

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2134/0F1
2.	Proposed Development:	Change of use of existing domestic garage into hair salon
3.	Location:	32 Snaefell Terrace, Whitehaven
4.	Parish:	Whitehaven
5.	Constraints:	ASC Adverts Safeguard Zone Coal – Standing Advice
6.	Publicity Representations & Policy	See Report
7.	Report: Site and Location <p>The application site comprises a two storey semi detached dwelling house, situated to the south west of Whitehaven.</p> <p>The dwelling has front and rear gardens, the front of which is surfaced with concrete to provide off road parking. The dwelling has been extended to the side to provide an attached garage and kitchen extension with accommodation over.</p> Proposal <p>Planning permission is sought for the change of use of the attached garage into a hairdressing salon. The salon would provide a place of work for the applicant only. The hours of operation would be 9am until 7pm Monday to Tuesday, 9am until 6:30pm Thursday to Friday, 9am until 5:30pm Saturdays and would be closed on Wednesdays and Sundays.</p> <p>Off street parking would be provided within the front garden/ driveway area.</p>	

External alterations are limited to the replacement of the existing garage door with a glazed shop front.

Relevant Planning History

4/12/2509/0F1 – Two storey side extension, new driveway and amendments to existing front stone wall - Approved

Consultation Responses

Town Council

No negative objections or comments raised.

Highways and Transportation

The application falls under the Service Level Agreement; the highways and drainage implications of the application can therefore be determined by the Local Planning Authority.

Environmental Health

No objections. Conditions are suggested to limit the number of customers at the premises at any one time, limit the working hours and protect neighbours from noise from construction works.

Public Representations

The application has been advertised by way of neighbour notification letters issued to adjacent properties and display of a site notice. One representation has been received offering support for the proposal, noting that the business will support the neighbourhood and would not be disruptive.

Planning Policies

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

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2021 - 2039 (LP):

Cumberland Council continued the preparation of the Local Plan as commenced by Copeland Borough Council.

The Local Plan was adopted by Cumberland Council on the 5th of November 2024, replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The policies relevant to this application are as follows:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy E1: Economic Growth

Policy H14: Domestic Extensions and Alterations

Strategic Policy R1: Vitality and Viability of Town Centres and Villages within the Hierarchy

Strategic Policy R2: Hierarchy of Town Centres

Policy R7: Sequential Test

Policy CO7: Parking Standards

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Cumbria Development Design Guide

Assessment

The key issues raised by this proposal are the principle of development, the potential impacts on the viability of the town centre, residential amenity, highways safety and the design of alterations.

Principle of Development

The proposed application relates to the change of use of a domestic garage at a residential dwelling house to create a hairdressing salon. The building is within the defined settlement boundary of Whitehaven. The salon would be operated and used by the applicant only, with no other employees at the site.

Whitehaven is identified as the Principal Town for development, as set out within the settlement hierarchy defined in Strategic Policy DS1 of the Copeland Local Plan. As the Principal Town within the Plan area, Whitehaven is considered to be the primary focus for development.

Strategic Policy E1 of the Copeland Local Plan looks to strengthen and broaden the economy of the Plan area, indicating that flexibility should be provided to accommodate new initiatives and businesses that encourages retention of a skilled work force.

As the application relates to the provision of a new business enterprise within the defined settlement boundary of Whitehaven, the principle of development is supported within the context of Strategic Policies DS1 and E1 of the Copeland Local Plan, subject to compliance with other relevant Policies, which are considered below.

Town Centre Impact

Strategic Policy R1 of the Copeland Local Plan seeks to enhance the vitality and viability of town centres and villages identified in the settlement hierarchy. Strategic Policy R2 of the Copeland Local Plan sets out that Whitehaven, as the Principal Town within the settlement hierarchy, will be the principal focus of new and enhanced retail, neighbourhood facilities and other main town centre uses.

Planning Policy R7 of the Copeland Local Plan indicates that where an application is for a main town centre use which is neither in a town centre nor in accordance with the Development Plan, applicants must submit details to demonstrate that they have carried out a sequential test to the satisfaction of the Council in accordance with national policy.

The National Planning Policy Framework similarly sets out a requirement to demonstrate compliance with the sequential approach to site selection where a main town centre use falls outside defined town centres.

