



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 SEPTEMBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0425/10 (JE)  
**APPLICANT:** Mrs Bebbington  
**DEVELOPMENT:** Change of use of part of garage to dog grooming business. (Additional parking plan received 05/07/19)  
**LOCATION:** 64 Ffordd-Y-Dolau, Llanharan, Pontyclun, CF72 9FT  
**DATE REGISTERED:** 29/04/2019  
**ELECTORAL DIVISION:** Brynna

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#### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

#### **REASONS:**

**The operation of the use would not result in a significant impact on the amenity of neighbouring residential properties, the visual amenity of the area or highway safety considerations. The application is therefore considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.**

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Four letters of objection have been received from occupiers of neighbouring properties.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use from a residential garage to a dog grooming business (Use Class Sui Generis) at 64 Ffordd-Y-Dolau, Llanharan, Pontyclun. The garage is integral and is located towards the left of the dwelling set back at the rear of the driveway.

The change of use would be facilitated through internal conversion of part of the garage. Whilst no structural exterior changes are proposed, the garage door would be replaced by a hinged garage door to allow for easier access to the proposed business. In addition, following the submission of amended plans the development would see the creation of 1no. off street parking space within the front amenity space of the dwelling to offset the loss of the garage.

The applicant has clarified that the business would have one employee and it is anticipated that no more than four dogs would be groomed on a daily basis. The applicant has also indicated that the business would work on a “one in one out” basis.

The applicant has suggested the following hours of operation:

- Monday to Friday: 09:00 – 17:00

## **SITE APPRAISAL**

The application property is a modern two storey semi detached dwelling located within a recently constructed housing estate in a residential area of Llanharan, Pontyclun. The property is set back from the highway by an area of lawn and driveway. On the left elevation of the property there is a single storey area which currently accommodates a garage. To the rear of the property there is an enclosed amenity space bounded on both sides by neighbouring properties and a small area of woodland separating it from the properties at Parc Bryn Derwen at the rear.

Neighbouring properties at Ffordd-Y-Dolau are all modern dwellings of a varying designs and scale.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

06/1196/15	Llanilid Occs Workshops, Bridgend Road, Llanharan, Pontyclun	Variation of condition 1 to extend the application for approval of the Reserved Matters by a further two years from the date of approved outline consent (until 26/04/2007)	Grant 22/09/2006
06/2297/16	Llanilid Occs Workshops, Bridgend Road, Llanharan, Pontyclun	Residential development with associated highways and drainage house type substitution	Grant 17/04/2007
07/0928/16	Llanilid Occs Workshops, Bridgend Road, Llanharan, Pontyclun.	Reserved matters in relation to condition 1 (landscaping) of planning consent No 06/1196/15 (previously T/01/3121/13).	Grant 26/06/2007
02/1085/13	Llanilid Open Cast Coal Site & Surrounding Land, Bridgend Road, Llanharan, Pontyclun.	Residential Development with ancillary uses/facilities& associated open space, landscaping, &	Withdrawn - Finally Disposed Of 19/03/2008

highway & other  
infrastructure(Environ  
mental Statement  
submitted).

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

Four letters of objection have been received from the occupiers of neighbouring properties. The points raised are summarised below:

- Impact upon parking and highway safety
- Increased traffic
- Impact upon property prices within the vicinity
- Noise and nuisance created by the dogs
- Would set precedent for further commercial activities
- Covenants restricting commercial activities

## **CONSULTATION**

**Highways-** no objection raised although conditions suggested.

**Public Health & Protection-** no objection although conditions suggested in regards to hours of operation, noise, waste and dust.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Llanharan and isn't allocated for a specific purpose.

**Policy AW2** – supports development in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW10** – does not permit proposals which could cause or result in a risk of unacceptable harm to health and/or amenity.

### **National Guidance**

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local

Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

The Welsh Government published Planning Policy Wales 10 on 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act 2015 into Town & Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other policy guidance considered:

PPW Technical Advice Note 11- Noise

PPW Technical Advice Note 12 - Design

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Main Issues:**

#### **Principle of the proposed development**

The application relates to the change of use of a domestic garage to a dog grooming business at 64 Ffordd-Y-Dolau, Llanharan, Pontyclun.

