

UTT/17/3574/FUL – (SAFFRON WALDEN)

(Called in by Councillor Freeman – due to loss of off street parking and retrospective permission)

PROPOSAL: **Section 73A retrospective application for change of use of single storey garage space into sole trader nail bar business. Proposed introduction of a single parking space to the front of the site.**

LOCATION: **97 Goddard way, Saffron Walden**

APPLICANT: **Ms Maria Tran**

AGENT: **Saffron Design and Build**

EXPIRY DATE: **16 March 2018**

CASE OFFICER: **Chris Tyler**

1. NOTATION

1.1 Inside Development Limits.

2. DESCRIPTION OF SITE

2.1 The application site relates to a semi-detached two storey dwelling located within the residential development of Goddard Way in the town of Saffron Walden. The dwelling includes a detached garage to the side of the dwelling; this has been converted into a nail bar business.

3. PROPOSAL

3.1 This Section 73A retrospective planning application is for the change of use of the garage to sole trader nail business. The conversion of the garage includes the removal of the garage door and construction of window and internal alterations. A single off street parking space is proposed to the front of the site.

4. APPLICANT'S CASE

4.1 N/A

5. RELEVANT SITE HISTORY

5.1 There are no planning applications linked to this development.

6. ENVIRONMENTAL IMPACT ASSESSMENT

6.1 The development is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

7. POLICIES

National Policies

- 7.1 National Planning Policy Framework (NPPF)

Uttlesford Local Plan (2005)

- 7.2 Policy S1 – Development limits for the main Urban areas
Policy GEN2 – Design
Policy GEN4 – Good Neighbourliness
Policy GEN8 – Vehicle Parking Standards

Supplementary Planning Documents

- 7.3 Essex County Council Highways – Parking Standards Design and Good Practice 2009

8. PARISH COUNCIL COMMENTS

- 8.1 Objects to the application on the following grounds:

That this application for business use is in the middle of a large, residential area. This business could have a significant impact on the overall residential environment; especially when recognising that whilst this application is for a small business use, once business use is granted the garage could then further be used for any future business which is highly inappropriate in a residential area. The application is therefore contrary to Gen2 Design of the current UDC Local Plan.

That the application would have a detrimental impact on the residents of Goddard Way, the noise and smells from the nail bar are a disturbance to the residents. The application is therefore contrary to Gen4 Good Neighbourliness of the current UDC Local Plan

The introduction of a business use will increase the volume of traffic visiting the premises and this will have a negative impact on the availability of parking for local residents. The application is therefore contrary to Gen8 Vehicle Parking Standards of the current UDC Local Plan

9. CONSULTATIONS

Highways Authority

- 9.1 No comments or recommendations received.

UDC Environmental Health

- 9.2 No comments or recommendations received.

10. REPRESENTATIONS

- 10.1 Neighbouring properties consultation – expiry date 18/1/2018
2 objections received:

- 10.2 Comments include:

The area is residential not for business use
The customer car parking from the business obstructs the road and neighbouring property driveways
There is only 1 parking space
The conversion of the garage was in October 2016
The business is operating on Saturday, not just Monday to Fridays

- 10.3 Following the submission of revised plans, re-consultation.
Neighbouring properties – expiry date 1/3/2018

No comments received, any further representations received will be included in the supplementary representation list and verbally presented to the planning committee.

11. COMMENTS ON REPRESENTATIONS

- 11.1 All relevant material planning issues will be considered in the following report.

12. APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development (ULP Policies S1, GEN2 and the NPPF)
- B Good Neighbourliness (ULP Policy GEN4)
- C Vehicle Parking Standards (ULP Policy GEN8 and ECC parking Standards 2009)

A The principle of the development (ULP Policies S1, GEN2 and the NPPF)

- 12.1 The site is in the development limits of Saffron Walden (ULP Policy S1) where development compatible with the settlements character will be permitted. This planning application is for retrospective planning permission for the change of use of the existing garage to a nail bar business. The works to the garage are not considered in regards to the physical conversion is not considered out of character with the existing domestic scale and appearance of the existing dwelling or surrounding area. There has been no increase in footprint or additions to the garage and as such there will be loss of amenity to neighbouring properties. In terms of location, scale and design it is concluded the development accords with ULP Policies S1 and GEN2

- 12.2 The core principles of the NPPF (paragraph 17) includes supporting economic development to deliver new businesses that should be facilitated within flexible working practices, given the above, it is considered that the development would be acceptable and does not conflict with the NPPF.

B Good Neighbourliness (ULP Policy GEN4)

- 12.3 ULP Policy GEN4 seeks to protect neighbouring properties in regards to smell, dust, noise and other material disturbances. The nail bar will operate an appointment only operation and solely by the proprietor, as such this will result in one person at a time visiting the business. The change of use of the garage to nail bar at this level is not considered to have a material intensification of use that will have any significant harmful impact to neighbouring properties in regards to noise and disturbance. A planning condition will be included in regards to hours of opening; this will help mitigate any potential harm.

- 12.4 The nail bar may result in the potential of smells from the products used, however this is not considered of a significant material change in comparison to the current lawful use of the building. Any smells or fumes created are not considered to have any significant harmful impact to neighbouring properties. Furthermore UDC Environmental Health have been consulted, no objections or recommendations have been made. As such the development accords with ULP Policy GEN4

C Vehicle Parking Standards (ULP Policy GEN8 and ECC parking Standards 2009)

- 12.5 Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards 2009) The Council's maximum parking standards seek to promote sustainable modes of travel to shops, although it is also necessary to ensure that sufficient car parking provision is made to prevent road safety issues associated with on-street parking.
- 12.6 The assessment of such parking for this type of development should be considered case by case. Prior to the conversion of the garage the host dwelling only included 1 off street parking space that was in accordance with Essex County Council Parking Standards (2009). The impact to the neighbouring properties in regard to off street parking has been included in the objection received; as such due consideration should be made. It is considered a single parking space to the front of the site would not be sufficient for the use of the host dwelling and customers of the business
- 12.7 Following negotiations between the applicant and the LPA a revised parking plan has been submitted. The application now includes the introduction of a new parking space to the front of the site; this will be accessed from the existing dropped kerb. A planning condition should be imposed to ensure the implementation and construction of the parking space. As such it is considered the development accords with ULP Policy GEN8.

