



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 MAY 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **APPLICATION NO: 18/0097 - PROPOSED CHANGE OF USE OF DOMESTIC GARAGE TO SMALL RETAIL BUSINESS, 2 RUPERRA STREET, LLANTRISANT, PONTYCLUN**

#### **1. PURPOSE OF REPORT**

Members are asked to consider the determination of the above planning application.

#### **2. RECOMMENDATION**

That Members consider the proposed updated report and determine the application having regard to the advice given.

#### **3. BACKGROUND**

This application was originally reported to the Planning and Development Committee on 19th April 2018 (a copy of the original report is reproduced as **APPENDIX A**).

Following consideration of the report, Members resolved to approve the application contrary to the recommendation of the Service Director, Planning as they were of the view that as the development provided off street parking and due to the small scale of the shop, the proposed development would not have any detrimental effect on highway safety (Minute 182 refers).

Therefore, it was resolved that the matter would be deferred to the next appropriate meeting of the Planning & Development Committee for a report of the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of any proposed or possible planning reason for such a decision prior to determining a matter.

The material considerations of the planning application are considered in full in the original committee report. It is considered that the change of use would be contrary to provisions of the Local Development Plan, in particular highway safety considerations, and is recommended for refusal. However, if after further consideration, Members are of the opinion that the application should be approved, the following conditions are suggested to reflect their views as previously expressed.

## **Planning Conditions and Reasons**

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 development hereby approved shall be carried out in accordance with the approved plan(s) no(s):

1. Site location plan scale 1:1250
2. Existing and proposed plans
3. Existing and proposed elevations

and documents received by the Local Planning Authority on 12/02/18 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 proposed change of use of the domestic garage to a retail business shall be restricted to use in association with the current occupation of 2 Ruperra Street by Mr. and Mrs. B. Williams only and shall not be used as an independent retail unit. Upon the cessation of their occupation of the dwelling, the use of the garage shall revert to use as domestic garage in connection with no. 2 Ruperra Street.

Reason: To provide off-street parking in the interests of highway and pedestrian safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 APRIL 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

**Members are asked to determine the planning application outlined below:**

**Application No:** 18/0097 (BJW)  
**Applicant:** Mr. and Mrs. B. Williams

**Proposal:** Proposed change of use of domestic garage to small retail business  
**Location:** 2 Ruperra Street, Llantrisant, Pontyclun, CF72 8EZ

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**RECOMMENDATION: Refuse**

#### **REASONS:**

The proposed change of use will result in the intensification of the use of Ruperra Street, which is sub-standard and will result in on-street parking demand to the detriment of highway safety and the free flow of traffic. It also has the potential to overspill onto the B4594 Newbridge Road and would consequently have a detrimental effect on highway safety.

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#### **REASON FOR APPLICATION BEING REPORTED TO COMMITTEE**

The application is being reported at the request of Ward Member Cllr. Holmes, as there are planning and highway matters which he would like to bring to the notice of Committee Members which are relevant to the Old Town of Llantrisant.

#### **APPLICATION DETAILS**

The application seeks consent for the change of use of an existing detached garage at 2 Ruperra Street, Llantrisant to a small retail business for pet supplies/consumables.

The applicants, Mr. and Mrs. Williams previously operated a similar business on Newbridge Road, Llantrisant, which is less than 40m from the application site.

Access to the new retail unit would be gained from the existing highway network and the garage would be altered with the substitution of the existing garage doors with new glazed doors and screens and a sign within the existing recess above the door.

The application is accompanied by a covering letter which states the following:

- The applicants have operated a retail business on Newbridge Road for over 20 years, near their house at 2 Ruperra Street trading as Williams Pet Supplies;
- As the business began to reduce, they opted to sell the property on Newbridge Road and, with a view to reducing their overheads, continued to trade on a lesser scale from their garage, unaware that they were in breach of planning regulations;
- Since being notified by the Enforcement Officer they immediately ceased further trading and engaged an agent to submit an application for them to trade from the garage and undertake some small alterations to the elevation of the garage itself;
- The business is an established and well-regarded business that the owners wish to remain in Llantrisant, but on a reduced scale;
- Most sales are home deliveries – very few customers tend to be walk-in customers. Customers are loyal, long-term clients of Mr. and Mrs. Williams;
- Stock deliveries are generally once a month via small Luton-type, fixed-bed delivery vans. There is ample on-road parking in Ruperra Street and on Newbridge Road. There has never been issues with vehicle deliveries at any time in the past 20 years when the business was operated from Newbridge Road;
- For any customers that wish to attend the property in person, there is one on-site vehicle parking space at the front of the garage and unrestricted parking on Ruperra Street and Newbridge Road and also a large, under-utilised public car park on Gwaun Ruperra less than 100 metres away;
- The current garage is not used for vehicle parking. It has always been used for domestic storage and some supplies of surplus stock from the operation of the previous shop on Newbridge Road;
- The alterations to the front of the existing garage would be limited in extent and at night wooden shutters (for security purposes) will be closed. Also proposed is a small sign “Williams Pet Supplies” in the front window of the garage, size approximately 450mm x 450mm.

## **SITE APPRAISAL**

The application property is a detached garage located to the south east and within the existing curtilage of 2 Ruperra Street, Llantrisant. The garage is of a domestic scale and is accessed from the main highway of Ruperra Street and has double gates at the entrance apron.

The garage also has a single-storey, lean-to store attached on its eastern (side) elevation.

