

Title of Report:	Planning Committee Report – LA01/2023/0147/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th October 2023
For Decision or For Information	For Decision – Referral Item Referred by Cllr McAuley
To be discussed In Committee YES/NO	NO

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.
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Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

No: LA01/2023/0147F **Ward:** WATERSIDE

App Type: Full Planning

Address: 22 Greenhall Manor, Coleraine, BT51 3GN

Proposal: Change of use of the space within a 21m2 Garage to a 15m2 Beauty Salon, leaving 6m2 remaining as Garage space.

Con Area: No **Valid Date:** 15.02.2023

Listed Building Grade: N/A

Agent: Cain Hunt, HNT Architectural Design, 19 Greenmount Drive, Coleraine, BT51 3QE

Applicant: Wesley Ferris, 22 Greenhall Manor, Coleraine, BT51 3GN

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- Full planning permission is sought for the Change of use of the space within a 21m² Garage to a 15m² Beauty Salon, leaving 6m² remaining as Garage space.
- The site is located within the Coleraine Settlement Development Limit as designated within the Northern Area Plan 2016.
- The proposed hours of operation are:
Monday and Tuesday – Closed,
Wednesday - 12:00 - 16:30,
Thursday - 12:00 - 16:30,
Friday - 12:00 - 16:30,
Saturday - 12:00 - 16:30
Sunday – Closed.
- The proposal is a main town centre use. Planning policy requires main town centre uses to be located within a town centre with the application of a sequential test for out of centre locations. Out of centre locations are within 300 metres of the town centre boundary.
- The proposal seeks to retain the usage of a domestic garage as a business. The extent of operations is not considered to justify homeworking and the proposal does not have support under the SPPS Town Centres and Retailing planning policies to be operating in this location.
- Approval of the proposal will set a negative precedent for this form of development.
- DFI Roads have recommended refusal. Environmental Health and NI Water have raised no objection.
- The proposal does not meet Departmental Parking Standards.
- The proposal is considered to be contrary to the provisions of the Northern Area Plan 2016, SPPS and PPS 3.
- The application is recommended for refusal.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk/>

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a semi-detached residential property with front lawn and stone driveway to the side. The access to the rear is via the side of the property which is secured by a front facing fence. To the rear of the dwelling is a garden with garage that fronts onto the driveway and adjoins aforementioned fencing. Access to the garage is possible via the side facing into the rear garden. The rear garden is landscaped with stones like the driveway and has areas for sitting out. The garage is single storey.
- 2.2 The property is located in a cul-de-sac with dropped kerbs and limited on street car parking. The surrounding properties are semi-detached properties and the area is primarily residential in character.
- 2.3 The site is located within the Coleraine Settlement Development Limit as designated within the Northern Area Plan 2016. There are no designations on the site.

RELEVANT HISTORY

C/1998/0206/F – OFF GREENHALL HIGHWAY COLERAINE -
Erection of 44 no detached and semi-detached 2-storey and chalet dwellings (Change of house types) – Permission Granted - 21st May 1998

3 THE APPLICATION

- 3.1 The proposal relates to the part conversion of a domestic garage to a beauty salon with remaining space utilised for garage space.

- 3.2 The proposal is located in the garage to the northern side of a residential property at No. 22 Greenhall Manor, Coleraine.
- 3.3 The proposal is retrospective with the garage converted to provide manicures. The agent has advised that:
- The business operates on an appointment based system, therefore only one client is on site at any given time, and subsequently only one client car is on site at any given time.
 - The business operator allows an interim of 15 mins between the end and beginning of appointments to ensure no crossover.
 - The business operating hours are as follows: Monday 10-5 Tuesday 10-5 Wednesday 10-9 Thursday 10-5 Friday 10-3 Saturday 10-3
 - The average customers are currently 2-3 per day.
 - At any given time there is a maximum 3 cars at the house, 1 household car 1 beauticians car and 1 clients car. However the household car is normally away through the week with the home owner at their place of work. I've measured the driveway at 19 metres long which could comfortably hold 3 cars and if needed 4 without breaching the curb line onto the road.
- 3.4 The hours were later amended to:
- Monday – Closed, Tuesday – Closed, Wednesday - 12:00 - 16:30, Thursday - 12:00 - 16:30, Friday - 12:00 - 16:30, Saturday - 12:00 - 16:30 and Sunday – Closed.

