



PLANNING & DEVELOPMENT COMMITTEE

16 JULY 2020

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0491/10
(BJW)
APPLICANT: Mr M Morgan
DEVELOPMENT: Change of use from dwelling to a post office and re-location of ATM (amended description received 08/06/20).
LOCATION: 27 CHURCH ROAD, TON PENTRE, PENTRE, CF41 7EB
DATE REGISTERED: 08/06/2020
ELECTORAL DIVISION: Pentre

RECOMMENDATION: Approve

REASONS: The proposed change of use would be suitable and appropriate to the existing retail area of a Local and Neighbourhood Centre (Ton Pentre) and would add to the vitality and viability of this area. The operation of the use would not have a detrimental impact on the amenity of neighbouring residential properties (including those above the shops).

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its impact on the visual amenities of the area, highway safety and the amenities of nearby residential properties as well as maintaining the position of the retail centre within the retail hierarchy.

REASON THE APPLICATION IS BEING REPORTED TO COMMITTEE

There have been more than three objections received to the proposal.

APPLICATION DETAILS

Full planning permission is sought for the change of use, from residential to a Post Office (A1), and external alterations, including the installation of an ATM, to 27 Church Road, Ton Pentre. Specifically, the application proposes the following:

- The installation of a new shop front with a centrally located, automatic opening, glass door; a fixed-panel stall-riser and shop windows either side of the main door; and
- The installation of an ATM machine to the right of the main shop front (in the position of the existing main entrance door).

The proposed hours of operation of the business would be 7am to 7pm, Monday to Friday; 7am to 2pm Saturday and not at all on Sundays and Bank Holidays.

The floor plan for the proposed Post Office includes the main shop area, a staff room, store room and kitchen at ground floor and a landing, 2 no. store rooms and a bath room and WC at first floor.

SITE APPRAISAL

27 Church Road is a mid-terraced dwelling house in a prominent main road location. The property is the only residential dwelling within this block of properties with the others all in commercial uses including a charity shop, chemist, three hairdressers and a travel agents.

The property has a recessed frontage with a large bay window and entrance door. It is clear that the property has been converted from a previous commercial use by virtue of the contemporary nature of the residential frontage.

This area of the village of Ton Pentre is predominantly characterised by commercial properties although there are several residential properties intermittently along Church Road, including two on the opposite side of the road.

PLANNING HISTORY

None.

PUBLICITY

This has included site notices and the direct notification of properties surrounding the site. Eight responses have been received, three in support and five objecting (two from the same respondent) to the application. The main points of the responses are detailed below:

Support

1. There has been a Post Office in this village for over 100 years.
2. The new location will be in walking distance for many residents.
3. The location will be great for people of advancing years and those who do not drive.
4. The Post Office would be an asset to the community and provide a vital service.

Objection

1. The closeness to the existing zebra crossing raises concerns for pedestrians crossing the road.
2. Increased levels of traffic and illegal parking in the vicinity of the Post Office and the ATM.
3. Increased pressure on the parking provision of surrounding streets for users of the Post Office and ATM.
4. Increased levels of noise in the area, particularly for users of the ATM.
5. Difficulties in using the shop for disabled individuals.
6. Lack of any parking facilities.
7. The current parking restrictions are not enforced leading to illegally parked vehicles accessing existing businesses. This will worsen the situation.
8. The existing location of the Post Office, approximately 200m away with a public car park opposite is more suitable.
9. Concerns that the respondent has been unable to contact the Planning Department due to the COVID-19 pandemic. In this regard the respondent requests that the application be deferred until the Council is fully functioning.

CONSULTATION

Transportation Section – no objection. There is concern with regards to the limited off-street car parking facilities within the vicinity and potential for indiscriminate on-street car parking. However, Church Road fronting the site is protected by the existing Traffic Regulation Order maintaining street space for peak times, sight lines and taking into account the proposed is in a sustainable location with trips cross linked, the proposal is considered acceptable

Public Health and Protection Division – No objection, subject to a condition to control the hours of operation during the construction phase of the development. Additionally, the following advice is offered:

The proposed cash point is situated in close proximity to a number of residential properties and as such there is the potential for the development to have an impact on local residents. It is likely that noise will be generated by an increase in vehicles travelling through Church Road and parking outside the proposed cash point machine. Noise is also likely to be generated by the slamming of car doors and possibly from car radios when cars are parked in the vicinity of the cash point.

The noise generated from the aforementioned sources is likely to have a greater impact on local residents during the early hours of the morning when background levels are at their lowest.

