

Report to: PLANNING COMMITTEE
Date of Meeting: 16 October 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: 9 Wesley Salmon Close, St Leonards-on-sea,
TN38 0GE
Proposal: Change of use from C3 (dwellinghouse) to a
mixed use comprising C3 (dwellinghouse) and
A1 (use of utility room for hairdressing).
Application No: HS/FA/19/00459

Recommendation: REFUSE

Ward: WISHING TREE 2018
Conservation Area: No
Listed Building: No

Applicant: Ms Burford per GRF Planning Flat1 30 Collington
Avenue Bexhill on Sea TN39 3NE

Public Consultation

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	1
Petitions of Objection Received:	0
Letters of Support:	4
Petitions of Support Received:	1
Neutral comments received	1

Application Status: Not delegated -
Petition of support received contrary to officer's
recommendation.

1. Site and Surrounding Area

The site comprises a modern, detached, 3 storey property with a modest front and back garden. It is located in a residential close with the neighbouring properties in close proximity; the boundary fence is approximately 1.2 metres from the dwelling house to the northwest side, there is no property to the southeast side, only a small parking area for residents.

There are 12 dwellinghouses in Wesley Salmon Close, all detached and of similar size. The close is one of several linked roads accessed via Gillsmans Hill, forming a sizeable residential estate in the Hollington area of St Leonards.

Constraints

SSSI Impact Risk Zone

Archaeological Notification Areas

2. Proposed development

This application is a resubmission of an earlier refusal that was dismissed at appeal, (HS/FA/18/00684). The revised application is for the change of use of the dwelling house from Class C3 to mixed use, comprising dwelling house Class C3 and hair dressing salon A1. The hair salon is now located in the utility room, which is accessed via the orangery, which was originally being used unlawfully as the salon. The change is now much smaller and the salon and wash basins are no longer set within the orangery, with only one basin in the utility room.

Hours of business proposed have been reduced from 21 hours in the previous application to 16, which are as follows:

Monday - 14:30 - 5:30

Wednesday and Friday - 10:00 - 12:00 and 14:00 - 16:00

Thursday 11:00 - 13:00

Saturday 9:30 - 12:30

The application is supported by the following documents:

Planning statement

Medical statement

Work diary entries

Signatures of support for the development

Relevant Planning History

Application No.	HS/PD/17/00356
Description	Notification for Prior Approval for a single storey orangery
Decision	on 16/06/17
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Application No.	HS/PR/17/00174
Description	Application for certificate of proposed lawful development for the proposed orangery to the rear
Decision	Certificate Issued on 16/06/17
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Application No.	HS/FA/18/00684
Description	Change of use from a dwelling house (Class C3) to a mixed use comprising dwelling house (Class C3) and hairdressing salon (Class A1).
Decision	Refused on 11/10/18
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Application No.	HS/FA/18/00684
Description	Change of use from a dwelling house (Class C3) to a mixed use comprising dwelling house (Class C3) and hairdressing salon (Class A1).
Decision	Appeal Dismissed on 26/03/19
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National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Other Policies/Guidance

Hastings Planning Strategy 2014

Policy DS2 encourages the provision of live/work units within housing developments.

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultations comments

None

4. Representations

A site notice was placed on a lamp post, opposite the site address, allowing for a 21 day consultation period.

1 Objection has been received, with the following concerns:

- Impact upon residential area.
- Impact on parking
- Increase in traffic
- Not a commercial area
- Cars being damaged

A petition of support has been received with 30 signatures.

Supporting the business for the following reasons:

The business does not in anyway cause nuisance, inconvenience or obstruct neighbours

3 letters of support have also been received with similar comments.

One other letter of objection was received but was sent in with no name or address, and as such has not been considered.

5. Determining Issues

Main issues being considered are the impact upon the character of the residential area.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of area

The area in question is a small, close residential cul-d-sac, with restricted turning areas. The material change of the use of the dwelling house to the mixed use with a hair salon can be

confirmed by the volume of people calling to the home that the business is creating. The applicant proposes a salon to be located within the utility room which will operate 5 days a week, for up to 16 hours a week. An appointment diary has been included with the application. However, this is for May to October 2018, and for the previous number of hours worked. Average daily vehicular movement was 8.3, and it is suggested that the new movement will be around 6.3. This is an already established business, and although the application makes the declaration of 16 hours a week, it would be difficult to enforce the number of visits from clientele on the days of business. The working day would include, Monday - 14:30 - 5:30, Wednesday and Friday - 10:00 - 12:00 and 14:00 - 16:00, Thursday 11:00 - 13:00 and Saturday 9:30 - 12:30. The applicant has stated that no work is undertaken on Tuesdays or Sundays.

The applicant confirms there are 3 parking spaces for this dwelling, and whilst it may address parking issues on occasions, this is a large 4/5 family dwelling house and therefore the 3 spaces should remain for the occupiers of that property.

