

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel
 Planning Application Report of the Planning and Development Manager**

Application address: 228 West End Road SO18 6PN			
Proposed development: Change of Use of a residential room for hairdressing business (Retrospective).			
Application number	14/00597/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	10.06.14	Ward	Harefield
Reason for Panel Referral:	Request by Ward Member and five or more letters of objection have been received	Ward Councillors	Cllr Smith Cllr Daunt Cllr Fitzhenry

Applicant: Mr and Mrs McCosh	Agent: MDT Design
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP5, SDP7 and SDP16 of the City of Southampton Local Plan Review (March 2006) and CS13, CS16 and CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		
2	Planning History		

Recommendation in Full

Conditionally approve

1.0 The site and its context

1.1 The application site is a detached residential dwelling on West End Road. The residential dwellings are set back and screened by heavy vegetation from the main arterial West End Road and are accessed by a separate road serving the row of residential dwellings.

2.0 Proposal

2.1 The application relates to the use of a single room within the residential dwelling to be used in the operation of a hairdressing business.

2.2 The applicant has stated that the business will operate by appointment only, with one client at a time and the occupant of the dwelling as the sole participant in the business.

2.3 The proposed hours of operation are:

Monday: 12:30-15:00; 17:00-20:00
Tuesday: 09:30-15:00; 17:00-20:00
Wednesday: 09:30-15:00
Thursday: 09:30-15:00; 17:00-20:00
Friday: 12:30-15:00
Saturday: No business operation
Sunday: No business operation

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4.0 Relevant Planning History

4.1 A concurrent application has been submitted under 14/00596/FUL for 'Erection of a part two storey, part single storey, rear extension with 'Juliet Balcony'. A determination on this application is currently pending.

5.0 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (29.04.2014). At the time of writing the report **14** representations have been received from surrounding residents. The following is a summary of the points raised:

5.2 • The proposed use would increase vehicular visits associated with the site, exacerbating existing issues.

5.3 • The service road for the residential properties is narrow and not suited for additional traffic and parking.

5.4 • The available on site parking has historically not been used by visitors to the site who have parked in the surrounding street.

5.5 • The police have previously been involved in traffic issues associated with illegal business.

Note: An unauthorised change of use does not become unlawful in planning terms until an enforcement notice has been served, come into effect and not been complied with.

5.6 • The deeds of the properties in the road restrict against the operation of a business from the residential property.

Note: The granting of planning permission does not overrule separate or additional legal obligations and requirements. The restrictions in place in the deeds of the property would be a civil matter between the relevant parties and are not a relevant planning consideration. The application will be determined on the basis of relevant local and national planning policies.

5.7 • The area is predominately residential in nature and the operation of a business would have a significant and harmful impact on neighbouring residential occupiers.

5.8 • There are a number of hairdressing businesses in the immediate local area and the proposed use is not required.

Note: It is normally for the applicant to consider the viability of a proposed use. The application will be determined on the basis of relevant local and national planning policies.

5.9 • The business has been operating for at least 4 years, at times operating until 21:30 (in excess of the proposed hours of operation).

Note: If permission were granted the hours of operation can be controlled and restricted through the use of conditions.

5.10 • The customers will not stay in the defined space in the house and have in the past spent time in the garden.

Note: If permission were granted a condition could be imposed regarding the areas of the dwelling available as part of the business use. Any use beyond this which represented an increase in intensity beyond that which would be expected of a residential dwelling could be monitored and controlled.

- 5.11 • The application would encourage an increase in the intensity of the existing use.
- 5.12 • The proposal would set a precedent, potentially allowing a cumulative harmful change to the character of the surrounding area.
Note: Each application is considered on its own merits at the time of submission with reference to relevant local and national policies.
- 5.13 • The proposed hours of operation should not extend into the evening as this would increase the comparative impact on the neighbouring residential dwellings
- 5.14 • If consent is to be granted conditions should be imposed restricting the use to normal business hours (09:00-18:00) making the permission personal to the occupiers and that only one 'chair' should be allowed.
- 5.15 • The application site is set off a dirt road.
Note: This is incorrect. The service road does connect to an un-adopted private road but the site itself is served by a hard surfaced adopted access.
- 5.16 • Concern if the property will be liable for business rates/income tax/licensing.
Note: These issues are not valid planning considerations and would be for the applicant to address if consent was granted.
- 5.17 • The use of residential dwellings as places of business undermines retail frontages

Consultation Responses

- 5.18 **SCC Highways** - The highway adjacent to the property is narrower than normal however, given the surrounding residential environment and slower expected traffic speeds, it is not considered that potential overspill parking would have a significantly harmful impact in terms of highways safety. Potential impacts from overspill parking would therefore mainly be an amenity concern and could be addressed through conditioning opening hours and on-site parking.
- 5.19 **Councillor Royston Smith** - The proposed business use in a residential area has caused problems for some time.

