

2021/0691

Mr Dennis Botha

Change of use from residential to hairdressing salon
1 Ings Road, Wombwell, Barnsley, S73 0BP

Planning History

No planning applications

Description

The property is a corner end terrace set on the junction of Stonyford Road, Station Road and Ings Road. The property does not have any off street parking or garden area. The area is predominately residential, consisting of terraced and semi detached properties with very little off road parking.

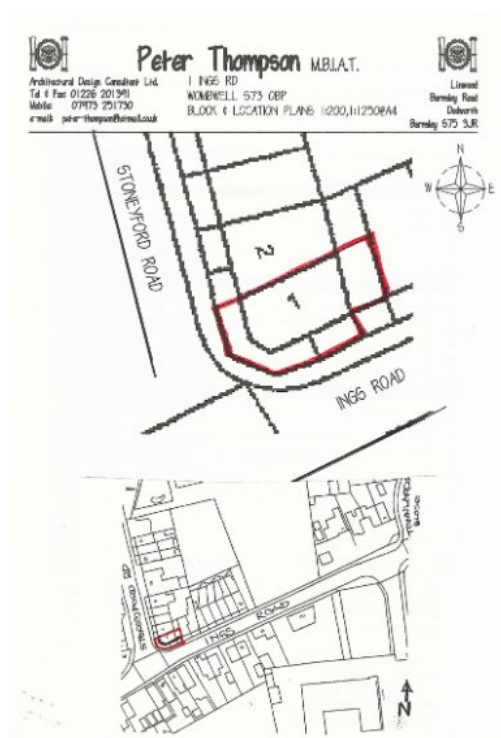




Proposed Development

The applicant seeks permission for the change of use of the existing dwelling into a hairdressers (Class E). The opening hours proposed are Monday to Friday 9am to 5pm and Saturdays 8am to 2pm, with two full time employees.

There are no external alterations proposed. Any signage may require separate advertisement consent.



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.

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

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.

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 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 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 TC1 Town Centres

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Wombwell is a District Centre. The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to

complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF.

Impact assessments will also be required as laid out in policy TC3. These should comply with the requirements of the NPPF.

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. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

Policy CC3 Flood Risk

The extent and impact of flooding will be reduced by: Not permitting new development where it would be at an unacceptable risk of flooding from any sources of flooding, or would give rise to flooding elsewhere; Ensuring that in the Functional Floodplain (Flood Zone 3b), only water compatible development or essential infrastructure (subject to the flood risk exception test) will be allowed. In either case it must be demonstrated that there would not be a harmful effect on the ability of this land to store floodwater; Requiring developers with proposals in Flood Zones 2 and 3 to provide evidence of the sequential test and exception test where appropriate; Requiring site-specific Flood Risk Assessments (FRAs) for proposals over 1 hectare in Flood Zone 1 and all proposals in Flood Zones 2 and 3; Expecting proposals over 1000 m² floor space or 0.4 hectares in Flood Zone 1 to demonstrate how the proposal will make a positive contribution to reducing or managing flood risk; and Expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30% and development on greenfield sites to maintain or reduce existing run-off rates requiring development proposals to use Sustainable Drainage Systems (SuDS) in accordance with policy CC4; and Using flood resilient design in areas of high flood risk.

NPPF

The National Planning Policy Framework (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.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Supplementary Planning Documents (SPD):

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

Consultations

Highways DC – No comments received.

Pollution Control – No objection subject to conditions

Drainage – Details to be checked by Building Control

Yorkshire Water – No comments received

Ward Councillors –

Cllr Trevor Smith - No.1 Ings Road is situated on the corner of Stoneyford Road and it's a bad corner for accidents. An accident Black Spot. The wall at the front of this premise has been knocked down many times. Parking is another problem at that position and all along Ings Road to the ex BMBC depot which is now well used by heavy vehicles.

Cllr Kevin Osborne - Section 8 makes no reference to where both the employees and customers of this salon will park vehicles. The area already suffers with congestion, especially during the morning and afternoon peak periods plus at school pick up time. Where does the applicant propose customers and staff will park? Section 11. Assessment of Flood Risk has been incorrectly completed by the applicant. The area is a well known flood risk area, with Bulling Dike approximately 120 m from the site. In my view this application will require a Flood Risk Assessment.

Representations

Two letters of objection have been received which raise the following concerns:

- No parking facilities are provided
- Impact on residential parking
- Ings Road is already heavily congested with work traffic using the industrial estate at the end of the road. Heavy trucks come along at all times of the day and night. Sometimes beeping their horns and us residents may have to move our cars so they can get along the street.
- The corner of the residence in question has had multiple accidents in recent years, where cars have actually ploughed into the building.

- Parents whose children attend St Michaels & All Angels School use Ings Road as a drop off and pick up zone which causes more congestion on a busy road.
- There is no car park for customers who would use the hair salon, therefore they would park on Ings Road causing more concern and disruption for residents.
- The junction at Ings Road is a busy junction on a tight corner/bad bend.

