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From: Neil Preston [redacted]
Date: Thu, 27 Aug 2020 at 17:36
Subject: Re 55 Hawkins Road, Shoreham by Sea AWDM/0991/26.
To: <planning.enforcement@adur-worthing.gov.uk>
Cc: Grant Goodwin [redacted]

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Re: Retrospective Planning Application AWDM/0991/26 – 55 Hawkins Road, Shoreham-by-Sea

Thank you for allowing us the opportunity to comment on the above retrospective planning application.

Having reviewed the submitted application, we have a number of concerns regarding the information provided and the impact that the use of the detached garage as a beauty treatment studio is already having on our neighboring property.

Drainage and toilet facilities

A new toilet and wash hand basin have been installed and connected to the shared private drainage system leading to the public foul sewer. However, we cannot see this drainage connection, its route or gradient shown within the submitted application or plans.

We would ask the Council to establish whether the application accurately reflects the works that have been carried out and whether all relevant details and approvals relating to the connection to the shared private drainage system have been addressed.

We are also concerned about the installation of toilet facilities within the building and the potential for the building to be used for purposes beyond those applied for. Access to the building is now via the shared driveway and through a garden gate associated with No. 55, whereas there was previously pedestrian access via the side door into the garden.

If planning permission is granted specifically for use as a beauty treatment studio, we would ask that any permission and appropriate conditions clearly restrict the use to that approved and prevent the building from subsequently being used as a separate dwelling or independent residential accommodation without further planning permission.

External appearance and advertising

The frontage of the building is visible from the public highway. We are also concerned about advertising associated with the business, including any advertising displayed in the windows.

The alterations and commercial use have changed the appearance and character of what was previously a domestic garage, and we would ask the Council to consider the visual impact of the development and whether all external alterations and signage are properly reflected within the application.

Privacy and impact on residential amenity

The change of use has had a significant impact on the privacy and amenity of our neighboring property.

Customers accessing the treatment studio must use the narrow shared private driveway and regularly pass directly alongside our bedrooms and bathroom. They often walk on our side of the driveway, despite it being shared private access, and we have experienced people looking towards and into our

property, standing or walking along the drive whilst talking on their phones, and generally not appreciating that they are passing immediately alongside a private home.

The business has been operating for some time, and we have found the regular presence of unfamiliar people walking up and down the driveway intrusive. The cumulative effect has meant that we no longer feel as comfortable in our own home as we did before the business began operating. On occasions, some of the looks, comments and behaviour we have observed or overheard have made us feel particularly uncomfortable and intimidated.

This is not simply a matter of occasional visitors to a neighboring house. The change of use has introduced regular third-party pedestrian activity immediately alongside private residential accommodation, and this has had a direct and ongoing effect on our privacy and enjoyment of our home.

Intensity of use

Although the application states that beauty treatments are undertaken on a 1-to-1 basis, this does not necessarily mean that only one person will be accessing or using the site at any one time.

We now regularly see two or three people walking up the shared driveway together or arriving and leaving at similar times. Customers may be accompanied, appointments may overlap, or customers may arrive early or leave late. We would therefore ask the Council to consider the realistic level of pedestrian activity generated by the business rather than assuming that a 1-to-1 treatment arrangement means that only one person will be using the shared driveway at a time.

Days of operation and potential increase in impact

We understand that the business has so far generally operated on approximately three days per week. However, the application seeks permission for the business to operate on five days per week.

The impacts described in this representation have therefore occurred while the business has been operating at a lower frequency than that now proposed. If permission is granted for operation on five days each week, there is clearly the potential for a significant increase in customer movements along the shared private driveway, vehicle movements, parking and access difficulties, loss of privacy and the overall disturbance to neighboring residents.

We would therefore ask the Council not to assess the impact solely on the basis of the current level of activity. The proposal should be considered on the basis of the full level of operation for which permission is being sought, including the potential for customer activity on up to five days per week.

Given that we are already experiencing the impacts described above from approximately three days of operation each week, we are concerned that these impacts could become considerably more frequent and intrusive if the use is authorised to operate on five days per week.

