

ITEM NO: 8

Application No.
17/01076/FUL
Site Address:

Ward:
Crown Wood

Date Registered:
21 November 2017

Target Decision Date:
16 January 2018

3 Kilmington Close Bracknell Berkshire RG12 0GL

Proposal:

Change of use from C3 (Dwellinghouse) to mixed use C3 (Dwellinghouse) and Beauty Salon (sui generis). (Retrospective)

Applicant:

Mrs Robyn Dunlop

Agent:

(There is no agent for this application)

Case Officer:

Sarah Horwood, 01344 352000

development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



1. SUMMARY

1.1 The application seeks full permission for the change of use from C3 (Dwellinghouse) to mixed use C3 (Dwellinghouse) and beauty business (sui-generis use). This is a retrospective application.

1.2 Subject to planning conditions to appropriately control the business use, the proposal is not considered to result in significant adverse impacts to the residential amenities of adjoining occupiers or the character and appearance of the surrounding area. There would be no adverse impacts to highway safety.

RECOMMENDATION

Planning permission be granted subject to the conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 This application has been reported to the Planning Committee at the request of Councillor Dudley due to the use not being appropriate in the area and highway/parking concerns.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Within settlement boundary

3.1 3 Kilmington Close is a two storey dwelling located to the south of the highway within a residential cul-de-sac.

3.2 The surrounding area is residential, characterised by a mix of terraced and detached dwellings and flats.

3.3 The front gardens of dwellings in Kilmington Close are open plan.

4. RELEVANT SITE HISTORY

4.1 There is no relevant planning history relating to this site.

5. PROPOSAL

5.1 Full permission is sought for the change of use from C3 (Dwellinghouse) to mixed use C3 (Dwellinghouse) and Beauty Salon (sui generis).

5.2 The applicant runs a beauty business from the former garage of the dwelling which operates on Mondays, Tuesdays, Wednesdays and Fridays between 09.00 hours and 15.00 hours, and Thursdays 13.00 hours to 19.00 hours, and not at weekends.

5.3 The business operates by appointment only, with one client per appointment. It is advertised on social media and there are no advertisements on the dwelling relating to the business use.

5.4 No other members of staff are employed as part of the business other than the Applicant.

5.5 There are deliveries to the dwelling once every 2 months for wax and specialist waste collection connected to treatments every 2/3 months.

5.6 The business has operated from the site since December 2015.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 Made the following observations: “Ensure that the parking provision complies with BFC parking standards and that there is no loss of amenity to neighbouring properties”.

Other representations

6.2 4no. letters of objection received which raise the following:

- Hours of operation of the business not adhered to with clients in the evenings and weekends
- Highway matters: issues with parking, vehicles blocking driveways of residents, pedestrian safety
- Storage of waste on site connected to the business
- Noise and disturbance from people arriving and leaving the site connected to the business
- Privacy issues

6.3 (Officer comment: obstruction of the highway or blocking residents' access is a matter outside of the remit of the LPA and could be a police matter).

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

Environmental Health Officer

7.2 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 & CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Residential amenity	Saved Policy EN20 of BFBLP	Consistent
Noise	Saved policy EN25 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards

		for residential development, this policy is considered to be consistent.
Highway safety	CS23 of the CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character of area
- iv. Impact on highway safety

i. Principle of development

9.2 SALP Policy CP1 refers to the presumption in favour of sustainable development as outlined within the National Planning Policy Framework (NPPF). SALP Policy CP1 states that the Council will act proactively and positively with applicants to seek solutions which mean that proposals can be approved wherever possible, and to improve the economic, social and environmental conditions within the area. Planning applications that accord with the policies in the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 The site is located in a residential area that is within a defined settlement on the Bracknell Forest Borough Policies Map (2013).

9.4 CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings and locating development in locations that reduce the need to travel. In particular the policy refers to promoting a mix of uses.

9.5 CSDPD Policy CS2 states that development will be permitted within defined settlements and on allocated sites. Development that is consistent with the character, accessibility and provision of infrastructure and services within that settlement will be permitted, unless material considerations indicate otherwise.

9.6 Policy H11 of the BFBLP refers to the retention of housing stock and states:

"Development which would result in any loss of the existing dwelling stock will not be permitted except where:

- (i) a change of use is the only way of ensuring that a building listed as being of special architectural or historic interest could be kept in good order; or
- (ii) the continuation of a residential use would result in adverse local environmental conditions; or
- (iii) community benefits would result which could not be achieved by other means".

