

Planning and Rights of Way Panel 21st November 2023
Planning Application Report of the Head of Transport and Planning

Application address: 48 Seafield Road, Southampton			
Proposed development: Change of use of residential outbuilding to a beauty salon - use class Sui Generis (Submitted in conjunction with 23/00883/ADV) (Retrospective).			
Application number:	23/00882/FUL	Application type:	FUL
Case officer:	Connor Chalmers	Public speaking time:	5 minutes
Last date for determination:	11.09.2023	Ward:	Redbridge
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Catherine McEwing Sally Goodfellow Lee Whitbread
Applicant: Mr Saneev Sharma		Agent: N/A	

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 39-42 and 46 of the National Planning Policy Framework (revised 2023).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full
Conditionally approve

1.	<u>The site and its context</u>
1.1	The application site comprises of a two-storey semi-detached family dwelling house, a detached outbuilding situated to the side, and hardstanding driveway at the rear of the property.

1.2	The property is located in a residential area characterised by a variety of semi-detached and terraced dwelling houses in an urban setting. The area benefits from a number of green spaces and grass verges.
2.	<u>Proposal</u>
2.1	Retrospective planning permission is sought for the change of use of the outbuilding into a beauty salon (use class sui generis).
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 is the sole participant in the business.
2.3	The proposed hours of operation are 9am to 7pm Monday-Saturday. No trading is proposed on Sundays or public holidays.
3.	<u>Relevant Planning Policy</u>
3.1	The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at Appendix 1 .
3.2	The National Planning Policy Framework (NPPF) was revised in 2023. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.	<u>Relevant Planning History</u>
4.1	A schedule of the relevant planning history for the site is set out in Appendix 2 of this report.
5.	<u>Consultation Responses and Notification Representations</u>
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 on 21.07.2023. At the time of writing the report 6 representations have been received from surrounding residents. The following is a summary of the points raised:
5.1.1	<u>Inappropriate Signage</u> <i>Response:</i> <i>Two applications have been submitted. This application relates only to the land use. A number of public comments made reference to the second application seeking advertising consent (LPA ref: 23/00883/ADV), but this is</i>

	<i>not for consideration as part of the landuse.</i>
5.1.2	<p>Building use changed prior to seeking consent.</p> <p><u>Response:</u> <i>Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to be made for developments, which have been carried out without permission, or which have been carried out without complying with some of the planning conditions imposed on a planning permission. In this instance the applicants have applied for planning consent upon being informed of their breach, and the Planning Panel should focus on the Planning merits of the proposals, rather than their retrospective nature.</i></p>
5.1.3	<p>Highway safety and parking concerns</p> <p><u>Response:</u> <i>Highway safety and amenity will be addressed in Section 6 of this report.</i></p>
5.1.4	<p>Proposed operating hours and days are excessive</p> <p><u>Response:</u> <i>Officers have negotiated with the applicant and the days of operation have been reduced from 7 days a week to 6 days a week; with the proposed Sunday and public holiday operations being removed. Regarding the proposed hours of operation, the applicant initially indicated operating hours of 9am-8pm also. In order to address neighbour amenity concerns these hours have been reduced to 9am – 7pm and an enforceable planning condition is recommended.</i></p>
5.1.5	<p>Overdevelopment.</p> <p><u>Response:</u> <i>Concerns surrounding overdevelopment will be addressed in Section 6 of this report. This is an existing building and has been converted to accommodate the business.</i></p>
5.1.6	<p>Not in keeping with the existing character of the area</p> <p><u>Response:</u> <i>A full assessment of how this proposal would reflect the existing character of the area will be given in Section 6 of this report.</i></p>
5.1.7	<p>Rise in anti-social behaviour</p> <p><u>Response:</u> <i>Increased crime and a perceived fear of crime are material planning considerations, but there is no evidence currently to suggest that this retrospective business is directly accountable for any such rise. In any event this would be matter of the Police.</i></p>
5.1.8	<p>Businesses of this nature already exist in the local area</p> <p><u>Response:</u> <i>It is not the purposes of the planning system to prevent competition, and there is no requirement in planning policy to demonstrate a need for an additional beauty salon.</i></p>

