2022/1327

Mr Jon Winstanley
317 Hough Lane, Wombwell, Barnsley, S73 0LR
Change of use and alterations to garage to form podiatry business

Planning History

2012/0961 - Erection of a two storey side and single storey rear extension – Approved with conditions

2022/1010 - Change of use and alterations to garage to form podiatry business – Refused for the following reasons:-

The proposed change of use from a domestic garage to a podiatry business fails to comply with Local Plan Policies GD1 and POLL1 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.

The proposed change of use fails to comply with Local Plan Policy TC1 and paragraph 87 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/businesses in the district centre to this business.

In the opinion of the Local Planning Authority, the proposed development would fail to provide sufficient parking facilities for the proposed and existing use and would fail to provide on-site turning facilities, which would allow all vehicles to enter and leave in a forward gear. The proposal would result in a significant increase in on-street car parking along nearby streets and would result in vehicles reversing out onto the classified B6096 Hough Lane. The proposal would therefore be detrimental to highway safety contrary to policy T4 'New Development and Transport Safety' of the Local Plan and the Supplementary Planning Document 'Parking'.

Description

The property is a traditional, detached hipped roof dwelling with a detached garage with a low pitched roof, set off Hough Lane, Wombwell. The site has low walls to the frontage with a gated entrance and parking to the front of the existing garage/dwelling. The site is set approx. 1km from the district centre of Wombwell, which is set to the north east along Hough Lane. To the west of the site is a semi detached building with a commercial use at ground floor, attached to a dwelling and to the north east is a semi detached dwelling. Adjacent to the site on the opposite side of Hough Lane is Wombwell Main Sports Club.

The property is located within a primarily residential area, however in the immediate area there are some commercial uses, which include a hairdresser and a sandwich shop. The property is located on Hough Lane which is a main route to the district centre of Wombwell.



Proposed Development

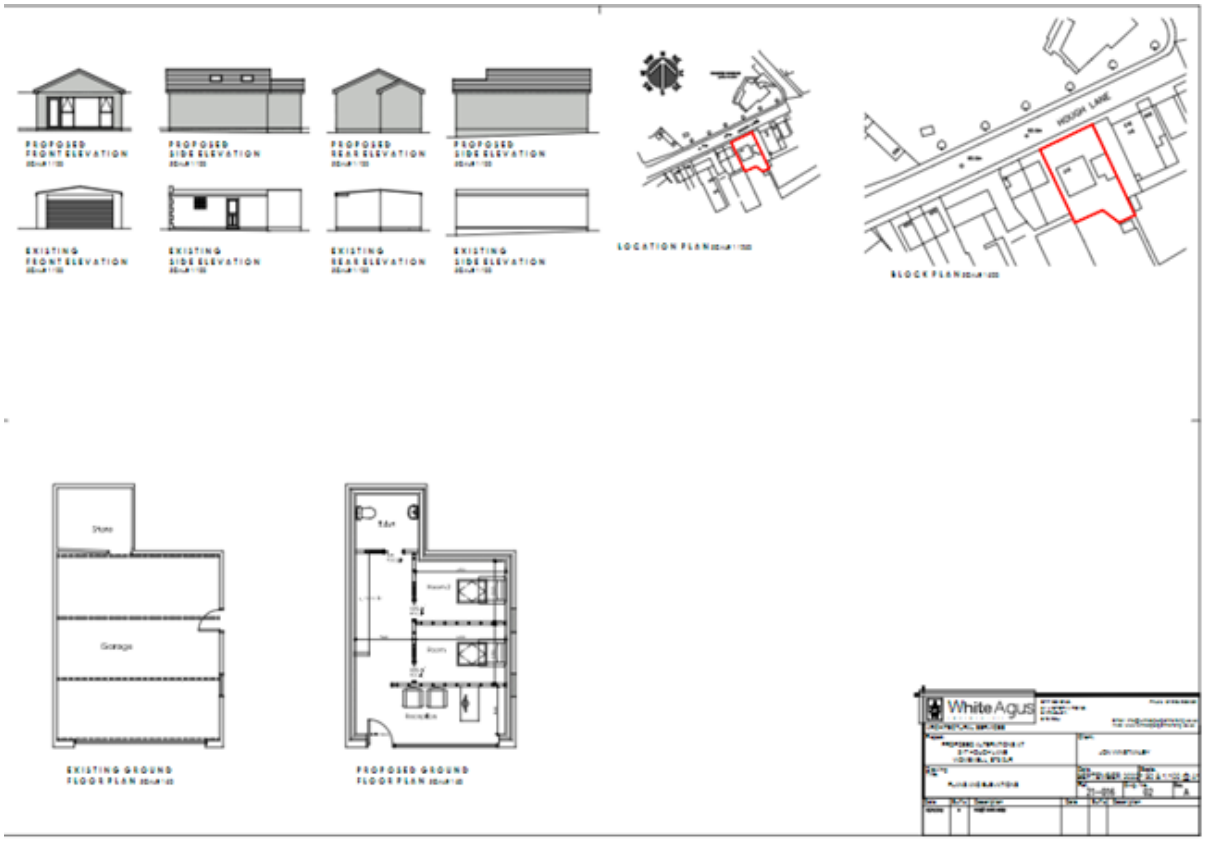
This is a resubmission application of a recently refused planning application 2022/1010. The applicant seeks permission for the change of use and alterations to the existing detached garage at number 317 Hough Lane to form a podiatry business. The existing residential use of the dwelling would remain. The garage building would be divided up into 2 consulting rooms and a waiting area/reception with WC. The opening hours proposed are Monday to Friday 9am to 7pm and Saturdays 9am to 2pm. The applicant has now agreed to conditions limiting the use to a personal use and with that patients are limited to one at any given appointment time as suggested by the Highways officer.

