



PLANNING & DEVELOPMENT COMMITTEE

18 JULY 2019

REPORT OF THE SERVICE DIRECTOR, PLANNING

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 19/0405/10
(CA)
APPLICANT: Mr Price
DEVELOPMENT: Change of use of ground floor from Residential (C3) to Cafe (A3) and creation of associated shopfront
LOCATION: 19 YNYSMEURIG ROAD, ABERCYNON, MOUNTAIN ASH, CF45 4SY
DATE REGISTERED: 22/05/2019
ELECTORAL DIVISION: Abercynon

RECOMMENDATION: REFUSE

REASONS:

The proposed Class A3 use would be detrimental to the amenities of nearby residential properties by reason of increased noise and disturbance and the introduction of nuisance odours/waste. As such it is contrary to Policies AW 2 (2) and AW 5 (1) of the Rhondda Cynon Taf Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE:

- Three or more letters of objection have been received.

APPLICATION DETAILS:

This application seeks full planning permission for the change of use of the ground floor of 19 Ynysmeurig Road, Abercynon from residential (C3) to a café (A3), as well as for the creation of a shopfront. The property is currently used as one single dwelling with accommodation spread over the two floors. It is proposed that one unit of accommodation would remain at first floor level only following the change of use.

The submitted plans indicate that the café would cater for twenty seated customers and the Agent has indicated that take away sales/deliveries would also be offered if possible.

The following opening hours are proposed:

Monday to Saturday – 07:00 hours to 22:00 hours

Sunday – Closed

The creation of the shopfront would involve the formation of a new entrance allowing access into the café, as well as an additional window to the front elevation. The existing access door would serve the first floor flat.

The application is accompanied by the following:

- Application Form
- Location Plan
- Site Plan
- Existing and Proposed Front Elevation
- Existing and Proposed Ground and First Floor Plans

SITE APPRAISAL:

The application site is a mid-terraced two storey property, located along the B4275 and currently in use as a single dwelling. The immediate locality is made up of a mix of residential and commercial properties, with the properties on the opposite side of Ynysmeurig Road all residential in nature. To the rear of the site is an un-metalled lane which is accessible from the rear amenity space of the property.

PLANNING HISTORY:

03/1219/10	Alteration to Shop Front	Granted 15/01/2004
01/4428/10	Change of Use to Hot Food Takeaway	Refused 04/12/2001
01/4202/10	Change of Use to Fast Food Takeaway	Refused 12/07/2001
99/4340/41	Use of former shop as living accommodation (Renewal of temporary consent 51/96/4342).	Granted 12/11/1999

PUBLICITY:

The application was advertised by direct neighbour notification letter and two site notices were displayed on 6th June 2019. Three letters of objection were received and the following points were raised:

1. The change of use would result in an increase in litter on Ynysmeurig Road as well as the rear lane.
2. There is a lack of designated car parking to serve the premises.
3. The new use would result in an increase in noise which would disturb occupiers of the surrounding residential dwellings.
4. The proposed use would result in cooking odours.
5. Two applications for a similar proposal have previously been refused.
6. There are already enough similar businesses in Abercynon.
7. The change of use would result in the value of properties along Ynysmeurig Road decreasing.

CONSULTATION:

RCTCBC Highways - no objections subject to the condition that no take away sales are permitted.

RCTCBC Public Health and Protection - no objections subject to conditions.

POLICY CONTEXT:

Rhondda Cynon Taf Local Development Plan

The application site is situated within the Northern Strategy Area and within the settlement boundary. The site is also located within the defined retail boundary of Abercynon, which is designated as a Local and Neighbourhood Centre within the retail hierarchy.

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

Policy CS1 – Development in the North – 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 AW5 – New Development – Sets out criteria for new development in relation to amenity and accessibility and requires development to have no unacceptable effect on the character and appearance of the site or surrounding area and 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 CS1 – Development in the North – Places an emphasis on building strong, sustainable communities.

Policy AW2 – Sustainable Locations – Provides support for development proposals in sustainable locations.

Policy AW5 – New Development – Provides support for development proposals which meet the relevant amenity and accessibility criteria.

Policy AW6 – Design and Placemaking – Requires development to involve a high quality design and reinforce attractive qualities, 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 – Environmental Protection and Public Health – Indicates that development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy NSA18 – The Retail Hierarchy – 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.

Supplementary Planning Guidance:

Design and 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. The document aims to incorporate the objectives of the Well-Being of Future Generations (Wales) Act 2015 into Town and Country Planning.

