

PLANNING & DEVELOPMENT COMMITTEE

4 AUGUST 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0347/10 (RP)
APPLICANT: Mrs Peters
DEVELOPMENT: Proposed change of use from a retail store (A1) to a fast-food pizza outlet (A3) including minor external alterations to doors and windows (amended description, plan and details received 10/06/2022).
LOCATION: 56A JUBILEE ROAD, ABERAMAN, ABERDARE, CF44 6DD
DATE REGISTERED: 21/03/2022
ELECTORAL DIVISION: Aberaman

RECOMMENDATION: Approve, subject to conditions.

REASONS:

The property is in a sustainable location and is close to many residential properties that it would serve. The established and permitted use of the premise as an A1 use would generate similar traffic and trips to the site, would not be subject to restrictions in terms of parking and opening hours and would have similar impacts upon highway safety and the amenities of neighbouring residents.

Furthermore, the proposal would bring a currently vacant unit back into beneficial use which would be of benefit to the street scene. Consequently, the proposal would accord with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought to change the use of an existing retail unit (A1) to a hot food takeaway (A3) at 56 Jubilee Road, Aberaman.

The plans and details accompanying the application specify that the premise would be used as a pizza outlet and would also allow for the sale of a range of hot and cold drinks and cakes.

The plans demonstrate that the ground floor layout would be altered internally so that a food preparation area and servery are formed, whilst externally the primary entrance to the building, on its south-eastern side elevation would be blocked up and a new entrance formed on its south-western side. An existing doorway at the rear of the premise would connect to a separate toilet and external area where waste bins could be stored.

The new use would provide employment for one full time and two part time members of staff.

The following opening hours are proposed:

Monday to Sunday – 08:00 to 22:00 hours

The application is supported by the following documents:

- Odour Impact Assessment
- Electric Pizza Oven Specification
- Maxi Ventilation System Specification
- Menu

SITE APPRAISAL

The application site consists of a single storey commercial unit that is located on Jubilee Road, Aberaman, Aberdare. The premise is currently vacant and the frontage to Jubilee Road contains both an access door and large display window/roller shutter that is connected with its last use as a family butcher.

The surrounding area is almost wholly residential in character, however there are a range of properties in commercial use nearby which include hairdressing salons, a number of convenience stores, coffee shop and bakery and other hot food takeaways.

The nearest residential receptors to the application site are located approximately 4m to the north, 12.8m to the east and 19.8m to the south. The site is bound to the south-west by the former Bethany Chapel, now converted to 4no. flats.

PLANNING HISTORY

There are no recent applications on record that are associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties and the erection of site notices.

Five letters of representation have been received as a result of this exercise, three of which object to the development and two of which support it.

Object

- I object to this planning application due to the lack of parking facilities for the proposed business. It is a residential street with limited parking available to residents let alone the patrons and workers of the proposed business. The parking would therefore create disruption and inconvenience for the residents around the area of the proposed business and would have a negative impact for the streets of Jubilee Road, Clarence Street and Brynheulog Terrace
- The proposal will cause more disruption to those who live in this street. Between the two current hair salons, parking for residents is already a major struggle. I am also concerned about the possibility of people hanging around outside the proposed shop and any littering that may occur.
- The property is on a dangerous corner and parking is already a problem in this area. Also, I feel that there could be nuisance caused, especially in the evening and also litter would be problematic.

Support

- This property has been boarded up for a long time and it would be great to see it brought back into use. It would be ideal to have more food options as there are not many shops in this area. The current owners have brightened up this corner by painting the premises, we shall definitely support this business.
- I live locally and this building has been vacant for years. I think it's a great idea for the area and it's nice to see local people investing in the community.

CONSULTATION

- Highways and Transportation – No objection subject to conditions.
- Dwr Cymru – No objection, conditions recommended.

- Public Health and Protection – No objection subject to conditions

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside the defined settlement boundary for Aberaman. The following policies are considered to be relevant in the determination of this application:

Policy CS1 - sets out the criteria for development in the Northern Strategy Area

Policy AW2 - supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - supports development proposals which are not detrimental to public health or the environment.

Supplementary Planning Guidance

1. Design and Placemaking
2. Access, Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

1. Policy 1 – Where Wales will grow;
2. Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking;
3. Policy 33 – National Growth Area – Cardiff, Newport and the Valleys.