13. CONCLUSION

- 13.1 In conclusion, the retrospective development is acceptable and complies with all relevant National and Local Planning Policies.

RECOMMENDATION – APPROVAL WITH CONDITIONS

Conditions

- 1 The hours of operation of nail bar hereby permitted and as shown on the approved block plan shall be as following:

09:00 – 17:00 Monday to Friday

The nail bar will not be open at any time on Saturdays, Sundays, Bank or Public Holidays.

REASON: In the interests of the residential amenity of the neighbouring properties, The use of this site outside these hours would be likely to cause nuisance and disturbance to adjacent residents. In accordance with Policies GEN2 and GEN4 of the Uttlesford Local Plan (adopted 2005).

- 2 Within 3 months of the date of this decision, the proposed parking space as demonstrated on drawing- SD-TRAN-COU-03- REVB will be constructed and maintained. The parking spaces will be retained and not changed without written approval from the Local Planning Authority.

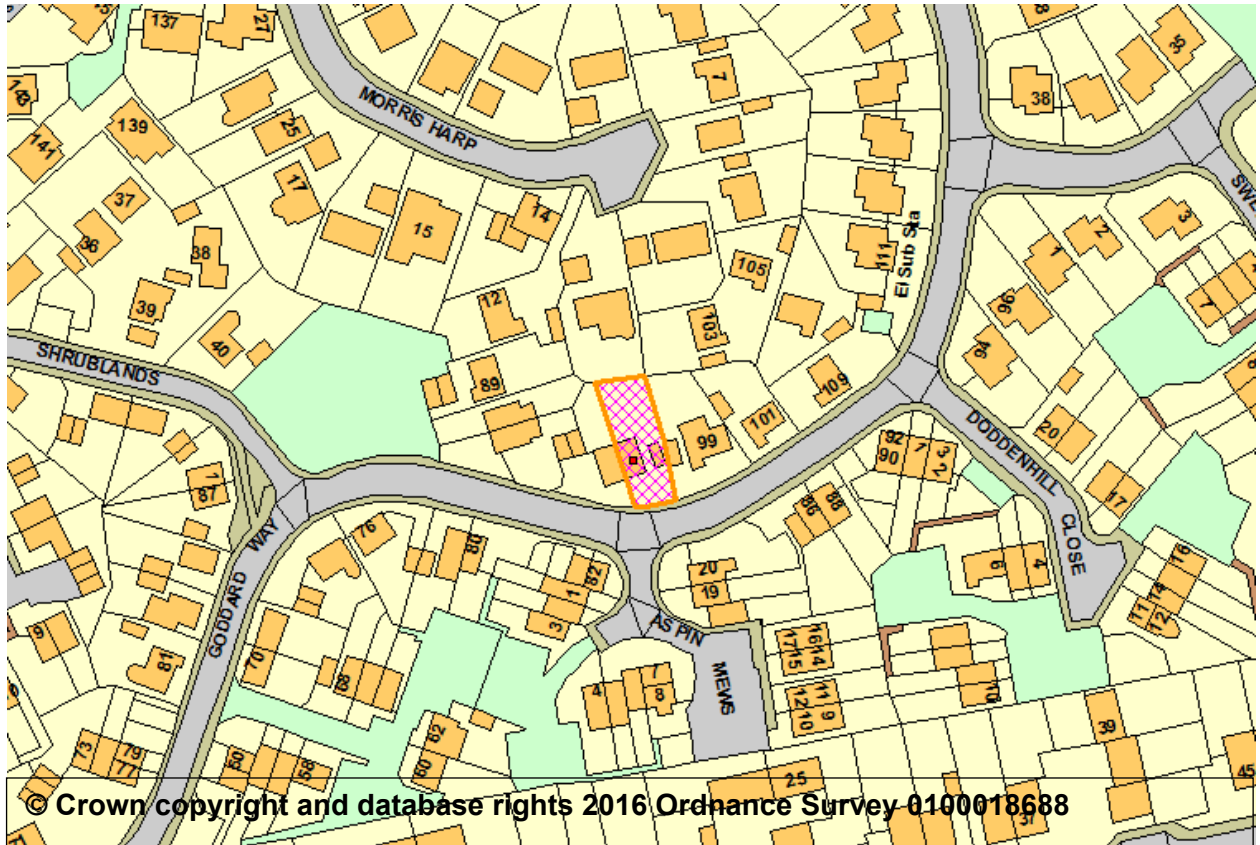
REASON: To enable vehicles calling at the premises to park clear of the highway and to ensure sufficient parking standards and in accordance with ULP Policy GEN8

- 3 A minimum of 1 parking space shown hatched on the approved location plan shall be retained permanently for the accommodation of vehicles in connection with the use hereby permitted. This shall not be changed without written approval from the Local Planning Authority.

REASON: To enable vehicles calling at the premises to park clear of the highway and to ensure sufficient parking standards and in accordance with ULP Policy GEN8.

Application: UTT/17/3574/FUL

Address: 97 Goddard Way, Saffron Walden



Organisation: Uttlesford District Council

Department: Planning

Date: 2 March 2018