Annex 2 of the National Planning Policy Framework and the Glossary to the Copeland Local Plan define main town centre uses as, 'retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)'.

The proposed use, as a hairdressing salon, does not constitute a main town centre use as defined within the National Planning Policy Framework and Glossary to the Copeland Local Plan. There is therefore no requirement to demonstrate compliance with the sequential approach in this case. However, it is acknowledged that the proposed use would fall within Use Class E, which would allow permitted changes within this Class, many of which comprise

main town centre uses. It is therefore considered necessary to ensure the site is only used as a hair salon, to safeguard the viability and viability of the town centre, in line with National and Local Planning Policy. A condition is suggested to secure the strict use of the site.

As the proposal would not result in the creation of a main town centre use outside the defined Town Centre of Whitehaven, and given the limited scale of the proposal, it is considered that the proposal would not harm the vibrancy and viability of the Centre, with suitable conditions to ensure the use is maintained.

The proposal therefore complies with Strategic Policies R1 and R1 and Policy R7 of the Copeland Local Plan in this regard.

Residential Amenity

Policy DS4 of the Copeland Local Plan states that all new development should maintain high levels of amenity and should mitigate against noise pollution through good layout, design and appropriate screening.

The proposed use would result in an alternative function within the existing garage, as well as regular visitors to the site throughout the day. The applicant indicates that the proposed business would be for personal use only and would not be a place of employment for anyone else. The business would operate on a controlled booking system with walk-ins being encouraged to make an appointment, to limit the numbers at the site. Hours of operation are limited to general daytime working hours each day except on Wednesdays and Sundays, when the premises would be closed.

The scale of the proposed business is considered modest, accommodating only one full-time employee, which would limit the frequency of customer movements to and from the site. The hours of operation proposed would ensure that noise and movements emanating from the business would be commensurate with the residential surroundings. On this basis, it is considered that the business proposal and intended use would not result in a significant adverse impact upon adjacent properties.

The Council's Environmental Health Department comment that it is not expected that the proposed use would result in noise disturbance, noting the applicant's limitations on numbers to the premises and the operating hours, which are not considered excessive. Conditions are suggested to secure suitable working hours and deliveries during construction works, limit the working hours and to limit the number of customers.

Whilst it is not considered enforceable to limit customers to the site to a specific number, being mindful of families which may attend the site together, it is considered reasonable to secure that the business is operated in accordance with the submitted Statements and measures included, relating to hours of operation and appointments, to limit the timings and volume of customers at the site at any one time.

It is also considered necessary to limit any planning approval for the use and business to be a temporary and personal to the applicant, to limit the activities and movements from the building, and to enable to the Local Planning Authority to evaluate any effects of the business, in the interests of adjacent residential amenity.

The proposed works to alter the garage are considered to be of a scale and nature comparable to domestic alterations, which may take place at the site and surrounding area outside the scope of planning controls. It is therefore not considered reasonable or necessary to secure construction works by condition.

The suggested limitations set out within the Statements provided alongside the planning application can be secured by condition, to secure appropriate residential standards for neighbouring properties and the locality.

The proposal therefore complies with Policy DS4 of the Copeland Local Plan in relation to safeguarding residential amenity.

Highway Safety

Policy DS4 of the Copeland Local Plan requires that all development should not give rise to severe impacts on highway safety and/ or a severe impact on the capacity of the highway network. Policy CO7 of the Copeland Local Plan requires that all new development provide adequate parking provision.

The property currently has off street parking provision in place via a wide driveway across the frontage of the site, providing parking for two cars. It is also noted that there are reasonable levels of on street parking available, which do not appear to be oversubscribed.

Given that the proposed business would be for the sole operation of the applicant and the limitations on customers included within the development proposal, it is considered that the proposal would provide suitable parking provision and would not give rise to severe impacts on highways safety.

The proposal therefore complies with Policies DS4 and CO7 of the Copeland Local Plan in this regard.

Scale and Design

Policy H14 of the Copeland Local Plan indicates that developments within the curtilage of existing properties will be permitted, provided that they would not adversely alter the existing building or street scene. Policy DS4 of the Copeland Local Plan indicates that all new development should meet high quality standards.

