

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

7 SEPTEMBER 2016

DEV/FH/16/027

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/1175/FUL - WESTON, MILBURN DRIVE,
MOULTON, SUFFOLK**

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

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Committee Report

Date 7 February 2016 **Expiry Date:** 1 September 2016

Registered:

Case Ed Fosker **Recommendation:** Approve

Officer:

Parish: Moulton Parish **Ward:** South
Council

Proposal: Planning Application - (i) Change of use of existing garage to Hairdressing salon (Use class A1) (ii) Extension to front of existing garage

Site: Weston, Milburn Drove, Moulton, Suffolk

Applicant: Mr Jon Button

Background:

This application is referred to the Development Control Committee at the request of the Delegation Panel. The application is recommended for Approval.

A site visit is scheduled to take place on Monday 5th September 2016.

Proposal:

1. Planning permission is sought to extend to the front of the existing garage and change the use of part of the garage to a hairdressing salon (Use class A1).
2. The proposed front extension measures 6 metres in depth, 3.9metres in width and a maximum height of 4 metres at the ridge sloping to 2.5 metres at the eaves.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application form
 - Plans
 - Travel Plan

Site Details:

4. The application site comprises a large, detached bungalow situated within the Housing Settlement Boundary of Moulton. The host dwelling is set back from Milburn Drove (a private road off the southern side of Newmarket Road) in a substantial sized plot with a large gravel surfaced frontage which provides a considerable amount of off street parking.

Planning History:

5. DC/14/1207/HH: Householder Planning Application: Single storey rear extension and replacement of flat roof detached garage with duo pitched roof detached garage. Approved: 17.09.2014.

Consultations:

6. Highway Authority: his change of use will not lead to a severe impact upon the highway as stated in the NPPF and as such SCC Highways would be not be able to recommend refusal of this application. In respect of the proposed parking any recommendation for approval should include conditions to require:
 - Details of the parking and manoeuvring area (to be retained);
 - Details of adequate turning space within the site to allow vehicles to enter and exit in forward gear;
 - Travel Plan, including monitoring provisions shall be submitted and approved in writing by the Local Planning Authority and such approved arrangements shall be implemented before the development is first brought into use and thereafter adhered to. The travel plan shall include but not be limited to the following;
 - Hours of business:
 - No of potential customers per day and the maximum length of time each client will spend at the salon:
 - Method of travel to from the salon by clients:
 - No of staff (both full and part time (this to include holiday/maternity coverage also).
6. Rights of Way: No objection.
7. Ramblers: The current application does not affect a public right of way.
8. Public Health & Housing: It is understood that the salon would accommodate two chairs and it is assumed that the full range of treatments, including perms, would be available. The salon is proposing opening hours of 09:00 to 19:00 hours on Mondays to Fridays and 09:00 to 15:00 hours on Saturdays.

Whilst Public Health and Housing would not object in principle to this application, the proposed hairdressing salon will be in very close proximity to the adjacent residential property at Rough Acres. The submitted plans

do not include the provision of any extract ventilation to the proposed hairdressing salon and ventilation will only therefore be available via the entrance door and the two casements windows to the east elevation of the salon. It is therefore likely that the use of hairdryers will be heard outside of the building when the windows and doors are open; furthermore, the use of chemicals for perms or other hair treatments are also likely to give rise to strong odours which may be noticeable in the vicinity of the proposed salon. The use of the salon, may therefore give rise to some loss of amenity to the neighbouring residents, particularly during the early evening and on a Saturday morning when they will want to enjoy their amenity space.

To minimise this impact, should planning approval be granted, it is recommended that the operating hours of the salon are reduced to between 09:00 and 17:00 hours on Mondays to Fridays only. It is also recommended that any planning consent is personal to the applicant only.

9. Environment Agency: No comment.

10. Suffolk Fire & Rescue Service: No additional water supply for fire fighting purposes are required in respect of this planning application.

Representations:

7. Parish Council: Support the application.

8. Neighbours: The occupiers of Skeraton Lodge, Tethers, Nos. 1 & 2 Milburn Drove, Nos. 9, 15, 16, 19 & 36 Lark Hill, Nos. 31, 39, 43 & Long Acre Newmarket Road & No. 40 Maltings Close raise concerns with regard to:

- Parking problems
- Road Safety
- Vehicles parked along Newmarket Road
- Impact on residential Amenity
- Noise/Smell from hairdryer and hair products
- Inadequate parking
- Restrictive covenant applies to all dwellings in the Drove for access to residents, guests and service providers only
- Damage to the Drove from additional traffic
- Devaluation of properties in the Drove
- No arbicultural impact statement
- Access & visibility onto Newmarket Road
- Disagree with the Highways Authorities comments

Policy: The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

9. Joint Development Management Policies Document 2015:
- Policy DM1 (Presumption in Favour of Sustainable Development)
 - Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
 - Policy DM24 (Alterations and Extensions to Dwellings)
 - Policy DM46 (Parking Standards)
10. Forest Heath Core Strategy 2010:
- Policy CS5 (Design Quality and Local Distinctiveness)

Other Planning Policy:

11. National Planning Policy Framework (2012)

Officer Comment:

