

FAKENHAM - PF/19/1421 - Change of use from dwelling (Class C3) to mixed use (dwelling & hair and beauty salon); Tree Tops, Heath Lane, Fakenham, NR21 8LN for Mrs Pawley

- Target Date: 01 November 2019

Case Officer: Chris Neal

Full Planning Permission

CONSTRAINTS

- Landscape Character Area
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF Tourism Asset Zone
- LDF - Settlement Boundary
- LDF - Residential Area

RELEVANT PLANNING HISTORY

PF/18/2005 HOU

Tree Tops, Heath Lane, Fakenham, NR21 8LN

Single storey extension with conversion of garage to form habitable space; replacement of flat roof with pitched roof

Approved 10/01/2019

THE APPLICATION

The application seeks to change the use of part of the property to allow a mix of residential (Class C3) and hair and beauty use (not use class). It relates to a single room built recently as an extension to the main dwelling, with its own access through an external door, with windows at both ends and roof lights all of which open for ventilation. It is currently connected to one of the bedrooms of the dwelling and it is the intention that this connection would remain and a separate unit would not be created. The room is currently used for purposes ancillary to the main dwelling as a hobby room with related domestic items being stored in it.

The hours of opening for the salon are not specified, but it would operate on part time hours, fluctuating with demand, but always on an appointment basis. The applicant will be the only person working from the property, with no additional employees. There are no intentions for any external alterations that would give an appearance of a business use at the site.

REASONS FOR REFERRAL TO COMMITTEE

Cllr Rest has asked for a committee decision due to concerns raised regarding the road and access.

PARISH/TOWN COUNCIL

Fakenham Town Council: have no objections or comments

REPRESENTATIONS

Two objections have been received raising the following concerns:

- Residential amenity and the impact of a busy salon business
- The unadopted road would be subject to increased traffic and therefore increased damage

- Access is dangerous to reverse out of
- Fakenham town centre has many empty salons/more suitable units
- Other non-planning concerns have been raised relating to the historical upkeep of Heath Lane and the intentions of the applicant relating to an earlier planning consent and actions, non of which are relevant to determining this application.

CONSULTATIONS

Environmental Health - No objection. Request a condition relating to ventilation and a note relating to commercial/trade waste.

County Council (Highway) - No objection but advises Heath Lane is unadopted and is a Restricted Byway (Fakenham RB3), so some other restrictions may therefore apply outside the scope of planning.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to

Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS1: Spatial Strategy

SS3: Housing

SS8: Fakenham

EN4: Design

EN13: Pollution and Hazard Prevention and Minimisation

CT5: Transport Impact of New Development

CT6: Parking Provision

MAIN ISSUES FOR CONSIDERATION

- Principle of development
- Amenity Impact
- Highway Impact

APPRAISAL

The property known as Tree Tops is a detached, single storey dwelling sited back from the road to the rear (west) of the adjacent dwellings - Woodland and Evermore. It has a long private driveway off Heath Lane running adjacent to the side boundary to Woodland, and a double garage with good screening to all sides and a small amenity space to the principal elevation of the property between the dwelling and the driveway. To the rear of the site are dwellings on Bracken Close.

Principle of Development:

A business can be operated from a residential dwelling without it constituting a material change of use requiring planning permission. Each case is assessed on its individual circumstances and it is a matter of fact and degree as to whether a material change of use occurs and if planning permission is required. It is often the case that small scale businesses such as is proposed, operated by the home owner on a part time basis, do not automatically require permission. An application has however been volunteered in this instance.

Fakenham is designated a Principal Settlement with a Large Town Centre. It is therefore suitable for economic growth through the encouragement of local businesses. The site is within a designated residential area where Policy SS3 indicates compatible non-residential development including small-scale business will be permitted. The proposal is therefore considered to be acceptable in principle and in compliance with policy SS 3

Comments regarding the availability of empty salons in the town centre and locality need to be weighed against the fact that not everybody wishes to work full-time. Working part-time but paying full time rent and rates is not always economically viable for somebody self-employed. Hence the increasing trend towards small scale, part time working from home.

Working from home is sustainable in cases such as this. There is not any exceptional need in economic terms or availability terms, just convenience. The next alternative to having clients visit the properties would be to work on mobile basis, requiring, an equal number, if not more vehicle movements, and likely a larger vehicle to accommodate carrying of equipment and materials with potentially more disturbance from daily loading and unloading. It is unlikely that renting a commercial unit for occasional or part time use would be a viable option.

Often with this type of business appointments can fall marginally outside of typical work hours. Arguments therefore over passing trade being lost and empty units in the town centre are not wholly relevant. Many other shops in Fakenham would be closed when people who work full-time come in for treatments.

