



PLANNING & DEVELOPMENT COMMITTEE

4 APRIL 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 18/1264/10
(LJH)
APPLICANT: Mrs Sundar
DEVELOPMENT: Change of use from Community Centre (D2) to Retail Store (A1) and Laundrette (Sui Generis) (amended plans received 07/02/2019).
LOCATION: **FORMER PENRHIWFER COMMUNITY CENTRE, ASHDALE ROAD, PENRHIW-FER, TONYPANDY, CF40 1RT**
DATE REGISTERED: 29/11/2018
ELECTORAL DIVISION: Tonyrefail West

RECOMMENDATION: REFUSE

REASONS:

The proposed development is considered to be contrary to Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan for highway and noise related reasons.

REASON APPLICATION REPORTED TO COMMITTEE

The application is presented to Committee as three or more letters of objection have been received.

APPLICATION DETAILS

Planning permission is sought for the conversion of a former community centre to a retail store (A1) and laundrette (Sui Generis) at Penrhiwfer Community Centre, Ashdale Road, Penrhiw-fer. The proposal does not include any alterations to the external appearance of the property and proposes minimal alterations to the existing layout of the property

The applicants supporting information highlights that the businesses would be operated between the hours of 6:00am to 11:00pm Mondays to Saturdays, and 7:00am to 10:00pm Sundays and Bank Holidays

SITE APPRAISAL

The site consists of the former Penrhiwfer Community Centre that is a detached premises situated on the main thoroughfare of Penrhiwfer. The site occupies an almost rectangular shaped plot with the two-storey building having an enclosed rear yard to the south-east. The property does not benefit from any off-road parking space but is served by two access lanes along the south-eastern and south-western boundaries of the site. The site is surrounded by residential properties to the north-east, east, south, south-west, north-west and St. Illtyd's Church to the west.

PLANNING HISTORY

None.

PUBLICITY

The application has been advertised via direct neighbour notification and the posting of site notices in the vicinity of the site. Twelve (12) letters of objection have been received from eight (8) persons and are summarised as follows:

- Ashdale Road already suffers from lack of parking spaces with yellow lines along Penrhiwfer Road also. Parking spaces for a taxi rank and offices could not be accommodated in the area.
- The development will result in increased volumes of traffic which the area cannot handle. There are insufficient parking spaces for residents as the area is heavily marked with double yellow lines.
- There will be nowhere for customers of the shop/laundrette to park, the road is always busy and is very dangerous as cars speed along the road even though it is a 20mph zone.
- The building is close to a severe bend, 3 junctions and surrounded by double yellow lines.
- There is a new primary school a short walk away, the traffic and parking is congested and unbelievably busy during school times. This impacts on the traffic along Penrhiwfer Road as parents leave the school.
- The development will have a huge impact on the area, where will the customers and taxis park? This is going to add to the pollution in our village.
- The proposed building is also opposite a church, this will have a detrimental effect on the church and the regular weddings and funerals held there. When there is a funeral here the road is almost impassable what will happen with extra traffic from a shop, laundrette or taxis.
- We have local shops in the neighbouring villages of Williamstown, Tonyrefail and Penygraig, we don't need any more shops in the area we need living accommodation especially with the amount of homeless people we have today in our local community. Penrhiwfer already has a taxi firm in Church road and a laundrette in Williamstown. Why don't we support the small businesses we already have.

- This is a small quiet village and the requested trading hours 6.00 - 23.00 is far too long and disturbing for residents.

In addition, one petition signed by 63 people has been received in favour of the application and the comments within are summarised below:

- It's a good idea as there is nothing available to the community currently.
- A shop is needed in this area and would be convenient.
- It would be nice not to walk 3 miles to a shop.
- A post office would be nice.
- It would be a positive addition to the area and good for the community.
- Good job opportunities.

Following receipt of amended plans to remove the offices and taxi office from the description, the consultation process was repeated and two (2) letters of objection have been subsequently received which are summarised as follows:

- There is insufficient parking for this building to be used as a shop. The front and side of the building are constrained by double yellow lines, with no room for a delivery vehicle to be parked safely. The side road has insufficient parking for residents, let alone any visitors to a potential shop. Any additional car traffic will be dangerous. It would be dangerous and daft to allow this planning permission to be granted.
- A Premier shopping van was parked illegally on the double yellow lines this morning, causing a traffic jam disaster and negatively affecting the safety of the children trying to cross the road to get to school. This is dangerous and is exactly the reason why this application cannot be allowed. The council paid for the double yellow lines to be freshly painted recently, but the applicant simply ignored the law and took no thought for the safety of the children going to school. This isn't the first time this has happened but we now have photographic evidence. The applicant is reckless.
- Although there has been a minor adjustment to the plans I feel it is not sufficient to make the area safe and I still wish to oppose the proposal for the community centre in Penrhiwfer, I am a Penrhiwfer resident and I am very concerned about the safety of pedestrians and motorists in the community.

CONSULTATION

Highways and Transportation – raised objections to the scheme, for the following reasons:

- The proposed change of use to A1 retail requires up-to a maximum of 20 spaces for cars and 1 commercial space for delivery and servicing. It is noted that there are no off-street car parking facilities or safe loading area for service vehicles resulting in indiscriminate on-street car parking in close proximity of sub-standard junctions and controlled pedestrian crossing to the detriment of safety of all highway users and free flow of traffic.
- There is major concern that the area provides direct access to the primary school. Any indiscriminate on-street car parking or mounting of footways to

maintain vehicular access would be to the detriment of safety of all highway users and free flow of traffic. Pedestrians could be forced to walk in the carriageway especially vulnerable younger children to avoid a vehicle parking indiscriminately to use the proposed facility.

