

PLANNING COMMITTEE – 22 September 2020

REFERENCE NUMBER: 20/00500/FL

Application Expiry Date:
24.08.2020

Application Type: Full application

Proposal Description:
At:

**Application for the change of use of double garage to beauty salon
11 Wellington Park, Shirland**

For: **Mr Glen Gent**

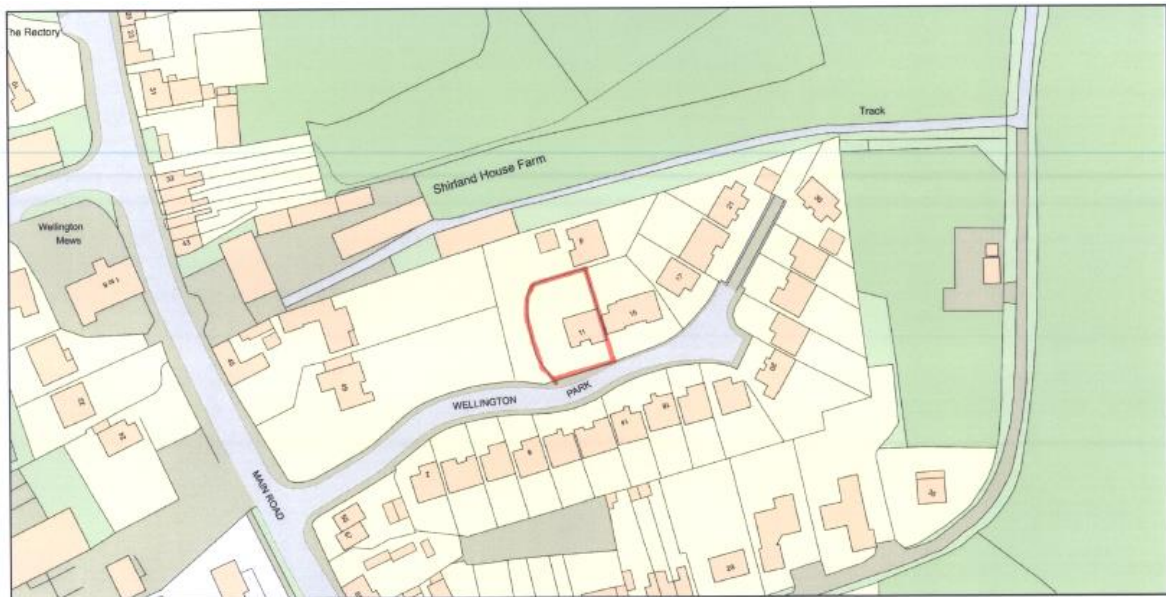
Third Party Reps:
16 against 1 for

Parish: Shirland Parish Council
Ward Name: Shirland

Author of Report: Emily Cartwright

Date of Report: 07 September 2020

MAIN RECOMMENDATION: CONDITIONALLY APPROVE



1.0 Reason for Report

- 1.1 Local ward member Councillor Liggett has requested that it be considered by members of planning committee because residents are considered about a residential cul-de-sac being used as a commercial site and the parking issues associated.

2.0 Proposal and Background

Site Description

- 2.1 The application site comprises a detached brick and rendered dwelling with detached garage to the side, sited within a large plot to the north of Wellington Park.
- 2.2 The dwelling has previously been extended and altered, and features a large driveway to the front which allows for the off road parking of a number of vehicles.
- 2.3 Wellington Park is a residential cul-de-sac comprising of detached dwellings which vary in design, scale and materials.
- 2.4 The application site is located within the defined settlement limits of Shirland.

Proposal

- 2.5 Full permission is sought for the change of use of double garage to beauty salon, to allow the applicant to run a business from home.
- 2.6 The garage door would be replaced by a single door and two windows, which would match the main dwelling. The blockwork would be rendered and painted white to match the main dwelling.
- 2.7 The applicant is intending to operate three days a week, covering Thursday, Friday and Saturday. The hours would be restricted to 10.00am – 16:00pm on all three days.
- 2.8 A single allocated off road parking space will be designated for the customers of the beauty business to the front of the garage.

3.0 Relevant Planning History

- 3.1 02/00268/FL – Conversion of existing garage to dining room and construction of a double garage and hardstanding (Conditionally Approved)

- 3.2 08/00335/OL – Outline Planning Permission for the erection of one dwelling (All Matters Reserved) (Conditionally Approved)
- 3.3 12/00147/FLH – Removal of existing garage and construction of a two-storey side extension (Amended Plans) (Conditionally Approved)

4.0 Consultation Responses

- 4.1 The **Parish Council** raised concerns that the proposal would mean parking issues on this cul-de-sac. The Parish Council are also concerned that these works have already been carried out.
- 4.2 County **Highways Authority** raised no highway objections in principle based on the limited hours of operation proposed subject to the inclusion of conditions.
- 4.3 The **Councils Environmental Health Officer** were consulted on the application, however did not provide any comments.
- 4.4 The **Environmental Health Officer** has considered the application in relation to the potential environmental impacts, and can confirm I have no objections to the proposal in principle.