Given the small scale of the proposed use and its potential limited impact (as set out below), it is considered that the principle of the operation of such a business at the residential property is acceptable subject to the below considerations.

#### **Highways**

Concerns were raised by the objectors in regards to the loss of parking and increase in vehicular movements associated with the proposed business. As such, consultation was undertaken with the Council's Highways Department with the following response received:

The dog grooming business would have an off-street parking requirement of 2 spaces and the existing dwelling 3 with only 2 provided. However given that the applicant would be living in the property it can be argued that the proposed use would only require 1 commercial space. As such, the proposed change of use would increase the properties parking requirement from 3 to 4 (3 for the existing residential use and 1 for the proposed business) Furthermore, whilst the change of use would remove 1 space from the property through the removal of the garage, the applicant has amended the scheme to include 1no. off street parking space within the front amenity space to address highway concerns. As such the off street parking provision at the site would remain unchanged. Consequently whilst the change of use would increase the on street parking demand at the site, when considering the residential cul-de-sac location and small scale of the business, the concern is not significant enough to warrant highway objection.

Taking the above into account, the application is considered acceptable in terms of its impact upon highway safety and parking within the vicinity of the site.

### **Impact on the character and appearance of the area**

The scheme does not propose any increase to the footprint of the building or any external works to the dwelling other than a replacement garage door which would be of a similar design. In regards to the proposed additional parking space within the front amenity space, it is of a limited scale and would not be particularly visible within the street scene. As such, it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

### **Impact on residential amenity**

Whilst the objectors concerns in regards to the impact of the dog grooming business upon residential amenity are acknowledged, the proposed use is not considered to have a significant impact upon the amenity of neighbouring residents for the following reasons.

Given that the size of the garage would limit activity to a small operation, simply the washing, drying and cutting of one dog at a time and no more than 4 a day, between the hours of 9am to 5pm, it is unlikely the business would result in a degree of noise or disturbance that would be disruptive to neighbouring residents or any further impact over and above that which would occur if the occupier were to be grooming their own dogs. Furthermore the number of callers to the house would not be great in number given that only 4 dogs would be groomed per day.

However, to ensure that the business would operate on this small scale and not expand to create an intensity of use that might be harmful to neighbour amenity, conditions are suggested below in respect of the number of dogs to be groomed each day and at any one time and in respect of the hours of operation.

Furthermore no objection was raised following consultation with the Council's Public Health and Protection Division. As such, whilst the objectors concerns are acknowledged and it is accepted that a degree of impact may occur, on balance, the application is considered acceptable in terms of its impact upon the amenity of neighbouring properties.

### **Other issues raised by the objectors**

Impact on property value was raised within the objections received from neighbouring occupiers. However property value is not a material consideration and cannot be taken into account in determining the application.

Whilst objectors comments consider that this application could lead to a future increase in commercial activities; any additional commercial activities would require planning permission and the Council would have the power to restrict future development if unacceptable.

Furthermore, any restrictive covenants on the property are a legal matter outside of the remit of planning and therefore cannot be taken into consideration.

### **Community Infrastructure Levy (CIL) Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

### **Conclusion**

It is not considered the proposal would have a significant impact on the character and appearance of the locality, the residential amenity of the surrounding neighbouring properties and highway safety within the vicinity. The application is therefore considered to comply with Policies AW5, AW6 and AW10 of the Local Development Plan.

### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

#### **RECOMMENDATION: Grant**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans

- Proposed Ground Floor Plan
- TQRQM19186210438584

and documents received by the Local Planning Authority on 29/04/19 and 08/07/19, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The dog grooming business, hereby approved, shall only be open to the public between the following hours:

Monday to Friday 09.00 to 17.00 hours

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The number of dogs groomed at the premises shall not exceed 4 per day and there shall be no more than 1 dog at the parlour at any one time.

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The additional parking space to the front of the dwelling indicated on Plan number "TQRQM19186210438584" shall be constructed in permanent materials prior to beneficial use of the dog grooming business and, together with the existing parking area, shall remain for the purpose of the parking of vehicles only.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, the existing vehicular crossover shall be extended in accordance with details to be submitted to and approved in writing with the local planning authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed parking area shall not discharge onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.