
2019/0712

Applicant: Miss Karen Neville

Proposal: Change of use of dwelling (use class C3) to a mixture of a dwelling and a venue for wedding/civil ceremonies, seasonal events and afternoon teas (use classes C3, A3 and Sui Generis)

Address: The Hawthorns, Keresforth Hall Road, Kingstone, Barnsley, S70 6NG

16 representations have been received from local residents. 15 objections and 1 in support.

Site Description

The application relates to a Victorian property, the Hawthorns, Keresforth Hall Road and its curtilage adjacent to the residential street formed by Beech Grove and the southernmost aspect of Locke Park in Kingstone, Barnsley. The property is accessed from Keresforth Hall Road to the west and has a secondary access onto Beech Grove shared with the nearest property 8 Orchard Close. The next nearest neighbours are 5 Beech Grove to the north and 3 Beech Grove further to the north east. A wooded entrance to Locke Park borders the site to the south and east that emulates the topographical gradient of the application site by extending uphill from south west to north east. The dwelling itself is a four storey structure formed of a basement, ground floor, first floor and second floor with the application relating to the entrance hall, lounge, dining room, kitchen, W.C. on the ground floor and a section of the cellar. With respect to the curtilage, the main areas affected by the proposal relate to the walled garden beside the south eastern side elevation and the western section of curtilage between the principle elevation and Keresforth Hall Road. This latter area of the garden features a large number of mature trees and a turning circle for vehicles.

Proposed Development

The applicant seeks permission to change the use of certain areas of the dwellinghouse and its curtilage from a C3 to a mixed, C3, A3 and Sui Generis use. The Sui Generis aspect of the proposal relates to the use of the dwelling and its curtilage as a civil ceremony and wedding reception venue between the hours of 10am to 7pm Monday to Sunday. This use would also allow for private parties and functions on the site while the A3 Food and Drink use would allow afternoon teas and other functions, similar to that of a café, to occur on the site. The events would be by appointment and invitation only at set times and durations which are to be expected mostly during the day. A residential C3 use would be maintained across the entire site.

The area of curtilage forward of the principle elevation would be used for vehicular access and parking for visitors to the venue. A provisional car park plan has been submitted presenting nine standard visitor parking spaces, one disabled space and two staff parking spaces to be created above a 'no-dig solution' cellular containment system (CCS). This is to prevent impacts upon the trees in this area. Two bicycle spaces have also been included.

The walled garden and the internal areas on the ground floor and basement, those being – the entrance hall, lounge, dining room, kitchen, W.C. and the cellar room with

external access - would be used for the C3, A3 and Sui Generis uses proposed. The 1st and 2nd floors of the property would be unaffected.

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 development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

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).

Relevant Local Plan policies include:

GD1 – General Development

D1 – High Quality Design and Place Making

POLL1 – Pollution Control and Protection

T4 – New Development and Transport Safety

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 NPPF relating 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 58 (general design considerations) and paragraph 64, which states 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'.

SPD

- Parking

- Trees and Hedgerows

Consultations

Highways DC – No objections subject to three conditions including, provision of parking and servicing areas, bicycle parking and a car park management plan.

Pollution Control – No objections subject to conditioning of adherence to management plan submitted in support of the application.

Commercial Services – The waste management section have provided an informative for the decision notice.

Civic Trust – Largely support the application but draw attention to potential highway impacts.

Ward Councillors – Cllr Kevin Williams has expressed concerns associated with the highways implications of the proposed use.

Representations

The application was advertised by way of a site notice and consultation letters which were sent to properties adjacent to the proposal site. Objections have been received from 15 neighbouring households. In summary the main grounds of concern are summarised as follows:-

- Creation of on-street parking in the area, specifically upon Keresforth Hall Road and Beech Grove, as well as the use of Beech Grove as a turning point. This is further aggravated by events held at Locke Park.
- Volume of parking proposed on site inadequate.
- Outdoor music, both from musical instruments and amplified speakers, is likely to create amenity issues despite the 7pm close down time proposed.
- Cumulative impact of noise and traffic upon the area which is quiet.
- The proposal would add to increased noise levels from activities taking place in Locke Park.
- Proposed operating hours of 10am to 7pm are unacceptable.
- Lack of trust in self-regulation of complaints.
- Fear of strangers being welcomed into the area.
- Use of venue for events will increase noise from shouting from alcohol intoxication leading to anti-social behaviour.
- Wedding venues should not be located in residential areas.
- Impact of new car park upon residents. Queries relating to how it will be managed to prevent a nuisance to residents.
- Access and egress to the site is unsafe on a blind corner for both pedestrians and vehicle users.
- The proposed use will create an oppressive and overbearing environment within the area which will impact its character.

