

# DELEGATED REPORT

**Application No:** P/20/0222

**Site Address:** Castle View Stores  
Twyn Carmel  
Swansea Road  
Merthyr Tydfil  
CF48 1PE

**Development:** Rear single storey extension and change of use of existing garage to a hot food takeaway

**Case Officer:** Caroline Pulley

**Site Visit:** 1st October 2020

**Application Expiry Date:** 7th December 2020

**Consultation reply date expired:** 3rd December 2020

## APPLICATION SITE

The application site relates to a convenience shop and a detached garage located in the residential area of Twyncarmel. The shop forms part of a three-storey detached building, sited near to the entrance of the Castle Park housing estate. It is bound by the highway to the front (west), a neighbouring residential property to the north (1 Beacons Court) and a road serving a small residential cul-de-sac known as Beacon's Court to the west and south. The surrounding area is predominately residential in character and apart from the existing shop, there are no retail premises or takeaway facilities within the immediate area.

## PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a single storey extension to the rear of the shop and for the conversion of a detached garage to a hot food takeaway (A3 use).

The proposed extension would project outwards at ground floor level at the northern end of the rear (eastern) elevation of the shop. It would measure 4m wide by 8.3m in depth and would provide a storage room and an office. Its roof would be pitched and would have a maximum height of 3.6m from ground level. Its rear east facing wall would contain one window which would serve an office, with the northern side elevation featuring a pedestrian door which would provide access to the proposed storage area. The external walls of the extension are proposed to be finished in brick to match the existing property, and the roof would be covered in concrete interlocking tiles, also to match the existing.

The proposed hot food takeaway use would be accommodated within the detached garage which is located alongside the southern end elevation of the shop. To facilitate the takeaway, the garage doors located within the front elevation of the building would be replaced with a window and a pedestrian entrance door. The doorway currently located

within the rear elevation of the building would be blocked up and would be replaced by a new doorway sited within the southern roadside elevation of the building. The use would also involve the installation of a 1m high, 0.3m wide extraction flue on the rear elevation of the building.

The proposed opening hours for the hot food takeaway are as follows:

- Monday to Sunday 09:00 to 22:00 hours

No designated off-street parking facilities are provided as part of the application

## PLANNING HISTORY

There is no recent planning history relating to the premise. However, a search of the historic records for the site reveals that planning permission was approved for the double detached garage in 1993 under application reference P/93/0273. This permission is restricted by a condition which states that the garage should be used for the storage of private motor vehicles and for purposes incidental to the occupation and enjoyment of the residential unit at Castle View Stores and for storage use in association with the existing shop.

## CONSULTATION

|                                       |               |
|---------------------------------------|---------------|
| Engineering and Traffic Group Leader: | No objection. |
| Planning Division's Policy 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 the adjoining properties and site notices were displayed within the vicinity of the site

No letters of objection were received following this publicity exercise.

## POLICY CONTEXT

### National Policy

Planning Policy Wales (PPW) – Edition 10, December 2018  
Technical Advice Note (TAN) 12 – Design  
Technical Advice Note (TAN) 4 – Retail and Commercial Development

### Local Policy

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

Policy SW4 – Settlement boundaries  
Policy SW9 – Planning Obligations  
Policy SW11 – Sustainable design and Placemaking  
Policy SW13 – Protecting and Improving Local Community Facilities  
Policy EnW1 – Nature Conservation and Ecosystem Resilience  
Policy EnW2 – Internationally and Nationally Protected Sites and Species  
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species  
Policy EnW4 – Environmental Protection  
Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision  
Policy EcW6 – Out-of-Town Retailing Areas

## PLANNING CONSIDERATIONS

The application site is within settlement limits and is within the primary growth area. Therefore, the principle of the development is acceptable under Policy SW4 of the LDP. The proposed shop extension and takeaway use is also in accordance with the overall objectives of Policy SW13, which seeks to safeguard community facilities. While it is important to acknowledge that the application site is located outside of an established town and local centre, the nearest retail centre is the Brecon Road/Morganstown local centre, which is situated approximately two miles or a 45-minute walk or five minute drive away from the residential properties which surround this site. Accordingly, it is unlikely that the proposed takeaway use would draw trade from the local retail centres, which are protected under Policy EcW3. Instead, the proposal would provide enhanced facilities and a complementary takeaway use, which could easily be accessed on foot by residents living in the immediate area. Taking this into account together with the overall scale of the development, the proposal is unlikely to have a detrimental impact on the town/local centre vitality.

The main issues to be considered when determining this application are therefore:

- The impact of the development on the character and appearance of the existing building and the wider area.
- The impact of the development on the amenity of neighbouring residents.
- The highway/pedestrian safety implications of the development.

