

No.8	APPLICATION NO.	2018/1148/FUL
	LOCATION	26 Miners View, Up Holland, Skelmersdale, Lancashire WN8 0AZ
	PROPOSAL	Change of use of the rear of a residential garage to allow the running of a beauty salon business from home. (Retrospective)
	APPLICANT	Mrs H Murray
	WARD	Up Holland
	PARISH	Up Holland
	TARGET DATE	22nd January 2019

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillor Moran has requested it be referred to Committee to consider whether some restrictions are needed to limit detrimental effects on the neighbours.

2.0 SUMMARY

- 2.1 The proposed development of the change of use of part of the garage is acceptable in principle. Subject to appropriate conditions it is considered the proposal will not have a significant impact on the amenity of neighbouring properties and would not result in any additional adverse impact on highway safety. The proposed development is considered to be compliant with the NPPF and Policies IF2, GN1 and GN3 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION - APPROVE with conditions.

4.0 SITE DESCRIPTION

- 4.1 The site comprises a detached two-storey dwelling with attached double garage. It is located at the end of a small cul-de-sac within a modern housing estate. There are parking spaces on the driveway at the front of the garage.
- 4.2 There is a public footpath which runs from Chequer Lane along the side boundary of the site and across the housing estate. The footpath also leads to the cul-de-sac.

5.0 PROPOSAL

- 5.1 The application is retrospective in form and proposes the change of use of the rear part of the garage into a beauty salon. The remainder of the garage would remain as garage/storage.
- 5.2 The owner of the dwelling is the sole person working within the beauty salon.

6.0 PREVIOUS RELEVANT DECISIONS

Planning history

- 6.1 2013/0587/ARM - Approval of Reserved Matters - Partial re-plan of planning permission 2012/1286/ARM to erect 66 dwellings (comprising plot substitution to plots 30-64 with an additional 2 dwellings) together with associated works - Granted

Condition 4 stated: *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development and General Development Procedure) Orders 1995 or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, the garages shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.*

- 6.2 2012/0809/OUT - Outline - Erection of up to 80 dwellings including details of access - Granted

Enforcement history

- 6.3 E/2018/0194/UAU - Change of use from residential to business from home - Ongoing (Initial complaint received 01/10/18)

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 LCC Highways

LCC Highways Development Support has no objection to the proposals and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 7.2 Environmental Health Officer

No objections to this application in principle.

The application is for a home business beauty salon within the garage of a house in a residential area. The proposed property is at the end of a cul-de-sac of detached properties and the entrance to the beauty salon is to the rear of the garage which is some distance away from other residential properties.

The proposal states there is adequate parking on the existing driveway which appears to be the case. The issue is that the driveway area due to the layout of the cul-de-sac is directly opposite the front elevation of the neighbouring property and the traffic route past other residential properties within the cul-de-sac.

The applicant is the business owner and there are no further employees and so the proposal is likely to generate only single persons coming for appointments one at a time, and I would expect, due to treatment length, arriving at least approximately an hour apart. As such I expect that the proposal would generate slightly more comings and goings than a single residential use would, but on balance, any disturbance is likely to be limited in duration.

As such I feel a restriction in the hours of operation and any deliveries /waste collections would be appropriate in order to protect residential amenity. I would also advise restricting the permission to only the applicant to prevent the expansion of the business or the use of employees in the future.

8.0 OTHER REPRESENTATIONS

- 8.1 Letters of objection to the application have been received which can be summarised as follows:

Concerns regarding increases in traffic, problems with parking and impacts on highway safety;

Concerns regarding disturbance including additional noise, hours of use;
Adverse impacts on privacy and security;
Damage to property - Concern whether applicant has appropriate insurance and safety certificates;
Fire and Health and Safety concerns - Concern whether the equipment been appropriately checked?;
Concern how waste will be dealt with;
Consider a more commercial site would be appropriate as this is not a retail park or shopping complex;
The applicant failed to discuss the start of her proposed business with neighbours.

Letters in support of the application have been received which can be summarised as follows:

Support the application and the owner of the business;
It is good to see local people starting a business in West Lancashire as it all helps boost the local economy and the greater good of the country;
The salon is clean and exceeds health and safety standards;
The application is not to expand the business;
The applicant only treats one person at a time;
The opening hours are clearly set out in the advertising and social media for the business;
There is a minute increase in traffic as a result of the business - at the most one car per hour;
I have never witnessed any issues with traffic, kids or dog walkers. The clients use the estate roads and Mr Murray's private driveway. There is no planned increase in traffic as the application is retrospective;
The business has been operating from the property for almost two years without complaint until now;
As a neighbour the business does not affect me or my young family;
There is very little traffic congestion, no noise pollution, and no risk for children, dog walkers or adult residents due to parked cars, no increased footfall. The clients drive carefully and are respectful to our local community;
There are no changes to the outside of the building to show that there is a salon present.