One letter of support has been received which sets out the conditions by which the proposal would be acceptable and where it would not be acceptable to residents. The representation backs the proposals set out in the management plan.

It should be noted the properties located closest to the property, those being 8 Orchard Close and 5 Beech Grove to the north of the site have not submitted formal representations. The occupier of 8 Orchard Close has queried the red-line boundary

of the application site in relation to ownership and land registry details, but did not cite any residential amenity impacts likely to emanate from the proposal. They overtly stated that their comments were not in respect of the application.

Assessment

Principle of development

Despite the proposed A3 use, a sequential test has not been requested due to the invitation only nature of the premises and it therefore not being generally open to the public. Similarly, the A3 use is to be only one component of a larger events offer for the premises which is defined as Sui Generis.

The site is allocated as Urban Fabric within the Local Plan Policies map owing to the property being located within the established urban fabric of the Borough. This potentially allows for a home based business of this nature subject to the proposal being judged acceptable against the relevant criteria. The assessment of the proposal against the policy GD1 criteria is summarised in the forthcoming sections of the report.

Residential Amenity

The surrounding residential area is characterized by large detached properties separated significant distances from the areas affected by the proposal. A large number of representations have been received relating to the proposal's impact upon the area but none have been provided by the neighbours' in closest proximity to the applicant's dwelling, those being 8 Orchard Close and 5 Beech Grove, and who are most likely to be affected by issues arising from the proposal. This is not to say that the issues stated by representors are unfounded or that they may not arise, but the key concern is the factor and degree to which they would be likely to create a nuisance in the locality.

The proposed management plan states that functions and events would strictly by appointment/invitation only at set times and durations. Maximum opening times would be 10am to 7pm on any given day. Weddings would be for numbers between 8 to 30 people and would be daytime only and would not include the evening celebration. The intention is for the business to operate on Sundays and Mondays, but they would like to retain that option for one off events. On balance it is considered that with those operating restrictions being put in place the proposal would not give rise to noise and disturbance levels that would warrant the proposal being refused. This would require the imposition of suitably worded conditions. In this regard the proposal bares similarities to recent planning permissions granted by the Council to the Twisted Teapot (243 Park Road) and Georgies Yard (233 Park Road). In addition the proposal would require a premises license.

Indeed the majority of activities would take place inside the property and in the walled garden to the south east. The walled garden is located a significant distance from surrounding properties and is lined with the dwellinghouse and walls across three sides which would disrupt noise travel that may emanate from this area when events are occurring.

The management plan indicates that bottles would be collected during the day and that music and noise would be continually monitored so as not to cause a nuisance to residents. Likewise smoking is to be restricted to the walled garden and the measures proposed are reasonable to ensure the concordant running of the business

in a residential area. Indeed there is no evidence to suggest that event venues such as the one proposed cannot take place in a residential area when suitable mitigation measures are introduced and reasonable operating times are adhered to.

When considering the noise impacts of the proposal in the context of the events which take place in Locke Park, it is determined that the size of events taking place at the Hawthorns would be far smaller and far less likely to generate a similar level of noise than those taking place in Locke Park.

It is possible that some noise would be incurred from alcohol consumption on the premises but, due to the size of the events proposed, this is no more likely to occur than if a residential party or event was to take place. Indeed the same determination can be made in relation to anti-social behaviour as the proposal is by prior arrangement only and this type of event service decreases the chances of anti-social behaviour occurring than if the events were open to the general public.

Overall the position and location of the Hawthorn's proposed event spaces are in locations that are significant distances from residential properties and well-shielded by walls and trees which can attenuate for noise creation that may take place during events. The management plan sets out how the applicant's intend to mitigate any potential threats to residential amenity and Pollution Control have recommended the management plan to be conditioned as a part of any approval.

On the basis of the above assessment the proposal is considered to be in line with Local Plan Policy GD1 in relation to residential amenity.

Visual Amenity

The building is an attractive Victorian property which is in the process of being renovated. The applicants have stated verbally to the case officer that the proposed use would help fund the renovation works. The proposed use, through the incorporation of the Cellular Containment System and other minor alterations such as repair of the walled garden, are unlikely to detrimentally affect the appearance of the dwelling or the wider streetscene.

Overall the proposal is considered to be beneficial to the streetscene and wider town centre and is consequently determined to be in line with Local Plan Policy D1 High Quality Design and Placemaking.

Highway Safety

Undoubtedly, the existing access is in a sensitive location on a bend and representors are correct in drawing attention to the potential problems that may arise from an intensification of movements from this point on the highway. Similarly, parking problems on Beech Grove and Keresforth Hall Road could occur if the site is not utilised fully and visitors do not realise the venue hosts a car park.

