DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0676/20/FUL
Proposal: Change of use from garage to beauty salon (already completed on site).
Location: Detached Garage adjacent to 1 St Johns Terrace
East Boldon
NE36 0LL
Site Visit Made: 15/10/2020

Relevant policies/SPDs

1 SA5 - Retailing Opportunities
2 DM1 - Management of Development (A, B & G)
3 DM6 - Heritage Assets and Archaeology
4 SPD15 - East Boldon Conservation Area Management Plan - Adopted April 2009

Description of the site and of the proposals

Retrospective planning permission is sought for the proposed change of use of a garage to a beauty salon. Application details state that the change of use and associated works were completed on 16/01/2019. The Council's Business Rates Team has confirmed that business rates have been paid for the beauty salon since 29/12/2018.

Application details illustrate that the beauty salon has two treatment rooms, a reception / waiting area and a store / WC. It employs only one person (a full time employee) and operates 9am until 5pm.

The application site is located within the East Boldon Conservation Area. The East Boldon Conservation Area Character Appraisal (February 2006) states that "*… Station Terrace is a parade of nine Edwardian local shops, some with original shopfront features (and an interesting later bank frontage to No. 1), and others with shop fronts and signs in materials and sized which are not in keeping with the original character of the terrace. Original features appear to survive behind some of the later additions. Several of the parade's first floor bay windows are also original whilst others have been altered or replaced in modern materials and designs*".

It should be noted that application details state that the address of the application site is '*detached garage adjacent to 1 St Johns Terrace*'. According to the Council's Ordnance Survey based mapping system, the application site is in fact adjacent to 1a St John's Terrace. However 1 St John's Terrace, 1a St John's Terrace and the application site are all in the same ownership, and 1 St John's Terrace (a residential unit) is positioned partly above 1a St John's Terrace. On the ground the application site is called 1b St John's Terrace, and is called the same by the Council's Business Rates Team. However it is considered that the application should continue to be determined based on the application site address provided in application details, especially given that the beauty salon is already operating.

Planning History

Planning history would suggest that the application premise was formally part of 1 Station Terrace. Planning history to note is as follows:

- 1985 – Planning permission granted for the change of use of a shop to a shop and café (coffee shop) (Ref: ST/0385/85/DM). At this time a condition was attached to require that the premise does not open for business on any Sunday, Bank Holiday or between the hours of 1800 hours and 0800 hours. A condition was also attached to require that the upper flat above the ground floor use be occupied by the owner of an employee of that business.
- 2002 – Planning permission granted for the change of use of a shop / bakery to an office (Use Class A2) (Ref: ST/00525/02/DM)

- 2018 – Planning permission granted for the change of use of a former bank premises to a shop (Use Class A1), with a single storey extension to the front and side, and the replacement of a front boundary wall with black metal gates and railings on top of a brick wall (Ref: ST/0155/18/FUL).

Publicity / Consultations

Neighbour notification expiry dates 29/10/2020, 02/11/2020 & 13/11/2020
Consultation expiry date 29/10/2020, 02/11/2020 & 13/11/2020

1) Neighbour responses

Owner / occupier of 21 Langdale Way, East Boldon

Concerns that the proposed change of use would increase demands for parking in an area of the village which is mainly residential, and already impacted by the effect of a busy parade of shops on Station Terrace. My estimate is that the salon could easily have three employees working, two clients receiving treatment and two waiting, and so an additional seven parking spaces would be required. This would add an undue pressure on already limited parking in this small area.

Representation with no address provided

Case Officer Comment: Another representation was received via e-mail initially objecting to the application, however no address was provided. A further representation was received from the same e-mail address stating that they now raised no objections, and requested that the previous objection e-mail be disregarded. Given that no address was provided this representation was not formally acknowledged and so is not considered in the assessment below.

2) Other Consultee responses

Traffic and Road Safety Team (the local highway authority)

No objections. The area is typically congested with commuters and consumers throughout the day. Planners to check SPD6 and apply as necessary

Parking Manager

This area has limited parking capacity with the existing number of shops. St. Johns has already expressed concerns about parking capacity, as does the general residential area. Without this extra business identifying their own parking facility, there may be additional parking issues generated.