Operating hours

The planning application states that the proposed operational hours are 9:00am to 5:30pm. However, as the business has already been operating, we have observed clients attending and remaining at the premises beyond these stated hours.

On some occasions, clients have still been present at or leaving the premises well after 5:30pm, with activity occasionally continuing until approximately 7:00pm.

This is a particular concern given that the impact of the business is already being experienced through customers using the shared private driveway immediately alongside our property. Activity later in the evening extends the period during which customers are walking past our bedroom and bathroom windows and increases the impact on our privacy and residential amenity.

We would therefore ask the Council to take into account the actual operating pattern that has already occurred when considering whether the proposed hours are realistic and whether they can be adequately controlled. If permission is granted, we would ask that clear and enforceable conditions are imposed specifying the permitted hours of operation and that the business is required to ensure that appointments, customer arrivals and departures take place within those hours.

Lighting

The additional pedestrian activity after dark initially caused our security lights to be activated frequently. These lights had been installed for many years without previous complaints from neighboring residents, but due to the increased number of people using the driveway we have had to switch them off after a neighbour raised concerns about them being activated.

No. 55 has now installed a bright external light which illuminates the driveway from dusk until dawn. This light also illuminates our bedroom and bathroom throughout the night. We would ask the Council to consider the impact of lighting associated with the commercial use on neighboring residential amenity.

Parking, access and safety

We still require regular vehicular access along the shared driveway to reach and use our garage and parking area.

The additional pedestrian movements associated with the business have created practical safety concerns when manoeuvring vehicles in what is a narrow shared private driveway. Customers do not always appear to appreciate that this is a private access route serving neighboring properties and, on several occasions, we have had to take particular care to avoid pedestrians who were not paying attention to their surroundings.

We are also concerned about the parking arrangements shown in the application. Although two parking spaces are indicated, one of these spaces appears difficult to access without using the grass verge or potentially causing a vehicle to encroach onto part of the shared driveway. We would ask the Council to carefully assess whether the proposed parking arrangements are realistic and can operate without affecting access to our garage and parking space.

There have already been several occasions when customer vehicles, or vehicles waiting to collect customers, have parked or waited across our access, preventing us from entering or leaving our property. While we appreciate that Hawkins Road itself does not have parking restrictions, parking is already heavily used by residents and their visitors. The additional vehicle movements generated by the business have made access and parking more difficult, particularly where customers' vehicles directly obstruct our established access.

Effect on our use and enjoyment of our property

We also feel that our privacy and sense of security have been reduced. We no longer feel comfortable leaving our garage door open when briefly going into the house, as we have noticed customers looking into the garage and observing what is stored there or what we are doing.

We are also concerned about the apparent lack of sound insulation between the treatment room and our property. We can hear conversations taking place within the treatment studio, which has made us increasingly conscious about using our own garage workshop and its tools and equipment. We have tried to be considerate and avoid using noisier equipment when treatments appear to be taking place, despite our garage and workshop being used for its normal domestic purpose.

We do not believe it is reasonable that the operation of the business should result in us feeling restricted in the normal use and enjoyment of our own property.

Potential impact on property value and marketability

We are also concerned that the ongoing operation of a commercial beauty treatment business from the neighboring property, and in particular the use of the narrow shared private driveway by customers, may adversely affect the value and marketability of our home.

The increased customer activity, loss of privacy, parking and access difficulties, and the change in the character of the immediate residential environment are all matters which we believe could make our property less attractive to prospective purchasers. We have already sought advice from an estate agent, who indicated that the presence of this type of business and its use of the shared driveway could affect both the value of our property and its marketability.

While we appreciate that the effect on property value may not itself be the determining planning consideration, we believe it demonstrates the wider impact that the commercial use and associated customer activity are having on our ability to enjoy, use and potentially sell our home.

