
2023/1006

Mrs A Chandler

Change of use of half of garage as nail and beauty salon (retrospective)

18 Medway Close, Barugh Green, Barnsley, S75 1NY

Site Location and Description

Medway Close is a quiet residential street located off Medina Way off A637 Claycliffe Road. The property subject to this application is a modern detached, red brick dwelling located at the head of a cul-de-sac.

The property is located within a corner plot and benefits from a modest rear garden with detached garage located adjacent to the western side boundary and a driveway for 3no vehicles located to the front of the property.

Proposed Development

The applicant seeks permission for the conversion of part of the existing detached garage to be used as a beauty salon.

The change of use of part of the existing detached outbuilding to be used as for a beauty treatment business by the occupant of the property. The business will be open Monday to Friday 09:30 to 14:30 and at no time on Saturdays, Sundays or Bank Holidays, with one full time employee, the applicant and owner of the property.

The applicant indicates that the work has already been undertaken and that the business is currently operational, therefore, this application is retrospective.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, and the National Planning Policy Framework (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.

Local Plan

The site is allocated as Urban Fabric within the Adopted Local Plan, which has no specific land allocation and therefore the following policies are relevant:

Policy GD1 General Development
Policy Poll1 Pollution Control and Protection
Policy T3 New Development and Sustainable Travel
Policy T4 New Development and Transport Safety

Policy D1 High Quality Design and Place Making
Policy SD1 Presumption in favour of Sustainable Development

National Planning Policy Framework 2023 (NPPF)

The National Planning Policy Framework 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 there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

Supplementary Planning Documents (SPD):

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

Consultations

Highways DC – No objections
Pollution Control – No objections
Planning Enforcement – no complaints received
Ward Councillors – No comments received

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice; no representations have been received.

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

Residential Amenity

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.

The authority's 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 Local Planning Authority has taken a stronger stance in assessing these types of commercial activity.

It is acknowledged that the use of the driveway by customers is not dissimilar to the domestic use of the drive, however the development could still generate a greater number of vehicular movements and noise associated with manoeuvring and the opening and shutting of car doors throughout the day. Whilst this type of activity would normally be considered unacceptable within a quieter residential estate setting; in this instance, given that the use of the premises would be limited to Monday to Friday between 09:30 and 14:30 when most residents would be out working, and at no time on Saturdays, Sundays or Bank Holidays when residents would be home and expect to have quiet enjoyment of their property. In addition, there have been no objections made in relation to this application, nor to planning enforcement in relation to the unauthorised use of the outbuilding as a beauty salon.

The applicant runs a booking only system with no 'walk-ins', allows sufficient time between bookings that clients do not overlap, and the business operates on a little more than part-time basis with 25 hours per week over five days being typical.

Whilst the use of the business in its current form is considered acceptable, it is considered prudent to include a condition limiting the use of the premises to the applicant whilst they are the occupier of the property to which the outbuilding relates, which will further protect residential amenity should the applicant vacate the associated residential property.

It is in this regard that the application is considered acceptable and in compliance with Local Plan Policy GD1 and Poll1 and as such is acceptable.

Highway Concerns

The conversion of the garage for the use as a salon and store results in the loss of a parking space, however, a large driveway/frontage parking area would remain available. In terms of the level of parking provision required, in addition to two residential parking spaces, the proposals require three parking spaces per consulting/ treatment room to comply with the Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1, thereby giving a total requirement for five off-street parking spaces. However, taking into consideration the applicant being both resident and sole treatment provider, the parking requirements can be partially combined for the residential and salon uses rather than being treated entirely separately.

Therefore, this requires that a minimum of three off-street parking spaces be provided with each space having minimum dimensions of 2.5m x 5m to comply with the SPD; it is evident that this level of provision would be met. A caravan is kept on the driveway in front of the garage, however, despite the presence of the caravan, it appears that there is still sufficient room within the site for the required three parking spaces to be provided.

In view of the above, no objection is raised from a highways development control perspective, subject to the inclusion of a condition limiting the use of the premises to the applicant whilst they are the occupier of the premises.

In light of the above, the proposals are considered acceptable and in compliance with Local Plan Policy T4.

Visual Amenity

The detached outbuilding is located to the side of the dwelling and has the appearance of a detached garage when approaching from the front which is characteristic of residential properties and as such the development is considered acceptable in terms of its impact on visual amenity.

Conclusion

Based on the assessment above, it is considered that the use of the existing detached outbuilding as a business consisting of beauty treatments would not have a detrimental impact on the amenity of surrounding residents or upon highway safety and as such is acceptable and in compliance with Local Plan Policies GD1, Poll1 and T4.

Recommendation

Approve with Conditions