Environmental Protection

No issues / comments to make in relation to noise and general disturbance, land contamination or flood risk / drainage.

Case Officer Comments: Environmental Protection asked if there has been any negative representations from neighbours, and they were advised that there had not been in relation to noise and disturbances.

Spatial Planning

No comments to make

Waste Collections

No response provided

East Boldon Neighbourhood Forum

The site is close to a well-used shopping centre on Station Terrace. On street car parking in this area is already highly problematic given the proximity of the area to East Boldon metro station. The Council will be aware of the concerns of local residents about this problem. The applicant is not providing any dedicated car parking space, so users of the salon will only exacerbate the problem. The conversion of the garage to a beauty salon has been completed in advance of securing planning application for change of use, thereby presenting the Council with a fait accompli. East Boldon is already very well served with beauty salons and hairdressers.

Assessment

The main issues to consider in the assessment of this application are:

- Acceptability of the proposal in principle;
- Impact of the proposal on the character and appearance of the East Boldon Conservation Area (including impact on visual amenity);
- Impact of the proposal upon neighbouring amenity; and
- Impact of the proposal on highway safety

Acceptability of the proposal in principle

The application site is located within a local neighbourhood shopping centre. Adopted South Tyneside Local Development Framework (LDF) Site Specific Allocations Policy SA5 states that the Council will promote and encourage proposals that broaden the range of shopping facilities, to improve the vitality and viability of the Borough's district and other local neighbourhood shopping centres. The proposal provides an additional commercial unit within the neighbourhood shopping centre, and so it is considered that this would contribute to improving the vitality and viability of this local neighbourhood centre.

Paragraph 86 of the National Planning Policy Framework (NPPF) states local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. The glossary to NPPF states that references to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. A neighbourhood centre is also known as a local centre.

The proposal would be for a main town centre use positioned within an existing local neighbourhood centre. It is therefore considered that it would be acceptable in principle and so it would accord with adopted South Tyneside LDF Site Specific Allocations Policy SA5.

East Boldon Conservation Area and Visual Amenity

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise (with respect to any buildings or other land in a conservation area) of any functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is for a change of use only, with no operational works included as part of this application. It is therefore considered that the proposal would be in keeping with the existing built form. It would convey sensitive consideration to its surroundings and would preserve the character and appearance of this part of the East Boldon Conservation Area. The beauty salon therefore accords with adopted South

Tyneside LDF Development Management Policies DM1 (A) and DM6, and the associated Supplementary Planning Document (SPD) 15 'East Boldon Conservation Area Management Plan'.

Residential Amenity

The nearest residential property is positioned adjacent to the application site at first floor above 1a St John's Terrace. This property is in the same ownership as the application site.

It is considered that the main issues to consider in terms of residential amenity are impact on general noise / disturbance within the immediate vicinity, and noise generated from the application site (internal noise).

The business only opens during daytime hours, in a mixed commercial / residential area where there are other commercial businesses in the immediate vicinity that open late into the evening. The immediate vicinity of the application therefore already experiences some degree of general noise and other disturbances. A beauty salon would not cause noise and disturbances to the same scale as a restaurant or hot food take-away use, and in any case the beauty salon subject of this application only operates during daytime hours. A condition is recommended to control that the beauty salon operates in accordance with the hours stated in the application given that the application site is within a residential street. It is therefore considered that the comings and goings and the resultant general noise / other disturbances generated by the beauty salon are not harmful to the amenities of the occupiers of any neighbouring properties (either commercial or residential).

In terms of noise emissions generated by activities at the application site, the Council's Environmental Protection Officer has raised no objections to a beauty salon of this nature.

Given the nature of the beauty salon including no external alterations, and separation distances, it is considered that it has no unacceptable impacts on the amenities of the occupiers of any neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

It is considered that the beauty salon accords with adopted South Tyneside LDF Development Management Policy DM1 (B).

Highway Safety

The beauty salon does not include any in-curtilage car parking space. Concerns have been raised in relation to parking congestion in this area from the Council's Parking Manager, the East Boldon Neighbourhood Forum, and in a representation from a neighbour (comments are summarised above). The Council's Traffic and Road Safety Team (the local highway authority) has raised no objections to the application, although they have made reference to the area being '*typically congested with commuters and consumers*'.