6.0 Planning Consideration Key Issues

- 6.1 The main consideration for operating a business from a residential dwelling is the impact of the proposed business use on the amenities of both the occupants of the host dwelling and those of neighbouring dwellings. Provided these impacts can be successfully mitigated to an acceptable degree through the use of conditions without changing the character of the dwelling then the proposal can be considered acceptable.
- 6.2 The proposal will result in the number of visitors to the property increasing in number. One of the main considerations is if appropriate conditions can be imposed to control this change in the intensity of use of the site to an acceptable degree.

- 6.3 The applicant has advised that they will be the only individual engaged in the operation of the proposed business. The applicant has also noted that customers will be one at a time, by appointment only. These elements of the proposal could be conditioned to this effect.
- 6.4 By limiting the proposed use to the applicant only and single appointments by appointment only, many of the potential impacts associated with the business use are limited and controlled. It ensures the property will remain a predominately residential in character in the future if/when the applicant vacates the site and the nuisance from visitors to the property is minimised.
- 6.5 With reference to the consultation response from the Highways team (section 5.18) it is not considered that the addition of a single car at any given time would have a significantly harmful impact in terms of highways safety. A condition could be imposed requiring that one on-site parking space be available for use by visitors to the site during appointments.
- 6.6 In order to ensure that the property remains predominately residential in occupation, a condition could be imposed specifying the precise floor space to be used as part of the business use. This would ensure the property retains its overall residential character and restrict against a potentially harmful expansion/increase in intensity of the proposed business use. It is noted that a simultaneous application has been submitted for an extension to the dwelling. The proposed condition has been worded to account for a potential approval of this application.
- 6.7 The proposed hours of operation are somewhat late for a residential environment. However, having considered the limited noise associated with the proposed use and conditions discussed above limiting the number of visitors to the site; it is not considered that the proposed hours of operation would represent a significantly harmful impact compared to that which could ordinarily be expected in a residential environment.
- 6.8 It is noted that the use appears to have been in operation for some time. There does not appear to be any record of this having been brought to the attention of the Local Planning Authority, nor has sufficient evidence been presented to determine if the use has become lawful over the passage of time. As such a determination must be made on the application as presented.

7.0 Summary

- 7.1 It is considered that the impacts of the proposed use could be sufficiently mitigated through the use of conditions such that the impact of the proposed development would not represent significant additional harm when compared to the existing residential use.

8.0 Conclusion

- 8.1 For the reasons discussed above, the application is recommended for conditional approval.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1 (a) (b) (c) (d), 2 (b) (d), 4 (f), 6 (c), 7 (a)

JF1 for 08/07/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Personal consent [Performance Condition]

The business use hereby approved shall only be operated by Mr and Mrs McCosh (with no additional staff members) whilst occupying the residential property of 228 West End Road and by no other person unless otherwise agreed in writing by the Local Planning Authority.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in connection with the residential dwelling to which it relates.

02. APPROVAL CONDITION - Hours of Operation [Performance Condition]

The premises to which this permission relates shall only be open for business between the following hours:

Monday	12:30-15:00 and 17:00-20:00
Tuesday	09:30-15:00 and 17:00-20:00
Wednesday	09:30-15:00
Thursday	09:30-15:00 and 17:00-20:00
Friday	12:30-15:00

The business use shall be open at no time on Saturday or Sunday. The business use hereby approved shall operate in accordance with these hours unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.

03. APPROVAL CONDITION - Restriction on number of customers (Performance Condition)

The business shall operate by appointment only with a maximum of 1 customer on the premises at any given time.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in a manner which does not harm the amenities of nearby residents.

04. APPROVAL CONDITION - Parking (Performance Condition)

During business hours, unless no appointments have been made, one of the two parking spaces available on site shall be left clear and accessible for use by visitors to the site.

REASON:

To reduce the potential need for off-site parking and associated impact on neighbouring residential occupiers.

05. APPROVAL CONDITION - Restriction on rooms (Performance Condition)

The business use shall only take place within the ground floor room identified as 'Proposed Hairdressing Studio Area' on Drawing No. 04 A or as potentially altered and identified as 'Utility' on Drawing No. 02 A of planning application reference 14/00596/FUL if approved and built.