9.7 Para 5.76 states "the existing housing stock makes an important contribution to the housing needs and character of the Borough...to make full use of the dwelling stock, the Borough Council will for the most part resist any development, including changes of use, which would result in the

loss of, or prejudice the retention of residential units". This application is for the mixed use of the dwelling for both residential and business use. The business is restricted to the former garage of the dwelling, with no business use taking place within the dwelling; as such there is no loss of an existing residential unit of accommodation in accordance with Policy H11 of the BFBLP.

9.8 The site is located in the defined settlement as designated on the Bracknell Forest Borough Policies Map (2013). As a result the proposed development is considered to be acceptable in principle, subject to no adverse impact on the street scene, amenity of neighbouring occupiers, highway safety, etc. These matters are assessed below.

ii. Impact on residential amenity

9.9 The main impact of the part business use of the dwellinghouse at 3 Kilmington Close in relation to residential amenity of surrounding properties would be any inconvenience and disturbance which results from on-street parking in the vicinity of the site when clients arrive and depart from site. The business use is restricted to the garage of the dwelling and it is not considered that operating a beauty salon would in itself be a noise generating activity.

9.10 The level of activity connected to the business use could be appropriately controlled by planning conditions so as to ensure that no adverse harm results to adjoining dwellings through noise and disturbance. The operational hours of the business could be controlled to those specified by the applicant – Mondays, Tuesdays, Wednesdays and Fridays between 09.00 hours and 15.00 hours, and Thursdays between 13.00 hours and 19.00 hours which would not be considered unreasonable within a residential area. Further conditions are recommended to restrict the business to operate on an appointment basis only, with one client at a time and that any permission granted is made personal to the applicant, with a further condition recommended to ensure that no staff other than the applicant are employed on site in connection with the business. It is considered that such conditions would satisfactorily control the level of activity connected to the business and would be reasonable to protect the residential amenities of neighbouring properties.

9.11 It is acknowledged that the proposed business use would generate some disturbance and inconvenience when clients arrive and depart from the site. However, the following factors are relevant:

- only one client would be on site at any given time or a maximum of two at change-over times;
- clients could park on the public highway (which is not restricted) or park on the application site where there is sufficient space on site to provide an additional parking space which could be enforced by a planning condition;
- the operational hours are not unreasonable.

In light of these factors it is not considered that significant harm would result to surrounding properties as a result of the business.

9.12 The Council's Environmental Health officer confirmed that since the business has been operational (December 2015), one complaint was received in September 2017 – nearly 2 years after the business use had commenced. This was subsequently passed to the Council's Planning Enforcement team for investigation. The Council's Environmental Health Officer recommends that planning conditions are imposed, including restrictions on the operational hours of the business and that any noise associated with treatments is not audible to neighbouring properties to safeguard residential amenities of neighbouring properties.

9.13 It is therefore considered that subject to planning conditions to control the level of activity connected to the part business use of the dwelling, the development would not result in an adverse impact on the amenity of neighbouring occupiers, in accordance with BFBLP 'Saved' Policies EN20 and EN25 and the NPPF.

iii. Impact on character of area

9.14 The use of 3 Kilmington Close for mixed use purposes of dwellinghouse and beauty salon has not resulted in any external changes to the existing dwelling itself. Further, there are no advertisements displayed on the building connected to the business. As such, the use of the dwelling connected to a business use during its operational hours would not detract from the host dwelling or the surrounding area.

9.15 In relation to the proposed business use, subject to planning conditions to control the level of activity, it is not considered that any adverse harm would result to the character of the area.

9.16 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iv. Impact on highway safety

9.17 The property takes access off an adopted residential cul-de-sac which is subject to a 30mph speed limit. Kilmington Close is wide enough to accommodate two-way traffic movements and the low levels of traffic likely to be generated by the beauty salon operating from the dwelling. There are good footway and cycleway links in the surrounding area which could encourage some non-car trips to the salon.

9.18 A parking plan has been provided showing 2no. existing parking spaces on-site which would comply with the Council's Parking Standards SPD for a two bedroom property.

9.19 The Highway Authority has reviewed the 4 objections received by the LPA connected to this application. To address parking/highway concerns raised, it is advised that the applicant provides a customer parking space on site. There is space within the property frontage to provide one additional car parking space (measuring 2.4m by 4.8m to comply with the current standards) across a widened driveway which could be secured via condition. The provision of a widened driveway could also improve pedestrian access to the garage (to address the issue raised by No. 4 Kilmington Close concerning customers walking across their driveway and standing/waiting for appointments). The dropped kerb would need to be extended for access to the new parking and the applicant should be advised (by way of informative) that the dropped kerb will require separate consent of the Highway Authority.

9.20 A planning condition restricting the beauty salon to one customer at a time is likely to minimise parking impacts. Further, a planning condition restricting the hours of operation of the business could assist in addressing parking concerns by avoiding early morning, evening and overnight periods when residential parking demand is generally at its peak.

