

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0929	<u>DATE:</u> 16/11/2016
PROPOSAL:	Retention and completion of change of use of building to Tyre and Exhaust Centre (Use Class B2), plus engineering operation and retaining works to create 4 parking spaces to rear with ramped access
LOCATION:	Tyre and Exhaust Centre, Commercial Street, Abergwynfi SA13 3YL
APPLICANT:	Mr Aaron Merret
TYPE:	Change of Use
WARD:	Gwynfi

BACKGROUND

Members are advised that Cllr Ralph Thomas has requested that the application is determined by Planning Committee due to concerns over visual amenity of the site, including the outside storage of vehicles, and on-street car parking issues.

SITE AND CONTEXT

The application site is located at the Tyre and Exhaust Centre, Commercial Street, Abergwynfi.

The site comprises a detached commercial building current utilised as a tyre and exhaust centre (Use Class B2). A yard area has been created to the rear. It is located on the outside of a 90-degree bend off Commercial Street, and is sloping in profile from the south down to the north.

DESCRIPTION OF DEVELOPMENT

This is full planning application for the retention and completion of a change of use of the building to a Tyre and Exhaust Centre (Use Class B2), plus engineering operations relating to the excavation of material, plus a new 1.35m high retaining works to create 4 new parking spaces to the rear of the building. These would be accessed via a new roller-shutter door to be inserted into the rear elevation of the building. A new ramped access off Commercial Street is also proposed to the side elevation of the building.

Members should note that following a complaint to the Authority, the Enforcement Officer visited the site to investigate. He found that the property was previously used as a private garage (non-commercial) and that a commercial garage was now operating at the premises without the benefit of planning permission. The developer was advised that there may be some concerns with on-street car parking. In order to potentially overcome this, excavation works were undertaken by the applicant to create a parking yard to the rear of the property. Again, this was done without the benefit of planning permission.

The application for the retention of the use and engineering works has been submitted as a result of further investigations by the Planning Enforcement Officer.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

None.

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Drainage): No objection.

Biodiversity Unit: No objection.

Contaminated Land Section: No objection, subject to conditions.

Environmental Health Section: No objection, subject to conditions.

Welsh Water: No objection, subject to conditions.

REPRESENTATIONS

A site notice was also displayed on 17/11/16. In response, to date no representations have been received.

REPORT

National Planning Policy

[Planning Policy Wales](#) (Edition 9, 2016)

Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy EN2** Special Landscape Areas

Supplementary Planning Guidance:

The [Parking Standards](#) SPG (approved October 2016) is of relevance to this application.

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Members should note that the fact this is a retrospective planning application is not a material planning consideration in the determination of this application.

Principle of Development

Whilst it is noted that the application site is located outside of the settlement limit of Abergwynfi, as defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of providing a small-scale business would be generally acceptable, providing it “constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building” (criterion 3).

The proposal relates to a change of use of an existing building immediately adjacent to the settlement limit and includes a relatively small-scale expansion of the site to the rear to make the site of an appropriate size for the intended use. Subject to the use itself having no adverse impacts (assessed later), the principle of the development is considered to comply with the requirements of Policy SC1.

Impact on Visual Amenity

In respect of the proposed car park, retaining wall and ramped access, as this would be located to the side/rear of the property and mostly obscured by the existing security gates and building, it is considered that they would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene. Nevertheless, conditions will need to be imposed on the application requiring the retaining wall to be rendered and painted, and specifying that the car parking and ramp have to be appropriately hard-surfaced, in the interest of visual amenity.

Similarly, the proposed door would have no adverse impacts as this would be located to the rear elevation and would have the same design as that on the front.

With regard to the concerns raised by Cllr Thomas over visual impacts, including the outside storage of vehicles, it should be noted that during the most recent Officer site visit there were approximately 6 vehicles parking within the rear yard, 1 car to the front of the property and 2 Land Rovers on other land outside of the application site to the south. While the visual impacts of the parking in the rear yard were limited, it is nevertheless considered appropriate to control the use of the rear area, both to ensure appropriate parking and manoeuvring space (addressed below) and in the interest of visual amenity.

The originally submitted plans indicated four spaces, but the available space would actually allow for additional spaces for ‘storage’ of cars being

worked on as well as parking spaces. As such, an amended plan was requested from the agent. The amended plan illustrates the required 4 parking spaces, together with a designated outside storage area with the remainder of the yard area being kept free for manoeuvring, both in the interest of visual amenity (and highway safety as discussed below). Such matters are conditioned accordingly.

In relation to the parking/storage of vehicles on other land outside of the application, it is noted that the land to the south (at a higher level) is under the ownership of the Authority's street-care Section and it would be a matter for them to control or restrict this. It would also not be appropriate or reasonable to attempt to control this parking as part of a planning condition on this permission.

In respect of Policy EN2/5 (Mynydd Y Gelli Special Landscape Area) specifically this states that there should be no significant adverse impacts on the features and characteristics for which the SLA has been designated. Due to the fact that the building has been on site for a number of years and the impacts of the engineering works would be minimal only, it is considered that there would be no detrimental impact upon the Special Landscape Area.

Impact on Residential Amenity

In respect of potential impacts on residential amenity, and in respect of noise specifically, the Environmental Health Officer has assessed the application and also visited the property. He has noted that the premises has been used as a workshop for some time, and when he visited the site he witnessed normal operations, and even on a day when background noise levels were low he noted that the noise generated from the garage (with the equipment operational) was at a volume that was unlikely to cause significant disturbance to nearby residential properties, and was typically drowned out by the sound of a passing car or children playing at the school yard.

