

DATE WRITTEN	4th November 2024
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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	13th November 2024

Application No. P/24/0209	Date 10th October 2024	Determining Authority MTCBC
Proposed Development	Location	Name & Address of Applicant/Agent
Proposed use of part of the dwelling for a beauticians	13 Argyle Street Twynyrodyn Merthyr Tydfil CF47 0NS	Miss Finlay Barsi 13 Argyle Street Tywnyrodyn MerthyrTydfil CF47 0NS



Councillor John Thomas has requested that this application be reported to Committee to consider the concerns of local residents in relation to highway safety and parking.

APPLICATION SITE

The application relates to a mid-terraced dwelling located in a mainly residential area within the settlement boundary. The site is bound by a highway to the front (west), a lane to the rear (east) and dwellings on either side to the north and south.

PROPOSED DEVELOPMENT

Full planning permission is sought to use part of the dwelling as a beautician's. The residential use of the property would remain with a first floor bedroom converted for use as an ancillary beauticians.

The submitted information states that there would be no additional employees at the property other than the applicant and customers would visit on an appointment only basis with only one customer at a time. The working hours would be Monday to Friday 9am until 5pm and Saturdays 9am until 1pm.

No external alterations to the property are proposed. Only internal changes relating to the re-furnishing of the first floor bedroom for treatments would be carried out.

PLANNING HISTORY

There is no relevant planning history to be considered in the determination of this application.

CONSULTATION

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

Planning Policy Officer No objection

Environmental Health No objection subject to conditions relating to construction hours, dust management and disposal of waste.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on 03.09.2024 and two site notices were displayed within the vicinity of the site on 04.09.2024.

One letter of objection and a petition containing eighteen signatures were received following this publicity exercise. The main issues raised within these are summarised below:

- Argyle Street is a quiet residential area and its tranquillity will be impacted by the noise and traffic from the business
- The beauticians may generate smells and fumes
- The proposal would impinge on the privacy of the neighbouring occupants
- There is existing congestion and poor parking which will be made worse by the proposed business and may restrict residents from parking near to their properties which is particularly important for the elderly and those with mobility issues.
- The proposal would threaten the residential nature of the street and not be in keeping with the residential character
- There are many appropriate and empty units in the town centre which could be used for the business.

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 12, February 2024)

Paragraphs 2.26 to 2.28 refer to assessing the sustainable benefits of development including social, economic, cultural and environmental considerations.

Paragraph 4.1.1 outlines the importance of enabling *“people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport”*. It notes that *“By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution”*. Advising that this can be achieved by *“Bringing services to people to reduce the need to travel...to support access to more local services, and more home and remote working. If more people can walk and cycle for everyday trips, we will reduce our dependency on cars. enabling people to access jobs and services through shorter, more efficient and sustainable journeys”*.

In relation to active travel Paragraph 4.1.31 states *“Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle”*.

In reference to car parking paragraph 4.1.51 notes *“design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car*

parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

Paragraph 4.3.1 notes 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 4.3.20 refers to sites outside of retail centres, noting that these *“should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk”*.

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 paragraph 7.1 discusses the sequential test.

Local Planning Policies

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

- SW4: Settlement boundaries
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- SW13: Protecting and Improving Local Community Facilities
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW6: Out-of-Town Retailing Areas

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

Principle

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

In this respect, it is noted that Policy EcW3 states that 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 local centres. 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. Similarly, Policy EcW6 states that proposals for retail development on new sites or existing retail areas in out-of-town locations will only be permitted where:

- It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town or local retail centre, and
- The proposal would not either individually or cumulatively with other existing or consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town or local centres.

The proposal would introduce a commercial sui generis use (a beautician), outside of a defined town or local centre. However, in this instance and considering the submitted information, the facility would be of such a small scale that it is unlikely to have a harmful impact upon the vitality or viability of the town centre or any other centre. The proposal would not be of a scale that it would draw any meaningful trade away from the local centres. Nor would it significantly undermine the performance of existing businesses in the local centres. Given the size of the business proposed, it is not considered necessary or proportionate to require an assessment of retail need, or apply the sequential approach. Whilst the proposal would include a small number of customers visiting the property (not more than 1 person at a time), this would not be excessive or out of the ordinary when considering the number of people who might normally visit a residential property. As such, the proposal would not conflict with policies EcW3 and EcW6 of the LDP.

Character and visual amenity

As there would be no external alterations to the property, there would be no physical impact to the character and visual amenities of the dwelling itself or indeed the streetscene in general. However, it is noted that the site is located in a terraced residential street where commercial uses are not commonplace. Despite this, the proposal would be of a small scale with the property remaining primarily in residential use and as such it is not considered that it would impinge on the residential character of the area. However, to ensure that the property remains primarily residential and that the proposed business is only an ancillary element, it is recommended that a condition be imposed to restrict the use of the first floor bedroom as a beauticians and to only allow the business to be operated by the applicant. Thus, preventing it from operating as a separate business.