5.1.9	Inappropriate waste disposal <u>Response:</u> <i>Commercial waste storage and collection will be addressed in Section 6 below. A planning condition could be used to secure appropriate storage and management, although the proposed informative should suffice.</i>	
	<u>Consultation Responses</u>	
5.2	Consultee	Comments
	SCC Environmental Health	No Objection
	CIL Officer	The proposal does not appear to be CIL liable.
	SCC Highways	No Objection Due to the scale of the building, it is unlikely that the proposed use will generate significant impact on the highway. It would be good however, to understand how many customers the site would accommodate and where they would park. This would likely be on the highway and, therefore, may have an impact on the local parking stock. However, as this is more of an amenity issue rather than highway safety, this will hold limited weight on this recommendation. As such there are no highway objections. <u>Response:</u> <i>It is not possible to know how successful this business will become, but conditions are proposed linked to a submitted management plan that indicate that the business owner will live on site and only one client at a time will be on site. As a consequence it is not considered that this level of activity will not give rise to excessive vehicle movements, highway safety concerns of amenity impacts.</i>
	Cllr Sally Goodfellow	Objection I will be objecting to this application due to parking concerns, and the signs causing a distraction to drivers on this already tight bend.
	Cllr Catherine McEwing	Objection Planning consent to run a business 7 days a week is unfair to the local residential area.

6.0	<u>Planning Consideration Key Issues</u>
6.1	<p>The key issues for consideration in the determination of this planning application are:</p> <ul style="list-style-type: none"> - The principle of development; - Design and effect on character; - Residential amenity; - Parking highways and transport - Waste storage and collection.
6.2	<u>Principle of Development</u>
6.2.1	It is possible for low-key business operations to take place from a dwelling without the need for planning permission. The application proposes the change of use of a residential outbuilding to a beauty salon. The proposed intensification in this case is deemed to warrant the need for planning permission and is not incidental to the enjoyment of the main dwelling.
6.2.2	<p>The applicant has provided additional information since the original planning application was lodged. A management plan offers the following restrictions:</p> <ul style="list-style-type: none"> i) Business hours between 09:00-19:00 Monday – Saturday with no operations on Sundays or Public Holidays. ii) Visits to the property shall be pre-arranged via an appointment only basis. iii) Appointments shall be limited to one customer at any time. iv) A 15-minute gap between appointment times shall be implemented. v) No other employees with the exception to the applicant shall operate the business or visit the property.
6.2.3	The operation of a beauty salon within a residential area is not considered unacceptable, in principle, and indeed many beauty salons and hair salons are often found within or alongside residential dwellings. The beauty salon would be operated by the occupier of the property and conditions are recommended to ensure that the business is only operated by the occupier of 48 Seafield Road. The key considerations of this application are whether or not the proposal would have an acceptable impact on the character of the area, the amenities of neighbouring properties, and highway safety and amenity issues.
6.3	<u>Design and effect on character</u>
6.3.1	The application proposes no external alterations to the outbuilding to significantly change the size and shape of the building. The visual impact of the proposed signage will be considered under the separate application for advertisement consent.

6.3.2	In terms of the impact of the change of use on the character of the area, it is not considered that the operation of a small-scale business from a residential property would be out of character with the area. Any significant change to the character of an area would derive from the scale and type of activity from the business. In this instance the business is contained to a relatively small outbuilding, with comings and goings minimised by a Management Plan (and enforced with a suggested planning condition). Notwithstanding the impact of the business activity on neighbour amenity it is not considered that the scale of the proposed business would result in significant impacts or harm to the character of the site and its residential surroundings.
6.3.3	Overall, it is not considered that the introduction of this beauty salon within a residential setting is a detriment to the existing character of the area.
6.4	<u>Residential amenity</u>
6.4.1	It is acknowledged that a key consideration of this application is the impact of the business use on residential amenity; in terms of noise and disturbance. The original proposals were to operate the beauty salon 7 days a week, between the hours of 9am to 8pm. Officers sought to address concerns relating to noise and disturbance by requesting a Management Plan from the application to detail how the activity of customers arriving/departing would be controlled. As well as reducing the days of operation to 6 days (Monday to Saturday) and the hours of opening from 9am to 7pm, the Management Plan includes additional controls as listed at 6.2.2 above.
6.4.2	It is considered that the reduction in the operating days and times would ensure that the business respects its residential surroundings. The proposed opening times are amenable to a working day with some limited opportunity for after work appointments. In addition, where visits are limited to pre-arranged appointments only and for one customer at each time, this would ensure noise and disturbance from the associated comings and goings would be minimised. This is further assisted where a 15minute gap between appointment times is incorporated into the management plan, which avoids crossover of clients and potential conflict for parking amenity. The measures outlined in the Management Plan are further supported by the comments received by the SCC Environmental Health Officer who have not raised any concerns about noise impacts. On this basis, subject to compliance with the measures outlined in the Management Plan, it is not considered that the proposal would have a significant impact on the amenity of neighbouring properties from additional comings and goings. Therefore, the proposals are considered to comply with Saved Policy SDP1(i) of the Local Plan Review.
6.5	<u>Parking highways and transport</u>