## **PLANNING HISTORY**

None.

## **PUBLICITY**

This has included site notices and the direct notification of properties surrounding the site. No responses have been received.

## **CONSULTATION**

Transportation Section – raise an objection to the application for the following reasons:

1. The proposed development will result in the intensification of Ruperra Street, which is sub-standard, to the detriment of highway safety.
2. The proposed development will result in on-street parking demand on Ruperra Street to the detriment of highway safety and the free flow of traffic, which has the potential to overspill onto the B4594 Newbridge Road.

Public Health and Protection Division – no objection, subject to a condition to restrict the hours of operation during the construction phase of the development and standard informative notes.

Dwr Cymru/Welsh Water – no objection subject to conditions and standard advice.

Llantrisant Community Council – no response received.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary of Llantrisant, is within the Llantrisant Town Conservation Area and is unallocated.

**Policy CS2** - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services.

**Policy AW 2** - 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 AW7** - development proposals which impact on sites of architectural/or historic merit and sites of archaeological importance will only be permitted where it

can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

**Policy SSA3** – permits proposals for commercial development which include the promotion of opportunities for new retail development and make a positive contribution to the reduction of congestion.

**Policy SSA16** – identifies the retail centre of Llantrisant Old Town located to the south of the application site. Proposals for retail development which maintain or enhance a centre's position will be permitted.

**Policy SSA17** – supports new and improved retail facilities (Class A) within the retail centre of Llantrisant located to the south of the application site, subject to a number of criteria.

SPG - The Historic Built Environment

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

### **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.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions) Chapter 6 (Conserving the Historic Environment), Chapter 8 (Transport) and Chapter 10 (Retail and Commercial Development), 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: Retail and Commercial Development;

PPW Technical Advice Note 18: Transport.

### **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 garage of the property to a retail use (Class A1) would constitute a fundamental change to the building. This is located within a residential area, rather than in an established retail area within Llantrisant, where such changes of use to retail would generally be supported.

The existing use as a domestic garage is considered to have a fairly low impact on the surrounding area in terms of noise and disturbance from the operation of the use itself. It is anticipated that the type of retail use that is proposed at the site would be characterised by an increased volume of calling traffic and increased levels of noise and disturbance from visiting members of the public.

It is acknowledged however that the scale of the building would not facilitate a significant intensification in the use of the property and this is further confirmed by the applicant's agent, who states that it is their intention to scale down the business operation.

If the application were for a general retail use, then the implications would be less acceptable, however as a pet supplies retail use, it is considered that the nature and scale of the proposal would be unlikely to significantly intensify the use of the property to such a degree that would warrant an objection for this reason. The future use of the garage could also be restricted by the imposition of a condition to ensure that its use remained as applied for and that an alternative, more intensive use within the same use class (A1), would require a further consent. Additionally, the location of the garage building, on the boundary of Ruperra Street and Newbridge Road, would be unlikely to cause a loss of amenity in either location.

Consequently, whilst the principle of using a garage within a domestic setting for retail purposes would not normally be considered acceptable, in this case and on balance, it is not considered that its use would be sufficiently harmful to warrant the refusal of the application on this basis.

## **Impact on neighbouring properties**

The proposal would utilise the existing garage as a retail unit for the sale of pet supplies and consumables. The property is located at the end of a small street of residential properties and adjacent to one of the main routes (Newbridge Road) through Llantrisant Town.

Whilst it is acknowledged that there would be an increased level of visitors to the property, it is considered that due to the location of the garage and the scale of the business use that is proposed, the use would not have such an impact that would be detrimental to the amenity of neighbouring properties.

Furthermore, there have been no objections to the proposal as part of the neighbour notification exercise carried out for the application and the proposal is therefore considered to comply with Policy AW5 of the Local Development Plan in respect of amenity considerations.

## **Effect on visual amenity and the Llantrisant Conservation Area.**

The proposal would utilise the existing garage as a pet supplies business with very few external alterations. Due to the relationship between neighbouring properties and the fairly minor alterations that are proposed, it is not considered that the proposed use would alter the character and appearance of the site, or be harmful in this respect.

Similarly, while the site is within the Llantrisant Conservation Area, the property is on the periphery and represents a modern, contemporary house within a residential area. It is not therefore considered that the minor alterations to an existing outbuilding would have a detrimental effect on the character and appearance or the setting of the Conservation Area.

## **Highway safety**

The Transportation Section has raised an objection to the application. This view acknowledges that the proposed development will result in the intensification of Ruperra Street, which is sub-standard, to the detriment of highway safety and that the proposed development will result in on-street parking demand on Ruperra Street to the detriment of highway safety and the free flow of traffic, which has the potential to overspill onto the B4594 Newbridge Road.

Consequently, it is considered that the application is unacceptable in this respect and contrary to Policy AW5 of the Local Development Plan in respect of accessibility considerations.

## **Conclusion**

Whilst the proposed change of use is not considered to be harmful in relation to its impact on nearby residential properties or the Conservation Area, it would have an unacceptable, detrimental impact on highway safety considerations and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

## **RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:**

1. The proposal would have a detrimental effect on highway safety considerations contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan for the following reasons:
  - i. The proposed development will result in the intensification of Ruperra Street, which is sub-standard, to the detriment of highway safety.
  - ii. The proposed development will result in on-street parking demand on Ruperra Street to the detriment of highway safety and the free flow of traffic, which has the potential to overspill onto the B4594 Newbridge Road.