

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel (EAST) 28 October 2014
 Planning Application Report of the Planning and Development Manager**

Application address: 228 West End Road, Southampton SO18 6PN			
Proposed development: Change of use of a residential room for hairdressing business (retrospective - resubmission of 14/00597/FUL to amend approved hours of operation)			
Application number	14/01501/FUL	Application type	FUL
Case officer	John Fanning	Public speaking time	5 minutes
Last date for determination:	31/10/14	Ward	Harefield
Reason for Panel Referral:	Request by five or more letters of objection contrary to officer recommendation have been received	Ward Councillors	Cllr Fitzhenry Cllr Daunt Cllr Smith

Applicant: Mr & Mrs McCosh	Agent: Matthew Tate
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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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 as outlined in the report to the Planning and Rights of Way Panel on 28th October 2014 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	Site 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. The building has planning permission for the ground floor of this dwelling to be used for hairdressing.

2.0 Proposal

2.1 The application relates to a variation of the recent consent granted by the Panel in July 2014 (LPA ref: 14/00597/FUL) for use of part of the ground floor of the dwelling as a hairdressing business.

2.2 Under the previous application the applicant sought the following operational 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

2.3 At Panel it was considered that opening hours later than 18:00 were unacceptable given the residential character of the area and as such, the following hours of operation were imposed:

Monday 12:30-15:00 and 17:00-18:00
Tuesday 09:30-15:00 and 17:00-18:00
Wednesday 09:30-15:00
Thursday 09:30-15:00 and 17:00-18:00
Friday 12:30-15:00

2.4 The current application proposes amended opening hours from 9am throughout the day until 6pm each weekday for a more uniform operation:

Monday 09:00-18:00
Tuesday 09:00-18:00
Wednesday 09:00-18:00
Thursday 09:00-18:00
Friday 09:00-18:00

No weekend working is proposed.

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**.
- 3.3 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 An application for the use of part of the dwelling as a hairdressing business was previously approved at Panel under application 14/00597/FUL. Another application on the site was also conditionally approved at the same time by Panel for a part 2-storey, part single storey rear extension under 14/00596/FUL.

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 (16/09/14). At the time of writing the report **9 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2
- The proposal will increase traffic and parking on a particularly narrow residential road

Response: The previously approval imposed conditions to limit the number of visitors to the site at any one time and require parking to be made available.

- 5.3
- The increase in hours of operation will have a harmful impact on the residential character of the area in terms of increasing the intensity of the use/the proposed hours of use are in line with a commercial premises and should not be permitted in a residential area

Response: The previously approval imposed conditions to limit the number of visitors to the site at any one time. If this is complied with it is not considered there would be a significant impact on local amenity. The proposed hours correspond with a typical working day and are more uniform in nature.

- 5.4
- The proposal will devalue nearby residential dwellings

Response: This is not a material planning consideration and cannot be given weight in the decision making process.

- 5.5
- The proposed hours will not be adhered to/the previously conditioned hours of operation have not been adhered to.

Response: An enforcement case was opened in early August to investigate concerns in relation to the operational hours and were in the process of being investigated. Further enforcement action is currently on hold pending the determination of this application. Regardless of the outcome of this application, if there is any concern about the agreed operational hours not being complied with the Council's Planning Enforcement Team will investigate and take action when it is expedient to do so.

- 5.6
- The proposal is not a variation of the original consent as the plans included show the extension approved under 14/00596/FUL, a separate application.

Response: It is noted that condition 5 of 14/00597/FUL restricted the proposed use to a specific part of the property. Specifically condition 5 states that:

'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.'

- 5.7
- Business has been advertising for trade prior to determination of planning application

Response: It is noted that the property has an extant consent under 14/00597/FUL for the operation of part of the dwelling as a hairdresser.

- 5.8
- All properties in the road should have been notified and no site notice has been erected

Response: Letters of notification were sent to both adjacent properties and all other properties which had sent in representation letters in relation to the previous application. In addition, a site notice was erected on 16.09.2014. The Local Planning Authority has exceeded its statutory obligations in terms of public consultation and notification.

- 5.9
- The use should relocate to a commercial premises

Response: The merits of an alternative development are for the applicant to consider. This application must be considered on its individual merits with reference to local and national planning policies.

- 5.10
- Opening until 9pm three nights per week is unacceptable/evening working after 6pm is unacceptable

Response: This application does not propose either of those things.

5.11 Consultation Responses

- 5.12 **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.

6.0 Planning Consideration Key Issues

- 6.1 Considering the similarities with the previously approved scheme, the main consideration is if the proposed hours of operation represent a significantly harmful increase in the intensity of operation.
- 6.2 Taking into account the existing conditions imposed on the previous consent (restricting the use to one customer at a time, by appointment only, with an available on site parking space provided and restricting the internal scope for expansion of the business) it is considered that the impacts of the proposed development would be significantly minimised.
- 6.3 The proposed hours of operation are more consistent than those previously imposed and fall during day time hours, without extending into the evening. Considering the limited noise associated with the proposed use and the conditions recommended to control other aspects of the development, 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.
- 6.4 Furthermore, the existing hours result from ongoing negotiations with the applicant, followed by the Panel resolution, and suggest that more harm is caused on a Wednesday and Friday when trading should cease at 3pm. There is clearly no evidence for this and the current hours proposed tidy up this anomaly whilst improving the viability of this small business.

