

DELEGATED REPORT

Application No: P/19/0304

Site Address: Land Adjacent To Unit 1B
Cyfarthfa Industrial Estate
Merthyr Tydfil
CF47 8PE

Development: Change of use of land and siting of hot food / catering trailer with canopy

Case Officer: Caroline Pulley

Site Visit: 2nd December 2019

Application Expiry Date: 21st January 2020

Consultation reply date expired: 23rd December 2019

APPLICATION SITE

The application site comprises a paved area, forming part of a small industrial estate to the south of Cyfarthfa Park. The site sits alongside the eastern side elevation of an existing industrial unit (1B) and is bound by landscaping to the south, a car sales forecourt to the north and the estate highway to the east. The area is characterised by a number of different industrial uses. The closest residential properties are located approximately 60m to the east of the site.

PROPOSED DEVELOPMENT

The application seeks retrospective planning permission to retain the use of the land for the siting of a mobile hot food catering unit. The catering unit is of a rectangular, trailer-like design. It measures 5m in width, 2.45m in depth and 2.8m in height. It has an entrance door at one end, and a serving hatch on one side. The paved area to the front of the catering unit is covered by a clear polycarbonate roof canopy. The canopy projects 3.5m from the front of the catering unit and is supported by a black steel frame which has been infilled to the side by short timber fence panels.

The information submitted with the application indicates that the catering unit opens between the hours of 0730 and 1730 Monday to Saturday and 0800 to 1700 on Sunday and Bank Holidays.

PLANNING HISTORY

There is no recent planning history relevant to this application.

CONSULTATION

Engineering and Traffic Group Leader:	No objection.
Planning Division's Policy Officer:	No objection.
Environmental Health Officer:	No objection.
Natural Resources Wales:	No objection.
Welsh Water:	Raises no objection to the scheme but highlights that the site is crossed by a public sewer

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a letter was sent to the adjoining unit 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 Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Sections 4.3.18 – 4.3.23 emphasise a town centre first to the sequential approach for the location of new retail development, before consideration is given to edge of centre and then out of town sites.

Section 4.3.25 notes that retail developments outside of designated retail and commercial centres can impact on the viability and vibrancy of a centre. Such impacts, whether individually or cumulatively may include changes in turnover, trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 4 – Retail and Commercial Development provides further guidance on retail proposals, including the tests of retail need, the sequential approach to site selection, retail impact assessments and the use of conditions.

TAN 15 – Development and Flood Risk

Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

- BW1: Development strategy – Primary Growth Area
- BW4: Settlement boundaries/location constraints
- BW5: Natural heritage
- BW7: Sustainable design and place making
- BW8: Development and the water environment
- BW12: Development proposals and transport
- AS15: Key contributors to the Valleys Regional Park
- AS18: Retail hierarchy
- TB11: Access, parking and accessibility of local facilities

PLANNING CONSIDERATIONS

The site is unallocated and is located within the settlement boundary where development proposals are usually considered acceptable (Policy BW4), subject to compliance with other key policies of the local development plan. Therefore, the principle of the change of use of the land is acceptable. The key considerations of this application would therefore be the impact of the proposal upon the existing retail centres, the visual impact of the development and the impact of the development upon residential amenity and highway safety.

Policy AS18 sets out the retail hierarchy within the County Borough and confirms that the town centre is the favoured location for new retail proposals, followed by a number of local centres, which exclude Cyfarthfa Retail Park. Outside of these areas, proposals will normally be subject to an assessment of need and a strict application of the sequential test. Proposals shall only then be permitted where they avoid causing harm to the town/local centre vitality and viability.

Supporting paragraph 4.18.4 of Merthyr Tydfil's Local Development Plan 2006-2021 goes on to state that *'...it is intended to improve the County Boroughs retail offer, but focus the majority of retail developments within traditional and established shopping centres, which tend to be accessible by more sustainable means and a broader cross section of the community. The established out of centre retail parks will continue to be considered for specific types of stores whose location in traditional shopping centres is not possible or inappropriate. Such stores might include non-food retailers...'*

In addition, paragraph 8.2 of TAN 4 advises that retail applications of 2,500 sq. metres or more of gross floorspace, which are proposed on the edge of or outside retail and commercial centres should be supported by a retail impact assessment. However, in terms of smaller retail applications, it states that the requests for retail impact assessments should be proportionate to the potential impacts.

