

Item Number: 13
Application No: 19/00727/FUL
Parish: Swinton Parish Council
Appn. Type: Full Application
Applicant: Mr Neil Payler
Proposal: Change of use and alterations of domestic garage to beauty treatment room to include the installation of timber double glazed window and door following the removal of garage door
Location: Court Cottage Middle Street Swinton Malton North Yorkshire YO17 6SR
Registration Date: 28 June 2019
8/13 Wk Expiry Date: 23 August 2019
Overall Expiry Date: 3 September 2019
Case Officer: Laura Eddey **Ext:** 43328

CONSULTATIONS:

**Swinton Parish Council
Environmental Health Officer
Swinton Parish Council
Highways North Yorkshire**

The Local Highway Authority recommends that the following Conditions

Neighbour responses: Miss Michele Pataillot,

1.0 SITE:

- 1.1 The application site relates to a change of use from a domestic garage to a beauty treatment room in the curtilage of Court Cottage, Swinton. Court Cottage is located on Middle Street, Swinton, which is a single-track, residential road.
- 1.2 The site is currently a sizable domestic garage that has been converted from a stone barn. Within the curtilage is a residential dwelling that is currently occupied by the Applicant's mother. There is parking for two cars. The Applicant owns the neighbouring property to the north, Manor Court, and it is within the blue line.

2.0 PROPOSAL:

- 2.1 The proposal seeks approval for the part change of use and alterations of domestic garage to beauty treatment room to include the installation of timber double glazed window and door following the removal of garage door and replacing with matchboard and a timber access door and double glazed window with a hardwood sill and frame. The current garage has been converted from a stone barn that has some historic significance to Swinton and the historic setting of the village. Less than a quarter of the garage is proposed to be used.
- 2.2 Services will be provided 10 am - 6 pm weekdays and 9 am - 4 pm on Saturday, serving one client at a time. Services would be manicures, pedicures, waxing, brow and lash treatments and facial treatments.

3.0 HISTORY:

- 3.1 3/132/89/FA - Change of use, alteration and extension of cow house to form two dwellings and erection of 2 garages (units 1 and 2) at Manor Farm Middle Street Swinton. 28.11.1996. Approved.

4.0 POLICY:

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirms that the determination of any planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises:

The Ryedale Local Plan Strategy (2013)

The Policies Map (2019)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

(The latter component is not considered as part of the determination of this proposal)

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP7 Town Centres and Retailing

Policy SP16 Design

Policy SP20 Generic Development Management Issues

Material Considerations:

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

5.0 CONSULTATIONS:

- 5.1 Environmental Health had no objection to the application, but requested further information on the nature of treatment, including confirmation that no body-modification treatments were taking place (such as piercings/tattoos/Botox). The client confirmed no body modification services were to be offered. It is not thought that any additional ventilation would be needed for the types of treatments offered.
- 5.2 North Yorkshire Highways objected to the proposal originally, confirming that the parking provisions as submitted were inadequate, and were not enough to support a business and a residential dwelling. New plans were provided to show more parking availability at the Applicant's neighbouring, adjoining residence, and NYCC Highways accepted the changes with conditions.
- 5.3 Swinton Parish Council confirmed no objection subject to adequate parking provisions.
- 5.4 An objection has been received from the neighbouring property at The Three Gables, Middle Street Swinton regarding the change of use:
- 1) Access to the proposed business via Middle Street. Middle Street is a very narrow street with no parking and no passing places, and the business may increase traffic.
 - 2) Parking at both the premises and in Swinton in general.
 - 3) The occupation of the adjoining cottage by the Applicant's mother who is unwell, currently not residing at the property, and may not return. This would complicate parking availability for any future occupants of Court Cottage.

The Applicant was notified of the parking concerns raised by NYCC officers and the neighbour and provided revised plans to show overflow parking at the neighbouring property.

Their response is awaited, although the consultation period expires on the 3 September which is the day after the agenda is published, and any response will be sent as a late paper or verbally reported.

