

DELEGATED REPORT

Application No:	P/21/0344
Site Address:	2 Bargoed Terrace Treharris CF46 5RB
Development:	Change of use from betting office (A2 Use) to fish and chip takeaway (A3 Use) to include the installation of flue
Case Officer:	Marlene Ferreira
Site Visit:	21st October 2021
Application Expiry Date:	23rd November 2021
Consultation reply date expired:	7th December 2021

APPLICATION SITE

The application site relates to the ground floor of an end of terrace premises located at 2 Bargoed Terrace, in Treharris. The property, at first floor, appears to be used for residential purposes. The property sits adjacent to a private entrance way which provides access to the rear of the building and other buildings along this row. This access appears to be used/owned by multiple individuals.

The premises, which is accessed off Cardiff Road, was formerly occupied by a Ladbrokes betting shop (A2 use class), but has been vacant since June 2021, following a significant decline in visiting customers. The premises lies in a street comprising a mix of commercial and residential properties.

The application site lies within the settlement boundary – Other Growth Area, Treharris Local Centre and Treharris Conservation Area as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from A2 to A3 to provide a fish and chip take away. It would include the installation of new windows and doors and the erection of a flue.

Internally, the proposed fish and chip takeaway would have a slightly smaller waiting area at the front of the premises, a large kitchen at the centre of the premises, which would replace the existing staff area, and a store area at the rear of the premises, which would replace the existing kitchen and WC. The existing WC's at the centre of the premises would remain unaltered. The proposed takeaway would operate from 09:00 to 23:00 Monday to Saturday and 16:00 until 23:00 on Sundays and Bank Holidays. It would employ a total of 3 full time and 2 part time members of staff.

Externally, the proposal would include the installation of timber windows and door on the front elevation, which would replace the existing timber windows and doors. A flue is also proposed to be installed between the front counter and kitchen areas. The flue, although originally proposed to be installed externally and run up the eastern side elevation, is now to be installed internally and would project a total of 0.55 metres above the ridge height of the existing premises.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/06/0117 - Installation of roller shutters to ground floor front elevation – Approved: 8th May 2006

CONSULTATION

Head of Engineering	No objection.
Policy Section	No objection.
Council's Ecology Officer	No objection.
Environmental Health Officer	No response.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby occupiers and two site notices were displayed within the vicinity of the site. Two letters of objection were received following this publicity exercise. The letters referred to the following concerns:

- The proposed flue, given its siting on the side elevation of the property, would restrict access onto the rear courtyard/parking area at the rear of the premises.

Following the amendment to the position of the flue (as highlighted above), a further publicity exercise was undertaken and no objections were received.

Members were advised of the objection letters received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined, under delegated powers, by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales will grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6 – Town Centre First

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valley

National Planning Policy

- Planning Policy Wales (edition 11, February 2021)

Paragraph 4.3.1 states that ‘...retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development...’

Paragraph 4.3.30, 4.3.31 and 4.3.32 refers to mixed uses in centres and explains that ‘...although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy....Primary areas are typically characterised by a high proportion of A1 retail uses...Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities...Policies should encourage a diversity of uses in centres...’

Paragraph 4.3.33 talks about the vibrancy and viability of centres and states that these ‘...are distinguished by a diversity of activity and uses which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel...’

Paragraph 6.1.14 discusses conservation areas and states that ‘...there should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised...’

Paragraph 6.4.3 discusses biodiversity and states that ‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (November, 2016)

Section 2.3 of TAN 6 refers to the variety of uses in the centre and states that ‘...a wide range of uses are located in retail and commercial centres including retail, office, residential, leisure, tourism and community functions. These centres are traditionally characterised by having higher densities which increases scope for different uses, including residential, to be accommodated above retail and commercial floorspace.’

Encouraging people to live and work in existing centres reinforces local demand and provides additional vibrancy during the day and in the evening. This diversity of uses, whilst benefiting the wider economy, will need to be carefully planned and managed to ensure that no conflicts arise, particularly with regards to amenity...'

Technical Advice Note 5: Nature Conservation and Planning (2009)

Paragraph 4.3.4 states that '...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...'

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

SW4: Settlement Boundaries

SW11: Sustainable Design and Placemaking

SW13: Protecting and Improving Community Facilities

CW1: The Historic Environment

EnW4: Environmental Protection

EcW3: Retail Hierarchy – Supporting Retail Provision

EcW5: Town and Local Centre Retailing Areas

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed change of use, from an A2 use to an A3 use, would be acceptable in this location. The acceptability of the proposal with regards to its impact upon the character and appearance of the premises and conservation area, residential amenity, ecology, parking provision and highway safety are also primary considerations.

Principle of Development

The premises lies within the settlement boundary - Other Growth Area. SW4 states that development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The proposal would therefore comply with LDP Policy SW4.

