

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 8 February 2007  
**Ward:** Strensall  
**Parish:** Stockton-on-the-Forest  
Parish Council

**Reference:** 06/02360/FUL  
**Application at:** 26 Hopgrove Lane South Stockton On The Forest York YO32 9TG  
**For:** Variation of condition 3 of planning permission for use as beauty salon, to extend opening hours (re-submission)  
**By:** Ashley Woods  
**Application Type:** Full Application  
**Target Date:** 26 December 2006

### 1.0 PROPOSAL

1.1 Planning consent 05/00452/FUL dated 4 May 2005 gave permission for a change of use from a riding shop to a beauty salon at 26 Hopgrove Lane. Condition 3 of this planning consent states as follows:

The opening hours of the use hereby approved shall be restricted to the following times:- 1000 - 1800 Mondays, Wednesdays and Fridays; 1000 - 2000 on Tuesdays and Thursdays and 1000 - 1600 on Saturdays with no opening on Sundays/Bank holidays.

Reason: - In order to safeguard residential amenity.

1.2 These opening hours reflected the opening hours stated on the application form submitted with application 05/00452/FUL. a subsequent application for the extension of opening hours to 09:00 - 21:00 Monday - Friday, 08:00 - 18:00 Saturday and for the purposes of cleaning and training 10:00 - 15:00 on Sundays was refused by East Area Planning Committee in May 2006.

1.3 The applicants have a current Appeal in progress against this decision and a Hearing date is soon to be agreed. The applicants have also resubmitted this current application for the extended opening hours of 09:00 - 20:00 Monday to Wednesday, 08:00 - 20:00 Thursday to Friday and 08:00 - 18:00 on Saturday with no opening taking place on Sundays.

1.4 The site itself lies within Hopgrove settlement limits. The internal layout of the use appears to be the same as the previous submission and contains a reception, two treatment rooms and ancillary facilities at ground floor level, with the remainder of the detached building used for ancillary residential purposes.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highways Network Management - No objections.

Environmental Protection - The Unit has received no complaints about noise since this business first started operating. No objection to the hours sought by the applicant.

#### **3.2 Local Members, Parish Council and Public Consultation**

No Local Members have commented on this application.

Parish Council - Object on the grounds that the proposed opening hours will create more congested and dangerous traffic conditions and thereby create disturbance for the residential area.

Public Consultation - 9 letter of objection have been received on the grounds of:

- the existing traffic conditions are often congested and dangerous
- hours are inappropriate for a residential area, causing unreasonable disturbance to residents.
- customer car parking already takes place on footpath and verges, causing obstructions to traffic and pedestrians
- they are already in contravention of their opening hours
- may set a precedent for other businesses

Subsequent to this two letters of support have been received stating that the business is conducted in a quiet and calm environment, and is a welcome addition.

### **4.0 APPRAISAL**

4.1 The issues contained within this application are essentially the same as the previous application. The previous application intended to open for longer and included Sunday opening and was recommended for approval by officers. This recommendation was overturned by members. The following report is slightly revised from the previous as many of the implications still apply.

4.2 The issue in determining this application to vary hours of opening relates to the reason the condition was applied to the original planning consent, the safeguarding of residential amenity. In determining such an application to vary an existing planning condition under Section 73 of the Town and Country Planning Act 1990, Local Planning Authorities are empowered to grant permission unconditionally, refuse the application or grant permission subject conditions, as long as this is to overcome the problem to which the condition is addressed. The planning permission itself, i.e. the grant of permission for beauty salon, must be left in tact.

4.3 Concerns have been raised that there is inadequate car parking on the site. This is an issue however that would have been assessed when the original planning application for the beauty salon was made, than a matter for the current application to vary hours of opening. Car parking is provided on the front and side curtilage of the property that can adequately accommodate 4/5 cars. There is also unrestricted on street car parking on this stretch of Hopgrove Lane South.

4.4 The area where the beauty salon is located is predominantly residential in character. The closest dwelling to the property is a bungalow at No 28 to the east. This is separated from the beauty salon by its driveway, and does have a door access and associated side window openings facing the side of the beauty salon. The windows and openings associated with the beauty salon themselves face Hopgrove Lane South itself on the front elevation or on the opposite side elevation facing the side parking area, and do not face towards No 28. To the east of the site, the next dwelling (No 24) is well set back from the beauty salon. There are also residential properties on the opposite side of the road, though these are reasonably well set back from the Hopgrove Lane South. It is also believed that the upstairs of number 26 is occupied by the landlord of the property who leases the shop but has no other connection to it.

4.5 The use itself is still considered reasonably modest, as it consists of two treatment rooms and a reception area. The impact on residential amenity is also considered to be limited as none of the openings on the building associated with the use face towards the potentially the most affected dwelling, No 28. There would be noise associated with vehicular movements, though again this needs to be considered with regard to the reasonably modest nature of the use, and against the backdrop of significant levels of traffic already using Hopgrove Lane South.

4.5 The area is nevertheless predominantly residential in character and the proposed opening hours would incur into the later evening during the week, and early on a Saturday morning. In order to limit the impact on residential amenity, it is proposed to limit the opening hours to members of the public to 8.30am (rather than 8am) on Saturdays. The permitted use is currently allowed to open to 8pm on Tuesdays and Thursday.

4.6 It is considered reasonable that at other times, i.e. beyond opening times, that the owner or staff would be on the premises to clean, prepare for the days appointments, etc. Condition 3 as applied to the original planning consent only restricted the hours of opening. The salon's own ancillary residential accommodation

which can be occupied at any time as clearly can any of the residential properties found in the vicinity of the salon.

## **5.0 CONCLUSION**

5.1 The main issue is still the impact on the residential amenities of neighbouring properties. The impact of the use is to an extent limited by its reasonably modest form and the internal layout of the detached building where the use is found. It is also located where there are significant levels of traffic noise associated with Hopgrove Lane South. The area is nevertheless predominantly residential in character and opening hours to the public into the later evening as proposed and early on Saturday morning may start to impact more significantly on residential amenity. It is therefore proposed to limit the opening hours to members of the public to 8pm during weekdays and 8.30am on Saturdays.

## **6.0 RECOMMENDATION:**            Approve

- 1     The following wording amends Condition 3 of Planning Approval 05/00452/FUL dated 4 May 2005.

The opening hours of the use to members of the public shall be restricted to the following times:- 09:00-20:00 Monday-Fridays, 08:30-18:00 Saturdays with no opening to members of the public on Sundays/Bank Holidays.

## **7.0 INFORMATIVES:**

### **Contact details:**

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