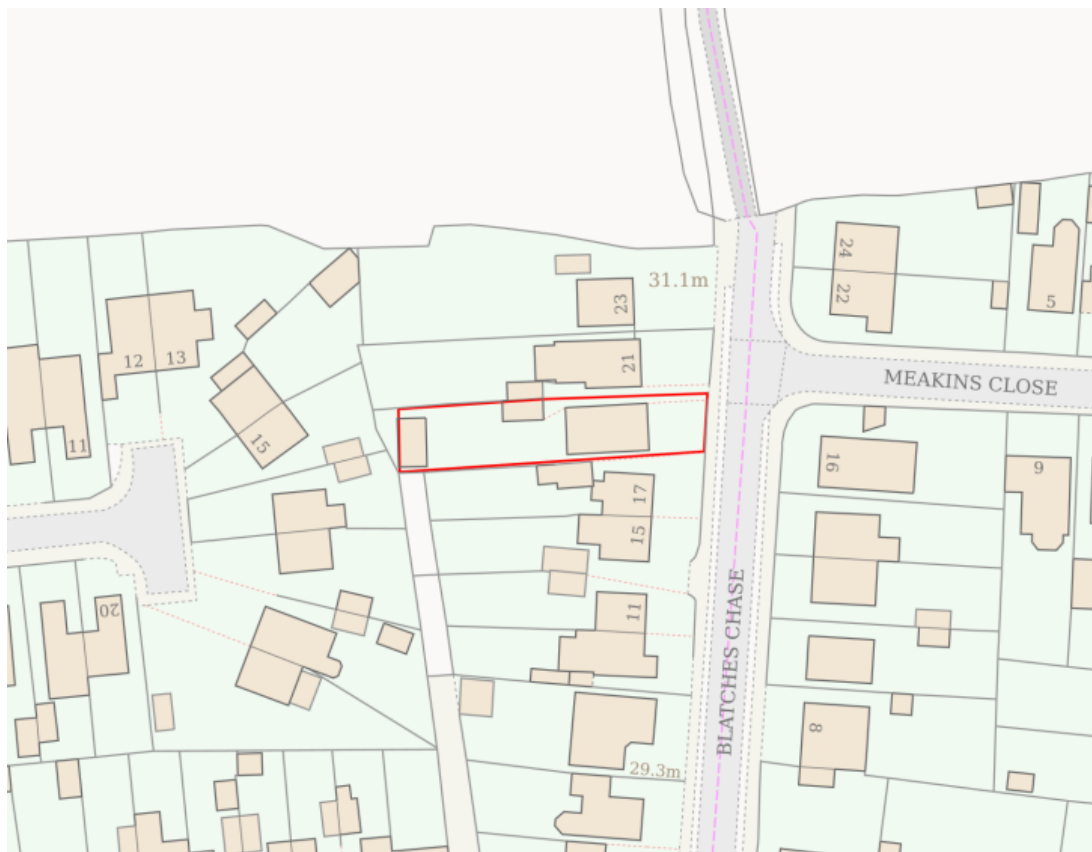


Reference:	24/01866/FUL	
Application Type:	Full Application	
Ward:	Eastwood Park	
Proposal:	Use outbuilding as hair salon (Use Class E) (retrospective)	
Address:	19 Blatches Chase, Eastwood, Essex, SS9 5SY	
Applicant:	D Holder and M Fallan	
Agent:	Mr Matthew Driscoll of MJD Planning Ltd	
Consultation Expiry:	22nd January 2025	
Expiry Date:	31st January 2025	
Case Officer:	James Benn	
Plan Nos:	Location Plan; 192/01; 192/02A	
Additional information:	Planning Statement November 2024 by MJD Planning; Response to Third Party Consultation Responses letter dated 3rd January 2025 by MJD Planning; Email from the agent dated 09.01.2025	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains a two-storey, detached dwelling on the western side of Blatches Chase. To the rear of the dwelling is a patio, swimming pool, detached garage and two outbuildings. One outbuilding is used as a pool room, store and shower room. The second outbuilding, located to the rear of the site was formerly arranged as ancillary space for the main house and is currently being used as a hairdressing salon. The surrounding area is predominantly residential in nature. Scotts Park is to the north of the site. Land levels rise from south to north.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. Scotts Park to the north of the site is designated as Protected Green Space within the Development Management Document's Policies Map.

