

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2017-2018:

**DEVELOPMENT CONTROL
COMMITTEE
20 JULY 2017**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.7
APPLICATIONS RECOMMENDED FOR REFUSAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To refuse the applications subject to the reasons outlined in Appendix 1.

1. Application No: 16/1066 - Change of use from bank (Class A2) to hot food takeaway (Class A3) and installation of extraction/ventilation equipment, HSBC, 11 High Street, Treorchy.

APPLICATIONS RECOMMENDED FOR REFUSAL

APPLICATION NO: 16/1066/10 (SF)
APPLICANT: PTB Properties Ltd
DEVELOPMENT: Change of use from bank (Class A2) to hot food takeaway (Class A3) and installation of extraction/ventilation equipment.

LOCATION: HSBC, 11 HIGH STREET, TREORCHY, CF42 6AG
DATE REGISTERED: 27/09/2016
ELECTORAL DIVISION: Treorchy

RECOMMENDATION: Refuse

REASONS: Whilst the application site is located within the defined retail boundary of Treorchy where the principle of a Class A3 use is considered to be acceptable, the proposed hot food takeaway located on the corner of High Street and Chapel Street is likely to generate significant highway safety concerns.

The proposed hot takeaway would result in indiscriminate parking close to the premises, which is a major cause for concern given its location in close proximity to a traffic signalled junction and controlled pedestrian crossing point. The use would also give rise to a greater intensity of short-term on-street parking along the adjacent streets, where parking is already severely restricted, to the detriment of pedestrian safety and the free flow of traffic.

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of support have been received;

APPLICATION DETAILS

Full planning permission is sought for the conversion of the former HSBC bank (class A2) to a hot food takeaway (Class A3) at 11 High Street, Treorchy.

The submitted plans indicate that the majority of the ground floor would be taken up with the kitchen and customer waiting area and the rear office and bank vault used to provide cold storage areas. The first floor would be used to provide further storage facilities, the manager's office and staff facilities. An extraction system would be installed from the ground floor oven, with a 500mm diameter duct running up through the first floor and out through the roof on the south-east elevation of the building. A further fresh air intake duct would be installed towards the rear of the building resulting in a new louvered wall grille above the rear access door. Two air conditioning and cold room compressor units are also proposed to be installed at ground floor level in the rear yard. All existing fenestration would be retained, with the first floor windows remaining white and the ground floor windows and front entrance door painted dark grey. Illuminated fascia and projecting signs are also

indicated, however these would need to be subject of a separate application for advertisement consent.

The supporting information submitted with the application indicates that the business would be open to the public between the following hours:

Monday to Fridays:	11:00 am – 00:00 (midnight)
Saturday:	11:00 am – 00:00 (midnight)
Sundays and Bank Holidays:	11:00 am – 11:00pm

It is advised that the rear yard area would be used to provide 4 parking spaces and the business would employ 35 part-time members of staff.

During the consideration of the application, it has been advised that the intended occupier of the building is Domino's Pizza.

In addition to the application forms and plans, the application is accompanied by the following information:

- Design and Access Statement (DAS)
- Plant Noise Assessment

In response to an initial objection to the application from the Transportation Section, the applicant submitted further information including TRICS analysis, which has also been taken into account in assessing the proposed change of use.

Further information has also been sent by the applicant on behalf of Domino's in the form of a briefing note which sets out the background to the application, as well as the public benefits that they consider would result from the proposed use. This is accompanied by a 'Responsible Growth' document, which details Domino's contribution to employment, investment, the community and the economy.

SITE APPRAISAL

The application site consists of a two storey, end of terrace stone fronted property which is located on the main High Street in Treorchy, on the corner of High Street and Chapel Street and fronting Stag Square. The main building has two and single storey additions to the rear fronting immediately onto Chapel Street, which is a one-way street. The main entrance to the building is located off High Street, with a further access point at the rear accessed through the existing yard which will be retained.

There are currently parking restrictions (double yellow lines) along the front of the property in High Street, which continue around the corner into Chapel Street. At the point where the double yellow lines finish (approximately 12 metres into Chapel Street), a resident's permit zone starts which continues along Chapel Street. This restricts parking from 9am – 5.30pm on Monday – Saturday to permit holders or 1 hour for non-permit holders. At all other times and Sundays, parking is restricted to permit holders only. The property also lies within the Rhondda Historic Landscape and C2 Flood Zone.