REASON

To allow the local planning authority to control the specific nature of the use and to ensure that the operation takes place in connection with the residential dwelling to which it relates.

06. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

REASON:

For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (January 2010)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP16	Noise
H6	Housing Retention

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 14/00597/FUL

APPENDIX 2

Relevant Planning History

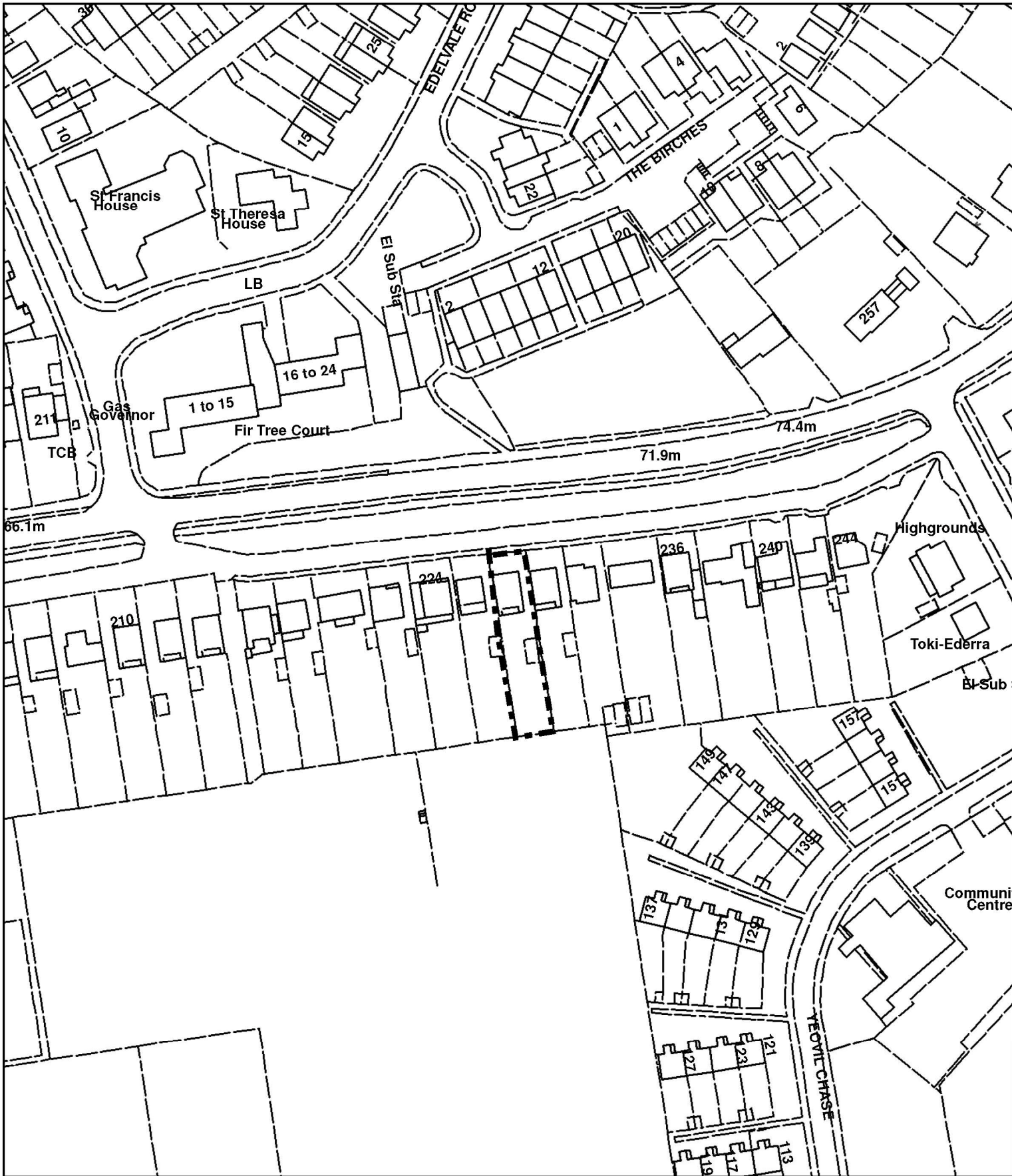
14/00596/FUL, Erection of a part 2-storey, part single storey rear extension with Juliet balcony

Pending Decision

1058/14, Dwelling & garage (Prev Ref - Plot 7)

Conditionally Approved, 22.02.1955

14/00597/FUL



Scale: 1:1,250

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