The Proposal

- 1.3 Retrospective planning permission is sought to change the use of the existing residential detached outbuilding in the rear garden of the dwelling to a hairdressing salon. The outbuilding has a gross internal floor area of some 31.2sqm.
- 1.4 Information submitted with the application states that the salon is visited by up to 7 clients per day and operates Tuesday to Saturday between the hours of 9am to 6pm. The salon is operated by 2 part-time members of staff, the Applicant and one employee. Staff primarily work on a one-to-one basis with customers.
- 1.5 Of the two people working within the building, the employee works 3 days a week and the Applicant works 4 days a week. This is split as follows:
- Tuesdays – Applicant – up to 4 clients a day
 - Wednesday – Employee – up to 3 clients a day
 - Thursday – Applicant and Employee – up to 7 clients a day
 - Friday – Applicant and Employee – up to 7 clients a day
 - Saturday – Applicant – up to 4 clients a day
- 1.6 In total, there are up to 25 clients attending the property over 5 days, averaging 5 clients per day.
- 1.7 Clients are by appointment only and a 15-minute window is provided between appointments. Access is provided through the driveway and the existing side access, with the Applicant able to control clients from using any other route through the dwellinghouse and garden.
- 1.8 The submitted plans show two off-street car parking spaces. The application states clients can either park on the site frontage or on the street. There are no business deliveries. Supplies are purchased by the business owner directly.
- 1.9 Hairdressing treatments are undertaken manually with the only electrical equipment being hairdryers and salon steamer.
- 1.10 Waste will be kept in specific waste bins (clinical, sharps, recycling and general) to ensure any hazardous waste is kept separate from other waste and to protect people from any dangers. Waste collection will be via a private waste contractor for businesses including collection of hazardous waste.
- 1.11 No advertisement signage has been proposed in association with the development. Small signs can be put up under deemed advertisement consent without needing express consent.

- 1.12 The existing outbuilding subject to this application is understood to have been erected before 2011. Works recently undertaken to the building were repair/refurbishment works and internal works only and no need for any separate permission has been identified within the scope of this application's assessment.
- 1.13 Parking at the site was reduced during the course of the application by amended plans which removed a car parking space onto the shared drive and reduced the car parking on the frontage to two spaces. Neighbours were re-notified of this change.

2 Relevant Planning History

- 2.1 The site has historic planning permissions from over 20 years ago, none of which is relevant to this application.

Enforcement:

- 2.2 25/00002/UNAU_B: Use of outbuilding as hair salon. Under investigation.

3 Representation Summary

Public Consultation

- 3.1 Eleven (11) neighbouring properties were notified of the application by letter. Representations have been received from nine (9) interested parties from eight (8) addresses at the time of drafting this report. A second round of neighbour notification ends on 22 January 2025 and any further responses received will be taken into consideration and included in the supplementary report to the committee. Summary of representations:
- Parking and traffic concerns including existing parking stress and issues in the area, the limited parking on site and number of additional vehicles associated with the development.
 - Existing access issues for vehicles, including that the road is narrow.
 - There are parking restrictions on the road.
 - The hairdressing use has already commenced. Customers are parking in the road.
 - The outbuilding does not have planning permission and exceeds the floor area for permitted development.
 - Query whether compliance with building regulations has ever been sought on the outbuilding.
 - No site notice was displayed.
 - Out of character and inappropriate development in a quiet residential area.
 - Residential amenity concerns including noise and disturbance, odour and loss of privacy.
 - Concerns over the comings and goings to the site.
 - There are several discrepancies in the application.
 - The builders finished the works in December 2024.
 - The application states there are no trees at the site when there are many trees.
 - The frontage cannot fit 3 car parking spaces.
 - Concerns over the parking impacting access to neighbouring properties.
 - No indication on the plans where surface water is going.
 - The application states there is no 'Trade effluent' but chemicals used by hairdressers are trade and hazardous waste and should not be put in domestic waste.
 - Hair clippings are defined under environmental and waste acts and regulations.
 - The proposed hair salon would be a change of use.
 - The application states there would be no tradeable floor area, but hair salons sell hair

products.

