

PLANNING & DEVELOPMENT COMMITTEE

22 February 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0404/10 (RP)
APPLICANT: Ms S Cook
DEVELOPMENT: Change of use of garage into hair salon.
LOCATION: 34 DAVIS STREET, ABERAMAN, ABERDARE, CF44 6UR
DATE REGISTERED: 09/11/2023
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Approve

REASONS:

The principle of developing a small-scale hairdressing business at the application property is acceptable and it is not considered that the proposed use would have any undue impact upon the amenity and privacy standards currently enjoyed by surrounding residents.

Whilst the proposed use may result in additional traffic movements to and from the application site, it is considered that this issue would be limited by the scale of the business and would not be significant enough to warrant the refusal of the application.

The application is therefore considered to comply with policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

Three or more letters of objection have been received from occupiers of adjacent neighbouring properties.

APPLICATION DETAILS

This application seeks retrospective, full planning consent for the change of use of an ancillary garage at a residential property, known as 34 Davis Street, Aberaman, for the purposes of operating a hair salon (Planning Use Class A1).

The conversion works have not resulted in an increase to the footprint of the garage; however, internal works have seen the floorspace re-configured to provide for 3 workstations and a kitchen area. Externally and to the front elevation, a UPVC window and door have been installed so that the frontage resembles a commercial shopfront and Members will also note that the existing up and over garage door has been replaced by a roller shutter.

The Applicant has indicated that the business is operated on an appointment only basis, employing one full time and one part time members of staff.

SITE APPRAISAL

The application property relates to a two-storey, end terrace dwelling with a detached single garage within the rear garden, now converted to a hairdressing salon.

The application property itself, 34 Davis Street, faces a south-westerly direction and directly fronts the highway of Davis Street. To the rear of the plot, the garage is bound by a service lane and is accessed from the highway of Beddoe Street to the north-west.

The application site is surrounded by terraced, residential properties; however, has a mixed character. Adjacent to the site, to the south, is Saron Chapel and its associated hall, beyond which is the Local and Neighbourhood Centre of Aberaman, located at Lewis Street and Cardiff Road.

PLANNING HISTORY

There are no recent applications on record that are associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties. Five letters of objection have been received and raise the following points.

- When open, cars are double parked outside the salon which results in cars having to perform reversing manoeuvres onto Davis Street. Vehicles then have to enter Beddoe Street via Belmont Terrace.
- There appears to be no ventilation in the garage and the front windows are always open; noise from hair dryers can be clearly heard.
- There are empty commercial buildings and properties in and around Aberaman for the applicant to operate her business from.
- The salon has traded for 8 months without planning in place. There is already a regular flow of clients, resulting in more vehicles, noise and mess. Vehicles are parking on pavements and discarded cigarette butts are already noticeable.

- There is a lack of consideration for residents, waste from the business is being placed in the domestic bins of others which, since the 3 weekly pick up, is very annoying.
- The application could negatively affect property values and may alter the neighbourhood's aesthetic appeal.
- Granting the application could set an unwanted precedent for future developments.
- There has been an increase in on-street parking demand since the opening of the salon.

CONSULTATION

Highways and Transportation – No objection, subject to conditions.

Public Health and Pollution – No objection, subject to condition.

Dwr Cymru – No objection.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Aberaman but is not allocated for any specific purpose.

Policy CS1 – places an emphasis on building strong, sustainable communities.

Policy AW2 – provides support for development proposals in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – states development proposals will not be permitted where they would cause or result in risk of unacceptable harm to health and/or local amenity because of air or noise pollution.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 12 (PPW) incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP

Other relevant national policy guidance consulted:

- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The proposal relates to the change of use of a former ancillary single garage at a residential property, that is located within the defined settlement boundary, to a hair salon.

Whilst it is acknowledged the application site is located within a residential street, the surrounds have a mixed character and a number of commercial businesses are located close by.

The use of an ancillary outbuilding for small business purposes is also not uncommon and often includes activities such as hairdressing. This can be beneficial in offering useful services to local communities, whilst providing a flexible form of employment for the Applicant.

In the case of this application, the proposed hair salon is of a small scale, whilst the Applicant has confirmed that the business operates on an appointment only basis.

As such, the scope and scale of the proposed hair salon represents a suitable and acceptable small-scale business that would not be detrimental to the character of the surrounding residential area. Subsequently, the principle of the proposal is considered to be acceptable; however, this would be subject to further consideration of the site-specific criteria set out below.

Impact on the character and appearance of the area

The proposal has not resulted in any increase to the footprint of the building and its height and roofing form has not been altered. Some re-configuration of the internal space has been undertaken, whilst a UPVC door and window have been inserted into the front elevation and face onto Beddoe Street. However, it is not considered that the alterations to the buildings external fabric look out of place within the surrounds and are not incongruous within the street scene.

Members will note that a roller shutter has been installed, such that when the salon is closed the garage would still bear some resemblance to a domestic outbuilding. Consequently, any visual detriment that the garage may cause towards local residents would likely be experienced during trading hours only.

During the site visit, it could be seen that the applicant has erected signage on the garage to advertise the business therein. As such, an informative note is recommended outlining the requirement for the applicant to pursue an application for advertisement consent.

Therefore, based on the above, it is not considered that the proposal would detract from the visual qualities of the area to a point which warrants refusal of the application.

Impact on residential amenity and privacy

The application site is located within a densely populated area and therefore there is the potential for noise and disturbance from the comings and goings of customers and from the use of hair styling and hair drying equipment to harm neighbouring occupiers living conditions.

