

# DELEGATED REPORT

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| <b>Application No:</b>                  | <b>P/21/0367</b>                                                                  |
| <b>Site Address:</b>                    | <b>31 River Avenue<br/>Trelewis<br/>Treharris<br/>Merthyr Tydfil<br/>CF46 6EF</b> |
| <b>Development:</b>                     | <b>Change of use from domestic garage to part time hair salon</b>                 |
| <b>Case Officer:</b>                    | <b>Marlene Ferreira</b>                                                           |
| <b>Site Visit:</b>                      | <b>28th October 2021</b>                                                          |
| <b>Application Expiry Date:</b>         | <b>19th December 2021</b>                                                         |
| <b>Consultation reply date expired:</b> | <b>16th November 2021</b>                                                         |

## APPLICATION SITE

The application site relates to a detached dwelling, 31 River Avenue, located in a cul-de-sac street in a residential development located off Gelligaer Road, Trelewis. The detached dwelling is a new build property which does not appear to have been extended since it was originally constructed. It is served by a detached garage with driveway to the southern side, which combined, provides 3 on-site parking spaces.

The dwelling lies in a street of varied housing types, but which are of a similar scale and appearance, all of which benefit from on-site parking.

The dwelling lies within the settlement boundary – Other Growth Areas, as designated within the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

## PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of a domestic garage to a part-time hair salon (A1 use class).

The entire floor area of the garage would be used in association with the business which would operate three days of the week, as follows:

Tuesdays – 10:00 until 18:00,  
Wednesdays – 10:00 until 18:00, and,  
Saturdays – 09:00 until 15:00.

The applicant would be employed in the business without any other members of staff.

Externally, the application would involve the removal of the garage door and the installation of a glazed UPVc folding door and a full height fixed window within the existing garage door opening.

## PLANNING HISTORY

The Council's records do not indicate any other planning history for this site.

## CONSULTATION

Head of Engineering

Concerns . '...The proposed development would generate additional on-street parking to the detriment of highway safety...'

Town Planning Division  
Policy Officer

Concerns raised with the principle of development in this location. In accordance with LDP Policy EcW3, '...given that the town centre is the favoured location for such development and the nearest local centre is Treharris, for the application for be acceptable in principle...' it would be subject to an assessment of need and a strict application of the sequential test.

Town Planning Division  
Ecology Officer

No objections.

Environmental Health

No response.

Bedlinog and Trelewis Community Council

No objections.

## PUBLICITY

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

## POLICY CONTEXT

### National Development Framework

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

Policy 1 – Where Wales will grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6 – Town Centre First

Policy 9 – Resilient Ecological Networks and Green Infrastructure

National Planning Policy

- Planning Policy Wales (edition 11, February 2021)

Paragraph 4.3.1 states that *'...retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development...'*

Paragraph 6.4.3 discusses biodiversity and states that *'...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'*

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (November, 2016)

Paragraphs 6.1, 6.2 and 6.6 refer to the tests of retail need and state *'...The tests of retail need are the starting point for planning for new retail development in both development plans and development management. The quantitative needs test is based on forecasting of expenditure on a certain type of retail good (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision. Any shortfall in the provision is then expressed, using expenditure per square metre calculations, as the level of new retail provision required. The requirement to consider need for a development is not relevant for retail proposals within a defined retail and commercial centre in a development plan. However it will be required for any application in an edge-of-centre or out-of-centre location which is not in accordance with an adopted development plan. Qualitative need is harder to justify and proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres. The overall objective of applying the qualitative need approach would be to achieve an appropriate distribution and range of sites for retail stores which meets the needs of all communities, particularly of those in rural or deprived areas where existing provision is inadequate...'*

Paragraph 7.1 discusses the sequential test and states that *'...The sequential test supports the Welsh Government's policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most sustainable locations to live, shop, socialise and conduct business... The sequential location of development plan allocations or planning applications should be considered in the following order:*

- *Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available...;*
- *If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport;*
- *Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then*

*outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.*

Technical Advice Note 5: Nature Conservation and Planning (2009)

Paragraph 4.3.4 states that '*...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...*'

#### Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

SW4: Settlement Boundaries

SW11: Sustainable Design and Placemaking

SW13: Protecting and Improving Local Community Facilities

EnW4: Environmental Protection

EcW3: Retail Hierarchy – Supporting Retailing Provision

#### PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed business use in this location is acceptable in principle, and whether the proposed change of use and alterations to the garage would be acceptable in respect of their impact upon the character and appearance of the dwelling, residential amenity, ecology, parking provision and highway safety.

