



## **PLANNING & DEVELOPMENT COMMITTEE**

**9 MAY 2019**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/1421/10  
**(JE)**  
**APPLICANT:** **BEST TYRES LIMITED**  
**DEVELOPMENT:** Change of use from dance studios to workshop for the sale and fitting of tyres and the maintenance and repair to cars and light vans.(Amended Redline Boundary and Plans Received 05/03/19)  
**LOCATION:** **UNIT 1C, NEWTOWN INDUSTRIAL ESTATE, LLANTWIT FARDRE, PONTYPRIDD, CF38 2EE**  
**DATE REGISTERED:** **05/03/2019**  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION: APPROVE**

#### **REASONS:**

**The principle of the change of use is acceptable. Further, it is not considered the proposed use would have any undue impact upon the amenity, privacy or operation of the neighbouring properties, or upon highway safety in the vicinity of the site.**

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- A request has been received from Councillor Joel James for the matter to come to Committee for determination, in order that Members can consider the cumulative effect of applications at the Industrial Estate are having upon highway safety and parking within the area.

#### **APPLICATION DETAILS**

Planning permission is sought for the change of use from a dance studio (Use Class D2) to tyre sales and fitting service and the maintenance and repair of cars and light vans (Sui Generis) at Unit 1C, Newtown Industrial Estate, Llantwit Fardre.

The application does not seek permission for any external changes in relation to the internal conversion of the building.

Parking for the proposed use would be located on the forecourt to the front of the unit and allocated spaces within the adjacent tyre yard which is in the ownership of the applicant.

The applicant has indicated that the premises would be open to members of the public between the hours of 08:00 to 18:00 Monday to Saturday.

## **SITE APPRAISAL**

The application site is an industrial unit, with a floor area of approximately 300m<sup>2</sup>. The unit forms part of the established Newtown Industrial Estate, being positioned at the northern most point of the site. The adjoining unit 1B is currently in use as a play centre with the existing location of the tyre centre located beyond at unit 1E. The remaining units to the south of the site are in use for commercial activities. However, to the north and west, the wider area is predominantly residential in character. Immediately to the north is Medway Court, which consists of a number of residential flats that front Llantrisant Road, the main road through the village of Llantwit Fardre.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

12/5442	Unit 1a, Newtown Industrial Estate, Llantwit Fardre, Pontypridd	Change of use	Permission Required 28/05/12
12/1237	Unit 1c, Newtown Industrial Estate, Llantwit Fardre, Pontypridd	To convert unit into a second dance studio	Granted 25/02/13

## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

One letter of objection has been received from the occupier of a neighbouring property the points raised are summarised below:

- The yard to the front of the site is not large enough of accommodate the number of parking bays proposed.
- Parking bays located on the access road would cause obstruction
- Loss of parking from other units
- Parking requirements of other units on the industrial estate
- Impact upon adjacent unit 1B

## **CONSULTATION**

Highways: no objection.

Dwr Cymru/Welsh Water: no objection.

Public Health & Protection: no objection although conditions are suggested regarding hours of construction, waste, dust and noise.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Llantwit Fardre and isn't allocated for a specific purpose.

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

**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** - does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or safety.

### **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 5<sup>th</sup> December 2018, and the document aims to incorporate the objectives of the Well-being of Future generations Act into Town & Country Planning.

It is 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 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 set down in Chapter 2 People and Places: Achieving Well-being Through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development

Chapter 3 (good design and better places, promoting healthier places, sustainable management of natural resources)

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**

This application seeks permission for a change of use from a dance studio to tyre sales and fitting service and the maintenance and repair of cars and light vans.

The site is located in Llantwit Fardre which is in the Southern Strategy area and is within the settlement boundary. The site is also located on Newtown Industrial Estate, which is in the Council's Employment Land Bank and is surveyed annually for uses and vacancy rates.

As stated above the proposed unit was last occupied by a dance studio, which is a D2 use and therefore falls outside of Policy AW11 and the need for marketing. The site is an industrial estate, a location where it might be expected to find this type of use. The proposed development is therefore considered acceptable, in principle, subject to an assessment of the criteria set out below.

#### **Impact on the character and appearance of the area**

The scheme does not propose any increase to the footprint of the building or any external works to the building or wider curtilage. Consequently it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is acceptable in this regard.

#### **Impact on residential amenity and privacy**

Whilst the objectors concerns regarding the impact upon the adjacent Unit 1B are acknowledged. As the existing tyre centre at 1C already adjoins the Unit 1B and the change of use proposing a relocation rather than a new use, the proposed use is not considered to cause a significant impact upon the occupiers of this unit. Furthermore as the residential properties at Medway Court to the north already experience a level of disruption given their proximity to the existing tyre centre and industrial estate, the proposal is not considered to significantly increase existing levels of disturbance.

#### **Impact upon highway safety**

##### Access

There are no alterations to the existing means of access as a result of the proposed change of use. On this basis, there is no cause for concern with regard to access.

Whilst the objector's concerns regarding the associated parking for the proposed change of use are acknowledged, the following comments were received following consultation with the Council's Highways Department in regards to parking.

### Parking

The existing use as a dance studio has a SPG parking requirement of 1 commercial vehicle space and 1 space per 2 facility users. There is insufficient information provided to determine the existing use's SPG parking requirement.

The proposed use as a tyre/vehicle repair workshop has a SPG parking requirement of 1 commercial vehicle space, 1 space per service bay (operational) and 2 spaces per service bay (non-operational). The proposed change of use comprises 4 service bays. As such, the proposed change of use has an SPG parking requirement of 1 commercial vehicle space and 12 spaces.

The amended plan indicates that 12 parking spaces are available for use by the applicant. There is also sufficient space for deliveries to and servicing of the business to take place without undue detriment to highway safety and the free flow of traffic.

### **Highways Conclusion**

The proposed development gives no cause for concern with regard to both access and parking. As such, the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

### **Issues raised by the objector**

The letter of objection received also stated that the proposal would remove parking associated with other units which have been included in the amended redline boundary. However following a site visit it is clear that this area is used for the storage of shipping containers and not parking as suggested by the objector.

Also included in the letter of objection received was concern regarding the parking arrangements at other units within the wider industrial estate. As this application only relates to a change of use at Unit 1C the parking requirements of other units are not a material consideration in the determination of the application.

### **Public Health & Protection**

The Council's Public Health and Protection Division have raised no objection to the proposal, however a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

### **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 application represents an appropriate change of use of an existing commercial premise within an Industrial Estate. It is also considered the proposed use would not have a significant impact upon the amenity of the surrounding properties and upon highway safety in the vicinity. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

## **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

### **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)

- 1256-04 A – Received 11/03/19
- 1256-05 – Received 03/01/19

and documents received by the Local Planning Authority on 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 parking spaces indicated on submitted drawing no. "1256-04" shall remain for the purpose of the parking of vehicles only.

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

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

Monday to Saturday – 08:00 to 18:00 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.

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