

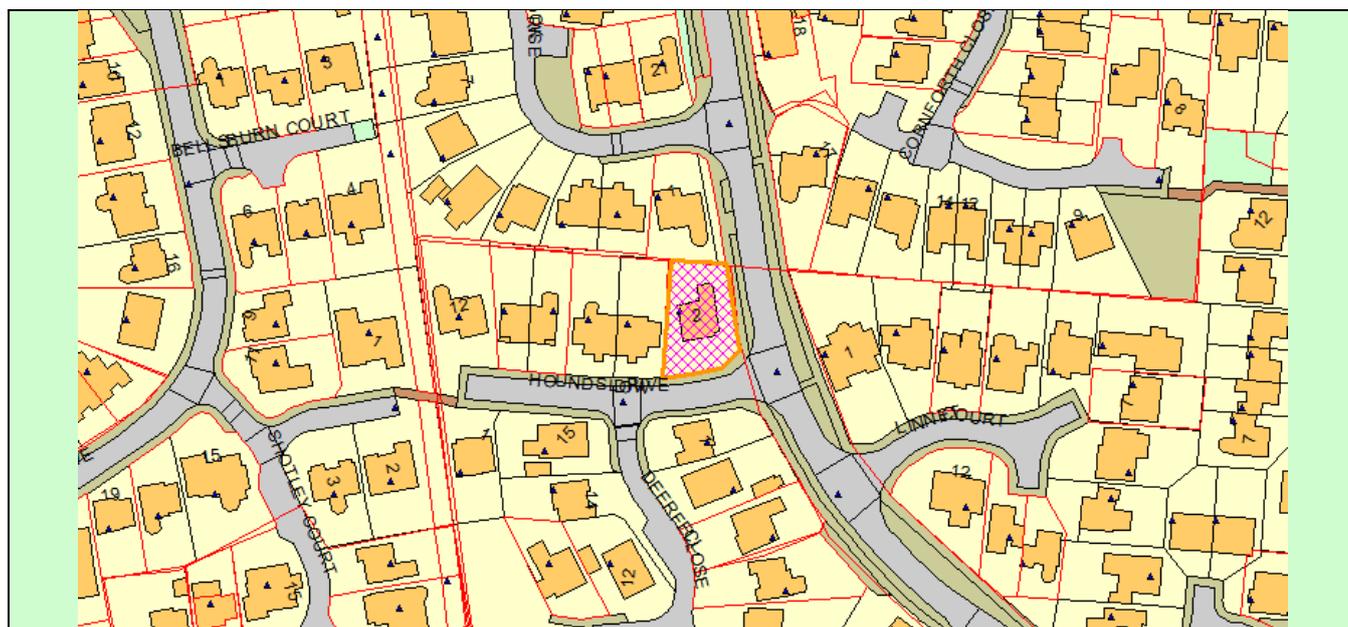


Northumberland County Council

Ashington and Blyth Local Area Council 13th October 2021

Application No:	20/03203/FUL		
Proposal:	Part Retrospective - Change of use from utility room to hair salon and erection of a fence to the side of property, adjacent to footpath		
Site Address	2 Houndslow Drive, Fallowfield, Ashington, NE63 8LZ		
Applicant:	Mr Mark Slattery 2 Houndslow Drive, Ashington, NE63 8LZ,	Agent:	None
Ward	Bothal	Parish	Ashington
Valid Date:	10 November 2020	Expiry Date:	5 January 2021
Case Officer Details:	Name: Mr Will Laing Job Title: Planning Officer Tel No: Email: will.laing@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



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1. Introduction

1.1 Objections have been received from the Parish Council and a number of local residents, and the local Ward Member has raised significant concerns with the proposed development. Following referral to the Director of Planning and Chair of the Local Area Planning Committee under the Council's current delegation scheme,

it was agreed that this application raises sufficient interest within the community to be considered by Members of the Local Area Planning Committee.

2. Description of the Proposal

2.1 The application site refers to a south-facing detached dwelling situated on the corner of Houndslow Drive and Blackthorn Way. The application site has no.4 Houndslow Drive to the west, with the rear boundary of the application site adjoining the rear boundary of no.1 Paddock Rise to the rear.

2.2 This application seeks full planning permission for the change of use of the existing utility room (approved as part of application 19/01250/FUL) to a hair salon and the retrospective erection of a fence and enclosure of open space to the west of the dwelling.

2.3 The proposed hair salon would not include any alteration to the internal or external fabric of the building. The applicant has advised that the proposed hair salon would have one member of staff, with a maximum of one client on site at any time (with no clients waiting), with one client per day.