6.5.1	The site provides sufficient space for 3 vehicles to park at the rear of the property. The existing property has 3 bedrooms and therefore requires 2 car parking spaces to meet the parking standards of the Council's Parking Standards SPD. An additional space is therefore available on site to accommodate a visitor to the proposed beauty salon.
6.5.2	The Management Plan requires that customers are seen by appointment only and also requires that a gap of 15 minutes is left between appointments. This seeks to ensure that an overlap of customers does not occur, and avoids the need for them to park on the road and create parking conflict.
6.5.3	Regarding highway safety, it is not considered that a change of use of the building would alter existing levels of highway safety owing to the scale, footprint, and siting of the building remaining the same.
6.5.4	The proposal is considered to provide sufficient parking, and would not generate significant and adverse vehicular movements to and from the site. On this basis the proposals are considered to be acceptable in terms of highway safety and amenity.
6.6	<u>Waste storage and collection</u>
6.6.1	No details have been provided regarding the disposal of commercial waste. The applicant has included within their Management Plan that waste from the business use will continue to use the existing waste collection arrangements in place with the local authority. However, under Section 34 of the Environmental Protection Act 1990, all businesses have a duty of care for the disposal of all their recyclable materials and commercial waste. Business rates do not cover businesses for any recycling or waste collections and businesses are responsible for the management of all the waste they produce. On this basis the applicant will need to obtain a trade waste contract to dispose of the waste and to organise collections with the Council's commercial waste team or from a reputable contractor.
6.6.2	Commercial waste storage would be in the form of bins (similar to residential waste). The site contains areas outside of the building to the front and to the rear to accommodate these additional bins, therefore a specific waste storage area does not need to be secured through a condition. A note to applicant will be added to advise the applicant that a trade waste contract to dispose of the waste is needed.
7.	<u>Summary</u>
7.1	Overall, the application is considered to be acceptable in terms of its impact on the existing character and appearance of the area, and would not result in significant impacts on neighbour amenity or highway safety to warrant a refusal of planning permission, whilst noting the objections from the neighbouring properties.

8.	<u>Conclusion</u>
8.1	It is recommended that planning permission be granted subject to conditions set out below.

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

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Case Officer: **Connor Chalmers** PROW Panel 21/11/23

PLANNING CONDITIONS to include

Condition 1 – Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

Condition 2 – Business Operation

The use hereby approved shall operate in accordance with the details laid out in the management plan received on 17.10.2023. These details include but are not limited to the following key points:

- i. Business hours between 09:00-19:00 Monday – Saturday with no operations on Sundays or Public Holidays.
- ii. Visits to the property shall be pre-arranged via an appointment only basis.
- iii. Appointments shall be limited to one customer at any time.
- iv. A 15-minute gap between appointment times shall be implemented.
- v. No other employees with the exception to the applicant shall operate the business or visit the property.

Reason: In the interests of protecting residential amenity.

Condition 3 - Consent Personal to Applicant

The Sui-Generis use hereby permitted shall be carried out only by Seema Rall Sharma and shall be for the period during which 48 Seafield is occupied by Seema Rall Sharma. When the property ceases to be occupied by Seema Rall Sharma, the use hereby permitted shall cease and all materials and equipment brought on to the property in connection with the approved use shall be removed.

Reason: In the interests of residential amenity, parking and to ensure that the dwelling is retained as a family residence in the event that the applicant no longer resides at the property.

Condition 4 – Parking

A single parking space shall be made available onsite for customers of the beauty salon hereby approved.

Reason:

To discourage on-street car parking to the possible detriment of highways safety

INFORMATIVE:

Under Section 34 of the Environmental Protection Act 1990, all businesses have a duty of care for the disposal of all their recyclable materials and commercial waste. Businesses are responsible for the management of all the waste they produce. You will need to obtain a trade waste contract to dispose of the commercial waste and recyclable materials and to organise collections with the Council's commercial waste team or from a reputable contractor.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1	City Centre Approach
CS6	Economic Growth
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS24	Access to Jobs

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP15	Air Quality
SDP16	Noise
H6	Housing Retention
H7	The Residential Environment
TI2	Vehicular Access

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 (2023)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Application 23/00882/FUL

APPENDIX 2

Relevant Planning History

Case Ref	Proposal	Decision	Date
22/00701/FUL	Erection of a single-storey outbuilding on the side elevation of the property (retrospective)	Conditionally Approved	01.07.2022
23/00883/ADV	Installation of 2x internally illuminated roof mounted signs and 4x wall mounted poster signs to outbuilding (Submitted in conjunction with 23/00882/FUL).		