

DELEGATED REPORT

Application No:	P/22/0281
Site Address:	Bryn Stores Bryn Street Twynnyrobyn Merthyr Tydfil CF47 0TG
Development:	Change of use from hairdressers (A1) to fast food takeaway (A3) to include the erection of an extraction flue
Case Officer:	Marlene Ferreira
Site Visit:	3rd November 2022
Application Expiry Date:	3rd February 2023
Consultation reply date expired:	24th November 2022

APPLICATION SITE

The application site relates to a single storey building known as Bryn Stores, Bryn Street in the area of Troedyrhiw. The pitched roof building, which is currently vacant, was formerly occupied by a hairdressers and lies to the rear and side of 42 Bryn Street. A garage is attached to its rear and accessed off the adopted lane which runs along the rear of Bryn Street. Whilst it is also under the applicants' ownership, it does not form part of the application site.

The premises is located in a residential street and is surrounded by residential properties, to the north, south, east and west.

The application site lies within the settlement boundary 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 hairdressers (A1) to a fast food takeaway (A3) to include the erection of an extraction flue.

The proposed change of use would include, other than the installation of an extraction flue, internal alterations only. Within the building, a counter would be provided which would separate the customer waiting area from the food preparation area and the hot food preparation area. At the rear of the building a dish wash area and hand wash area would be provided. The proposed flue would be located on the northern side elevation and would extend approximately 1 metre above eaves height.

The proposed takeaway would operate from 11:00 until 23:00 with a total of 4 employees.

PLANNING HISTORY

The Council's records do not show any other planning history for this site.

CONSULTATION

Engineering and Highways Manager	No objection.
Town Planning Division's Policy Section	No objection.
Town Planning Division's Ecology Officer	No objection, Preliminary Roost Assessment requested.
Environmental Health	No objection.
Welsh Water	No objection subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and three site notices were displayed within the vicinity of the site. A total of 5 letters of objection were received following this publicity exercise. The comments raised are as follows:

- The smells and noise that would be omitted from the proposed flue would prevent the enjoyable use of residential gardens, not only due to noise disturbance but also from a practical point of view, i.e. when placing clothes to dry, which would undoubtedly smell of take away food.
- The additional take away would result in further congestion, further reduction in on-street parking provision, particularly in the evenings when residents, who already have limited parking, are home. It would also prevent emergency vehicles from accessing this road when required due to the extent of parked vehicles on either side of the road;
- A takeaway would result in additional litter polluting the local streets, which could end up in residential gardens and attract rats;
- A takeaway use, by virtue of its hours of operation, would attract youths to the area, which would give rise to increased footfall and cause significant noise and disturbance in a residential street during unsociable hours, thus resulting in anti-social behaviour.
- The proposed takeaway would reduce the value of surrounding properties.

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 Policies

Planning Policy Wales (Edition 11, February 2021)

Paragraphs 3.3 to 3.18 refer to good design and better places.

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 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...’

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

EnW4: Environmental Protection

EcW3: Retail Hierarchy – Supporting Retail Provision

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed change of use, from a hairdressers (A1 use) to a fast food takeaway (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 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. 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.

Policy EcW3 advises that Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy and being followed by local centres. Outside these centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability. In this instance, a retail use already exists outside the town/local centre. Furthermore, no additional retail floorspace is being proposed. Thus, the proposed takeaway is therefore considered to accord with the Policy EcW3.

The proposed development would result in the loss of a hairdressers and therefore the loss of a community facility. SW13 states that the provision of new and enhanced community facilities will be supported, subject to satisfying other relevant LDP policies, and that the Council will protect and support the enhancement of the County Borough's existing community facilities. Development proposals that would result in a loss of an existing community facility will only be permitted where 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. It should be noted however that the proposed use, fast food takeaway, would result in the introduction of a new community facility. The premises would therefore remain in commercial use and may revert to an A1 use in the future, without planning permission. It should also be noted that there are two other similar uses (a hairdresser and a beauty salon) within approximately 300m of the application site. The proposed development would therefore accord with the first criteria and as such would comply with LDP Policy SW13.

Character and Appearance

The proposed change of use, with the exception of the proposed flue, would involve internal alterations only and would therefore not have any adverse impact upon the appearance of the unit.

