

DELEGATED REPORT

Application No: P/21/0176

Site Address: Unit 13
Cyfarthfa Retail Park
Swansea Road
Merthyr Tydfil
CF48 1HY

Development: Provision of designated outdoor seating area and the installation of 2 air conditioning units, 1 coldroom condenser unit, a ventilation grill and bin store area

Case Officer: David Cross

Site Visit: 27th May 2021

Application Expiry Date: 2nd September 2021

Consultation reply date expired: 8th June 2021

APPLICATION SITE

This application relates to Unit 13 (former Carphone Warehouse store) within the established Cyfarthfa Retail Park. The property is situated to the west of the main retail park with McDonalds to the north-west and KFC to the south. The main highway serving the retail park and surrounding area is situated to the east with the car park serving the application site to the south-west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of two air conditioning units, a cold condenser unit, a ventilation grill and a bin store area to the rear of the building. The mechanical equipment would be enclosed within a security cage. The proposed bin store area would be enclosed by a 1.67m high timber fence that covers an area of approximately 5.8m wide by 2.2m deep. Part of the existing footpath to the rear of the building would be extended out by 1.8m to maintain access.

Permission is also sought for the creation of a small outdoor seating area on the existing paving to the side of the retail unit, comprising two tables with benches that would be fixed to the ground. This area would measure 4.6m wide by 2.4m deep and would be enclosed by 1m high barriers that would also be fixed to the ground.

PLANNING HISTORY

- P/21/0156 - Certificate of Lawfulness for the sub-division of Unit 13 as two units with Use Class A1.
Application APPROVED on 25.05.2021
- P/21/0113 - Change of use from former carphone warehouse and games store (Use Class A1) units to form two food and drink establishments (Use Class A3).
Permission GRANTED on 24.05.2021
- P/08/0099 - Installation of double doors with infill panels to front elevation.
Permission GRANTED on 14.04.2008
- P/02/0514 - Erection of retail park including A1 and A3 units, health and fitness(D2), covered builders yard and garden centre. Associated carparking, servicing and access roads.
Permission GRANTED on 10.06.2003

CONSULTATION

- Head of Engineering - No objection.
- Environmental Health Manager - No objection subject to condition relating to construction hours, dust control and waste management.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order 2012, a notice was displayed within the vicinity of the site.

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW), Edition 11, February 2021

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection

PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement boundary and primary growth area where the majority of new development is generally encouraged and supported by policy SW4 of the LDP. The proposed plant equipment and outdoor seating area would also be used in association with a new Gregg's store that was recently granted permission (P/21/0113). As such, the principal of the development is acceptable.

Design approach

The proposed outdoor seating area is of a typical design that you might expect outside of food and drink establishments. Indeed the neighbouring units (McDonalds and KFC) both have enclosed outdoor seating areas with fixed furniture. The proposed seating area is generally small in its size and would be discreetly located to the side of the retail unit. The creation of the outdoor seating area would not have an adverse impact on the character or appearance the surrounding area or the retail park in general.

The proposed plant equipment would be located on the rear aspect of the building, which is partly visible from the adjacent highway. However, there is already similar equipment provided on this elevation of the building by previous occupants. The land to the rear of Unit 13 is also already used for the storage of large commercial waste bins. The proposal seeks to provide an enclosed store area that would appropriately screen the waste bins. Although the fencing would be visible from the highway, the enclosure would improve the general appearance of the area and would be partially screened by the existing planted embankment and trees. Therefore, the proposal would not have significant impact on the character or appearance of the surrounding area and would comply with policy SW11 of the LDP.

Highway implications

The proposed outdoor seating area would be located to the side of the retail unit on an area of existing paving, which is not currently used for any specific activity within the retail park. The enclosed seating area would be set back from the adjacent carpark and would not impinge on the existing pedestrian walkways leading to the main entrance of Unit 13 or the neighbouring retail units. In this regard it is noted that the proposal would not impact on the pedestrian crossing at the end of the adjoining drive-thru to the north-east. Furthermore, it is acknowledged that the Head of Engineering has not raised any highway safety concerns. The proposed plant equipment and bin store area would be situated to the rear of the building away from the areas accessed by the public. Therefore the proposal complies with policy SW11 of the LDP.

Environment

The proposal would largely involve works to areas that already comprise of hardstanding or paving and would have a negligible impact on any protected species or habitats. It is noted that the existing footpath would be extended out by 1.8m to maintain suitable access around the building. This path would encroach into part of the planted verge that abuts the main highway to the north-east. However, the extended footpath does not appear to result in any significant loss of planting that may be of any significance to protected species or habitats. Therefore, the proposal complies with policy EnW1 of the LDP.

CONCLUSIONS

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.

For the above reasons the proposed development is considered to be acceptable and complies with the relevant LDP policies. Therefore, the following recommendation

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. RWST/S5710 Rev A (Proposed floor plan), received 21.06.2021

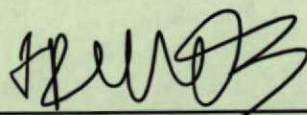
Drawing No. RWST/S5710 Rev A (Proposed elevations C & E and bin store), received 21.06.2021

Drawing No. RWST/S5710 Rev A (Proposed elevations D, sections and condensing units), received 21.06.2021

Photo of typical fixed outdoor seating furniture and barriers, received 21.06.2021

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 8/7/21