



PLANNING & DEVELOPMENT COMMITTEE

19 JULY 2018

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/0472/10 (GH)
APPLICANT: Dance Crazy Studio
DEVELOPMENT: Change of use to D2 dance studio with ancillary A1 & A3 use.
LOCATION: EDWARDS COACHES, NEWTOWN INDUSTRIAL ESTATE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2EE
DATE REGISTERED: 01/05/2018
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW

REASONS:

The proposed change of use would meet the need of a long-established and successful local leisure business for larger and more secure premises very close to their existing location.

Furthermore and in the absence of any other suitable or available sites within a town centre location, it is considered that the development would enable continuity of business for the applicants and their employees, and continuity of a well-subscribed leisure facility for the benefit of its users.

REASON APPLICATION REPORTED TO COMMITTEE

This application is reported back to Committee to determine the matter of the proposed condition in respect of opening hours.

Members resolved to approve this application at the Planning and Development Committee meeting of 5th July 2018, and may recall that during their debate, the matter of the opening hours was discussed.

Notwithstanding, the fact that the hours suggested in the condition previously put forward to Members reflected what the applicant's agent had requested, the applicants have since confirmed that they would like the opening hours to better reflect their existing operation, and to allow some flexibility in catering for new users. In particular the applicants wish to be able to provide dancing classes for pre-school

toddlers, who would otherwise be too young to take part in the classes for older children.

In addition, the applicants advise that the business has received interest in providing day time activities for older people, including those suffering from dementia-related health issues.

On this basis a revised condition is suggested for consideration. This condition would allow usage between the hours of 09:00 and 22:00 Monday to Sunday. Previously Members resolved to impose the following hours of operation/use condition:

- Monday to Friday – 15:30 to 22:00 hours
- Saturday and Sunday – 09:00 to 17:00 hours
- Bank Holidays and School Holidays – 09:00 to 17:00 hours

APPLICATION DETAILS

Full planning consent is sought for the change of use of part of the Edwards Coaches Building, Newtown Industrial Estate, Llantwit Fardre.

The application has been submitted on behalf of Dance Crazy, which is a community-based dance school business. Dance Crazy has been recognised nationally and benefits from a large customer base and links with local schools. The applicants advise that over thirty people are employed, including five full-time positions.

The business already operates from two adjoining units on the same industrial estate, although the success of its operations means it has outgrown its accommodation and an existing lease will not be renewed.

The application does not seek permission for any external changes that would alter the appearance of the building. However, the plans demonstrate that there would be some internal conversion and partitioning works to provide the main dance studio, office space, cafe/kitchen, costume-making area and shop counter.

The applicant's agent has provided copies of correspondence from at least six locally-operating commercial estate agents, to evidence the lack of other available alternative sites within close proximity to the existing site.

This information has been supplied in order that the sequential approach required by Planning Policy Wales and the Local Development Plan can be evidenced to have been undertaken.

In addition to the planning statement the applicant has provided a revised, separate plan at the request of Highways officers identifying fifty-six off-street parking spaces, mainly to the side and rear of the premises.

As noted further above, the applicants have confirmed their preference for the opening hours to be from 09:00 to 22:00 hours daily.

SITE APPRAISAL

The application property is located on the Newtown Industrial Estate in Llantwit Fardre and benefits from vehicular and pedestrian access from the A473 Llantrisant Road to the north.

The site It comprises of a large office/workshop/maintenance building and a large area to the rear, which comprises of a bus depot yard, although the application relates to the building and immediate curtilage to the north-east, rather than the extensive coach parking areas around the south-eastern periphery.

Neighbouring properties are mostly occupied by other commercial operations, although there are two dwellings approximately 40m to the north-west, within former railway station buildings, and further dwellings located on both side of Llantrisant Road.

PLANNING HISTORY

The most recent applications on record associated with this site are:

10/5687/32: Relocation. Decision: 31/01/2010, unknown

07/0834/10: New shop front to office block, 2 sets of roller shutter doors, concrete steps & access ramp - Retrospective. Decision: 11/07/2007, Grant

07/0704/01: New illuminated signage. Decision: 27/06/2007, Grant

PUBLICITY

The application has been advertised by direct notification to twenty-six neighbouring properties and notices have been erected on site.

Three letters of objection have been received raising concerns about traffic and music noise, fumes, excessive vehicle movements, insufficient parking and obstruction. Objectors have suggested that if consent is granted, this should be subject to a condition to mitigate noise pollution.

Eleven letters of support have been received, including from Mick Antoniw A.M., highlighting the health and well-being benefits of the activity and the enjoyment gained by the children learning to dance and taking part in activities.

These representations are considered further below.

CONSULTATION

Highways:

No objections subject to conditions

Public Health and Protection:

Conditions are proposed in respect of fume extraction and a waste trap, on account of the ancillary cafe use.

Drainage:

There is no increase proposed to the building footprint and no concerns from a flood risk perspective.

Dwr Cymru Welsh Water:

No objection

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Llantwit Fardre

Policy AW2 - 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 AW10 - supports development proposals which are not detrimental to public health or the environment

Policy AW11 - identifies criteria for proposed alternative uses for employment and retail sites.

