

APPLICATION REFERENCE: PL/2019/01911/COU**Site Address:** 8 Wolverton Road, Marston Green, Solihull B37 7XJ

Proposal:	Retrospective change of use application seeking permission to use converted garage, for use as a home hairdressing business. No external structural changes are proposed.
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/

Reason for Referral to Planning Committee:	Application called in by Cllr Sleigh
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

Planning permission is sought for the change of use of the existing garage of the property for use as a home hairdressing business. Two workstations have been installed, along with a washbasin and a general storage area. Two parking spaces exist on the driveway.

The impact of the proposal upon amenity, highway safety and the character and appearance of the area has been assessed and the proposal is deemed to be acceptable in terms of its impacts related thereto in accordance with the Local Plan policies.

The application is therefore recommended for approval with restrictions limiting the number workstations to two, and an hours of operation restriction.

MAIN ISSUES

The following key planning issues are material to the determination of this application: -

- Principle of development;
- Whether the proposal has an acceptable impact upon the character and appearance of the area;

- Whether the proposal has an acceptable Impact on neighbouring amenity; and
- Whether the proposal has an acceptable impact on highway safety.

Other Material Considerations

- Other matters.

CONSULTATION RESPONSES

Statutory Consultees - The following Non-Statutory Consultee responses have been received:

Bickenhill & Marston Green Parish Council - object to the application on the following grounds: -

- Irregular parking on the highway by customers; and
- Hours of work may cause annoyance to residents.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received: -

SMBC Drainage – No observations

SMBC Highways –No objections.

SMBC Public Protection - No objection.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

2 responses were received, one objecting to the application, the other in support. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

The objector's comments are summarised as follows: -

- An inappropriate business use in a residential area;
- Business causing loss of amenity, loss of privacy, smells/fumes; and
- Increased traffic generation causing noise, road blockages.

The supporter's comments are summarised as follows: -

- Daytime business deters burglaries when people are at work;
- No external changes to the property; and
- The business causes no disruption.

Other Matters

- Retrospective application - applicant already trading from the premises – planning application in place following enforcement complaint - EN/2019/00228/BPC

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: - 'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 11 re-confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 196 of the NPPF confirms that the planning system is plan -led. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework (“NPPF”) 2018, the National Planning Practice Guidance.

Principle of Development.

The NPPF sets out a presumption in favour of sustainable development where it accords with the development plan, unless the adverse impacts of a proposal would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole (paragraph 11). The NPPF is supportive of economic growth (paragraphs 80 and 81). The last clause of paragraph 21 indicates that local planning authorities should facilitate flexible working practices, such as the integration of residential and commercial uses within the same unit. Other policies include promoting sustainable transport and healthy communities.

At a more local level, the Solihull Local Plan, at Policy P3b encourages the creation of small enterprises subject to a number of criteria mainly to protect amenity, local character and the Green Belt (NB this property is not in the Green Belt). These criteria include ensuring that proposals for home-working are compatible with the environment and consistent with Policy P14 Amenity.

The proposal is small scale, involving a maximum of 2 workstations in use at any one time. It would not be expected to generate a great deal of activity associated with it, but it is in a residential property in a residential area and therefore amenity will need to be carefully considered. Policy P14 - Amenity is therefore particularly relevant as a development management issue, notably clauses i, vii and viii relating

to amenity, noise and bad neighbour uses. Providing that the proposal is found not to be harmful in any of these respects, there is no policy objection, nor objection in principle, on amenity grounds.

The impact of the proposal in relation to these issues is considered later in this report.

Whether the proposal has an acceptable impact upon the character and appearance of the area.

Policy P15 of the Local Plan requires all development proposals to achieve good quality, inclusive and sustainable design that conserve and enhance local character, distinctiveness and streetscape quality.

The proposed change of use will result in no changes to the external appearance of the building itself or to any external hard surfacing/parking areas elsewhere on the site. The only changes required to accommodate the proposed use are internally within the building.

With the above in mind the proposed alterations to the property to accommodate the change of use will not, therefore, impact upon the appearance and visual amenities of the area. The proposal is therefore compliant with Policy P15 of the Local Plan with this regard.

In summary therefore any impact upon the character and appearance of the area will carry a neutral weight in the planning balance exercise.

Whether the proposal has an acceptable Impact on neighbouring amenity;

Policy P14 of the Local Plan seeks to protect and enhance the amenity of existing occupiers.

As set out elsewhere in this report, one neighbour has objected to the proposal due to its impact upon neighbouring amenity by way of noise nuisance from increased traffic generation and smells from the extra cars. The Council's Public Protection Officer has raised no objections to the application. Clearly, the proposed intensity of use is very limited with customers arriving for appointments during the day. Whilst, the proposed use would increase the vehicle movements to the property, the noise and disturbance associated with the use would not cause any statutory nuisance or noise and disturbance that could be deemed harmful to the amenities of neighbours.

In summary, having regard to the details of the proposed business and the observations recorded thus far, it is considered that the proposed use is unlikely to have any undue impacts upon neighbour amenity subject to conditions restricting the number of work stations and hours of operation (Tuesday – Saturday only) which can be secured by the imposition of conditions. The proposal therefore, accords with Policy P14 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

Whether the proposal has an acceptable impact on highway safety

Policy P7 of the Local Plan seeks to focus development in the most accessible locations for ease of access.

Policy P8 of the Local Plan establishes that all development proposals should have regard to transport efficiency and highway safety.

The Council's Highway Engineers have considered the extent of existing on site parking provision (capacity for up to 2 vehicles), the potential availability for on-road parking and the proposed operating capacity of the business. They have advised that sufficient provision exists on site and any on street parking would not cause any harm to highway safety in this residential area. The proposal therefore accords with Policy P7 and P8 of the Local Plan and neutral weight can be attributed to the matter in the planning balance.

Other matters

- Public Sector Equality Duty

In making your decision, you must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions)

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

- Human Rights

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered a proportionate response to the submitted application based on the considerations set out in this report.

CONCLUSION

The impact of the proposal upon amenity, highway safety and the character and appearance of the area has been assessed and the proposal is considered to be acceptable in terms of its impacts related thereto in accordance with the Local Plan policies.

The proposal therefore accords with Policies P3b, P7, P8 P14 and P15 of the Solihull Local Plan.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – compliance with plans and details
2. CR05 – hours of operation –

Tuesday – Friday 08.30 – 19.00
Saturday – 08.30 – 17.00
At no time on Sundays or bank holidays
3. The use hereby approved shall be confined to no more than two workstations at any one time, notwithstanding any provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

In order to keep any impacts of the use under review, in accordance with Policy P14 of the Solihull Local plan 2013.