- The area has many private landlords and, in the past, has suffered anti- social behaviour issues and drugs problems which residents have regularly complained about. This could impact on the residency and those within it.
- Equally the business use and nature of the proposal suggests clients with complex and intense needs which could impact on neighbouring residents regardless of management in such a closely defined space and community. Indeed, part of the area is older people's bungalows which clearly are not a suitable location for such activities.
- Cudworth has had and still has a number of children's and other residential homes one of which (Church Street) is close to the proposal. I believe this would be one too many in such a defined area with the possible impact that has. The existing home has had significant issues in the past which have greatly impacted on the area and raised community tensions and I believe this proposal will likely add to that problem.
- An alternative site should be considered
- There are too many in the area
- Antisocial behaviour

Highways – No objections
Pollution Control – No objections

Representations

1 comment has been received which raises queries on who the application is from and details of who the occupant would be. These are not considered to be material planning considerations.

Assessment

Principle of Development

The proposal is for a residential use and will permanently house 1 child at a time. Within the supporting text of Local Plan Policy H6 'housing Mix and Efficient Use of Land' it states that various house types capable of accommodating a range of needs are required across the borough. Supported housing is required for vulnerable households, including young people with support needs. Proposals will be supported where they are consistent with policy H6 and other policies within the Development Plan.

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 is assessed further below.

Residential Amenity

Concerns have been raised with regard to concentration issues of similar care homes within the Cudworth area. Records from Children's Services indicate that in April 2020 there was only one other private registered Children's home in the Cudworth area, and our planning records indicate that there are no other recent planning applications approved for care homes in the Cudworth area. The applicant has no other homes within the Barnsley area

In terms of the site suitability, children's care homes are normally set within residential areas and communities in order to provide a 'typical' setting for the children to grow up in. The use would only be for one child and one carer, with a maximum of two carers at any one time during a handover. The activities within the property would typically reflect those within neighbouring residential properties. The proposed use would be compatible with the surrounding area and would have similar levels of activity/movements as a typical residential C3 use and would not cause a significant increase in noise or disturbance in compliance with policy GD1 of the Local Plan.

Whilst the property is only a terraced property the home would only be for one young person and so, with the rear yard area and internal accommodation, it would provide sufficient space to be utilised for the proposal.

No extensions or alterations are proposed to accommodate the use as such residential amenity in terms of overbearing, overshadowing and privacy would remain the same.

A condition will be recommended to limit the use of the property within use class C2 to that described within this application so further uses which fall within that category, which may not be as compatible with the adjacent land uses, are not carried out without due consideration.

Visual Amenity

As outlined above, no internal or external alterations are proposed, as such, visual amenity would be maintained in accordance with Local Plan Policy D1.

Highway Safety

The Highways Section have not objected to the proposal. The Highways Officer has provided the following comments

'it is now evident that the manner in which the site would operate as a residential children's home for one young person would be little different to how it would be used as a normal residential dwelling in terms of the number of vehicle trips, the time of vehicular activity and the demand for on-street parking spaces. There will generally be only one member of staff present at the home, occasionally there will be two members of staff but this will ordinarily only be at hand-over times during shift change.'

Given that the property would be used for one child only and the number of staff at the property would be generally one and two only during handovers, it is considered that the proposals will not adversely impact upon the highway and are therefore considered acceptable from a highways development control perspective in accordance with policy T4 of the Local Plan.

Other concerns from Ward Members

The concerns from Ward Members are acknowledged, in particular the experiences of anti-social behaviour they have experienced from other care homes. However, the management company for this scheme is not the same as for the other care homes that have raised problems and each application needs to be judged on its individual merits. Whilst there are concerns that there may be a turnover of single residents at this address, similar occurrences could happen if the property was rented out as a residential dwelling which could happen without the need for planning permission.

Summary

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

The applicant has also agreed to a condition which ensures that any child resident at the premises is from Barnsley and therefore the scheme will serve a local need.

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

Recommendation

Grant 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. Only one child at a time shall be resident in the premises and the use shall be as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The site consists of a property adjacent to residential dwellings with limited parking provision and the Local Planning Authority considered it is proper and reasonable to limit the use in the interests of residential amenity in accordance with Local Plan Policy GD1.

4. Any child in care that will be looked after under this permission shall be from within the borough of Barnsley

Reason: In the interests of sustainability and in accordance with Local Plan Policy T3

PA Reference:-

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BARNSELY MBC - Regeneration & Property



Scale: 1:1250