



## **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:

|                            |  |             |
|----------------------------|--|-------------|
| <b>APPLICATION NO:</b>     | <b>18/0175/10</b>  | <b>(GH)</b> |
| <b>APPLICANT:</b>          | <b>Mr Martin Thomas</b>  |             |
| <b>DEVELOPMENT:</b>        | Change of use to include A3 Cafe, in addition to existing use, and refurbishment and re-design of shopfront. |             |
| <b>LOCATION:</b>           | <b>325 - 326 CARDIFF ROAD, ABERAMAN, ABERDARE, CF44 6UU</b>  |             |
| <b>DATE REGISTERED:</b>    | <b>07/03/2018</b>  |             |
| <b>ELECTORAL DIVISION:</b> | <b>Aberaman North</b>  |             |

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

#### **REASONS:**

The additional use of the premises to provide a cafe, during the existing opening hours of the motorcycle sales and repair business, is considered to be acceptable in terms of the impact upon the amenity of neighbouring occupiers. In addition the revisions to the principal elevation would be minor and acceptable in both design and appearance in the context of the street scene.

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

Four letters of objection have been received from neighbouring residents. Therefore in accordance with the Council's Scheme of Delegation, this application is presented to Members for determination.

#### **APPLICATION DETAILS**

Full planning consent is sought to reconfigure the shopfront and introduce an addition A3 use at 325-326 Cardiff Road, Aberaman.

The premises is currently in use for the sale and repair of motorcycles. It is proposed to subdivide half of the forward most part of the building to provide a cafe, with a kitchen area, counter and store. In addition, between the cafe/sales area and the rear garage, and internal lobby would be created to provide two toilets.

Externally, the main shopfront structure, arranged as two bays with pilasters, would not be altered. However, the two bays would be reconstructed to appear as two separate shop fronts and would have double entrance doors installed, with fanlights above. To either side of each set of new doors, there would be part-height glazing above brick or rendered stalls.

The plans accompanying the application also demonstrate that the single advertising fascia would be split into two, although depending on its eventual appearance, content and size, it is possible that this may require a separate application for advertisement consent.

## **SITE APPRAISAL**

The application property is a single storey motorcycle showroom and workshop located north-west of the centre of Aberaman.

Set back by a concrete forecourt to a depth of around 6.5m, the principal elevation of the building faces north-easterly towards Cardiff Road. The footprint of the building itself is arranged as a long rectangle, with twin pitch roof, and side elevations clad with coloured metal sheet work. There is a separate gated vehicular access to one side of the building, which leads directly to the workshop.

With the exception of the Temple Bar Public House to the south-east, most of the neighbouring properties are Victorian terraced cottages of varying style and size. The closest dwellings are located immediately to the north-west, 30m to the north-east and 30.8m to the south-west.

## **PLANNING HISTORY**

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

|            |   |                 |
|------------|---|-----------------|
| 12/5816/25 | Use Class Enquiry.                            | PRQ<br>12/10/12 |
| 05/0387/10 | Alteration to shop front. Decision:           | GTD<br>21/04/05 |
| 04/1936/10 | Change of use - Motorcycle Sales and Repairs. | GTD<br>10/12/04 |

## **PUBLICITY**

The application has been advertised by direct notification to twelve neighbouring properties.

Four letters of objection have been received from residents, in respect of highway matters and potential and existing parking problems, and the effect on their amenity from noise disturbance, antisocial behaviour and cooking smells. These matters are considered further below.

## **CONSULTATION**

### Highways

No objection, subject to a condition in respect of the retention of parking spaces to the front of the premises.

### Drainage

The applicant has proposed a change of use that does not propose an increase in the external hard standing area, therefore in relation to flood risk management there are no objections or recommendations for conditions.

### Public Health

Conditions are recommended in respect of demolition, hours of construction, noise, dust and waste. However, since the construction works would be minor, these would be considered unnecessary. Further conditions are recommended in respect of odour control and a fat, oil and grease trap.

### Dwr Cymru/Welsh Water

No objections, but conditions in respect of a waste trap and to prevent additional surface water being drained to the public sewer, are requested.