In respect of the proposed flue itself, this would be located to the side of the single storey premises. The flue's output would not be through the roof, but rather, the side elevation. Given its small scale and projection, approximately 1 metre above the eaves, this would not have a dominant impact on the appearance of the unit. As such, it would not be considered detrimental to the appearance of the premises or the wider street scene and would accord with LDP Policy SW11.

Residential Amenity

The application site adjoins the rear and side of 42 Bryn Street. It also abuts the front highway with residential properties beyond and is adjacent to the rear lane with the rear gardens of dwellings along Primrose Hill beyond. Given the close relationship between these properties and the application site, a proposed take away use, that would operate from 11:00 until 23:00, in this location would adversely impact upon the amenities of nearby residents. Letters of objections have also been received from nearby occupiers which raise such concerns.

Due to the nature of an A3 take away use, the comings and goings of customers visiting the premises would result in increased levels of noise due to pedestrian and vehicular activities, such as car doors slamming, cars manoeuvring, the conversation from patrons, and so on, which would be concentrated in this area during unsociable late evening hours. It should be noted that a fish and chip takeaway is located approximately 50 metres north of the application site. This existing takeaway combined with the proposal has the potential to intensify the harm to local residents due to the concentration of such noisy uses at unsociable hours. This proposed use would have a significantly greater adverse impact upon surrounding residents than its previous use as a hairdressers, given the nature of the business and its shorter operating hours (generally in the day only/early evening and largely appointment based). The proposed use would therefore be detrimental to the residential amenity which is currently enjoyed by the occupiers of the nearby residential properties. As such, it would not accord with LDP Policy SW11.

In addition to noise and disturbance, it is also noted that certain uses within the A3 use class, such as takeaways, would generate odours and cooking smells which can be detrimental to the living conditions of surrounding residents and these concerns have also been raised by surrounding residents. In this instance however, the flue is located on the side elevation of the unit, near its front elevation. The Environmental Health Officer has considered the siting, design and type of extraction proposed and has not raised an objection. As such, this would not be deemed to have a significant impact upon surrounding residents. Furthermore, if the proposed use was acceptable, further details of the flue (e.g. mechanical extraction and odour control) could be secured by condition.

It is also recognised that such uses can sometimes lead to littering, vandalism, and other anti-social behaviour. Littering can sometimes attract rodents. These issues have also been raised in the letters of objections received. However, if this was found to be the case, these matters would be dealt with by other Council departments (e.g. Environmental Health) and the Police (in respect of anti-social behaviour).

Ecology

The Council's Ecologist has requested that a Preliminary Roost Assessment (PRA) be submitted in support of the application. This was requested to assess the impact of the extraction flue on roosting bats and nesting birds and should provide sufficient information for the local planning authority to assess any potential adverse impacts of the proposed development on priority and protected species and/or habitats, or to identify what further information is required before a full assessment is possible. It should be noted however, as previously described, that the flue's output is not proposed through the roof of the premises. As such, a PRA assessment is not considered necessary in this instance.

Parking and Highway Safety

The application site is not served by on-site parking, however there is unrestricted on-street parking along the western side of the front highway. Parking on the other side of this road is restricted by double yellow lines. The objections received raised concerns in respect of the lack of on-street parking provision and congestion in the street and highlighted that another takeaway would further reduce on-street parking for residents, particularly in the late evening, in an area where parking facilities are already very limited. Other concerns raised relate to access for emergency vehicles which would be restricted along the narrow street (if cars were parked on both sides of the street).

The application has been considered by the Councils Engineering and Highways Manager who has concluded that given the previous use, there would be no significant change in parking provision or vehicular movements. The Engineering and Highways Manager therefore considers that the on-street parking provision is sufficient to meet the needs of this use without impinging upon the free flow of traffic and as such, has not raised any objections in respect of highway or pedestrian safety. The proposed development would therefore accord with LDP Policy SW11.

Responses to Representations

Most of the concerns raised in the letters of representation have been considered in the main body of the report. The reduction in the value of property is not a planning consideration and has therefore not been considered in assessment of this application.

CONCLUSION

The proposed A3 takeaway use would adversely impact upon the amenities of nearby occupiers. As such, it would not accord with LDP Policy SW11. Therefore, the following recommendation is made:

RECOMMENDATION: BE REFUSED

REASON:

1. The proposed use of the premises, by virtue of its location and late opening hours, would generate a significant source of noise and disturbance which would be harmful to the amenities of nearby occupiers. As such the proposal would be contrary to Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

20/1/23