The utility room is small, with only one sink, and access to the utility room can only be gained via the orangery, which is accessed via either the front entrance or the side gate, leading to the rear entrance of the orangery, which is what was previously used as the salon main entrance. Should this permission be granted, the use of the orangery could in time go back to a salon without the Council's knowledge. Although we are not suggesting this would happen, we do have to consider what can be conditioned and enforced to be able to control such a use within a close residential area, and unfortunately, this site does not allow such room for a business that may wish to grow.

The fact remains that this is a small residential close, within a larger residential development, and to allow a business such as an A1 hairdressers, that can expand/change elements to include other A1 uses, cannot be justified in this area.

Policy DS2 - Employment Growth

Policy DS2 of the Hastings Planning Strategy states that 'To support the town's role as a major employment centre and as the focus for economic regeneration, local economic growth and diversification will be met through the development of up to 70,000m² of employment floor space between 2008 and 2028 and will be achieved by:

- Encouraging the provision of live/work units within housing developments

It can be seen therefore that while the Council does encourage live/work units, this is done in a planned way as part of the wider scheme, where location and character are properly assessed and addressed by the scheme. Here the proposal is a one off, therefore it does not fall into the remit of Policy DS2, which deals with applications for housing developments.

Policy DM1 of the Hastings Development Management Plan 2015 states that 'All proposals must reach a good standard of design, which includes efficient use of resources, and takes into account.... protecting and enhancing local character'.

The change of use to a mixed use of dwelling house and hair salon will conflict with this policy by altering the character of the immediate locality and making a harmful change to the

otherwise residential character of the area. Again, this cannot be controlled or monitored by conditions sufficiently to ensure that no further harm comes to the area in terms of increased hours or volume.

As explained above, the use and hours would be difficult to monitor and enforce. Conditions could be added to reduce the hours and limit the use solely for the current occupier, but we cannot monitor the situation should the use start to expand into the orangery again or increase in hours. Whilst the council sympathise with the applicant and her medical condition, this residential area is relatively quiet in nature & therefore not able to accommodate a business of this kind from home. If the applicant was to run her business from a room in her home as an office, with no visitors from members of the public, this would be acceptable, as there is no impact upon the character of the area. If the site was located on a busy through road, with other commercial uses near by, the impact of such a use would likely not be noticed.

Having hours on a Saturday, when many of the neighbouring residents and families may be at home, the addition of members of the public parking, or trying to park, could become unwelcomed and create an unacceptable level of traffic movement within a small confined area. Having visited the site on a number of occasions now, it has been difficult to park, turn and manoeuvre in this cul-d-sac. It is therefore considered that the proposal is contrary to Policy DM1 of the Hastings Development Management Plan 2015.

c) Impact on Neighbouring Residential Amenities

Whilst the proposed business is considered to materially change the character of the otherwise residential area, the activity of the use will be carried out inside the property and therefore in terms of neighbouring amenity, this is not considered to be harmfully affected in terms of overlooking, outlook or loss of privacy. However, the proposed business does have the potential to have a detrimental impact upon neighbouring properties in terms of noise and disturbance arising from both vehicle and pedestrian movements. Residents are likely to experience problems with parking, vehicle manoeuvre, or unacceptable level of traffic flow within such a confined area.

d) Examples used as other mixed uses

The agent mentions other changes of use that have been granted planning permission within residential areas, specifically St Helens Park Road. The site in question is a much bigger house, with many additional rooms. No extensions were built in order to specifically be used as a business. In addition to this, the other property referred to by the agent is situated within a through road, with ample parking on both sides and no restrictions in terms of vehicular turning or manoeuvre. The site is also on a main bus route and within walking distance to the town centre. The use in question was for yoga classes 4 times a week, in the living/dining room of the occupier. As such, the application was, on balance, considered acceptable.

Having read the Planning Inspectorate's report, I concur that the proposal would lead to an unacceptable increase in traffic movements and parking that would be out of keeping with and thereby cause significant harm to the character of the residential nature of the area. This would be contrary to Policy DM1 of the Hastings Local Plan Development Management Plan 2015, and paragraph 127 of the National Planning Policy Framework, which seeks to, amongst other things, protect and enhance local character.

6. Conclusion

In conclusion the proposed change of use would harmfully impact on the character of the area by reason of the increase in traffic and visitors to the premises. The change of use from Class C3 to mixed use Class C3 and A1 would therefore cause harm to the residential area and be contrary to policy DM1 of the Hastings Development Plan 2015 and paragraph 127 of the National Planning Policy Framework.

7. Recommendation

Refuse for the following reason:

1. The proposal would lead to an unacceptable increase in traffic movements and parking that would be out of keeping with and thereby cause significant harm to the character of the residential nature of the area. This would be contrary to Policy DM1 of the Hastings Development Management Plan 2015, and paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to, amongst other things, protect and enhance local character.

Officer to Contact

Mrs M Botting, Telephone 01424 783252

Background Papers

Application No: HS/FA/19/00459 including all letters and documents