## **POLICY CONTEXT**

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

The application site lies within the settlement boundary for Aberaman

**Policy CS1** - sets out the strategy for the Northern Strategy Area

**Policy AW2** - supports development at 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

### **Supplementary Planning Guidance**

- Access, Circulation & 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) 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 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 approval for an additional A3 use to the existing sui generis motorcycle sales and repair use at 325-326 Cardiff Road, Aberaman. As per the existing business, the proposed cafe would be open from 9am until 5pm on week days and Saturdays, but not at all on Sundays and bank Holidays

Since the site is within the settlement boundary but not a defined retail or town centre zone, the main issues for consideration, are whether the additional use is compatible with the surrounding (mostly residential) development; and if the physical changes to the shopfront are acceptable.

Whilst there is no objection in principle to the development, the material matters are considered below.

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

The proposed development seeks to make revisions to the principle elevation, to install two pairs of double doors and windows, within the two existing 'window bays'.

On account of the minor degree of change and limited construction required, it is considered that this would be an acceptable revision to the appearance of the building and the character of the surrounding area.

## **Impact on neighbouring occupiers**

With specific regard to Policies AW5 and AW10, development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to the health and/or local amenity of neighbouring occupiers due to issues such as noise, light or air pollution. Consequently it is considered that conditions regarding odour control and waste traps should be appended to any consent, which would help deal with the matter of food and cooking smells highlighted by objectors.

Further objections were also made in respect of an increase in vehicular movements, parking and potential anti-social behaviour, litter problems and youths hanging around. Whilst highways matters are considered further below, the main issue is whether or not the additional use of the premises for a small cafe would be incompatible with surrounding land uses.

Given that the business was previously established as a place for the repair and sales of motorbikes, it is considered that this use would have already resulted in customers leaving and departing the site, and waiting for their vehicles to be attended to, possibly inside or to the front of the building. In addition, there would likely have been noise caused by motorcycles and activity from within the workshop and it cannot reasonably be assumed that the using part of the building for a cafe would generate either an antisocial behaviour issue or cause litter.

If it had been proposed that the cafe should operate independently from the business by, for example, having longer or different opening hours, then it is considered that such a use into the early or late evening could unfairly harm the amenity of the closest residents. As it stands, and subject to conditions in respect of odour, waste traps and opening hours, it is not considered that the change of use would have a detrimental impact, to a degree sufficient to warrant a recommendation of refusal.

## **Highways and accessibility**

The application property is located on Cardiff Road, Aberaman B4275 which has a speed limit of 20mph, is a bus route, and has a carriageway width of 12m. There is a parking bay opposite the proposed site and the footways vary in width between 1.6m and 2.1m. Therefore the highway provides for safe vehicular and pedestrian movement.

On the development side there are no parking restrictions and a forecourt car parking area which can accommodate five off-street car parking spaces. The public house next door also has the same car parking layout.

There is some concern that vehicles using the front parking area would reverse to and from Cardiff Road. However, taking into account the 20 mph speed limit, absence of reported accidents and the number of driveways / parking areas in close proximity to the proposed site, which already generate such reversing movements, this arrangement is considered acceptable.

With regard to the off-street parking requirements stipulated by the SPG for Access, Circulation & Parking, the existing use requires up to a maximum of three car parking

spaces and two commercial lorry spaces. The proposed sub-division into motorcycle sales, garage and cafe requires five car parking spaces for the cafe, one car parking space for the motorcycle garage / sales and one commercial vehicle space.

The Transportation Section consider that although the slight increase in parking spaces required for the proposed use is of concern, taking into account the close proximity of local transport and its central location, whereby a number of trips would take place on foot or be cross linked with customers visiting the garage / motorcycle sales, the proposal is acceptable.

### **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 that the neither the introduction of the cafe use, or the redesigned shopfront, would be likely to have a significant impact on the character and appearance of the locality, or cause an unacceptable degree of detriment to the amenity of the surrounding neighbouring properties. The application is therefore considered to comply with the Policies AW5, AW6 and AW10 of the 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 numbers 2 and 3, and documents received by the Local Planning Authority on 15th February 2018, 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 system designed to prevent cooking oil, fat, grease and solid waste from entering the foul drainage system 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 public opening hours for the business hereby approved shall be as follows:

Mondays to Saturdays - 09.00 to 17.00 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.

6. The existing car parking area fronting 325-326 Cardiff Road B4275 shall remain for the parking of staff and customer vehicles only thereafter unless agreed in writing by the Local Planning Authority.

Reason: In the interests of safety of all highway users to ensure vehicles are parked off the highway

7. The A3 Cafe use, hereby approved, shall remain at all times, ancillary to the principal use of the premises as a motorcycle sales and repair business.

Reason: To define the extent of the consent.