In this instance, the catering unit has a limited floor area of just over 12 square metres. The facility is so small that it is unlikely, given its size, to have a harmful impact upon the vitality or viability of the town centre or any other centre. Moreover, the agent has confirmed that the facility has been sited in this location to primarily serve the existing businesses at Cyfarthfa Industrial Estate, and the customers visiting those businesses. Given its proximity to Cyfarthfa Retail Park, it is also likely that any outside competition would be drawn from the takeaway premises at this retail area as oppose to the town

centre of Merthyr Tydfil. Having regard to these factors, the Council's Planning Policy Officer has not raised any policy objections to the scheme. As such, the application is considered acceptable from a land use and policy perspective.

In terms of visual amenity, the catering unit is of a typical design, and units such as these are often found within industrial and commercial trading estates. Its appearance is similar to a trailer or porta-cabin, which are common features of trading estates. It should be acknowledged that Cyfarthfa Industrial Estate is located within close proximity to a number of listed buildings. Nonetheless, the catering unit is located within the industrial estate, and while it can be seen from some viewpoints outside the estate, it is offset from the main entrance and is also viewed against the backdrop of an existing industrial unit. This mitigates the impact of the development on the character of the surrounding area and the surrounding heritage assets. Overall, given the siting of the unit, adjacent to an existing building and a side access road, it is not considered that the development has an adverse impact on the overall character or visual amenity of the wider area.

In terms of highway safety, no off-street parking provision is proposed as part of this application. The means of pedestrian access serving the site (the existing, established footpaths and highways of Cyfarthfa Industrial Estate), is deemed acceptable. There are also opportunities for parking, along the access road which serves the industrial estate. Therefore, it is considered that there is sufficient space for customers to park their car, and there is easy access to the site via existing footpaths. As such, the Engineering and Traffic Manager has not objected to the application. Therefore the proposal is considered to comply with Policies BW12 and TB11 of the LDP.

Regard has been had for the impact of the development on the amenities of the surrounding occupants and residents. It is not considered that the development results in any significant impact on the occupiers of the surrounding commercial units. Furthermore, the application site is not close enough to any dwellings to result in any impact. The development is therefore considered to comply with Policy BW7 of the LDP.

Finally, it should be noted that the site falls within a C2 Flood Risk Zone. However, the development does not propose 'Highly Vulnerable Development' and Natural Resources Wales has not raised any objection to the scheme. As such, the application is acceptable in this respect.

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:

91021122-01 Rev B received on 07.01.2020

91021122-04 Rev C received on 07.01.2020

91021122-05 Rev C received on 07.01.2020

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

3. **Within 2 months of the date of this decision** the timber fences shall be painted black in accordance with the details shown on drawing number 91021122-04 and retained for as long as the development remains in existence.

Reason - To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

4. The premises/land hereby approved shall be used as a catering facility only and for no other purpose (including any other purpose in Class A3 or Class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - To protect the vitality and viability of town/local centres in accordance with Policy AS18 of the Merthyr Tydfil Local Development Plan.

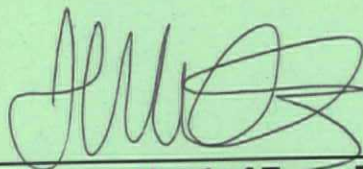
INFORMATIVES

1. The developer/applicant's attention is drawn to the comments received from Natural Resources Wales (NRW) during the application process. The development site is located NRW's Flood Warning Area for the River Taff. NRW recommend the owners/occupiers sign up to their Flood Warning Service:

<https://naturalresources.wales/flooding/sign-up-to-receive-flood-warnings/?lang=en>

2. The proposed site is crossed by public sewers. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'JMS', written over a horizontal line.

Head of Town Planning

DATE:

9/1/20