

**PLANNING COMMITTEE**

**10<sup>TH</sup> JANUARY 2017**

**AMENDMENT SHEET**

**ITEM 6**

<b><u>APPLICATION NO:</u> P2016/0929</b>	<b><u>DATE:</u> 16/11/2016</b>
<b>PROPOSAL:</b>	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
<b>LOCATION:</b>	Tyre and Exhaust Centre, Commercial Street, Abergwynfi SA13 3YL
<b>APPLICANT:</b>	Mr Aaron Merret
<b>TYPE:</b>	Change of Use
<b>WARD:</b>	Gwynfi

The Officer's report refers to Cllr Ralph Thomas' request 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.

Having considered the Officer's report, Cllr. Thomas has now provided further representations which are summarised below (with officer response below): -

- (Page 91) There has never been an authorised tyre and exhaust centre use so how can it be retained? If it is registered as a private garage how can previous use as a tyre and exhaust centre be taken into account for planning?
- The application for change of use is unclear, is it from a private garage with no planning consent or change from unauthorised professional garage to authorised professional garage?

*The application is to retain the existing unauthorised change of use to a tyre and exhaust centre (Class B2). The report also notes (top of page 92) that the previous use was as a private garage (non-commercial)*

- Report states enforcement action was taken. What action by whom? How many visits did the enforcement officer make? How many complaints? How many observations as to parked cars were undertaken and recorded? How many unannounced visits were made?

*Following the receipt of local complaints, the site has been visited on at least 5 occasions by the Enforcement Officer (usually unannounced visits) as part of his investigations. Vehicles were observed parked outside the property and on the highway. There has been no enforcement action taken against the building (current or previous).*

- (Page 94) Outside settlement limits Policy SC1 small scale expansion of existing business. There is no lawful business being undertaken so how can you expand something that's not there in law?

*The report states that this is an appropriate 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.*

- (Page 95) Policy EN2/5 - a commercial garage will have a detrimental impact on the Special Landscape Area by its nature of storage of vehicles and tyres.

*The storage of vehicles/ tyres will be confined to the rear of the building / site, and is largely screened from public view both from Commercial Street, from the land to the north and in wider views from the A4107 to the east (see presentation photos). It is therefore considered that objection could not be sustained either in terms of an adverse impact on the characteristics of the Special Landscape Area, nor upon visual amenity generally.*

*An amendment is proposed, however, to clarify that the details required by condition (2) would also need landscaping of the southern bank in the interest of visual amenity, as follows: -*

***(2) Within one month from the date of this decision, a detailed scheme for the securing and restoration / landscaping 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.***

- Concern over noise, including from roller shutter doors, and whether condition 9 (noise management plan) will be effective in protecting residential amenity. States that there are no set times for operation on these premises.

*Condition 9 requires a NMP which will identify all significant noise sources and also include hours of working on site to control the impacts of the use. The operator would need to comply with such NMP at all times thereafter, and enforcement action could be taken if there is any breach of the NMP/ hours of operation. It is, however, considered appropriate on reflection to include a specific condition restricting hours of operations in the interest of local amenity as follows: -*

***(11) The use hereby approved shall not be carried out outside the hours of 0800 to 1800 Monday to Friday and 0900 to 1300 on Saturdays, with no use permitted on Sundays or Bank Holidays.***

***Reason: In the interest of protecting local amenity.***

- Expresses concern over time it will take to determine an application for the Traffic Regulation Order (TRO) required by condition 5, the costs of the TRO, and over any subsequent enforcement.

*The condition requires submissions within 2 months and implementation within four months of the date of its approval. Costs would need to be borne by the applicant.*

*While Cllr Thomas expresses concerns over the time during which operations would continue without such a TRO being in place (which could be in the region of 12 month taking account of due process), it is noted that double yellow lines are already in place outside the premises to control unauthorised parking. Officers are therefore satisfied that such restrictions would protect highway*

*safety during such period, with the condition subsequently providing a strengthening of the existing TRO, providing a betterment to the existing situation.*

- Concern that applicant may not comply with contaminated land condition if such contamination found. *Effective control would be provided by the recommended condition.*
- States that this garage has never sold tyres or exhausts, and instead relates to repairing 4x4 that have been off road rallying. *The use approved for (Class B2) would cover such general car repairs.*

States that this application should be refused as follows: -

1. It does not accord with Policy SC1 and EN2 in that it is outside settlement limits and is not an existing business with which the policy clearly indicates could be expanded and will not create increased employment.
2. It will have a detrimental impact on the Special Landscape Area under EN2/5 going from a private garage to a commercial one.
3. The impact on visual amenity will be detrimental to both the landscape and residents living adjacent to and travelling past the premises.
4. The report indicates that the Statutory Noise nuisance could be created by the application being granted that would require enforcement and the Noise Management plan will be ineffective as this will only manifest itself after operations will have commenced.
5. Highway safety will be compromised because the Traffic Order will NOT be implemented within the timescale set out in the report and the garage will be operating in an unsafe manner (or should the premises NOT operate) until the order has been implemented.

In addition to all of the above and to ensure that the appearance of the application site is further improved, it is recommended that condition 8 is amended to read as follows:

***(8) Within two months of the date of this permission, details of the hard surfacing and drainage of the access road to the side of the***

***garage building and the rear yard area, including the ramp, together with details of the marking out of the parking spaces 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.***