

## COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/22/2458/OF1
2.	<b>Proposed Development:</b>	CHANGE OF USE FROM AN EXISTING DOMESTIC GARAGE TO A BEAUTY SALON INCLUDING THE REMOVAL OF GARAGE DOOR AND INSTALLATION OF DOOR & WINDOW TO FRONT (NORTH WEST) ELEVATION
3.	<b>Location:</b>	49 HAIG AVENUE, WHITEHAVEN
4.	<b>Parish:</b>	Whitehaven
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp; Policy</b>	<p>Neighbour Notification Letter: YES</p> <p>Site Notice: NO</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	<p><b>Report:</b></p> <p><b>SITE AND LOCATION</b></p> <p>This application relates to 49 Haig Avenue, a semi detached dwelling sited within the Bransty Area of Whitehaven. The property includes a detached single storey garage – the subject of this application.</p> <p>There are currently 3 car parking spaces within the curtilage of the dwelling.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the change of use from the existing garage to a beauty salon for use by the Applicant. The salon will include a total floor area of 13m<sup>2</sup> and provide space for treatments and a small WC.</p> <p>The works involve alterations to the building to change the garage door to a window and pedestrian door. Internally, the floor space will be split between salon space and a storeroom.</p>	

## RELEVANT PLANNING APPLICATION HISTORY

Proposed single storey rear extension to provide additional living and kitchen accommodation, approved October 2022 (application reference 4/22/2328/0F1 relates).

## CONSULTATION RESPONSES

### Whitehaven Town Council

No objections.

### Cumbria Highways

Having viewed the Proposed Floor Plan it is assumed the proposed beauty salon will operate at one client at any one time. The application form states there are three existing parking spaces on site which providing the main dwelling does not exceed four bedrooms, there will be sufficient parking within the site boundary for this proposal not to impact the existing highway network.

With this in mind, I can confirm the Local Highway Authority raise no objections to this proposal. If the business plan is different to the assumption above and there are likely to be more clients at the site at once, these comment should be reviewed.

### Lead Local Flood Authority

No objections.

### Environmental Health

I have no objections to the proposal.

The structure being used is sound and well-constructed, and the proposed UPVC front door and window will also help to contain any noise from activities being conducted inside without breakout so as to disturb other residents.

The proposed hours of use are also acceptable.

I would propose to condition the operating hours –

- Hours of operation - The use of the beauty salon shall not be carried out outside the hours of 09.00 to 17.00 Monday to Friday and on Saturday (09.00) to (12.00).

Reason: To safeguard the residential amenity of nearby occupiers.

For information, if the salon operator carries out any activity that involves skin piercing (micro blading, ear piercing etc), they should register the salon with the Environmental Health Team at this Council.

### Public Representations

The application has been advertised by way of site notice and neighbour notification letters issued to

6 no. properties.

One anonymous objection has been received raising concerns with parking in the area close to a school and stating that scaffolding is up and therefore building work has started.

## **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 SS4 – Community and Cultural Facilities and Services

#### Development Management Policies (DMP)

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

### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)

National Planning Policy Guidance (NPPG)

Cumbria Development Design Guide

#### Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector.

As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF.

Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

The policies relevant to this proposal are:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS3PU: Settlement Hierarchy

Policy DS6PU: Design and Development Standards

Strategic Policy E2PU: Location of Employment

Policy SC5PU: Community and Cultural Facilities

Policy CO7PU: Parking Standards and Electric Vehicle Charging Infrastructure

## **ASSESSMENT**

### Principle of Development

Policy ST2 of the CS and DS3PU of the ELP seek to focus development within Copeland's Principal Town of Whitehaven and Policy SS4 of the CS and SC5PU of the ELP 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, missed-use approach to enhancing services.

The proposal is located within a residential area of Whitehaven with local services nearby. The provision of a beauty salon would provide a community facility within a sustainable location and therefore the development is considered to be acceptable.

The principle of development is considered to be acceptable in terms of Policies ST2, ER7, SS4 in the Local Plan, Policies DS3PU and SC5PU of the ELP and the NPPF guidance.