PLANNING HISTORY

App No.	Proposal	Decision
15/0622	Existing 2 no. external ATMs to be replaced with new models in same location.	GTD 14/07/15
11/0862	Replacement of existing timber panelled entrance door with a new aluminium glazed door and frame.	GTD 03/10/11
06/0489	Installation of 1 No. Automated teller machine (ATM)	GTD 06/06/06
97/6347	Signs	GTD 04/08/97
95/0082	Refurbishment	ND 06/04/95
95/0038	(Informal enquiry) internal alterations	ND 09/02/95
93/0494	Advertisement	GTD 20/08/93
89/0462	Cash dispenser	GTD 28/06/89
84/0423	Replace letters on sign internally illuminated	GTD 31/07/84

PUBLICITY

The application has been advertised by means of direct notification of neighbouring properties surrounding the site and the display of site notices.

In response, **33 letters of objection** have been received against the application. Two of the responses (from the same objector) raise the following concerns:

- Serious concerns are raised over this change of use being approved.
- Chapel Street is a Residential Parking Zone and residents find great difficulty parking in the street due to non permit holders parking illegally.
- Residents permit holders have to pay for parking permits which allow residents sole use of the street after 5.30pm.
- This is already largely ignored by drivers and not enforced at night – residents fear that another takeaway, of which there are at least 4 within a hundred yards, would worsen the situation.
- Although the proposal states that there is enough space behind the old bank for four vehicles, 2 for deliveries and 2 for employees, this is considered to be optimistic – in the past 32 years, the objector has never seen four cars parked in the space.
- Most employees park in the street and it is considered that the same situation would arise.
- At the time of writing (November 2016), 1 transit van was parked in the space and another builder's vehicle was in the street.

- It is noted from the details that a similar site was approved in Bedminster, Bristol and the only similarity is that there is traffic control nearby, but no evidence of permit parking spaces, only double yellow lines. It is suggested that parking enforcement is more stringently enforced at the Bristol site, deterring illegal parking.
- At the proposed Treorchy site there is no enforcement in the evenings and very little in daytime hours to deter illegal parking.
- It is requested that careful consideration is given to the impact on residents of the surrounding streets, not only from the parking aspect, but also the possibility of increased anti social behaviour in the vicinity of Stag Square.

The remaining 31 letters of objection have been submitted in a standard format through the Treorchy & District Chamber of Trade and raise the following issues:

- Indiscriminate parking and highway obstruction.
- Public protection.
- Imbalance of trade.
- External alteration to iconic building.
- Consideration of shared space scheme. Proposed for the Stag Square Improvement of traffic flow.

In response, **4 letters of support** have also been received which raise the following comments:

- Creating jobs for the local area.
- A national brand such as Dominos Pizza taking an interest in Treorchy.
- Working alongside the local community raising money for local charities, conducting school tours and visits.
- The building has been empty since the bank closed in April 2016.
- For a vibrant high street and town, it is not good to have empty premises, especially in such a prominent position.
- It is understood that Domino's have applied for the change of use so surely with the job creation involved, the applicants should be permitted to open.
- Jobs in this valley are crucial and should be of paramount importance over most other things.
- The former bank building suffers from severe frontage restraints which would put off potential A1 uses which would require a standard floor to ceiling shop window.
- The current use within A2 creates an inactive and dead frontage and with no likelihood of another financial service user occupying other uses would create limited footfall.
- The building sits at the 'gateway to Treorchy town centre' and a long period of vacancy would be detrimental for the town which has proved the exception in benefiting from a strong retail centre compared to other RCT towns.
- There is adjacent limited stay street parking for pick up drop off and deliveries. Deliveries could be further accounted for by restricting at peak times in conditions.
- It is understood that highways, which from experience is the norm in RCT, are objecting to the change of use. Would a sensible solution be to vertically

yellow mark High St kerbs therefore making it no loading/stopping and policing accordingly.

