

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0343/NCC 28.04.2017	Mrs L Loftus 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ	Vary condition 1 of planning consent 16/0001/COU to allow the change of the use of the garage to a dog grooming salon 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: 1 Oak Lane, Royal Oak, Machen, Caerphilly, CF83 8SQ.

Site description: The application property is a detached dwelling which fronts north-west onto Oak Lane. It forms the last dwelling at the eastern end of a row of four detached residential properties fronting Oak Lane near to the junction with Oakfield Gardens. The applicant's garage which is subject to this change of use application is located at a higher level and at the far end of the rear garden, a distance approximately 11m south-east of the rear elevation of the main dwelling. The garage is located on the boundary with another neighbouring dwelling (Oak Cottage) which itself is set behind the rear gardens of the properties on Oak Lane. The garage subject to this application is physically attached to Oak Cottage, the neighbouring property to the south-east of the site. Vehicular access to the garage is via a small private access lane which is shared with Oak Cottage with the access lane sloping uphill from Oak Lane. On the opposite side of the access lane to the east is a large detached dwelling set in a substantial curtilage (Oakwood House). To the south-west of the application site is the neighbouring dwelling (2 Oak Lane) whose rear garden curtilage is set at a lower level than the garage subject to this application. Further residential properties are located to the south and north of the site.

Development: Vary condition 1 of planning consent 16/0001/COU (change the use of the garage to a dog grooming salon), which would allow the change of a permanent basis.

Dimensions: Footprint of the garage is 5.2m by 4.86m.

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Application No. 17/0343/NCC Continued

Materials: Existing garage is comprised of stonework and concrete tile with wooden garage doors.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

16/0001/COU - Change the use of the garage to a dog grooming salon - Granted 7.04.16.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, but this application is for a change of use and so this is not a material consideration in this case.

CONSULTATION

Transportation Engineering Manager - There is objection to the submitted proposals for the following reasons:

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Application No. 17/0343/NCC Continued

The application has failed to adequately demonstrate that appropriate access and parking arrangements for the existing dwelling and the proposed new business have been provided and therefore the development is contrary to Policy CW3 (Highways) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010. Reference is also made to objections received relating to parking and highway safety issues.

Head Of Public Protection - No objections.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 5 nearby properties.

Response: Four objections have been received relative to the consultation exercise.

Summary of observations:

- Issues surrounding maintenance, access and rights of use over the driveway which is a shared access between Oak Cottage and 1 Oak Lane.
- Alleged antisocial behaviour by the applicant and her partner.
- The application states that parking is available off the road on both sides. This is not the case.
- Parking problems and highway safety when customers come to collect animals
- The noise is also an issue
- Waste (dirt water) is also being thrown into the road.
- This is a quiet residential area that now has become a busy road.
- Poor Visibility to access.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

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Application No. 17/0343/NCC Continued

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies: This application seeks to remove condition 1 on a previous planning permission (16/0001/COU) which required a change of use of a detached garage to a dog grooming salon located within the curtilage of 1 Oak Lane to cease following a period of 12 months. That previous application was originally recommended for refusal by Officers for the following two reasons:

01) The proposed dog grooming parlour by reason of its noise generating characteristics and its siting would have an unacceptable impact on the amenity of nearby residential properties resulting in an harmful change in the predominately residential character of the area contrary to criterion A of Policy CW2 (Amenity) and criterion B of Policy CW15 (General Locational Constraints) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

02) The application has failed to adequately demonstrate that appropriate access and parking arrangements for the existing dwelling and the proposed new business would be provided and therefore the development is contrary to Policy CW3 (Highways) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

The application was heard at Planning Committee and members were not minded to accept the recommendation and deferred the application to be presented back with a recommendation for a trial run of 12 months. The application was approved with this time limiting condition at the subsequent planning committee. The current application was submitted prior to the expiry of the 12 month period.

The primary considerations in relation to the determination of this application to remove the condition are considered to be the impact on the amenity of neighbouring properties and the impact of the development on highway safety.

In considering this application weight has been given to the fact that the dog grooming business has been operating for a 12 month period prior to the submission of the current application and the Environmental Health department have offered no objection to the continuation of the business and have verbally advised that there has been not been substantive complaints made in relation to the business operation. It is considered that the development accords with adopted Local Development Plan Policy CW2 (Amenity) in having an acceptable impact on neighbour amenity.

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Application No. 17/0343/NCC Continued

The Transportation Engineering Manager has maintained an objection to the development based on a lack of appropriate access and parking arrangements for the existing dwelling and the proposed new business and makes reference to parking problems made in representations to the application. It is noted that a parking space is available outside of the garage in question and there is some on street parking available in Oak Lane. The road outside the property has no parking restrictions and noting the 'trial run' afforded to the business there has been a limited number of representations received. It is considered on balance that there is not sufficient grounds to warrant the refusal of the application on lack of parking.

The application is considered to be acceptable and is recommended for approval accordingly.

Comments from consultees: Addressed in the body of this report.

Comments from public:

Issues surrounding maintenance, access and rights of use over the driveway which is a shared access between Oak Cottage and 1 Oak Lane.

The issues raised are considered to be a civil matter in relation to the use of the driveway. Correspondence has been submitted by the applicant supporting to show that this has been resolved but it is considered that this would be a matter for the two parties involved.

Alleged antisocial behaviour by the applicant and her partner.

This is not a material planning consideration.

The application states that parking is available off the road on both sides. This is not the case.

Parking problems and highway safety when customers come to collect animals

This is a quiet residential area that now has become a busy road.

Poor Visibility to access.

Due to the limited scale of the business and the availability of some on street parking it is not considered that there is sufficient evidence of parking problems/highway issues to refuse the application on this basis.

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Application No. 17/0343/NCC Continued

The noise is also an issue

Waste (dirt water) is also being thrown into the road.

The Environmental Health Officer has considered the application and offered no objections to the application. The business has been operating for a period of time and the level of complaints received do not indicate that there is a significant issue in relation to noise or waste.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The use hereby approved shall be limited to the existing garage.
REASON: In the interest of residential amenity and to limit the level of traffic visiting the site.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions attached to their consent: policies CW2 and CW3.

