

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2021/OF1
2.	Proposed Development:	CHANGE OF USE OF EXISTING 1 BEDROOM BUNGALOW TO A COMMERCIAL USE COMPRISING A HAIRDRESSERS AND BEAUTY SALON AND MINOR EXTERNAL ALTERATIONS TO DOOR AND WINDOW OPENINGS
3.	Location:	8A WASDALE CLOSE, WHITEHAVEN
4.	Parish:	Whitehaven
5.	Constraints:	ASC; Adverts - ASC; Adverts, Flood Area - Flood Zone 2, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations & Policy	Neighbour Notification Letter: YES Site Notice: YES Press Notice: NO Consultation Responses: See report Relevant Planning Policies: See report
7.	Report: LOCATION This application relates to 8A Wasdale Close, a detached bungalow located on an existing housing estate within the Mirehouse area of Whitehaven. PROPOSAL Planning Permission is sought for the change of use from the residential dwelling to a mixed-use hairdressers (use class E) and beauty salon (Sui Generis). The works involve alterations to the building to provide an open floor plan internally and the creation of a new entrance on the front elevation and a window on the side elevation facing the car park. The existing windows on the rear elevation and the side access will be blocked up to provide increased	

security.

The application was accompanied by the following:

- Location Plan;
- Block Plan;
- Existing and Proposed Floor Plan and Elevations;
- Site Plan with Parking;
- Flood Risk Assessment;
- Further Supporting Information with Proposed Opening Hours.

RELEVANT PLANNING APPLICATION HISTORY

Planning Permission has previously been granted for:

- The change of use of the shop to a residential bungalow (ref: 4/96/0538/0).

CONSULTATION RESPONSES

Whitehaven Town Council

No objections.

Environmental Health

No objections to the proposal subject to the conditions noted below and, indeed, am pleased to see the building brought back into use.

It has a history as a community retail newsagents and latterly as a residential bungalow, though the building's condition had deteriorated and openings had to be boarded over to prevent unauthorised access. As such, the building would otherwise have most likely become a point of ASB / crime to the community over time.

Hours of Opening:

The suggested core hours of opening are acceptable and, in order to allow a little flexibility for exceptional working occasions, I would recommend the following opening hours:

08.00 – 20.00 hours Monday to Saturday and 09.00 – 13.00 hours Sunday. No working on public and Bank Holidays.

Reason: To protect the amenity of nearby occupiers.

Noise:

The business should not be intrinsically noisy and any internal noise can be contained by good quality UPVC windows and a close fitting front door. The building is detached and the removal of the old side door takes away the opening to the nearest noise-sensitive dwelling at no.8 Wasdale Close.

I would recommend that any plant / equipment is conditioned however as follows:

The rating level of any noise generated by plant and equipment shall not exceed the pre-existing background level as determined by BS4142 : 2014 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason: To safeguard the amenity of nearby premises and the area generally.

Highway Authority

No objections.

Lead Local Flood Authority

No objections.

Flood Engineer

No objections.

Environment Agency

No objections.

Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to 3 no. properties - No objections have been received as a result of this consultation process.

PLANNING POLICIES

Planning law requires applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

- Policy ST1 – Strategic Development Principles
- Policy ST2 – Spatial Development Strategy
- Policy ER6 – Location of Employment
- Policy ER7 – Principal Town Centre, Key Service Centres, Local Centres and other service areas:
Roles and Functions
- Policy ENV1 – Flood Risk and Risk Management
- Policy SS4 – Community and Cultural Facilities and Services

Development Management Policies (DMP)

- Policy DM10 – Achieving Quality of Place
- Policy DM22 – Accessible Developments

- Policy DM24 – Development Proposals and Flood Risk

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Cumbria Development Design Guide

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 has recently been the subject of a Preferred Options Consultation. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

ASSESSMENT

The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, highway safety and parking provision and flood risk.

Principle of Development

The proposal is located within a residential area of Whitehaven with local services nearby. Policy ST2 seeks to focus development within the Principal Town and Policy SS4 seeks to encourage the provision of good quality services and facilities, which meet the needs of local communities. Policy ER7 also reflects Whitehaven's role as the Principal settlement within the Borough and encourages a flexible, mixed-use approach to enhancing services.

The provision of a hairdressers and beauty salon would provide a community facility within a sustainable location and therefore the development is considered to be acceptable.

In addition, given the previous use of the building as a shop and the suitable location within the mixed-use area of Whitehaven, the principle of development is considered to be acceptable in terms of Policies ST2, ER7, SS4 from the Local Plan and the NPPF guidance.

Scale and Design

Policy ST1 and section 12 of the NPPF seek to promote high quality designs. Policy DM10 and seek to ensure developments are of an appropriate scale and design which is appropriate to their surroundings and do not adversely affect the amenities of adjacent dwellings.

The proposed external alterations will be modest in scale. The removal of the rear windows and the re-location of the access door to the front elevation will create a secure and accessible development. The proposed design and materials are considered to reflect the character of the existing building and the surrounding area.

The scale of business is considered to be appropriate in terms of the building size and location. It involves one member of staff and significant consideration has been given to the operating days and times. The main opening times will be between 09.00 and 18.00 Monday to Saturday. Although due to exceptions for wedding bookings etc and the flexibility required in the hairdressers business case, it is proposed that the hours of work of the salon will be from Monday to Friday from 08.00 to 20.00 and Saturday 07.00 to 20.00 and Sunday from 09.00 to 13:00. The Environmental Health Officer has been consulted as part of the application and confirmed the hours are reasonable with an element of flexibility. This can be secured by the use of a planning condition to protect neighbouring amenity.