6.0 APPRAISAL:

- 6.1 This application is before Members due to the objections generated.
The main considerations to be taken into account are:

- i) Principle of the change of use
- ii) Appearance of the proposal
- iii) Parking provision and amenity considerations

i) Principle of the Change of Use

- 6.2 As a Service Village, Swinton is identified as an area for small-scale growth to address employment, housing and community requirements. The site is within the development limits of Swinton and would provide a business to the village, without the loss of a dwelling. The development of a beauty salon is a type of use which could be reasonably expected to be in a town centre, but given the proposed level of use (sole worker with no concurrent clients), the level of activity would not be of a scale which was seen as a draw, and therefore undermine the Town Centre of Malton. It may reduce car journeys by having a local service. As such it is considered that a proposal of this very modest scale would not undermine the approach of Policy SP7 (Town Centres and Retailing) which seeks to focus commercial uses in the Town Centres.
- 6.3 Environmental Health are satisfied that with the scope of the treatments on offer, there is no issues raised concerning ventilation, so no further modifications would be required to the building.
- 6.4 Policy SP7 (Town Centres and Retailing) requires “an appropriate level of car parking” for businesses. This is discussed within the section on parking provision. In principle however here are considered to be no objections to this application as proposed.

ii) Appearance of the Proposal

- 6.5 The proposed external alterations to the garage door represent changes which will not unduly domesticate the character of the property, given that it was formally a barn conversion scheme, and the garage has minimal openings. The converted barns, whilst not listed, nor in a Conservation Area are attractive, traditional buildings. It is not considered that these alterations to the garage door impact the historic fabric of the barn nor impact on the general street scene of Swinton in accordance with Policy SP12, Heritage and Policy SP16, Design. The existing opening is to be used, with the subdivision of the existing void, using timber and a casement window. Policy SP16 states that proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: reinforce local distinctiveness; and protect amenity and promote well-being.

iii) Parking Provision and Amenity Considerations

- 6.6 Middle Street is a quiet, single-track minor road that runs diagonally from West Street at the southern end and meets East Street at the northern end. There is no available public parking and no available passing places. Around the rest of Swinton there is little available on-street parking due to the narrow roads. The establishment of a business could increase traffic to this quiet street. While not unsociable hours, the opening hours proposed (10 am - 6 pm weekdays and 9 am - 4 pm on Saturday) would see clients coming and going throughout the day along the narrow Middle Street, which could result increased traffic and access issues for other residents. However, the Applicant has stated only one client would be present at the premises at a time.
- 6.7 The proposed change of use would increase the number of visits to the property. There is limited parking at Court Cottage, however, the Applicant owns and controls the neighbouring property at Manor Court (within the blue line), which would provide overflow parking for

clients. Concerns were noted during the site visit and from the Local Highway Authority concerning the availability of parking at the premises. The current site has sufficient parking for a domestic dwelling, but not for another use which brings car borne clients. North Yorkshire Highways noted that the plans were not to scale, but assessed that there would only be two potential parking spaces. The Applicant resubmitted accurate plans that included overflow client parking at the neighbouring property, Manor Court, and how the clients will access the property from them. The Local Highway Authority revised their position, no longer objecting to the application subject to a condition on the parking provision. The number of visitors generated would be naturally restricted by the size of the unit, and as only one client would be seen at a time, but it is considered that this should be conditioned to ensure that this can be controlled.

- 6.8 It is considered that on scale of the operation proposed, concerning the limited type of treatments, the reasonable hours of operation, the low numbers of clientele and the availability of additional parking that this proposal would not materially undermine residential amenity for neighbouring residents, nor unduly increase levels of traffic through the village. However, it is considered that a condition would be required to ensure satisfactory control of these aspects of operation to prevent over-intensification of the site, and protect residential amenity, and to ensure that domestic parking provision for Manor Court is also preserved. This would ensure compliance with Policy SP7 as referred to above, and also Policy SP20, Generic Development Management Issues concerning traffic generation, access and parking.

Conclusion

- 6.10 The plans clarification has provided an acceptable level of parking for this modest enterprise. It is considered that the proposed use of the garage will not undermine the policy requirements of Policy SP7, concerning Town Centre uses, subject to a condition which controls the level of the use to avoid over-intensification of the site.

RECOMMENDATION: Approval subject to the following conditions

- 1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004
- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: 2118/01 August 2019 Site Layout.

Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 The Local Highway Authority recommends that the following Conditions are attached to any permission granted:

HC-15 PARKING SPACES TO REMAIN AVAILABLE FOR VEHICLE PARKING (RESIDENTIAL)

Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing number 2118/01 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with policy # and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.