
2018/1271

Applicant: Mrs Lynn Hemsworth

Description: Change of use of basement of residential property into a business associated with the making and selling of seasonal crafts and soft furnishing plus tea parties and events (max 12 people and 3 hour duration).

Site Address: Georgie's Yard, 233 Park Road, Barnsley, S70 1QW

Councillor Mitchell has requested that the application be determined by the Planning Regulatory Board due to concerns associated with safety. Representations have been received from 2 households.

Site Location and Description

No.233 is a mid-terraced dwelling located on Park Road (also the A6133), which is located opposite Locke Park close to its junction with Park Grove. The property is set back behind a small front garden which is enclosed by a low level boundary wall and privet hedge.

Park Road is characterised by a variety of stone fronted, terrace dwellings, along its tree lined length. A neighbouring property located 5 doors down at No.243 recently obtained planning permission in 2017 to enable the ground floor to be used as a similar home based business for crafts and a tea room (The Twisted Teapot).

Proposed Development

The applicant is seeking planning permission to use the basement of the residential property for craft workshops (sui generis) with associated teas (A3). The upper floors would remain in residential use as a family home occupied by the applicant.

The craft workshops would be held on a part time basis with a maximum of 8 events taking place over a monthly period and only any 2 of those events taking place on a Saturday. The maximum duration of events would be 3 hours and they would be held on Mondays to Friday, between 5:30pm and 8:30pm and 11am and 4pm on Saturdays with no events taking place on Sundays or Bank Holidays. The capacity of the venue is 12 people.

Planning History

There is no record of previous planning applications at the property. However planning permission was granted recently in March 2017 at a neighbouring property No.243 to enable a change of use of the dwelling to a ground floor business (class A3 and sui generis) and 1st and second floor residential apartment (ref 2017/0014). The hours of use were then changed under application 2017/0640.

Policy Context

Planning decision 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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning

law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:-

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 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 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.

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.

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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.

Consultations

Highways DC – no objections

Regulatory Services – No objections

Ward Councillors – Cllr Kath Mitchell has requested that the application be considered by Planning Regulatory Board due to safety issues

Representations

The application has been advertised by way of neighbour notification. 2 letters of objection have been received in relation to noise, parking issues and loss of family homes within the area.

Assessment

Principle of Development

The proposal is to create a home based business within the basement of a house that is located within a well-established residential area. The upper floors of the house would remain in use as a dwelling. Previously UDP Policy H8C stated that small home based businesses may be acceptable where the majority of the building and its curtilage continue to be solely in residential use, where adequate parking provision exists and where the use would not be unduly harmful to the living conditions of adjacent residents. Whilst this policy is no longer in force following the adoption of the new Local Plan I do not feel that these principles have disappeared altogether as a means of assessing proposals for home based businesses. The new replacement policy in the Local Plan 'Policy GD1 General Development' is lot more wide ranging given that it covers all land subject of the Urban Fabric land use designation, including the old UDP housing policy areas. However it includes similar policy tests including ensuring that development proposals should not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents. In summary of the land use policy position the provision of small, part time home based businesses which ensure that the majority of dwellings continue to be in residential use may be acceptable in principle. However this is subject to the Council being satisfied that proposals are acceptable in residential amenity and highway safety terms.

Residential Amenity

The proposed change of use is part time and would be limited to being carried out from the basement of the property with the upper floors remaining in use as a family dwelling. The proposal to host a maximum of 8 events over a monthly period (an average of 2 per week) for a maximum duration of 3 hours at times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would ensure that the use would not give rise to significant adverse effects on the living

conditions and residential amenity of existing and future residents in my opinion. Arguably the most contentious part of the proposal is the proposal to allow up to 12 people to attend the events. However as this would be a maximum number with a likelihood of numbers being lower on many occasions I consider this acceptable taking into account of the other parameters and restrictions set out above listed above. It is therefore considered that the proposal accords with Local Plan Policy GD1 in that it would not have a significant adverse effect on the living conditions and residential amenity of local residents.

Visual Amenity

No external changes are proposed and as such the property would retain the appearance of an ordinary house staying in keeping with the area.

Highway Safety

The existing property does not benefit from any off street parking as is the case with most other properties on Park Road leading to on street parking being a prevalent feature of the area. It is acknowledged that the proposal may cause additional pressures on on-street parking provision in the area. However the applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. The small scale nature of the proposal and accessibility of the property by walking/cycling and public transport means that it is unlikely to generate any significant traffic. Furthermore the proposal is to operate the part time use less frequently than the maximum allowed under the planning permission given to the Twisted Teapot business taking place several properties located further down Park Road. Given these circumstances Highways have resolved not to object to the application, subject to conditions being imposed to ensure that the proposed operating restrictions are adhered to.

Conclusion

In summary the proposal for this small scale home based business is considered acceptable for the reasons that it would only take place in the basement of the property with the upper floors remaining in use as a family dwelling. Furthermore the proposed use would be part time, averaging 2 events per week for maximum of 3 hours with no more than 8 events in total taking place over a monthly period. Operating hours would be limited to times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would be less frequent than the permission granted in 2017 to the Twisted Teapot home based business granted at a neighbouring property, No.243 which is allowed to host 3 events per week over a longer period (6 hours maximum duration) and be at a time that would not give rise to disturbance during unsociable times. Taking these things into account it is considered that the proposal would not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents.

No external changes are proposed which would ensure that the domestic appearance of the property would be protected. It is acknowledged that the proposal may increase pressures on on-street parking in the area. However applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. Given the small scale nature of the use and the fact that it is proposed to operate less frequently than the Twisted Teapot business at No.243 they feel that a reason for refusal could not be substantiated. On balance therefore the Officer recommendation is one of approval subject to the conditions set out below.

Recommendation - Grant planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Received 12/2018) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 3 The front elevation and Western side elevation facing Mortimer road shall be built in natural stone materials.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 4 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

 - Tree protective barrier details
 - Tree protection plan

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.
- 5 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.

PA Reference:-

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