



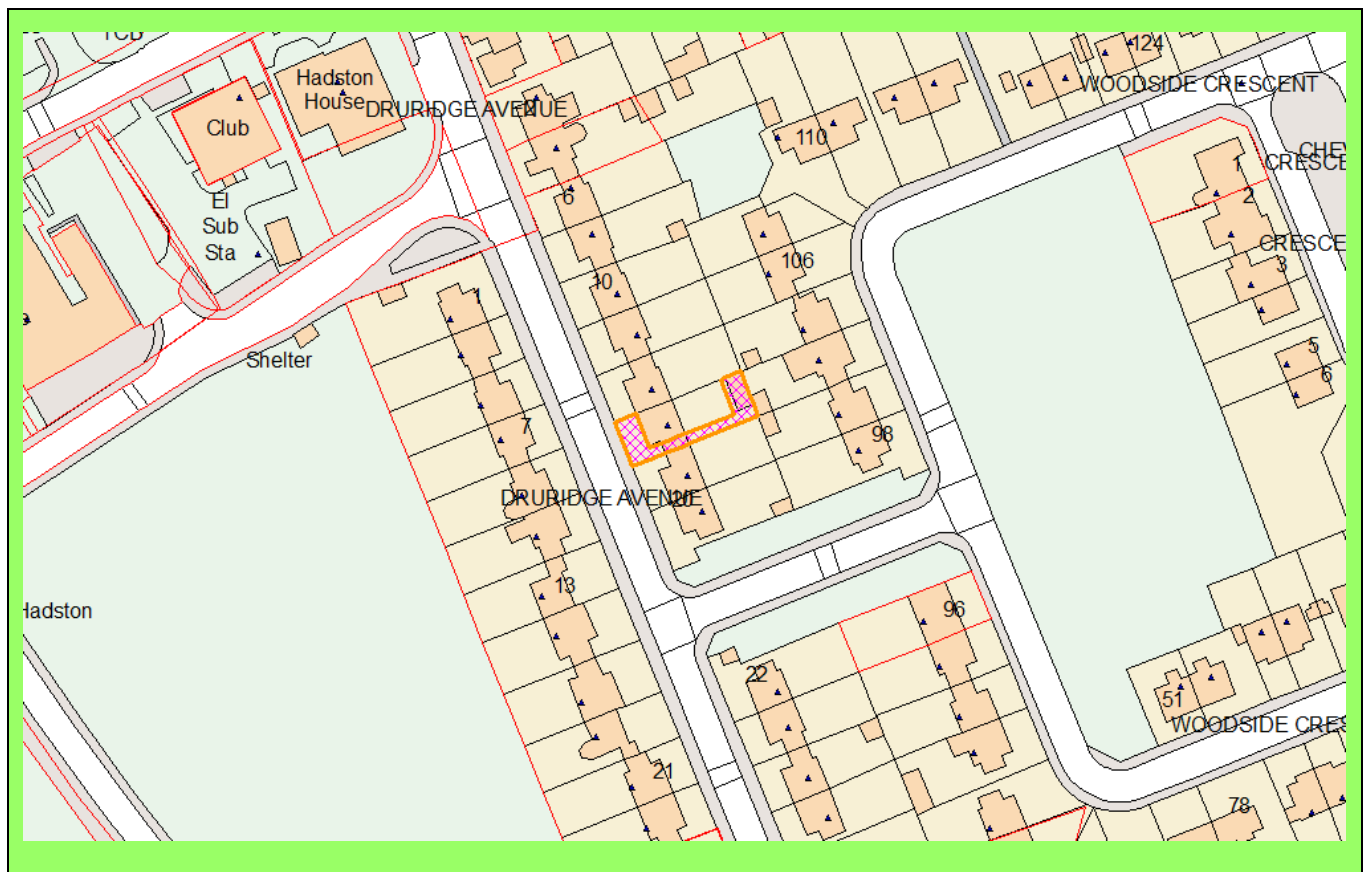
Northumberland County Council

Castle Morpeth Local Area Council Committee

Monday 14th November 2022

Application No:	22/02504/FUL		
Proposal:	Change of use from garden room (C3 Use) to nail and beauty treatment room (Sui Generis) (retrospective)		
Site Address	16 Druridge Avenue, Hadston, Northumberland, NE65 9SJ		
Applicant/ Agent	Mr Jon Tweddell Coble Quay, Amble, Northumberland, NE65 0FB		
Ward	Druridge Bay	Parish	East Chevington
Valid Date	21 July 2022	Expiry Date	15 September 2022
Case Officer Details	Name: Mr Ben Briggs Job Title: Planning Technician Tel No: Email: Ben.Briggs@northumberland.gov.uk		