9.0 RELEVANT PLANNING POLICIES

- 9.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

The site is located within an allocated housing site as designated in the West Lancashire Local Plan 2012-2027 DPD.

National Planning Policy Framework

Building a strong competitive economy
Promoting healthy and safe communities

West Lancashire Local Plan Policies

GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

10.1 The main considerations for this application are:

Principle of development
Design
Impact on residential amenity
Highways
Other matters

Principle of development

10.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

10.3 Paragraph 80 of the NPPF supports economic growth and productivity taking into account local business needs. Paragraph 81 sets out a need to accommodate new and flexible working practices such as live-work accommodation.

10.4 The proposed business is very small scale, being operated solely by the applicant who also lives at the attached dwelling. The business has been operating for approx. 2 years from this address and the proposal is for retention in its current form. No expansion of the business is proposed.

10.5 It is my view that the principle of small scale business development is supported by the NPPF. On that basis the principle of this development is acceptable provided it complies with other relevant national and local planning policies.

Design

10.6 Policy GN3 supported by the Council's SPD Design Guide requires that new development should be of a scale, mass and built form, which responds to the characteristics of the site and its surroundings.

10.7 No alterations are required to the external appearance of the garage as a result of the change of use and the garage doors are proposed to remain. No signage has been erected and the boundary treatment/gates remain in place. It is my view that the change of use does not adversely impact on the street scene or the visual amenity of the area. On that basis the development complies with the requirements of policy GN3.

Impact on residential amenity

10.8 Paragraph 17 of the NPPF requires that planning should always seek to ensure a good standard of amenity for all existing and future residents. The application must also be assessed in terms of Policy GN3 of the West Lancashire Local Plan (2012-2027), which states that development should retain or create reasonable levels of privacy and amenity for occupiers of the neighbouring properties.

10.9 I have consulted the Council's Environmental Health Officer (EHO) who raises no objection to the principle of the change of use of the garage. As the business owner is a 'sole-trader' the disturbance caused by the additional visits would be limited.

10.10 Conditions have been suggested by the EHO in respect of hours of operation and collection of waste. It is also suggested that the permission is personal to the applicant. I

note that the EHO has recommended hours of operation to finish at 1900hrs Tuesday to Friday. However the Council must consider the hours which has been stated by the applicant in the submission i.e. open until 2000hrs. It is my view that due to the level of operations proposed it would not be injurious to the residential amenity of the neighbours for the premises to offer beauty treatments until 2000hrs.

- 10.11 I am satisfied that the other recommended conditions would protect the amenity of the neighbouring properties and that, subject to restrictive conditions, the retention of the change of use would be acceptable and would comply with the relevant parts of policy GN3 and with the NPPF.

Highways

- 10.12 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Adequate parking should be provided in accordance with policy IF2.
- 10.13 I have consulted the Highway Authority who have advised there is no objection to the proposal. I note that there is a condition requiring the garage to be retained in the approved form. However, having regard to the size of the existing driveway, I consider that the property retains sufficient parking for the dwelling along with an additional space for the business. The increase in traffic as a result of the proposal is minimal and the Highway Authority consider the development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

- 10.14 I am satisfied the development would comply with policies GN3 and IF2.

Other matters

- 10.15 Concerns have been raised in regard to matters such as whether the business has appropriate insurance and safety certification. Such matters are covered by other appropriate legislation and are not therefore matters which need to be taken into account in the assessment of this planning application.

11.0 RECOMMENDATION

- 11.1 The proposed development is compliant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-27 and is recommended for approval.

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Site location plan and floor plan received by the Local Planning Authority on 1st November 2018 and site layout plan and floor plan received on 19th November 2018.
2. This permission shall only be for the benefit of Mrs Helen Murray to operate a beauty salon at 26 Miners View in the location shown on floor plans received 1st November 2018 and 19th November 2018 and shall not ensure for the benefit of the land. No staff may be employed on the premises at any time.
3. The use hereby permitted shall only take place between the hours of 0900 and 2000 Tuesday to Friday, 0900 and 1300 Saturdays and shall not take place at any time on Mondays, Sundays or Public/Bank Holidays.
4. In respect of the business premises no deliveries shall be taken at the site or waste collections made except between the hours of 0900 and 1900 Tuesday to Saturday.

Reasons

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
IF2 - Enhancing Sustainable Transport Choices
together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.