### The impact of the development on the character and appearance of the area

The shop extension would project 8.3m from the rear elevation of the building. It would be single storey in height with a pitched roof which would be sympathetic to the appearance and design of the existing building. While the extension is quite substantial in terms of its length, given its siting, its modest height and pitched roof design, it would have a minimal impact upon the visual appearance of the area as a whole. The conversion of the adjacent garage to a hot food takeaway use would result in the garage doors being replaced with a window and an entrance door. However, these changes are relatively minor in nature and would have a limited impact on the overall character and appearance of the area. Furthermore, any signage would be subject of a separate advertisement application, if required. The proposed flue would be most visible when viewed from Beacons Court, although it is not considered that this element of the scheme would be overly prominent in the street scene to cause a significant harm to warrant the refusal of planning permission. As such, the proposal would have an acceptable impact on the

character or appearance of the existing property and the visual amenity of the wider area, and is in accordance with Policy SW11 of the LDP.

### Residential amenity

In the case of this application, it is noted that the existing premises, although being located adjacent to the highway, is surrounded by residential properties and the proposed takeaway use therefore has the potential to impact on the amenities of neighbouring properties in terms of elevated levels of noise and odours. Although local residents have not raised any objections to this scheme, the property is nestled amongst a number of residential properties (Castle Park is located to the front of the site, on the opposite side of the road, and Beacon's Court is located directly to the rear). As such the impact of the proposed takeaway use on amenities of these properties is an important consideration of this application.

In this respect, it is acknowledged that due to the presence of the convenience shop, residents in the locality would already experience some noise and disturbance as a result of comings and goings, car doors banging and general activity. Given that the proposed takeaway would be located adjacent to the highway and immediately adjacent to the shop, and indeed close to the shop entrance, the additional activity arising from the proposed take away is unlikely to be significantly harmful in this context.

The proposed opening hours of 9am to 10pm Monday to Sunday, are also considered to be reasonable for this setting. While it is noted from the information provided that the existing shop closes by 8pm, there are no restrictive conditions attached to the property. Therefore the shop could open till later at night without the need for planning permission. Taking this into account, the proposed opening hours for the takeaway use are considered acceptable. However, to safeguard the amenities of those living nearby, a condition is recommended to restrict the closing time of the takeaway to 10pm Monday to Sunday and bank holidays.

With regard to the potential impacts arising from cooking odours, given the nature of the area, being predominately residential in character, the local planning authority requested specific design details to be provided to ensure that the proposed extraction system would appropriately disperse odours to prevent a nuisance to neighbouring properties. The proposed extraction system has been reviewed by the Council's Environmental Health Manager, who raises no objection to the scheme. Accordingly, the design and location of the extraction flue is considered acceptable as to not cause a nuisance to nearby residential properties.

Having regard to the above, the proposed takeaway use is acceptable, subject to a condition which limits the proposed opening hours.

Turning to the impact of the proposed shop extension, whilst it is acknowledged that this would be quite a sizeable structure, its single storey height would limit any potential overshadowing and overbearing impact upon the neighbouring dwelling, which is located to the north of the site (1 Beacons Court). Furthermore, the extension has been set in from the northern boundary by approximately 3m and this would further help to lesson the potential impact that this aspect of the scheme may have upon 1 Beacons Court. In terms of overlooking, a window would be inserted within the rear elevation of the extension. However, the extent of overlooking from the ground floor level would be limited. Taking this into account, the proposed extension is also considered acceptable.

### Access and highway safety

The Engineering and Traffic Group Leader has noted that the highway to the front of the site is adopted but the access road leading to Beacon's Court is privately maintained. Also, there is a hardstanding located to the front of the garage, which is currently used for parking, presumably by staff, or by the occupiers of the first floor flat.

Whilst appreciating that the takeaway use could lead to increased demand for short-term parking in the locality (directly outside the premises and on adjacent streets), on-street parking is available along the highway to the front of the site. Taking into account the general availability of on-street parking along the highway, there is no sound evidence that vehicles would need to park inconsiderately in the nearby residential streets. The residential nature of the area also means that it is reasonable to expect that many potential customers may live locally and would walk to the premises, or, may have their purchase delivered. Most importantly, the Engineering and Traffic Group Leader has not raised any highway safety concerns to the application. Accordingly, the additional on-street parking that may be generated as a result of this proposal would not be detrimental to highway safety or the free-flow of vehicular traffic. The application is therefore acceptable in terms of its impact on highway safety and parking.

### Conclusion

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

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:**

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 Proposed Plans, Section and Elevations received on 19.11.2020

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

3. The takeaway use hereby permitted shall only be carried out between 0900 hours and 2200 hours on any day.

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

4. Before the use commences, the equipment to control the emission of fumes and odour from the premises shall be installed in accordance with approved details shown on drawing title 'Proposed Plans, Section & Elevations received on 19.11.2020. All equipment installed as part of the scheme 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 Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The materials to be used in the construction of the external surfaces of the extension shall match those used in the existing building.

**Reason** - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

**Reason** - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. No surface water from the proposed extension shall be allowed to drain directly or indirectly to the public sewerage system.

**Reason** - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. Before the takeaway use commences, details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

**Reason** - To protect the integrity of the public sewage system and ensure the free flow of sewage.

## INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

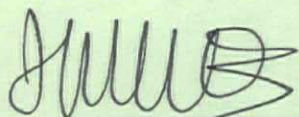
2. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

3. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water's maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

RECOMMENDATION ENDORSED

A stylized handwritten signature in black ink, consisting of several loops and a final flourish.

Head of Town Planning

DATE:

30/11/20