5.0 Representations

- 5.1 The application was publicised by way of neighbour letters and the display of a site notice.
- 5.2 One letter of support and 16 letters of objections have been received. The representations can be summarised as follows:

Objections

Use/Character related concerns

- All properties on Wellington Park are subject to a 'Deeds of Covenant' which clearly restricts all buildings present and future to private use only. This also precludes any form of advertising, signage and promotion of a commercial nature (officer note – this is not a material planning consideration)
- The proposed business use is not in keeping with the stylistic nature of the residential properties which exist on the road. The construction of a business premises will be totally out of character for this small residential road.
- Opportunities exist within the locality to acquire premises to operate this commercial business without compromising a residential neighbourhood and significantly affecting the safety of other residents

- The applicants partner already owns and runs a Salon, therefore this home salon wouldn't benefit from slow and organic growth which would enable residents to get used to the increased traffic slowly, over a period of time. I instead the increase would be from day 1 as it would be 'client fed' from the existing business (officer note – this is not a material planning consideration)
- I consider the application to be an un-neighbourly form of development in that it is inappropriate and unsympathetic to the other residential properties
- A commercial property simply wouldn't be in keeping with Wellington Park and the surrounding area
- The Government and Local Government have been tasked with revitalising our High Street and are supposed to be encouraging business and customers to return there. High streets have empty shops and an infrastructure already in place. I believe the approval of this application would set a dangerous precedent which would encourage commercial properties to open in residential areas instead
- Whilst the comments from the Highway Authority impose certain conditions for the granting of permission one of which states that 'the beauty salon shall remain ancillary to and operated by the residents of the adjoining property (11 Wellington Park) with no additional employees. It shall not be sub-let or operated independently of the main dwelling' there is no reference to who the residents of the adjoining property may be now or in the future. This suggests that the property could be sold in the future, the existence of an ancillary business premises at the same address could be used as a means to attract a future buyer who may not wish to run a beauty salon, but an alternative business from the same site. It could also provide the opportunity for the property to be a let to a tenant who may also wish to operate another type of business from the ancillary building. This is cause for concern as if permission is granted for this ancillary building.

Amenity related concerns

- We would be disturbed by cars pulling up and van/couriers delivery the necessary goods to run the premises
- Clients visiting the business will add to the loss of privacy for ourselves and neighbours.
- Under the Human Rights Act 1998, Protocol 1, Article 1, I have the right to a respect for my home and the peaceful enjoyment of that home and garden. The proposal to run a business would have a direct impact on myself and my wife.

Highway safety related concerns

- Concern for safety of residents as the street is already congested with parking and the road width is restricted outside No 11. Any further parking on the road will compromise road safety
- The applicant states that he has five parking spaces, however due to the design of the drive it will mean that there is difficulty using all five spaces.
- Slope of the drive at No 11 restricts the view of anyone reversing off said drive and a collision has previously happened as a direct consequence of this
- Adding a commercial property to the cul-de-sac, will only increase traffic resulting in an increase of pollution
- The plan of the proposal does not indicate how narrow the road is at the point nor how narrow the distance is between No 11 and over selves at No 12
- Current visitors to No11 and surrounding properties park on the road and pavements. This is already a concern for many residents
- I understand that the applicant's partner, who will be running the business, already advertises at her current business premises in Selston that she holds children's make up parties. These children will be driven to Wellington Park by their parents, who may or may not remain with their children, but they will have to park up outside the beauty salon causing problems for the rest of the road users, including pedestrians and the children that play and cycle up and down the pavements and road.

Other concerns

- The applicant has stated on the Planning Application form that work has not started. This is not the case. The front façade of the garage already resembles the proposed elevations in the application and it is also clear that work has also commenced internally
- Devaluation of neighbouring properties (officer note – this is not a material planning consideration)
- We are not given any scope of what this beauty salon will do. We may assume there are likely to use toxic chemicals, Acetone, Acetonitrile, Isopropanol etc. How are these to be stored and managed safely? We know from the application that waste will go down the drains. I am sure Severn Trent may take a dim view of this. In addition to the compliance to building regulations regarding fire protection, lighting, welfare, access and egress etc. I would suggest the Environmental health division of the council takes a serious view of this situation. The garage is not large enough to achieve required air changes so use of acetone fumes etc is likely to increase in air. Some of these chemicals are quite noxious and flammable require extraction which requires abatement before release to air.

