

DELEGATED REPORT

Application No:	P/23/0068
Site Address:	39 Andrews Close Heolgerrig Merthyr Tydfil CF48 1SS
Development:	Convert existing garage into beauty salon and utility room and widening of driveway to create additional parking
Case Officer:	Rebecca Owens
Site Visit:	22nd March 2023
Application Expiry Date:	16th June 2023
Consultation reply date expired:	8th May 2023

APPLICATION SITE

The application relates to a detached bungalow located within a residential cul-de-sac and within the settlement boundary. The site is bound by a highway to the front and other dwellings to the sides and rear.

PROPOSED DEVELOPMENT

Full planning permission is sought to convert the existing integral garage into a beauty salon and utility room. To facilitate this the existing garage door opening would be removed and replaced with a door and windows. Two new window openings are also proposed in the rear elevation.

The beauty salon would have a single full time employee working 9am until 5pm Tuesdays to Thursdays and 9am to 2pm on Fridays.

The proposal also include the widening of the existing concrete driveway to create an additional parking space. Whilst the access would remain unchanged to provide the additional width, an existing dwarf wall within the site would need to be relocated.

PLANNING HISTORY

The relevant planning history is detailed below:

P/94/0433	Garage and porch Granted planning permission subject to conditions on 11 November 1994
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CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering & Highways	Objects to the application for the following reason: <i>“The proposal results in the creation of additional on-street parking demand to the detriment of highway safety and the free flow of traffic”.</i>
Environmental Health	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was displayed within the vicinity of the site.

one letter of objection was received following this publicity exercise. This expressed concern with respect to parking noting that there are already parking issues associated with the nearby school during drop off and collection times. The proximity to a junction was also raised.

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Director of Neighbourhood Services

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- SW13: Protecting and Improving Local Community Facilities
- CW1: Historic Environment
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and as such the principle of development is acceptable subject to compliance with other relevant planning policies and assessment of material planning considerations.

In this respect it is noted that Policy EcW3 of the LDP supports retail, leisure and other complementary uses within the town and local centres, noting that outside of these areas proposed for new and enhanced retail, leisure and other complementary uses will be subject to an assessment of need and a strict application of the sequential test. The proposal will then only be permitted where they avoid causing harm to town/local centre vitality and viability. It is acknowledged that neither an assessment of need or a sequential test has been submitted with this application. However, the application site would primarily remain a private dwelling with the proposed beauty salon being a subordinate and secondary function. As such, an assessment of need or an application of a sequential test is not considered necessary in this instance and there would not be any material conflict with LDP Policy EcW3 to safeguard the vitality and viability of the town and local centres. With respect to Policy SW13, it is also noted that the proposal would provide a community facility.

Design and visual amenity

The proposal would result in only minor alterations to the appearance of the dwelling which are deemed to be acceptable. Therefore, no concerns are raised with respect to the visual impact of the proposal and the proposal.

Residential amenity

The application site is located in a mainly residential area and is bound by other dwellings. As such, the impact of the proposal on residential amenity is an important consideration. It is recognised that a beauty salon could generate noise and disturbance as a result of the associated comings and goings and any equipment which may be required. However, the use is relatively small in scale with a limited floorspace and a single employee working part time. It is likely that there would only be one client at any one time. Having regard to this, there would not be a harmful noise or disturbance impact on neighbouring residents. It is noted that no objection has been received from the Environmental Health Manager.

The proposal includes the insertion of two new window openings within the rear elevation which would be obscure glazed. Given the close proximity of these to the boundary with 98 Heolgerrig, it is recommended that a condition be attached to any planning permission which requires these windows to be non-opening, thus ensuring that they do not allow for any overlooking or loss of privacy.

Parking and Highway Safety

The dwelling is located within a residential cul-de-sac where on-street parking is available and it is recognised that indiscriminate parking does take place on the footway. The dwelling currently benefits from two off street parking spaces. One within the garage and the other on the driveway. The proposal would result in the loss of the parking space within the garage but the proposed extension to the driveway would create a replacement

for this. Accordingly, there would be no net loss in off street parking spaces. However, it is recognised that the proposed beauty salon would generate some additional parking demand. The Head of Engineering and Highways has taken the view that two parking spaces are needed to serve the dwelling with and additional parking space for the new use (thus requiring three off street parking spaces) and has objected to the proposal on the grounds that it would increase on street parking demand to the detriment of highway safety. It is also noted that an objection to the application was received from a neighbouring resident on parking grounds. Whilst the concerns of the Head of Engineering and Highway and neighbour are recognised, the widening of the driveway further to create three off street parking spaces would in effect result in the loss of an on street space. Thus whilst it would allow for a vehicle to be parked off the highway, there would actually not be any gain in terms of parking spaces. It is also noted that the proposed use would be of a modest scale on a part time basis and with a single employee. It is expected that there would only be one client at any given time. The use would also operate during the hours of 9am until 5pm which are typical working hours and when local residents are likely to be at work and thus during a time where there is less demand for on street parking. Whilst it is recognised that due to the close proximity of the site to a local school, the street is busy during drop off and collections time, this is only for a limited time during the day. Furthermore, given its location in a mainly residential area, it may also allow for clients to visit the property by more sustainable means (i.e. on foot, bicycle etc.). Having regard to the above on balance it is not considered that approval of this use would significantly add to on street parking demand to an extent that would warrant the refusal of the application on such grounds.

With respect to the driveway extension the Head of Engineering and Highways has not raised any concerns given that there would be no change to the existing means of access from the highway. Whilst it is noted that the objector has also referred to the proximity of the site to the junction, given that the access would not alter there would be no change as a result of the proposal.

Conclusion

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.

Having regard to the above and noting the objections to the application on parking grounds, the proposal is on balance found to be acceptable and in accord with the relevant policies of the LDP. The following recommendation is therefore 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:

Drawing Title: Site Plan, Drawing Number: 0203.P.02B (Rev. B), Amended Plan Received on 21 April 2023

Drawing Title: Proposed Plan and Sections, Drawing Number: 0203.P.05B (Rev. B), Amended Plan Received on 21 April 2023

Drawing Title: Proposed Elevations, Drawing Number: 0203.P.06, Received on 13 March 2023

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

3. **BEFORE** the beauty salon is brought into beneficial use the driveway shall be extended in accordance with drawing number 0203.P.05B (Rev. B) and the car parking spaces shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

4. The use hereby permitted shall only be open to customers between the following times: Tuesdays, Wednesdays and Thursdays between 09:00 and 17:00, and Fridays between 09:00 and 14:00.

Reason - To protect the residential amenity of neighbours in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

5. Before the development hereby permitted is brought into use, the 2 no. new windows proposed in the south west elevation shall be fitted with obscured glazing, details of which shall first be submitted to and approved in writing by the local planning authority. Any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 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.

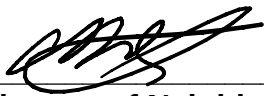
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

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

P.P.

DATE: 20/06/2023