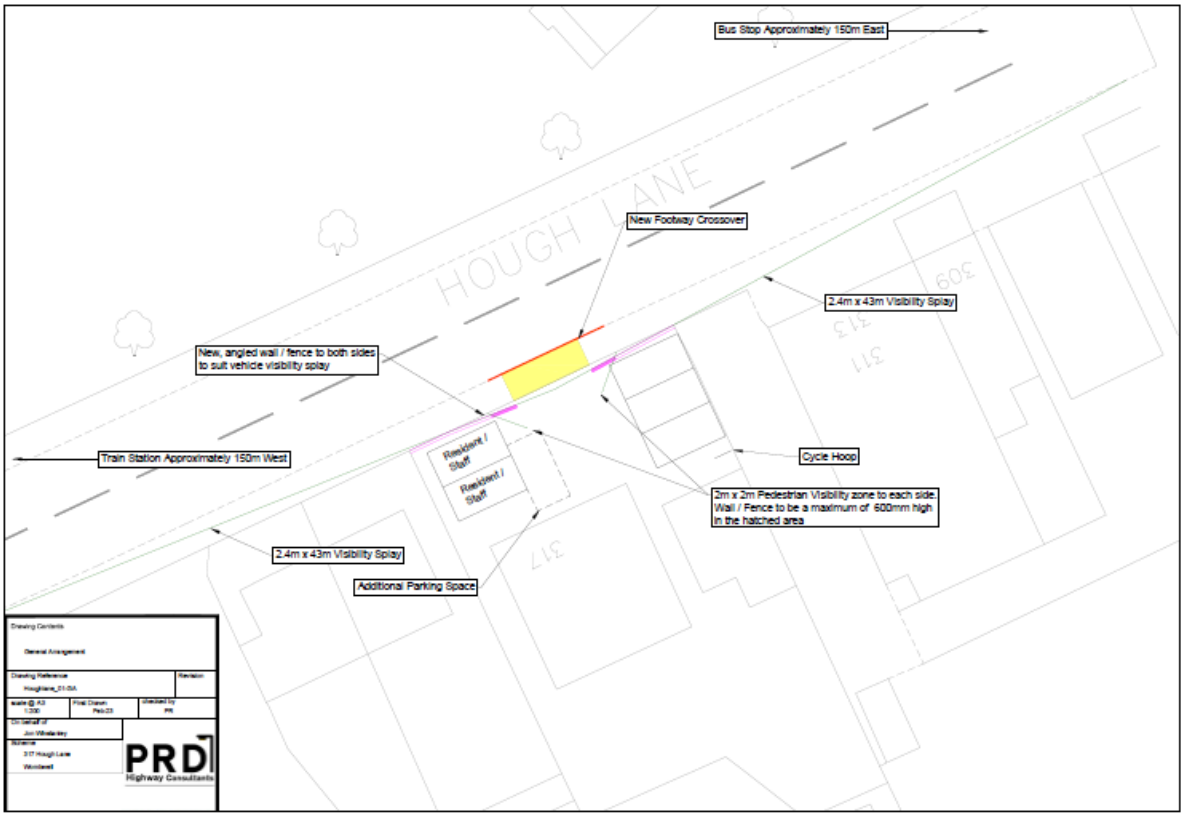
The external alterations include the raising of the roof to form a new pitched roof with grey concrete tiles and two rooflights. The front door will be replaced with a glazed shop front. No additional windows and doors are proposed, and the existing side window and door will be removed.