- The applicant makes no mention of where trade waste bins will be located at the address which will no doubt have to be located on the driveway with the other vehicles. I assume that the collection for trade waste by the authority is at a different time and date to the domestic service, which will be yet another nuisance to the residents

Support

- If we do for any reason need a hazardous waste collection for the salon, I would just like to say that I do already have this due to using catheters which is collected every Tuesday and has been done for over 8 years. This has obviously never been noticed or any issue to anyone of the street.
- We haven't said we are putting a sign up so I don't know where that assumption has come from, if we are allowed then we may but otherwise we won't
- Also with children's parties, it is always car share only and only the birthday child's parent is allowed to stay during the party, this has always been the rule at Tanya's current salon because the room is very small just like our garage. They are not regular and can be very spaced out through the year

6.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2005)

- 6.1 The following policies of the Local Plan are material to the determination of this application:

GS1 Sustainable Development
 GS5 Development in the Settlement
 GS7 Change of Use and Conversion
 BE1 General Design Principles
 E8 Employment Development in Other Areas
 T2 Highway Access and the Impact of New Development
 T9 Car Parking

Emerging North East Derbyshire Local Plan (Under Examination)

- 6.2 The Draft Local Plan (DLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in the autumn with Plan adoption by the end of 2020 or early 2021.

- 6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.
- 6.4 The following emerging Local Plan policies are material to the determination of this application:

SS1 Sustainable Development
SS7 Development on Unallocated Land within Settlements within defined Settlement Development Limit
SDC12 High Quality Design and Place Making
ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

- 6.5 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

Other Material Planning Considerations

- 6.6 Successful Places Interim Planning Guidance, adopted December 2013.

7.0 Planning Issues

Principle of Development

- 7.1 The proposed site is located within the defined Settlement Development Limit for Shirland.
- 7.2 Local Plan Policy GS5 indicates that the general principle of development is acceptable provided that (a) it would not be detrimental to the character and appearance of the site and its surrounding environment; and (b) it would not have a detrimental impact on the amenities of neighbouring occupiers and uses.
- 7.3 Local Plan Policy GS7 relates to the change of use and conversion of existing buildings and states that planning permission for change of use will be permitted provided that the use, scale or type of operation will not have an adverse effect upon the character of the area or neighbouring land uses.
- 7.4 Local Plan (2005) Policy E8 advises that within the Settlement Development Limits, proposals for new employment development including working from home, new development, changes of use and extensions to existing sites and buildings will be permitted provided that the proposals do not have an unacceptable effect on the character of the surrounding area through visual impact, noise or pollution resulting from the development or from traffic generated. Adequate parking and access provision will also be required.

- 7.5 The Council is now at an advanced stage in the production of a new Local Plan which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. The emerging local plan retains the SDL's and the application site remains within the SDL for Shirland.
- 7.6 Emerging Policies within the Publication Draft include Policy SS7 which considers redevelopment of unallocated land within Settlement Development Limits. This policy is supportive of development, providing it's of a scale and design that would be in keeping with the character of the surrounding area. The policy accords with the NPPF and should therefore carry weight in the decision making process.
- 7.7 The NPPF looks to support sustainable development, good design is a key aspect of this. Development should be visually attractive, sympathetic to the local character and history of the area and maintain a good sense of place.
- 7.8 In view of the above, it is considered that the proposed development within the Settlement Development Limit to be acceptable in principle.

Character of the Area Considerations

- 7.9 Local Plan Policies GS5 and BE1 and Publication Draft Local Plan 2013-2034 Policies SS7 and SDC12 seek for new development to respect the character and appearance of the surrounding area.
- 7.10 11 Wellington Park is located amongst other dwellings, sitting within a residential cul-de-sac. The street scène features detached dwelling which vary in scale, design and materials. A few of which have been extended and altered.
- 7.11 The external alterations to the appearance of the garage comprise of the removal of the garage door, which has been replaced by a door and two window to match the main dwelling. The block work has been rendered and painted white to match the main dwelling. The scheme of works does not include any form of advertisement.
- 7.12 A number of concerns have been raised relating impact of the change of use to the character and appearance of the street scène. It is considered, that the visually changes made to the external front elevation of the garage minimal. Whilst it is acknowledged that there would be some change to the street scene, it is not deemed to be detrimental to the character and appearance of Wellington Park.
- 7.13 It is noted that the external works to the garage have already been undertaken by the applicant, and that these works did not require planning consent as they fell under permitted development rights.

- 7.14 It is therefore considered that the proposal is compliant with Local Plan (2005) policies GS5(a), BE1 and emerging Publication Draft Local Plan 2014-2034 policy SS7 and would not have a detrimental impact upon the character of the area due to its modest scale.