It is considered that this proposal meets the seven wellbeing of future generations goals 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 stipulated in Chapter 2 People and Places: Achieving Well-Being Through Placemaking and is also consistent with the following inasmuch as they relate to the development:

- Chapter 3 (Good Design Making Better Places, Promoting Healthier Places, Sustainable Management of Natural Resources)
- Chapter 4 (Moving Within and Between Places, Transport, Living in a Place, Housing)
- Chapter 6 (Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Water and Flood Risk, Air Quality and Soundscape, Lighting)

Other relevant policy guidance consulted:

PPW Technical Advice Note 12 – Design

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:

The main issues in the determination of this application are:

- The impact of the proposal on the character and appearance of the application site and surrounding area.
- The impact of the proposal on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

Principle of the proposed development

The application site is located within the defined retail boundary of Abercynon. As such, the principle of the change of use and creation of a shopfront is regarded as acceptable subject to the criteria set out below.

Impact on the character and appearance of the area:

The creation of the shopfront would involve the formation of a new entrance which would allow access into the café, as well as an additional window to the front elevation.

There are existing commercial properties located along the southern side of Ynysmeurig Road and it is therefore not considered that the proposed external works to the building would be significantly out of character with the immediate locality.

Impact on residential amenity and privacy

Whilst sited within a small cluster of commercial properties and within a defined retail zone, the majority of properties along Ynysmeurig Road are residential in nature. It is therefore important that the privacy and amenity of existing neighbouring residents is safeguarded. It is considered the main impact of the proposal in this respect would be from the potential noise and disturbance associated with the use and from the introduction of nuisance smells/waste.

The proposed change of use would introduce a restaurant with delivery service directly adjacent to/adjoining a number of residential properties along Ynysmeurig Road. Existing commercial properties in this area of the retail zone fall within Use Class A1, with the nearest A3 use occupying the former Abercynon Library and being a café/coffee shop. It is noted that the opposite side of the street is not within the defined retail zone, neither are the residential properties directly to the rear.

It is considered that the addition of the proposed A3 use at this location would significantly impact upon the levels of residential amenity the surrounding neighbours currently enjoy. The restaurant is likely to generate considerable levels of activity, especially into the evenings, when the remaining shops along Ynysmeurig Road are closed. This activity could result in noise and disturbance arising from the comings and goings of customers including raised voices, slamming of car doors, starting engines and playing car radios. Furthermore, deliveries to and from the site, as well as the introduction of additional waste and cooking odours is considered to exacerbate the nuisance to surrounding neighbours. Whilst the immediate neighbouring residents would have become accustomed to commercial uses within the locality, it is considered the nature of the existing commercial premises is totally different to that of a restaurant which would operate from early in the mornings until late into the evenings as well as carry out customer deliveries.

The Applicant has indicated that extraction equipment would be provided at the property. Whilst it is acknowledged this issue could be controlled by way of condition, given the terraced nature of the application property and the fact that it is adjoined by a residential dwelling, it is considered that the introduction of the necessary extraction equipment at the site may result in noise/disturbance issues of its own.

The planning history of the site indicates that two previous applications which proposed the change of use of the property to a hot food takeaway were refused due to the adverse impacts upon the residential amenities of neighbouring properties. It is acknowledged that the Applicant has accepted that takeaways would not be acceptable from the premises, but would still wish to carry out customer deliveries. It was noted in the previous refusals that the emission of cooking smells, which would not be fully removed by ventilation/extraction equipment, and the general disturbance caused by customers visiting the premises in the evenings warranted the refusal of the applications. It is considered that these issues would still be present under the current application.

On balance, it is considered the operation of the proposed A3 use at this location, in such close proximity to a number of residential properties, would result in noise, disturbance and nuisance to an unacceptable level. As such, the proposed change of use is considered contrary to Policies AW5 and AW10 of the local development plan.

Access and highway safety:

The Council's Transportation Section have been consulted on the proposal and have raised concerns that customers parking along the B4275 would further reduce the width of the carriageway to single file.

Taking into account the application site is within the retail area of Abercynon, the consultation response explains that on balance the proposal would be acceptable subject to a condition restricting the use to that of a café with no takeaway facilities.

As a result of the above response, the Agent has indicated that in addition to sit down customers, the café would offer a delivery service.

Other Issues

The comments from the local residents are fully acknowledged. Points 1 to 5 of the comments are addressed above. Points 6 and 7 which relate to the number of similar businesses in Abercynon, as well as the impact of the proposal on property value are not regarded as material planning considerations.

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 impact of the proposal on the character and appearance of the site and surrounding area and upon highway safety (subject to condition) are regarded as acceptable. It is however considered that the proposal would cause undue harm to the residential amenities of surrounding properties.

RECOMMENDATION: Refuse

1. The proposed Class A3 use would be detrimental to the amenities of nearby residential properties by reason of increased noise and disturbance and the introduction of nuisance odours/waste. As such it is contrary to Policies AW2 (2) and AW5 (1) of the Rhondda Cynon Taf Local Development Plan.

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