It is advised that there is no legislation available to this department to control noise of this nature, as such it is recommended that careful consideration be given to this application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Ton Pentre and is within the Ton Pentre Local and Neighbourhood Centre (Policy NSA19.3 refers).

Policy CS1 - sets out criteria for achieving sustainable growth including promoting and enhancing transport infrastructure services.

Policy AW 2 - supports development in sustainable locations.

Policy AW 5 - lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW 6 - lists design and place making criteria that will be supported in new development proposals.

Policy NSA 19.3 - designates the area as a Local and Neighbourhood Centre (Ton Pentre) and supports development that would maintain or enhance a centre's position in the retail hierarchy.

Policy NSA17 – states that proposals for Class A1, A2 and A3 uses in retail centres will be permitted provided that they add vitality and viability to the centre.

National Guidance

Planning Policy Wales

In the determination of planning applications regard should also be given to the requirements of National Planning Policy that 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.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations (Wales) Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and the site is being 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 defined by Chapter 2 People and Places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed:

Chapter 3 (Strategic and Spatial Choices);

Chapter 4 (Active and Social Places);

Chapter 5 (Productive and Enterprising Places); and

Chapter 6 (Distinctive and Natural Places).

Other relevant national policy guidance consulted:

Planning Policy Wales Technical Advice Note 3: Retail and Commercial Development

Planning Policy Wales Technical Advice Note 11: Noise

Planning Policy Wales 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

It is considered that the principle of changing the use of the property from a residence to a Post Office (A1) use, would be acceptable in terms of the provisions of the Local Development Plan.

The existing use of the premises is a dwelling (C3) while the proposed use would be Use Class A1. National Guidance considers that retail uses (A1) should underpin centres while a lively mix of uses, including A2 and A3 uses, is encouraged in order to promote and improve vitality and viability.

Development Plan Policy (NSA 19) recognises that all “A” uses can add vitality and viability by attracting footfall that benefits the daytime and evening economy in existing retail centres. The policy seeks day-time opening hours and encourages uses that complement the retail centre.

As this application proposes to open from 7am until 7pm (2pm on Saturdays) it is considered that it would have a positive impact upon the retail frontage within Ton Pentre. Additionally, the change would result in an increase in A1 floor space within a Local and Neighbourhood Centre (Ton Pentre) which would strengthen the predominant retail use (A1) within the centre and as such the character of the retail centre would be maintained and enhanced.

Consequently, it is considered that the principle of a change of use to A1 is acceptable.

Impact on the Local and Neighbourhood Centre (Ton Pentre)

The site is within a Local and Neighbourhood Centre, the village of Ton Pentre. As such developments for retail units and other uses should enhance or maintain the centre's position within the retail hierarchy.

As detailed above, it is considered that the change of use to an A1 use would add to the mix of shops within the retail area and consequently, to the vitality and viability of the area. Additionally, the development would also increase the retail floor-space within the retail centre and provide a more productive, commercial use to the property.

Consequently, it is considered that the change of use would positively meet the requirements of the policy for the retail centre and maintain and enhance the centre's position in the retail hierarchy and is therefore acceptable in this respect.

Impact on neighbouring properties

The proposal includes the change of use from a residence to a Post Office, along with the installation of a new shopfront to facilitate the new use and an associated ATM.

It is considered that the proposal would be sited within a prominent and sustainable location that is within walking distance of a wide catchment area and close to public transport routes. That said, it is considered that the majority of users of the Post Office in particular, would travel to the premises on foot.

While this may be less true of the users of the ATM there are two other ATM's in the immediate locality. It is considered that the other machines do offer better facilities for passing users and are therefore more likely to be used in this way.

The comments of the Public Health and Protection Division are acknowledged in this regard. However, it is not considered that the use of the premises or the ATM would generate sufficient additional levels of noise and disturbance that would warrant refusal of the application.

The surrounding area is designated within the Rhondda Cynon Taf Local Development Plan (RCTLDP) as a Local and Neighbourhood Retail Centre and this is reflected in the concentration of commercial properties within this area.

What residential properties are present would be used to a higher level of noise and activity that characterises such areas. Consequently, it is considered that the proposal would be in keeping with surrounding land uses and the retail area and would not have an adverse impact on neighbouring properties.

Furthermore, the hours of operation are consistent with retail areas, closing for business by 7pm thereby avoiding disturbances late into the night.

Visual amenity

The application seeks the installation of a new shop front and an ATM onto Church Road.

The shop front is considered to be visually acceptable and would improve the appearance of the property to the benefit of the commercial area and the visual amenity of the area. Similarly, the ATM is a standard form of installation and is also considered to be visually acceptable.

