

**PLANNING & DEVELOPMENT COMMITTEE**

**10 FEBRUARY 2022**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 21/1573/10 (GH)  
**APPLICANT:** Mr I Aslam  
**DEVELOPMENT:** Change of use from commercial to convenience store with a single storey extension & alterations - Resubmission of 21/0883/10.  
**LOCATION:** TREALAW TYRES, BRITHWEUNYDD ROAD, TONYPANDY, CF40 8PB  
**DATE REGISTERED:** 24/11/2021  
**ELECTORAL DIVISION:** Trealaw

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

**REASONS:** The development would provide a useful local convenience store, which would both result in the reuse of a vacant building and create improvement to its appearance and the street scene, by virtue of its refurbishment.

Subject to conditions to protect neighbour amenity, the application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the amenity and privacy of the neighbouring properties and highway safety.

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**REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received.

**APPLICATION DETAILS**

Full planning permission is sought for a change of use from a commercial tyre garage to a single convenience store, together with a small extension and other alterations, at Trealaw Tyres, Brithweunydd Road.

The 1.82m deep and 12.44m wide extension would be to the part front of the building, whilst the other alterations would include new fenestration, a small ramp to the front of the retail unit, and the removal of an existing lean-to on the eastern side elevation.

The western section of the building would remain unchanged externally, and would accommodate staff car parking, storage and a kitchen, together with 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.

The submitted site layout plan shows that seven off street parking spaces are proposed to the front of the units, and an area for recycling bins would be located adjacent the parking area to the eastern side.

As the description of development notes, this application is a resubmission of 21/0883/10. Since then, the scope of the development has been reduced from four to one retail units and the layout rearranged to enable sufficient parking.

In addition to the submitted plans and details, has been accompanied by a Coal Mining Risk Assessment.

## **SITE APPRAISAL**

The application site is an existing commercial unit previously trading as Trealaw Tyres, which is located on Brithweunydd Road, Trealaw. The property comprises an industrial type of unit, with vehicle and pedestrian entrances, which is set back from the road by a full-width forecourt.

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 but is not a Public Right of Way. Vehicle access to the rear lane can be gained via New Century Street.

Whilst most of the development surrounding the site is residential, Alaw County Primary School is located close by and is accessed via Egypt Street on the opposite side of Brithweunydd Road.

## **PLANNING HISTORY**

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

**21/0883/10:** Change of use from commercial garage to 4 self-contained retail units with a single storey extension and alterations. Decision: 26/11/21, Refused.

## **PUBLICITY**

The application has been advertised by direct notification to twenty neighbouring properties and notices were displayed on site.

Four letters of objection or representation have been received raising the following concerns:

- Inadequate parking provision resulting in unsafe vehicle movements and parking overspill to the highway, or parking on pavements.
- Having checked the new application and Block Plan showing the proposed new parking layout and actually having tried the manoeuvre to reverse a delivery vehicle in between parked cars on the forecourt, it proved to be impossible without either driving over the pavement area or reversing on to the carriageway.
- There is already a shortfall of parking for residents.
- Obstructions will make it dangerous for children to cross to the school, as well as other pedestrians.
- The previous occupier would help customers to reverse out to avoid traffic, but this is unlikely to happen with the regular comings and goings of a convenience store.
- The plans have included the public steps at the side of the site, where there is a 10 foot drop, which do not belong to the building.

In addition to the above a fifth letter was received from a resident advising that they had no objections to the proposal now that the parking arrangements had been modified, although a query was raised about the location of the red line boundary.

## **CONSULTATION**

### Highways and Transportation

No objection raised or conditions suggested.

### Flood Risk Management

No objection or recommendation for condition in relation to surface water flood risk for this application since the development's surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

Conditions are recommended in respect of construction noise, dust, waste and hours of operation. However, noting the location of the site and the provisions of existing public health legislation, which can better control these matters, such conditions would be unnecessary.

With regard to the proximity of the property to a landfill site the Public Health and Protection Division considers that there is a potential for adverse ground gas conditions to exist on site.

If this were an application to build a new residential property on the site, then a condition for a site investigation would have been recommended. However, the Applicant is advised to note that adverse ground conditions may exist on site and may wish to carry out such investigations in order to satisfy themselves that there would be no adverse impacts from the work being carried out.

#### Dwr Cymru Welsh Water

No objection.

#### Countryside – Ecologist

No objection.

#### The Coal Authority

The Coal Authority considers 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.

#### Waste and Recycling

The bin collection point should be at the kerbside on Brithweunydd Road.

No other consultation responses have been received within the statutory period.

### **POLICY CONTEXT**

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

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Trealaw

**Policy CS1** - 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 AW2** - provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** - identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. The development would also require safe access to the highway network and provide parking in accordance with the Council's SPG.

