



**PLANNING COMMITTEE:** 28<sup>th</sup> January 2015  
**DIRECTORATE:** Regeneration, Enterprise and Planning  
**DIRECTOR:** Steven Boyes

**N/2014/1309:** Variation of Condition 4 of planning permission N/2013/0242 to extend the opening hours to 09:30 - 17:30 Monday to Friday and 09:00 - 12:00 on Saturday, 22 Woodhill Road

**WARD:** New Duston

**APPLICANT:** Miss Lisa Redley  
**AGENT:** None

**REFERRED BY:** Cllr. Suresh Patel  
**REASON:** Concerns about residential amenities and the impact on local neighbours

**DEPARTURE:** NO

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**APPLICATION FOR DETERMINATION:**

**1. RECOMMENDATION**

1.1 **APPROVAL** subject to the conditions as set out below and for the following reason:

By reason of the small scale and non-intrusive nature of the business, it is considered that the proposed increase in opening hours will not cause significant loss of amenity to neighbouring residents nor impact on highway safety, and is therefore in accordance with Policy B20 of the Northampton Local Plan, Policy S10a of the West Northamptonshire Joint Core Strategy and the aims and objectives of the National Planning Policy Framework.

**2. BACKGROUND AND THE PROPOSAL**

2.1 Planning permission N/2013/0242 was granted in April 2013 for the proposed extension and change of use of the garage at 22 Woodhill Road to a home-based beauty salon. Condition 4 of the planning permission stipulates that the beauty salon shall only operate between the hours of 10:00 to 15:00 Monday to Friday. The permission has since been implemented.

- 2.2 The current application seeks permission to vary Condition 4 to extend the opening hours of the beauty salon to 09:30-17:30 Monday to Friday and 09:00-12:00 noon on Saturday.

### **3. SITE DESCRIPTION**

- 3.1 A semi-detached dwelling located in a residential area. The property has a detached building in the rear garden (formerly a single garage) which has been converted to accommodate a home-based beauty salon business (approval received under planning permission ref. N/2013/0242). The property has hard standing to the front to accommodate off-street parking for three vehicles.

### **4. PLANNING HISTORY**

- 4.1 N/2013/0242 - Extension of garage and conversion to beauty salon – approved.

### **5. PLANNING POLICY**

#### **5.1 Development Plan**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted West Northamptonshire Joint Core Strategy (2014), Northampton Local Plan (1997) saved policies, and emerging Neighbourhood Development Plans where relevant.

#### **5.2 National Policies**

National Planning Policy Framework (NPPF) – paragraph 17 supports sustainable economic development to deliver business and thriving local places that the country needs.

#### **5.3 West Northamptonshire Joint Core Strategy – Adopted December 2015**

The JCS provides an up to date evidence base and considers the current Government requirements for plan making as it has been prepared in full conformity with the NPPF. The JCS has been adopted by the West Northamptonshire Joint Strategic Planning Committee. Following adoption the JCS forms part of the development plan and is consistent with Section 38(6) and therefore carries significant weight when considering planning applications.

**Policy S10a – Sustainable Development Principles:** achieve the highest standards of sustainable design incorporating safety and security considerations and a strong sense of place.

#### **5.4 Northampton Local Plan 1997 (Saved Policies)**

**Policy B20 – working from home:** planning permission will be granted provided that home working is carried out by those who live in the same residential unit; there is no loss of amenity to neighbouring residents; the use reverts to residential once the home working ceases; and there is no loss of a residential unit. If the scale of the business use expands to conflict with the residential character of the area, the Council will pursue enforcement action.

## 5.5 Other Material Considerations

### Pre-submission Duston Neighbourhood Plan (reg. 14)

Duston Parish Council has published a pre-submission Neighbourhood Plan. Some limited weight can be given to the policies of this pre-submission stage plan subject to the extent to which there are unresolved objections and the degree of consistency with the policies in the NPPF. A review of the policy context concluded that the emerging Neighbourhood Plan was unlikely to conflict with the JCS which has been prepared in full conformity with the NPPF.

The following policies are relevant to the determination of this proposal:

**Policy B2:** Making provision for self-employment and working from home (objective 6).

B. Proposals for new houses or residential extensions which provide dedicated space for home working will be supported provided that they do not:

- create noise or nuisance for adjoining residents;
- create local parking or congestion problems;
- conflict with other policies in this Neighbourhood Plan for infill housing and residential extensions or for identified character areas.