#### Principle of Development

The application site lies within the settlement boundary – Other Growth Area. SW4 states that development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The property lies outside the town centre and local centre and as such EcW3 is therefore a relevant policy consideration. LDP Policy EcW3 states:

*'Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by the local centres of Dowlais, Gurnos, Cefn Coed and Brecon Road/Morgantown, Troedyrhiw, Aberfan, Treharris and a new local centre forming part of the 'Hoover Strategic Regeneration Area'. Proposals for new and enhanced retail, leisure and other complementary provision in all these centres will be permitted where they improve the vitality and viability of the centre(s) concerned'.*

*Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability.*

LDP Policy EcW3 as noted above, and in accordance with the advice set out under PPW and TAN 4, supports a sequential approach for locating retail development. It also states that only if no such town/local centre sites are suitable/available, only then should out of

centre sites be considered for retail, leisure, and other complementary development. Thus, proposals for such uses outside town/local centres must be subject to an assessment of need and a strict application of the sequential test and will only be granted planning permission where they do not cause harm to the vitality and viability of the town/local centre.

An assessment of need or sequential test has not been submitted with this application and as such, without any justification to the contrary the introduction of a hairdressers (A1 Use Class) outside of a town/local centre conflicts with LDP Policy EcW3 and would adversely impact on the vitality and viability of the town/local centres.

### Character and Appearance

The proposed change of use would include the removal of the garage door and its replacement with a UPVc folding door/window within the existing opening. These works result in a minor alteration which would not be considered to have an adverse impact upon the character or appearance of the dwelling, when viewed within the street scene. The proposed development would therefore accord with LDP Policy SW11.

### Residential Amenity

The business use would open 3 days a week. On two of the days (Tuesday and Wednesday) the business would operate for 8 hours (10:00 until 18:00) and on a Saturday it would be open for 6 hours (09:00 until 15:00). This would amount to a total of 22 hours per week. Whilst the business would only have one employee (the applicant), it would generate increased trips to the property (by customers, deliveries etc.). The comings and goings of customers/deliveries would result in adverse additional noise and disturbances in an otherwise quiet residential cul-de-sac street which would harm residential amenity. It is appreciated that no objections have been received as a result of the publicity exercise but often the extent of the impact of such uses is not experienced until they operate. In a relatively quiet residential location, where the properties are near one another, the proposal would also damage the character of the street. The proposed development would therefore be considered to have a detrimental impact upon the amenities of nearby occupiers and would not accord with LDP Policy SW11.

### Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environmental Wales Act (2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' (2019), the Council's Ecologist has requested that a bat box is installed. In this instance, given that the proposal would not have a detrimental impact upon protected species and relates to minor external alterations only, it would not be reasonable to impose a condition to require the installation of a bat box.

### Parking Provision and Highway Safety

The proposed development would involve converting the garage to provide a hairdresser business. As such, this would result in the loss of the garage for parking purposes and would therefore provide one less on-site parking space to serve the dwelling. The Head of Engineering has considered the proposal in respect of on-site parking provision and highway safety and has raised concerns, specifically stating, as noted previously, that the

proposal '*...would generate additional on-street parking to the detriment of highway safety...*' Whilst the comments of the Head of Engineering are noted the proposed dwelling would continue to be served by two on-site parking spaces (on the drive). Since the proposed business would only employ one member of staff (the applicant), and even if appointments overrun, there is sufficient unrestricted on-street parking available outside the property or within walking distance of the property which could serve the parking needs of the business without resulting in an unacceptable level of on-street congestion leading to an adverse impact upon highway safety. As such, the proposed development would not give rise to any significant adverse highway safety concerns and would accord with LDP Policy SW11.

## CONCLUSION

The proposed business would result in the unjustified introduction of a retail use outside a designated town/local centre. The proposed use would also have an unacceptable impact upon residential amenity. As such, it would not accord with LDP Policies EcW3 and SW11.

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

## RECOMMENDATION: BE REFUSED

1. The proposal would result in the unjustified introduction of a retail use outside of a designated town/local centre. As such, there would be an adverse impact on the vitality and viability of the town/local centres contrary to LDP Policy EcW3 of the Merthyr Tydfil Replacement Local Development Plan 2016 - 2031.

2. The proposal would have an adverse impact on the character of the area and, by virtue of increased activity and comings and goings, would result in an unacceptable level of noise and disturbance that would harm the amenity of neighbouring properties. As such, the proposal would be contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016 - 2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

17/12/21