

AGENDA ITEM NO: 9/4(b)

Parish:	North Wootton	
Proposal:	Change of use from domestic converted garage to tattoo studio.	
Location:	24 Ford Avenue North Wootton King's Lynn Norfolk PE30 3QS	
Applicant:	Mr D Wells	
Case No:	23/02202/CU (Full Application)	
Case Officer:	Jonathan Doe	Date for Determination: 29 January 2024 Extension of Time Expiry Date: 8 March 2024

Reason for Referral to Planning Committee – Call in by Councillor Ring.

Neighbourhood Plan: No

Case Summary

The site is a four-bedroom detached house on the southern side of Ford Avenue. The arm of Ford Avenue on which the property is set is a cul-de-sac.

Planning permission is sought for a change of part of the house to a tattoo studio.

The site is located within the development boundary of North Wootton. North Wootton is covered under the part of the SADMPP dealing with King's Lynn and Surrounding Areas. Paragraph E.5.3 of the SADMPP states that North Wootton is classified as a settlement adjacent to King's Lynn rather than a Key Rural Service Centre.

Key Issues

Principle of Development
Neighbour Amenity
Highway safety
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is a four-bedroom detached house in a residential area within the Parish of North Wootton. The residential area is to the east of Priory Lane and south of Ling Common Road.

The application essentially relates to a part of the house, which was a single integral garage, but which has been converted to part of the accommodation of the house. A physical change has been made to the exterior of the house in that a garage door has been changed to a wall with a window. However, this recent change to the house is considered acceptable in terms of its appearance. The property has an area between the house and the highway available for parking and this would be used by visitors to the proposed tattoo studio. A parking plan has been provided.

The setting of the site is a wholly residential area which appears to date from the 1970s. No other house in a commercial use is apparent in the streetscene.

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SUPPORTING CASE

Details regarding the operation of the proposed use were sufficient to validate the application though additional information has been provided in the course of considering the application. The agent provided a letter to the Parish Council with a copy to the case officer. The letter provides the following information:

"The applicant currently works as a commercial floor layer but has recently developed a lung condition which has impacted his health and is unable to continue in this line of work due to the solvents used and energy levels required. He has therefore decided to concentrate on the tattoo skills he has for the family income, hence the need for the home studio.

The tattoo studio will be a low key part time operation with clients visiting between 2-4 times per week with sessions lasting 2-3hours due to the concentration levels needed. The days of operation was stated as Monday to Saturday to allow for the flexibility to accommodate clients and their schedules. Clients will be on an appointment basis only with only one client at a time to provide the privacy required. There will be no overlap of clients as there is a 1hour separation between appointments to allow for cleaning down surfaces and equipment. In addition, a considerable amount of time is required preparing artwork and designs for clients which is done when there are no clients in the studio."

A plan has been submitted showing how the front drive can accommodate 6 parking spaces which is more than sufficient for the dwelling (4 bedrooms) and a client.

Additional information submitted by the agent is as follows:

- The property is a family home.
- The studio area is only suitable for one chair and therefore no room for expansion.
- There will be no external signs or advertising.
- Customers will be by appointment only – no walk in customers.
- Initial consultations are conducted remotely until there is a commitment from a customer to proceed at which time the location will be provided.
- The applicant wants the property appearance to remain as a domestic property and the business to be discreet.
- The internal conversion of the room included additional insulation to external walls to improve acoustics with acoustic insulation included above the ceiling.

- Available working hours to be 9am to 7pm Monday to Saturday – no Sundays. The studio will not be in operation all of this time but these hours are required to accommodate flexibility with clients.
- Applicant is prepared to enter into an agreement to cease the permission if the property is sold.

PLANNING HISTORY No relevant planning history.

RESPONSE TO CONSULTATION

Parish Council: At its meeting on 4th January 2024, the Parish Council agreed to **SUPPORT** this application.

Highways Authority:

There is said to be 4 parking spaces on the site and on-street parking.

Therefore, on balance, we believe that it would be difficult to substantiate a highway objection to that submitted on highway safety grounds.

Environmental Health & Housing – Environmental Quality: The applicant should be aware that he will need to apply for a practitioner and premises registration; and that the premises will need to be inspected by an officer, before he begins trading. His premises will need to meet the requirements of the byelaws, before any registration certificate can be issued.

We have **NO OBJECTION** regarding contaminated land.

