

2024/0021

Mrs Joanne Butler

339 Higham Common Road, Higham, Barnsley, S75 1PG

Variation of condition 2 (Opening Hours) and 3 (Staffing) of application 2022/0455 (Change of use of detached outbuilding to rear to therapy business consisting of beauty treatments and massages (Retrospective))

Site Description

Higham Common Road is a busy classified road linking Barugh Green to Dodworth; it is predominantly residential in nature interspersed with some non-residential uses, such a public house, a restaurant, and a church. The detached dwelling is located within a row of residential properties and set back from the highway with a large parking area to the front. The business takes place in an existing detached outbuilding to the rear of the dwelling.

Relevant Planning History

2022/0455 - Change of use of detached outbuilding to rear to therapy business consisting of beauty treatments and massages (Retrospective) (Approved with Conditions)

Proposed Development

The applicant is seeking approval the erection variation of condition 2 (Opening Hours) and 3 (Staffing) of application 2022/0455. This will include increasing the opening hours to include Tuesdays and Thursdays between the hours of 10:00 and 19:00 and to extend Saturdays current closing time from 14:00 to 16:00. Also, it sought for the applicant's daughter to be able to work from the premises on a self-employed basis. The current permitted hours are 10:00 to 18:00 Mondays and Wednesdays, 10:00 to 17:00 on Fridays and 10:00 to 14:00 on Saturdays with the staff limited to only Joanne Butler whilst the occupant of 339 Higham Common Road.

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 on 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 Allocation – Urban Fabric

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

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.

Supplementary Planning Documents

- Parking

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Section 12: Achieving well designed places – The Government attaches great importance to the design of the built environment. 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. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes. Within section 12, paragraph 139 states *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.

Consultations

Highways Development Control (DC) were consulted and raised no objections.

Planning Enforcement were consulted and raised no objections.

Pollution Control were consulted and raised no objections.

Representations

Neighbour notification letters were sent to surrounding properties, no comments were 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. Development is considered acceptable where it does not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety. In this case the principle of development is already established by the approval of application 2022/0455 therefore it is only the increase in hours and staffing that will be considered.

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 LPA's aim is not to suppress development but to ensure that living conditions and residential amenity 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.

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 be considered unacceptable within a quieter residential estate setting; in this instance, given the premises is located on a busy classified road, the increase in noise is not considered to impact levels of residential amenity of neighbouring residents in this setting. In addition to the above, the applicant runs a booking only system with no 'walk-ins,' allows sufficient time between bookings that clients do not overlap. The hours of the business will now operate on a full-time basis with the proposed variation in hours.

Whilst the use of the business 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. This will further protect residential amenity should the applicant vacate the associated residential property. The addition of the applicant's daughter to this is not deemed to have a significant impact as they also reside at the property and clients will still not overlap as enforced by condition 5 of 2022/0455. It is in this regard that the application is considered acceptable and in compliance with Local Plan Policies GD1 and Poll1 and as such is acceptable.

Visual Amenity

The detached outbuilding is located to the rear of the premises and is not visible from public vantage points. The outbuilding is existing and has been in situ prior to the construction of the dwelling circa 2006 and as such the development is acceptable in terms of its impact on visual amenity.

Highway Safety

There will be no impact upon highway safety. Highways Development Control raised no objections to 2022/0455 and the property benefits from off road parking in the form of a driveway to the front of the property, which can accommodate 4no vehicles, in addition to the integral garage. Therefore, the required number of parking spaces for a dwelling of this size are retained along with a provision for customers. Appointments are spaced to avoid the occurrence of two clients parking at the property at the same time, with off-street parking being available within the site curtilage.

Whilst the development is considered acceptable from a highway's perspective, the condition limiting the use to the applicant and now daughter of whilst they are occupiers of the associated property is still included to prevent a more intensive operation which could generate a significantly higher number of vehicular movements.

Recommendation

Approve with conditions