- Concerns over the proximity of the use to neighbouring dwellings.

[Officer comment: The outbuilding was erected over 10 years ago and would be immune from any enforcement action. Amended plans were submitted which removed a car parking space onto the shared drive and reduced the car parking on the frontage to two spaces. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the specific circumstances of this case.]

Highways

- 3.2 No objections. 2 off-street parking spaces is acceptable. Unrestricted on-street parking is also available within the surrounding area. It not considered that the application will have a detrimental impact on the free flow of traffic within the local area.

Environmental Health

- 3.3 No objections, subject to a noise protection condition and informatives.

Essex County Fire & Rescue Service

- 3.4 No objections.

4 Procedural matters

- 4.1 This application is presented to the Planning Committee because it has been called in by Cllr Collins.

5 Planning Policy and Legislation Summary

- 5.1 The National Planning Policy Framework (NPPF) (2024)
- 5.2 Planning Practice Guidance (PPG) (2024)
- 5.3 National Design Guide (NDG) (2021)
- 5.4 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).
- 5.5 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).
- 5.6 The Southend-on-Sea Design and Townscape Guide (2009)
- 5.7 Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Town and Country Planning Act 1990 (as amended): Section 90A, Schedule 7A (Biodiversity Net Gain)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development,

the design and impact on the character and appearance of the area, the residential amenity impacts, traffic and parking implications, waste arrangements, Biodiversity Net Gain (BNG) and CIL liability.

7 Appraisal

Principle of Development

- 7.1 Paragraph 124 of the NPPF states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”
- 7.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design and respecting the character and scale of the existing neighbourhood.
- 7.3 Policy DM11(4) of the Development Management Document states that: “Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies.”
- 7.4 The immediately surrounding area is residential in character. The Applicant has stated that the sole means of access would be via the existing side access thereby enabling the applicant to control client access from using any route through the dwellinghouse and its rear garden.
- 7.5 The Applicant has specified that operating hours are from Tuesday to Friday between the hours of 9am to 6pm. The Applicant has stated that the salon is visited by a maximum of 7 clients per day and 25 per week (over 5 days) and has 2 part-time members of staff (including the Applicant) who primarily work on a one-to-one basis with customers.
- 7.6 Balancing the considerations, the scope of the operation is relatively limited and at the level and nature proposed could be accommodated within the residential context without significant impact on the amenity of surrounding uses and residential neighbours. This is as a result of the relatively modest internal floor area of the proposed salon (some 31.2sqm) which in practise restricts the number of clients being dealt with at any one time, the limited number of staff and clients proposed and the operating hours which are normal business hours and not in the evenings or Sundays. The comings and goings of clientele would not create uncharacteristic traffic in the area including because it would not be dissimilar from normal patterns of traffic associated with domestic movement and /or e-commerce.
- 7.7 Subject to other material planning considerations discussed below and the scope for planning conditions, the proposed commercial activity with regard to the details submitted is not considered to create types and levels of activity that would be significantly harmful to amenity or uncharacteristic of a residential area. The principle of the development, in the specific circumstances of this case, and in the round, is therefore acceptable.

Design and Impact on the Character of the Area

- 7.8 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.9 Local development plan policies seek to ensure that new development is designed so that

it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Council's Design and Townscape Guide provide further details on how this can be achieved.

- 7.10 The scope of the business operation is relatively limited, and at the level and nature described within the submission, is not considered to be significantly harmful to the residential character of the site and surrounding area. The outbuilding is existing, and the only works carried out to the outbuilding have been repair/refurbishment works and internal works. Having regard to these matters, the design, size, siting and scale of the development are such that it does not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely.
- 7.11 The development is acceptable and policy compliant in the above regards.

