

PREFACE ITEM

APPLICATION NO. 16/0001/FULL

APPLICANT(S) NAME: Mrs L Loftus

PROPOSAL: Change the use of the garage to a dog grooming salon

LOCATION: 1 Oak Lane, Royal Oak, Machen, Caerphilly, CF83 8SQ

A copy of the planning report (attached) was considered at the Planning Committee held on the 9th March 2016, at which time Members resolved not to accept the recommendation to refuse planning permission, but that a further report for a temporary permission should be presented for approval.

Members considered the comments in support of the application were a material consideration and outweighed the officer's reason for refusal. If Members are minded to approve the application the following conditions are proposed:-

1. The use hereby permitted shall be discontinued on or before 30th April 2017.

REASON: To allow the Local Planning Authority to monitor and consider the impact of the use on the neighbouring properties.

RECOMMENDATION: That planning permission is refused in accordance with the recommendation in the attached report, but if Members are minded to grant a temporary permission, that consent be granted subject to the conditions set out in the report above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0001/FULL 14.01.2016	Mrs L Loftus 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ	Change the use of the garage to a dog grooming salon 1 Oak Lane Royal Oak Machen Caerphilly CF83 8SQ

APPLICATION TYPE: Full Application

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: This application seeks permission to change the use of a domestic garage to a dog grooming salon.

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

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

Ancillary development, e.g. parking: None.

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Application 16/0001/FULL Continued

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

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

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

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP6 (Place making).

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

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 - Objection - Loss of Parking for the existing dwelling and a lack of parking for the new business.

Head Of Public Protection - Recommend a temporary permission of 12 months to assess the impact on adjacent properties.

Bedwas, Trethomas & Machen Community Council - Objection due to loss of parking.

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Application 16/0001/FULL Continued

ADVERTISEMENT

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

Response: Two letters of objection have been received in relation to the consultation exercise. In addition a request for the application to be subject to a site visit and consideration by planning committee was received.

Summary of observations: Those objections related to material planning considerations are summarised below:

1. Expresses concern at existing noise levels including barking from the owners' existing dogs and considers that noise levels would likely increase if other dogs were introduced to the property. Existing levels of dog barking from the premises wake occupants at night and early morning.
2. Questions whether the development will evolve from a dog grooming parlour into kennels.
3. References historical problems with the owners of 1 Oak Lane, including maintenance issues related to the shared drive.
4. Access and Parking problems associated with obstruction of the shared driveway to the side of the application property.
5. Concern that the submitted access statement does not accurately reflect the amount of traffic using the access lane.
6. Access to the dog grooming parlour should not be via the shared driveway.
7. Highlights the quiet residential character of the area.

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?

It is not considered that crime and disorder will be materially affected by the development.

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Application 16/0001/FULL Continued

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 any consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No.

ANALYSIS

Policies:

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

In relation to the impact on the amenity of neighbouring properties the representations received have alleged that there have been problems with noise associated with existing dogs at the applicant's property which is given some weight in the determination of this application. Furthermore the location of the garage sited at the back of the applicant's garden, is approximately 11 metres away from the main dwelling house, located on the boundary with the neighbouring property (Oak Cottage) to the south east and is physically attached to that neighbouring dwelling. It is considered that due to the location of the garage, abutting the neighbouring dwelling and curtilage and with the nature of the business proposed that there is a likelihood of significant level of noise being generated by the proposed dog grooming business in what is a predominately residential area. The proximity of the structure to Oak Cottage (being connected to that building) is of particular concern for the amenity of the neighbour and consideration has been given to the fact that any noise generated by the business would be likely to impact more on the dwelling and curtilage of Oak Cottage than the applicant's own dwelling given the location of the garage. There is also potential for significant noise impacts on other residential curtilages in the vicinity of the site and representations made to the application have highlighted existing high noise levels from dog barking which would be likely to increase with the operation of a dog grooming parlour. It is considered that the site specific circumstances of this garage in an elevated position relative to some other curtilages and the nature of the business (whereby it is difficult to control noise from dog barking which may be sporadic and unpredictable) that the proposed development would harm the amenity of neighbouring properties and the predominately residential character of the area contrary to adopted Local Development Plan Policy CW2 and CW15.

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Application 16/0001/FULL Continued

The applicant has stated within the submitted access information that parking is available on the existing main road and also the private lane provides adequate access to the garage. The representations received in relation to the consultation exercise include reference to parking problems and access issues with the shared access. It is considered that access issues would be exacerbated by the opening of a dog grooming business operating from a garage accessed via a relatively narrow access lane which has a noticeable upward gradient from Oak Lane. It is noted that the lane and driveway to the garage are restricted in width and due to level differences within the garden area of number 1 Oak Lane, prohibits easy turning and manoeuvring to egress onto the lane in a forward gear. Whilst it is noted that the applicant has stated that only one dog would be groomed at a time and a collection and delivery service would be offered, there is a reasonable prospect that customers would arrive by car and either seek to park outside the premise on Oak Lane or access the shared lane with Oak Cottage. Whilst there is some on street parking within the vicinity of the site the application has not provided any details of parking to offset the loss of the garage for the application property and with additional traffic likely to be generated by the proposed development it is considered that on balance the development would lead to parking and access problems within the vicinity of the site contrary to adopted Local Development Plan Policies CW3 (Highways). The Highway Authority object to the application due to the lack of off street parking provided for the new business and the loss of the garage space to the existing dwelling.

It is therefore considered that the development would be harmful to the amenity of neighbouring properties and the predominately residential character of the area. The application also fails to demonstrate that adequate access and parking arrangements for the dog grooming parlour are available nor provides any offset parking for the existing dwelling to compensate for the loss of the garage. No dedicated parking for the proposed business is included with the application. The application is considered contrary to adopted Local Development Plan policies CW2 (Amenity), CW3 (Highways) and CW15 (General Locational Constraints) and is recommended for refusal accordingly.

Comments from consultees:

The Environmental Health Officer has not objected to the development but requested a temporary permission to be granted in order to assess the impact on nearby residents. Noting the objections received indicating existing noise issues with the property and the location of the garage in close proximity to Oak Cottage and other residential curtilages, it is considered that there are significant concerns in relation to noise and impact on the character of the area and a 'trial run' is not appropriate in this instance.

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Application 16/0001/FULL Continued

The Council's Ecologist has no objections to the development subject to standard conditions and informative notes being imposed.

The Highway Authority have objected to the development on the loss of parking for the existing dwelling and a lack of parking for the new business.

The Community Council have objected on the loss of parking.

Comments from public:

1. The concern raised in relation to existing noise levels from dog barking and impact on the character of the area have been addressed in the body of this report.
2. The concerns expressed in relation to potential future changes to the nature of the business (i.e. from a daytime dog grooming parlour to overnight kennels) are speculative and would in any case involve a further change of use and therefore have not been considered in relation to this application which is being determined on the basis of the information submitted.
3. The stated issues raised of historic problems between land owners are considered to be civil matters not pertinent to the determination of this application.
4. The report has considered the allegations in relation to access and parking problems associated with the shared driveway to the side of the application property.
5. The representations made that the submitted access statement does not accurately reflect the amount of traffic using the access lane has been considered and the access issues are considered in the body of the report.
6. In relation to preferred access arrangements to the dog grooming parlour these have been considered in the wider consideration of access and parking.
7. The residential character of the area has been considered in the determination of the application.

Other material considerations: None.

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Application 16/0001/FULL Continued

RECOMMENDATION that Permission be REFUSED for the following 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.
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