**Policy AW6** - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness., In addition, proposals must be designed to protect and enhance landscape and biodiversity.

**Policy AW8** - seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **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.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WG's current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking 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.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

#### SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

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;

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 occupying a sustainable location, as defined by LDP Policy AW2, inside the settlement boundary in Trealaw.

The re-use of previously developed land and buildings within existing settlements is supported by both local and national planning policy as a highly sustainable approach which makes best use of existing resources and reduces the loss of greenfield sites.

Whilst it is noted that paragraph 4.3.18 of PPW11 supports a 'town centre' first approach for the location of new retail development, this proposal is of a small, local scale. Therefore, it is considered unlikely to have a significant detrimental impact on the nearby defined retail centres such as Tonypandy and Penygraig.

Furthermore, taking into account the requirements in TAN 4: Retail and Commercial Development, the proposed change of use is well below the 2500m<sup>2</sup> GFA threshold for a Retail Impact Assessment and the need to demonstrate a sequential approach.

The development would provide additional retail facilities in a local area that is not currently well-served and the closest comparable retail outlet appears to be approximately 0.75km to the west. In any event, the impact upon any existing businesses from competition cannot be considered as a material planning matter.

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

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

The proposed development would bring about a minor change to the building layout and footprint, due to the small front extension, although the mass and scale of the development, as seen within the context of the wider site, would not alter very much.

However, given that the building is currently vacant and closed up, there would be a significant benefit to the appearance of the site brought about by its reuse and refurbishment, and to the vitality of the neighbourhood.

Therefore, it is considered that the proposals would be beneficial to the character and appearance of the site and neighbouring street scene.

### **Impact on neighbouring occupiers**

Due to its setback from the highway, compared with the neighbouring properties, the alterations to the building, brought about by the small extension and removal of the side lean-to, would not likely cause a physical impact on the closest occupiers.

However, whilst the property has previously been in commercial operation, primarily as a tyre fitting business, a convenience store would probably generate more activity and be open for a longer daily period.

Nonetheless, the property and neighbouring dwellings are located on a busy principal route where the comings and goings associated with a small store would be less noticeable than if the location were a quiet or secluded one.

In addition, it is considered improved local facilities would be helpful for local residents who could easily access the site on foot, and this might result in fewer short trips by private vehicle.

As such and subject to a condition in respect of the proposed reasonable opening hours, the application is considered to be acceptable in terms of the impact on the amenity and privacy of neighbouring residents.

### **Access and highway safety**

#### Access

The property is served from Brithweunydd Road (B4278) which is a principal 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 SPG for Access, Circulation & Parking the proposed A1 retail space with a GFA of 710m<sup>2</sup> would require 1 commercial vehicle space and 1 space per 60m<sup>2</sup>.

The car parking need is assessed on the retail area only which is in the region of 125m<sup>2</sup>. In this case, the SPG requirement would be for a maximum of 3 off-street car parking spaces and 1 commercial space.

There is space within the yard area for in excess of 3 off-street car parking spaces with a further 3 off-street car parking spaces for staff located in the storage area / garage, which is acceptable. There is potential for the commercial vehicle to park on the front forecourt without impacting on the 3 off-street car parking spaces required and therefore the proposal is acceptable.

#### Conclusion

The proposed development has been substantially reduced in scale, compared with the previous application for 4 units. This has reduced the off-street car parking



requirement to an acceptable level which would be in accordance with the Council's SPG, and on this basis no highway objection is raised, or condition suggested.

## **Ecology**

The Council's Ecologist has noted that the internal space is a very simple structure, with no loft spaces and a simple corrugated roof. There is natural light ingress, and the internal space is a single large open area.

The external building facing is either breeze block or corrugated sheet, with no soffits or external spaces. The building would appear to be poorly insulated with and likely subject to significant ranges of internal temperature. I think for these reasons the bat roost potential looks very low/negligible and conversion of the space from a garage to retail unit would be acceptable.

The external outbuilding that will be demolished is very small and consists of a simple low level flat roofed structure with corrugated roof, and no soffits, loft or windows. For those reasons there would be a very low/negligible bat roost potential.

Therefore, with reference to the Council's bat survey protocol, the likelihood of a bat roost is sufficiently low that it would be unreasonable to require a bat survey, in which case, and as a precaution, the appropriate bat informative should be appended to any planning permission.

## **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 beneficial impact on the character and appearance of the locality and would not cause harm to either the residential amenity of the surrounding neighbouring properties or highway safety. The application is therefore considered to comply with Policies AW2, AW5, AW6 and AW10 of the Local Development Plan.

## **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.

