



## **PLANNING & DEVELOPMENT COMMITTEE**

**5 SEPTEMBER 2019**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0599/10 (CA)  
**APPLICANT:** Mr A Sadiq  
**DEVELOPMENT:** Installation of cooking systems within the existing general store for the preparation and sale of hot pizza products (change of use of part of unit from A1 to A3)  
**LOCATION:** UNIT 1 SHOPPING PRECINCT, CARDIGAN CLOSE, TONTEG, PONTYPRIDD, CF38 1LD  
**DATE REGISTERED:** 27/06/2019  
**ELECTORAL DIVISION:** Tonteg

---

**RECOMMENDATION: REFUSE**

#### **REASONS:**

The proposed development would result in additional traffic along the residential streets which are already oversubscribed with on-street car parking narrowing the available width to single file traffic and blocking footways to the detriment of safety of all highway users and free flow of traffic, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

The highway and pedestrian safety would be substantially compromised due to high on-street car parking demand coupled with boundary treatments which have reduced forward visibility, junction radii, vision splays would further be exacerbated by the increase in traffic from the proposed hot food takeaway, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

---

#### **REASON APPLICATION REPORTED TO COMMITTEE**

Three or more letters of objection have been received and a petition containing 288 signatures in support of the proposal accompanied the application on submission. Due to the level of public interest, it is considered that the proposal warrants the involvement of the Development Control Committee.

## **APPLICATION DETAILS**

The application seeks full planning permission for the change of use of part of the commercial unit from Use Class A1 to A3 to allow for the preparation and sale of hot pizza products.

The change of use would be undertaken wholly within the building itself with no external alterations to the existing shop front or access proposed.

The proposed Class A3 use at the property would require some form of extraction/odour/noise control systems. No details of any such apparatus have been submitted with the application.

The unit is served by a communal car park and a delivery area shared with the other retail units in the precinct, which are situated to the front and rear of the building respectively.

Hot food sales would take place during the opening hours of the existing retail unit, which are as follows:

Monday to Friday – 08:00 hours to 21:00 hours

Saturday – 08:00 hours to 21:00 hours

Sunday – 09:00 hours to 21:00 hours

The application is accompanied by the following:

- Application Form
- Location Plan
- Existing and Proposed Ground Floor Plans
- A petition containing 288 signatures confirming no objections are raised to the proposal.

## **SITE APPRAISAL**

The application property is a retail unit sited within a local precinct of seven commercial units in Tonteg. The unit is currently in use as a convenience store (Use Class A1) and is the largest of the commercial properties within the precinct. The property fronts the footway and has a service and delivery area to the rear. A modern, glazed shop front is located within the front elevation. The units along the northern section of the precinct are of two-storeys comprising commercial ground floor uses and residential flats above.

The surrounding units are similar in nature and are occupied by various commercial uses including a funeral directors office, an A3 takeaway, a hairdressers, a newsagents and a tanning studio. There is currently one vacant unit.

The surrounding area is residential in nature with the precinct being surrounded by residential dwellings on all sides. A residential care home is located directly to the south west.

## PLANNING HISTORY

03/1219/10	Integral illumination and screen to ATM fascia, internally illuminated Free Cash Withdrawals sign above ATM, illumination to the surround	Granted 11/07/2019
17/0205/01	Replacement signage scheme to include 1 x fascia sign, 1 x PETG frame sign, 2 x ACM direct print panels and 1 x poster frame	Granted 12/04/2017
07/0186/10	Replacement of mechanical extract/coolant fans to the rear elevation, complete with protective canopy to loading platform	Withdrawn 25/06/2014
06/0653/10	Installation of cash point machine	Granted 09/05/2006

The following planning history which relates to the vacant unit (Unit 7) is also considered of relevance.

18/1000/10	Change of use to A3 pizza and kebab takeaway	Refused 05/11/2018
16/0717/10	Change of use from A1 to A3	Refused 02/09/2016
82/0461	Change of use to take away hot food shop	Refused 28/07/1982

## POLICY CONTEXT

### Rhondda Cynon Taf Local Development Plan

The application site is situated within the Southern Strategy Area and within the settlement boundary. The site is not allocated for any specific purpose.

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

**Policy CS2** – Development in the South – Advises that in the Southern Strategy Area, emphasis will be sustainable growth that benefits Rhondda Cynon Taf as a whole.

**Policy AW2** – Sustainable Locations – 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** – 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.

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 5<sup>th</sup> 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 does not meet the seven wellbeing of future generations goals. Although the proposal seeks to strengthen the local economy and support a more prosperous Wales, it fails to support a healthier Wales or a Wales of cohesive communities. Furthermore, it is considered that the proposal has not been brought forward in a manner consistent with the five ways of working.

In addition, it is considered that the proposed development is not wholly consistent with the key principles and requirements for placemaking as stipulated in Chapter 2 People and Places: Achieving Well-Being Through Placemaking as it does not promote physical health. The proposal does however foster economic development and offer a community based facility. Furthermore, the proposal is not wholly 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)

With regard to Chapter 5 (Productive and Enterprising Places), it is considered that the proposal seeks to strengthen the local economy.

