



## **PLANNING & DEVELOPMENT COMMITTEE**

**17 DECEMBER 2020**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/0786/10 (BJW)  
**APPLICANT:** Edwards Investments  
**DEVELOPMENT:** Change of use class from Law Courts and ancillary accommodation to: A2 financial and professional services, B1 business, B8 storage and distribution, D1 non-residential institutions and D2 assembly and leisure.  
**LOCATION:** **FORMER MAGISTRATES COURT, LLWYNYPIA ROAD, LLWYN-Y-PIA, TONYPANDY, CF40 2HZ**  
**DATE REGISTERED:** 07/08/2020  
**ELECTORAL DIVISION:** Llwynypia

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**RECOMMENDATION:** Approve

#### **REASONS:**

The application proposes interior works to facilitate the re-purposing of the former Magistrates Court for use as a multi-purpose Tech Hub.

The proposal would bring a currently underused building back into a more productive, alternative use and improve its general utility.

Additionally, the proposal would not have a detrimental impact on the amenity of neighbouring properties, the visual amenity of the area or on highway safety considerations. Consequently, it is considered that the proposed package of internal works and change of use of the property would be acceptable.

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#### **REASON THE APPLICATION IS BEING REPORTED TO COMMITTEE**

There have been more than three objections received to the proposal.

## APPLICATION DETAILS

Full planning permission is sought for internal works to the former Magistrates Court, Llwynypia Road, Llwynypia, Tonypany. Specifically, the proposed works consist of the remodeling of the internal space on the ground and basement floors to provide mixed-use commercial space and an ancillary canteen/lounge.

The internal arrangements would be altered through lightweight partitions to provide a mixture of office spaces, pods and conference facilities on the ground floor. The mix of uses and Gross Floor Area is as follows:

Use Class	GFA
A2 – B1	1000m <sup>2</sup>
B8	183m <sup>2</sup>
D2	148m <sup>2</sup>
D1	131m <sup>2</sup>

Specifically, the building would feature the following:

- A design office and printing business, storage and plant within the basement;
- 13 no. offices with a floor area of between 9 – 64 sq.m;
- 4 no. work pods between 5.5 – 6.5 sq.m;
- 3 No Conference rooms, Room A – 73.5sq.m with a break out space of 25sq.m, Room B – 28sq.m and Room C – 74.5sq.m with a 21.5m break out area; and
- A workspace lounge with an area of 103sq.m

This application is one of three that has been submitted for the redevelopment of the site. 20/0756/10 and 20/0772/10 consist of external alterations to the property and the use of the car park for a food market respectively.

20/0756/10 will likely be determined under the scheme of officer delegation while 20/0772/10 has been withdrawn by the applicant.

## SITE APPRAISAL

The former Magistrates Court is a large, civic scale building located to the north of the historic Llwynypia Terraces and on the junction of Llwynypia Road and Nant-y-Gwyddon Road (B4223).

The main vehicular access to the property is located to the south of the site off Rosedale Terrace and provides access to the parking area to the rear of the site while pedestrian access is at the front of the property (south-east) from Llwynypia Road.

The site is located adjacent to Glyncornel Lake which is situated on its north-east boundary.

## PLANNING HISTORY

20/0756	Former Magistrates Court, Llwynypia Road, Llwynypia, Tonypany,	Alterations and boundary edge treatment, 5 No. new windows, replacement of brick panels with 1500mm high railings to the northern boundary wall.	Not yet determined
20/0772	As above	Inclusion of food market stalls with no permanent infrastructure.	WDN 23/11/2020

## PUBLICITY

The application has been advertised by letters to neighbouring properties and the display of site notice, the following responses have been received:

An email from 16 respondents, representing 10 households; 2 individual emails and 3 individual emails relating to a licensing application on the premises. The main points raised are detailed below:

1. Noise and disturbance from users of the premises, particularly the noisy cattle-grid at the entrance for vehicles. Currently the premises is being used up to as late at 11pm and the old houses in the street do not have sufficient noise insulation so the cattle grid noise and lock up of the large iron gates are extremely loud and disturbing
2. Poor visibility for vehicles exiting the site often leads to problems with other vehicles using the highway.
3. We welcome clarity and clarification on times of usage as we feel it is not appropriate for the building to be used outside of normal office hours or at weekends.
4. The use will increase the existing parking pressures in the locality which is currently very problematic.
5. The access road in and out with the permit parking restricting exit view is of the highest safety concern and any oncoming traffic from the road and outcoming from the premises are on a collision course at all times and my biggest worry is a head on vehicle collision or one of the school children who get dropped off at the bus stop outside of the premises and walk up the hill from school could be easily run over with an outcoming vehicle from the premises as they have no view around the corner to the exit road.
6. It has come to our attention that these applications are merely a precursor to help transition the use of the building in the future to a wedding venue with a licenced bar and an adoption agreement with RCT to lease the lake as a back drop and put a cafe at the front. The current owner told a few neighbours of his eventual plans and how difficult it would be to obtain them straight away but if he went the route he has currently proposed to you and gets accepted then his