As such, the Environmental Health Officer raises no objections to the application on noise grounds, subject to conditions. He did however, note that these comments were based on the current B2 use of the building, and changes to the volume and type of noise generated, or an alternative B2 use at this site, could lead to a Statutory Nuisance and potential enforcement action in the future. In this regard, it is considered appropriate to include a condition requiring a noise management plan, to ensure that current and future B2 uses at the site operate in a manner

which would cause no unacceptable impacts on nearby residential amenity.

Subject to the above, due to the nature of the use and associated works and the location of the site relative to surrounding neighbouring properties, it is considered that there would be no unacceptable impacts on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the development, as originally proposed, would have provided a car parking area to the rear of the building for 4 vehicles (although as referred to above the available space would allow for more). The intention would be to access these through the existing building via a new roller shutter to the rear elevation, and create a one-way 'loop' with the egress from the parking area via a new ramped access to the side of the building onto Commercial Road. The 'loop' could also be reversed, but in either case it would ensure that vehicles enter or exit the site in a forward gear (not reverse).

The Head of Engineering and Transport (Highways Section) has assessed the submitted proposal and offers no objection subject to conditions, one of which is that the existing Traffic Regulation Order (TRO) is amended from a double-yellow line only to specify that there should be no parking, waiting, loading or unloading. This will mean that any vehicles stopped or parked outside the property would be doing so illegally.

As previously stated, an amended plan was requested from the agent detailing 4 parking spaces for staff/customers, together with a designated outside storage area. It also indicates the entrance and exit loop. It is considered that this would provide a more acceptable solution to the site as it would allow cars to be parked and manoeuvred at the site, and a designated storage area provided which is screened to the rear of the building. Subject to the conditions requested above, including a condition ensuring the manoeuvring area is kept free of obstruction at all times, it is considered that there would be no unacceptable impact upon highway or pedestrian safety.

Biodiversity / Ecology

The Biodiversity Section has assessed the application and offers no objection, subject to an advisory note in respect of bats.

Flood risk / Drainage

It should be noted that Welsh Water offers no objections to the proposal, subject to conditions. Whilst no specific drainage details have been provided in respect of the drainage of the rear yard, these details can be conditioned as part of the application to ensure the development does not result in any adverse drainage issues.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject to conditions, it is considered that the proposed development would be acceptable in terms of pollution.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the retention and completion of the development would have no unacceptable impact upon residential amenity, upon the character and appearance of the surrounding area/street-scene, or upon highway and pedestrian safety. Accordingly the development is in accordance with Policies SC1, TR2, BE1 and EN2 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1) The development shall be carried out in accordance with the following approved plans and documents:

Location Plan (Dwg. 16-0438).

Plans & Elevations as Proposed (Dwg. TEC/2/16c).

Plans & Elevations as Existing (Dwg. TEC/1/16).
Section Through Boundary Retaining Wall.

Reason

In the interests of clarity.

Action Conditions

(2) Within one month from the date of this decision, a detailed scheme for the securing and restoration of the southern bank to minimise soil and dust exposure to the site end users and adjacent land users shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be fully implemented on site within one month of the date of its approval, and retained as such thereafter.

Reason

In the interest of visual amenity and human health.

(3) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(4) Within three months of the date of this permission, the retaining wall hereby approved shall be constructed on site. Prior to its construction, details of the proposed materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved finishes.

Reason

In the interest of visual amenity and land stability.

(5) Within two months of the date of this permission, a scheme for the amendment of the existing Traffic Regulation Order shall be submitted to and approved in writing by the Local Planning Authority. It shall detail the following:

No waiting, no loading or unloading along Commercial Street, between its junctions with Station Road and High Street Abergwynfi.

The scheme, as approved, shall be fully implemented on site within four months of the date of its approval, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(6) Within three months of the date of this permission, the four off-street parking spaces, as detailed on the Dwg TEC/2/16c, and the roller shutter door on the rear elevation to allow a one-way loop within the curtilage of the site shall be fully implemented on site, and retained as such thereafter. Any outside storage of equipment or vehicles shall be restricted to the approved storage area only, with the remainder of the yard area kept free at all times for vehicle manoeuvring.

Reason

In the interest of highway and pedestrian safety and visual amenity.

(7) The garage door to the rear elevation shall be roller shutter in type only, and maintained as such thereafter.

Reason: In the interest of highway safety.

(8) Within two months of the date of this permission, details of the surfacing and drainage of the rear yard area, including the ramp, and marking out of the parking space shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be fully implemented on site in accordance with the scheme within two months of the date of its approval, and retained as such thereafter.

Reason

In the interest of visual amenity and drainage.

(9) Within three months of the date of this permission, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Noise Management Plan shall identify all significant noise sources; detail the physical and operational management controls necessary to mitigate emissions from these noise sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and disturbance to surrounding properties. The Noise Management Plan shall also detail any noise complaint investigation procedures. The approved Noise Management Plan shall be adhered to throughout the operation of the approved use.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy.

(10) 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.

Reason

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.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan adopted January 2016.

It is considered that the retention and completion of the development would have no unacceptable impact upon residential amenity, upon the character and appearance of the surrounding area/street-scene, or upon highway and pedestrian safety. Accordingly the development is in accordance with Policies SC1, TR2, BE1 and EN2 of the Neath Port Talbot Local Development Plan.