Recommendation: That this application be **GRANTED** permission



1. Introduction

1.1 This application was referred to the Executive Director of Planning and Chairs of the relevant Local Area Council committee for a decision on how the application was to be determined due to parish objection. It was confirmed that the application should be referred to members for a Local Area Council committee decision.

2. Description of the Proposals

2.1 The application is for a change of use from garden room (C3 Use) to nail and beauty treatment room (Sui Generis) at 16 Druridge Avenue, Hadston.

2.2 The opening times of the premises will be 09:30 - 16:30 Monday and Tuesday. 9:30 - 19:00 Wednesday to Friday. There will be no crossovers with 1 client maximum at a time. One apprentice is employed and walks to work. The business will be catered for inside the shed at all times, never outside, this includes no waiting or sitting outside.

2.3 There is parking available in the form of one in curtilage space at the front of the property, roadside parking to the front and east of the site which bounds the open greenspace and further parking is available at the precinct if required. 75% of clients live in the area and walk to their appointment. Furthermore, there are plans put into place next year to change the front garden into a tarmac driveway which should be able to park 3-4 cars.

2.4 The weekly waste consists of mostly recyclable products. For example, couch roll, nail wipes and tin foil. There are two small bins under the nail desks which are emptied weekly and placed into the home recycling bin which is emptied fortnightly. They also use a 3rd small bin which is mostly non-recyclable materials consisting of used wax strips and spatulas which is emptied weekly and placed in the home bin. If at any point the bins overflow with waste, the applicant is happy to take the refuse to the local tip. Any contaminated waste is collected by PHS once a month which the applicant has a contract in place for. All storage is within the cabin.

2.5 It is noted that the business is already operating from the premises therefore making this application retrospective.

3. Planning History

N/A

4. Consultee Responses

East Chevington Parish Council	<p>1. There are already complaints from people in neighbouring properties about extra footfall going past their doors and an increase of cars parking in the street.</p> <p>2. We are currently campaigning to try to save our high streets and local shopping areas and believe that if we allow this type</p>
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	of development to go ahead then we are going in completely the opposite direction.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	6
Number of Objections	1
Number of Support	3
Number of General Comments	0

Notices

No Site Notice Required.
No Press Notice Required.

Summary of Responses:

One objection from the parish (see above) and three letters of support have been received.

In summary the support comments are the following:

- A much-needed service in the village, providing all ages with treatments.
- The proposal has an apprentice therefore providing employment experience.
- As a resident in this street I have no objection to the minimal extra footfall and there has been no noticeable extra traffic or parking in my opinion. Nothing has been taken away from Hadston Precinct as there is no other business offering the same services.
- Not noticed an inconvenience to ourselves or noticed any significant increase in traffic or footfall on the street.
- To help mitigate the concerns the Parish Council has raised to your business we offer to you the free use of our Driveway during your hours of business on the days our Driveway is not in use which is 4 days a week.

The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=REYV95QSI4J00>

6. Planning Policy

4.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

HOU 9 - Residential development management

QOP 2 - Good design and amenity

STP 1 - Spatial strategy (strategic policy)

ECN 11 – Employment uses in built-up areas and home working

4.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

7. Appraisal

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan 2016-2036 (adopted March 22). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application

7.2 The main issues for consideration in the determination of this application are:

- **Principle of the development**
- **Design and visual impact**
- **Impact on amenity**

Principle of the development

7.3 Policy STP1 aims to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth, and which conserves and enhances the County's unique environmental assets. The application site is located within the Service Village of Hadston and in line with Policy STP 1, will enhance the vitality of the community and support the economic growth in the area.

