



PLANNING & DEVELOPMENT COMMITTEE

13 JUNE 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0446/10
(KL)
APPLICANT: Mrs T Kerslake-Davies
DEVELOPMENT: Change of use of ground floor from A1 to A3 (Craft Beer Bar and Bottle Shop). Use of outside space to include seating for 10 persons.
LOCATION: UNIT 6, FORMER NATIONAL SCHOOL, CARDIFF STREET, ABERDARE, CF44 7DP
DATE REGISTERED: 02/05/2019
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS

REASONS:

The proposal would bring a currently vacant unit back into beneficial use within an area of Aberdare town centre where vacancy rates are generally high. It would contribute to the daytime and evening economy whilst also attracting further footfall to this part of the town, thereby contributing to the vitality and viability of the retail centre. No external alterations are required to facilitate the proposed use and the proposal would therefore not impact on the character and appearance of the wider Conservation Area. Furthermore, the proposal is considered to be acceptable in terms of the impact it would have on highway safety in the vicinity of the site.

Whilst there is some concern with regard to the impact of the proposal on the amenity of nearby residential properties, the site is located within the retail centre where such uses would usually be expected. Residents living in such locations are already accustomed to greater levels of noise and disturbance and, given that no objections have been received from local residents, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;

APPLICATION DETAILS

Full planning permission is sought for the change of use of Unit 6, Former National School, Cardiff Street, Aberdare from an office (Use Class A2) to a craft beer bar and bottle shop (Use Class A3).

The use would be contained to the ground floor of the building with the main access being via the existing shop front on the north-east facing front elevation. No internal or external alterations are proposed and the existing access to the upper floors would be retained to the side elevation.

The proposed ground floor plan indicates that a small external seating area would be positioned immediately to the front elevation of the unit, which would consist of 2 tables, seating approximately 10 people. The tables would be put out and taken in at the beginning and end of every day.

The proposal would employ 1 full-time and 3 part-time members of staff. The opening hours proposed are:

Monday – Friday: 12:00-23:00

Saturday: 10:00 – 00.00

Sunday and Bank Holidays: 12:00 – 23:00

SITE APPRAISAL

The application site relates to an irregular shaped, end-of terrace property located just off the main shopping street in Aberdare Town Centre. The building is typically three-storey although the proposal relates solely to the lower ground floor which has an existing shop front onto a rectangular shaped paved area fronting Cardiff Street. Records indicate the unit was previously in use as a solicitor's office but has been vacant since approximately February 2015.

The surrounding area is predominantly commercial in character with various different A1, A2 and A3 uses in the immediate vicinity. It is also noted that there are a number of residential properties in Bute Street and Cross Street to the rear and side of the site, as well as some flats above shops along Cardiff Street.

PLANNING HISTORY

No previous planning applications have been submitted at the application site within the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of two site notices in the vicinity of the site. No letters of objection or representation have been received.

CONSULTATION

Dwr Cymru Welsh Water – no objection subject to condition

Flood Risk Management – no comments received

Public Health and Protection – no objection

Transportation and Highways – no objection subject to condition

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the Northern Strategy Area and within the settlement boundary. It is also located within the defined retail boundary of Aberdare, which is designated as a Principle Town Centre within the retail hierarchy. The site is also located within a conservation area.

The following policies are considered to be of particular relevance to this application:

Policy CS1 – encourages sustainable growth in the south of Rhondda Cynon Taf through protecting the culture and identity of communities by focusing development within defined settlement boundaries.

Policy AW2 – promotes development in sustainable locations.

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 – states that development will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of issues including noise and air pollution.

Policy AW11 – provides criteria for development proposals promoting alternative uses for existing employment sites and retail units.

Policy NSA1 – 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 beneficial re-use of vacant floor space and accessibility to services by a range of sustainable modes of transport.

Policy NSA18 – 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 NSA19 – 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.

Supplementary Planning Guidance:

Delivering Design & Placemaking: 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.

The Welsh Government published Planning Policy Wales 10 on 5th December 2018, and the document aims to incorporate the objectives of the Well-being of Future Generations (Wales) Act into Town and Country Planning.

It is considered that this proposal meets the seven goals set out in the Well-being of Future Generation's (Wales) Act inasmuch as they relate to the proposed development and that the site has been brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as set down in Chapter 2 People and Places: Achieving Well-being through Placemaking, of PPW10 and is also consistent with the following inasmuch as they relate to the development:

Chapter 3 Strategic and Spatial Choices (good design and better places, promoting healthier places, sustainable management of natural resources)

Chapter 4 Active and Social Places (moving within and between places, transport, living in a place, housing)

Chapter 6 Distinctive and Natural Places (green infrastructure, landscape, biodiversity and ecological network, water and flood risk, air quality and soundscape, lighting)

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retail and Commercial Development

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

The application proposes to change the use of an existing commercial property from a solicitor's office (Use Class A2) to a craft beer bar and bottle shop (Use Class A3). The site is located within the defined settlement boundary, the retail centre of the Principal Town of Aberdare and the designated Aberdare Conservation Area. The unit has been recorded as vacant since the February 2015 retail survey.