2.4 The fence is 1.8m high, running flush with the front elevation and northwards following the footpath to the west of the application site.

3. Planning History

Reference Number: 87/F/0245

Description: ERECTION OF 123 DWELLINGS AND ANCILLARY WORKS AS PER AMENDED PLANS RECEIVED 24/07/87

Status: Approved

Reference Number: 19/01250/FUL

Description: Proposed single storey rear extension and two storey side extension

Status: Approved

Reference Number: 20/03440/FUL

Description: Retrospective planning approval - erection of a fence to rear and side of rear garden.

Status: Application returned

4. Consultee Responses

Ashington Parish Council	No response received.
Northumbrian Water Ltd	No comments on this application.
Highways	No objection subject to a condition ensuring the proposed parking is implemented prior first use and the imposition of informatives.
Forestry Commission	No response received.
Public Protection	No objections to this application.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	5
Number of Objections	19
Number of Support	2
Number of General Comments	0

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

Twenty letters of objection have been submitted from 17 addresses.

- Insufficient parking;
- Impact on traffic and highway safety;
- Impact on service/emergency vehicles;
- Removal of street sign;
- Noise;
- Pollution;
- Odour;
- Loss of privacy;
- Safety and privacy of residential dwellings;
- Residential area and inappropriate for business;
- Previous refusal of salon at nearby address (03/00290/FUL);
- Previous issues relating to parking during construction of extensions;
- Disingenuous not to include salon in previous application if it was intended as per applicants statement;
- Precedent would be set for commercial and business uses in the area;
- Potential impact of a future increase in scale of the development;
- Businesses should be located to the town centre;
- Loss of open space due to boundary fence;
- Boundary fences are restricted by covenants on the estate;
- Restricted covenants prevent business from dwellings within the estate;
- Loss of visual amenity with the removal of hedging;
- Impact on character and appearance (open plan front garden);
- Loss of environment (habitat and vegetation) during installation of fencing;
- Impact on property value;
- Contrary to the Human Rights Act with regardless to the peaceful enjoyment of property; and
- Lack of consultation for local residents.

Three letters of support from two addresses on the following grounds:

- Objections have provided misinformation on the parking situation of the area;
- The Government is encouraging more people to work from home;

- The property was used as bookshop by the previous owner without complaint;
- There are multiple homes businesses run from dwellings in the surrounding area without planning consent (cakes, flower arranging etc), several of these businesses advertise on social media resident groups;
- Alterations to the fencing where made at the neighbours request;
- Fence has been set in line with the path, as per the surrounding residents;
- The removed hedge contained litter (including a needle);
- No loss of ecology with the removal of the hedge; and
- Fence encloses an area of land not maintained by the Council.

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHF5J2QSJ3A00>

6. Planning Policy

6.1 Development Plan Policy

Wansbeck District Local Plan 2007

GP1 - In accordance with other relevant policies
 GP23 - Development causing pollution and nuisance;
 GP30 - Visual impact of development;
 GP31 - Urban design;
 GP32 - Landscaping and the Public Realm;
 GT6 - Traffic Implications of New Development; and
 T7 - Parking Provision in New Development

6.2 National Planning Policy

National Planning Policy Framework 2021 (NPPF)
 NPPG - National Planning Practice Guidance (2019)

6.3 Emerging Planning Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19) (NLPPD)

Policy STP 2 - Presumption in favour of sustainable development;
 Policy STP 3 - Sustainable development;
 Policy HOU 9 - Residential development management;
 Policy ECN 11 - Employment uses in built up areas and home working;
 Policy QOP 1 - Design principles;
 Policy QOP 2 - Good design and amenity;
 Policy QOP 4 - Landscaping and trees;
 Policy TSC 4 - Proposals outside centres; and
 Policy TRA 4 - Parking provision and new development.

7. Appraisal

7.1 The main issues for consideration in the determination of this application are as follows:

- Principle of development;
- Residential amenity;
- Landscaping and design;
- Parking and highway safety; and
- Other Issues

7.2 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 comprises policies in the Wansbeck District (2007) as identified above. The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.3 Paragraph 48 of the NPPF states that weight can be given to policies contained in emerging plans dependent upon three criteria: the stage of preparation of the plan; the extent to which there are unresolved objections to policies within the plan; and the degree of consistency with the NPPF. The Northumberland Local Plan - Publication Draft Plan (Regulation 19) (NLP) was submitted to the Secretary of State for Ministry of Housing, Communities and Local Government on 29 May 2019, and is currently going through the examination process.