REPRESENTATIONS Twelve **OBJECTIONS** received and **twenty-eight SUPPORT**, these are summarised below –

Objections –

- Additional traffic would be a highway hazard.
- Lack of detail within application
- Business operation in the evenings or at weekends would be unacceptable.
- Any conditions to planning permission would be unenforceable.
- Concerns regarding signage, noise and other disturbance from visitors arriving and departing.
- Total strangers would frequent the street.
- As a lounge window is directly opposite would impact on privacy
- Would impact on sale value of our property.
- Commercial premises in a residential cul-de-sac would be detrimental to the amenity of a residential street.
- Available vacant commercial premises in an area zoned for this type of activity should be used.
- Could lead to more on-street parking.
- Use would be more in keeping with a High Street environment.
- The proposal is for the conversion of a garage to a tattoo studio.

Supports –

- As a supporter of small businesses going by the book who make the correct applications and requests, it would seem unreasonable to deny permission to run a small business from home.
- The presence of a high-quality, private tattoo studio would contribute to the cultural and artistic enrichment of the neighbourhood.
- *Do not see that the scenarios proposed in pre-emptive concerns about the location of the studio will come to fruition
- *Would be no more disruptive than the property receiving visitors for social purposes
- *Hope that the community can come to embrace the prospect of having an independent artistic business endeavour in the area as a point of pride
- *The tattoo gun itself is quieter than your everyday usage of a Hoover.
- *Many small business owners such as nail technicians and hair salons are based at their homes
- *Numerous politicians state that we should support local business; this business should be given a chance
- *A tattoo studio is terminology for one person doing one tattoo at a time
- *Strangers go into an area when a delivery driver visits, this proposal would involve a very similar situation
- *Applicant is partially deaf so loud music would prevent focus on his work
- *Points made by those seeking to prevent the approval are based heavily on assumption

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS08 - Sustainable Development

CS10 - The Economy

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM10 – Retail Development

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Impact on neighbour amenity
- Highway safety
- Other Material Considerations

Principle of Development:

Policy CS01 of the Core Strategy sets out development priorities for the borough, one of which is to encourage economic growth, and sets out an approach of a settlement hierarchy. The site is within the Development Boundary of North Wootton. G.66 of the SADMPP refers to the section of the Plan concerned with King's Lynn and surrounding area with E.5 being the subject of North Wootton. The text of E.5 gives an overview of strategic policy for North Wootton, referring to its close proximity to King's Lynn.

Policy CS02 expands on the settlement hierarchy approach introduced by Policy CS01. Policy CS02 allocates North Wootton as a settlement adjacent to King's Lynn and the main towns. This allocation is one near the top of the hierarchy. Part of Policy CS02 states that for settlements adjacent to King's Lynn, development will take place where it can demonstrate a positive impact on the main town and which will assist in enhancing the provision of services and employment. Policy DM10 of the SADMPP extends the approach set out in Policy CS02, stating that new retail uses will be expected to be located in defined town centres. However, a tattoo studio is a sui generis use, not a retail use, and these strategic policies to protect the attractiveness and viability of existing town centres are not appropriate to the scale of development proposed in the current application.

Likewise, Policy CS10 is also of somewhat limited relevance to the proposal given the limited scale of employment creation it involves though the thrust of Policy CS10 is to encourage employment and this proposal would do so albeit by that of a single person. Policy DM10 expands on Policy CS10 but is also concerned with major retail centres. The use is not a retail use and it is considered that the scale of the proposal is such that, even cumulatively, it would not undermine the attractiveness or viability of town centres.

Policy DM1 of the SADMPP confirms that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy DM2 states that development will be permitted within the development boundaries of settlements shown on the Policies Map provided it is in accordance with the other policies in the Local Plan.

Paragraph 85 of the NPPF states that planning decisions should help create conditions in which businesses can invest.

In conclusion with regard to the principle of development, the site is within a Development Boundary and would provide a minimal degree of employment generation. In broad principle there is some support in terms of strategic policy for the proposal.

Impact on Neighbour Amenity:

An integral garage has been changed to accommodation of the house and it is proposed to use this part of the house as a tattoo studio. In terms of a change to the appearance of the

exterior of the house, a garage door has been replaced by a domestic scaled window set in cladding. It is considered that this element has a good appearance.

Policies CS08 and DM15 refer to how development must protect and enhance the amenity of the wider environment. Proposals will be assessed against their impact on neighbouring uses and their occupants. Proposals will be assessed against a number of factors. Overlooking, noise and visual impact are some of these factors which are considered relevant in this case.