- The proposed occupier is likely to invest significant funds into the property enhancing the current retail and food offer for Treorchy town centre and strengthening its ongoing attraction and appeal to local residents.
- The change of use will reduce leakage to outside of the area and reduce car traffic in turn.
- The proposed scheme will create both full and part time employment in an area desperately in need of such.
- Dominos are in close proximity to my store in Tonypany and undertake a first class fit out spending significant funds on regenerating the property.
- They are also excellent neighbours and add to the vitality of our high street (Tonypany), they will do the same in Treorchy.
- They invest in the community and will increase employment which is much needed to enable businesses such as ourselves (The Eye Centre – Tonypany) to continue to operate within the locality.

CONSULTATIONS

Transportation Section – has raised an objection to the application and having reviewed the additional TRICS analysis submitted following the initial objections raised, has raised the following comments.

There is still major concern with regards the location of the proposed hot food take away on the junction of Station Road (A4061), High Street (A4058), High Street (A4061), Chapel Street and the signalised junction with controlled pedestrian crossings.

It is noted in the TRICS analysis of the development at peak hour there would be 47 vehicular trips nearly 1 per minute with no off-street car parking within the vicinity of the site.

Takeaways by their nature result in indiscriminate car parking as close to the premises as possible which is the major cause for concern given the location of the signalised junction, pedestrian crossings and the use as a principle route.

A comparison has been made between A1 convenience store and the proposed A3 takeaway with the A1 convenience store generating 6 more vehicular trips at peak hour. However, it is more likely that the trips associated with the A1 store would be cross linked and result in longer durations of parking whereby customers would park more considerably and in a safe and satisfactory manner compared to a takeaway, where customers arrive at pre arranged times to collect orders and park indiscriminately.

Therefore taking the above into consideration and the additional information submitted, this does not overcome previous highway and pedestrians safety concerns due to the location of the premises and on this basis, highway objections remain.

Public Health and Protection Division – has raised no objections and has raised general comments in relation to demolition, hours of operation during the construction phase of the development, noise, dust and waste. Additional comments have been raised in relation to the proposed extraction system and queries raised regarding whether this will be satisfactory to prevent odour nuisance from cooked foods. It is therefore recommended that a restriction is placed on any consent to prevent frying from taking place. It is also recommended that further details of the system that is intended to be operated to prevent waste, cooking fat, grease and solid waste from entering the foul drainage system are supplied to, approved by the LPA and operated for as long as the proposed use continues.

Natural Resources Wales – has advised that recognizing the particular nature of the application, no objections are raised. However, it is advised that it would be good practice for a flood consequences assessment (FCA) to be undertaken in support of the application.

Land Reclamation and Engineering - has raised no objections, however due to the location of the property within the TAN flood zone, has recommended that a flood consequences assessment be undertaken in order to identify the likelihood of flooding and outline suitable measures to mitigate the flood risk.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is situated within the Northern Strategy Area, within the settlement boundary and is also in the defined retail boundary of Treorchy, which is designated as a Key Settlement within the retail hierarchy. The site is also located within the boundary of the Rhondda Historic Landscape and the C2 Flood Zone. The following policies are considered to be of particular relevance to this application:

Policy CS1 – advises that in the North Strategy Area, emphasis will be given to building strong, sustainable communities and promoting commercial development in locations which support and reinforce the roles of Principal Towns and Key Settlements.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations which include sites within the defined settlement boundary. Proposals should not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. Highly vulnerable development within the C2 flood plain will not be permitted.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers. Proposals are also required to be accessible to the local and wider community by sustainable modes of transport, to have safe access to the highway network, and to not cause traffic congestion or exacerbate existing traffic congestion.

Policy AW6 - requires development to involve a high quality design and reinforce attractive qualities, including that they make a positive contribution to the street

scene and have a high level of connectivity and accessibility to existing centres by a wide range of sustainable transport.

Policy AW10 - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including air pollution, noise, contamination, land instability or flooding.

Policy NSA 2 – supports proposals for commercial development in sustainable locations that support and reinforce the role of the centre as a Key Settlement, are of a high standard of design, promotes the beneficial re-use of vacant floor space and accessibility to services by a range of sustainable modes of transport.

Policy NSA 18 – proposals for retail development or changes of use to Class A retail uses inside the defined boundaries of retail centres, which would maintain the centre's position in the retail hierarchy, will be permitted.