The premises also lies within the Treharris Local Centre and LDP Policies EcW3 and EcW5 are therefore relevant. Policy EcW3 relates to retail hierarchy, with the town centre being the favoured location for retail and other complementary uses, followed by local centres, provided they improve the vitality and viability of the centre. A complementary commercial use, including A3 uses, are acceptable within the local centre. Furthermore, given that no changes are proposed to the frontage of the application premises, other than the installation of new windows and door within existing openings, the proposed use would not be considered to adversely affect the vitality of the Treharris Local Centre. LDP Policy EcW5 is supportive of development that enhances the vitality and viability of town and local centres. In this instance, the proposal would indeed enhance the vitality and viability of the centre since it would be occupying a premises which has been vacant for approximately 6 months. The proposed change of use would therefore comply with LDP Policies EcW3 and EcW5.

The proposed development would result in the loss of a betting office, and given that this is classified a community facility, LDP Policy SW13, which seeks to protect and improve such facilities, is relevant. This policy states that development proposals that would result in the loss of an existing community facility would only be permitted where there is evidence that alternative provision of at least equivalent value to the local community can be provided nearby, or it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or it can be demonstrated there is no longer a viable community use for the facility. In this instance it is noted that the betting shop has closed due to the significant decline in visiting customers, as a result of this service being offered online. As such, numerous betting offices in the county borough, including the application site have permanently closed. It is therefore considered that the existing betting office would be deemed surplus to the needs of the community and is therefore no longer required. Furthermore, it should be noted that the premises would continue to be occupied by a commercial use and the commercial unit would therefore not be completely lost. Whilst a fish and chip takeaway (A3 use), would not offer the same service, it would nevertheless result in a use offering a service to the local community and would therefore be recognised as community facility. Moreover, an A3 use would allow for the former use (A2) as well as any other A1 use to occupy this premises without the need for planning permission (in the event that the unit becomes vacant in the future). The proposed development would therefore accord with LDP Policy SW13.

Character and Appearance

The proposed change of use would result in external alterations to the building which consists of the installation of new front windows, a new front door and the erection of a flue.

The new windows and doors would be timber which, subject to suitable details being submitted (via condition), are acceptable and would preserve the character and appearance of the conservation area. Therefore, the development would accord with policies CW1 and SW11 of the LDP.

In respect of the proposed flue, this alteration as explained previously, has been amended since it was originally submitted and is now shown to be installed internally. As such, the proposed flue would not be visible within the wider area, other than its 0.55 metre projection above the ridge height (which would be similar to the height of chimney). As such, this part of the proposal would not be considered to significantly harm the appearance of the premises, nor would it adversely affect the character of the street scene or wider conservation area. It would therefore comply with LDP Policies CW1 and SW11.

Residential Amenity

The premises adjoins one other property, a commercial property to the west which, like the application site, also appears to have a residential use at first floor. The proposed fish and chip shop use with takeaway, could generate disturbances as a result of the comings and goings of customers, particularly since it is proposed to operate from 09:00 until 23:00. As such it would be considered more harmful, in respect of noise and disturbance, to the amenities of nearby occupiers than the former use as a betting shop. Nevertheless, the operation of a takeaway until 23:00 within an established local centre would be considered acceptable, given that there are a variety of uses, including a public house and other takeaways in very close proximity to the application site, which open until similar late hours

of the evening. It should also be noted that should the applicants seek to open after 23:00, this would be a matter controlled by licensing legislation.

With regards to the external alterations, which would include the introduction of a flue, these would not cause any nuisance to nearby residents, including the first floor flat residents.

As such, the proposed change of use would not be considered to detract from the privacy or amenities of nearby residential occupiers and would therefore comply with LDP Policies SW11 and EnW4.

Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environmental Wales Act (2016) and Welsh Government Circular 'Securing Biodiversity Enhancements' (2019), the Council's Ecologist has requested that a bat box is installed. In this instance, given that the proposal would not have a detrimental impact upon protected species and relates to minor external alterations only, it would not be reasonable to impose a condition to require the installation of a bat box.

Parking Provision and Highway Safety

The site is not served by any on-site parking provision. However, the application site lies in a sustainable location, being located within walking distance of a bus stop and across the road from a public car park. Therefore, the Head of Engineering has not raised an objection to the proposed development, which would therefore accord with LDP Policy SW11.

Responses to Representations

The concerns raised by the objectors have been addressed by relocating the flue, originally proposed to be installed externally on the eastern side elevation, internally. As such, this alteration has meant that the access to the eastern side of the premises can continue to be used by its owners/users, free of any restrictions.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with the relevant policies and guidance.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- Drawing no: BT-03, revision B, received: 12th November 2021;
- Drawing no: BT-04, revision C, received: 10th December 2021;

Reason - To ensure compliance with the approved plans and clearly define the scope of the permission.

3. **Prior to the commencement of development** detailed drawings of the windows and door at a minimum scale of 1:10, including elevations and sections, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To preserve the character and appearance of the conservation area and to accord with Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. Before the development hereby permitted is brought into use, an adequate grease trap shall be fitted, details of which shall first be submitted to and agreed in writing by the local planning authority. The grease trap shall be permanently maintained thereafter.

Reason - To protect the integrity of the public sewage system and to ensure the free flow of sewage in accord and with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

10/12/21