

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Refusal**

<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 4x4 Vehicle Repair Centre (Use Class B2), plus engineering operations 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

### **BACKGROUND**

Members are advised that Cllr Ralph Thomas 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.

The application was originally heard at the Planning Committee meeting on 10<sup>th</sup> January 2017, at which time Members resolved to DEFER the application “to allow Officers to investigate and clarify the exact nature of the use/operations being undertaken at the site to ensure that the application precisely identifies and seeks to retain the use which is currently operating from the premises”.

Following an investigation by officer’s and confirmation by the applicant, the description has since been amended from “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” to the following:

“Retention and completion of change of use of building to **4x4 Vehicle Repair Centre (Use Class B2)**, plus engineering operations and retaining works to create 4 parking spaces to rear with ramped access”.

Additional consultation has been undertaken, with the original report having been amended to reflect the Officer’s assessment of the revised proposal following re-consultation.

## 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 4x4 Vehicle Repair Centre (Use Class B2). A yard area has been created to the rear by excavating material. 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 4x4 Vehicle Repair 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 with 2.1m security gates.

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)** (*amended consultation response on revised description of development*): Objection on highway safety grounds.

**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 originally displayed on 17/11/16 (with no representations received).

Amended site notices were displayed on 06/06/17 in respect of the change of description. In response, a petition has been received with 175 signatories stating as follows

*“we the undersigned are living a nightmare with the garage in Commercial Street and will oppose any plans... put forward. The traffic violations, scarp cars, general mess and now the threat of stopping public service transport will not be tolerated any more”*

## 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).

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 Streetcare 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/repair centre 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 that this could have been controlled by an appropriate condition (had the application been recommended for approval) 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). Nevertheless, 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.

The Head of Engineering and Transport (Highways Section), in commenting on the initial description for "change of use of building to Tyre and Exhaust Centre (Use Class B2)" originally offered no objection subject to conditions, one of which was that the existing Traffic Regulation Order (TRO) should be amended from a double-yellow line only to specify that there should be no parking, waiting, loading or unloading. This would mean that any vehicles stopped or parked outside the property would be doing so illegally.

Notwithstanding the above, following clarification from the applicant that the property was being used as a 4x4 Vehicle Repair Centre (not a Tyre and Exhaust Centre) the Head of Engineering and Transport (Highways Section) has provided an amended consultation response due to the change in circumstances.

They now recommend refusal of the application on the grounds that the proposed use of the site will require 2 operational parking spaces for the breakdown/recovery vehicles and 4 spaces for the non-operational element of the site. As they consider there is a lack of satisfactory arrangements for the required parking of breakdown/recovery vehicles and private 4x4 vehicles awaiting repair or access to a repair bay within the site curtilage the development would be considered unacceptable in highway safety terms. In addition, it is noted that no details have been provided on the proposed servicing and the delivery of vehicles for repair, which would also require parking facilities within the curtilage of the site. It is considered that the lack of available on site parking / manoeuvring space along with additional traffic generation associated with this use, would exacerbate the existing highway issues of

indiscriminate on-street parking, which has resulted in the placing of Traffic Regulation Orders (TRO's) in the form of a no waiting at any time order fronting and adjacent to the site.

In addition, inspections by Officers have clearly indicated that the nature of the proposed use (4 x 4 repairs) is particularly intensive insofar as the small-scale nature of the business requires a number of 'unroadworthy' vehicles to be available at the site for stripping to provide 'spares' for other repairs. This means that much of the available space is taken up with such vehicles, which is in itself likely to exacerbate the impacts identified by the highway officers.

It is noted that the application is located on a 90 degree bend in the carriageway of Commercial Street, which is also a bus route through the village. It is considered that the proposed (retention of) use of the site would increase vehicular movements associated with both customer activity and deliveries to the repair centre, again to the detriment of highway and pedestrian safety.

In conclusion, it is considered that the failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size) would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety.

Refusal of the application on these grounds is therefore recommended.

### 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 (if approved) 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.

## Enforcement Action

Members should be aware that if the Planning Committee is minded to refuse the application on highway safety grounds (as discussed above), Enforcement Action would be necessary to secure cessation of the unauthorised use.

This is complicated in this case due to the Council's ownership of the building/land in question, and a further report will be prepared for appropriate action under Delegated Powers following further liaison with the Council's Estates and Legal teams. This will also consider the required action in connection with the unauthorised tipping of material to the rear, caused by the excavation of the 'parking area' proposed under this application.

## CONCLUSION

The decision to refuse 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 as a 4x4 Vehicle Repair Centre would have no unacceptable impacts upon residential amenity or upon the character and appearance of the surrounding area/street-scene. Notwithstanding this however, it is considered that the failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size) would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety. As such, the

development is contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Refusal

(1) The failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size), together with the intensive nature of the 4 x 4 repair use with the requirement for spare vehicles to be stored at the site, would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety and contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.