

DELEGATED REPORT

Application No: P/19/0311

Site Address: 1 Vulcan Buildings
Brecon Road
Merthyr Tydfil
CF47 8NH

Development: Partial change of use of ground floor from residential (C3 use class) to takeaway (A3 use class) and installation of flue to rear and shopfront to front elevation

Case Officer: Rebecca Owens

Site Visit: 9th December 2019

Application Expiry Date: 29th January 2020

Consultation reply date expired: 30th December 2019

APPLICATION SITE

The application relates to an end of terrace dwelling which is split level with three storeys to the front and four storeys to the rear. It is located on a street characterised by a mixture of uses including residential, retail and commercial uses and as such is within a designated retail centre. It also falls within the Morgantown Conservation Area and is in close proximity to the Grade II Listed Capel Tabernacle which is located opposite. The site is bound by the highway known as Brecon Road, a lane, residential properties and a commercial premise.

PROPOSED DEVELOPMENT

Full planning permission is sought for the partial change of use of the ground floor from residential (C3 use class) to a takeaway (A3 use class). The rest of the property will remain as a single dwelling. The application form indicates that the proposed takeaway would open between the hours of 10:00 and 00:00, 7 days a weeks.

To facilitate the above change of use it is also proposed to install a new shop front within the front elevation and a flue to the rear.

The proposed shop front would be installed within the existing ground floor window opening. However, the new entrance doorway would require a section of the wall below the window to be removed. The shopfront would comprise of a new timber window and timber door whilst the remaining features within the front elevation would remain as existing.

The proposed flue would largely be installed internally within the building travelling up from the ground floor through the first and second floors and exiting the building through the

rear roof plane. The flue would have a diameter of 315mm and would terminate 0.3m below the ridge of the main roof. It would be slate in colour.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

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

Engineering & Traffic Group Leader	No objection
Planning Division's Conservation Officer	No objection
Environmental Health Manager	No objection subject to conditions

PUBLICITY

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

One letter raising concerns was received following this publicity exercise. The main points raised within this are summarised below:

1. Cars parking outside of the neighbour's property. This would prevent them from being able to park outside their dwelling which is needed to enable access to and from their vehicle for a poorly relative. It would also prevent ambulances from parking there when required by this relative.
2. Litter from users of the takeaway.
3. Late night disturbances from users of the takeaway.
4. The close proximity of the takeaway to the neighbour's property

Local ward councillors have been consulted and they wish the application to be determined under delegated power by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

The following policies of the Merthyr Tydfil Borough Local Development Plan 2006-2021 are relevant to the determination of this application:

- BW1: Development Strategy - Primary Growth Area
- BW4: Settlement boundaries / location constraints
- BW6: Townscape and built heritage
- BW7: Sustainable design and place making
- BW12: Development proposals and transport
- AS18: Retail hierarchy
- TB11: Access, parking and accessibility of local facilities

In addition, the application will be determined having regard to the advice contained within the following Merthyr Tydfil Local Development Plan 2006-2021, Supplementary Planning Guidance (SPG) Notes:

- Note 3, Shopfront Design.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary (Policy BW4), in the primary growth area (Policy BW1) and a designated local centre (Policy AS18). As such the principle of developing the site is acceptable subject to other relevant policies and material planning considerations.

Character and Visual Amenities

The application site is located within a designed local centre (Policy AS18) and as such is within a mixed use area of commercial, retail and residential uses, including other A3 uses. The proposed use would therefore not be uncharacterised of this local centre. However, the proposal involves external works and is located within the Morgantown Conservation Area as well as being opposite a Grade II Listed chapel. As such the impact of these works on the character of the conservation area and the setting of the listed building is an important consideration.

With respect to the flue, it is noted that this would be installed to the rear of the building, with the majority of it located internally. The flue would exit the building through the rear roof plane and would terminate below the ridge line. As such it would only be visible within the rear street scene, which already contains a number of rear additions which are harmful to its overall appearance. These include satellite dishes, air conditioning units and a metal fire escape ladder. In this context it is not considered that the flue would harm the visual amenity of the area to any greater extent, or indeed the character of the conservation area. It is also noted that the flue would be just 315mm in diameter and finished in a slate grey colour to blend with the roof against which it would be viewed. Furthermore, given its location to the rear of the building, it is not considered that it would harm the setting of the listed chapel.

