

**Application Number:** DM/2022/00460

**Proposal:** Modification of condition 1 (Restriction To Opening Times.) for planning decision DC/2014/00314

**Address:** Gemma Thomas Hair Lounge, New Inn Cottage, The Cutting, Llanfoist Abergavenny

**Applicant:** Mrs Gemma Thomas

**Plans:** BP2386-00 - Rev A, SITE LOCATION PLAN

**RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham  
Date Valid: 22.03.2022

**This application is presented to Planning Committee due to a request from the former Local Member**

**1.0 APPLICATION DETAILS**

1.1 Site Description

This application relates to an existing hair salon located within a dwelling at The Cutting in the village of Llanfoist.

1.2 Proposal Description

It is proposed to modify condition no. 3 from the original consent for the salon from:

The premises shall not be used for the approved purposes outside the following times: Tuesdays to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Mondays and Public Holidays. ~ To protect local residential amenity.

to:

The premises shall not be used for the approved purposes outside the following times: Mondays 9.30am to 3pm, Tuesday to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Sundays and Public Holidays. ~ To protect local residential amenity.

The modification of condition would allow the salon to be open for an additional 5 and a half hours per week. The change is to give the business owner more flexibility to work following a change in childcare arrangements.

**2.0 RELEVANT PLANNING HISTORY (if any)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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DC/2010/00999	Change of use of part ground floor from post office to residential use.	Approved	15.12.2010
DC/2014/00314	Change of use of rear ground floor rooms to hairdressing salon.	Approved	11.06.2014
DM/2022/00460	Removal of condition 1 (Restriction To Opening Times.) for planning decision DC/2014/00314.	Pending Determination	
DC/2017/00424	New entrance to hair salon.	Approved	06.06.2017

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S9 LDP Employment Sites Provision  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

E3 LDP Working from Home  
EP1 LDP Amenity and Environmental Protection  
DES1 LDP General Design Considerations  
MV1 LDP Proposed Developments and Highway Considerations

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

#### **Planning Policy Wales (PPW) Edition 11**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

## **5.0 REPRESENTATIONS**

### 5.1 Consultation Replies

**Llanfoist Fawr Community Council** - This application was considered by this Community Council at a recent meeting. A voting majority of Members raised no objections.

**MCC Environmental Health** – No objections following clarification of opening hours as per current description of development.

Previous comments: I am of the opinion that the hours of opening could potentially be extended but I do not feel it appropriate for the business to be in a position to operate 24/7.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

One representation received. Object on the following grounds:

We fail to understand why working 6 days a week gives flexibility?

If they are granted planning, will they then recruit more staff?

Customers' cars continue to park, with disregard to the residents and blocking of driveways is a common occurrence when drivers wait for the passengers who are in the salon.

Parking on the pavement is also another hazard.

The road itself is narrow and in disrepair.

Lorries and deliveries regularly have to double park, so it becomes a traffic jam.

If it was a guaranteed condition that customers park in the Indian restaurant then that would go some way to help the residents' acceptance of so-called flexibility of working hours (people with a disability would not be expected to park in the restaurant).

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

Former County Councillor Giles Howard - Requested that the application is determined by Planning Committee. Residents are unhappy and that an extension of hours should not be permitted (for the reason stated in the opening hours condition of the original consent).

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 No change to the external appearance of the building is proposed as part of this application.

### **6.2 Impact on Residential Amenity**

6.2.1 There is no off road parking at the site but the applicant does have an agreement in place with the nearby Spice Lounge Restaurant on Merthyr Road allowing customers of the hair salon to use their car park during the above opening hours. No objections have been received in relation to the use in general and therefore it is reasonable to assume that parking is the only issue of concern in relation to local residential amenity.

## **6.3 Access / Highway Safety**

6.3.1 The Cutting is a public highway and therefore all members of the public are entitled to park on the street. There is no off road parking for the salon, but the applicant does have an agreement in place with the nearby Spice Lounge Restaurant on Merthyr Road allowing customers of the hair salon to use their car park during the above opening hours. It is also worth noting that the application property was a Post Office until 2010 and therefore has historically had a commercial use, being used as just a dwelling between 2010 and 2014 only.

6.3.2 An extension of opening hours to include an additional five and a half hours on a Monday would be during the day when residents are more likely to be working. Each hair appointment generally lasts for an hour. As such the extended opening would result in a maximum of 6 additional visits per week. Therefore, it is considered that this increase is unlikely have a significant impact on highway safety.

## **6.4 Foul Drainage (Phosphates)**

6.4.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.4.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice:  
Any development that does not increase the volume of foul wastewater. No foul drainage is proposed.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.6.1 Objections in relation to customer parking have been addressed above. Customers parking across driveways of residents or on the pavement is not a material planning consideration but may be a matter for the Police.

## **6.7 Well-Being of Future Generations (Wales) Act 2015**

6.7.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.8 Conclusion**

6.8.1 The minor increase in available opening hours for the salon is considered to be acceptable in terms of highway safety and residential amenity.

## **7.0 RECOMMENDATION: APPROVE**

**Conditions:**

1 The premises shall not be used for the approved purposes outside the following times: Mondays 9.30am to 3pm, Tuesdays to Thursdays 9am - 5pm, Fridays 9am - 7pm and Saturdays 9am - 4pm. The salon shall be closed to the public on Sundays and Public Holidays.

REASON: To protect local residential amenity.

2 There shall be no public access to the rear of the building.

REASON: To protect local residential amenity.