7.4 It is accepted that the proposal is non-domestic and is a business within the curtilage of a residential dwelling, however, Policy STP 1 does not distinguish between the two when it refers to supporting economic growth. In relation to the Hadston as a Service Village, it states that it will be the focus for investment in rural areas, and support the provision and retention of local retail, services and facilities. This proposal is considered to be at a scale that would not impact on the residential amenity, which is expanded upon in the following paragraphs.

7.5 Policy ECN 11 of the Local Plan supports businesses operated from within built-up areas, including residential areas and people's homes, subject to highways, access and amenity considerations. Criterion C allows for the creation of workspace for home-run businesses involving the conversion of part of a dwelling, its outbuildings, or the development of appropriately scaled new buildings within the dwelling curtilage. This will be addressed in more detail later in the report.

7.6 The Parish Council has raised concerns around businesses being located in the town centre to support the high street, as opposed to being located within residential areas. As mentioned, Policy STP 1 does not differentiate between town centre and home businesses when it supports economic growth. Equally, Policy ECN 11 supports this type of business development, in principle. It is reasonable to assume that should this business relocate to the high street, the overheads would be significantly greater, to the point it may render it unviable. The material planning

considerations in respect of home businesses heavily rely upon the impact they might generate in terms of traffic, parking, noise, odour, hours of operation, refuse, deliveries etc. If the neighbouring residents would be unreasonably impacted by any of these, the use would unlikely be supported. However, in this case, and taking all of the potential impacts into account, it is not considered that disruption would occur, and it is likely that neighbouring residents would not be aware that a business was operating. To assist with this, two conditions are listed later in the report which control the functions of the business further. One requires no crossover of clients, and one relates to any intensification of the use, which the applicant is happy to adhere to. It is therefore considered that the principle of development is acceptable and in accordance with the Northumberland Local Plan Policy STP1 and the NPPF.

Design and visual impact

7.7 The proposal would not have a significant adverse impact on the visual amenity of the dwellinghouse or street scene and the surrounding properties as no external changes to the shed are proposed. The materials of the shed are also in keeping with a traditional garden shed, creating a visually pleasing addition in the rear garden. Therefore, in terms of design the current proposal is deemed to be in accordance with Policies QOP2 and HOU 9 of the Northumberland Local Plan and the NPPF.

Impact on amenity

7.8 The impact on the amenity of the neighbouring properties has been carefully considered by officers and touched upon in paragraph 7.5. The scale, positioning, noise and usage of the treatment room have been assessed and is not considered to have a significant impact on the residential amenity. There is one in curtilage space to the front of the property for the resident, and roadside parking to the front and east of the site which bounds the open greenspace for visitors. Ordinarily, this may present a concern, however, as the photographs in the presentation show, there are areas of parking that do not interfere with any residential properties which could comfortably accommodate 1 visitor vehicle. Furthermore, there are plans put into place next year to change the front garden into a tarmac driveway which should be able to park 3-4 cars. The operational hours are weekdays only leaving all parking areas free at weekends and with no crossover appointments, any cars parking at the site should be at a minimum. With that in mind, the proposal is considered to be acceptable in terms of amenity in accordance with Policies QOP 2 of the Northumberland Local Plan and the NPPF.

Other Matters

Equality Duty

7.9 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

7.10 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

7.11 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.12 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.13 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6

8. Recommendation

That this application be GRANTED planning permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall stay in complete accordance with the approved document and plans.

The approved plans and documents for this development are: -

1. Drawing number: 1406 - 03, titled: SITE PLAN - PROPOSED (received 21st July 2022)
2. Drawing number: SO175057 titled: FLOOR, ROOF PLANS AND ELEVATIONS - PROPOSED (received 21st July 2022)
3. Application form (received 21st July 2022)

Reason: To ensure that the approved development stays in complete accordance with the approved plans.

02. From the date of planning permission hereby granted, there shall be no crossover appointments at any time. A short period of time shall lapse between one client leaving the premises and another arriving. This pattern shall continue for as long as the business is in use.

Reason: To discourage negative parking implications as a consequence of the business in the interests of neighbour residential amenity.

03. Should the use hereby granted planning permission intensify in any way including increased staffing or client numbers, or nature/operations of the use, the applicant shall contact the Local Planning Authority without delay.

Reason: In the interests of residential amenity.

Date of Report: 21/09/2022

Background Papers: Planning application file(s)