



## **PLANNING & DEVELOPMENT COMMITTEE**

**3 OCTOBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/0759/10 (JE)  
**APPLICANT:** Mr Nigel Gunes  
**DEVELOPMENT:** Change of use from A1, retail to A3, restaurant/takeaway with installation of extraction unit system.  
**LOCATION:** THE VILLAGE BAKERY, 18 WINDSOR PLACE, YNYSYBWL, PONTYPRIDD, CF37 3HR  
**DATE REGISTERED:** 10/07/2019  
**ELECTORAL DIVISION:** Ynysybwl

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#### **RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:**

#### **REASONS:**

The principle of the change of use is acceptable. Further, the proposed use is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan in regards to its impact upon residential amenity, character and appearance, and upon highway safety in the vicinity of the site.

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

- Three letters of objection have been received.

#### **APPLICATION DETAILS**

Full planning permission is sought for the change of use from a Bakery (Use Class A1) to Take away (Use Class A3) at 18 Windsor Place, Ynysybwl, Pontypridd.

The proposed change of use would be facilitated largely through internal alterations to the property in order to better assist in the running of the takeaway. Whilst no external changes are proposed to the shopfront, the proposal would see the installation of an extraction equipment to the side of the property.

The proposed flue would be set back 5.4 metres from the front elevation and would be elevated 2.7 metres above ground level. The proposed flue would measure a height of 4.2 metres and would be constructed from galvanized metal.

The following opening hours are proposed:

Monday to Sunday: 16:00 – 00:00

The application is accompanied by the following:

- Design and Access Statement

## **SITE APPRAISAL**

The application property is a two storey, end of terrace premises directly fronted by the B4273 which is the main highway running through the village of Ynysybwl. The property is attached on its left elevation with a small enclosed service area on the right elevation separating from 16 Windsor Place Beyond. The premises currently operates as a bakery and is within the retail centre of Ynysybwl with a number of other commercial premises within the vicinity. On the ground floor the property benefits from a commercial style frontage, large display windows and has space for associated fascia signage.

## **PLANNING HISTORY**

The most recent planning applications on record associated with the site are:

07/1776/01	16 Windsor Place, Ynysybwl, Pontypridd	Advertisement application, proposed signage	Grant 06/12/2007
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## **PUBLICITY**

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

Three letter of objection have been received two from neighbouring occupiers and one from the community council, the points raised have been summarised below:

- Noise and disturbance
- Hours of operation
- Lack of parking
- Litter
- Already takeaways within the vicinity

## **CONSULTATION**

**Highways:** No objection subject to condition.

**Public Health and Protection:** No objection subject to conditions.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site lies within the settlement boundary for Ynysybwl and is located within the retail centre.

**Policy CS1** – sets out the criteria for development in the Northern Strategy Area.

**Policy AW2** – supports 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** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy NSA18** – sets of the retail hierarchy in the northern strategy area with Ynysybwl classed as a local and neighbourhood centre.

### **Supplementary Planning Guidance**

- Design and Placemaking;
- Access, Circulation and Parking Requirements.

### **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 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being 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 defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 (managing new development)

Chapter 2 (achieving wellbeing through placemaking)

Chapter 3 (good design and 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 network, water and flood risk, air quality and soundscape, lighting)

Other policy guidance considered:

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 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:**

#### **Principle of the proposed development**

The application seeks the change of use of an existing commercial premises from a Bakery (Use Class A1) to a Takeaway (Use Class A3).

Out of the existing 21 units within the Ynysybwl retail centre 4 are A3. The proposal would see this increase to 5 with a percentage of 23.81%. As such, it is not considered the proposed change of use would lead to an overconcentration of A3 uses in the village, and it would in fact make a valuable contribution to the local area, complying with the objectives of Policy CS1 which seeks to promote sustainable growth within the Northern Strategy Area.

It is therefore considered that the change of use would be compliant with the relevant policies set out in both the Rhondda Cynon Taf Local Development Plan and Planning Policy Wales and the development is acceptable, in principle.