4 PUBLICITY & CONSULTATIONS

5.1 External:

No neighbours notified.

No objections received.

5.2 Internal:

DFI Roads: Objections

Environmental Health: No objections.

NI Water: No objections

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal is located within the rural area just outside the Portrush Development Limit.

The main considerations in the determination of this application relate to: principle of development and parking.

Principle of Development

- 8.2 The principle of development must be considered having regard to the SPPS, PPS and other policy documents before mentioned.
- 8.3 The proposal was not applied for as homeworking. However, given the operations of the proposal within a domestic setting it is considered appropriate to consider the proposal against the homeworking criteria located under Annex A of Planning Policy Statement 4.
- 8.4 Annex A outlines that Homeworking does not necessarily require planning permission.
- 8.5 Permission is not normally required where the use of part of a dwellinghouse for business purposes does not change the overall character of the property's use as a single dwelling, for example, the use by a householder of a room as an office or the provision of a childminding service.
- 8.6 Homeworking is likely to be ancillary to the residential use if:
- work is carried out primarily by persons living in the residential unit;
 - the business use is clearly secondary to the main use of the property as a dwelling house;
 - the use is carried out totally within the building;
 - there will be no loss of amenity for neighbouring residents, for example, from noise, advertising, impact on visual amenity or traffic generation; and
 - the use is not one which by its nature would attract more than occasional visitors.
- 8.7 Where the business activity increases and the non-residential use of the property ceases to be ancillary to its use as a single dwelling, a material change of use for which planning permission is required is likely to have taken place. The likelihood of there having been such a material change of use may be indicated where the following have occurred:
- a significant alteration to the appearance of the dwelling;
 - a significant increase in the volume of visitors or traffic;
 - a significant increase in noise, fumes or smell;
 - the installation of special machinery or equipment not normally found in a dwelling; and

- the laying out of rooms in such a way that they could not easily revert to residential use at the end of the working day.

8.8 The consideration of what is significant should be made in context of the existing use.

8.9 Planning appeal reference 2021/A0211 was granted for the use of a building as a salon for the making and fitting of wigs (homeworking). The following salient points are taken from this permission:

As homeworking, the permission restricts the operation of the salon. Particularly to the making and fitting of wigs and no other purpose, the operations on Monday and Tuesday only between the hours of 2pm and 6pm, a restriction on the total number of clients to 3 in any permitted day.

8.10 Each application is considered on its own merits and the salon considered under 2021/A2011 is not considered to be directly comparable to that under consideration given the particulars of the site, its history and the operations of the salon. However, the appeal gives an indication of the level of activity which is considered to constitute homeworking.

8.11 Recent enforcement appeal reference 2022/E0012 establishes that ancillary buildings are acceptable for usage in homeworking. This appeal related to the use of a building for retail. The decision outlines that this building was used for an online sales business, storage for dresses and photograph displays and occasional evening appointments and also located within the building was a sensory room for a child's use and home office.

8.12 In relation to occasional visitors it was noted under this appeal that space was available for four cars on the front driveway and that the appellant advised of two visitors per week are necessary to accommodate trying on stock. This was accepted as not attracting more than occasional visitors. It is noted that conditions applied requires that retail sales from the building to be online only.

8.13 This application is retrospective. The property comprises a semi-detached property located within a cul-de-sac. The property has a driveway to the side beyond which is a fence restricting access to the rear garden where the garage is located. There is signage for the premises on this fence but views of the proposal are quite restricted on the street.