## 6. CONSULTATIONS/ REPRESENTATIONS

Comments received are summarised as follows:

- 6.1 **Duston Parish Council** – should full planning permission be granted, the committee would like to see a covenant added that restricts operating hours to those stated on the application and make the consent personal to the applicant.
- 6.2 **Environmental Health** – no record of any complaints received about the current use of the site between 10:00 and 15:00 Monday to Friday. On this basis, officers from this section have no objection to the proposed extension in hours. In order to prevent intensification of the use, it is recommended that any consent remains personal to the applicant.
- 6.3 **Councillor S. Patel** – called in application as concerns about residential amenities and the impact on local neighbours.
- 6.4 **Highway Authority** – no observations.
- 6.5 **Petition** signed by 13 residents at Woodhill Road objecting to the extending of the opening hours.
- 6.6 **20, 24 and 37 Woodhill Road** – objecting for the following reasons:
- Unhappy extended hours will add to traffic/parking congestion, as off street parking is often taken up by their own car(s) and visitors park on the road. Makes pulling out of drive difficult/hazardous.

- Woodhill Road is a quiet residential street with limited through traffic, increased business would increase volume of traffic and congestion.
- Residential street is no place for a full-time business, feel hours should be kept to present level.
- Deeds of property prohibit business being carried out at property.
- Noise disturbance, very intrusive to residential amenity.
- Why can't applicant rent a shop in an appropriate location.

## **7. APPRAISAL**

- 7.1 The original application ref. N/2013/0242 permitted the change of use/alteration to the former garage for use as a beauty salon, with opening hours of 10:00 to 15:00 Monday to Friday.
- 7.2 This application proposes an increase in hours from 25 hours over 5 days, to 43 hours over 6 days (09:30 – 17:30 Monday to Friday and 09:00 – 12:00 Saturday). The main issue to consider is whether the increase in operational hours would have an adverse impact upon residential amenity and highway safety.
- 7.3 The applicant states that the increased hours will offer her clients the option of more flexible and convenient times. As the applicant is the only person operating the busy and she attends to her customer one at a time, it is unlikely that there would be substantial increase in the number of people attending the premises.
- 7.4 Neighbours' objections largely centre around traffic/parking congestion problems, and the associated noise disturbance. It is noted that the Highway Authority has no concerns regarding traffic congestion along this street, and no objection has been received from the Environmental Health Officer to the proposal on the basis that they have not received any complaints of noise disturbance.
- 7.5 In assessing the issue of traffic congestion that may result from the proposal, it is noted that only one vehicle may be arriving at a time at varying intervals throughout the operating time. With three off-street parking spaces available at the site, it is considered that the increased hours would not add substantially to parking congestion along the street.
- 7.6 In assessing the potential for increased noise and disturbance that may result from increased opening hours, this could only potentially arise from customers coming and going in vehicles. Given the essentially quiet nature of the use and the scale of the business with no additional employees, the impact is unlikely to be significant that warrants a refusal of the planning application.
- 7.7 The restrictions in the Deeds on business use are not material planning considerations and therefore cannot be taken into account in the assessment of this application.

## **8. CONCLUSION**

- 8.1 The conditions placed on the earlier permission for this home-based business restrict the use to be operated by the applicant only, with no additional staff to be employed in the beauty salon. These conditions will remain.

No objections have been received from Environmental Health or the Highway Authority in regard to noise disturbance or parking congestion.

- 8.2 The proposed extra hours on Monday to Friday (0.5 hour in the morning and 2.5 hours in the afternoon), and 3 hours on a Saturday morning are not considered to be significant that would severely impact on residential amenity and highway safety, and on this basis the application is recommended for approval.

## **9. CONDITIONS**

- (1) This permission shall enure for the personal benefit of Ms. Lisa Redley for the use of the converted/extended garage as a beauty salon and shall not enure for the benefit of the land. If Ms. Redley ceases to occupy the property, the use of the premises shall revert back to a domestic garage.

Reason: The development proposed would not normally be appropriate in this location but is allowed solely on the personal grounds of the applicant in accordance with Policy B20 of the Northampton Local Plan.

- (2) The use hereby approved shall operate only between the hours of 09:30 – 17:30 Monday to Friday and 09:00 – 12:00 on Saturday.

Reason: In the interest of the protection of residential amenity in accordance with Policy B20 of the Northampton Local Plan.

- (3) No additional staff shall be employed to work in the beauty salon to which this permission relates.

Reason: In the interest of the protection of residential amenity in accordance with Policy B20 of the Northampton Local Plan.

- (4) Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (or any regulations revoking and re-enacting those regulations with or without modification), no notice, sign or advertisement shall be displayed on the land or building without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to maintain a satisfactory external appearance of the development in accordance with the advice contained in the National Planning Policy Framework.

## **10. BACKGROUND PAPERS**

- 10.1 N/2013/0242

## **11. LEGAL IMPLICATIONS**

- 11.1 None

## **12. SUMMARY AND LINKS TO CORPORATE PLAN**

- 12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: Location Plan  
 Date: 8th January 2015  
 Scale: 1:1250  
 Dept: Planning  
 Project: Planning Committee

Title  
**22 Woodhill Road**

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