Nevertheless, given that the size of the building limits the business activity to a small operation, the new use is considered unlikely to create a degree of noise or disturbance that would be significantly disruptive to neighbouring residents. Furthermore, the number of callers to the business would not be likely to be great in number and would be by appointment only.

However, to ensure that the business would continue to operate on a small scale and not expand to create an intensity of use that might be harmful to neighbour amenity, a condition in respect of the hours of operation are proposed. In addition, the Council's Public Health and Protection Division have not objected to the development nor requested for an acoustic assessment to be provided.

In terms of privacy, the new UPVC window and door openings that have been installed within the front elevation face the domestic garage associated with No. 1 Beddoe Street opposite, whilst the one window contained within the south facing side elevation of the garage faces the garden of the application site. Consequently, opportunities for overlooking are somewhat diminished.

In this context the degree of detriment to neighbouring residents is not considered to be unacceptable or be to such a degree that would justify refusal of the application. Therefore, in terms of the impact on the amenity and privacy of neighbouring residents, the application is considered to be acceptable.

Highways and Accessibility

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

Location

The garage is served off Beddoe Street which provides continuous footway links on either side of the carriageway with high on-street parking demand and an existing vehicular crossover for the previous garage use with an entrance apron that encroaches onto the public highway.

Access

Access to the proposed hair salon is proposed via Beddoe Street and therefore, a condition requiring restatement of the vehicular crossover, including the garage entrance apron to be reinstated in full flexible footway construction has been suggested.

Parking

The existing garage is sufficient in depth and width to provide 1 off-street parking space; however, it is evident that it is no longer used for that purpose due to the conversion works to a retail use.

Highways Summary

Taking into consideration that the increase in on-street parking will be minimal with a requirement of 1 space per 60m² and 1 visitor parking space and that customer parking is likely to be short stay, outside of peak times, the proposed is not envisaged to have any undue impact on highway or pedestrian safety and therefore, is considered acceptable.

Neighbouring Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

The objectors have tendered objections regarding how the hair salon, since opening, has created parking issues at Beddoe Street and state that pavement parking occurs. The neighbouring residents' concerns are appreciated in this regard; however, the Council's Transportation section have raised no objections to the scheme in respect of parking.

As alluded to in the preceding sections of this report, the proposal is of a small scale and would be operated under an appointment basis. Therefore, even with the residential nature of Beddoe Street, the arrival of a maximum of 2 or possibly 3 vehicles in connection with the salon use at any one time during the day is unlikely to be perceptible. It is acknowledged that some conflict may occur when some residents return home from work, however, would be no different to what would likely occur when visitors attend the neighbouring dwellings. In addition, although not noted by highway officers within their observations, a public car park is located with walking distance to the site, at Lewis Street.

Furthermore, allowing the operation to be retained would not set a precedent for other commercial activity to take place within the vicinity of the site. In the event that other

residents were to come forward with proposals to operate commercial uses from other dwellings or ancillary garages in the street, planning permission is likely to be required and any application would be considered on its own merits. The objectors concern as to the development impacting upon property values is also not a material matter that can be taken into consideration when appraising this planning application.

In terms of waste disposal, one objector has pointed out that the applicant is utilising the domestic bins of neighbouring occupiers to dispose of hair and other products derived from the business. The applicant has subsequently advised that she has purchased a trade waste bin and trade bags for the business; however, no records are held confirming this. Consequently, Members are advised that the matter has been referred to the Council's Waste Section for investigation.

One objector has alleged that discarded cigarette butts are noticeable outside the garage since its change of use. This appears unfortunate should this be the case, however, cannot be enforced as part of the planning process. Should local residents note that this was a continuing problem at the site, recourse would be available under The Clean Neighbourhood and Environment Act 2005 where fixed penalty notices can be issued for such littering offences.

Lastly, one objector has noted that there are empty commercial buildings and properties in and around Aberaman where the applicant could operate her business from. In this regard, the latest retail survey for the Local and Neighbourhood Centre of Aberaman (July 2022) noted that out of 24 units available within the centre, 23 were in use, with the one vacant premise being a large, former restaurant. More recently, the site visit showed this to be an accurate reflection and the centre appeared vibrant. Therefore, it is not considered that the proposal causes significant adverse impacts on the viability of the centre, particularly as the development is of such a small scale. Conversely, the proximity of the application site to the retail centre could also offer a service which may encourage visits by clients who do not live in the local area. As a consequence, the proposal could assist in sustaining the local retail centre by enhancing footfall which would, in turn, support the daytime economy of the centre.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) as the application constitutes Class A1 retail development. However, as the development would result in the change of use of less than 100 sqm of floor space, the liability in this instance is £nil.

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties or highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 AW6 and AW10).

RECOMMENDATION: Grant

1. The development hereby approved shall be carried out in accordance with the approved drawing numbers and documents received by the Local Planning Authority on 09/11/2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing no. Davis 34 01 (Existing and Proposed Plans, Elevations and Sections)
- Site Location Plan

Reason: For the sake of certainty, to ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. No member of the public shall be admitted to or be allowed to remain on the premises between the hours of 18:00hrs – 09:00hrs on any day.

Reason: To protect the amenities of occupiers of surrounding properties, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

3. The existing vehicular crossover and garage entrance apron shall be reinstated in full flexible footway construction in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the satisfaction of the Local Planning Authority with 2 months of planning permission being granted.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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