- 8.14 There are no public views or alterations to the garage which would give any indication of a business operating there. There are no visual amenity concerns.
- 8.15 The business is being carried out within the garage. However, planning appeals have provided clarity on the interpretation of this section of Annex A. No objection is sustained on the operation within an outbuilding. The work is being carried out by an occupier of the premises and the machinery or equipment for a nail technician is not considered to be atypical for a dwelling.
- 8.16 Environmental Health have advised they have no adverse comment to the proposal. There would not be a significant alteration to the appearance of the dwelling or in the generation of noise, fumes or smell. The nature of the operation is not one that would give rise to any amenity concerns.
- 8.17 Appeal 2021/A0211 restricted the number of clients to 3 on any permitted day with two days of operation for four hours each.
- 8.18 The agent advises average customers is 2-3 day but this could be greater than this. The hours of operation proposed include four days of operation for 4 and half hours each day.
- 8.19 The number of days of operation does not suggest only occasional visitors and the continuous use for the business over four days is considered to be too intensive to be considered as homeworking.
- 8.20 The business use is not considered to be clearly secondary to the main use of the property as a dwelling house given the ongoing operations 4 days of the week.
- 8.21 A reduction in the number of days and increase in the hours would increase the footfall in a single day which would also not suggest homeworking given the intensity of use in a single day.
- 8.22 The layout of the garage has been formalised as having separate storage space and then space for the operation of the salon. The use of the garage for domestic storage is not achievable in the salon portion in the long term and it cannot be used for car parking. The layout could not be easily reverted to residential use at the end of the working day.
- 8.23 The volume of visitors and traffic generated would be more than that typical for a residential use with the domestic use combined with visitors for 4.5 hours over 4 days.

- 8.24 Given the intensiveness of the use and that the garage cannot be reverted to domestic usage at the end of the day the beauty salon is not considered to be homeworking.
- 8.25 As the proposal does not relate to homeworking, a change of use has occurred with the garage existing as a separate use class to the dwellinghouse.
- 8.26 Use Class A2 relates to the provision of services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.
- 8.27 The proposed salon is considered to be a professional service under Use Class A2.
- 8.28 Paragraph 6.271 of the SPPS outlines the regional strategic objectives for town centres and retailing are to secure a town centre first approach for the location of future retailing and other main town centre uses.
- 8.29 Main town centre uses are defined as cultural and community facilities, retail, leisure, entertainment and businesses.
- 8.30 The proposal relates to a beauty salon which is a business.
- 8.31 Paragraph 6.273 outlines that planning authorities must adopt a town centre first approach for retail and main town centre uses. A sequential test is required to be applied for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.
- 8.32 Paragraph 6.281 of the SPPS requires applications for main town centre uses to be considered in an order of preference from primary retail core to out of centre locations.
- 8.33 Out of centre locations are only where sites are accessible by a choice of good public transport nodes. Out of centre locations are considered to be within 300 metres of the town centre boundary.
- 8.34 Coleraine town centre currently has a 19.9% vacancy rate with 129 units vacant.
- 8.35 The proposal is retrospective and is located beyond out of centre locations. The size of the premises has been highlighted in the application description with the amount of garage space remaining. The size and scale of the unit is not considered to justify this use in

this location. No need or exceptional reasons for the for the proposal to be operating in this location have been demonstrated.

8.356 The proposal is considered to be contrary to the requirements of paragraph 6.271 and 6.273 of the SPPS. The principle of development is not acceptable.

Parking

8.37 The agent has advised that one client car is noted to be on site at any one time with 15 minutes for preparation for the next appointment. The driveway is outlined to be able to accommodate 3 car parking spaces.

8.38 DFI Roads were consulted on the proposal and advised that:

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of vehicles which would be attracted to the site.

Note to Planners: - the Doc 01 submitted and published 28th April 2023 has been carefully considered but Dfl Roads still regard this commercial undertaking as unacceptable for the reason listed above.

8.39 It is considered that the driveway could hold the number of cars indicated by the agent. The driveway is 17 metres long and with space standards of 4.8 metres by 2.4 metres it is possible to fit 3 vehicles on the driveway.

