

DELEGATED REPORT

Application No:	P/23/0246
Site Address:	2 Vulcan Buildings Brecon Road Merthyr Tydfil CF47 8NH
Development:	change of use from bookmakers to a hot food takeaway
Case Officer:	Marlene Ferreira
Site Visit:	26th October 2023
Application Expiry Date:	7th December 2023
Consultation reply date expired:	7th November 2023

APPLICATION SITE

The application site relates to the ground floor of a mid-terrace property located at 2 Vulcan Buildings, off Brecon Road. It was formerly used as a betting shop/bookmakers, but due to a decline in visiting customers, the premises has been vacant for almost a year. At first floor, the property appears to be used for residential purposes. The premises can be accessed via the rear lane which runs along the back of this small row of properties. A parking space is also provided within the rear courtyard area.

The application property, like other nearby properties, has been altered overtime and includes front and rear roof dormer extensions. It lies within the Brecon Road Local Centre and therefore sits within a street comprising a mix of commercial and residential properties.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from a betting shop/bookmakers (A2) to a hot food take away (A3). An interested party has indicated that they wish to provide a pizza takeaway to serve the local community. The proposal would not include any external alterations or the provision of an extraction system.

Internally, the proposed takeaway would have a slightly smaller waiting area at the front of the premises, and include a central servery/counter, with a kitchen and WC at the rear (as existing). The proposed takeaway seeks to operate from 12pm until 11pm Monday to

Sunday, including Bank Holidays. It would employ a total of 2 full time and 2 part time members of staff.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/04/0410 - Change of Use from grocer shop to a betting shop – Approved: 30th September 2005

CONSULTATION

Head of Engineering & Highways	No objection.
Planning Policy Officer	No objection.
Planning Ecology Officer	No objection.
Environmental Health Manager	No objection.
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 a site notice was displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

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 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 a betting shop/bookmakers (A2 use) to a hot food take away (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 wider area, residential amenity, ecology, parking provision and highway safety are also primary considerations.

Principle of Development

The premises lies within the settlement boundary – Primary Growth Area. LDP Policy 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 this policy.

The premises also lies within the Brecon Road Local Centre and LDP Policies EcW3 and EcW5 are therefore relevant. LDP 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 therefore acceptable within the local centre. Furthermore, since no external alterations are proposed to the property's existing frontage, the proposed use would not be considered to adversely affect the vitality of the Brecon Road 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 almost a year. 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 shop/bookmakers and since this is classified as 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/bookmakers has closed due to a decline in visiting customers, as a result of this service now being offered online. As such, numerous betting shops/bookmakers in the county borough, including the application site, have permanently closed. It is therefore considered that the existing betting shop/bookmakers 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 takeaway (A3 use), would not offer the same service, it would nevertheless result in a use offering a service to the local community and as such, would also be recognised as a 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 not include any external alterations to the premises, and as such, the proposal would not have any adverse impact on the character or appearance of the property or the wider Morgasntown Conservation Area. Thus, the development would accord with LDP Policies SW11 and CW1.

Residential Amenity

The premises adjoins two other properties, a commercial property (convenience store) to the west, 3 - 4 Vulcan Buildings, (which, like the application site, also appears to have a residential use at first floor), and a residential property to the east, 1 Vulcan Buildings. The proposed use as a takeaway, could generate disturbances as a result of the comings and goings of customers, particularly since it is also surrounded by existing residential properties and is proposed to operate everyday from 12:00pm until 11pm. 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/bookmakers. Originally, the applicant was seeking to operate from 12pm until 12am. Following discussions with the agent in respect of the operation times, it was concluded that operating hours from 12pm until 11pm would be a suitable alternative time. The operation of the takeaway until this time, within an established local centre, whilst more harmful than the former use as a betting shop/bookmakers, 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 operate in a similar manner and 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. Thus, an appropriately worded condition would be added to any planning permission granted to control the operation times of the business as noted above.

The proposed takeaway, within this context, would not be considered to significantly detract from the privacy or amenities of nearby residential occupiers and thus no letters of objection have been received in respect of this proposal. As such, it 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), Welsh Government Circular 'Securing Biodiversity Enhancements' (2019) and, Chapter 6 of the upcoming Planning Policy Wales 12, the Council's Ecologist has requested that a bat box be installed on the southern elevation and a green infrastructure statement be submitted in support of the application. Given that the proposal would not have a detrimental impact upon protected species and relates to a change of use only without any external alterations, it would not be considered reasonable, in this instance, to request that these works be undertaken as part of this application.

Parking Provision and Highway Safety

The site is served by on-site parking provision to the rear of the property, but this would amount to only one space and as such would not cater for any visiting customers or staff working at the premises. However, the application site lies in a sustainable location, being located within walking distance of a bus stop and within a short distance from an existing public car park. Therefore, the Head of Engineering and Highways has not raised any objections to the proposed development. Thus, the proposal would therefore accord with LDP Policy SW11.

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:

- Existing and Proposed Elevations and Section, Vulcan 2 01, received: 12th October 2023.

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

3. 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.

4. The takeaway use hereby permitted shall only be carried out between 0900 hours and 2300 hours on weekdays, weekends and bank holidays.

Reason - To safeguard the amenities of neighbouring residents in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services


DATE: 06.12.2023