Policy NSA 19 – requires that the proportion of other Class A2 and A3 units does not rise above 25% of frontage length of the defined primary shopping area and that the number, frontage lengths and distribution of other A2 and A3 uses, do not create an over-concentration of uses detracting from its established retail character.

SPG - Design and Placemaking

SPG - Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

Planning Policy Wales

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 Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 10 (Retail and Commercial Development), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk

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 development

The application site is located within the settlement boundary of the Key Settlement of Treorchy, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. The core strategy Policy CS1 of the Rhondda Cynon Taf Local Development Plan (LDP) relating to development in the north, places an emphasis on providing strong sustainable communities and identifies the removal of dereliction by the re-use of previously developed buildings as one of the means of achieving this. In this case, the application proposes the change of use of an existing commercial building to an alternative use and as such, is considered to comply with this core strategy, as well as the general presumption for developing previously developed land and buildings contained in other local and national policies.

In identifying sites in sustainable locations, Policy AW2 also sets out a number of criteria to be taken in account including, supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. The site is within the defined retail boundary with good access to key services, is accessible by foot and is well served by public transport. Medium and high frequency bus services run through the area in addition to the train station being situated within easy walking distance of the property in the heart of the town centre. As such, it is considered that the proposal complies with the requirements of Policy AW2.

Whilst the principle of developing the site is therefore considered to comply with Policies CS1 and AW2 of the LDP, an assessment of the application in relation to retail and other relevant policy criteria is required and further consideration of these issues is provided below.

Retail Impact

Proposals for retail uses are permitted within the Key Settlement of Treorchy under Policy NSA 18, provided the use maintains or enhances the centre's position in the retail hierarchy. As Treorchy currently has a vacancy rate of 9.0%, it is considered that the change from Class A2 to Class A3 would not have a detrimental impact the centre and has the potential to attract further foot fall to this part of the town. Furthermore, the unit has been vacant since earlier this year and the proposal could therefore bring a vacant unit back into use and attract further custom to this end of the town. It is not therefore considered that the use would affect the centre's position in the retail hierarchy and would comply with the requirements of Policy NSA18.

Uses which fall within Class A2 and Class A3 are also recognised under Policy NSA 19 as adding vitality to a town centre by attracting customers and increasing footfall. Whilst the Policy aims to avoid an over-concentration of such uses within the retail centre, the property lies on the lower part of high street which does not have a defined primary retail frontage and consequently the 25% threshold for Class A2 and

A3 does not apply in this instance. It is acknowledged that there are a number of A3 uses within this part of town, however it is not considered that there are any issues in terms of over-concentration. The percentage of A3 uses within Treorchy is 15.5% and this would increase to 16% (20 of 122 units) with the application proposal.

Policy NSA 19 also seeks to create a sufficient day and evening economy, acknowledging that A3 uses, such as hot food takeaways (which are generally closed during the day), make a rather limited contribution to the town and create areas of day-time inactivity in the retail frontage. Under this application, the applicant seeks opening hours of 11:00am – 00:00am (Mon-Sat) and 11:00am – 11:00pm (Sun). It is considered that whilst the takeaway will be closed between 09:00 and 11:00am during the morning, the proposal largely complies with the requirements of the policy in creating a sufficient day and evening economy. The policy also makes a case for allowing Class A use applications that add vibrancy and viability to the town centre. Even with the existing number of A3 uses present (19 of 122) within the retail boundary, it is considered that in terms of the retail impact on the town centre, it would be more beneficial to accommodate this type of use, rather than have an additional vacant unit.

Highway Safety

The application details identify the current parking restrictions which exist surrounding the application site, however it is maintained that there is a public car park within easy walking distance from the site. This can be accessed in Dyfodwg Street, approximately 150 metres to the south of the site and provides free parking for up to 50 vehicles. Reference is also made to an appeal decision at 92 Bedminster Road in Bristol, where the Planning Inspector concluded that if there were reasonable parking opportunities within easy walking distance (i.e. 200 metres), then customers would be reluctant to try and park illegally when collecting their orders. It is also highlighted that the site is within a highly sustainable town centre location and customers would also be expected to access the site by public transport or on foot. In relation to delivery drivers, it is maintained that the 4 parking spaces in the rear yard accessed from Chapel Street are sufficient for the takeaway (delivery drivers and members of staff) and overall, there is sufficient parking in the vicinity of the site for the use not to cause any harm to highway safety.

