## Development Control Committee

16th July 2013

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<th>13/00163/REG3</th>
<th>Change of use from residential to hairdressing, beauty therapy and dog grooming 53A Occupation Road, Corby for Corby Borough Council</th>
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### Background

This application relates to a residential property on Occupation Road in the Lloyds Conservation Area of Corby. The property in question effectively wraps around a ground floor retail unit, with a ground floor entrance and some ground floor accommodation, but with the majority of the accommodation being on the first floor, above the shop.

The ground floor retail unit forms part of a mixed use parade which stretches along Occupation Road and includes shops, takeaways and restaurants.

The application is being brought to Committee as the applicant is Corby Borough Council.

### Description

This application seeks consent for a change of use of the residential unit to hairdressing, beauty therapy and dog grooming. No external alterations to the exterior of the building are proposed other than a replacement door to the rear elevation.

### Site History

- No relevant history at this site.

### Policies & Guidance

- Policies 12 & 13 of the North Northamptonshire Core Spatial Strategy
- ‘Saved’ Policy P9(R) of the Corby Borough Local Plan
- National Planning Policy Framework

### Consultation

- Highway Authority – Ask that the Authority is satisfied regarding parking/servicing and suggests that a parking survey is undertaken to identify the current availability.
- CBC Head of Housing Services – No comments/objections
- CBC Housing Strategy – No issues for Strategy
- CBC Environmental Health – Raise no objections
- CBC Planning Policy – State that the Authority should be satisfied that the sequential test (as outlined in the NPPF) has been satisfied where town centre uses are proposed not in existing centres & not in accordance with an up-to-date development plan. The site is not designated as a local centre in the Local Plan but presumably falls within the range of local shopping centres described in Para 4.4. The 2009 Retail Hierarchy Assessment identified the shop as part of the Local Centre at Occupation Road. The Site is in a Conservation Area & the Management Plan provides design guidance for shops.

### Advertisement/Representations

1. Site Notice – Posted on a column on Occupation Road on 24.05.13
2. Public Notice – Published in the local paper on 30.05.13.
3. Neighbour Notification – Nos 55 & 55A Occupation Road and 121 & 127 West Glebe Road were notified.
4. Summary of Representations – None received.
REPORT

This application seeks consent for a change of use from residential to hairdressing, beauty therapy and dog grooming (sui generis) at 53A Occupation Road in the Lloyds Conservation Area. This section of Occupation Road is part of a neighbourhood shopping area and the unit in question is split between ground and first floor accommodation. Access to the site is along the side of 53 Occupation Road (an existing, but vacant retail unit), and from an entrance door to the rear.

It is proposed that the uses would operate during the following hours:

- Mondays-Fridays – 9am to 7pm
- Saturdays – 9am to 3pm
- Sundays/Bank Holidays – 10am to 3pm

By comparison, the Co-Operative convenience store which is close by operates from 7am to 10pm Monday to Sunday.

In terms of local policy, ‘Saved’ Policy P9(R) of the 1997 Local Plan states that:

“where residential accommodation is located shops or commercial premises, changes of use to non-residential uses will not be permitted”

It is common to have residential properties above shops in locations such as this and Policy P9(R) seeks to preserve this mix of uses. The proposal would therefore be contrary to this policy. More recently, Policy 13 of the 2008 Core Spatial Strategy seeks to ensure that development does:

“not result in an unacceptable impact on the amenities of neighbouring properties or the wider area by reason of noise, vibration, smell, light or other pollution, loss of light or overlooking”

“not have an adverse impact on the highway network and will not prejudice highway safety”

Planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal would be contrary to Policy P9(R) and so it is important to assess whether material considerations would override the policy concern in this particular case.

With regard to the impact upon residential amenity, it is considered that the uses proposed and their operating hours may be acceptable. The hairdressing and beauty therapy elements of the proposal are unlikely to create issues relating to noise. The dog-grooming element, described in the supporting information as the smallest part of the proposal in terms of expected operating hours & numbers could potentially raise noise issues.

CBC Environmental Health, Housing Services & Housing Strategy were all consulted on the proposal and no objections were made. Neighbouring residential and business premises were also notified and no representations were made.

