

DELEGATED REPORT

Application No: P/20/0144

Site Address: Unit 16A2
Pant Industrial Estate
Pant
Merthyr Tydfil
CF48 2SR

Development: Change of use from B1 (Business) to A3 (Food and Drink)

Case Officer: Rebecca Owens

Site Visit: 18th August 2020

Application Expiry Date: 1st September 2020

Consultation reply date expired: 31st July 2020

APPLICATION SITE

The application relates to a unit located within an established industrial estate within the settlement boundaries. The site is bound by other industrial units and the forecourt/car park associated with this unit. However, it is also within close proximity to the residential street known as Heol Rhyd-Y-Bedd. The profile of the site is flat.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the unit from a B1 Use Class to an A3 Use Class, which would provide a dessert takeaway shop, and a small eat in facility. A delivery service may be provided in the future.

Whilst no external alterations are proposed, behind the existing front roller shutter it is proposed to install double doors with windows either side, which would form a shop front during opening hours (when the roller shutter is opened). The proposed opening hours are not specified but it is anticipated that there would be two full time employees and a part time employee.

PLANNING HISTORY

The relevant planning history is detailed below:

P/06/0561 Erection of single storey side extension
Planning permission granted subject to condition on 13 December 2006

P/00/0515 Extension of opening hours on Saturdays 8.00 a.m. til 2.00 p.m.
(modification of condition)
Permission granted on 5 February 2001

P/98/0477 Extension to rear, sub-division into three units, replacement roof and
cladding
Planning permission granted subject to conditions on 7 January 1999

It is also noted that there is a planning application relating to the adjoining unit which is currently under consideration. The details of this are as follows:

P/20/0145 Unit 16A1, Pant Industrial Estate, Pant
Change of use from B1 use class (Offices) to A3 use class (Food and Drink)

CONSULTATION

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

Engineering & Traffic Group Leader	No objection
Planning Division's Policy Group Leader	No objection
Environmental Health Manager	No response

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

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
- EnW4: Environmental Protection
- EcW2: Protecting Employment Sites
- EcW3: Retail Hierarchy – supporting retail provision
- EcW9: District Heating

The following supplementary planning guidance is also applicable:-

- SPG4: Sustainable Design

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundaries and as such, the principle of development is acceptable subject to other material planning considerations and policies. In this respect, it is noted that Pant Industrial Estate is allocated as a protected employment sites (Policy EcW2). Thus, development will only be permitted if:

- *It is within Use Classes B1(b), B1(c), B2 or B8; or*
- *it provides an ancillary facility or service that supports the primary employment use, or*
- *It is an acceptable complementary commercial service outside class B uses, or*
- *it is an appropriate waste management facility compatible with existing industrial and commercial activities.*

Development proposals for uses other than those stipulated and that would result in the loss of employment land / premises at the above sites will only be permitted where it can be demonstrated that the proposal would not lead to an unacceptable change in the nature of the employment site and where the existing use is inappropriate or the land / premises are surplus to the requirements of the employment market.

The proposed A3 Use comprising of a takeaway and sit-in service would comply with the third criteria above, providing a complementary commercial service. Furthermore, whilst there are other A3 uses within the industrial estate, the vast majority of the estate is occupied by uses within the B Use Class. As such, it is not considered that the volume of A3 uses is to such an extent as to adversely impact on the employment function or character of the estate. In this respect it is acknowledged that there is a planning application for adjoining unit (16A1) currently being considered by the Planning Division which also seeks permission to change the use of the premises to an A3 use. However, it is not considered that there would be a cumulative impact from the conversion of both units to A3 use. It is also noted that there are a number of vacant units within Pant Industrial Estate, which provide occupation opportunities for B use Classes. As such, the proposal would comply with Policy EcW2.

In addition, Policy EcW3 requires that outside local centers, proposals for new retail development should be subject to an assessment of need and application of the sequential test and such proposals will only be permitted where they avoid causing harm to town/local center vitality and viability. Paragraph 8.2 of TAN 4 also advises that retail applications of 2,500 sq. meters or more of gross floor space, which are proposed on the edge of or outside retail and commercial centers, 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 unit is small enough 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. Furthermore, given its location, it is unlikely that it would compete with the town centre of Merthyr Tydfil, or the nearest local centres.

Design and visual amenity

Whilst no external alterations are proposed to the unit, it is recognised that the insertion of a shopfront behind the roller shutter door, which makes up much of the existing front elevation, would be an externally visible addition during opening hours when the roller shutter is open. Notwithstanding this, in the context of the industrial estate and having regard to its character and general appearance, it is not considered that a small shopfront recessed within the front of the unit would have any significant impact.

The nature of the use proposed does not appear to require a flue and it is noted that this had not been applied for. Notwithstanding this, if planning permission were granted then any use within the A3 use class would be permitted to occupy the premises without permission. Whilst future A3 uses may require an extraction unit/flue, this in itself would require planning permission. However, given the siting of the unit, within an industrial estate, it is considered that a flue of a suitable scale and appearance could be erected without detriment to the character or visual amenities of the area.

Residential amenity

The application unit is in close proximity to the residential properties within Heol Rhyd-Y-Bedd. However, the modest size of the unit and the nature of the business proposed would not generate significant noise or disturbance or excessive visiting members of the public. In addition, it is recognised that it is sited within a busy industrial estate where a degree of noise and disturbance is to be expected and is separated from these properties by an intervening highway and planting. As such, the proposal would not have any significant impact on residential amenity.

It is acknowledged that granting permission for this change of use (without restricting the specific type of use) would allow potential for any A3 use to occupy the unit in the future. However, the size of the unit would largely limit any future uses to those of a smaller scale and thus it is not considered that other possible A3 uses would affect residential amenity to any objectionable degree. As such it is not necessary to impose any such restrictions. It is also recognised that future A3 uses may produce cooking odours, which if not properly managed, can affect residential amenity. However, a flue/extraction system to disperse cooking odours would require a further planning application, which would be assessed at that time.

Highway safety and parking

Vehicular access would remain unchanged and is considered acceptable to meet the needs of the proposed use. There is also a small forecourt/car park to the front of the unit, which given the limited internal seating and takeaway service, would adequately accommodate the car parking needs of the use. As such, the Engineering and Traffic Group Leader has not raised any objections in terms of highway safety or parking.

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 having considered the above, 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.

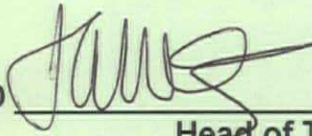
Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: Plans and Elevations, Drawing Number: B-101, Received on 7 July 2020.

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

24/8/20