Items such as the shop front arrangement and the roller-shutter mechanism are considered to be sympathetic and in-keeping with existing properties and the character and appearance of the area in general. The arrangement and finish of the roller shutter and the materials for the shop front can also be controlled by suitably worded conditions.

Consequently, it is considered that the application is acceptable in this regard.

Highway safety

The Transportation Section has raised no objection to the application. This view acknowledges that the site is located on Church Road, which is the main link through the shopping area of Ton Pentre. Church Road has a carriageway width of 7.3m with 2 x 2m footways which are acceptable for safe vehicular and pedestrian movement.

The highway fronting the site has parking restrictions on both sides of the carriageway with Zig Zag markings restricting car parking and maintaining vision to the crossing point.

To the rear is an adopted 3m lane which is acceptable for secondary access only. The building occupies the majority of the plot with no space for provision of off-street car parking facilities.

In terms of parking the existing dwelling requires up-to a maximum of 3 space in accordance with the SPG Access, Circulation and Parking 2011, with none provided. The proposed use as an A1 Post Office requires 2 spaces in accordance with the SPG, with none provided. There is, therefore, concern that there are no off-street car parking facilities. However, taking into account there is no potential to provide off-street car parking and the proposal is located in the retail area of Ton Pentre close to a number of other facilities including bus and rail stops a short walk from the site where trips would be cross-linked, no objection is raised in this respect.

In conclusion, there is concern with regards the limited off-street car parking facilities within the vicinity and potential for indiscriminate on-street car parking. However, Church Road fronting the site is protected by the existing Traffic Regulation Order maintaining street space and sight lines for peak times. Additionally, taking into account that the proposal is in a sustainable location with many trips likely to be cross-linked, the proposal is considered to be acceptable in respect of the potential impact upon highway safety.

Other issues

The issues raised by the respondents to the application are acknowledged. Having regard to the points raised the following comments are offered.

Highway Safety

There is plenty of anecdotal evidence from respondents that the highway around the application site is already subject to a level of intermittent and indiscriminate, on-street parking. However, as detailed in the comments by the Transportation Section, there is an existing Traffic Regulation Order (TRO) in place around this section of Church Road and in particular the pedestrian crossing. Consequently, this issue can be addressed through effective enforcement of the existing TRO.

The area is also subject to various traffic calming measures in the immediate locality that reduce the speed of traffic using the highway network. Therefore, while the concerns are noted in this regard, the application is considered to be acceptable in this respect.

Disabled access

The access door shown in the application particulars is an automatic opening glass door of sufficient width to accommodate wheelchair users and with a level threshold to the main Post Office area. Additionally, the shop will need to comply with DDA regulations and the Building Regulations and therefore this issue will be adequately addressed.

Existing Post Office

While the location and arrangements of the existing Post Office are noted, they have little relevance to the current proposal.

COVID-19 restrictions

One respondent has stated that they have had difficulties in contacting the Planning Department due to the ongoing COVID-19 pandemic and that the application should be deferred until such time as the Council is fully functional. While this point is acknowledged, the Council have maintained email and, when requested, phone contact with customers over the past few months of the pandemic.

It would be remiss and unacceptable to unduly delay the determination of an application particularly when sufficient processes were and are in place to ensure that all interested parties can be accommodated within the planning process.

The comments made by the Council's Public Health and Protection Division are acknowledged. In terms of the restriction of the hours of operation during the construction phase of the development, it is considered that this can be more efficiently and effectively dealt with under other legislation that is available to the Council.

In terms of the noise levels that could affect nearby residents, particularly from customers using the ATM, this is dealt with earlier within the report and has been evaluated and fully considered in line with the recommendations of the Public Health and Protection Division.

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

The change of use of the property and its physical alterations are considered to be acceptable. The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the change of use, highway safety, the impact on an existing retail centre of a Key Settlement, and the impact on neighbouring properties and the visual amenity of the area (Policies AW5, AW6 and NSA19.3).

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 plan(s) no(s)
 - Site location plan / Block plan / Existing and Proposed plans and elevations / Cross-section

and documents received by the Local Planning Authority 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. Building operations shall not be commenced until samples of the materials, including colour, proposed to be used in the new shopfront and the roller shutter (including the size and type of perforations) have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the sample(s) so approved thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

4. The hours of operation for the business hereby approved shall be as follows:

- Monday – Friday 07.00 to 19.00 hours
- Saturdays 07.00 to 14.00 hours
- Sunday and Bank Holidays Not at all

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.