

first floor flat, which is accessed via a side entrance from Cross King Street. To the rear of the building (adjoining No. 34 Cross King Street), an existing single storey annexe currently provides a storage facility for the shop with the main roller shutter entrance accessed from Cross King Street. The premises adjoins residential properties to the south and west.

The application site lies within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from a convenience store with bakery (A1 use class) to a convenience store with bakery and a take away facility (A1/A3 use class). A new 'L' shaped counter would be fitted at the rear of the premises for the provision of the take away facility. The mixed use premises would operate Monday to Friday from 06:30 until 22:00, Saturday 06:30 until 22:00 and Sunday and Bank Holidays 07:00 until 21:00. There are no external alterations proposed as part of this application.

The applicant has also confirmed that the Post Office (on the opposite side of the road) is due to close and would be relocated to the Premier Store. The Post Office would also fall under an A1 use class and as such planning permission for its relocation within the convenience store would not be required.

PLANNING HISTORY

P/16/0203 – Sub-divide first floor flat into 2 no. 2 bedroom flats, convert store to garage, erection of air conditioning unit and flue to rear elevation and new door to side elevation – Approved: 15th September 2016

P/08/0422 – Sub division of first floor flat into two self-contained flats and conversion of store to garage – Approved: 27th November 2008

CONSULTATION

Engineering and Traffic Group Leader No objection.

Town Planning Division's Policy & Implementation Group Leader No objection.

Environmental Health Manager No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2016, letters were sent to nearby occupiers and a site notice was displayed within the vicinity of the site on 17th January 2017. Two letters of objection have been received, which in summary, raise the following planning related concerns:

- There are already takeaway facilities in the area and another take away would intensify the smell/odour in the area, particularly to nearby properties located adjacent to the extraction flue;
- There would be an increase in air pollution in the area;
- There would be an increase in the demand for parking in the area which is already limited;
- The longer opening hours would give rise to additional noise and disturbance from the use of the extraction flue, delivery vehicles and customers coming and going;
- The use is likely to result in additional litter and food waste in the streets leading to other problems.

POLICY CONTEXT

The Merthyr Tydfil Local Development Plan (LDP) 2006 – 2021

BW1 - Development strategy – Primary Growth Area
 BW4 - Settlement boundaries / locational constraints
 BW7 - Sustainable design and place making
 BW8 - Development and the water environment
 BW12 - Development proposals and transport
 BW17 - Securing community infrastructure benefits
 TB11 – Access, Parking and Accessibility of Local Facilities

PLANNING CONSIDERATIONS

The introduction of a takeaway facility within an existing shop is considered acceptable and in accordance with LDP Policy BW4. Thus, the main issues to consider under the assessment of this application relate to whether the proposed operation of a mixed commercial use (A1/A3 use class) would be acceptable with regards to its impact upon the character and appearance of the premises, the privacy and amenities of nearby occupiers, and upon parking provision and highway safety.

The proposal would not include any external alterations to the premises. Therefore it would not have an adverse impact on the character or appearance of the premises or upon the wider street scene. It would therefore comply with LDP Policy BW7.

Regard has also been had to the impact of the proposed development upon the privacy and amenities of nearby occupiers. It is noted that the existing premises, although being located on a main road, is surrounded by residential properties and the proposed use therefore has the potential to impact on the amenities of the occupiers of these properties. Indeed, the letters of objection received refer to the increase in odours, noise and disturbance that could result from the proposed takeaway element of the mixed use proposal. However, it should be noted that the issues regarding the noise and odour emitted from the extraction flue have been previously considered under application P/16/0203. Committee should note that this application (P/16/0203) was approved subject to a condition to limit the noise emitted from the extraction flue. This application considers the change of use only.

The premises is proposed to open from 6.30 until 22:00 on Monday to Saturdays and from 07:00 until 21:00 on Sundays and Bank Holidays (however, the applicant has confirmed that the premises would in fact close at 21:00 as the last hour would be dedicated to the

cleaning of the premises at the end of each shift). In any event, the proposed opening and closing times would not be considered unreasonable and would be similar to the opening times of the existing store (which currently opens at 06:30 and closes at 21:00) and other businesses along Pant Road (i.e. Kam Wah Chinese Takeaway and the Pantyscallog Inn Pub which are currently open until 23:00). The applicant also states that the proposed A3 use would not amount to a typical take away use (e.g. an Indian or Chinese). Instead, the food prepared would be more akin to a business predominantly selling sandwiches, baguettes and pasties, etc.

With reference to customer visits, the proposed takeaway could result in some additional noise and disturbance to nearby residential dwellings. However, any increase would be minimal, given that the premises already operates as a convenience store and bakery. The proposed takeaway use would therefore not warrant the refusal of the application, particularly as the proposed closing times are reasonable and at a time when residents could expect to have some peace and quiet. It is also noted that a nearby occupier has raised concerns in respect of litter and food waste resulting from the proposal however, this would be a matter to be addressed by other legislation. The Environmental Health Officer has been consulted and no issues or concerns have been raised in respect of the matters addressed above. The proposed development is therefore considered to comply with LDP Policy BW7.

In terms of the parking facilities and highway safety, it is noted that the business premises is not served by on-site parking facilities, however, there is unrestricted parking outside the premises, along Pant Road and Cross King Street. The Engineering and Traffic Group Leader has been consulted and has not raised any issues with on-street parking or highlighted any potential highway safety concerns. The proposal is therefore considered to comply with LDP Policies BW12 and TB11.

Furthermore, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

For the above reasons the proposed development is considered to be acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- New Layout for Shop Area (Takeaways will be provided from new 'L' shaped counters), received 22nd December 2017;
- Supplementary Information, received 27th January 2017.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. The mixed A1/A3 use hereby permitted shall not be carried out outside the hours of:

- 06:30 until 22:00 - Monday to Friday;
- 06:30 until 22:00 - Saturdays;
- 7:00 until 21:00 - Sundays and Bank Holidays

Reason - To ensure that the noise emitted/activities are not a source of nuisance to the occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.
