
2019/0934

Mr James Lakin

Change of use of outbuilding to massage and holistic therapy studio

Dial House, Chapel Lane, Billingley, Barnsley, S72 0HZ

Description

Dial House is a stone built

detached property within Chapel Lane.



The property sits within a large plot. The outbuilding subject to this application sits to the rear of the house and beyond this is a large garden area. Private parking is available to the front of the property. Surrounding properties are residential with many being converted agricultural buildings. The property falls within Billingley Conservation Area and is close to several Listed Buildings.

Proposed Development

The applicant seeks permission for the use of the existing stone built out building to be used for business purposes as a massage and holistic therapy studio. The building does not require any alterations or extensions to be used. The building would be utilised Monday- Friday between the hours of 12-5pm.

Policy Context

Planning decision 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 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is situated within Billingley Conservation Area and is allocated as Green Belt within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.
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Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;

- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Policy POLL1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy HE1 The Historic Environment

- By supporting proposals that would preserve or enhance the character or appearance of a conservation area. There are 18 conservation areas in the borough and each is designated for its particular built and historic significance. This significance is derived from the group value of its constituent buildings, locally prevalent styles of architecture, historic street layouts and its individual setting which frequently includes views and vistas both into and out of the area. Particular attention will be given to those elements which have been identified in a Conservation Area Appraisal as making a positive contribution to its significance.

Policy GB3 Changes of use in the Green Belt

- Allow the change of use or conversion of buildings in the Green Belt provided that: The existing building is of a form, scale and design that is in keeping with its surroundings; The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use; The proposed new use is in keeping with the local character and the appearance of the building; and The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.

Supplementary Planning Documents (SPD):

Parking – sets out parking standards that will be applied to all new development.

Consultations

Highways Drainage – details to be checked by Building Control

Highways DC - The outbuilding from which it is proposed to operate a massage/therapy studio is of a small size and as such it will only be occupied by one customer at any one time on an individual appointment basis. The site has adequate provision for the parking and turning of a customers' vehicle.

The proposals do not adversely impact upon the highway and are therefore considered acceptable from a highways development control perspective.

Pollution Control - This development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

Conservation Officer - No external changes and no internal changes to fabric of note. As a result, no objections or detailed comments.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice posted; no comments have been received.

Assessment

Principle of development

The site falls within urban fabric which has no specific land allocation, however the site and surrounding area is made up principally of housing. Small, home based businesses, may be acceptable in these locations as long as the house remains the predominant use, there would be no detrimental impact to the viability and vitality of local centres, and no significant detriments to highway safety or residential amenity.

Impact on local centres

Policy TC1 of the Local Plan sets out a hierarchy of centres. Development in local centres is expected to meet the needs of the local area. The policy establishes that a sequential approach will be used to assess proposals for new retail and town centre development, to focus it on identified centres in the first instance, with edge of centre and out of centre development only being allowed where it meets the requirements of the Framework. In this case the nearest local centre would be Goldthorpe which is a significant distance away. Given the distance, and the nature of the business is small in scale and in itself, its impact on the vitality and viability of the local centre is likely to be limited.

Residential Amenity

The proposal is to utilise an existing outbuilding as a massage studio. The outbuilding is set to the rear of the property within the garden area. The building sits close to the boundary of Poplar Farm, adjacent to garden space. The building requires no alterations to facilitate its use. The hours of work have been stated to be Monday to Friday 12:00 – 17:00pm. Appointments would be approximately an hour long with one person per appointment. No walk ins would be accepted and there would be no cross over of clients to allow time for cleaning etc. Clients would be instructed to park within the existing parking at Dial House rather than the public highway.

The building does not require any alteration or extension to be used as a massage studio. Therefore, when not being used for such purposes, it could revert to a domestic use. In terms of impacting upon residential amenity, the authorities aim is not to suppress development but to ensure that the living conditions and residential amenity of people is protected. Section 6.9 of the Local Plan page 29 states that the authority will assess the impact on living conditions and residential amenity in relation to:

- Noise, smell, dust, vibration, light, air, surface water, ground water, or other pollution and disturbance from any proposed activity, including traffic related noise and the coming and goings of visitors to premises particularly when late evening activity is involved.

The effect on amenity afforded to neighbouring properties from businesses operating in residential areas has become more prominent and the LPA has taken a stronger stance in assessing these types of commercial activity.

The use of the driveway is not dissimilar to the domestic use, the development would still generate a greater number of vehicular movements and noise associated with manoeuvring and the opening and shutting of car doors throughout the day. However, the area available for parking is completely private and self-contained and therefore disturbance would be minimised to neighbouring properties. In addition the hours of use would be between 12 and 5 Monday to Friday which would limit the impact on neighbouring residents.

The proposal has the potential to increase noise levels through the use of the outbuilding and impact upon residents of neighbouring properties and gardens. Although no objections have been raised by Regulatory Services in regard to noise, these are balanced against the LPA assessment of the proposed developments impact. Regulatory services have a higher threshold in terms of noise (i.e., will the proposal cause a statutory nuisance), whilst they might not object, that does not mean that there will not be any adverse impact from the commercial activity being carried out.

However, the use of the outbuilding for massage and holistic therapies would have lower noise levels associated with it than other uses such as hairdressing. Whilst the building is within the garden area, and adjacent to the neighbouring boundary, it is not considered that the noise associated with the number of clients proposed and the hours of work would have a detrimental impact on residential amenity and the use of garden space. In addition, no objections have been received from any local residents to the scheme

Visual Amenity

The building does not require any works to allow it to be used as a therapy room. Therefore, as there will be no change in appearance the proposal satisfies the requirements of Local Plan Policy D1. The dwelling would also remain the predominant usage of the site.

Highway safety

Highways Development Control have assessed the site and consider the site has adequate provision for the parking and turning of a customer's vehicle.

The proposals do not adversely impact upon the highway and are therefore considered acceptable from a highways development control perspective.

Recommendation

Approve with conditions