



PLANNING & DEVELOPMENT COMMITTEE

4 NOVEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0883/10 (GW)
APPLICANT: Mr I Aslam
DEVELOPMENT: Change of use from commercial garage to 4 self-contained retail units with a single storey extension and alterations.
LOCATION: TREALAW TYRES, BRITHWEUNYDD ROAD, TREALAW, TONYPANDY
DATE REGISTERED: 31/08/2021
ELECTORAL DIVISION: Trealaw

RECOMMENDATION: REFUSE FOR THE FOLLOWING REASONS

REASONS: The proposal would provide beneficial retail facilities for the local area. However, the following objections have been raised by the Council's Transportation Section in relation to parking and highway safety:

The proposal would give rise to a greater intensity of short-term on-street parking along Brithweunydd Road (B4278) and nearby adjoining streets and would affect the safety and free flow of traffic, to the detriment of highway and pedestrian safety.

The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety.

The proposed development will generate additional on-street parking by commercial service vehicles in an area where there is already considerable demand impacting on the free flow of traffic along Brithweunydd Road (B4278), increasing hazards to the detriment of highway safety.

The proposed development will result in reversing movements to and from Brithweunydd Road (B4278) with restricted vision due to high on-street car parking demand to the detriment of safety of all highway users.

In all other material planning considerations the application would be acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been called to Committee by Cllr Rosser to assess the impact of the proposed development on highway safety.

APPLICATION DETAILS

Full planning permission is sought for a change of use from a commercial tyre garage to 4 self-contained retail units with a single storey extension and other alterations. The extension would be to the front and side of the building nearest 51 Brithweunydd Road and the alterations would include new fenestration and a level platform area to the front of the retail units with ramped accesses. The main retail unit would have internal access to the basement level.

The proposed opening hours are Monday to Saturdays 07:00am to 21:00pm and Sunday & Bank Holidays 08:00am to 21:00pm.

7 no. off street parking spaces are proposed to the front of the units.

An area for recycling bins would be located adjacent the parking area.

The application is supported by:

- Statement on proposed opening hours.
- Coal Mining Risk Assessment.

SITE APPRAISAL

The application site is an existing commercial unit (Trealaw Tyres) on Brithweunydd Road in Trealaw. It consists of an industrial type building set back from the road with a forecourt area.

A set of steps to the side of the building adjacent to number 261 provides public pedestrian access to the rear and New Century Street. A further set of steps within the application site (adjacent to number 251) also leads to the rear of the site. This is not a Public Right of Way as queried in the public consultation exercise. Vehicle access to the rear lane can be made from New Century Street.

On the opposite side of Brithweunydd Road is Egypt Street and this leads to Alaw County Primary School.

PLANNING HISTORY

None

PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. Five letters of objection have been received and their comments are summarised below:

- Opening another convenience store in close proximity to an existing store may put me out of business.
- It will result in parking problems. There is a local primary school within close proximity and could pose a danger for children crossing at the school patrol point, as cars could reverse on to the busy road and into oncoming traffic.
- There is limited access at the rear and deliveries would have to be via the front. Delivery vehicles may wait on the carriageway, which is a safety concern.
- It will result in youngsters hanging around.
- If they can serve alcohol it will result in people with drink and drug problems hanging around. When an Off Licence was in the area it resulted in a high crime rate which was only resolved when the licence was revoked.
- The red line includes the Public Right of Way next to 251 Brithweunydd Road.

CONSULTATION

Coal Authority – The site falls within the defined Development High Risk Area for former coal mining works. It is considered that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Dwr Cymru / Welsh Water – No objection subject to a condition that no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. Advice on sustainable drainage and public sewers is provided.

RCT Countryside – No comments received at the time of writing this report.

RCT Flood Risk Management – No objection but recommended conditions in relation to surface water drainage details and flood risk.

RCT Public Health and Protection – No objection subject to conditions on the demolition of existing dwellings, contaminated land, noise during construction and noise from activities from the use, dust, waste and lighting.

RCT Transportation Section – Objects. The proposal would give rise to a greater intensity of short-term on-street parking along Brithweunydd Road (B4278) and nearby adjoining streets and affect the safety and free flow of traffic to the detriment of highway and pedestrian safety.

The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety.