As previously noted, the application site is located at the junction of High Street and Chapel Street immediately fronting Stag Square which is controlled by traffic lights and as such, there is no opportunity for vehicles to park or stop immediately outside the site or further along High Street, where double yellow lines continue to restrict parking. The opportunity for parking around the corner in Chapel Street is similarly restricted, firstly by double yellow lines which continue for approximately 12 metres and then with the resident's permit parking, which restricts parking between the hours of 9am and 5.30pm on Mondays to Saturday to 1 hour, but then effectively prevents parking outside of these hours by anyone other than permit holders.

As a result of these existing restrictions, significant concerns have been raised by the Transportation Section to the proposed takeaway in this location adjacent to a 4 arm signalised junction Station Road, (A4061) High Street (A4058), High Street (A4061) and Chapel Street which are all protected by double yellow lines and in

close proximity to a signalised controlled pedestrian crossing point. It is also noted that the A4061 is a strategic highway with local and regional importance and carries a high volume of traffic (16175 average two-way daily vehicular movements based on a 2013 traffic survey).

By their nature, takeaways result in indiscriminate on-street car parking taking place as close to the premises as possible and there is major concern that this would take place to the front on High Street A4061 and A4058. It is also considered that due to the high volume of traffic, any indiscriminate on-street car parking would have a detrimental impact on safety of all highway users and free flow of traffic, particularly considering the type of HGV's using the strategic highway network.

A review of accident data between 2010 and 2014 has revealed 7 accidents within close proximity of the 4 arm controlled junction (A4061 Station Road, A4058, A4061 High Street and Chapel Street) and there is major concern that indiscriminate on-street car parking at this location would increase the potential of vehicular and pedestrian accidents to the detriment of safety of all highway users.

Furthermore, the adjacent road Chapel Street which is the nearest road that potential customers may seek to park is a one-way street, which Highway Officers consider has sub-standard junction radii and vision splays with the adjoining local highway network. Current parking restrictions mean that Chapel Street has 1 hour limited parking between the hours of 9:00am - 5:30pm with permit parking 24 hours a day.

There is already considerable demand for on-street car parking along Chapel Street due to the nature of terraced dwellings with no off-street car parking facilities. Due to the high demand and traffic regulations preventing on-street car parking along Chapel Street after 5:30pm, indiscriminate on-street car parking by customers at this location would totally block the free passage of vehicular traffic to the detriment of safety of all highway users and the free flow of traffic.

In respect of parking, the SPG relating to Access, Circulation & Parking Requirements requires applicants for hot food takeaways to demonstrate that customers can park in the vicinity without detriment to highway safety and free flow of traffic. Whilst the applicant maintains that there are opportunities for customer parking elsewhere and refers to a case in Bristol which was allowed on appeal, it is considered that the similarities between the 2 sites are limited due to the nature of the roads, junction arrangement, volume and type of traffic and availability of a public car park. Also, the current application has no possibility of parking within close proximity due to existing parking regulations to maintain free flow of traffic and residential permit parking preventing on-street car parking being available.

Whilst acknowledging that the application site is located within the retail area of Treorchy with good transport links, it is anticipated that at times when the takeaway is at its busiest during the evening, the majority of trips would be by vehicles leading to indiscriminate on-street car parking to the detriment of safety of all highway users. The letters of objection received from local residents confirm the fact that residents already have great difficulty parking due to non-permit holders illegally parking and with no suitable alternative parking, the proposed use is therefore likely to exacerbate this situation.

Taking into account the location of the proposal on a strategic highway with a high volume of traffic, current parking restrictions in the vicinity of the junction and no delivery or customer parking, the proposal use is considered unacceptable in terms of safety of all highway users and free flow of traffic and is therefore considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Impact on the Character and Appearance of the Area

Whilst the existing building is proposed to be refurbished with the ground floor windows and doors painted dark grey, there will be limited physical change to the external appearance of the building. A single extraction duct would be incorporated into the pitched roof at the rear of the property, however this is shown to project a maximum of 1 metre from the roof slope. The two air conditioning and cold room compressor units and ventilation grille located at the rear of the property would be visible from Chapel Street however, it is not considered that any of these additional structures would have a material impact on the appearance of the building.