7.4 On 9 June 2021, the Council published for consultation, a Schedule of proposed Main Modifications to the draft Local Plan which the independent Inspectors examining the plan consider are necessary to make the plan 'sound'. As such the plan is at an advanced stage of preparation, and the policies in the NLP - Publication Draft Plan (Regulation 19) (Jan 2019) as amended by proposed Main Modifications (June 2021), are considered to be consistent with the NPPF. The NLP is a material consideration in determining this application, with the amount of weight that can be given to specific policies (and parts thereof) is dependent upon whether Main Modifications are proposed, and the extent and significance of unresolved objections.

Principle of Development

7.5 The application seeks full planning permission for a limited hair salon business to be ran from the dwelling and retrospective permission for the enclosure of grassed amenity space to the front and side of the dwelling.

7.6 The applicant has stated that the proposed salon business would be ran by the occupier, with no employees and seeks to treat one customer per day, with no customers waiting. The proposed intensity of the development would not result in material change of use based on the limited operation. The applicant has agreed for conditions to be attached to any consent to be given to ensure the development operates in accordance with these details.

7.7 It is noted that application 03/00290/COU was refused permission for a hair salon use, which has been referred to in the submitted objections. The refused application 03/00290/FUL was for a much larger operation with multiple treatment chairs and a notably more intensive use. The proposed use in this application is for a significantly smaller, one-person operation, suitable for home working, whereas the previous refusal was more in line with the then A1 (now E1) use class.

7.8 Objections have been received on the grounds that it is not appropriate for a business to be located within a residential area. The scale of the development and the limitations to have no employees and see one customer per day, would ensure that the scale of the development remains suitable for a residential area.

7.9 The application includes the retrospective enclosure of soft landscaping into residential garden. While objections have been received to this, there are multiple properties throughout the estate where the boundary runs to the public highway. The Council's Estates team has confirmed that the land does not belong to the Council and the applicant has made due effort to locate and notify the owner, including the posting of a site notice.

7.10 The land that was enclosed by the fence does not belong to, and is not maintained by the Local Authority. The section of land did not provide formal or informal play space or sports provision and did not offer a significant contribution to local amenity or biodiversity.

7.11 The proposed home working hair salon use and the enclosure of the fence is considered to be acceptable, subject to the impacts on amenity, parking, landscaping and design, to be discussed below.

7.12 Having regard to the above, with any permission appropriately conditioned, it is considered that the proposed hair salon use would be appropriate home working operation within a residential area and would be in line with policies GP1 of the Wansbeck District Local Plan 2007 and policies STP 2, STP 3, TSC 4 and ECN 11 of the emerging Northumberland Local Plan 2017.

Residential Amenity

7.13 As explained, the proposed use would have one client per day, with no employees and no customers waiting. The proposal would be a low intensity use and would not require any ventilation or extraction. The low intensity of the use would not result in any undue noise, odours or pollution that would have a significant impact on the neighbouring amenities of the neighbouring properties.

7.14 It is noted that a complaint has been made on the grounds of privacy due to customers using a door in the flank elevation to access the treatment room. This is an existing door, that would have no further impact on the privacy amenities of the proposal than the existing dwelling.

7.15 The fencing enclosing the land to the side of the dwelling is set away from the neighbouring property and there would be no further extension to the dwelling to accommodate the proposed hair salon use. As such, the proposal would not impact on the light or outlook of the neighbouring dwellings.

7.16 Having regard to the above, it is the view of officers that the application is in compliance with policies GP23 of the Wansbeck District Local Plan (2007) and ECN 11, TSC 4, STP 3, HOU 9 and QOP 2 of the Emerging Northumberland Local Plan 2017.

Landscaping and Design

7.17 The proposed home working hair salon would not include any external alterations to the premises, and there are no proposed advertisements as part of the proposed business. As such, the proposed working from home use would not impact on the design or visual amenity of the surrounding area. It is officer recommendation that a condition is imposed to ensure that no advertisements for the proposed home hair salon are installed or posted at the premises.

7.18 The retrospective fencing has cleared an area of soft landscaping and installed a timber fence. The fence is 1.8m high to the flank of the dwelling before dropping in height to the enclosed part of the front garden. The fence is a timber open board fence, characteristic of many open fences in the surrounding area. As such, the timber fence is considered to be acceptable in terms of design, character and appearance.