Other policy guidance considered:

PPW Technical Advice Note 4 – Retail and Commercial Development

PPW Technical Advice Note 11 – Noise

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 – Transport

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

This application seeks approval for the change of use of a currently vacant commercial premise (Use Class A1) to a hot food takeaway (Use Class A3) and associated works at 56A Jubilee Road, Aberaman.

Since the site is located within the settlement boundary but not a defined retail or town centre zone, the main issues for consideration, are whether the A3 use would be compatible with the surrounding, mostly residential, development; and if the physical changes to the building are acceptable. The impact of the development upon highway safety in the vicinity of the site are a further consideration.

Whilst there is no objection in principle to the development, these material matters are considered below.

Impact on the visual amenity of the area

The change of use proposes no extensions to the existing footprint of the property and the alterations proposed to the door and window openings are considered to be minor. It is also noted that an electric pizza oven and self-contained ventilation system would be utilised by the business and therefore, no external flue or extraction equipment would be installed that may have a prejudicial impact upon the character of the area.

Furthermore, in the context of the street scene, it is considered that the proposal would represent an improvement in the appearance of the site by being returned to beneficial use, and would also, therefore, contribute positively to the surrounding public realm.

Consequently, in terms of the impact of the development upon the character and appearance of the area, no objections are raised.

Impact on residential amenity

The building previously operated as family butcher for a number of years and the lawful use of the premise therefore falls within Use Class A1 (Retail) and is a valid fall-back position. This would enable the applicant to operate a Class A1 use from the premise that would not be subject to any restrictions. Therefore, a convenience store or a shop that offered the sale of cold food for consumption off premise could result in patrons coming and going for similar, if not longer hours that those proposed by the applicant.

Notwithstanding the previous commercial use of the premise, a takeaway use has the potential to cause adverse impacts on the living conditions of the occupiers of nearby residential properties and the objectors have referred to issues such as patrons hanging around outside the proposed building and any littering that may occur. Whilst the objectors' concerns are acknowledged in this respect, it is considered similar impacts could occur should the premise operate under a Class A1 use.

In addition, the layout of the property and external alterations proposed means that customers of the business would access/egress the premise upon its south-eastern side, whilst the nearest terraced house to the application site, on Jubilee Road, would be separated from the development by an existing commercial unit that is currently in use as a hairdressing salon.

Furthermore, the nearest other dwelling to the proposal, at 22 Clarence Street, is separated from the application site by Jubilee Road itself and has a large gable wall that faces the premise, whilst it is considered that the occupants of the flats at the former Bethany Chapel would be accustomed to some form of adverse impact from the convenience store sited opposite.

Consequently, given the historic and permitted use of the site, it is not considered that the introduction of an A3 use would necessarily result in a degree of disturbance that would be significantly detrimental to the amenity of neighbouring occupiers. The application would therefore be in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan

Public Health

The Council's Public Health and Protection Department have reviewed the details submitted with the application and have raised no objections to the scheme. It is noted that the proposal would include the use of an electric pizza oven rather than a wood fired type and that a self-contained kitchen ventilation system, that would need no direct ductwork to the atmosphere, would be installed.

Subsequently, as no mechanical extraction equipment would be needed to serve the development, a noise impact assessment has not been requested. In addition, the application is accompanied by an Odour Impact Assessment that concludes there should not be a loss of amenity to existing residential receptors as long as the ventless extraction system is properly maintained. Furthermore, should there be a change of equipment at the premises for the preparation of pizza as specified on the menu provided, or any other hot food that required the use of grills, a separate planning application would be required for the installation of any external flue and/or extraction equipment.

Lastly, no objections to the opening hours proposed by the applicant have been raised within the response from Public Health colleagues. Consequently, based on the above, it is not considered the development would result in harm to the living conditions of nearby residents arising from noise, odour or disturbance.

Impact on highway safety

Whilst it is acknowledged that concerns have been raised by residents in respect of parking and highway safety, the Highways and Transportation Section raise no objection to the scheme subject to relevant conditions being added to any consent. In coming to their conclusion, they made the following comments in relation to access and parking.

Access

The property is served off Jubilee Road on a bend adjacent to its junction with Clarence Terrace. Jubilee Road provides continuous footways on both sides of the carriageway with public transport nearby.

Jubilee Road has high on-street parking demand which restricts traffic flow to one-way, near a bend with limited forward vision which raises concern. There is concern that A3 takeaways by their nature generate short term indiscriminate on-street car parking. By parking as close as possible to the property, on a bend with restricted forward visibility would force vehicles into the running width of vehicles coming in the opposite direction to the detriment of safety of all highway users.

