

DELEGATED REPORT

Application No:	P/23/0045
Site Address:	53 Glebeland Street Merthyr Tydfil CF47 8AT
Development:	Change of use from office to takeaway and installation of flue
Case Officer:	Rebecca Owens
Site Visit:	27th February 2023
Application Expiry Date:	12th April 2023
Consultation reply date expired:	21st March 2023

APPLICATION SITE

The application relates to the ground floor of two, three storey, premises located within a terrace of properties in Glebeland Street, which is located within the Merthyr Tydfil Town Centre. The area is therefore characterised by a mixture of uses including retail, commercial and residential. It is bound by a highway to the front, lane to the rear and other properties on either side.

The application site lies within the settlement boundary – Primary Growth Area, Town Centre boundary and within the Town Centre Conservation Area. It also is within a C2 Flood Zone.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the ground floor of 53 High Street from an office to a takeaway (A3 Use Class). It would also appear that the change of use also includes toilet facilities and access to the rear of the site which are located within the rear of 52 High Street. The submitted details indicate that the takeaway would operate between the hours of 1pm until midnight 7 days a weeks. No external alterations are proposed, except for a flue proposed to the rear. This would exit the building through the flat roof, single storey rear annexe and would terminate at approximately the height of the eaves of the main roof.

PLANNING HISTORY

The relevant planning history is detailed below:

P/98/0277	Alterations, repairs and refurbishment including new shop front, disabled access and toilet facilities Granted planning permission subject to conditions on 20 August 1998
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- P/22/0165 Convert 1st and 2nd floors from offices into 4 No. 1 bedroom flats, to include external alterations
Granted planning permission subject to conditions 24 August 2022
- P/20/0170 Change of use from offices (B1) to shop (A1) (52 *Glebeland St*)
Granted planning permission subject to conditions on 21 September 2020

CONSULTATION

The following bodies were consulted and their responses are presented below:

Planning Division's Policy Officer	No objections
Engineering & Highways Manger	No objections
Environmental Health Manager	No objections subject to conditions
Natural Resources Wales	No objections

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two site notices were displayed

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

National Planning Policies

Planning Policy Wales (Edition 11, February 2021) must be taken into consideration. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:
 - *“promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and*

- *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport*".
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *"Vibrant and viable centres 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"*. Specific reference to food and drink uses is made in paragraph 4.3.34 which states, *"Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy"*. It also notes that *"In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening"*.
- 4.3.36 Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels".
- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes 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"*. With paragraph 6.1.15 clarifying that *"There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level"*.
- Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 4: Retail and Commercial Development
- TAN 12: Design
- TAN 15: Development and Flood Risk
- TAN 18: Transport
- TAN 24: Historic Environment

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection

- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within the primary growth area of the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect it is noted that the site also lies within the town centre boundary but outside of the Primary Shopping Area. As such Policies EcW3 and EcW5 would be relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in the town centre where they improve its vitality and viability. An A3 use is generally deemed to be a complementary use and in this instance the proposal would bring a vacant ground floor unit back into use which would contribute to the vitality and viability of the town centre.

Character and visual amenity

The application site is located within the Town Centre conservation area and Urban Character Area 1 (Town Centre: High Street and Pontmorlais) and is in close proximity to three locally listed properties. As such the design and visual impact of the development is an important consideration, with Policy CW1 highlighting that proposals will only be permitted where they would preserve or enhance designated historic environment assets. Whilst it is recognised that the proposed flue would represent an unattractive addition to the property, this would only be visible from the rear of the property. In this respect it is noted that the rear streetscene is visually poor with other flue's and is the location for a number of large bins serving the adjacent properties. As such the flue could not be said to adversely impact on the character or appearance of the rear streetscene. Accordingly, in this instance, it is not considered that the flue would have a harmful impact on the character or visual amenities of the area, including the conservation area and setting of the local listed buildings.

It is also acknowledged that A3 uses and particularly takeaways can sometimes have an harmful impact on the visual amenity of an area as a result of their hours of operations. Takeaway uses often operate at different times to shop, commonly being open during the late afternoon and into the evening. This can create an inactive and dead frontage, particularly when roller shutters are left closed during the day and a proliferation of these uses can change the character of an area. However, the proposed use would bring a vacant unit (which currently has its roller shutter down permanent) back into use. Moreover, it is noted that Glebeland Street offers a variety of uses and whilst some of these include other A3 uses, these currently operate during the day. As such, it is considered that the proposed takeaway use can be introduced within the area without significant detriment to the character and vitality of the area.