The proposed development will generate additional on-street parking... by commercial service vehicles in an area where there is already considerable demand impacting on free flow of traffic along Brithweunydd Road (B4278) increasing hazards to the detriment of highway safety.

The proposed development will result in reversing movements to and from Brithweunydd Road (B4278) with restricted vision due to high on-street car parking demand to the detriment of safety of all highway users.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is inside the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan. It is also identified as being in the Rhondda Historic Landscape area as designated by Cadw and includes areas of high risk from former coal mining works.

Policy CS 1 – sets out criteria for achieving sustainable growth including: promoting the reuse of under used and previously developed land and buildings and providing opportunities for significant inward investment in sustainable locations that will benefit the economy of RCT and the Capital Region.

Policy AW 2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW 5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW 8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW 10 - development proposals must overcome any harm to public health, the environment or local amenity.

Supplementary Planning Guidance:

Access Circulation and Parking.
Design and Placemaking.

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.

Future Wales: The National Plan 2040 (FW2040) and Planning Policy Wales Edition 11 (PPW) set out the Welsh Government's (WG) current position on planning policy. The documents incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and set out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is not consistent with the key principles and requirements for placemaking set out in PPW; and is also not 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.

It is also considered the proposed development is not compliant with FW2040, with the following policies being relevant to the development proposed:

- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Commercial Development;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development

Building Better Places: The Planning System Delivering Resilient and Brighter

Futures: Placemaking and the Covid-19 recovery; and

Manual for Streets

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 site is a vacant commercial property located inside the settlement boundary identified in the Rhondda Cynon Taf Local Development Plan (LDP). The re-use of an existing vacant commercial building is supported in the LDP and in Planning Policy Wales (PPW).

It is noted PPW supports a 'town centre' first approach for the location of new retail development. The proposal is however relatively small in scale and it is considered it would be unlikely to have a significant detrimental impact on the nearby defined retail centres such as Tonypany and Penygraig. As such, taking into account the requirements in TAN 4: Retail and Commercial Development, it is considered a Retail Impact Assessment would not be required for this application. The development would beneficially provide additional retail facilities in a local area that is not currently well served. In addition, it is considered improved local facilities would contribute to a more sustainable way of living for local residents.

An objection has been raised, from the public consultation exercise, that it would result in a detrimental impact on the business of existing retail premises in the area. Whilst this is noted, section 1.19 of PPW states "It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society". Therefore this issue would not warrant a refusal reason.

Therefore, taking the above into account, the principle of the proposed development could be acceptable, subject to compliance with the material considerations below:

Access, Parking and Highway Safety

A number of objections have been received from the public consultation exercise with regard the proposal resulting in highway safety issues, particularly close to a crossing and junction used to access the nearby Alaw Primary School.

The Council's Transportation Section have provided the following highway assessment:

"Access

The proposed is served off Brithweunydd Road (B4278) which is a principle route and bus route carrying a substantial amount of vehicular traffic. Brithweunydd Road (B4278) has a carriageway width of 7.3m with continuous footway links which are acceptable for vehicular and pedestrian movement.

There are double yellow lines on the opposite carriageway lane preventing on-street car parking to maintain free flow of traffic. However, this in turn results in high on-street car parking demand on the development side with the existing dwellings having little or no off-street car parking facilities.

Parking

In accordance with the Council's Supplementary Planning Guidance Access, Circulation & Parking 2011 the proposed retail A1 with a GFA of 710m² requires the following parking requirement: Shops and small supermarkets (201m² – 1000m²) - 2 commercial vehicle spaces and 1 space per 20m².

Therefore, the proposed requires up-to a maximum of 36 off-street car parking spaces and 2 commercial spaces with only 8 car parking spaces provided resulting in high on-street car parking demand on a principle route (B4278), which is already oversubscribed with high on-street car parking impacting on the free flow of traffic to the detriment of safety of all highway users.

Commercial Vehicle Parking

There is no space within the curtilage of the site for service vehicles to park and unload resulting in on-street parking for unloading on Brithweunydd Road (B4278) impacting on the free flow of traffic to the detriment of highway safety.

Reversing Movements

At present there is potential for vehicles parking at the front to reverse into the space within the curtilage of the site and access / egress the site out onto Brithweunydd Road in forward gear. The proposed ramp access / footway adjacent to the building removes the possibility of turning within the site resulting in reversing movements to and from Brithweunydd Road (B4278) to the detriment of safety of all highway users.