Privacy and Amenity Considerations

- 7.15 Policy GS5, GS7 and BE1 of the North East Derbyshire Local Plan (2005) and Policy SDC12 of the North East Derbyshire Local Plan Publication Draft (2018) requires that proposals must not result in a detrimental effect on the amenities of neighbouring occupiers and uses.
- 7.16 Objections have been received from neighbouring properties raising concerns with regard to loss of privacy and adverse impacts on residential amenity as result of the change of use.
- 7.17 The proposed hours of opening are limited to a total of 18 hours per week. These hours would operate over three days a week, covering Thursday, Friday and Saturday. The hours would be restricted to 10.00am – 16:00pm on all three days. The applicant would operate an appointment based system with 15 to 30 minutes between appointments to avoid multiple customers being on site at any one time.
- 7.18 The operation of a beauty business has potential to impact upon the character of the area, particularly if it was to be intensely operated. Such and intensive use would alter the nature of the site and would result in a material change which would be out of keeping with the residential nature of the area.
- 7.19 It is, however, considered that due to the siting of the garage away from neighbouring properties and the limited hours of operation the proposed change of use would not have any adverse impact the any of the neighbouring residents.
- 7.20 Environmental Health was consulted, who have considered the application in relation to the potential environmental impacts and confirm that they have no objections to the proposal in principle.
- 7.21 In terms of overlooking and loss of privacy, openings are limited to the front south (facing) elevation only. The closest facing neighbouring property is sited approximately 24m away. As such, it is not considered that there would be any loss of privacy to the neighbouring properties to the south.
- 7.22 The external works associated with the change of use are not considered to result in any significant impacts in neighbouring amenity terms. Therefore the application is not considered to be in conflict with Policy GS5, GS7 and BE1 of the North East Derbyshire Local Plan (2005) or Policy SDC12 of the North East Derbyshire Local Plan Publication Draft (2018).

Highway Safety Considerations

- 7.23 The submitted site plan identifies sufficient space for one designated parking space to be made available for the proposed visitors of the beauty salon. The remainder of the driveway would allow for a minimum of three vehicles, which meets the minimum parking standards.
- 7.24 The County Highways Authority was consulted on the proposal and consider the development acceptable in highway terms based on the limited hours of operations. Despite the objections received on highway safety measures, they raised no highway objections providing highway safety conditions are included on any decision issued.
- 7.25 Given the small scale operation of the business, as proposed, there are no highway safety concerns. Accordingly, the proposal is considered to be in accordance with Policies T2 and T9 of the North East Derbyshire Local Plan (2005) and Policy ID3 of the North East Derbyshire Local Plan Publication Draft (2018).

Other Considerations

- 7.26 The application site is with Flood Zone 1, which has a low probability of flooding.
- 7.27 The application site lies within a Development Low Risk Area as defined by the Coal Authority.

8.0 Summary and Conclusion

- 8.1 Having taken into account all the material considerations, the proposed change of use would not have significant detrimental impact on the character and appearance of the site and its surrounding, the amenity of neighbouring uses or on highway safety.
- 8.2 The proposal is therefore in accordance with policies GS1, GS5, GS7, BE1, T2 and T9 of the North East Derbyshire Local Plan and policies SS1, SS7, SDC12 and ID3 of the North East Derbyshire Local Plan; Publication Draft (2014-2034).
- 8.3 As such the proposed development should be conditionally approved.

9.0 Recommendation

- 9.1 APPROVE Permission subject to the following conditions:-
1. The development hereby permitted shall be started within three years from the date of this permission

2. The development hereby approved shall be carried out in accordance with the submitted plans, unless otherwise specifically agreed in writing by the Local Planning Authority or otherwise required by any other condition in this decision notice.
3. Before the garage is first brought into use, the one designated parking space shall be provided in accordance with the submitted Site Plan (date stamped 15.06.2020) and shall be retained as such thereafter. The parking area shall not be used for any purpose other than the parking of customers to the salon.
4. Three onsite parking spaces for the residential use of 11 Wellington Park shall be retained on the driveway and shall be retained as such thereafter. The parking and manoeuvring area shall not be used for any purpose other than the parking and manoeuvring of vehicles.
5. The use hereby permitted shall only be carried out by the occupiers of 11 Wellington Park, with no additional employees. It shall not be sub-let or operated independently of the main dwelling.
6. The use hereby permitted shall operate on an appointment based system only, with 15 to 30 minutes between appointments to avoid multiple customers being on site at any one time
7. The premises shall only be used between the hours of 10:00am to 16:00pm on Thursday, Friday and Saturday.