

Planning Committee: 11 October 2022

Item Number: 6

Application No: [W 21 / 1612](#)

Town/Parish Council: Warwick
Case Officer: Jonathan Gentry
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Registration Date: 05/11/21
Expiry Date: 31/12/21

12 Piers Close, Warwick, CV34 5HS

Change of use from dwellinghouse (Use Class C3) to a mixed use (Sui Generis) comprising a dwellinghouse and a hairdresser use FOR Ms Clare Bayliss

This application is being presented to Planning Committee due to the level of support the application has received from members of the public and it is recommended for refusal.

RECOMMENDATION

Planning Committee is recommended to refuse planning permission for the reasons set out at the end of this report.

DETAILS OF THE DEVELOPMENT

Change of use from dwellinghouse (Use Class C3) to a mixed use (Sui Generis) comprising a dwellinghouse and a hairdresser use.

THE SITE AND ITS LOCATION

The application site comprises a mid-terraced dwelling located in a residential area of Warwick. The hairdresser use is proposed to be accommodated within the converted garage space to the front. There is off-street parking for two vehicles.

PLANNING HISTORY

None.

RELEVANT POLICIES

- National Planning Policy Framework
- BE1 - Layout and Design
- BE3 - Amenity
- TR3 - Parking
- TC2 - Directing Retail Development

Guidance Documents

- Air Quality & Planning Supplementary Planning Document (January 2019)

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Warwick Town Council: Object on grounds that the application site is out of centre and it has not been demonstrated that there are not other more suitable premises available.

WDC Environmental Health: Further information required to demonstrate that the scheme would not result in adverse impact on residential amenity. Proposed insulation illustrated likely appropriate subject to detailed specification secured via condition. Additional details regarding ventilation system required.

WCC Highways: Proposed site layout may accommodate three parked vehicles, but any additional spaces would require further reconfiguration.

Public Response:

44 support comments from 43 addresses have been received on the following grounds:

- Sustainable location, walkable and on a bus route (environmental and health benefits)
- Not harmful to neighbour amenity
- Small local businesses should be supported post-pandemic
- Directs cars away from the town centre to reduce pollution
- There will be no adverse impact with regard to parking because there is adequate off street parking proposed on site
- Benefits to the community through the service provided
- It is difficult to park at the existing salon
- Environmental benefits associated with the hairdresser not having to commute
- A mix of residential and commercial should not be discouraged as there is a precedent for this in the town centre
- The government are supportive of working at home
- The number of customers at one time is limited
- The applicant will have a better work/life balance
- Modern sound proofing could mitigate the impact on the neighbours
- The appearance of the dwelling is unaffected.

8 objections have been received on the following grounds:

- Increased traffic movements in a residential close
- Harmful to amenity through noise and disturbance
- The Government is encouraging business back to the town centres in order to support the growth of the high street
- Parking on Piers close is limited and the road has already suffered parking issues
- There is a covenant in the deeds regarding a change of use to business use

- The extension to the drive will contribute to surface flooding and damage to the neighbour's property
- If approved, it would set an undesirable precedent
- Concerns over parking and the implications it will have on the access to neighbour properties.

One neutral comment raising concerns with the lack of site notice displayed.

ASSESSMENT

Principle

A significant number of support comments have been received expressing support for the principle of siting a hairdressers in this location. Commentators consider that the location is sustainable and that small businesses should be supported post-pandemic. Attention is also drawn to the benefits felt by the community from the proposed use being located closer to their homes and within walking distance. It has noted by some members of the public that the Government are encouraging people to work from home.

It is understood that the applicant wishes to reduce their overheads by working from home, however, Policy TC2 of the Local Plan (Directing Retail Development) states that it is important that any retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the vitality and viability of existing town centres through new development. The applicant seeks to locate a retail use within a residential area of Warwick which is outside of the town centre. This would have a harmful impact on the vitality and viability of the town centre by directing a service away from this area and reducing footfall. It would also set an undesirable precedent for similar development if approved, which cumulatively could have a significant negative impact.

Policy TC2 stipulates that for smaller scale retail development, Officers may consider it appropriate to request a Retail Impact Assessment to be submitted. This would demonstrate that there are no sequentially preferable sites within or adjacent to the town centre and consider whether the proposal would impact on town centre viability and vitality. Whilst it is noted that the applicant is seeking to reduce their overheads to render the business more viable, a strong case for a departure from Policy TC2 has not been provided through the submission of a Retail Impact Assessment. Warwick Town Council have also objected on these grounds.