8.40 The approved house type for No. 22 Greenhall Manor under C/1998/0206/F is Site 11, and type D. The approved plans for House Type D indicate it to be a 4 bedroom semi-detached property. The driveway has space for 3 cars and departmental standards for 4 bedroom semi-detached properties indicates the requirement for 3.5 spaces in-curtilage for the unit.

8.41 The beauty salon use has its own parking requirement. As an A2 use, it requires 1 operational space and 1 non-operational space. This is for visitors and deliveries.

8.42 Given that the occupier runs the salon and the nature and scale of the use, it is considered that realistically only one space is required for operations.

- 8.43 There is a total parking requirement of 4.5 spaces which cannot be provided in-curtilage and clear of the highway as highlighted by DFI Roads.
- 8.44 The driveway arrangement is not considered to be adequate as there is no turning within the site to allow cars to pass and there is potential for cars to be blocked in by those attending an appointment. The cul-de-sac comprises primarily dropped kerbs and given the layout of the cul-de-sac and the positioning of the driveways there is limited on-street car parking in the cul-de-sac.
- 8.45 There is space on the Greenhall Manor estate access road but parking should be in-curtilage for a business use.
- 8.46 Refusal is considered to be sustained under Policy AMP 7 of PPS 3.

Habitats Regulation Assessment

- 8.47 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

- 9.1 The proposal seeks to retain the usage of a domestic garage as a business. The extent of operations is not considered to justify homeworking and the proposal does not have support under the SPPS Town Centres and Retailing policies to be operating in this location. The proposal is considered to be contrary to the Northern Area Plan, SPPS and PPS 3 and is recommended for refusal.

10 REASONS FOR REFUSAL

1. The proposal is contrary to paragraph 6.271, 6.273 and 6.282 of the Strategic Planning Policy Statement for Northern Ireland in that the proposal relates to a main town centre use, is located outside the town centre and no need for the proposal in this location has been justified.

