
2023/0945

Miss C Brammah

Erection of single storey detached outbuilding in rear garden to be used as a beauty salon.

22 Mount Vernon Place, Barnsley, S70 4FH

Site Location and Description

Mount Vernon Place is a quiet residential street located within a new housing development, which is currently under construction, off Mount Vernon Road, Barnsley, The property subject to this application is a modern semi-detached red brick dwelling with a driveway for 2no vehicles located to the front of the property.

Proposed Development

The applicant seeks permission for the erection of a single storey detached outbuilding in the rear garden to be used as a beauty salon.

There are two parts to this application, the erection of the detached outbuilding and the use of the outbuilding as a beauty salon.

The outbuilding has already been erected and measures 2.5m by 2.5m with a height of 2.4m. Given the outbuilding is located within the rear garden of a domestic property and its dimensions and siting fall within the parameters of permitted development it is only the use of this outbuilding as a beauty salon which is under consideration as part of this application.

The change of use of the existing detached outbuilding to be used as for beauty treatment business by the occupant of the property. The business will be open Monday 9.30am to 12noon, Tuesday 9.30am to 1.30pm, Wednesday 1pm to 6pm, Friday 9.30am to 3pm and alternate Saturdays 9.30am to 2pm, with one full time employee, the applicant and owner of the property.

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 – Refuse
Pollution Control – No objections subject to conditions
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; several letters of representations have been received from one property in relation to the parking of customers visiting the property.

Assessment

Principle of development

The proposal lies within Housing Allocation Site HS29 Land off Mount Vernon Road, Worsbrough. The site has been developed under planning application 2019/0577 and is nearing completion, with the majority of homes on the site occupied. Policy H3 states that the sites shown as housing sites on the Policies Map will be developed for residential purposes. Other uses on these sites will only be allowed where, they are small scale and ancillary to the housing element, and they provide a service or other facility for local residents. 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.

Highway Concerns

It is proposed to operate a beauty treatment business from a residential property located on Mount Vernon Place which forms part of a new housing development, construction of which is still ongoing.

The submitted information lists the intended opening hours, these times vary from day to day, but the longest days are Fridays (9.30am to 3.00pm) and alternate Saturdays (9.30am to 2.00pm).

In terms of parking provision, in addition to the two existing residential parking spaces, the proposals require three parking spaces per consulting/beauty treatment room to comply with the Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1. The supporting information states that parking will be available on the driveway which can accommodate two vehicles, however, this level of parking provision is insufficient for the beauty salon alone and would also then result in the displacement of parking for the existing residential use which is not acceptable.

It is acknowledged that the applicant would be both resident and sole beauty treatment provider and the parking requirements could therefore be partially combined for the residential and beauty salon uses rather than being treated entirely separately. However, this still requires that a minimum of 3 off-street parking spaces be provided with each space having minimum dimensions of 2.5m x 5m to comply with the SPD; this level of provision is not provided.

The applicant suggests that two parking spaces will always be available for clients because there will be no vehicles parked on the driveway during the day, however, no further details are provided in this regard in terms of where the applicants own vehicle or any other vehicles associated with the residential use of the property would be parked during the day. At the time of the highway officers site visit (a weekday mid-afternoon) it was observed that one vehicle was parked on the driveway. The council has received several complaints from a neighbouring resident regarding the parking of vehicles outside their property which are visiting the proposed business. At the time of the planning officers site visit, it was noted that there were vehicles parked on the highway outside the complainant's property however there was no way to indicate whether they could be attributed to the use subject to this application.

The proposed beauty salon and its resultant vehicle movements would not be commensurate with typical residential use and, given the absence of designated visitor parking within the vicinity of the site, the proposals would likely lead to the indiscriminate parking of vehicles along Mount Vernon Place. The parking of vehicles on the shared surface accessway within the vicinity of the site would likely impede access/egress to/from adjacent properties and could also impede visibility at the internal junction if parked opposite the site.

Within the submitted information the applicant suggests that the business would operate on an appointment basis with only one customer being dealt with at a time and that there would be a designated time interval of 20 minutes between clients. However, this cannot be controlled, and circumstances could easily arise whereby two customers and their vehicles are on Mount Vernon Place at the same time which would further exacerbate the issue of on-street parking.

In light of the above raised issues, the proposals are considered unacceptable from a highways development control perspective as they are viewed as being prejudicial to the safe and efficient use of the highway, contrary to Local Plan Policy T4 New development and Transport Safety.

Residential Amenity

As mentioned previously, the outbuilding has already been erected and its dimensions and siting fall within the parameters of permitted development, whilst it is intended to use this building for a commercial use, it could easily be used for domestic purposes and therefore, it is only the use of this outbuilding as a beauty salon which is under consideration as part of this application.

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.

Noise from the use of the outbuilding as a beauty salon would likely be limited. However, the vehicle movements, customer comings and goings and associated noise would be noticeable at the property and in the immediate vicinity. The comings and goings associated with the business, which could be around 16 or so two-way vehicles on the weekdays, with slightly less on Saturdays, would be in addition to the potential movement of vehicles in connection with the occupation of the property as a dwelling house.

Mount Vernon Place is a quiet, residential cul de sac which is subject to limited existing pedestrian and vehicular activity, with an associated low level of noise and disturbance, notwithstanding that residential development is still, in part, currently under construction.

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, particularly given that there is insufficient parking within the curtilage of the property which would result in displaced parking outside neighbouring residential properties

Given the existing low levels of activity on the close, and since the comings and goings associated with the use would likely be consistent and sustained throughout the hours of operation, the increase in traffic movements to the property, with the associated noise and disturbance, would be readily discernible and significant. As such, there would be an unacceptable increase in noise and disturbance to nearby residents, notwithstanding that this would be during the day. The use of the outbuilding as a beauty salon would therefore be harmful to the living conditions of nearby residents, with particular regard to noise and disturbance.

The council has received complaints from a nearby resident in relation to the parking of vehicles associated with the use of the outbuilding, on Mount Vernon Place outside their property which is causing a disturbance in that they are leaving the car idling while waiting for their appointment time. This is an issue that an Inspector raised in a similar appeal (ref APP/R4408/W/22/3298552) which stated that whilst conditions could be included limiting the hours of operation and the use to one client at any time. It would be possible to control the hours of opening in this way. However, this would not overcome, and in fact could aggravate, the identified issues of noise and disturbance as it would likely result in clients waiting outside for their appointment time, potentially in cars with engines running. The proposed condition therefore would fail to make the development acceptable.

It is in this regard that the application is considered contrary to Local Plan Policy GD1 and Poll1 and as such is unacceptable.

Visual Amenity

The detached outbuilding is located to the rear of the premises and is not highly visible from public vantage points, it is acknowledged that the outbuilding is visible from Coach House Lane to the north, however this is a no-through road serving 5 properties and nevertheless, the outbuilding

falls within the parameters of permitted development in terms of its size and design and as such the development is 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 have a detrimental impact on the amenity of surrounding residents and upon highway safety and as such is unacceptable and fails to comply with Local Plan Policies GD1, Poll1 and T4 and Supplementary Planning Document - Parking.

Recommendation

Refuse