As such, it is not considered that the proposed development would have an adverse impact on the character or appearance of the area that would conflict with Policy AW6 of the Rhondda Cynon Taf Local Development Plan.

Impact on Residential Amenity

It is acknowledged that the property is located in close proximity to a number of residential properties in Chapel Street and there is potential for the intended use to have some impact on residential amenity in terms of potential cooking odours and noise associated with the use and members of the public using the establishment during the opening hours.

Following consultation with the Council's Public Health and Protection Section, a query has been raised over the proposed extraction system, however this issue could be satisfactorily controlled through the use of an appropriately worded condition and it is not therefore considered that any objection could be raised to the proposed use for this reason.

In terms of the noise associated with the use of the premises, the application is accompanied by a Plant Noise Assessment which has examined the potential noise generated by the proposed plant including the oven extract fan, the fresh air fan, air conditioning compressor and cold store compressor. The report concludes that suitable mitigation measures can be installed to ensure that the plant noise limits can be met and it is not therefore considered that the plant which would need to be installed in connection with this development and forms part of the current application would have an unacceptable impact on the amenity of neighbours in terms of noise.

In relation to noise resulting from customers, the property is located within a retail centre where uses of this type would usually be expected and the proposed opening hours are considered to be reasonable for such a use. It is not therefore considered that the proposed use would result in such a significant increase in noise, in

additional to that which is already likely to be generated by other existing A3 uses nearby, to warrant an objection to the application on this basis.

It is not therefore considered that the proposed development would have an adverse impact on the amenities of nearby residents that would conflict with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Other Issues

Drainage and flooding

As identified earlier, the application site is located within the C2 flood zone and it is confirmed by NRW that the site is within the 0.1% (1 in 1000 year) annual probability flood outlines of the River Rhondda, a designate main river. Whilst TAN 15 confirms that highly vulnerable development should not be located in such locations, the applicant has maintained that the proposal seek permission to change the use of the building from one 'less vulnerable' use to another and this will not increase the risk of any vulnerable development being subject to flooding.

No issues have been raised by the Council's Land Reclamation and Engineering Officers in relation to the drainage of the site, although the applicant has been advised to undertake a flood consequences assessment. A similar recommendation has been put forward by NRW however, taking account the nature of the application, no objections have been raised and on that basis, it is not considered that the proposed development would have an adverse impact on flooding that would conflict with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Public Health and Protection

In respect of the comments raised in relation to satisfactory odour control and food waste, it is considered that these matters could be satisfactorily controlled by condition. Whilst other comments raised by the Council's Public Health & Protection Section are noted, it is considered that noise, dust and waste can be more efficiently controlled by other legislation. An appropriate Informative could be added to any permission notifying the applicant / developer of the need to comply with legislation concerning noise, dust and waste matters.

Historic Landscape

The application site is located within the Rhondda Registered Landscape of Historic interest published by Cadw. Guidance produced by Cadw identifies the need to assess the potential effects of a development in relation to the whole of the historic landscape and advises that development can have an adverse effect on the amenity and value of the landscape well beyond the site of the development itself. The proposed development in this case is however restricted to the change of use of an existing building with very limited physical alterations to its external appearance and this development will not therefore have a significant effect on the historic landscape.

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

Whilst the application site is located within the defined retail boundary of Treorchy where the principle of a Class A3 use is considered to be acceptable, the proposed hot food takeaway located on the corner of High Street and Chapel Street is likely to generate significant highway safety concerns and is therefore not acceptable due to the conflict with Policy AW5 of the Local Development Plan.

RECOMMENDATION: Refuse

1. The proposed hot food takeaway at this location would give rise to a greater intensity of short-term on-street parking along Bute Street / High Street (A4061& A4058) in close proximity to the traffic signalised junction and controlled pedestrian crossing point to the detriment of safety of all highway users and free flow of traffic. As such, the development is considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The proposed hot food takeaway at this location would give rise to a greater intensity of short-term on-street parking along the adjacent residential streets to the detriment of pedestrian safety and free flow of traffic. As such, the development is considered to be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

20 JULY 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR REFUSAL**

OFFICER TO CONTACT

**MR. J. BAILEY
(Tel: 01443 425004)**

See Relevant Application File

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