Establishing a town centre use in a residential area diminishes the synergistic relationships which are typical of a town centre retail area. Directing retail uses such as hairdressers away from the town centre is not considered conducive to maintaining the shopping function of the town centres nor supportive of the local economy. The applicant has not demonstrated that smaller, town centre space is not available and thus, it is not considered that the proposed change of use would

promote sustainable patterns of development and would conflict with the aims of Policy TC2.

Whilst the proposed change of use would support a local business, the harm which results from a conflict with Policy TC2 is not outweighed by the personal benefit that would arise for the applicant and their client base. Officers consider that this does not outweigh the harm by virtue of conflict with the Local Plan.

Amenity/Parking Impacts

Warwick District Local Plan Policy BE3 requires all development to have an acceptable impact on the amenity of nearby uses and residents and to provide acceptable standards of amenity for future users and occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, noise, or create visual intrusion.

Supporters of the proposal consider that the scheme would have negligible amenity impacts and highlight that mixed use areas are advocated in town centres where commercial and residential uses are regularly found in close proximity to one another. Objectors to the scheme consider that the noise generated by the commercial activity would result in adverse impacts on neighbour amenity through noise transfer. There is also concern related to disturbance generated by increased comings and goings in quiet residential cul-de-sac.

The proposed development is seeking a change of use from a domestic study to a hairdressing room and visiting clients will be attending the property and therefore the noise and odours generated from hairdressing is likely to exceed that of a typical domestic household. The proposed hairdressing room will be located in a former domestic garage. The proposed floor plans indicate that the hairdressing room will partially share a party wall with a neighbouring residential dwelling. Limited information has been provided to demonstrate how the applicant will prevent adverse noise and odour emissions from the hairdressing room to these neighbouring properties. In particular, there is a potential for noise from hairdressing equipment and odour from hair colour mixing that could have an adverse impact on adjoining residential amenity beyond the normal expectations of a dwellinghouse.

Following the provision of Officer feedback, additional supporting information was provided to illustrate a potential scheme of noise insulation and details regarding odour control. The consultee Environmental Health Officer noted that the outlined scheme for noise insulation holds the potential to address the concern, subject to the provision of a detailed specification that may be secured via condition. However, it was noted that a ventilation system proposed to address odour concern would require an externally located vent in order to emit extracted fumes and odours from the salon. Depending on the location of this vent, a loss of amenity to neighbouring properties could arise e.g. a vent emitting fumes and odours next to a dwelling could impair the reasonable use of their garden or reduce their ability to open a window when the salon is in use. It was also observed that as the property is located in a terrace of houses, there may be difficulties in

achieving sufficient separation distance between the external vent and nearby residential dwellings. On this basis, it was recommended that the details of the proposed ventilation system are obtained before any planning permission is granted. No such details have been received.

Neighbours have also raised concerns with the additional parking demand generated by the commercial use and the impact that this would have on residential amenity. They highlight that parking in Piers Close is limited and that the road already suffers from parking stress. One neighbour has concerns that on-street parking demand derived from the use would inhibit access to their property.

Policy TR3 of the Local Plan does not support development which has the potential to result in on-street car parking detrimental to highway safety. Development will be expected to comply with the parking standards set out in the most recent Parking Supplementary Planning Document.

The existing dwellinghouse comprises four bedrooms and the internal area of the hair salon is ~13sqm. The Parking SPD stipulates that one parking space should be provided to serve the commercial use in addition to the two existing spaces for the residential use. The SPD states that 'generally it is anticipated that this would be off-street'.

To accommodate the additional parking demand generated by the commercial use, the applicant proposes to increase the width of the driveway so that three vehicles can be parked off-street. It has not been made clear in the application how many clients would be present at the hair salon at any one time, although numerous support comments received from existing clients of the business allude to the fact that two would be present simultaneously. Although the supporters of the application state that they would likely walk to the salon due to its proximity to their homes, Officers consider that it is more likely that a customer would drive to the site due to the nature of the service offered.

