

DELEGATED REPORT

Application No:	P/23/0066
Site Address:	Ty Bywyd 1 Dickie Bird Lane Penyard Merthyr Tydfil CF47 0HQ
Development:	Change of use from domestic garage to a Dog Groomers
Case Officer:	Marlene Ferreira
Site Visit:	30th March 2023
Application Expiry Date:	10th May 2023
Consultation reply date expired:	6th April 2023

APPLICATION SITE

The application site relates to a detached dwelling, 1 Dickie Bird Lane, located in the area of Penyard. The property is located off an adopted highway (with only one other detached dwelling, of a similar scale and design) and leads onto a private lane that provides access to the rear garden/garages of terraced dwellings located along Baden Terrace. Four on-site parking spaces are provided, two on the front driveway, one in the existing attached garage and one on a hardstanding area alongside the garage.

PROPOSED DEVELOPMENT

This application seeks planning permission to convert the existing domestic garage into a dog grooming business (sui generis use).

The proposal involves internal modifications only, and external alterations are therefore not proposed to the garage. The business would operate from 10:00 until 17:00 Monday to Saturday only. The applicant has confirmed that each grooming session would take between 2 to 3 hours and therefore a maximum of 3 dogs would be groomed in any one day. One member of staff, the owner/applicant, would be employed at the business. Parking would be provided within the existing driveway/hardstanding areas which can accommodate 2 visitor parking spaces.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this property.

CONSULTATION

The following consultations were carried out:

Head of Engineering and Highways	No objection.
Ecology Officer	No objection.
Environmental Health Manager	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to adjoining occupiers and a site notice was displayed within the vicinity of the site. No letters of representations have been received as a result of this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: The National Plan 2040 (February 2021)

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Placemaking

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

PLANNING CONSIDERATIONS

The main issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be an appropriate development in respect of its impact upon the character and appearance of the area, the residential amenity of neighbouring properties, ecology, parking provision and highway safety.

Principle of Development

The development seeks to change the use of the domestic garage to a dog groomer's. Given that the property lies within the settlement boundary, it would be acceptable in principle provided it complies with other relevant policies. As such, the proposal would therefore accord with LDP Policy SW4.

Character and Appearance

Given that the proposed change of use would not involve any external alterations to the external appearance of the garage, it would not have any impact on the character and appearance of the dwelling or the wider street scene. As such the proposal in this respect is acceptable and would accord with LDP Policy SW11.

Residential Amenity

Regard has been had for the impact of the proposal on the residential amenities of surrounding neighbours in particular 2 Dickie Bird Lane, located to the east and 10 Baden Terrace located to the south, both of which adjoin the application site.

In this respect, it is noted that a dog grooming business could have the potential to generate additional noise and disturbances from both the dogs and their owners when visiting the premises. Other noise sources could result from the equipment/tools being used (e.g. dog dryers, etc). However, the size of the garage would limit the number of dogs being groomed at any one time within a working day. It should also be noted that only one dog would be groomed at a time and the business would only have one member of staff. Furthermore, each dog grooming session would take between 2 to 3 hours. Customers arriving at the site would generate more traffic than that which would normally be expected at a residential dwelling and thus more noise from vehicle engines, car doors shutting and pets being dropped off/barking etc. However, due to the small scale/nature of the business, any noise and other disturbances produced would not be significant and would therefore not warrant the refusal of the application. Indeed, the Environmental Health Manager has not raised any concerns in this respect. Furthermore, an appropriately worded condition to control opening hours of the proposed business could be added as part of any planning permission. Finally, it should also be noted that no letters of concerns or objection have been received in respect of this proposal from any surrounding nearby occupiers. As such, the proposal would therefore accord with LDP Policies SW11 and EnW4.

Ecology

The proposed development, as noted previously, does not include any external alterations. As such, the Council's Ecologist has not requested any survey work. The proposed development would therefore accord with LDP Policy EnW1. However, enhancement works requiring the installation of a bat box have been requested in line with the Environment (Wales) Act 2016. Since the proposed development is solely a change of use with minor internal alterations, it would not be deemed necessary or reasonable to request such enhancement works under this application.

Parking provision and Highway Safety

The proposed dog grooming business would result in the loss of the existing garage and inevitably generate more traffic than that which is typically associated with a residential dwelling. However, as previously discussed, three on-site parking spaces would be retained at the property. Furthermore, additional unrestricted on-street parking can be provided along the front highway. Having considered the small-scale nature of the business and the on-site and on-street parking provision available, the Head of Engineering and Highways has not raised any objections. The proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with relevant policies and guidance.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act. Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Floor Plan Proposed, received 15th March 2023.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The use shall not be carried out outside the hours of 10:00 until 17:00 Monday to Saturdays and not at all on Sundays or Bank Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

5/5/23