

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 18/09/2023	Ref: 69874/FUL
Registration: 31/07/2023	LDFC: 22/08/2023	Expiry Date: 25/09/2023
Site Visit: 15/08/2023	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: COUS

Proposal: Change of use of existing outbuilding at rear of residential property (Class C3(a)) to hairdressing business (Class E)

Location: 192 Parr Lane, Bury, BL9 8JS

Description

The site relates to a terraced residential property within a row of similar terrace houses. At the rear is a yard area with an outbuilding. The outbuilding is approx 12 sqm in area and 2.4m high and there are door openings on the elevations facing the yard and out to the back street.

There is a vehicular/pedestrian access at each end of the row of the terraces which leads to a back street which runs along the rear of the terraced houses.

The application seeks the change of use of the existing outbuilding from domestic use to a hairdressing business (Class E).

Internally, the outbuilding shows one client chair and one hair wash facility. The applicant states that there would be one booking at any one time.

Access by customers would be through the main house which leads out to the backyard.

The door on the rear elevation to the back street would not be open to customers.

Hours are stated as Monday to Friday 09.00 to 17.30 and Saturdays 09.00 to 16.00.

Relevant Planning History

69308 - Lawful development certificate for proposed - Erection of cabin at rear of residential property for use as hairdressing business - Withdrawn by Applicant 23/05/2023

Publicity

Letters sent to 11 properties.

No responses received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection subject to condition.

Environmental Health - Pollution Control - No comments to make

Pre-start Conditions - Not relevant

Unitary Development Plan and Policies

NPPF National Planning Policy Framework

EC4/1 Small Businesses

EN1/2 Townscape and Built Design

HT2/4 Car Parking and New Development

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principle

Policy EC4/1 - Small Businesses states that proposals will be acceptable where the scale of development is appropriate to and the use environmentally compatible with the surrounding area in which it is to be located.

Although the site is not within an established shopping centre, there is scope for small local businesses to set up in other areas where appropriate, depending on the scale and character of that business.

In this case, the proposed development would be of a modest scale with customers limited

to one at a time. Hours would operate similar to 'typical' working days and for all intents and purposes, trips to and from the property by customers could be comparable to a dwelling which has regular visitors.

Given the scale of the proposed business within the local setting, it is considered the proposed development would be acceptable in principle and comply with EC4/1.

Residential amenity - In terms of its modest size and customer numbers, the proposed development should not cause serious harm to residential amenity of immediate neighbours. Access would be from the front of the property and the number of customers at one time would be limited, as would the hours of opening which are considered to be when people are generally at work or carrying out day to day tasks. Therefore it is considered that comings and goings and associated activity would not be significant to cause amenity issues to neighbours.

It is reasonable to approve the development on the basis that it is a personal consent for the applicant only and that the use is restricted to hairdressing/beauty salon and no other use within Class E. The hours of working are normal daytime hours, Monday to Friday 09.00 to 17.30 and Saturdays 09.00 to 16.00. and these are considered acceptable, given the nature of the proposal.

There have been no representations made to the application.

It is therefore considered the proposed development would be acceptable and comply with EC4/1 and EN1/2.

Visual amenity - The outbuilding is already in situ and the size, height and position of the outbuilding would be permitted development. The outbuilding has a shed type appearance, constructed of composite cladding and as such considered to be acceptable within the residential setting.

The proposed development would therefore comply with EN1/2.

Parking - As stated in the design and access statement, many customers would be local and would be encouraged to walk to the property. Notwithstanding that this cannot be controlled, the site is located in a high access area and on a bus route. There is also scope for parking at each end of the terraced row and there is on street parking at the front.

The scale of the development to serve one customer at a time would not to generate significant levels of traffic and therefore the projected vehicular traffic to and from the site would be limited and should not cause undue problems to surrounding residents.

The proposed development is therefore considered to comply with Policy EC4/1.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings - Revised proposed site plan with garden room DP209 02 rev A; Red edge location plan received 10/7/23 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 The use hereby permitted shall be carried on only by Mr Andrew Walkden-Cooke of 192 Parr Lane, Bury BL9 8JS and shall be used for hairdressing only and for no other purposes, including any other purpose within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or as subsequently amended.
Reason. In the interests of residential amenity and highway safety pursuant to UDP policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design.
- 4 The use hereby permitted shall not be open to customers outside the following times:
09.00 to 18.00 Mondays to Fridays and 09.00 to 16.00 Saturdays.
Reason. To safeguard the amenities of the occupiers of nearby residential accommodation pursuant to UDP Policies EC4/1 - Small Businesses and EN1/2 - Townscape and Built Design. .
- 5 There shall be no direct means of pedestrian access between the site/outbuilding and the unadopted rear access in association with the hairdressing use proposed.
Reason. In the interests of highway safety and residential amenity pursuant to Bury Unitary Development Plan Policy EC4/1 - Small Businesses.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	18/9/23		