12. The issues to be considered in the determination of the application are:
- Principle of Development
 - Design and Form
 - Impact on Neighbouring Amenity
 - Highways
13. Policy Policy DM2 requires all proposals to respect the scale, density and massing of the locality in question. The proposed front extension to the existing garage, in the context of the application site, it is suitably and of a modest scale.
14. Policy DM24 requires extensions and alterations to respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in the over-development of the dwellings curtilage. This relatively modest addition is not considered to adversely impact on the character of the surrounding area given the fact that it is located to the western side of the property and does not project forward of the front elevation.
15. The proposed use as a small scale hair dressers salon with two chairs, one stylist (the applicant), and on the basis that one client will be waiting whilst another client is being seen, is of such a nature and scale that is it considered questionable whether planning permission is required; however the application will be judged on what has been put before us by the applicant. Furthermore, the potential for noise and odour arising from the use, as articulated in the consultation response from Public Health and Housing, suggests a potential intensity of impact that means that planning permission is required.
16. Policy DM2 and DM24 require all proposals to ensure existing residential amenity is not adversely affected.
17. Whilst it is acknowledged that the existing garage is in relatively close proximity to the neighbouring property to the western side 'Rough Acre', it is not considered that the perceived noise or odour from operations associated with hair dressing would be notably over and above any other

ancillary use for which an existing garage or outbuilding could otherwise be used. Ventilation is provided by the doors and window on the east facing side of the building facing the applicants property 'Western' and as a hairdressers this part of the garage will not benefit from any permitted developments rights for openings or alterations to the roof, therefore it is not necessary to condition this. The use of a modest number of domestic vehicles arriving at and departing from the site during the day, nor any associated noise and disturbance arising, is not considered to lead to any significantly adverse effects upon amenity.

18. Concerns have been raised with regard to any future intensification of the proposed use. To cover this the permission is to be conditioned to not allow any more than one stylist to be on site at anytime, giving the Local Authority control over this area of concern. The applicant does not propose to provide any additional beauty treatments, however given the fact that only one stylist would be allowed at the salon by condition it is considered unreasonable to restrict additional beauty treatments. Any intensification of use beyond a single stylist on site at any one time would be required to be the subject of a planning application which if ever submitted would be judged on its planning merits.
19. Whilst Public Health and Housing have recommended that the operating hours of the salon are reduced to between 09:00 and 17:00 hours on Mondays to Fridays only. This is considered to be overly restrictive given the small scale nature of the use and the fact that only one stylist will be operating at the premises. The fact that some clients may be working during the day means that 19.00 is considered to be an acceptable time to allow operation until, as is Saturdays until 15.00 with no working on Sundays or Bank holidays.
20. The concerns of neighbouring residents have been noted with regard to parking problems, road safety, vehicles parking along Newmarket Road, access and visibility and damage to the Drive.
21. However with regard to part of the vehicle garage at "Weston" at Milburn Drive being converted for the purposes of a Hairdressing Salon. As per the guide lines as set out within the Suffolk Guidance for Parking – 2014 (SGP) parking provision in respect of combined residential/ Commercial should be as follows: A1 (Hairdressers) - 1 space per 20 Square metres of floor space + 1 secure cycle stand (1 stand allows 2 cycles to park). C3 (Dwelling Houses) - Onsite parking is based on the number of bedrooms the dwelling has. For example, a 3 bedroom dwelling will require two onsite parking places to be provided and 2 secure covered cycle spaces. (This can be satisfied if a garage or secure area is provided within the curtilage of the dwelling subject to minimum dimensions).
22. The application states that the current 6 parking spaces will be reduced to 5 as a result of this application. The five spaces are to be allocated as three for the residential dwelling and two for the proposed salon. The new gross internal floor space proposed is 20 square metres which complies with SGP guidelines as set out above.

23. It is noted that Milburn Drove is a private road and therefore not subject to SCC Highway standards of construction. However, in order to allow vehicles to enter and exit "Weston" in a forward gear a condition is recommended to ensure adequate turning space is provided within the site.
24. The salon proposes two chairs with one stylist (the applicant). On the basis that one client will be waiting whilst another client is being seen, it is noted that there will be an increase in vehicular traffic potentially using Milburn Drove, however this increase is considered negligible and it is not known how many clients will walk or cycle to the salon. Also it is not known how many vehicle movements will be removed due to the business being relocated to the property.
25. Milburn Drove accesses the Highway along the Newmarket Road. For this class of road, with a 30 mph speed limit, SCC Highways require visibility to be demonstrated at 90 metres in both directions taken at a point 2.4 metres from the centre of the access. In the case of an existing access these may be lowered based on the level of increased intensification of use. Following several visits to the site good visibility was available as demonstrated by the pictures attached within SCC Highways response.
26. SCC Highways have checked accident data and there have been no recorded injury accidents at this location in the last three years. The issue regarding vehicles parking on the main road close to the junction would be in noncompliance with the Highway Code and therefore would be enforceable by the police.
27. The application must be judged purely on its planning merits; Suffolk County Council Highways Authority is a statutory consultee and therefore significant weight must be attributed to any comments received with regard to this application. Restrictive covenants that apply to all dwellings in the Drove for access to residents, guests and service providers only and devaluation of properties in the Drove are not material planning considerations. An arboricultural impact statement was also not required as part of this application.

Conclusion:

28. Accordingly, it is considered that the proposal does not cause a significant adverse impact on residential amenity or highway safety and takes account of the Forest Heath and St Edmundsbury Joint Development Management Policies DM1 (Presumption in Favour of Sustainable Development), DM2 (Creating Places), DM24 (Alterations and Extensions to Dwellings), Policy DM46 (Parking Standards), Forest Heath Core Strategy 2010 Policy CS5 (Design Quality and Local Distinctiveness) and the provisions of the National Planning Policy Framework. As such approval is recommended subject to conditions.

Recommendation:

29. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Standard Time limit
2. Accord with plans
3. Materials as specified
4. Hours of operation – (09.00 – 19.00 Monday to Friday & 09.00 – 15.00 Saturdays with no working on Sundays or Bank holidays).
5. No more than one stylist to be on site at anytime
6. Highways – Parking & Manoeuvring to be retained
7. Highways - Travel Plan (as submitted)

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O86SIEPDHGP00>