Visitors to the tattoo studio would arrive via the public highway and accordingly have any sight of neighbouring properties from the public realm. There is no reason to suppose that the proposal would have any overlooking.

Visitors would arrive at the tattoo studio by a prior appointment which would limit activity associated with the proposed use. A parking area off the highway would be available to visitors with the house being relatively easy to find and distinguish. It is considered that visitors would arrive at the property, park and enter the tattoo studio easily and therefore in a manner which would not lead to disturbance to neighbours.

The operation of the tattoo studio would be contained within the built form of part of the detached house. The external walls of the house would contain any noise generated by the operation of the tattoo studio. The house is detached and so no noise would be transmitted to a neighbour through a shared wall. There is a passageway between the position of the tattoo studio and a neighbouring house. The proposal is considered acceptable with regard to noise.

Subject to a condition addressing advertisements, there would be no impact to visual amenity since the proposed use would operate indoors.

The proposal is considered acceptable with regard to the future amenity of neighbours and accordingly is acceptable with regard to Policy DM15.

Highway Safety:

Policy DM15 states that development proposals should demonstrate that safe access can be provided and that adequate parking facilities are available. Policy DM17 states that for developments other than dwellings car parking provision will be negotiated having regard to the current standards published by Norfolk County Council.

Norfolk County Council, the local highway authority, was consulted on the application and no objection was raised.

The property has an existing vehicular access which would be unchanged. The area between the house and the highway consists of landscaping and an extensive area of gravel available for parking. It is considered that existing parking provision is sufficient for this four-bedroom house together with a visitor at any one time to the property. However, to ensure that this remains the case it is considered that a condition to ensure that there is only one client to the tattoo studio at a time is reasonable and necessary.

The proposal is considered acceptable with regard to parking and highway safety and accordingly is acceptable with regard to Policy DM17.

Other Material Considerations:

Crime and Disorder:

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

Paragraph 96 of the NPPF states that planning decisions should aim to achieve safe places and how the fear of crime should not undermine the quality of life. Having examined the details of the application, subject to appropriate conditions there is no reason to consider that the operation of the proposed use would be materially discernible.

CONCLUSION:

Whilst the proposed use is an unusual one for a residential area since such uses have traditionally been found in commercial centres, the proposal represents a trend for working from home for self-employed people made possible by the internet advertising a business and providing contact between potential client and business. The proposal represents how the economy is evolving and would provide a means of employment. Given the very limited scale and the containment of the business almost within a family home, it is considered on balance that, approval of planning permission for the use proposed, subject to the conditions set out below, would be reasonable, considering the policies set out above, and the consultation responses received.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

1070/23-DW Site location plan
1070/23-01 Existing and proposed plans
Parking layout plan received 15th January 2024
Statement to North Wootton Parish Council dated 3rd January 2024
Statement attached to email of 2nd February 2024 to case officer.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The use hereby permitted shall be carried on only by Mr Daniel Wells. The tattoo studio hereby approved shall be incidental to the use of the main dwelling and shall not be occupied at any time as a separate and un-associated unit of accommodation. The tattoo studio hereby approved shall be used as such by the occupants of the dwelling.

- 3 Reason To provide for the specific personal needs advanced by the applicant and to ensure that the development remains compatible with Policy DM15 of the Site Allocations and Development Management Policies Plan and the provisions of the NPPF.
- 4 Condition The tattoo studio shall not be open for business outside the hours of 09:00 to 17:00 Monday to Saturday. No business shall be done on Sundays or Public Holidays unless otherwise approved in writing by the local planning authority.
- 4 Reason In the interest of the residential amenity of occupiers of neighbouring properties in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan and the provisions of the National Planning Policy Framework.
- 5 Condition Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended, no display of advertising material shall be displayed within the site without express advertisement consent.
- 5 Reason For the avoidance of doubt and to ensure the proposal would be as set out in the application documentation and in the interests of the amenity and character of the locality in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan and the provisions of the National Planning Policy Framework.
- 6 Condition There shall be no more than one client or visitor to the tattoo studio at any one time. Prior booking of appointments to the tattoo studio shall be made with a margin of a minimum of one hour between appointments.
- 6 Reason For the avoidance of doubt and to ensure the proposal would be as set out in the application documentation and in the interests of the amenity and character of the locality in accordance with Policy DM15 of the Site Allocations and Development Management Policies Plan and the provisions of the National Planning Policy Framework.