On amenity therefore, it is considered that whilst the application is contrary to Policy P9(R) of the local plan, it would be unreasonable to refuse the application on these grounds.

It would be appropriate however, to impose a condition relating to the trading hours, in the interests of residential amenity. It would also be reasonable to consider a temporary consent in light of the potential for noise arising from the dog grooming element of the proposal.

The application has been made by the Borough Council’s Property department in response to non-planning related circumstances which have resulted in an existing tenant needing to be relocated from a unit on Stephenson Way.

Taking this particular case on its merits, it is important to note that access to this unit is independent of the access to the neighbouring flat. Access to the building is along the side of 53 Occupation Road (the ground floor unit) and via a rear door on the ground floor. This is an important point, as there could be other cases where similar development is proposed,
but where the access arrangements are less favourable, and more likely to be harmful to amenity.

The only physical works to the building would be a replacement of the entrance door, which would not be visible from the street and is considered to be acceptable in terms of the impact upon the Conservation Area.

Planning Policy have made reference to sequential testing for proposed town centre uses not in existing centres & not in accordance with an up-to-date development plan. The proposed use, comprising of hairdressing, beauty therapy and dog grooming would be classed as a “Sui Generis” use, which is not defined as a typical town centre use in national policy. Accordingly there is no requirement for a sequential assessment to be undertaken in this case.

In terms of parking, there is space within the site to accommodate two parking spaces. Outside of the site, parking would take place on the existing on-street parking bays on Occupation Road. With regard to the on-street parking, this comprises of a lay-by and on-street parking to the front of the shop units, but not on the main section of Occupation Road.

The Highway Authority were consulted and have not objected to the application. They have asked that the Authority should be satisfied regarding parking and servicing of the site, and have suggested that a parking survey is undertaken to determine its availability.

The site is part of a neighbourhood shopping area. Given the limited size of the proposed use (59.32 square metres) and in the absence of adopted parking standards, it is considered to be unreasonable to expect the applicant to undertake a survey, because the additional traffic impact is likely to be minimal when compared with a residential flat.

This is the quieter end of the shopping area in parking pressure terms, aided by the fact that the nearby Co-Op store has its own car park on Rutherglen Road. The site is in a sustainable location, adjacent to and walkable from residential properties, as well as being on the X1 bus route.

Conclusion

The proposed use of the building for non-residential purposes is contrary to Policy P9(R) of the 1997 Local Plan. The hairdressing and beauty therapy elements of the proposal are unlikely to create an amenity issue for the neighbouring flat, but the dog grooming could potentially create some amenity issues.

Taking into account the on-site parking, independent access, proposed operating hours and particular circumstances surrounding this case, it is considered reasonable to grant a temporary planning permission for the use. The recommendation therefore is to approve subject to a 2-year temporary permission, and a condition relating to operating hours.

Recommendation:

Approve subject to conditions

1. Planning permission shall be for a limited period expiring on 17th July 2015 at which time the use shall revert to residential unless an extension of the period is granted on application to the Local Planning Authority.

Reason: Permanent use of the upper floor of the shopping parade would run contrary to Local Plan Policy P9(R) and could adversely impact upon residential amenity of the adjoining flat.

2. The hairdressing, beauty therapy and dog grooming uses hereby permitted (sui generis) shall only operate within the following hours:
   - Mondays-Fridays – 9am to 7pm
   - Saturdays – 9am to 3pm
   - Sundays/Bank Holidays – 10am to 3pm
**Reason:** For the avoidance of doubt and to protect residential amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

**Reasons for Approval:**

The proposal to change the use of 53A Occupation Road to hairdressing, beauty therapy and dog grooming (Sui Generis) is considered to represent an acceptable form of development. Although contrary to ‘Saved’ Policy P9(R) of the Local Plan, subject to the conditions attached to this temporary permission, the uses proposed are considered to be reasonable, will not be to the detriment of the Conservation Area, and will be acceptable with regard to residential amenity or to highway safety. The development is therefore in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

**Statement of Applicant Involvement:**

 Discussions took place with the applicant prior to submission of this application. The application raised no significant planning concerns which would have required further involvement of the applicant.

**Officer to Contact:**

Dean Wishart