Amenity Impacts

- 7.12 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 7.13 The outbuilding is existing so the development does not significantly harm the amenity of the surrounding neighbours having regard to loss of light/outlook, undue sense of visual enclosure, dominance or overbearing impacts.
- 7.14 The sole means of access would be via the existing side access thereby enabling the applicant to control client access from using any route through the dwellinghouse and its rear garden. Having regard to existing boundary treatments, the existing residential side access arrangements and the access arrangements for clients, the development does not result in any undue overlooking or loss of privacy to neighbouring occupiers. A condition is recommended to link the commercial use of the outbuilding with the occupation of the main dwelling. The control of the operation is recommended to remain with the occupier of the main dwelling so that the use does not result in any unacceptable impact to the residential amenity of future occupiers of the host dwelling.
- 7.15 The proposed hair salon use would result in comings and goings to the site within the vicinity of neighbouring dwellings. Given the scale of the operation proposed, limited to Tuesday to Saturday between 9am and 6pm with a maximum 7 clients per day and 25 per week by appointment only, these comings and goings of clientele would be similar to normal patterns of traffic associated with domestic movement and/or e-commerce and would not create uncharacteristic traffic nor undue noise and disturbance. Taking this into account, it is not considered that the proposal would be significantly harmful to neighbouring occupiers in terms of undue noise and disturbance from the comings and goings of clientele. A condition is recommended for the operational hours to reflect the operation hours referred to above to protect the amenities of neighbouring occupiers on Sundays and in the evenings.
- 7.16 The application states treatments are undertaken manually with the only electrical equipment being hairdryers and salon steamer. There can be some noise associated with hair dressing salons, mainly from the use of hair dryers and radios etc. A noise protection condition is therefore recommended limiting noise levels from powered machinery, equipment, music and voices and requiring the doors and windows to be closed during

operation to protect the amenity of neighbouring occupiers. Subject to such a condition, the Council's Environmental Health Officer has not objected to the development.

- 7.17 Overall, it is considered that the scale of the operation would be limited and that the nature, design, size, siting and scale of the development are such that it does not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. Subject to the described conditions, the development is considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues

- 7.18 Paragraph 116 of the NPPF states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe."
- 7.19 Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 of the Development Management Document states that development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner. Maximum parking standards are set out in relation to the proposed uses.
- 7.20 Two off-street car parking spaces are shown on the frontage and the application states that parking for clients is available either on the frontage or on-street. There is ample unrestricted on-street parking available within the surrounding area for clients. The surrounding area is a quiet residential area, and it is not known to be an area which suffers from significant parking stress. The Council's Highways Team have not objected to the development. It is not considered that the development results in a detrimental impact on the free flow of traffic within the local area.
- 7.21 The development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

Waste

- 7.22 The Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments provides guidance on waste management for non-residential development.
- 7.23 The hairdressing salon use has the potential to produce hazardous waste including chemical and sharp waste. The application states that waste associated with the development is kept in specific waste bins (clinical, sharps, recycling and general) to ensure any hazardous waste is kept separate from other waste and to protect people from any dangers. Waste collection is via a private waste contractor for businesses including the collection of hazardous waste. The Applicant has signed up to a "salon go green" scheme for which all their waste will be recycled appropriately and not mixed in with any regular waste. The submitted waste storage scheme and facilities can be secured by condition.
- 7.24 Subject to the described condition, the development is acceptable in these regards.

Biodiversity Net Gain (BNG)

- 7.25 The development does not impact a priority habitat and impacts less than 25sqm of onsite habitat and 5m of linear habitats such as hedgerows. The development would therefore be subject to the BNG de minimis exemption and is exempt from BNG requirements.

Community Infrastructure Levy (CIL)

- 7.26 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) as it would not create a new dwelling or over 100sqm of new floorspace.