Policy NSA 18 sets out the retail hierarchy for the Northern Strategy Area in which Aberdare is identified as a Principal Town Centre. The policy states that proposals for retail development or changes of use to Class A retail uses will be supported which enhance the centre's position in the retail hierarchy. Currently, Aberdare has a vacancy rate of 14.86% (33 out of 222 units) with the vast majority of active units being classed as A1. It is therefore considered that the change of use from A2 to A3 would not have a detrimental impact upon the retail offer or the centre itself. Furthermore, it has the potential to attract further footfall to this part of the town.

Policy NSA 19 encourages new A3 facilities within the retail centre of Aberdare where the proposed use would contribute to the daytime and evening economy. In this case, the use would be open daily between the hours of 12:00 – 23:00, with the exception of 10:00-00:00 on Saturdays, which would make a valid contribution to both the daytime and evening economy whilst also retaining a healthy retail frontage. The proposal would also bring a vacant property back into beneficial use and although National Guidance considers that centres should be underpinned by A1 retail uses, a lively mix of uses, including food and drink, is encouraged to promote and improve vitality and viability. As such, it is considered that the proposal's potential contribution to the vitality and viability of the centre complies with policy NSA 19.

Within the context of Policy AW2, the site is in a highly sustainable location, with Aberdare Bus Station and Aberdare Train Station being located in close proximity. The surrounding area is predominantly commercial in nature, with a variety of retail units located in the immediate vicinity. A Public House ('The Conway') is located opposite the site at the junction between Cardiff Street and Cross Street. As such, the use would have good accessibility by a range of sustainable transport options and would not unacceptably conflict with surrounding uses. Whilst it is noted that there are a number of residential properties to the rear and side of the site, these would already be accustomed to the busy nature of the town centre location.

Taking the above into consideration, the principle of the proposal is considered to be acceptable, subject to further consideration of the criteria set out below.

Impact on amenity

The application site is located in close proximity to a number of residential properties, namely those in Cross Street to the side and Bute Street to the rear of the site. There are also several first floor flats above nearby commercial units. It is therefore noted that the proposed change to an A3 use has the potential to impact on the amenity standards currently enjoyed by nearby residents, particularly in terms of the noise

generated from such a use. However, the application site is located within the designated retail centre of Aberdare with a number of restaurants, takeaways and public houses being located within the immediate vicinity. As such, the area is already associated with a greater level of activity throughout the day and night and it is not considered that residents would be subject to an unacceptable level of noise and disturbance that would be detrimental to their residential amenity. Furthermore, the proposed hours of opening are considered to be reasonable and comparable to those of other establishments in the area and it is therefore not considered that the level of noise and disturbance would be increased over and above the current situation. However, a condition is recommended to restrict the hours of opening to those specified within the application in order to ensure that the noise emitted from the development is not a source of nuisance to local residents.

Notwithstanding this, there is some concern with regard to the proposed outdoor seating area in that it would generate a greater level of noise and disturbance than would be experienced if the use was contained entirely within the building itself. However, given that people could potentially stand outside the establishment to smoke unrestricted, on balance, the proposal is considered to be acceptable. Furthermore, the owner/manager of the establishment would be responsible for the management of any noise produced in this respect and separate public health legislation is available should complaints be received by the Council.

No letters of objection have been received from local residents in response to the consultation exercise undertaken and whilst there is some concern with regard to the potential impact on the nearest residential properties, on balance, the proposal is considered to be acceptable in this regard. The application would therefore comply with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Impact on the character and appearance of the area

The proposal would not result in any extension or physical alterations to the external appearance of the property and it would therefore not have any impact on the character and appearance of the area in this respect. Furthermore, the proposal would bring a currently vacant property back into beneficial use which would prevent the property from falling into disrepair and potentially having a negative impact on the character of the area. It is therefore considered that the change of use would provide an opportunity to enhance the visual appearance of the surrounding area and the proposal would therefore comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

A separate advertisement consent may be required should the applicant wish to display signage at the site.

Impact on highway safety

The application has been subject to consultation with the Council's Transportation and Highways Section with a view to assessing the impact of the proposal on highway safety in the vicinity of the site. The response received raises no objection to the proposal, however, a condition has been recommended to ensure that the proposed seating area does not encroach onto the public highway.

Community Infrastructure Levy 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 proposal would bring a currently vacant unit back into beneficial use within an area of Aberdare town centre where vacancy rates are generally high. It would contribute to the daytime and evening economy whilst also attracting further footfall to this part of the town, thereby contributing to the vitality and viability of the retail centre. Whilst there is some concern with regard to the impact of the proposal on the amenity of nearby residential properties, the site is located within the retail centre where such uses would usually be expected. Furthermore, residents living in such locations are already accustomed to greater levels of noise and disturbance and, on balance, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan.

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 and documents received by the Local Planning Authority on 26th April 2019 and 2nd May 2019, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan
- Proposed Layout Plan

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

3. The use hereby permitted shall not be operated from the premises except between the hours of:
 - Monday to Friday 12:00 – 23:00
 - Saturdays 10:00-00.00
 - Sundays and Bank Holidays 12:00 – 23.00

Reason: To ensure that the noise emitted from the development is not a source of nuisance to occupants of nearby residential properties in

accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use within Class A3 (other than craft beer bar and bottle shop) hereby permitted) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission.

5. No encroachment onto the public highway will be permitted with regard to the seating area.

Reason: In the interests of safety of all highway users and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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