Objections have been submitted on the grounds that the proposed use would result in parking stress in a street which already suffers due to its proximity to the hospital. The application has not been supplemented by a Parking Survey to demonstrate that there is spare capacity in the street. Piers Close has a narrow carriageway and there are a significant number of dropped kerbs limiting the opportunities for on-street parking. Following the submission of additional parking layout details, the Highway Authority have advised that three off-street spaces may be accommodated within the converted front driveway area of the site, but four spaces would require further revisions to the layout would be required. With these comments in mind, Officers remain of the view it is likely that on-street parking would be more convenient and preferential for customers. In the absence of a Parking Survey, Officers have concerns that any additional demand for on-street parking could be detrimental to the amenity of the neighbours through displacement.

The application is recommended for refusal on the grounds of the above.

Design

Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The proposal has modest implications for the appearance of property and Officers consider that they respect the prevailing character of the area and would meet the requirements of Policy BE1.

Air Quality

Support for the application has raised that the location of the hairdresser at the proposed site would reduce the need to travel to the town centre and would therefore reduce levels of pollution. The application has been supplemented by an Air Mitigation Statement where it states that up to 8 clients will travel to the site each day. It argues that through working from home, the client's commute would be eradicated thus, reducing the business' carbon footprint. To encourage the use of more sustainable modes of transport, an electric vehicle charging point is proposed to be installed on the driveway to allow visiting customers to charge their vehicles. Also of note is the site's proximity to bus stops on the Coventry Road and the train station (0.5 miles away).

Policy TR1 of the Local Plan expects development proposals to incorporate facilities for charging plug-in and other ultra-low emission vehicles where the development proposals include provision for off street parking and is for one or more dwelling. Whilst the proposal is not for a new dwelling, the application would increase vehicular movements and an EVCP is proposed as part of the application. to comply with the requirements of the Air Quality SPD.

Other matters

A neighbour has objected on grounds that increasing the extent of hardstanding on the driveway could increase surface water runoff and flooding. Officers are mindful that extension to driveways are permitted at dwellinghouse where they are either made from a porous material or provision is made to direct surface water so that it drains within the site and not the carriageway. If the application were recommended for approval, to ensure a satisfactory form of development, Officers would secure by condition that this element of the scheme complies with the limitations of the relevant class of Permitted Development (Schedule 2, Part 1, Class F).

Summary/Conclusion

It is recommended that Members refuse planning permission for the proposed change of use on the basis that it would conflict with Policies TC2, TR3 and BE3 of the Local Plan. The scheme is not considered to deliver a sustainable pattern of development due to its location outside of the town centre whereby there would be a negative impact on the vitality and viability of the town centre and, it has not been demonstrated that the increased demand for on-street parking likely to arise

would not adversely impact on the amenity of the neighbours through displacement. It has also not been demonstrated that the proposal will not result in harm to residential amenity by reason of noise and disturbance.

REFUSAL REASONS

- 1 Policy TC2 (Directing Retail Development) of the Warwick District Local Plan 2011-2029 states that it is important that any retail development proposals are directed to town centres in the first instance; an approach that is entirely consistent with Government policy. The primary objective of this policy is to maintain and enhance the vitality and viability of town centres through new retail development and to promote sustainable development.

The applicant seeks to locate a retail use in a dwellinghouse within a residential area of Warwick, which is outside of the town centre. This would have a harmful impact on the vitality and viability of the town centre by directing a service away from this area and reducing footfall. It would also constitute an unsustainable form of development and would also set an undesirable precedent for similar development if approved.

The proposed change of use would conflict with the aims of Policy TC2.

- 2 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

Policy TR3 of the Local Plan does not support development which has the potential to result in on-street car parking detrimental to highway safety. The LPA has also adopted Parking Standards SPD.

In the opinion of the Local Planning Authority, in the absence of Parking Survey, it has not been suitably demonstrated that the proposal would not result in parking which is detrimental to highway safety and residential amenity. The block plan demonstrates that the three parked vehicles would be unable to leave the driveway independently and it is therefore likely that on-street parking would be more convenient and preferential for the clients.

Without a Parking Survey, the LPA are unable to determine whether the increased demand for parking in the street would have an adverse impact on the amenity of the neighbours through displacement and parking stress.

The proposal is thereby considered to be unneighbourly and contrary to the aforementioned policies.

- 3 Policy BE3 of the Warwick District Local Plan 2011-2029 states (inter alia) that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents.

In the opinion of the Local Planning Authority, inadequate information has been submitted to demonstrate the proposed commercial use will not result in harm to the residential amenity of neighbouring occupiers by reason of noise and disturbance.

The proposal is therefore considered to be contrary to the aforementioned policy.