future plans would be an easier transition with yourselves. I understand you cannot take this into consideration and you can only assess and review the current planning application with only that in mind but we as residents are very concerned with this being a prospect especially as we have so many young children and elderly in the vicinity.

7. Any Off-license sale of alcohol would inevitably encourage further anti-social behaviour in our area. The woods and lakeside directly adjacent to my home already suffers from youths using the woodland to take and deal drugs and party until early hours. Myself and many of my neighbours report these instances to the police regularly and the latest incident of parting until early hours in the woods was recently reported to the police by myself only 3 weeks ago.

3 additional objections were submitted in relation to the application for a premises license at the property, in this case to allow the sale of alcohol in the workspace/lounge at the premises. These objections were made for reasons of public safety - specifically parking; public nuisance – from vehicle movements and as a result of the potential sale of alcohol and the prevention of crime and disorder – again around the sale and consumption of alcohol and the potential of antisocial behaviour.

## **CONSULTATION**

Transportation Section – no objection, subject to conditions to secure the revised parking layout and to provide additional secure cycle storage within the site.

Public Health and Protection Division – no objection.

## **POLICY CONTEXT**

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

The application site is within the settlement boundary of Llwynypia and is unallocated.

**Policy CS1** – sets out criteria for achieving strong sustainable communities including: promoting residential and commercial development in locations which support and reinforce the role of principal towns and settlements.

**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 -

### **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 Edition 10 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for place making set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

## **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 building is currently a large, former Magistrates Court building, within an extended curtilage close to road, rail and public transport nodes.

The building is proposed to be used as a Tech Hub for start-up businesses with a number of uses, along with their attendant floorspaces included within the application. The existing use, as a magistrates court with attendant offices would be a mixture of D1 – non-residential institutions and ancillary B1 – offices. The application proposes no additional floorspace but only the division of the existing floorspace into uses that are primarily for offices (B1/A2) with ancillary and complimentary uses such as D1 - non-residential institutions, D2 – assembly and leisure and B8 – storage. Also proposed is an ancillary co-worker lounge that would include a canteen/café/bar for the use of users of the main building.

It is considered that the main proposed use would be broadly similar to the office use element that previously operated from the site. Additional uses proposed are considered to be complimentary to the main office use for the operation of the site as a Tech Hub for start-up businesses. Business premises of this nature are in generally short supply and have been promoted and advocated by Welsh Government, particularly by the minister for Transport, Economy and North Wales – Ken Skates. Alternative business premises, such as the proposal are also considered to allow greater flexibility in working arrangements, particularly in terms of agile working and the current restrictions that have been imposed by COVID.

Consequently, it is considered that the proposed use of the site as a Tech Hub would be a broadly acceptable and productive alternative use of the premises and would be acceptable.

Other issues, such as the impact on neighbouring properties, the effect on the character and appearance of the area and Highway safety considerations will be considered later within this report.

### **Character and appearance of the area**

The works, which are proposed in this application, are entirely to the interior of the building and there would be no impact on the character and appearance of the exterior in anyway. A separate application, proposing minor alterations to the façade of the building and alterations to the boundary treatments has been submitted under reference 20/0756/10 and will be determined on its individual planning merits.

Consequently, it is considered that this proposal would not have any impact on the character and appearance of the area and is acceptable in this respect.

### **Impact on amenities of neighbouring properties**

The application site is an existing facility within an urban setting, close to transport nodes and the existing historic Llwynypia Terraces.

While the application does not propose any additional floorspace at the site, what floorspace there is would be sub-divided to provide a number of offices, pods and ancillary conference and canteen/café bar facilities to accommodate users of the premises. There is potential for increased traffic movements within the surrounding highway network and this issue is considered later within the report.

In terms of the increased number of users at the site, it is not considered that this would cause additional issues within the area as the primary use would be offices with supporting and complimentary ancillary uses serving the main office use.