The Council's Supplementary Planning Document (SPD) 6 'Parking Standards' does not provide specific criteria for a beauty salon. A beauty salon is a sui generis use – it does not fall within a specific planning use class. However it is considered that it is reasonable to compare a beauty salon to a hairdressers, which falls under the shop use class within SPD6. A hairdressers would require a maximum of one vehicle parking space with no requirement for cycle parking provision (based on a building area of 42 square metres).

Whilst the concerns are noted in relation to parking congestion in this area, the application site is within a sustainable location, part of a neighbourhood centre which is well served by public transport (regular bus services run along Station Road and the East Boldon Metro Station positioned under 200 metres to the east). In addition it is considered that a beauty salon of this size most likely serves the immediate neighbourhood, and so customers likely travel on foot. The parking standards stipulated in SPD6 are a maximum, and in any case it is considered that a shortfall of one parking space does not cause

congestion on the highway to the detriment of highway safety. It should also be noted that the business has operated for over a year in this way.

In relation to deliveries, the applicant has confirmed in writing that there are none. Instead, the operator of the beauty salon goes to wholesalers every two weeks for stock.

There is no space within the application site to park a bicycle. However as stated the application site is in a very sustainable location, and in any case there are four cycle stands to the front of the main commercial parade along Station Terrace.

It is considered that the beauty salon is in a sustainable location and has no unacceptable impacts on highway safety. It therefore accords with adopted South Tyneside LDF Core Strategy Policy A1 and the associated SPD6 and adopted South Tyneside LDF Development Management Policy DM1 (G).

Waste

Bins are currently stored along the rear lane within the adopted highway. This is not acceptable. There is no space within the application site to accommodate bin storage. However the applicant also owns 1 and 1a St Johns Terrace. It is also noted that planning permission was recently granted in 2018 to change the use of a former bank to a shop at 1a St Johns Terrace, and on approved drawings bins for the shop are illustrated as being stored on the parcel of land between the application site and the shop. The applicant has stated that bins for the proposal could also be stored on this parcel of land. They have submitted a drawing to illustrate where the bins would be stored.

Although the bin storage area proposed by the applicant would be outside of the application site, it is on land that they control (within the blue line on the site location plan). To ensure that bins are stored in this location (and not within the adopted highway), it is recommended that a condition be attached to any planning permission to require the bins for the beauty salon to be stored on this parcel of land in the position shown on the drawing titled 'Land Owned or Controlled by Mr. Stewart Nunn – Sheet 2' received 12/11/2020. Given that the applicant controls this land, it is considered that such a condition would be necessary, reasonable and enforceable. It would be the applicant's responsibility to make appropriate arrangements for their waste collections.

Other Matters

The East Boldon Neighbourhood Forum has stated that the area is already well served by beauty salons. However the number of beauty salons in the vicinity is not a material planning consideration.

It is recommended that an informative to applicant be attached to any decision notice to remind the applicant that any new signage may require advertisement consent.

Summary

It is considered that the beauty salon is acceptable in principle at this location. It has no unacceptable visual impacts and so preserves the character and appearance of the East Boldon Conservation Area, and it has no unacceptable impacts on residential amenity or highway safety. For the reasons articulated above, subjected to the compliance with the recommended conditions it is considered that the beauty salon complies with development plan policy, and so is an acceptable form of development.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

1 The premises shall not be open for business between the hours of 1700 hours and 0900 hours on any given day.

In the interests of residential amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

2 Within one calendar month from the date of this permission, the area designated for bin storage outlined in red on the drawing titled 'Land owned or controlled by Mr. Stewart Nunn' Sheet 2 received 12/11/2020, shall be been made available for refuse use/storage, and then retained henceforth for its designated purpose. Refuse shall only be placed outside of this area designated for bin storage on days of awaiting collection.

To ensure a satisfactory form of development in the interests of amenity, in accordance with South Tyneside Local Development Framework Policy DM1.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3 NOTE TO APPLICANT

The applicant should be aware that any new signage may require advertisement consent.

Case officer: David Rogerson

Signed: *David Rogerson*

Date: 04/12/2020

Authorised Signatory:
Date: