

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

20 FEBRUARY 2014

**REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES**

Agenda Item No.3(1)

**SITE MEETING
APPLICATION NO. 13/1077 – CHANGE
OF USE FROM OFFICE TO A3 CAFÉ
(AMENDED PLANS RECEIVED 4
DECEMBER 2013) – THE COACH
STATION, LLANTRISANT ROAD,
LLANTWIT FARDRE**

Author: Mrs.Z.Maisey, Principal Officer, Committee Services

1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning.

3. BACKGROUND

- 3.1 In accordance with Minute No.168 (Development Control Committee, 16 January 2014) a site inspection was undertaken on Monday, 27 January 2014 to consider highways concerns regarding the proposal.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Members, County Borough Councillors J.Bunnage and J.S.James.
- 3.3 The Development Control Officer informed Members that full planning permission was being sought for the change of use of the former ticket office serving a coach station to a cafe. The application related to the

ground floor of the building only, fronting Llantrisant Road. No take-away food service was proposed and the cafe would be operate between the hours of 8 a.m. - 8 p.m. An external flue was proposed and following an objection from a neighbouring resident, its position had been amended and it would be located to the rear of the building.

Four parking spaces were located to the rear of the site which was an existing parking area for another business. Although agreement from the landowner concerned had been submitted with the application, it was considered that it could not be guaranteed. The parking spaces to the rear were accessed from the road off Llantrisant Road that serves Newtown Industrial Estate.

The Transportation Officer confirmed no objection to the proposal subject to a condition requiring the parking area was not used for any other purpose other than parking.

The Local Members expressed concerns that customers and staff would park on Llantrisant Road and there was potential for lorries and vans to park there too creating traffic hazards to the detriment of highway safety.

Members were advised that double yellow lines were proposed in front of the residential dwellings to the north-west and on three junctions near to the site and whilst this could restrict some areas of on-street parking there would still be areas of parking available. Members were further advised that no objections had been raised by the Transportation Section as parking would be away from the junctions and crossings near to the site and that traffic on this road had been substantially reduced by the Church Village By-Pass. It was not considered the proposed development would create significant highway safety issues.

The Development Control Officer was asked whether a condition could be imposed to ensure that parking was only allowed at the rear and in response, Members were informed that such a condition would not be enforceable.

APPENDIX 1

APPLICATION NO: 13/1077/10 (GW)
APPLICANT: Mr A Allen
DEVELOPMENT: Change of use from office to A3 cafe (amended plans received 4th December 2013).
LOCATION: THE COACH STATION, LLANTRISANT ROAD, LLANTWIT FARDRE, PONTYPRIDD.
DATE REGISTERED: 07/11/2013
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Grant

REASONS:

A café would provide a local service and bring part of a vacant commercial building back to an active economic use. The café would not provide hot food takeaway and its opening hours would be 08:00 hrs to 20:00 hrs which would be reasonable for the location. The proposed flue, located on the rear of the building, reduces its visual impact from the street scene and would not result in significant impact on the amenity of nearby residents. Customer parking would most likely be on the main road, however it is envisaged that many customers would be local and would walk. There is also a bus stop in close proximity.

APPLICATION DETAILS

Full planning permission is sought for the change of use of a former ticket office serving a coach station to a café (A3 use). The application relates to the ground floor only of the building fronting Llantrisant Road. No hot food takeaway is proposed. The floor plan details a dining area of 9 tables, a kitchen area toilets and storage. An external flue is proposed. Following an objection from a local resident the flue's position has been amended and it would now be located to the rear of the building.

The opening hours are proposed to be 08:00 to 20:00 Monday to Saturday. No opening hours are proposed for Sundays or bank holidays.

Four parking spaces are located in a yard to the rear of the site which is an existing parking area for another business. A letter from the owner (Barrie Williams Developments Ltd) has been provided detailing permission to use the spaces.

The application is accompanied by the following:

- Design and Access Statement

SITE APPRAISAL

The site is a two storey building fronting Llantrisant Road in Llantwit Fardre, which was a former ticket office for a coach station. The application relates to the ground floor only. The first floor has a separate access via some steps to the side of the building.

On one side of the site is a residential property, with further dwellings (on both sides of Llantrisant Road) to the north east. On the other side of the site is a Public House, with another Public House located on the opposite side of the street. Both these have off-road parking facilities.

A bus stop and pull in area is located directly outside the premise. The four parking spaces being provided as part of the application are located in a yard behind the site. This can be accessed from a road (Ty Gwyn) off Llantrisant Road that serves Newtown Industrial Estate.

PLANNING HISTORY (Most recent and relevant to application)

09/1110	The Coach Station, Llantrisant Road, Llantwit Fardre, Pontypridd,	Change of use from current licensed Transport Depot Use to Plant Hire Storage and Maintenance, Transport Depot and Maintenance Workshop/Light Industrial and Office and Retail Unit.	Granted 30/11/10
93/0187	The Coach Station, Old Station Yard, Off Llantrisant Road, Llantwit Fardre, Pontypridd	Extension of existing office facility	Granted 03/08/93

PUBLICITY

Initially the application has been advertised via the erection of a site notice and by direct neighbour notification. Two letters of objection have been received and their comments are summarised below:

- No car parking facilities are to be provided. Customers of other establishments use our car park (Bush Inn) and another business would further add to parking problems at the business.

- There is a fear that large vans and lorries will use this café and cause bedlam along a busy road, which is used by school children and elderly people.
- There are plans to put double yellow lines along the main road, which will further restrict parking in the area.
- Other concerns include litter, smell and noise disturbance. A café opening early mornings for breakfast could affect my sleep.
- The flue and extraction fan will directly affect my property and the ability to open windows for ventilation of the lounge. It should be located on the rear of the property away from my windows.
- I would not give permission to access my land in connection with the proposal.

Following amended plans being submitted detailing the flue at the rear of the building, the application was re-advertised. No further correspondence has been received.

CONSULTATION

Dwr Cymru / Welsh Water – no objection subject to drainage conditions.

Land Reclamation and Engineering – no objection subject to conditions.

Public Health and Protection – no objection subject to conditions on the demolition of existing dwellings, hours of operation, hours of deliveries, provision of extraction flue, provision of a grease trap, noise, dust, waste. Advice is given with regard to the provision of any required smoking shelters.

Transportation Section – no objection subject to condition requiring the parking area is not used for any other purpose other than parking.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary and is identified as a Site of Importance for Nature Conservation.

Policy CS2 - sets out criteria for achieving sustainable growth including, providing opportunities for inward investment, in sustainable locations, that will benefit the economy.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported 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 - development proposals must overcome any harm to public health, the environment or local amenity as a result of noise pollution, air pollution or any other identified risk to the environment, local amenity and public health and safety.

Supplementary Planning Guidance Access, Circulation & Parking

National Guidance

Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development) and Chapter 8 (Transport) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 22: Sustainable Buildings;

Manual for Streets

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 site is within the settlement boundary as identified in the proposals map of the Rhondda Cynon Taf Local Development Plan and is not allocated. The site is a vacant commercial unit and its re-use would bring back an economic use to the site. It is also recognised that this type of proposal, can be a benefit in residential areas in terms of a local service and for investment. The site is also some distance from nearby allocated retail areas and therefore would not have significant impact on their viability or vitality. In addition the site is in a sustainable location close to residential areas and has public transport links in close proximity and as such could be accessed via a range of transport modes. Therefore taking the above factors into account, in principle the use is acceptable, subject to other material planning considerations that are assessed below.

Impact on residential amenity

The main impact would be from potential noise and disturbance from customers coming and going from the premise and smells and odours. Noise and disturbance could be produced as a result of the comings and goings of customers particularly by cars. This is however a main route through the area which is relatively busy and contains some existing businesses which already result in customers coming and going and parking on the surrounding streets. The proposed development is in a local residential area and is relatively small in scale and therefore it is considered, on its own, would not significantly increase car usage on this route. Furthermore no hot food takeaway is proposed which could result in a greater impact and the proposed opening hours of 08:00 in the morning to 20:00 in the evening are considered reasonable and would not result in significant amenity issues at unsociable hours. An objection has been raised from the consultation exercise with regard early morning disturbance affecting the objector's sleep. It is considered starting at 08:00 is not unreasonable and delivery times could also be controlled. The Public Health and Protection Section have suggested a condition requiring deliveries be restricted to 07:30 to 18:00 on Mondays and Fridays and 08:30 to 13:00 on Saturdays. Notwithstanding this it is considered 07:30 to 18:00 on Monday to Saturday would be acceptable to coincide with the proposed opening hours.

A flue is proposed to disperse smells and odours. Originally the flue was proposed on the side wall next to the adjacent residential dwelling (The Old Post Office). This is considered would have had a detrimental impact on the occupier's amenity and an objection has also been raised by the resident as a result of the public consultation exercise. The proposal has however been amended and the flue has been re-located to the rear elevation, which the objector indicated in their objection would be preferable. The application has been re-advertised and no further objections in relation to this matter have been received. No objection has been raised by the Public Health and Protection Section subject to a condition requiring the details of the flue and extractor are

submitted. Therefore it is considered this issue would not have significant impact on the amenity of surrounding residents.

Taking account of the above assessment there would not be a significant detrimental impact on the amenity of neighbouring residents as a result of the proposal.

Impact on the character and appearance of the area

With regards the impact on the character and appearance of the area, the main impact would be from the proposed external flue. No other external alterations are proposed. This would now be located on the rear of the building and the impact on the main street scene would be insignificant. It would not protrude significantly above the roof line and the applicant has proposed to paint it to help it blend in to the building. The rear of the building is raised above the surrounding area and visible from a wide area. However views would mainly be from a significant distance, due to the yard to the rear of the building, and the building already contains a flue for a central heating system. Therefore, from the above assessment, in terms of the impact on the character and appearance of the area, the proposal would be acceptable.

Access and highway safety

Four off road parking spaces are proposed at the rear of the building, however these are outside the site area and not controlled by the applicant. These would most likely be used by staff due to their location. An agreement from the landowner for their use, has been submitted with the application, however it is considered this could not be guaranteed. Notwithstanding this, it would however be a benefit if they are used.

It is considered if customers and staff come by car they would park on Llantrisant Road or on surrounding side streets. However, due to the location of the site close to residential areas and near a bus stop, there is potential many customers and staff may not come by car. It is also envisaged that visits to the proposed café could be made in conjunction to visiting other commercial premises nearby providing a benefit to other businesses.

Two objections have been received with regard a potential increase in traffic along the road and the potential for lorries and vans to be parked on the street causing a highway safety issue. Further objections have been raised with regard an increase in restricted parking along Llantrisant Road.

Members are advised double yellow lines are proposed in front of the residential dwellings to the north-west and on three junctions near to the site. Whilst this could restrict some areas of on-street parking there would still be areas of parking available. Members are advised no objections have been raised by the Transportation Section as parking would be away from the junctions and crossings near to the site and that traffic on this road has been substantially

reduced by the Church Village by pass. It is considered the proposal would therefore not result in significant highway safety issues.

Finally another objection received from the public consultation exercise details customers of the proposed café would park in off-street parking areas of other nearby businesses, which is an existing issue. Members are advised that whilst this would be unfortunate this would not warrant a refusal reason for this application and as such would be an issue for the management of those businesses.

OTHER ISSUES

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues. With regard the flue and grease trap, these details could be obtained with suitably worded conditions.

Public Consultation objections.

With regard other issues from the public consultation exercise: any litter would be an issue for the management of the business and as a hot food takeaway is not being proposed this is unlikely to be a significant issue. In terms of neighbours granting access to carry out works, the position of the flue has been moved from the side boundary to the rear of the building. Notwithstanding this access for maintenance is controlled by other legislation (i.e. the Party Wall Act).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its principle, the impact amenities of nearby residential properties, the impact on the character and appearance of the area and highway safety (Policies AW2, AW5, AW6 and AW10).

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 Section 92 of the Town and Country Planning Act 1990.

2. The premises shall be used as café (with no hot food takeaway) and for no

other purpose; including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interest of the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The café hereby permitted shall not be open to the public between the hours of 20:00 hours and 08:00 hours on Monday to Saturdays.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Hours of deliveries and collections, to and from the site shall be restricted to 07:30 to 18:00 hours Mondays to Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted is not a source of nuisance to occupants of nearby residential properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Development Plan.

5. Notwithstanding the submitted plans and prior to the commencement of development, a scheme of odour/effluvia/fume control (including colour of the flue) shall be submitted to and approved in writing by the Local Planning Authority. The building/premises shall thereafter only be operated in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjoining properties in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the integrity of the public sewerage system in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

LOCAL GOVERNMENT ACT 1972

As amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

20 FEBRUARY 2014

REPORT OF THE DIRECTOR, LEGAL AND DEMOCRATIC SERVICES

SITE MEETING

**APPLICATION NO. 13/1077 – CHANGE OF USE FROM OFFICE TO A3 CAFÉ
(AMENDED PLANS RECEIVED 4 DECEMBER 2013) – THE COACH
STATION, LLANTRISANT ROAD, LLANTWIT FARDRE**

Minute No.168 (Development Control Committee, 16 January 2014)