

DELEGATED REPORT

Application No:	P/21/0360
Site Address:	32 High Street Cefn Coed Merthyr Tydfil CF48 2PG
Development:	Change of use of part of ground floor to takeaway (A3 Use Class), extension to rear to be used in association with takeaway external flue and new shopfront
Case Officer:	Rebecca Owens
Site Visit:	22nd November 2021
Application Expiry Date:	6th January 2022
Consultation reply date expired:	20th December 2021

APPLICATION SITE

The application relates to an end of terraced dwelling located within the settlement boundary. The property is located in a mixed use area where there are residential, commercial and retail premises. It is bound to the front by a highway, to the rear by flats, to the south eastern side by a newsagents and to the north western side by an estate agents.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of part of the ground floor to a takeaway (A3 Use Class) with the remainder of the building being retained as single residential unit.

An extension is proposed to rear of the property (adjacent to the south eastern boundary) which would be used in association with the takeaway, providing a storage and food preparation area, staff room and toilets. The extension would be 4.8m in width, 6m in depth and would have a mono pitched roof with a maximum height of 3.65m. The extension would feature a door in its side elevation and two windows in its rear elevation. Its roof would be covered with forticrete low pitch concrete tiles and the external elevations would be rendered. To accommodate the roof of the extension an existing first floor window would be reduced in size with its cill height increased.

To facilitate the takeaway use, a flue is also proposed. This would largely be internal, exiting the building through the rear roof plane. It would terminate at a maximum of 0.7m above the roof plane (1m above the eaves height) and would be 0.45m in diameter.

Finally, a new shop front is proposed to the front of the property. This would be a simple design comprising of three window panels with a fascia above and access to the unit would be gained from the existing front door which would become a shared access with the remainder of dwelling which would be retained. The shopfront frame would be powder coated aluminium and the fascia would be painted hardwood. A perforated roller shutter is also proposed internally behind the shop front windows.

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:

Head of Engineering	No objection
Planning Division's Policy Group Leader	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 two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

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
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- SW13: Protecting and Improving Local Community Facilities

- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 2, Planning Obligations.
- Note 3, Shopfront Design.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the primary growth area and settlement boundary and as such the principle of development is acceptable subject to compliance with other relevant policies and other material planning considerations.

In this respect, it is also noted that the site is located within an identified local centre and as such Policies EcW3 and EcW5 are relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in local centres where they improve the vitality and viability of the centre concerned. The proposal would introduce a new takeaway use into the local centre, which would provide a new community facility (also in accord with Policy SW13), active frontage and increased footfall. It is considered that this would contribute to the vitality and viability of this Local Centre.

Design and Visual Amenity

The application site is located within a designed local centre 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 and is typical of the type of uses found within such areas. The proposed shopfront is considered to be of an acceptable design. It's simple, modern appearance would be in keeping with the adjacent newsagents and the proportions of the shopfront windows are considered to be sympathetic to the style and pattern of the existing fenestration within the front elevation. The perforated internal roller shutter would also provide security without being visually prominent within the front elevation.

The proposed rear extension is considered to be of an acceptable design and scale which would represent a sympathetic and subservient addition. It is acknowledged that it would necessitate the replacement of a first floor window with one that has a higher cill height, which would have a minor impact on the pattern of fenestration to the rear, but this elevation is discretely located where it would not be readily visible from public view.

Similarly, 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, with only a relatively modest projection above this and terminating well

below the ridge line. As such, it would not be readily visible from public vantage points and would not harm the character or visual amenity of the wider area.

Having regard to the above the proposal is found to be acceptable in terms of design and visual amenity and would not impinge on the character of the wider area. It is therefore in accord with Policy SW11 of the LDP.

Residential Amenity

Regard has been had for the impact of the proposed use on the residential amenities of the surrounding occupants. The application site is located in a local centre where there are a number of other commercial properties which benefit from late opening hours and where an A3 use would be characteristic of the type of uses found in a local retail/commercial centre. As such, in this location, it is expected that there would be a level of noise and disturbance. However, it is also noted that the local centre of Cefn Coed is largely residential in nature with other uses sporadically located amongst the residential properties. It is acknowledged that an A3 takeaway use would generate greater levels of noise and disturbance than a residential dwelling and that a takeaway use may give rise to noise and disturbance at times of the day when local residents would expect a certain level of peace and quiet. Whilst there are residential flats to the rear of the site, the majority of the comings and goings and associated noise and disturbance would be located to the front of the property. This is bound by a newsagent on one side and an estate agent to the other and thus non-residential premises. In addition, there would already be some noise and disturbance from the comings and goings associated with the adjoining newsagent. It is noted that there would be a residential use retained within part of the property, but this is owned by the applicant and any future residents would occupy the site in full knowledge of the A3 use. Thus, given the above arrangement and on the basis that the site is located within a designated local retail/commercial centre it is not considered that the proposal would significantly add to the levels of noise and activity that are already present. 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.

It is noted that no representations were received following the publicity exercise and the Environmental Health Manager has not raised any objections to the proposal. As such, it is not considered that the proposal would unacceptably harm the residential amenities of surrounding occupants and thus would be in accord with Policies SW11 and EnW4 of the LDP.

Parking and Highway Safety

It is 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. Indeed, whilst there are double yellow lines along sections of the adjacent highway, there are also areas where on-street parking is permitted with one such section almost to the front of the application site between 27 and 31 High Street. Thus, the Head of Engineering has not raised any objection in terms of highway safety and the proposal is found to be in accord with Policy SW11 of the LDP.

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 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 Block Plan, Received on 11 November 2021

Drawing Title: Proposed change of use to A3 takeaway with new shopfront & extension to rear (amended FEB 2022), Amended Plan Received on 17 February 2022

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

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

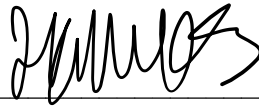
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

3/3/2022