While concern has been raised in relation to the ancillary workspace lounge, the applicant has confirmed that this facility will be for the use of the businesses that use

the main facility and not as a standalone café bar use that would require a separate A3 consent. This use could be conditioned and restricted to be ancillary to the main office use in this regard.

Concern has also been raised in relation to the hours of operation of the business which has not been confirmed in the details submitted with the application. Residents have stated that offices at the premises have operated as late as 11.00pm and that this often causes noise and disturbance to neighbouring properties. In this regard it is considered that a condition to restrict the hours of operation to standard office hours Monday to Friday, with reduced hours on Saturdays and not at all on Sundays and Bank Holidays would improve and protect residential amenity.

Consequently, it is considered that subject to appropriately worded planning conditions to restrict the hours of operation and the use of the workspace lounge to be ancillary to the use of the main building, then the application would be acceptable in this regard.

### **Highway safety**

The application has been subject to consultation with the Council's Transportation Section. Through the negotiation with the applicant's agent amended parking plans have been produced indicating 61 parking spaces for the proposed scheme as well as secure cycle racks for 36 bicycles.

The Transportation Section have accepted the amended plans as providing acceptable levels of parking for the proposed use as well as offering alternative improved provision for alternative means of transport, in this case bicycles.

The Transportation Section have considered the access to the site and have offered the following comments:

The proposed has direct frontal access to Llwynypia Road for pedestrians with off-street car parking served off Rosedale Terrace which has a carriageway width of 6.0m, there is a small section that provides for resident car parking narrowing the available width to single file traffic. Vision from Rosedale Terrace to Llwynypia Road is in excess of 2.4m x 40m which is acceptable.

Consequently, subject to the suggested conditions to secure the parking provision and secure cycle storage on site, it is considered that the proposal is acceptable in this regard.

### **Other issues**

The comments of neighbouring residents are acknowledged and, where they have not already been addressed above, the following comments are offered:

1. The restriction of the hours of operation to fixed times would provide clarity to residents as well as reduce the duration when activities would have potential to disturb neighbouring residents.
2. The highway access to the site is unchanged and has been evaluated and considered acceptable to serve the development by the Council's Transportation Section.
3. Similarly, the increase in parking provision to 61 spaces, combined with the proximity of alternative public transport modes and secure cycle storage would be adequate to serve the development.
4. The issue around the workspace lounge can be adequately addressed through a condition restricting its use as ancillary to the use of the main premises.
5. The various issues around the licensing of the workspace lounge will form the considerations for the licensing application, which residents have commented on. However, in land use planning terms, it is considered that the operation of this ancillary use can be restricted by way of an appropriately worded condition.

### **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 are considered to be an acceptable and productive use of an existing business premises. Subject to appropriately worded conditions, it is considered that the proposal would provide improved levels of on-site parking and alternative provision for cycles and would not have an adverse impact on the amenity of neighbouring properties.

Consequently, it is considered that the proposal is acceptable and a recommendation to approve is offered.

### **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)

- Site location plan and block plan, Drwg. No. jw952 - 104, Revision A
- Proposed basement plan, Drwg. No. jw952 – 107
- Proposed ground floor plan, Drwg. No. jw952 – 108, Revision B
- Proposed ground floor axo, Drwg. No. jw952 – 109
- Proposed parking layout, Drwg. No. jw952 - 120, Revision E
- Proposed cycle storage provision, Drwg. No. 952 - 127

and documents received by the Local Planning Authority 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 use of the building shall be restricted to the following times:

Monday to Friday	08.00 am to 18.00 pm
Saturday	08.00 am to 14.00 pm
Sundays and Bank Holidays	Not at all

Reason: in order to protect the amenity of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The use of the workspace lounge shall be restricted to the use of the main premises and shall not be operated as a standalone facility.

Reason: in order to define the scope of the permission and to protect the amenity of neighbouring residential properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

5. Within 3 months of planning permission being granted space shall be laid out within the site for 61 vehicles to be parked in accordance with the submitted plan jw952-120 and approved by the Local Planning Authority. The spaces shall be retained for the parking of vehicles in connection with the main building thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Within 3 months of planning permission being granted space shall be laid out within the site for 36 secure cycle stands in accordance with the submitted plan jw952-127 and approved by the Local Planning Authority. The spaces

shall be retained for use in connection with the main building thereafter unless agreed in writing with the Local Planning Authority.

Reason: To promote sustainable modes of transport with less reliance on private motor vehicle in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.