Other relevant policy guidance consulted:

PPW Technical Advice Note (TAN) 4 – Retail and Commercial Development  
PPW TAN 11 – Noise  
PPW TAN 12 – Design  
PPW TAN 18 – Transport  
PPW TAN 23 – Economic 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**

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 property is located within the settlement boundary as identified by the Rhondda Cynon Taf Local Development Plan and within a small precinct of 7 no. commercial properties where the type of use proposed is regarded as acceptable, subject to the criteria below.

### **Impact on the character and appearance of the area**

The application proposes the change of use of part of the commercial unit, with no external alterations proposed. Customers would access the take away counter from inside the existing retail unit, therefore utilising the existing main access. As a result, it is not considered that the proposal would significantly impact upon the character and appearance of the application site or surrounding area.

### **Impact on residential amenity and privacy**

Whilst sited within a small cluster of commercial properties, the majority of properties within the immediate locality are residential in nature. It is therefore important that the privacy and amenity of existing neighbouring residents is safeguarded.

The planning history of the shopping precinct indicates that four previous applications which proposed the change of use of Unit 7 to a hot food takeaway were refused partly due to the adverse impacts upon the residential amenities of neighbouring properties. The objections suggest that the current application should be refused due to its similarities with those previously refused, however each application must be determined on its own merits.

The current application differs from those previously refused in that the change of use would occur to only part of the retail unit rather than a whole unit and the opening hours would reflect those of the existing retail unit rather than extend any later into the evening. Furthermore, the take away unit would be accessed from inside the existing retail store, therefore it would function in conjunction with an existing business, albeit within a different use class. Some concerns have been raised that the applicant could extend the opening hours of the take away facility, however should permission be granted the opening hours would be conditioned and therefore a further permission would be required to alter them.

The objections indicate that the proposal would create nuisance odours and fumes. The Applicant has indicated that extraction equipment would be provided at the property. Should permission be granted, details of the specialist extraction and waste equipment could be secured by way of condition and no objections have been raised from the Council's Public Health and Protection Department in this regard.

Concerns are also raised that the proposal would increase litter as well as members of the public loitering and engaging in anti-social behaviour. These points are considered to be speculation and would not warrant the refusal of the application. There are waste bins located within the precinct for the disposal of litter and there are other legislative procedures in place to tackle anti-social behaviour outside of the planning system.

Concerns have been raised that the proposal would result in an increase in noise as a result of the increase in customer numbers and from a potential pizza delivery service. It is considered that the proposal may result in some increase in noise due to additional customers, however it is not anticipated to be so severe as to warrant the refusal of the application.

It is considered that the application site is located within a well-established shopping precinct whereby a degree of disturbance from the comings and goings of customers is to be expected. The Agent has indicated that the proposal provides an opportunity to boost sales and increase the overall viability of the business. It is reasonable to expect that many customers using the take away facility would also be making purchases from the shop. The A3 use would follow the same trading pattern as the existing retail store and unlike the previously refused applications would not trade any later into the evenings. On balance, it is considered the operation of the proposed A3 use within the existing retail unit would not result in such severe impacts to residential amenities to warrant the application's refusal.

### **Access and highway safety**

The Council's Transportation Section have raised a number of objections to the scheme following consultation. Some of these concerns are reiterated in the objections received by members of the public and the Local Councillor.

In their assessment of the scheme it was commented that whilst both the primary and secondary accesses to the site off Cardigan Close and Dolgellau Avenue have sufficient carriageway width to accommodate free flow of traffic, there is a considerable amount of on-street car parking along these streets which narrows the available width to single file traffic. Therefore, the current situation has a detrimental impact upon the safety of all highway users and the free flow of traffic and this problem would be exacerbated by the operation of an additional take away at the precinct. Furthermore, the proposal would increase the amount of vehicle trips along the street during the evenings when the majority of residents are home from work and street space is reduced further by higher on-street car parking demand.

It was also noted that the above problems are further impacted by the increase in height of a boundary treatment at No. 16 Cardigan Close which reduces forward visibility around the bend, and the visibility splay at the junction of Cardigan Close and Radnor Drive is substantially reduced by on-street car parking pressure.

In conclusion, the proposed operation of an additional take away facility at the precinct would have an unacceptable detrimental impact in terms of pedestrian and highway safety. It is anticipated that the proposed hot food takeaway would give rise to a greater intensity of short term indiscriminate parking to the detriment of highway safety and free flow of traffic.

### **Other Issues**

The comments from the local residents are fully acknowledged. Points 1 to 7 of the comments are addressed above. With regard to Point 8, the concern raised is acknowledged. The take away facility would offer fast food however there are other food choices also available within the convenience store. With regard to Point 9, the Council is not aware of the details of the covenant which is a separate private legal matter that would not prevent planning permission from being granted. Finally, points 10 and 11 are not 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**

In conclusion, it is considered that the proposal would result in undue harm to all highway users and is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

**RECOMMENDATION: Refuse**

1. The proposed development would result in additional traffic along the residential streets which are already oversubscribed with on-street car parking narrowing the available width to single file traffic and blocking footways to the detriment of safety of all highway users and free flow of traffic, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.
2. The highway and pedestrian safety would be substantially compromised due to high on-street car parking demand coupled with boundary treatments which have reduced forward visibility, junction radii, vision splays would further be exacerbated by the increase in traffic from the proposed hot food takeaway, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.