Assessment

Principle of development

The proposal lies within urban fabric (no specific allocation) on the Local Plan Proposals Map, where development may be considered acceptable where, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and where they are compatible with neighbouring land and will not prejudice the current or future use of land.

Where development is proposed for a town centre use (as defined by the NPPF) and located outside of the town centre, a sequential test will be required to ensure the maintenance and enhancement of the vitality and viability of the town centre. No sequential test has been submitted as part of the application to demonstrate that there are no preferential sites located within a centre location. The proposal therefore fails to comply with Paragraph 86 of the NPPF and Local Plan Policy TC1.

The site is outside Wombwell District Centre. The proposed use of the dwelling as a hairdressing salon would be in competition with similar uses in the centre and would therefore impact on the vitality and viability of the centres as there may be a diversion of trade from existing retailers in the district centre.

Had a sequential test been submitted which justifies the proposed use in an out of centre location, it is considered that there would still be an impact on residential amenity and highway safety as outlined below.

Residential Amenity

The applicant seeks permission to convert the existing residential property to a hairdressing salon. The site is set within a mainly residential area, allocated as Urban Fabric within the Local Plan.

Policy GD1 General Development is applied to all development and will be the starting point for making decisions on all proposals including those shown on the policies map as Urban Fabric.

Policy GD1 states that proposals for development will be approved if amongst others; there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

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.

Although no objections have been raised by Regulatory Services in regard to noise, these are balanced against the 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. As this is a terraced property, the proposed use would amount to a level of activity and a significant 'coming and going of visitors' that would cause noise and disturbance to neighbouring properties and is considered to have an impact on the amenity of surrounding residents in a residential rather than commercial area.

The granting of this planning permission could set precedence for future applications which could lead to a proliferation of non residential uses in a residential area. It is in this regard that the application is considered unacceptable and contrary to Local Plan Policy GD1 and Poll1 in that the proposal would have an unduly harmful impact on the living conditions of existing, neighbouring and nearby residents.

Highway Safety

The highways section have not commented on the application. The property is located on a sharp bend in the road where Ings Road meets Stonyford Road and Station Road. It is apparent that there is significant on street parking that takes place, given that the majority of the dwellings in the area do not benefit from off street parking.

Given the proximity of the building to the school on Stonyford Road and its position close to the junction and sharp bend in the road, it is felt that as the proposal fails to provide sufficient and suitable accommodation for parking, loading/unloading and turning of vehicles in connection with the use. This would result in a significant increase in short duration on-street car parking and congestion along nearby streets to the detriment of the safe and free flow of traffic on the highway and contrary to policy T4 of the Local Plan.

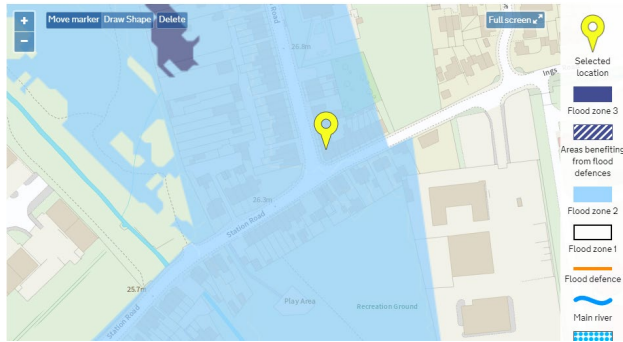
Visual Amenity

There are no external changes proposed therefore there should not be any significant impact upon visual amenity. Any signage may require separate advertisement consent.

Flood Risk

The site is located within Flood Zone 2. Zone 2 has a medium probability of flooding, having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding.

A Flood Risk Assessment is required in flood zone 2 or 3 including minor development and changes of use. A Flood Risk Assessment has not been submitted with the application, therefore insufficient information has been submitted in relation to potential flood risks contrary to policy CC3 of the Local Plan.



Recommendation

Refuse for the following reasons

1. The proposed change of use fails to comply with Local Plan Policy TC1 and paragraph 86 of the NPPF in that the proposal represents a town centre use which is located out of existing town and district centres. No sequential test has been submitted which demonstrates that there are no preferential sites located within a centre location and as such the proposal impacts on the vitality and viability of the centres as there may be a diversion of trade from existing retailers in the district centre to this proposed hairdressing salon.
2. The proposed change of use from a dwelling to a hairdressing salon fails to comply with Local Plan Policy GD1 in that it would have an unduly harmful impact on the amenity of the residents of adjacent dwellings by way of increased noise and disturbance.
3. The property is located adjacent to the junction of Ings Road and Stonyford Road and fails to provide sufficient and suitable accommodation for parking, loading/unloading and turning of vehicles in connection with the use. This would result in a significant increase in short duration on-street car parking and congestion along nearby streets and close to the junction, to the detriment of the safe and free flow of traffic on the highway and contrary to policy T4 of the Local Plan.
4. The property lies within Flood Zone 2 where there is a medium probability of flooding risk. A Flood Risk Assessment has not been submitted with the application, therefore insufficient information has been provided in relation to the impact of the development and potential flood risk, contrary to policy CC3 of the Local Plan.