Conclusion

The proposed with limited off-street car parking facilities will result in indiscriminate on-street car parking along Brithweunydd Road (B4278 which is a classified route carrying substantial vehicular movement increasing hazards and impacting on the free flow of traffic to the detriment of safety of all highway users.

The proposed development will result in increased reversing movements to and from Brithweunydd Road (B4278) to the detriment of safety of all highway users."

Therefore, taking into account the above assessment, there is a highway objection to the proposal and the application is therefore considered not to be in compliance with Policy AW 5 of the LDP in regard of these matters.

Impact on Neighbouring Amenity

The application site is within a residential area with dwellings in close proximity to the site. The existing use is a partly industrial use and it could be argued the change of use to a potentially less disturbing retail use would benefit the amenity of local residents. Some objectors have however raised the issue with regard the proposal leading to issues with youths hanging around, crime and issues with people who drink and take drugs. Whilst these issues would not be welcomed, no evidence has been submitted to demonstrate the proposal would result in these issues and they are also not considered land use planning matters that would warrant a refusal reason.

The proposed use may however increase comings and goings to the site and control of the impact of this issue would mainly be from the hours of opening. No objection has been raised to the opening hours proposed and a condition restricting the units to these hours would be considered necessary.

Furthermore, the Council's Public Health and Protection Section detail noise from deliveries and collections may result in some detrimental impact, particularly at unsociable hours, and as such they recommend a further condition to control these times.

Therefore, it is considered, subject to the suggested conditions, the use would not have an unacceptable impact on the amenities of the occupiers of the neighbouring properties.

Impact on the character and appearance of the area

In relation to the visual impact, the proposed extension and other alterations would improve the visual appearance of the existing building and would not result in a significant detrimental visual impact on the character of the area. Therefore, there would be no objection on these grounds.

Impact from Contamination

The Council's Public Health and Protection Section detail a search of their records relating to potentially contaminating past land uses has shown that a garage formerly occupied the application site. They therefore consider that there is a potential for contamination to exist on site and a condition is suggested for a site investigation prior to the development commencing. In the interest of public health and safety it is considered this would be necessary.

Impact on Biodiversity

Section 6.4.5 of Planning Policy Wales requires development must provide a net benefit to biodiversity. It is considered this could be met with the provision of some mitigation measures. A condition requiring these details would therefore be considered reasonable and necessary if permission were to be granted.

Other Issues

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Drainage

No objection is raised by the Council's Flood Risk Management Section subject to a condition with regard to surface water discharge rates. They also state the development's surface water flood risk will be adequately managed by both the separate Building Regulations process and Schedule 3 of the Flood and Water Management Act 2010.

The condition suggested by Dŵr Cymru/Welsh Water that no surface water should go to the public sewer is not considered necessary as it can be controlled by other legislation. An informative note with regard this issue and their further advice can be added if permission is granted.

Public Health Comments

Whilst the comments raised by the Public Health and Protection Section with regard demolition, noise from construction works, dust, waste, lighting and the importation of soils are appreciated, it is considered these matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning these issues if permission were to be granted.

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 application does not comply with the relevant policies of the Local Development Plan in respect of access and highway safety (Policy AW 5).

Furthermore, the development would not contribute to national sustainable placemaking outcomes, identified in Planning Policy Wales, in the following areas: Provides equality of access, Feels safe and inclusive and has good connections.

RECOMMENDATION: Refuse

1. The application is considered to be contrary to Policy AW 5 of the Rhondda Cynon Taf Local Development Plan for the following reasons:
 - i. The proposal would give rise to a greater intensity of short-term on-street parking along Brithweunydd Road (B4278) and nearby adjoining streets and affect the safety and free flow of traffic, to the detriment of highway and pedestrian safety.
 - ii. The proposal will result in additional on-street parking in an area where there is already substantial demand, to the detriment of highway safety.
 - iii. The proposed development will generate additional on-street parking by commercial service vehicles in an area where there is already considerable demand impacting on free flow of traffic along Brithweunydd Road (B4278) increasing hazards, to the detriment of highway safety.
 - iv. The proposed development will result in reversing movements to and from Brithweunydd Road (B4278) with restricted vision due to high on-street car parking demand, to the detriment of safety of all highway users.