Access to the site will remain as existing with parking to the front of the dwelling. The amended plans also show 5 parking spaces formed within the site and a swept path analysis to show that any vehicles can exit the site in a forward gear.

A sequential test has now been submitted in support of the application which states that there are no suitable premises for the business within the town centre of Wombwell. A supporting statement has also been submitted with the application which outlines the proposed plans for the clinic and issues such as noise, disturbance, parking and the town centre uses.

Any signage may require separate advertisement consent.





Policy Context

Local Plan

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).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations. The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

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.

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 87 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 objection to amended plans subject to conditions

Pollution Control – No objections

Drainage – Details to the checked by Building Control

Yorkshire Water – No comments received

Ward Councillors – No comments received

Representations

No comments 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.

The site is outside the main shopping area and 1km away from Wombwell District Centre. The proposed use of the garage as a podiatry business (which is a main town centre use), 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 businesses in the district centre.

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. This resubmission application now includes a sequential test which assesses the available town centre premises within Wombwell. The sequential test states that there are no available or suitable units for the business and demonstrate that there are no preferential sites located within a town centre location. The combination of the size required, the limited options available at this moment,, and the need for parking in close proximity to the business, as the nature of the business is treating patients with mobility issues, results in little alternative options with the town centre. The proposal therefore now complies with Paragraph 87 of the NPPF and Local Plan Policy TC1.

Residential Amenity

The applicant seeks permission to convert the existing residential garage at number 317 Hough Lane into a podiatry business. The proposed business would share access and parking with the existing dwelling. 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 and disturbance, 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.

The supporting statement outlines the nature of the business and anticipated activities taking place, however it remains that the proposed use would share an access with the existing dwelling. The applicant has now provided further information in terms of the intensity of the proposed use and has agreed to conditions limiting the use to a personal use and that patients are limited to one at any given appointment time. This would limit any impact upon the existing dwelling (the applicant's home) and any adjacent properties by way of noise, disturbance and increased activity at the site. In addition, conditions are recommended to restrict the hours of use and the use of the premises as a Podiatry Business and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order. Given these restrictions, the lack of objections from near neighbours and regulatory services, and the site being onto a main road into Wombwell with existing commercial uses along this road, it is not considered that the proposal would now result in significant noise and disturbance to neighbouring dwellings.

On balance the proposal is considered to be acceptable in terms of impact upon residential amenity in accordance with policies GD1 and POLL1 of the Local Plan.

Highway Safety

The site is located on B6096 Hough Lane which is a classified road with a 30mph speed limit. The site is located in an established residential area and would share the access and parking with the existing dwelling. The proposal would result in additional vehicle movements to the site by the private motor car to serve the proposed business.

The Supplementary Planning Document Parking requires that 2 parking spaces are provided for a 3-4 bedroom dwelling and for the proposed podiatry business, 1 parking space per medical practitioner on duty at the busiest time would be required, 1 parking space per 2 non-medical staff and 3 parking spaces per consulting room are required. The site should therefore provide 2 residential parking spaces and 8 parking spaces for the business, a total of 10 spaces should be provided.

Given the additional detail of the proposed site use, Highways have stated that they are willing to accept that fewer than the ten initially-requested off-street parking spaces could be deemed acceptable. The amended plans show 5 spaces are provided on site with 2 for the existing dwelling. The swept path analysis also shows that there is sufficient space for on-site turning. The Highways Officer has provided the following comments to the amended scheme:-

'Given the manner in which the clinic is intended to work, I think that the proposed level of parking is acceptable. The problem would be if there was an intention to increase staffing levels in the future. As it stands, it is expected that there will be one podiatrist and one client at any given time with a second room being used for storage and "emergencies". Should that second room become a full-time consultation room with a second clinician there could feasibly be three or four full-time staff, plus a patient in each room plus another two waiting for their appointment; this could lead to the parking provision being substandard. As such, Highways DC would ask that if permission is granted, it is a personal permission and that patients are limited to one at any given appointment time.'

The agent has agreed to the suggested conditions and the proposal is considered to be acceptable in terms of its impact upon highway safety in compliance with policy T4 'New Development and Transport Safety' of the Local Plan and the Supplementary Planning Document 'Parking'.

Visual Amenity

The proposed change of use includes external changes with a new pitched roof to the garage and render front, sides and rear. A new glazed frontage would also be installed. The proposed changes are acceptable in terms of visual amenity and render can be seen within the existing street scene. Any separate signage may require advertisement consent.

Recommendation

Approve subject to conditions