Products, hazardous materials and waste management

The application states that no trade waste will be generated. We are concerned that this may not accurately reflect the nature of the treatments being carried out, particularly as the business appears to offer injectable treatments, including Botox, which may involve the use and storage of pharmaceutical products, needles and other sharps, as well as the potential generation of pharmaceutical, clinical, chemical or other commercial waste.

We appreciate that the exact classification and disposal requirements for individual products and waste streams may fall under separate environmental and waste-management legislation rather than planning legislation. However, given that this is a retrospective application for a business operating from a building immediately adjacent to neighboring residential property, we believe the Council should be satisfied that the application accurately describes the nature of the proposed use and the materials and waste generated by it.

We would therefore ask the Council to clarify whether the applicant has accurately declared that no trade waste will be generated and, if not, to establish:

- the types of treatments and products intended to be used and stored at the premises;
- whether any pharmaceutical, chemical, hazardous, clinical or sharps waste may be generated;
- how any such waste has been classified;
- where products and waste will be stored at the premises and whether the proposed arrangements are safe and secure;
- whether there is any risk of leakage, damage, unauthorised access or other impact upon neighboring residential property or the shared access;
- how non-hazardous commercial waste will be separated, stored and removed;
- how any hazardous waste, should any be generated, will be safely stored, collected and transferred to an appropriately authorised waste carrier and disposal facility; and
- whether the necessary waste-management documentation and procedures, including waste transfer notes for relevant non-hazardous commercial waste and hazardous-waste consignment notes where legally required, will be in place.

Our concern is not that the planning process itself should duplicate every aspect of environmental or waste-management regulation. Rather, the application currently appears to state that there will be no trade waste, despite the possibility that the nature of treatments undertaken may generate commercial waste requiring specific handling and disposal arrangements.

We therefore ask the Council to satisfy itself that the description of the proposed business and its waste arrangements is complete and accurate, and to consult or refer the matter to the appropriate regulatory authority if any aspect falls outside the Council's planning function.

Given the location of the premises within a residential setting and the close proximity to our property and the shared private driveway, we believe it is important that any products with potentially hazardous properties, together with any associated pharmaceutical, chemical, clinical or sharps waste, are stored and managed appropriately so that they do not present an avoidable risk to neighbouring residents.

Materials and submitted plans

The application indicates that details of materials are shown on the submitted plans. However, we have been unable to identify these details.

We would be grateful if the Council could confirm where the proposed or existing materials are specified and whether the submitted plans accurately show all external alterations and works that have already been carried out.

Accessibility

We are also unable to identify from the submitted information how accessibility has been considered in relation to the change of use and the provision of services to customers. We would ask the Council to confirm whether any accessibility measures have been considered and, if so, where these are shown within the application.

Conclusion

We appreciate that this is a retrospective application and that the Council must determine it on its planning merits. However, as the business has already been operating, we have been able to experience the actual impact of the use rather than simply speculate about what its effects may be.

Our principal concern is the cumulative impact of operating this business from this particular location. The use relies on customers accessing the premises via a narrow shared private driveway immediately alongside our bedroom and bathroom windows. This has resulted in increased pedestrian and vehicle movements, loss of privacy, concerns regarding safety and access, parking obstruction, activity beyond the stated operating hours, lighting impacts and an ongoing reduction in our ability to peacefully use and enjoy our home and garage.

Importantly, these impacts have been experienced while the business has generally operated for approximately three days per week. The application seeks permission for operation on five days per week, meaning the level of disruption and impact on our residential amenity could increase significantly.

We would therefore ask the Council to carefully consider the accuracy and completeness of the application, the adequacy of the proposed parking and access arrangements, whether the stated operating days and hours accurately reflect the actual use and the full level of operation proposed, the nature of the products and treatments being undertaken, and the actual impact that the use is having on neighbouring residential amenity.

If the Council is minded to grant permission, we would ask that appropriate conditions are considered to strictly control the use, including its purpose, number of operating days, intensity, hours of operation, customer numbers where appropriate, parking and access arrangements, external lighting and any other matters necessary to protect neighbouring residents.

We would be grateful if these comments could be taken fully into account when determining application AWD/0991/26.