Amenity impacts:

The comings and goings of customers and associated noise from vehicles using the driveway to the property, has the potential to result in noise disturbance affecting the living conditions of the occupiers of nearby dwellings. The proposed use would however, be small scale with only one person working part time on an appointment only basis, which would limit its intensity and therefore customer activity. The applicant suggests there would be on average 20 clients a week. There would be no other employees and this could be conditioned. The description of the application, whilst accurate, has perhaps given rise to some concerns over the size/scale of the proposed business use. There is no proposal to open a full-scale hair and beauty salon in part of a domestic property, instead it is someone offering treatments at home in a dedicated area for convenience and financial reasons given the part time occasional nature of the use. A condition could be used to ensure the salon use is restricted to the room concerned. The size of the area proposed to be used also does not lend itself to having large groups of customers at any one time.

The applicant would keep records of all appointments for their own business purposes, but it would be possible and reasonable to ask that such a diary be made available for inspection by the Local Authority if required in relation to any future complaints that may be made.

The proposal would not have any increased impact on privacy or overlooking as it does not involve any alterations to the building or existing outdoor space within the site. Likewise there

would be no change to visual amenity as no external alterations are proposed.

Using the correct procedures there should be no odour from working or from any waste and similarly no noise above what could be expected at a residential property. Waste disposal, storage of products and licensable activities such as music are all controlled under other, non-planning legislation.

It is therefore considered that the proposed use would not result in unacceptable harm to the amenities of the occupiers of adjacent dwellings and as such complies with policies EN 4 and EN 13.

Highways & Parking:

It is anticipated some clients will live within walking distance, others have the option of getting a bus to a nearby stop. The nearest bus stops on Norwich Road are only around 0.2 miles from the property. A 3 to 4 minute journey on foot.

There is ample off street parking to serve the dwelling and the one/two vehicles at a time that would be generated by the salon use on occasions when there are appointments. This would however, be unlikely to be continuous throughout the day and evening. There is also additional scope to create additional parking without the requirement for planning permission.

The nature of the business is such that there would be no reliance on passing trade, with business by appointment only. This means parking provision can be suitably made based on the maximum number of customers expected at one time. It would usually be one customer at the time of their appointment and one additional customer if they arrive slightly early for their appointment or if there are any unforeseen delays. This should mean the vast majority of the time there should be a maximum of two customer vehicles at any one time, but usually only one. The driveway is however, capable of supporting additional vehicles all off-street.

The use of Heath Lane would be likely to be less than if the applicant were to travel to and from work repeatedly throughout the day for occasional appointments or to do the treatments on a mobile basis. In any instance it would be one journey to and from for every client be this the occupier making the journeys to another premises or the clients themselves visiting this site. Regardless of business location there would be vehicle movements associated with it.

Customers wherever possible will be encouraged, by the applicants to walk, use public transport (nearby bus stops) or be dropped off at the end of Heath Lane by family, friends or taxis to try and lower any pressure on the road.

In terms of reversing, the Case Officer visited the property on two occasions and found no problem reversing, the visibility is ample and the sweep into and out of the driveway, even with the obstructions placed on the grassed area, is sufficient for above average size domestic vehicles. It is also noted that the Highway Authority have not raised any highway safety concerns.

Concerns have been raised over the condition of Heath Lane but this section of road is unadopted. There is no evidence to suggest that the relatively small number of additional movements that the proposal would generate would result in increased damage to it. Furthermore, as the road is unadopted, matters relating to its on-going condition and need for repairs are a civil matter for the respective owners of it to deal with.

The proposal is considered to be acceptable in terms of policies CT 5 and CT 6 for the reasons stated.

Other considerations

In response to comments from the Environmental Health officer, Information has been provided by the applicant confirming knowledge and intended compliance with legislation concerning the storage and use of chemicals etc used in beauty salons, health and safety and commercial waste disposal.

CONCLUSION

Small scale businesses can often operate from home without planning permission and therefore without any control in terms of planning. With the anticipated level of clients, the proposed use is only marginally over what the owners could do without a material change of use having occurred.

Potential amenity issues would be limited by the scale of the business use being combined with the residential use. There are unlikely to be times when both social events and business events occur at the same time as the applicant can not do both. The aim is for the applicant to balance work and personal life and not to have work overtake life or the family home completely. Subject to appropriate conditions the planning system could help facilitate this and manage the impacts for all parties.

RECOMMENDATION:

Approval subject to conditions relating to the following matters and any others considered necessary by the Head of Planning:

- Commencement of development within three years
- To be carried out in accordance with the approved plans
- Business use to be connected solely to the applicant and the main dwelling
- No other employees to be based at the property
- a diary of appointments to kept and made available if required .
- Restrict the business to the use applied for
- Ventilation equipment

Final wording of conditions to be delegated to the Head of Planning