9.21 The Highway Authority visited Kilmington Close at around 7.45am on the 12th January 2017 and some on-street parking was observed, though this did not unduly affect traffic movements (a refuse vehicle was observed to access and manoeuvre within Kilmington Close).

9.22 The occupants of 41 Kilmington Close, in their objection comment, note, '*people being late for appointments or hurrying for appointments could cause people to drive without due care or attention and cause an accident*'. This comment could apply to anyone using any stretch of road that is late for an appointment including residents of the road that have appointments elsewhere. The beauty salon has been operating from the premises for the past two years (since December 2015), and there have been no recorded accidents along Kilmington Close during this period.

9.23 This beauty salon could generate 10 to 12 two-way trips per day assuming hourly appointments, and while there could be two vehicles at the same time for customer changeover, traffic movements would be low.

9.24 Subject to the imposition of conditions, the proposal is considered to be in accordance with CSDPD Policy CS23, BFBLP 'Saved' Policy M9 and the NPPF.

10. CONCLUSIONS

10.1 The proposal for the mixed use of 3 Kilmington Close as part residential (C3 use), part business use connected to a beauticians (sui-generis use) is not considered to result in significant adverse impacts to the residential amenities of adjoining occupiers or the character and appearance of the surrounding area. Further, there would be no adverse impacts to highway safety. Planning conditions are recommended to appropriately control the business use.

10.2 As such, the proposal is considered to be in accordance with Policies CS1, CS2, CS7 and CS23 of the CSDPD, Saved Policies EN20, EN25 and M9 of the BFBLP and Policy CP1 of the Site Allocations Local Plan, all in accordance with the NPPF.

11. RECOMMENDATION

11.1 That the application be **APPROVED** subject to the following conditions:-

1. The hours of operation of the beauty business shall be restricted to:

Mondays, Tuesdays, Wednesdays and Fridays between 09.00 hours and 15.00 hours, Thursdays between 13.00 hours to 19.00 hours, and not at all on Saturdays, Sundays or public holidays.

REASON: In the interests of residential amenities of the occupiers of the neighbouring dwellings. [Relevant Plans and Policies: BFBLP EN20, EN25]

2. Outside of the operational hours of the beauty business, 3 Kilmington Close shall return to sole C3 (residential) use and shall solely be used for C3 (residential) use at weekends and public holidays.

REASON: To enable the Local Planning Authority to maintain control over the use of the site. [Relevant Plans and Policies: CSDPD CS1]

3. The beauty business hereby permitted shall operate only from the former garage at 3 Kilmington Close and in no other part of the dwelling at 3 Kilmington Close.

REASON: To enable the Local Planning Authority to maintain control over the use of the site. [Relevant Plans and Policies: CSDPD CS1]

4. The beauty business hereby permitted shall operate by an appointment basis only, with only one client connected to the business being on site at any given time.

REASON: To ensure that the development is carried out as approved by the Local Planning Authority

[Relevant Plans and Policies: BFBLP EN20, EN25]

5. The beauty business hereby permitted shall be carried on only by Mrs Robyn Dunlop for the period during which the dwelling is occupied by Mrs Robyn Dunlop.

REASON: To ensure that the development is carried out as approved by the Local Planning Authority

[Relevant Plans and Policies: BFBLP EN20, EN25]

6. No staff other than the applicant, Mrs Robyn Dunlop, shall be employed in connection with the beauty business hereby permitted at 3 Kilmington Close.

REASON: In order to control the intensity of the use in relation to the amount of car parking in the interests of road safety and in the interests of residential amenities of the occupiers of the neighbouring dwellings.

[Relevant Plans and Policies: BFBLP EN20, EN25, M9]

7. The level of noise emitted from equipment used connected to the beauty business hereby permitted (including background music) shall not be audible in neighbouring properties.

REASON: In the interests of residential amenities of the occupiers of neighbouring dwellings.

[Relevant Policies: BFBLP EN20, EN25]

8. Notwithstanding the submitted plans, a scheme demonstrating how a third parking space can be accommodated on the site shall be submitted to and approved in writing by the Local Planning Authority within 3 months of date of the application. The scheme shall include details of the materials to be used. The approved scheme shall be implemented 12 months from the date of this permission.

REASON: In the interests of parking and highway safety.

[Relevant Plans and Policies: BFBLP EN20, EN25, M9]

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Hours of operation
2. C3 use outside of operational hours
3. Business from garage only
4. Appointment basis only, 1 client at a time only
- 5 Personal permission
6. No staff
7. Noise levels

Your attention is drawn to condition 8 which required details and works to be undertaken within a timescale.

3. The Street Care team should be contacted at Time Square, Market Street, Bracknell, RG12 1JD, telephone 01344 352000, to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.