

APPLICATION NUMBER: 24/00406/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00406/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 29.07.2024 EXT OF TIME

Address: 13 Woodtop Avenue Rochdale OL11 4BD

Proposal: Conversion of existing garage to a beauty salon (Class E) -
Retrospective

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	NA

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	NA
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: LA

DATE: 29.07.24

SITE

The site relates to 13 Wood Top Avenue, a detached, domestic residential dwelling. The property as existing benefits from various extensions, including a hallway to attach the garage to the dwelling.

The curtilage of the dwelling includes space for parking at the front of the house and a private garden to the rear.

It is noted the proposed change of use of the garage is retrospective.

PROPOSAL

Planning permission is sought for the change of use of the internal garage from a dwellinghouse (Class C3) to a beauty salon (Class E) following an enforcement enquiry.

Retrospective permission is also sought for the alterations to the fenestration, including the use of UPVC cladding following the conversion of the garage.

It is noted a non-illuminated advertisement is placed on the front elevation of the garage advertising the services. Permission for this is not sought within this application and would be subject to a separate advertisement consent. The advert is externally illuminated by a small outdoor lamp.

The salon would be a total of 32sqm in floorspace.

The application is supported by a planning statement, stating the salon would be operated by one employee who is also the occupier of 13 Wood Top Avenue, and most treatments last 1 hour long.

No commercial extractor fans are proposed.

Opening hours are presented as follows:

Wednesday 10:00-20:00

Thursday 13:00-19:00

Friday 10:00-20:00

Saturday 09:30-16:00

No details regarding Monday, Tuesdays, Sundays or Bank Holidays are provided.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

Place for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

Policy JP-P1 – Sustainable Places

Adopted Rochdale Core Strategy (CS):

SO1 – Delivering a more prosperous economy

E1 – Establishing thriving town, district and local centres

SO3 – Improving design, image and quality of place

P1 – Improving image

P3 – Improving design of new development

SO5 – Improving accessibility and delivering sustainable transport

T2 – Improving accessibility

DM1 – General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban area

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

None

CONSULTATION RESPONSES

Highways And Engineering

No objection

Env Health - Noise/Odours

No objections

REPRESENTATIONS

The application was publicised by way of neighbour notification and site notice. Three anonymous complaints were received by the Council. One letter of representation was received objecting to the scheme. Two letters of support were received regarding the scheme.

The anonymous letter of complaint stated concern of the commercial premises on a residential street and the impact of traffic on the street, noise and light pollution as a result of the proposals.

The objection letter included photos of the proposal, and a screenshot from the beauty salon's social media pages, showing an additional member of staff advertising services at the salon two days a week.

The supporting letters state the treatments are around 1-2 hours long each, for 1 client at a time, the salon is conveniently located for customers, and the treatments provided result in reduced stress, improved mental wellbeing. The smaller salon

environment is a suitable setting for a salon. In relation to parking the supporting letters state a driveway for clients is available and lots of on street parking is available.

ANALYSIS

Principle of development

The application seeks permission for the change of use of a garage for the use as a beauty salon. The site is within the defined urban area where new development is to be located. The application confirms that there will be one sole practitioner who is also the owner of the adjoining property. The supporting statement details that many treatments will last at least one hour. On this basis it is assumed there would be a maximum of 10 customers calling per day.

Policy E1 of the Core Strategy seeks to focus retail, leisure, cultural, office, residential and other development to promote the viability and vitality of the boroughs town centres. It is recognised that the beauty salon is a recognised town centre use however, with the scale proposed it is on the threshold of requiring planning permission. Working from home does not always require planning permission. It is a matter of judgement as to when planning permission is required but if it is considered ancillary/incidental to the main residential planning permission is not normally required. In this instance planning permission has been sought and the application form identifies one full time employee, indicating that just the property owner would be working at the site. On this basis the application has been accepted but it is considered that the operations undertaken in the beauty salon as proposed would be relatively minor and not impact on the vitality or viability of the nearest local centre.

The salon would not provide access into the dwelling itself, with the only entrance and exit in the salon to the front elevation, and therefore customers would access very much in the same way guests to the house would, albeit with a separate front entrance door rather than the entrance door to the domestic dwelling.

For the reasons above, the proposed development is acceptable in principle.

Design

This application is for a business use and the proposal is effectively in a residential property and curtilage, as such many of the considerations relating to the change of use will be similar to if a domestic alteration were carried out.

Relevant policies include;

Policy P3 of the Rochdale Core Strategy states that all new developments, regardless of location in the borough will 'adhere to high standards of design, enhancing the borough's identity, respect context, have regard to scale, materials...'

Policy JP-P1 of the Places for Everyone Joint Development Plan states that developments should have a clear identity that, *'respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used'*.