On this basis, the proposal would be considered to comply with DM10, Achieving Quality of Place from the Local Plan.

Residential Amenity

Policy ST1, Policy DM10 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The main consideration with respect to the change of use proposal is the potential increase in noise and disturbance. Environmental Health were consulted on the application to assess the potential amenity issues for the surrounding properties. It was noted that the business should not be intrinsically noisy and any internal noise can be contained by good quality UPVC windows and a close fitting front door. The building is detached and the removal of the old access door on the left side elevation takes away the opening to the nearest noise-sensitive dwelling at no. 8 Wasdale Close. The applicant confirmed the proposed windows and doors will be double glazed UPVC material which is considered appropriate and the risk of noise disturbance to other residents to be low.

Environmental Health also suggested the inclusion of a condition regarding any external plant or ventilation equipment and the applicant agreed this will be provided once known.

In addition, as the application relates to an existing single storey bungalow, the proposal will not result in any materially harmful impacts in terms of overshadowing or privacy for the neighbouring properties and it would not be overbearing. The existing boundary fence will also reduce any disturbances associated with the business. No neighbours have raised concerns regarding the proposal as a result of the consultation process.

Subject to the imposition of planning conditions, the level of potential disturbance is not considered to result in a material level of harm.

On balance, the development will not have an unacceptable adverse impact on residential amenity, through noise, disturbance or a loss of privacy and the proposal is considered to comply with Policy DM18 and the NPPF guidance.

Highway Safety and Parking Provision

Policy DM22 requires developments to be accessible to all users and encourages innovative approaches to manage vehicular access and parking to avoid vehicles dominating the street scene.

An additional site plan was provided with the parking outlined. It highlighted the adjacent parking area adjacent to the property with 'area A' owned by the applicant and 'area B' which the applicant

	<p>has a legal right to use. It is considered the parking area will meet the needs of the business. The Highway Authority has confirmed that the proposal will not have a material effect on the existing highway conditions and therefore they did not raise any objections.</p> <p>On this basis, the proposal is therefore considered to satisfy Policy DM22 and the guidance set out in the Cumbria Development Design Guide.</p> <p><u>Flood Risk</u></p> <p>The NPPF and Policy DM24 requires proposed developments in Flood Zones 2 and 3 to be accompanied by a Flood Risk Assessment (FRA). Policy DM24 seeks to protect developments against risks of flooding.</p> <p>The site is located within flood zone 2 and the application is supported by a Environment Agency form FRSA009a for householder and minor extensions in Flood Zones 2 and 3 that states that the floor level will be no lower than existing.</p> <p>As the application relates to an existing building, which is already connected to the existing system and no alterations are planning to change this connection, the Lead Local Flood Authority, Environment Agency and Copeland's Flood Engineer raised no objections to the proposal. It is considered that the proposed change of use will not increase flood risk within the site or elsewhere.</p> <p>On this basis, the proposal is considered to comply with Policies ENV1, DM24 and the NPPG guidance.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to change of use of a residential bungalow to a hairdressers and beauty salon. The main issue raised by the application is the potential impact on residential amenity as it will be located within the residential area. Although the proposed business will be of an appropriate scale and the proposed planning conditions can control the use and mitigate any potential impacts of the development. Appropriate measures have been included to prevent residential amenity issues and any issues relating to highway safety, parking and flood risk will be minimal.</p> <p>On balance, whilst some potential harm in terms of noise is identified, it is not considered to significantly and demonstrably outweigh the identified benefits of the development. The proposal therefore represents an acceptable form of development and it accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <p><u>Standard Conditions:</u></p> <ol style="list-style-type: none"> 1. The development hereby permitted must commence before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Application Form, received 13th January 2022;
Location Plan, scale 1:1250, received 13th January 2022;
Block Plan, scale 1:200, received 13th January 2022;
Existing Ground Floor Plan, received 13th January 2022;
Proposed Ground Floor Plan, received 13th January 2022;
Existing and Proposed Front Elevations, received 13th January 2022;
Existing and Proposed Left Side Elevations, received 13th January 2022;
Existing and Proposed Rear Elevations, received 13th January 2022;
Existing and Proposed Right Side Elevations, received 13th January 2022;
Flood Risk Assessment, received 13th January 2022;
Proposed Open Times, received 13th January 2022;
Proposed Site Plan with Parking, scale 1:200, received 23rd February 2022.

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Prior to Occupation/First Use Conditions

3. Prior to the installation of any external plant or ventilation, details must to submitted to and approved in writing by the Local Planning Authority. The rating level of any noise generated by plant and equipment shall not exceed the pre-existing background level as determined by BS4142: 2014 Methods for Rating and Assessing Industrial and Commercial Sound.

Reason

In order to protect the amenity of the occupiers of the surrounding residential properties.

4. Prior to the first use of the hairdressers and beauty salon hereby approved, the off-street parking provision must be provided in accordance with the approved 'Proposed Site Plan with

Parking' received by the Local Planning Authority on 23rd February 2022. The parking must be maintained thereafter.

Reason

In order to ensure adequate off-street parking is provided in accordance with Policy DM22 of the Copeland Local Plan.

Restricting Use

5. The hairdressers and beauty salon use hereby approved shall only open to the public between the hours of Monday to Friday 08:00 to 20:00, Saturday 07.00 to 20.00 and Sunday 09.00 to 13.00.

Reason

In the interest of neighbouring amenity.

Informative

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: C. Unsworth

Date : 29/03/2022

Authorising Officer: N.J. Hayhurst

Date : 30/03/2022

Dedicated responses to:- N/A