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), 9(b)

JF1 for 28/10/14 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] - AMENDED

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

Monday-Friday 09:00-18:00

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 'Conservatory' on Drawing No. 03. Alternatively, if the extension approved under application 14/00596/FUL is implemented the business shall only take place within the ground floor room identified as 'Studio' on Drawing No. 04.

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

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 14/01501/FUL

APPENDIX 2

Relevant Planning History

14/00597/FUL, Change of use of a residential room for hairdressing business (retrospective)

Conditionally Approved, 10.07.2014

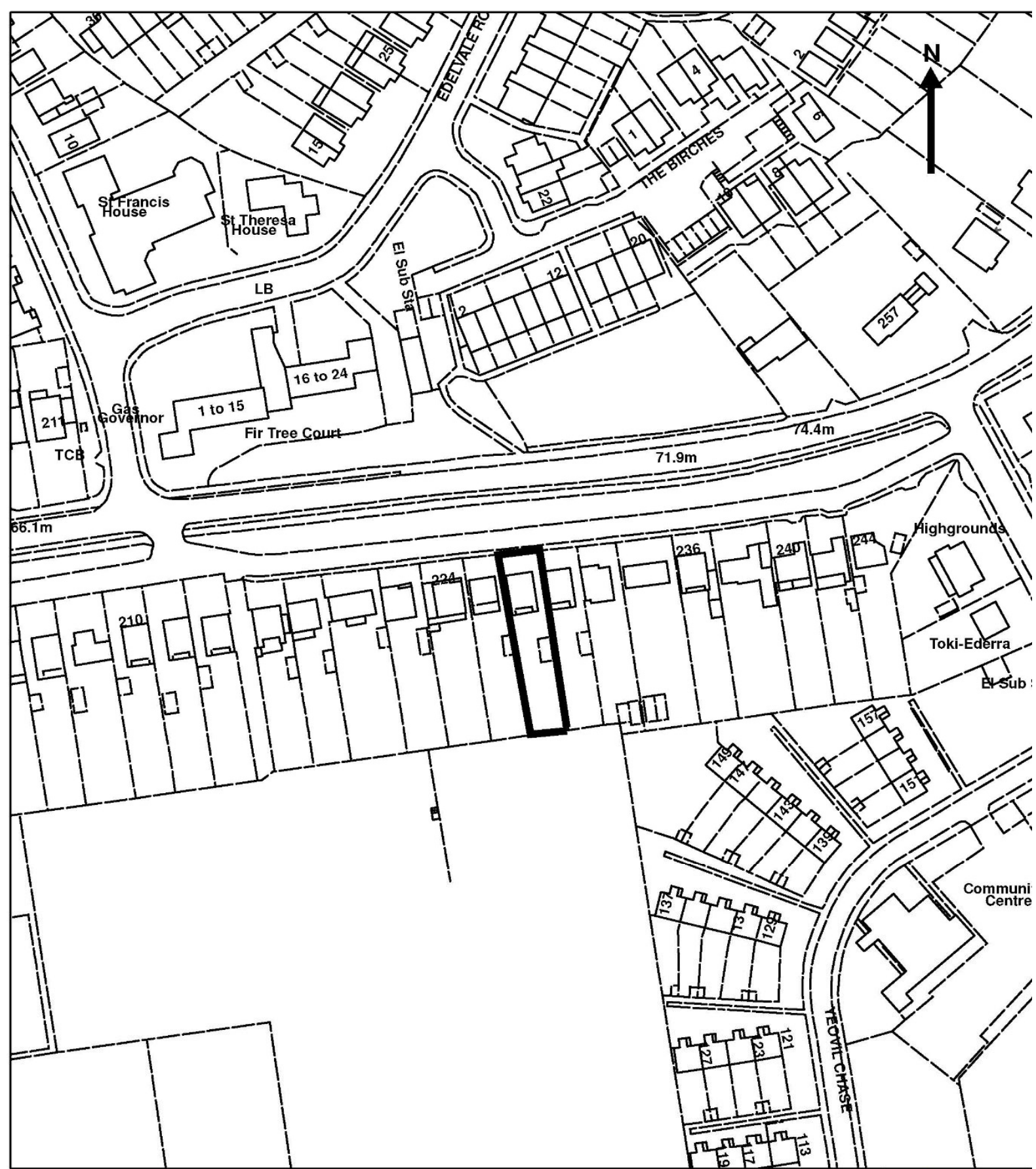
14/00596/FUL, Erection of a part 2-storey, part single storey rear extension with Juliet balcony

Conditionally Approved, 10.07.2014

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

Conditionally Approved, 22.02.1955

14/01501/FUL



Scale: 1:1,250

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