The new shop front would be installed within the front elevation of the building which is already poorly composed and unbalanced in appearance (particularly at ground floor level). Whilst the proposed shop front is not of a particularly strong design, it would be installed within the existing window opening and as such would not further unbalance the appearance of the building. Furthermore, it is noted that the application site is located at the end of a terrace row originally consisting of 4 properties, but now featuring a large corner shop occupying the ground floor of two of the properties and a commercial premises occupying the ground floor of the other. Within the context of this terrace, the proposed shop front would not appear out of place or create any additional harm to the character or visual amenities of the streetscene. As such it is not considered that it would be detrimental to the character of the conservation area or the setting of the listed chapel opposite.

According the proposal is found to be of an acceptable design which would not be detrimental to the character of visual amenities of the building itself or indeed the area in

general. Furthermore, while these alterations do not enhance the character of the conservation area nor the setting of the listed chapel they are not deemed to be harmful and thus would preserve them. The proposal is therefore considered to comply with Policies BW6 and BW7 of the LDP.

Residential amenity

Regard has been had for the impact of the proposed use on the residential amenities of the surrounding occupants and in this respect it is noted that the site is in close proximity to a number of residential dwellings. It is acknowledged that an A3 takeaway use would generate greater levels of noise and disturbance than residential dwellings and could have the potential to impact on surrounding residents in terms of odours and litter. Furthermore, it is noted that a takeaway use in particular, may give rise to noise and disturbance at times of the day when local residents would expect a certain level of peace and quiet. However, the application site is located in a retail centre and is in close proximity to a number of other commercial properties which benefit from late opening hours. These include a public house and a takeaway. As such it is not considered that the proposal would significantly add to the levels of noise and activity that are already present at this time in the late evening. Consequently, the proposal would not harm residential amenity to an extent that would warrant the refusal of the proposal or necessitate a condition limiting opening hours. It should be noted that late night opening hours would be controlled by the Licensing Authority.

In addition to noise and disturbance, it is also noted that certain uses within the A3 Use Class would 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 and this proposal includes a flue to the rear of the property which exits the building through the rear roof slope. If the flue does not efficiently disperse cooking smells or generates a noise nuisance, this would be a matter for the Environmental Health.

Thus having considered the above, it is not considered that the proposal would unacceptably harm the residential amenities of surrounding occupants and as such would be in accord with Policy BW7 of the LDP.

Parking and Highway Safety

The highway and pavement to the front of the application site known as Brecon Road is adopted with Traffic Restrictions Orders (TRO) in place on the highway adjacent to the site and opposite the property. It is also noted that no designated parking is proposed for the proposed use and it is acknowledged that the proposed A3 use would result in additional traffic movements and different parking requirements to the current residential use. With particular regard to takeaways, it is noted that by their nature they generate a large number of short term visits while people collect their orders and customers will often attempt to park as close as possible to the premises. Regard has been had for the impact of this use on parking and highway safety and in this respect it is noted that the majority of commercial units in the area have no off-street parking provision and that there are opportunities in the surrounding area for on-street parking. Thus, the Engineering and Traffic Group Leader has not raised any objection in terms of highway safety. As such the proposal is found to be in accord with Policies BW12 and TB11 of the LDP.

Representations

It is acknowledged that one letter of objection was received following the publicity exercise. In response to the main issues raised the following comments are made:

1. There are double yellow lines on the highway outside of the objectors' property which restrict parking in this area. If these are not being adhered to they can be enforced. Furthermore, there is on street parking available in the local area which can be utilised. It is also reiterated that the Engineering and Traffic Group Leader has not raised any objection to the proposal on parking or highway safety grounds.
2. Litter is not is not a material planning consideration and would not warrant the refusal of the application.
3. The impact on residents in terms of noise and disturbance has been discussed above.
4. It is acknowledged that the proposal would be in close proximity to a number of residential properties and the impact on residential amenity has been considered above.

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.

Thus having regard to 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: Proposed Floor Plans, Drawing Number: 91029061-03, Rev. D,
Amended Plan Received on 15 January 2020.

Drawing Title: Proposed Elevations, Drawing Number: 91029061-04, Rev. D,
Amended Plan Received on 15 January 2020.

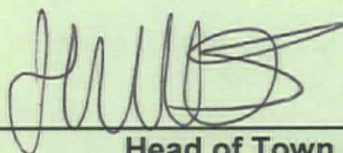
Drawing Title: Site Plans, Drawing Number: 91029061-05, Rev. C, Amended Plan
Received on 15 January 2020.

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

3. No development shall take place until details of the new shop front, including sections, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the development will be visually attractive and in keeping with the character of the area in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan and to protect the built heritage of the area in accordance with Policy BW6 of the Merthyr Tydfil Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

27/1/20