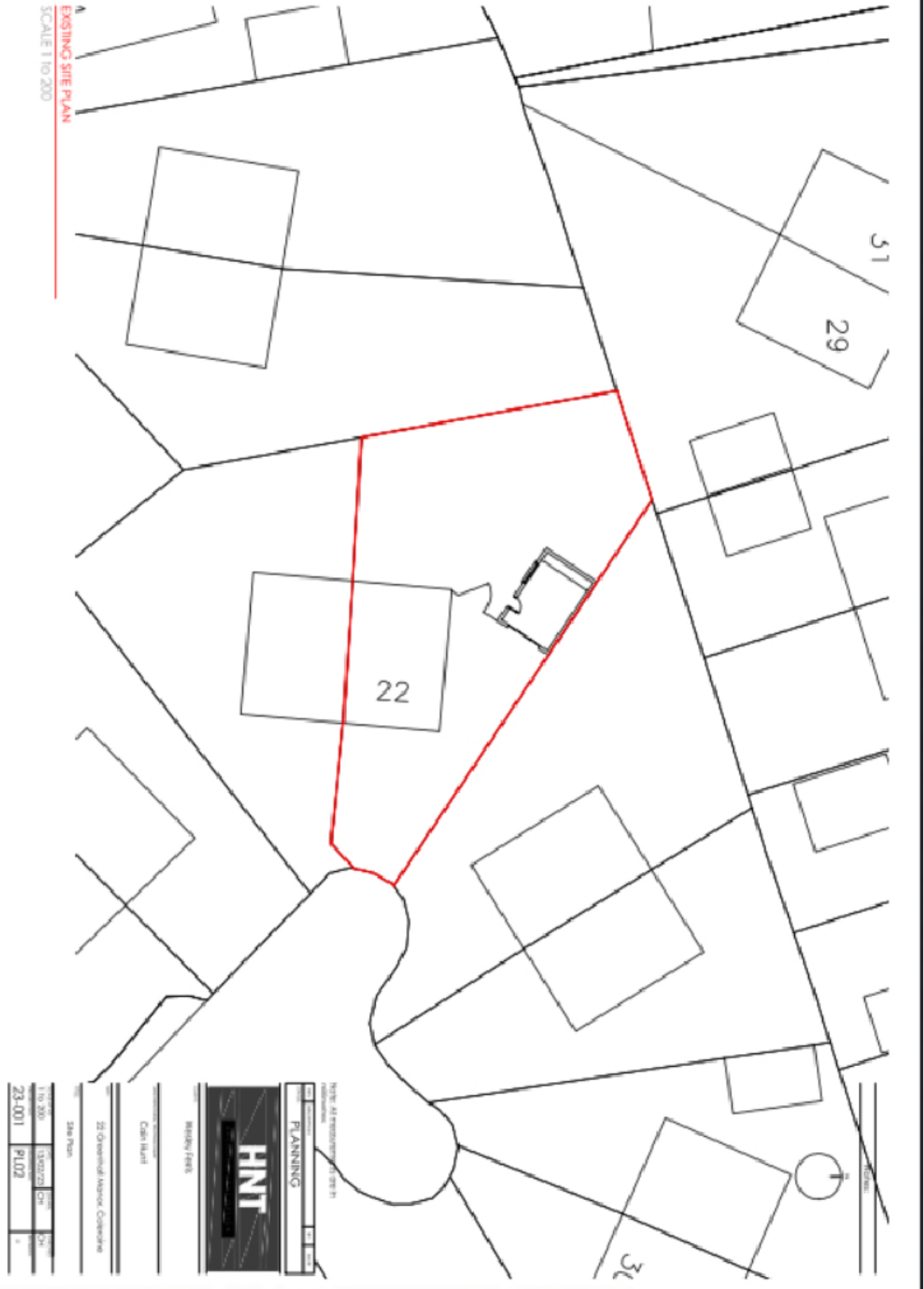
2. The proposal is contrary to Policy AMP 7 of Planning Policy Statement 3, Access, Movement and Parking in that it would, if permitted, prejudice the safety and convenience of road users since adequate provision cannot be made clear of the highway for the parking of vehicles which would be attracted to the site.

Site Location Plan:



LOCATION MAP
1:1250

Site Plan



From: John McAuley < >

Sent: Friday, September 22, 2023 9:15 AM

To: Planning <Planning@causewaycoastandglens.gov.uk>

Subject: RE: 22 Greenhall Manor, Coleraine - LA01/2023/0147/F

Good Morning

I wish to request that application below be called in for consideration by the Planning Committee for the reasons stated

22 Greenhall Manor, Coleraine - LA01/2023/0147/F

- It is understandable that it would be in the councils best interests that business would return to Coleraine town centre. That being said, it is hardly feasible for a small fledgling business that works on an appointment based system, to immediately accommodate a high rent/high rates property. Some leeway must be given in order to allow business's to grow and form a reliable customer base in order to produce to income required to occupy a town centre space. Should this not be allowed it only acts as a deterrent to potential business owners.

- During the planning process, after the application had been refused, the applicant was advised by the planners to change the business's operating hours down from full time to a reduced amount. While an approval is never guaranteed, the application was again refused, why would we be asked to reduce the operating hours if it wasn't going to make a difference.

- It should also be noted that DFI Roads, stated their concern about on road parking and disruption to neighbouring properties almost immediately upon submission of the application and refused to remove their stance even when provided with information that would ensure, the business would NEVER have cause for parking on the road, due to the operating procedures, working hours and the fact the drive way can comfortably fit 3 large vehicles. Yet DFI Roads refused to amend their stance.

- It should also be noted that while this process has taken far longer than is needed for such a simple request, it was even suggested that the request be modified in order to accommodate a 'temporary change of use' but that was not accepted as an option.

Should this application to be denied, the young business owner will most likely have to cease operations thus, the policy created to bring business back to the town centre will in fact be the reason one doesn't.

Kind Regards

John McAuley

Mob:

Sent from Samsung Mobile on O2
Sent from [Outlook for Android](#)