Irrespective of the above, Highways DC have confirmed that they have no objections to the proposal where their recommended conditions are implemented as a part of a decision. Indeed access to the site is gained via a gate fronting Keresforth Hall Road and the applicants have set the gate back within their curtilage to prevent cars backing onto the road upon entry to the site. In contrast, exiting the site onto the corner of Keresforth Hall Road will be more difficult. Nevertheless this can be managed safely through the submission of a car park management plan that would primarily require a member of staff to direct vehicles safely from the entrance when

the road is clear. This latter point would be a key feature of the car park management plan that shall be required as a pre-commencement condition as a part of an approval.

The proposed on-site parking area originally accommodated more than 20no. parking places. This far exceeded the maximum required under the SPD Parking and would also have resulted in a large number of trees being removed which would have required a tree survey. To avoid an excessive number of vehicles at the site, the number of parking spaces has been reduced to 10no. including 1no. disabled space. Two further staff parking spaces have been accommodated near to the retained residential spaces to the north of the dwelling while two bicycle storage spaces have also been included following highway comments. It is also reasonable to assume that many visitors would utilise the nearby bus route on Keresforth Hall Road

Overall the suitability of the access raises some concerns especially for weddings when larger number of visitors can be expected to arrive and depart in a short space of time, but this could and should be managed to reduce risks of queuing on the highway on arrival and under direction to ease departures. Significant overspill parking is not foreseen as such the proposal is considered in line with the requirements of Local Plan Policy T4 New Development and Transport Safety.

Other Considerations

To prevent an impact on the trees on site the details of the no-dig solution to the car-parking area will be required prior to commencement of the use.

Summary

The proposal is clearly sensitive given the amount of public interest that it has generated. In the main however the proposals represent a part time home based business that would still result in the main use of the site being a use class C3 dwellinghouse

The proposed business operations would have the potential to result in noise and disturbance and generate traffic. However this is a substantial property that is located in spacious grounds. In addition the management plan which amongst other things sets out that the use would not be carried out any later than 7pm in the evening and would be restricted to a maximum of 30 people without including the celebration part of the wedding are such that it is considered that the effects of the business could be absorbed without giving rise to noise and disturbance levels that would be harmful to neighbouring residents. In this regard the proposal is considered to comply with Local Plan policy GD1. It also worth noting that the proposal shall require a premises license to allow the sale of alcohol and the playing of music, which would provide further controls. In addition Highways have not objected to the proposal. On balance therefore the recommendation is one of approval subject to the conditions proposed.

Officer Recommendation

Grant 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 plans and specifications as approved unless required by any other conditions in this permission.
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.
- 3 The wedding and event use hereby permitted shall be limited to being carried out between the hours of 10am to 7pm on any given day. There shall be a limit of a maximum of 12 events per calendar month with no more than 2 events to be held on Sundays during any given month. The maximum number of people allowed to attend any event shall be 30.
Reason: In the interests of local amenity and highway safety and to accord with Local Plan Policies GD1, D1 and T4.
- 4 Prior to the commencement of the uses hereby permitted the 'no-dig solution' parking area on the site shall be installed and laid out in accordance with the approved plans. Evidence of the installation are to be submitted to the Local Planning Authority and thereafter retained in line with the approved details.
Reason: To ensure the permanent availability of the parking and manoeuvring area in conjunction with the protection of trees in the interests of highway safety and visual amenity in line with Local Plan Policies T4 and D1
- 5 The 2no. bicycle parking spaces are to be installed in the locations specified within the car park plan. The scheme shall be fully implemented before the development is first brought into use and thereafter retained for this purpose.
Reason: In the interests of encouraging the use of sustainable modes of travel in line with Local Plan Policy T3
- 6 No use shall be commenced until a car park management plan has been prepared, submitted to and approved in writing by the LPA. The management plan will outline the measures necessary to provide safe access and egress from the site as well as details to prevent on-street parking. The measures thereafter shall be implemented in accordance with the approved car park management plan for the lifetime of the use.
Reason: To ensure safe operation of the car park and reduce the risk of parking on the highway in line with Local Plan Policy T4
- 7 The approved use is to be managed in accordance with the venue management plan submitted in support of the application. The plan includes, but is not limited to, the following measures:
- Waste disposal, particularly bottle collection, is to be undertaken during day time hours - 9am to 5pm.
 - All functions and events to be invite only.
 - Regular boundary checks undertaken by staff to assess noise levels and appropriate action taken to reduce noise levels so as to prevent a nuisance to residents.