Having regards to the above, no concerns are raised in respect to character or visual amenity and no harm is envisaged to Urban Character Area 2 - Thomastown and Penyard. As such, the proposal would accord with Policies SW11 and CW1 of the LDP.

Residential amenity

Whilst there would not be any physical alterations to the building, the proposed introduction of a beauticians business within this predominantly residential area could result in noise and disturbance to local residents mainly from the increased comings and goings. However, given the scale of the business proposed it is not considered that this would be to an extent that would be considered harmful. The proposed opening hours of 9am until 5pm Mondays to Fridays and 9am to 1pm on Saturdays would also mean that any activity associated with the business would be during typical working hours, which can be conditioned to ensure that there is no noise and disturbance at less sociable hours. Furthermore, to ensure the scale of the development is maintained at a suitable level and to avoid any excessive noise and disturbance, it is also recommended that the business be conditioned as part of any permission to operate only from the first floor bedroom. Therefore, the proposal complies with Policy SW11 of the LDP.

Parking and highway safety

It is noted that the application site benefits from a single off street parking space located to the rear of the property. As such it is likely that clients would park along the adjacent highways. Again, having regard to the scale of the proposal, which would have no employees apart from the applicant and only one client visiting at any one given time, the need for one additional on-street parking space would not be significantly dis-similar to someone visiting the property. The adjacent highway also appears to have capacity to accommodate this without any adverse impact. As outlined above, the scale of the business can also be controlled via conditions to ensure that it does not expand and result in a greater impact. Furthermore, with the hours of opening contained within 9am-5pm, parking demand from the business would be during a time of day when residents may themselves be at work thus freeing up space within the street and avoiding an impact during the times of day when on street parking would be most in demand. For these reasons, it is not considered that there would be any adverse impact on highway safety or in respect to parking. Therefore the proposal complies with Policy SW11 of the LDP.

Ecology

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes the operation of a beauticians from the property, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and can be secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with Policy EnW1 of the LDP.

Representations

It is recognised that objections were received to the application following the publicity exercise. In response to the main points raised the following comments are made:

- It is recognised that Argyle Street is a quiet residential street. However, it is not considered that a small business such as this would generate significant activity or traffic that would have a harmful impact on residential amenity.
- It is considered unlikely that a small scale beauticians would generate smells and/or odours that would be harmful to residential amenity. This is a matter that could be addressed by Environmental Health outside of the planning process should such an issue arise in the future. In this regard, it is noted that Environmental Health have not raised any objection to the proposal.
- No additional windows are proposed and the first floor bedroom, which overlooks Argyle Street, would be used for the business. As such no concerns are raised with respect to the proposal having any adverse impact on the privacy of the neighbouring occupants.
- Whilst it is acknowledged that there may be some congestion and issues with parking, it is not considered that a business of this size would have any notable impact. The traffic and parking generated would be extremely modest, with potentially one additional car within the street, during a time of the day when local residents may be at work and thus on street parking is less in demand. Whilst it is recognised that local residents may not be able to park near their properties, which may be particularly important for the elderly and those with mobility issues, this is the nature of on-street parking where no space is reserved solely for a particular property and is likely already an issue being experienced. It is not considered that the additional parking from the business would greatly contribute to this problem. Additionally, it would be reasonable to expect, given the small-scale nature of the business, it would likely attract people who live in the local area who may walk or cycle to the beauticians.
- Given the small scale nature of the business proposed it is not considered that it would have any adverse impact on the residential nature of the street or that it would impinge on the character of the area.
- It is recognised that there may be appropriate vacant units within the town centre from which this business could operate. However, these may not be viable for the applicant for any number of reasons and their presence should not prevent small scale development elsewhere. Indeed small businesses such as this, within residential areas, can provide a valuable and more sustainable service to local residents. They can serve the population of the immediate area who can easily access it on foot rather than using private transport.

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. 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:

Proposed floor plans, Drawing Number: ARGYLE 13 01, Amended Plan Received 4 October 2024.

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

3. **BEFORE** the beautician use hereby approved commences, a scheme for biodiversity enhancement, including a timescale for its implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. The beautician use hereby approved shall not operate outside the hours of 09:00 to 17:00 Mondays to Fridays and 09:00 to 13:00 on Saturdays.

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.

5. The beauticians hereby approved shall only operate in conjunction with the residential use of the property and shall only take place within the first floor Therapy Room as shown on drawing number ARGYLE 13 01. In the event that the beauticians ceases to operate for a period of at least 12 months, the Therapy Room shall revert to its former residential use.

Reason - To restrict the scale of the development and ensure it remains ancillary to the primary residential use, in the interest of residential amenities, highway safety and parking in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.