

DELEGATED REPORT

Application No: P/21/0179

Site Address: Parcel Of Land Within ICI Sports Field And Pavilion
Bryniau Road
Pant
Merthyr Tydfil
CF48 2SR

Development: Siting of a burger van

Case Officer: Rebecca Owens

Site Visit: 27th May 2021

Application Expiry Date: 15th July 2021

Consultation reply date expired: 16th June 2021

APPLICATION SITE

The application relates to a parcel of land within an established sport field with pavilion building which is located within the settlement boundary. The land is located adjacent to this pavilion building and its outdoor terrace area and is also alongside the car park.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the land and site a hot food/burger van. This would operate 7:30am until 3pm Mondays to Fridays and 8am until 1pm on weekends and bank holidays.

It is noted that prior to the submission of this application, the burger van has occupied the site and has been operating.

PLANNING HISTORY

Whilst there have been previous planning applications relating to the playing fields and pavilion building, none are relevant 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.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, 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).

The following Technical Advice Notes also supplement this:

- TAN 18: Transport (March 2007).
- TAN 12: Design (2014).
- TAN 23: Economic Development (2014).
- TAN 4: Retail and Commercial Development (November 2016).
- TAN 24: Historic Environment (May 2017).

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 Community Facilities.*
- *CW1: Historic Environment.*
- *EnW4: Environmental Protection.*
- *EcW3: Retail Hierarchy - Supporting Retailing Provision.*

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

- Note 4, Sustainable Design.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary and primary growth area, in an established sports field with pavilion. Here the principle of development is acceptable subject to other relevant policies and material planning considerations.

Policy SW13 seeks to protect and support the enhancement of the County Borough's existing community facilities, which include leisure and recreational facilities such as the sport field and pavilion. Development proposals that would result in the loss of an existing community facility will therefore only be permitted under certain circumstances. However, given the size of the proposal in proportion to the existing community facility it can be accommodated without resulting in a threat or significant loss to the existing community facility.

Policy EcW3 identifies Town and Local Centers as the favoured locations for retail and other complementary uses, which includes A3 uses. Outside these Centers, proposals should be subject to an assessment of need and the sequential test, and only permitted where they avoid causing harm to the vitality and viability of the Town and Local Centers. However, Paragraph 8.2 of TAN 4 advises that in terms of smaller retail applications (i.e. less than 2,500 sqm) requests for retail impact assessments should be proportionate to the potential impacts. In this instance, given its size and location the unit is unlikely to have a harmful impact upon the vitality or viability of the Town or any other nearby Local Centers.

Design and visual amenity

Hot food and burger vans such as this are not uncommon within sports fields and thus it is not considered to represent an incongruous feature. Whilst the general appearance of the burger van is not in keeping with the buildings immediately surrounding it, mobile food vans by their very nature are small structures with a temporary appearance. In this respect, the burger van is relatively modest in size and quite discretely sited alongside the pavilion building. It is also set back from the adjacent highway and is only visible from outside of the site through the entrance opening and existing palisade fencing. Having considered this, the burger van is not deemed to be harming the character or visual amenities of the site, pavilion building or indeed the wider area and as such it is not found to be contrary to Policy SW11 of the LDP.

Parking and highway safety

Policy SW12 supports development that encourages a modal shift towards sustainable transport, including the enhancement of pedestrian, cycle, rail and bus facilities, in addition to any necessary road improvements. It is highly probable that the majority of people visiting the burger van are those who are already within the area (namely users of the sports ground and employees of the local businesses and their customers/visiting members of the public). As such, the burger van would provide a facility in the area, which can be reached by these users on foot and which would alleviate the need to travel further afield. In addition, it is unlikely to result in a direct increase in private transport use.

Furthermore, the likely custom base in addition to the size of the burger van and the scale of the business suggests that it is unlikely to generate large numbers of vehicles or require any significant parking.

Accordingly, the Head of Engineering has not raised any objection to the proposed scheme and it is considered to be acceptable in terms of parking and highway safety as well as Policy SW12 of the LDP.

Residential amenity

Regard has also been had for the impact of the proposal on residential amenity. However, in this respect it is noted that there are no dwellings within the immediate vicinity of the site and as such the proposal would not have any harm in this respect. It is also noted that no objections were received following the publicity exercise. The proposal is therefore found to be acceptable in terms of residential amenity and in accord with Policy SW11 of the LDP.

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:**

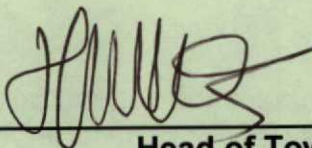
CONDITIONS/REASONS:

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

Site location plan, Received on 20 May 2021.

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

21/6/21