### Nature of Use, Scale and Design

Policy ST1 and DM10 of the CS, DS6PU of the ELP and section 12 of the NPPF seek to promote high quality designs. Furthermore, they ensure that 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 proposed design and materials will reflect the parent property and be typical of this residential area. The garage is of a solid construction and therefore likely to be suitable for the conversion and provide an element of noise insulation.

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 opening times will be between 09:00 and 17:00 Monday to Friday and 09:00 to 12:00 on a Saturday. The Environmental Health Officer has been consulted as part of the application and confirmed the hours are reasonable and will protect the amenity of the neighbouring properties. These hours can be secured by the use of a planning condition to protect the amenity of nearby

residents.

On this basis, the proposal would be considered to comply with Policies ST1 and DM10 of the CS and DS6PU of the ELP.

#### Residential Amenity

Policy ST1 and DM10 of the CS, DS6PU of the ELP 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. 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 garage door removes any gaps creating noise for the nearest noise-sensitive dwelling. The application form confirms that 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 noted that any services to offer skin piercing would require to be registered with the Council.

In addition, as the application relates to an existing single storey building 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. No neighbours have raised concerns regarding the proposal as a result of the consultation process.

Subject to the imposition of planning conditions relating to opening hours, 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 Policies ST1 and DM10 of the CS, Policy DS6PU of the ELP and the NPPF guidance.

#### Highway Safety and Parking Provision

Policy DM22 of the CS and CO7PU of the ELP 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 or creating a hazard.

The Applicant will retain the existing three parking spaces that currently serve the property and the business will operate on the basis that only 1 client will be accommodated on the property at any one time. On this basis, the Highway Authority was satisfied with the current level of parking available.

An anonymous letter of objection was received with concerns relating to the proximity of a school and the parking situation for this proposal. As Cumbria Highways have stated no objections and the parking is considered to be sufficient, the modest increase of one car at a time is considered to be acceptable.

	<p>The proposal is therefore considered to satisfy Policy DM22 of the CS and Policy CO7PU of the ELP.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The application seeks to change of use of a detached garage related to a residential property to a beauty salon. The main issue raised by the application is the potential impact on residential amenity as it will be located within a predominantly residential area. The proposed business will be of an appropriate scale and limited by the small size of the building, Planning conditions are proposed to control the use and mitigate any potential impacts of the development on residential amenity.</p> <p>The site is served by 3 parking spaces and the Highway Authority have indicated that this is sufficient to serve a business of the scale proposed.</p> <p>On balance, whilst some limited 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, the emerging local plan and the guidance in the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> </li> <li> <p>Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -</p> <p>Application form, received 22<sup>nd</sup> November 2022;  Site Location Plan, scale 1:1250, drawing number 01102 01, received 22nd November 2022;  Block Plan, scale 1:200, drawing number 01103 02, received 22nd November 2022;  Existing and Proposed Ground Floor Layout, scale 1:50, drawing number 04101 01, received 22nd November 2022;  Proposed Elevations, scale 1:50, drawing number 05101 01, received 22nd November 2022.</p> <p>Reason</p> <p>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.</p> </li> </ol>

	<p>3. The use hereby permitted shall not be open to the public / customers outside the following times:</p> <p>Monday – Friday – 09:00 – 17:-00 Saturday – 09:00 – 12:00</p> <p>Reason</p> <p>To minimise potential disturbance to nearby residences and to safeguard the amenities of the locality and in accordance with Policy ST1 of the Copeland Local Plan.</p> <p>4. The business hereby approved must be used in association with the dwelling known as “49 Haig Avenue” and must not be sold, let or otherwise used in isolation at any time whatsoever for the lifetime of the development.</p> <p>Reason</p> <p>To ensure that the business is operated in connection with the existing dwelling as one planning unit and to maintain control over the use of the site in the interests of residential amenity in accordance with Policy ST1 of the Copeland Local Plan.</p> <p><b>Informative</b></p> <p>If the salon operator carries out any activity that involves skin piercing (micro blading, ear piercing etc), they must register the salon with the Environmental Health Team at Copeland Borough Council or any replacement body.</p> <p><b>Statement</b></p> <p>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.</p>
<b>Case Officer: Sarah Papaleo</b>	<b>Date : 16/01/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 16/01/2023</b>
<b>Dedicated responses to:- N/A</b>	