Equality and Diversity Issues

- 7.27 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equality Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 7.28 Having taken all material planning considerations into account, it is found that subject to compliance with the recommended conditions, the proposed development would be acceptable and compliant with the relevant planning policies and guidance. The principle of the development, in the specific circumstances of this case, is acceptable. The proposed development would have an acceptable impact on the character and appearance of the site, the streetscene and the surrounding area. The proposal would also have an acceptable impact on the amenity of neighbouring occupiers, subject to conditions. There would be no significantly harmful traffic, parking or highways impacts caused by the proposed development. Subject to condition, the development is acceptable in terms of waste storage and disposal. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

8 Recommendation

GRANT PLANNING PERMISSION subject to the following conditions:

- 01 The development shall only be undertaken and operated in accordance with the following approved plans: Location Plan; 192/01; 192/02A.**

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

- 02 Notwithstanding the details shown on the documents submitted and otherwise hereby approved, with reference to British Standard 7445:2003, the noise rating level arising from powered machinery, equipment and activities associated with the use hereby approved (including amplified music and human voices) shall be at least 10dB(A) below the background noise level as measured at 1m from the facades of the nearest neighbouring noise sensitive premises.**

Reason: In order to protect the amenities of occupiers of the development and surrounding residents in accordance with Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 03** The use hereby approved shall be restricted to the outbuilding as shown in approved plan no 192/01 and it shall only be operated as a hairdressing salon by the occupiers of 19 Blatches Chase and shall not be operated for any other purpose except for other such purposes which are incidental to the residential use of the dwelling known as 19 Blatches Chase. The permitted use shall be operated only inside the outbuilding with the doors and windows closed during operation and in no other part of 19 Blatches Chase including its external garden area.

Reason: To ensure the development is implemented and operated in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the use specified so that operation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2024), Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

- 04** The hairdressing salon use hereby approved shall not be operated outside the following hours: 9am to 6pm, Tuesday to Saturdays and it shall not operate at any other times including at any time on Sundays or Public and Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policy KP2 and CP4, and Development Management Document (2015) Policy DM1.

- 05** No more than two (2) employees at any one time shall work at the application site (an occupier of 19 Blatches Chase and one other employee) and no more than three (3) clients at any one time shall be allowed to be treated and/or wait to be treated at the application site and no more than seven (7) client appointments shall be held on any one day.

Reason: To protect residential amenity and general environmental quality in accordance with the National Planning Policy Framework (2024), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1.

- 06** Within two (2) months of the date of this grant of planning permission, the waste storage scheme and facilities shall be implemented and made available for use at the site in accordance with the details within the submitted documents 'Response to Third Party Consultation Responses letter dated 3rd January 2025 by MJD Planning' and the email from the agent dated 09.01.2025 or alternative details which shall have previously been submitted to and approved in writing by the Local Planning Authority pursuant to this condition. If the waste storage scheme and facilities are not implemented and/or made available for use in full accordance with the details approved under this condition within two (2) months of the date of this grant of planning permission the use of the outbuilding as a hairdressing salon shall cease and revert to ancillary residential use only until such time as they are. The waste storage scheme and facilities shall be permanently maintained thereafter for the lifetime of the development.

Reason: To ensure that satisfactory waste facilities are provided at the site in the interest of sustainability and amenity in accordance with the National

Planning Policy Framework (2024), Core Strategy (2007) Policy KP2, Policies DM1 and DM8 of the Development Management Document (2015) and the advice in the Southend-on-Sea Design and Townscape Guide (2009) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019)

POSITIVE AND PROACTIVE STATEMENT:

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.

INFORMATIVES:

- 1** You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.

The applicant is also reminded that this permission is separate to the need to comply with Food Safety and Health & Safety at Work laws. These will include the Food Safety Act 1990 (as amended), the Food Hygiene (England) Regulations 2013, Regulation (EC) 852/2004 and the Health and Safety at Work Etc. Act 1974. Applicants should contact the Council's Regulatory Services Officer for Food and Health and Safety for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City Council, Civic Centre, Victoria Avenue, Southend SS2 6ER.