- Ashdale Road has sub-standard junctions with (B4278) Penrhiwfer Road in terms of gradient, junction radii, vision splays and oversubscribed with on-street car parking pressure. Therefore, considering the local context, the on-street parking demand for deliveries, customers and workforce would substantially increase risk to all highway users and adversely affect free flow of traffic.

Public Health – no objection, however conditions regarding demolition, hours of operation, noise, dust, waste, and deliveries are suggested.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Penrhiwfer and is not allocated for any specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – states that development 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 AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance

- Design and Placemaking;
- Access, Circulation and 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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is not considered that this proposal meets the seven wellbeing of future generations goals inasmuch as they relate to the proposed development and that the site has been brought forward in a manner inconsistent with the five ways of working.

It is also not considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being through Placemaking, of PPW10 and is also not consistent with the following inasmuch as they relate to the development

Chapter 4 (moving within and between places, transport, living in a place, housing)

Chapter 6 (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other policy guidance considered:

PPW 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

Planning permission is sought for a change of use from a vacant community centre to a retail store and laundrette at Penrhiwfer Community Centre, Ashdale Road, Penrhiw-fer.

The key considerations in determining this application are considered to be the impact of the development on the amenity and privacy of neighbouring properties. Highway safety is a further consideration when assessing the intensification of the existing parking arrangements resulting from the commercial use of the premises.

Impact on the character and appearance of the area

In terms of visual impact, no alterations to the external appearance of the building are proposed. Given the lack of external works it is considered that the scheme poses no undue harm to the visual appearance of the existing building or wider area in this instance.

Impact on highway safety

The Council's Highways and Transportation Section were formally consulted as part of the application, their response is summarised as follows

- The existing community facility requires up-to a maximum of 28 off-street car parking spaces in accordance with the SPG Access, Circulation & Parking

2011 with none provided. However, it is noted that the use as a community facility with no off-street car parking provision and double yellow lines preventing on-street car parking the majority of people using the facility would have been local to the area and travelled on foot considerably reducing the car parking requirement.

- The proposed change of use to A1 retail requires up-to a maximum of 20 spaces for cars and 1 commercial space for delivery and servicing. It is noted that there are no off-street car parking facilities or safe loading area for service vehicles resulting in indiscriminate on-street parking in close proximity of sub-standard junctions and controlled pedestrian crossing to the detriment of safety of all highway users and free flow of traffic.
- The change of use would require staff to park for considerable amount of time in an area where there is little or no safe on-street car parking available due to the nature of the streets in the vicinity of the site.
- There is major concern that the area provides direct access to the primary school. Any indiscriminate on-street car parking or mounting of footways to maintain vehicular access would be to the detriment of safety of all highway users and free flow of traffic. Pedestrians could be forced to walk in the carriageway especially vulnerable younger children to avoid a vehicle parking indiscriminately to use the proposed facility.
- Ashdale Road has sub-standard junctions with (B4278) Penrhiwfer Road in terms of gradient, junction radii, vision splays and oversubscribed with on-street car parking pressure, considering the local context, the on-street parking demand for deliveries, customers and workforce would substantially increase risk to all highway users and adversely affect free flow of traffic.
- The existing visibility splay from Ashdale Road to the B4278 is severely sub-standard to the left 2.4m x 10m, which is made worse by the gradient of the access to Ashdale Road. Any indiscriminate on-street car parking at this location would further exacerbate the situation to the detriment of safety of all highway users.

There is concern that the proposed development will lead to indiscriminate on-street car parking in the vicinity of the site and surrounding highway network adversely impacting on the free flow of traffic.

The council has introduced a number of traffic orders to prevent on-street car parking at this location to maintain free flow of traffic and provide a safe and satisfactory access to the primary school.

Therefore, in the absence of adequate off-street car parking facilities, the proposed development will lead to indiscriminate on-street parking by all types of vehicles in the vicinity of the site and surrounding highway network to the detriment of safety of all highway users and free flow of traffic.

Impact on residential amenity and privacy

Turning to the impact of the scheme on existing levels of residential amenity, there is concern over the appropriateness of such uses and the effect such commercial uses pose to neighbouring residents, primarily residents of the adjacent residential properties in Oakley Terrace and Ashdale Road. It is acknowledged that the

application site is located within the settlement limits and the application property is a detached premises. The residents of the neighbouring properties have raised objections to the application mainly with regards to highway safety and parking, however, the use of the site for the proposed purposes is considered to generate undue levels of noise and disturbance

It is inevitable that the proposed uses, due to their very nature, would generate a level of disturbance through the noise of equipment, delivery & service vehicle noise, and comings and goings of customers who would use the property. Such noise though it may be below the level of statutory nuisance would be difficult to manage and could not be appropriately controlled through the use of conditions, as such, the scheme is considered detrimental to the amenity of the residents of nearby properties and contrary to Policies AW5 & AW10 of the Rhondda Cynon Taff Local Development Plan. The commercial use is also therefore considered detrimental to the highway network serving the site and contrary to planning policy and is therefore recommended for refusal.

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

It is considered the proposal would have a significant impact upon highway safety. The application is therefore considered not to comply with the relevant policies of the Local Development Plan (AW5 & AW10).

RECOMMENDATION: REFUSE DUE TO THE FOLLOWING:

1. The change of use is contrary to Policies AW5 of the Rhondda Cynon Taf Local Development Plan for the following reason:
 - i) In the absence of adequate off-street car parking facilities, the proposed development will lead to indiscriminate on-street parking by all types of vehicles in the vicinity of the site and surrounding highway network to the detriment of safety of all highway users and free flow of traffic.
2. The change of use is incompatible with the nearby residential properties due to its likely adverse impact upon the general residential amenity of the occupiers of neighbouring residential accommodation arising from noise generation and disturbance. As such the proposal conflicts with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

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