Supplementary Planning Guidance - Access, Circulation and Parking

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 4 (Planning for Sustainability), Chapter 7 (Economic Development) and Chapter 11 (Tourism, Sport and Recreation), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other policy guidance considered:

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 established coach depot use is classed as sui generis. Although the coach business is a significant employer, technically the established use is not an 'employment use' by the narrow definition for the purposes of Policy AW11. Therefore, the requirements of Policy AW11, particularly in respect of market testing, are not applicable in this case.

Evidence of a site search has been provided by the applicants, which has included the involvement of the Council's Regeneration team. This search has indicated the difficulties of securing suitable accommodation for both a use needing a large dance floor in a town centre and for a leisure use in a traditional industrial estate.

The particular circumstances of the business, including its level of success and that the current units and parking provision are inadequate, give rise to a genuine need for new premises in the local area.

A desire to expand and create more jobs is expressed within the details accompanying the proposal, and the application form indicates an additional two full time and ten part time jobs are anticipated. This is an additional consideration in favour of the proposals.

The relocation of Edwards Coaches to the Sogefi site has given rise to vacant floor space in Llantwit Fardre, which would meet the need of a long-established local leisure business for larger and more secure premises very close to their existing location, and would facilitate their expansion. Therefore the principle of the development is considered to be acceptable.

Impact on the character and appearance of the area

The proposed change of use does not include any revisions to the external structure of the building; thus it is likely that there would be little visual impact, beneficial or otherwise, upon local character.

Impact on neighbouring occupiers

As described above the application site forms part of an industrial site which has accommodated a variety of business uses and these, including Dance Crazy's current base, have generated significant levels of vehicle movements via the sole entrance on Llantrisant Road.

There are a couple of dwellings located around 40m away from the new site and further residential properties situated along Llantrisant Road. However and notwithstanding the neighbour objections, it is considered unlikely that use of the premises as a dance studio would cause any greater detriment to amenity, than that caused by the most recent use of the site as a coach depot. In any event the applicant provided details of intended opening hours, which are proposed be incorporated within a condition of any consent.

Indeed, given the size of the premises a dance studio might be considered preferable and less disruptive than an alternative industrial use, and since the current Dance Crazy studio already operates from another unit on the same site, the proposed development would not introduce a new use that would be incompatible with other businesses. The new site also provides for a larger, dedicated parking area to the side and rear of the building, which should help to prevent or mitigate the shortage of parking and the problems previously experienced.

Consequently, in terms of the impact of the proposed change of use on the amenity of neighbouring properties and occupiers, the change of use is considered acceptable on balance.

Highways and accessibility

Highways officers have noted that the development would utilise the existing access arrangements to Newtown Industrial Estate. There are no alterations proposed as a result of the development, which are considered acceptable to serve the proposal.

With regards to parking, and in accordance with the Council's adopted SPG, the proposed development has an off street parking requirement of one commercial vehicle space for its operational requirement and one space per two facility users for its non-operational requirement. The applicant's agent has confirmed that the development is aiming to cater for ninety users at any one time. As such, forty-five parking spaces and one commercial vehicle space are required.

The amended parking layout plan, 'DDL/EDWC/02', indicates fifty-six parking spaces, forty-five of which are considered usable on the basis that they have a 6m aisle width to facilitate satisfactory access/egress. This level of parking provision is in line with the SPG requirement, and as such is considered acceptable. Given the development is located on Newtown Industrial Estate, the lack of a specific commercial vehicle space for the developments servicing needs, whilst giving cause for concern, does not warrant highway objection.

There is concern with the presence of the proposed ancillary A1 and A3 uses, and the potential for them to result in increased parking demand. However, the submitted

parking layout indicates a further eleven spaces over the usable forty-five that could be used, with difficulty, should the need arise.

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 proposed change of use is considered to be acceptable in terms of its compatibility with adjoining land uses, impact on neighbour occupiers, and highway safety and parking. The development would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

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 drawing no's. DDL/EDWC/01 and DDL/EDWC/02, received by the Local Planning Authority on the 1st May 2018 and 11th June 2018 respectively, 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. Before the A3 use commences, details of a flu/extraction system, including equipment designed to control the emission of fumes and odour from the premises, together with details of any provisions to reduce its operating noise, shall be submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the scheme, prior to beneficial use, shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of public health and amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Before the A3 use commences, details of a flu/extraction system, including equipment designed to control the emission of fumes and odour from the premises, together with details of any provisions to reduce its operating

noise, shall be submitted to and approved in writing by the Local Planning Authority. All equipment installed as part of the scheme, prior to beneficial use, shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of public health and amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The parking spaces indicated on submitted drawing no. DDL/EDWC/02, received by the Local Planning Authority on the 11th June 2018 shall be retained solely for the purpose of parking of vehicles in connection with the approved change of use.

Reason: To ensure vehicles are parked off the public highway, in the interests of highway safety.

6. The daily hours of operation for the business hereby approved shall be as follows:
 - 09:00 to 22:00 hours

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.