There is potential to overcome this concern by the implementation of double yellow lines fronting the site, along Jubilee Road in the vicinity of the road bend to maintain forward vision and free flow of traffic in the interests of safety of all highway users.

Parking

The existing use of the premise has a parking requirement of 1 operational commercial space and 1 space per 60 square metres in accordance with SPG: Access, Circulation & Parking Requirements (2011) with none provided.

The proposal has a parking requirement of 1 operational commercial space and applicants must demonstrate that customers can park in the vicinity without detriment to highway safety and free flow of traffic. Taking into account the location of the proposal, on a bend with limited forward vision customer parking would impact on the free flow of traffic and impact on highway safety. On this basis, a condition has been suggested for the implementation of a Traffic Regulation Order (TRO) to prevent on-street car parking on the bend.

Highways Summary

Whilst it is acknowledged the Highways and Transportation Section raise concern to the proposal, on the basis it may cause indiscriminate parking on or near the bend, the suggestion for a condition for a Traffic Regulation Order for double yellow lines to be implemented prior to the commencement of the development needs to be balanced against the previous and permitted use of the application site, as well as the six tests any condition would be judged against.

Whilst it is noted there are no such parking restrictions at present, the previous use of the premise would have also led to short term parking at or near to the site and it is acknowledged some on-street parking on or near to the bend and junction with Clarence Street already occurs as a direct result of the hairdressing salons and convenience store that are located close to the application site.

Furthermore, and as alluded to in the preceding sections of this report, the permitted use of the site under an A1 class use could result in similar indiscriminate parking from taking place, for similar or longer hours than that proposed and would not be subject to any restrictions.

The premise is also relatively small, being 30m² in floor area, and given the sites sustainable location, close to a bus stop and within a predominantly residential area it is likely that local residents would walk rather than drive to the premise. Similarly, owing to the nature of the business, via providing fast-food, it is unlikely that patrons would park in the vicinity of the site for a long period of time and would promote a quick turnaround.

However, and noting Highway officers' concerns in relation to the location of the application premise, on a bend, adjacent to a junction and the high parking demand in the area it is therefore recommended to Member's that the condition is applied.

Members are also advised that the delivery of the Traffic Regulation Order would be uncertain as it would be dependent on a separate legal process and consultation exercise with residents and other parties such as South Wales Police and the Emergency Services. If the legal process is not completed any parking restrictions at the site could not be secured nor condition discharged, it is therefore unlikely that the development could proceed unless all planning stakeholders accept the risk that the intended highway works may not be delivered. It should be noted that all costs associated with the TRO would be reasonably born by the applicant (circa £4,000).

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The principle of the proposed change of use is considered to be acceptable and in accordance with the requirements of the policies set out within the Local Development Plan, since it would bring vacant retail premises back into beneficial use.

Furthermore, the proposed use would neither have an unacceptable impact upon the amenity of neighbouring occupants nor highway safety in the vicinity of the site.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans:

- Drawing no. 04/2022/PL/001 (Existing Survey)
- Drawing no. 04/2022/PL/003A (Proposed Drawings)

and documents received by the Local Planning Authority on the 21/03/2022 and 10/06/2022 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Customers are not permitted on the premises outside the hours of 08:00 to 22:00 Mondays to Sundays.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The Britannia Refresh Maxi Recirculation Unit hereby approved shall be installed at the site prior to the commencement of the approved use and shall be effectively operated for as long as the use of the premises as an A3 pizza outlet continues. The equipment shall be installed and maintained in accordance with the recommendations contained within the Odour Impact Assessment received by the Local Planning Authority on the 10th June 2022.

Reason: In the interests of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. The use hereby approved shall not commence until a grease trap has been fitted in accordance with the details received by the Local Planning Authority on 8th April 2022. The grease trap shall be retained in perpetuity for as long as the A3 use continues.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No occupation or use of the development hereby permitted shall take place until a Traffic Regulation Order (TRO) that restricts on-street parking along Jubilee Road has been implemented or an alternative scheme that prevents on-street parking on Jubilee Road, which has first been submitted to and approved in writing by the Local Planning Authority, is in place.

Reason: To ensure deliverability of Traffic Management Measures and restrictions, in the interests of highway safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.