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

In terms of the extraction equipment, given its location set back from the front of the property, the extraction flue is not considered to form a significant addition to the street scene at Windsor Place. Also with the neighbouring property 16 Windsor Place to the north set back from the side elevation of the property, the extraction equipment would be largely screened

from view when travelling southbound on the B4273. In addition, the proposed dimensions of the extraction equipment are not considered to create an addition which dominates the overall appearance of the property.

Furthermore, the proposal simply seeks renovation and improvement works to the existing property and does not propose any increase to the footprint of the building or any external works to the shopfront. Consequently it is not considered that the proposed change of use would result in any undue impact upon the character and appearance of the property or the wider surrounding area. The application is therefore considered acceptable in this regard.

### **Impact on residential amenity**

Whilst the objectors concerns regarding the impact upon residential amenity through increased noise and disturbance are acknowledged. The proposal will utilise an existing commercial unit that is located within the retail centre of Ynysybwl. As such, the majority of surrounding properties are commercial in nature with residential properties mostly located to the rear of the site and would be largely screened from any potential impacts. It is therefore not considered there would be a significant impact in this respect for the following reasons:

It is not considered the proposal to operate an A3 use in this settling will significantly increase the current level of disturbance with customer coming and goings being similar in number to that which already exist at the property although timings will change. In addition with a public house and existing A3 takeaway also in the vicinity of the site there is a general level of activity that is greater than that which would be experienced in solely residential area.

With regard to the proposed extraction equipment no objection was raised following consultation with the Council's Public Health and Protection Division. However it was noted that there is a potential for issues to arise in respect of noise. As such, it is advised that these issues can be overcome through the submission of a noise survey prior to the installation of the extraction equipment at the premises.

Consequently, whilst it is acknowledged that there will inevitably be a degree of impact from the A3 use, on balance, it is not considered that the proposed operation of the unit under Class A3 would result in the amenity of the occupiers of the surrounding properties being materially affected to a degree that would warrant refusal of the application. It is however considered a condition should be added to any consent to restrict the opening hours given the residential nature of the area and that whilst the applicant proposes to operate until 12am each night, it is considered 11pm would be more appropriate in this instance.

### **Impact on highway safety**

Whilst the objector's comments with regard to the impact upon parking are acknowledged no objections were raised following consultation with the Council's Transportation Section. In their consideration of the scheme the Transportation Section gave the following response:

There is concern the proposed use will add additional on-street car parking on a classified road (B4273) to the detriment of all highway users and the free flow of traffic. However, there is potential to mitigate the impact of the proposal by removing the existing double yellow lines located within the layby to the north which will provide for additional parking within the vicinity of the site. On this basis on balance no objection has been raised subject to a condition requiring removal of the double yellow lines.

Taking the above into consideration on balance the application is considered to be acceptable in this regard.

### **Public Health & Protection**

The Council's Public Health and Protection Department have recommended that a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are noted, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary.

### **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 development is supported and the change of use is deemed to have an acceptable impact upon the character and appearance of the area, the amenities of nearby properties and highway safety within the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan as highlighted above.

### **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 plan(s) no(s)

1. A102 – Received 31/07/19

2. A103 – Received 31/07/19

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. Prior to the installation of extraction equipment, a noise survey must be carried out by a competent person in accordance with the provisions of BS4142 as amended, the assessment shall be submitted to and approved in writing by the Local Planning Authority. All equipment shall be installed in accordance with the approved scheme prior to beneficial use, and shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: In the interests of public health and amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The public opening hours for the business hereby approved shall be as follows:

Monday to Sunday – 16:00 to 23:00 hours

Reason: To define the scope of the permitted use and in the interest of the amenity of neighbouring occupiers in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence until a scheme of on street parking along Windsor Place (B4273) has been submitted to and approved by the Local Planning Authority. The scheme of parking shall then be carried out in accordance with the approved details prior to commencement of the use unless otherwise agreed in writing by the LPA.

REASON: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.