7.19 As detailed earlier in the report, the land that was enclosed by the fence does not belong to and is not maintained by the Local Authority. The section of land did not provide formal or informal play space or sports provision and did not offer a significant contribution to local amenity or biodiversity. The enclosing of the land is relatively small in scale and reflects several surrounding properties where the garden boundary abuts the existing highway. As such, the loss of open space and the installation of the fence have not had a significant detrimental impact on the character, appearance visual amenity of the surrounding area.

7.20 Objections have been received on the grounds of visual amenity due to the loss of hedging and the loss of an open plan front garden. The visual impact of loss of hedging and the enclosure of the front garden with a low fence would not be as significant as to warrant refusal of the application. There are front gardens enclosed with various means of enclosure at Linnet Court, Otterburn Drive and Magpie Court, within the surrounding area. While there is hedging in the surrounding area, it is not a uniform or ubiquitous means of enclosure for the surrounding area.

7.21 Having regard to the above, it is the view of the case officer that the proposal complies with policies GP30 and GP31 of the Wansbeck Local Plan 2007 and HOU 9, QOP 1, QOP 2 and QOP 4 of the Emerging Northumberland Local Plan 2017.

Parking and Highway Safety

7.22 The application currently has 3 no off-street parking spaces, which the applicant proposes to use 2 no for the dwelling and 1 no for customers. Given that there would be no employees other than the applicant and that the proposed use would see 1 no client per day, the proposal is considered to provide an acceptable level of parking.

7.23 It is noted that objections have been received on the grounds of parking and highway safety to both the proposed hair salon use and the retrospective fencing, with many stating parking and disturbance issues throughout the sites previous construction works.

7.24 The Highways Authority has raised no issues with the fencing and the parking spaces on site are considered to be acceptable.

7.25 Though previous construction parking issues were raised it should be noted that there is no further construction proposed as part of this application, and each

application must be determined on its own merits. Previous issues with construction cannot be considered reasonable grounds for refusal.

7.26 In light of the above, the proposal is considered to be acceptable in terms parking and highway safety. As such, the proposal is deemed to comply with policies T7 of the Wansbeck District Local Plan 2007 and TRA 4 of the Emerging Northumberland Local Plan 2019.

Other Issues

7.27 The following further issues were raised in the submitted objections:

7.28 Lack of consultation for local residents.

The planning application has carried out the correct statutory neighbour requirements as set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.29 A precedent would be set for commercial and business uses in the area. Each planning application is assessed on its own merits, and the approval or refusal of this application would not prevent the submission of future applications.

7.30 The potential impact of a future increase in scale of the development. It is officer recommendation that condition are imposed to limit the operation of the proposed hair salon. With these conditions imposed, the proposal could not increase in intensity without a further application to be submitted to the Local Planning Authority.

7.31 The estate has covenants restricting boundary fences and preventing business from dwellings within the estate.

Covenants are a legal matter and not a matter for the planning system. Any covenants restricting the use/fencing would need to be resolved under the relevant civil/legal process. They are not reasonable grounds for the refusal in terms of planning.

7.32 Loss of environment (habitat and vegetation) during installation of fencing. The vegetation was an ornamental section of soft landscaping and did not offer any significant habitat. No protected trees were removed.

7.33 Impact on property value.

Impact on property value is not a material consideration.

7.34 Contrary to the Human Rights Act with regards to the peaceful enjoyment of property.

The impact on residential amenity has been assessed earlier within this report.

Equality Duty

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

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

Human Rights Act Implications

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.

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.

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. Conclusion

8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with the relevant Development Plan Policy. The application has also been considered against the relevant sections within the NPPF and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.

8.2 The proposal has addressed the main considerations and would accord with relevant policy and is considered acceptable. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

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

The approved document for this development is:-

- Application Form (dated 29.09.2020)

The approved plans for this development are:-

- Proposed Side Elevations (received 06.11.2020)
- Proposed Site Plan (received 06.11.2020)
- Parking Plan (received 20.11.2020)
- Internal Floor Plan (received 25.11.2020)

Reason: To ensure that the approved development is carried out in complete accordance with the approved document and plans.

02. The hereby approved home salon shall have a maximum of one client per day with no customers waiting or queuing.

Reason: In the interest of residential amenity, parking and highway safety.

03. The hereby approved salon shall have no employees other than the applicant. There shall be no additional employees at any time.

Reason: In the interest of residential amenity, parking and highway safety.

04. The car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

Date of Report: 30th September 2021

Background Papers: Planning application file(s) 20/03203/FUL