The proposed salon floorspace would be 32sqm.

The works to the alterations of the building include the converted garage door, and the replacement with white composite cladding and two new black UPVC windows,

as well as removal of existing brown UPVC window and new single UPVC black window. The physical alterations are in keeping with the host dwellings and are acceptable.

As such, the proposal is in accordance with Policies P3 of the Rochdale CS, Policy JP-P1 of the Places for Everyone Joint Development Plan, and policies contained within the NPPF.

Living conditions

Consideration also needs to be given to the proposed business activities proposed. In this regard the application proposes that the building be used as a beauty salon with the following opening hours:

Wednesday 10:00-20:00

Thursday 13:00-19:00

Friday 10:00-20:00

Saturday 09:30-16:00

No details regarding Monday, Tuesdays, Sundays or Bank Holidays are provided.

The Council's Public Protection Officer has been consulted on the application and confirmed no objections to the application. Given the use is one of the quietest commercial uses, in relation to odour or noise, there would be no material change than what can be expected of a private dwellinghouse, and the proposed business is limited in scale, it is not considered a condition would be necessary (as defined within Paragraph 56 of the NPPF) to limit the hours of operation.

It is noted that the applicant confirms there is one owner operator which is the occupier of 13 Wood Top Avenue. With a planning condition, the LPA acknowledges that in future this could change and therefore potentially intensify the use and impact upon the occupiers of the property and neighbouring properties. As such it is necessary to limit the occupation of the business use approved to the occupiers of 13 Wood Top Avenue.

The LPA also note that given the nature of the business, it will likely operate on an appointment only basis, thus ensuring activities associated with the business are limited.

Given due consideration to the above it is considered that the business activities associated with the operation of a beauty salon would be acceptable and not result in any undue disturbances to neighbouring residents. It is appropriate and necessary to restrict the use to beauty salon as applied for, and therefore prohibit the change to other commercial uses within Class E, to protect the living conditions of neighbours.

Highway safety

Policy T2 of the Core Strategy requires that development comply with the Council's car parking standards and policy DM1 requires that development provides satisfactory vehicular access with adequate parking, manoeuvring and serving arrangements, taking into account the proposed use and location.

The Council's Highways officers were consulted on the proposals. Their comments concluded with no objections, as the site has adequate parking to accommodate the residential use on the Southern Driveway, as well as the commercial use on the Northern Driveway with space enough for customers attending their appointment. Four cars can be accommodated on the northern driveway.

It is noted during the crossover of appointment times, that some cars may result in parking on the street. The street is part of a wide streetscene in a quiet residential area with ample off street parking. While the majority of parking can be accommodated off street, in the instance some on-street parking was required, it is not considered this would have any unacceptable impact.

Neighbour Objections

It is noted the neighbour objection received which suggests the business would operate on Mondays and Tuesdays with an additional member of staff. The use of the business (a beauty salon) is one of the quietest uses and wouldn't be considered harmful or unacceptable in this residential area. It is noted the statement provided by the applicant states only one member of staff would be the occupier. However, in the instance two members of staff were operating from the salon, it is not considered this additional staff member would result in any unacceptable impact upon the residential amenity of neighbouring properties.

It is also noted, on the representation which suggests an additional member of staff is operating from the site, the salon would operate on Mondays and Tuesdays in addition to the proposed opening hours. The Environmental Health Officer was consulted on the application with no objections, and therefore it is not considered the operation of the business on Mondays or Tuesday, in addition to the proposed hours Wednesday-Sunday, would be unacceptable. In accordance with Paragraph 56 of the NPPF, a condition limiting the hours of operation to these proposed times it would not be considered reasonable and necessary.

It should be noted, if the building were to require extension as a result of expansion of the business, planning permission would be required.

RECOMMENDATION: Approve subject to conditions

1. The permission relates to the following plans:

- Proposed Garage Conversion & Extension – 22.3010.2D
- Proposed Garage Conversion & Extension – 22.3010.3B
- Site Location Plan

Reason: for the avoidance of doubt, and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

2. The beauty salon use hereby approved relates solely to the garage conversion, and no other part of 13 Wood Top Avenue.

Reason: In the interests of residential amenity and highway safety in regards to car parking.

3. The occupation of the business (salon) hereby approved shall be limited to the occupier of the adjoining residential dwelling 13 Wood Top Avenue.

Reason: To protect the residential amenity of the occupier of the adjoining dwellinghouse, 13 Wood Top Avenue.

4. The garage shall be used only for a beauty salon and for no other purpose whatsoever, (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

Reason: A change of use of the garage would have an unacceptable impact on neighbour amenity and/or the character and appearance of the area.

Procedure Statement

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively to issue the decision without delay.

Notes for Applicant:

None

Report Author Rosalind Gralton