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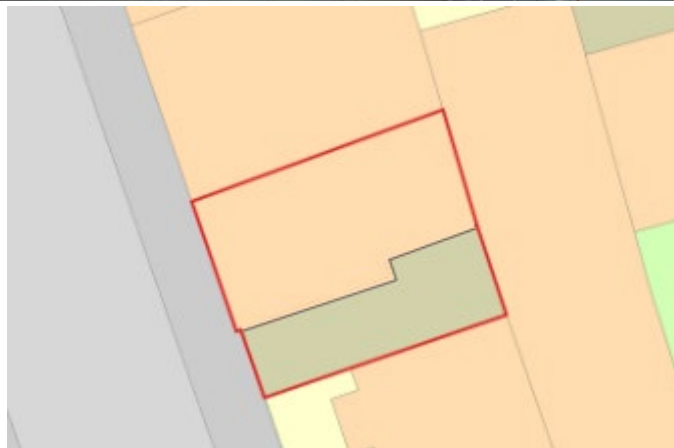
Applicant: Mr Simon Wilson

Change of use of from light industrial building to tattoo studio (Sui Generis)

Unit A1, adj. to 1 Midland Works, Filey Avenue, Royston, Barnsley, S71 4PZ

Site Description

The application site relates to a unit attached to Midland Works on Filey Avenue in Royston. The address has been logged as adjacent to no. 1 Filey Avenue which is on the Western side of the street, with the unit residing on the right hand side to the North of OneStop convenience store. The building is red brick, has a lean-to roof attached to the wider Midland Works building and has cladding on the front with a door facing on Filey Avenue, and a small yard to the South. The site is located within the Urban Fabric but just outside of the District Centre of Royston, bordering to the immediate North. The immediate surrounding street scene is largely comprised of residential properties but Filey Avenue is located just off Midland Road which is the principal shopping area within the centre of Royston and contains a wide variety of different use classes. The application form states that the unit was most recently used as a computer repair shop.



Relevant Site History

B/84/0012/RO – Change of use of store to joiners workshop (Refused)

B/84/0481/RO – Change of use from electrical contractors to contractors/store and shop building (Historic)

B/84/1746/RO – Change of use from joiners shop to printers and stationery workshop with associated retail shop (Historic)

B/86/0663/RO – Change of use from builders store and DIY outlet to tyre sales and fitting depot (Refused)

B/86/1229/RO – Change of use to builders yard and furniture store/shop (historic)

2006/1223 – Erection of 6 no. townhouses and 4 no. flats with associated parking (Withdrawn)

2007/0777 – Erection of five townhouses and four flats with associated car parking (Revised application; Approved with conditions)

Proposed Development

The applicant is seeking approval to change the use of the building from light industrial to a tattoo studio (sui Generis). No external or structural changes will occur to the building with the applicant being the sole artist operating from the unit. The proposed opening hours are Monday-Friday 10-6pm and Saturdays 11am-6pm.

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 (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

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

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.

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).

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.

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.

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.

Poll1: Pollution Control – 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. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Supplementary Planning Documents

- Parking

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 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Highways DC – Initially raised an objection which was withdrawn upon further information being received from the applicant, and re-assessment of the surrounding area.

Pollution Control – No objections raised

Ward Councillors – No comments

Representations

Neighbour notification letters were sent to surrounding residential properties and a site notice placed nearby. No comments were received.

Assessment

Principle of development

The application seeks to change the use of a former light industrial unit to a tattoo studio (Sui Generis). Tattoo studios are typically found with the Town Centre or one of the other district or local centres within the Borough. The application site is located within the Urban Fabric but borders onto the District Centre of Royston and is an edge of centre location, in an accessible and centralised location, in very close proximity to other local services and public transport links. The proposed use as a tattoo studio will bring a vacant unit into use, which is in a sustainable location and arguably enhances the vitality and viability of the District Centre which is in very close proximity. It is considered that the proposed development is in compliance with Local Plan Policies TC1 and SD1.

Residential amenity

Filey Avenue is a largely residential area, with the exception of Midland Works with the unit formerly being used for light industrial purposes which clearly has associated noise and general disturbance. A tattoo studio brings with it a small element of noise but not to an excessive degree which would form a significant disturbance to neighbouring properties. The proposed opening hours are not excessive being 10am-6pm Monday to Fridays and 11am-6pm on Saturdays, with no time on Sundays or Bank Holidays.

The proposed development is compliant with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Visual amenity

There are no external or structural alterations being made to the building and signage is not proposed as part of this particular application. The applicant has been informed that this would likely require separate advertisement consent and is aware of this, but this will come at a time when the business is fully up and running at a later date.

The proposed development makes no change to the building and is acceptable in terms of visual amenity.

Highway safety

The site is located in an edge-of-centre location, just off Midland Road which is the main road running through Royston, and contains several bus routes/stops, the closest of which is c.80m to the South-West. Filey Avenue has no parking restrictions with most of the properties on Filey Avenue not containing any off-street parking provision. The Parking SPD requires that 1 parking space is required per 20sqm of non-food retail space with the proposed floor plan showing that the unit will measure c.50sqm, hence having a shortfall of 2 spaces. Highways initially raised an objection to this but on the provision of further information from the applicant which stated that there is an abundance of street parking on Filey Avenue, a small car park to the West which could cater for clients and also the fact that the site is edge of Centre and located in close proximity to bus routes, the objection was withdrawn. Further, it is also acknowledged that the unit has an existing wide-ranging use which could be used for an array of different purposes without permission.

The proposed development is considered acceptable in terms of highway safety.

Recommendation

Approve subject to conditions