Although the proposed alterations are not sought in connection with a domestic use, they are within a domestic setting. The proposed external alterations are limited to the removal of the existing garage door to be replaced with a glazed door set. Although functional, it is considered that the proposed alterations would not be out of character with the remaining domestic property and those within the locality.

The proposal therefore complies with Policies DS4 and H14 of the Copeland Local Plan in this regard.

Biodiversity Net Gain

Biodiversity Net Gain is mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). The statutory framework for biodiversity net gain involves discharge of the biodiversity net

	<p>gain condition following the grant of planning permission, to ensure the objective of at least 10% net gain will be met for a development.</p> <p>The application details indicate that it is believed that if permission is granted for the development to which the application relates, the biodiversity net gain condition would not apply.</p> <p>There are exemptions to the biodiversity net gain requirement. An exemption applies to development which does not impact a priority habitat and impacts less than 25 square metres of onsite habitat. Given the limited scale and nature of the proposal, it is accepted that the biodiversity net gain condition should not be applied in this case.</p> <p><u>Planning Balance and Conclusion</u></p> <p>The proposed development is appropriate for the site and locality and would preserve the amenities of the area and highways safety.</p> <p>Subject to planning conditions to ensure the use is controlled the proposal is considered an acceptable form of development which complies with the policies of the adopted Local Plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> 1. This permission shall be for a limited period of three years from the date of this permission. At or before the expiration of this period, the business use, and all materials and equipment brought onto the land in connection with its use, must be removed and the garage restored in accordance with a scheme which must be submitted to and approved in writing by the Local Planning Authority unless the prior written approval of the Local Planning Authority has been obtained for its continued use. <p>Reason</p> <p>To ensure the development accords with the provisions of Planning Policies H14 of the Copeland Local Plan and to safeguard the amenity of the locality, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.</p> <ol style="list-style-type: none"> 2. This permission relates to the following plans and documents received on the respective dates and development must be carried out in accordance with them: <p>Application Form, received 9th April 2025 Site Location Plan, scale 1:1250, received 9th April 2025</p>

Site Block Plan, scale 1:500, received 9th April 2025
Existing and Proposed Elevations, received 9th April 2025
Parking Plan, received 9th April 2025
Supporting Statement, received 9th April 2025
Additional Supporting Statement, received May 2025
Email confirming door details, received 30th May 2025

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.

3. The premises shall be used for no other purpose other than as a hairdressers, including any other purpose within Use Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

The Local Planning Authority wishes to review the merits of any alternative land use at the site, to safeguard the viability and vitality of the town centre and adjacent residential amenity, in accordance with Strategic Policies R1 and R1 and Policies DS4 and R7 of the Copeland Local Plan.

4. The use hereby permitted shall be strictly undertaken in accordance with the hours of operation, measures and controls set out within the submitted Supporting Statement received 9th April 2025 and Additional Supporting Information received May 2025.

Reason

In the interests of preserving the amenity of neighbouring residents, in compliance with the National Planning Policy Framework and DS4 of the Copeland Local Plan.

5. The business use hereby permitted shall be carried out only by the applicant, and shall at no time be occupied or sold as a separate independent unit to the main dwelling house.

Reason

To safeguard adjacent residential amenity, in compliance with the National Planning Policy Framework and Policy DS4 of the Copeland Local Plan.

Informative Notes

Biodiversity Net Gain – Exemption

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimus.

Environmental Health

Some beauty treatments may require licensing with the Councils Environmental Health team.

The site is within the Whitehaven Smoke Control Area, designated under the Clean Air Act 1956, and residents and businesses must not emit smoke from a chimney and buy or sell unauthorised fuel for use unless it is used in an exempt appliance approved by DEFRA, see <https://uk-air.defra.gov.uk/sca/>

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against, primarily, the development plan policies, any duties applicable and also all material considerations, including Local Plan policy, the National Planning Policy Framework and any stakeholder representations that may have been received. In this context, having identified matters of concern with the application as originally submitted and, if applicable, following negotiations with the applicant, acceptable amendments and solutions to the proposal have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

Case Officer: L White	Date : 17/06/2025
Authorising Officer: N.J. Hayhurst	Date : 18/06/2025
Dedicated responses to:- N/A	