Taking the above considerations into account the proposal is found to be acceptable in terms of its impact on the character and visual amenity and thus in accord with Policies SW11 and CW of the LDP.

Residential amenity

The application site is located within the town centre and, as such, in an area characterised by a mixture of commercial, leisure and residential uses. It is noted that in the immediate vicinity of the site there are uses which would create a degree of noise and disturbance and that some of these uses operate later into the evening and night. As such, it is not considered that approval of this use would significantly add to any noise and disturbance generated by the existing businesses in the area. A degree of late night activity is also to be expected when living within town centre areas.

It is also recognised that this type of use can also generate odours and cooking smells which can be detrimental to the living conditions of surrounding residents. This can often be alleviated via a suitably designed extraction system. Whilst the Environmental Health Manager has not objected to the application, they have noted that where a flue does not terminate 1m above the eaves an exceptionally high level of odour control will be required. As the proposed flue terminates at eaves level, it is recommended that a condition is attached to any permission issued which required details of the extraction system to ensure that it does not result in noise or odour nuisance to neighbouring occupiers.

Having regard to the above and noting that no objections were received from the Environmental Health Manager or following the publicity exercise, the proposal is therefore found to accord with Policies SW11 and EnW4 of the LDP.

Parking and highway safety

It is noted that the application site does not benefit from any off-street parking provision and as such there would be no designated parking area available for the employees and customers of the takeaway. However, the application site is located in the town centre, which is well served by public car parks and public transport links. Given this location it is not considered that the lack of parking would impact on highway safety. In addition, there is a dedicated loading bay on the opposite side of Glebeland Street which can be utilised to make necessary deliveries without causing undue detriment to the public highways. Accordingly, no objections have been received from the Engineering and Highways Manager. The proposal therefore complies with Policies SW11 and SW12 of the LDP.

Flood risk

The application site is located entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 3 Rivers. Despite the omission of a Flood Consequence Assessment, given that this application relates to a change of use from an office to a takeaway which are both classed as less vulnerable, Natural Resources Wales have not raised any objection to the proposal subject to the developer being made aware of the potential flood risks. This can be done through a suitably worded informative. In addition, it is noted that the proposal would help to improve the vitality and viability of the town centre by bringing the ground floor of the building into beneficial use. The proposal is therefore found to be acceptable in this respect.

Conclusion

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**:

CONDITIONS/REASONS:

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 Title: Proposed Side Elevations (x2 Plans), Received on 15 February 2023

Drawing Title: Proposed Rear Elevation, Received on 15 February 2023

Drawing Title: Proposed Floor Plan, Received on 15 February 2023

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

3. Before any works commence on site or the use hereby approved is brought into use, details of the extraction system shall be submitted to, and approved in writing by the Local Planning Authority. The use shall not commence until the extraction system has been provided in accordance with the approved details and the flue shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason - To protect the amenities of the occupiers of adjoining properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The use hereby approved shall not be implemented until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details with the biodiversity enhancement provided within 3 months of the use being implemented and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

INFORMATIVES

1. The developer is advised that the application site is located entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 3 Rivers. As such the developer may wish to consider incorporating flood resistance / resilience measures into the refurbishment works, and make provisions for flood warning and emergency access / egress.

Additional guidance including the leaflet "Prepare your Property for flooding" can be found by following the link: <https://www.gov.uk/prepare-for-a-flood>

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187_544.pdf

The owner/occupier is advised to sign up to our free Flood Warning service. Further details are at <http://naturalresourceswales.gov.uk/flooding/sign-up-to-receive-flood-warnings/?lang=en>

2. With respect to condition 3, the developer is advised that in order to satisfy the requirements of the Health and Safety at Work etc Act 1974 and the specific regulations made under it [i.e. the Workplace (Health and Safety Welfare) Regulations 1992 and the Gas Safety Installation & Use Regulations 1998], the developer must ensure that their choice of extraction system must be able to provide the same level of performance as specified in the 'DW/172: Specification for Kitchen Ventilation Systems' which sets the bench mark for safe and effective ventilation in commercial kitchens. The developer is therefore advised to consult a suitably qualified individual i.e. commercial heating and ventilation specialist/commercial catering engineer to ensure that their choice of extraction system meets the above mentioned standard. In addition, the extraction system should be designed to avoid causing a statutory nuisance to nearby residents and businesses and should comply with the principles of Best Practicable Means
3. With respect to condition 4, it is advised that 1 no. bat box (woodcrete or woodstone) is erected on the northern elevation. For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (single crevice bat box)

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

5/4/23