

# DELEGATED REPORT

<b>Application No:</b>	<b>P/25/0162</b>
<b>Site Address:</b>	<b>Unit 2 (Former Moktar) Three Salmon Street Merthyr Tydfil CF47 8DS</b>
<b>Development:</b>	<b>Change of use of ground floor to a residential unit with associated external alterations</b>
<b>Case Officer:</b>	<b>Rebecca Owens</b>
<b>Site Visit:</b>	<b>10th June 2025</b>
<b>Application Expiry Date:</b>	<b>29th July 2025</b>
<b>Consultation reply date expired:</b>	<b>1st July 2025</b>

## APPLICATION SITE

The application relates to a commercial premises (cafe) within the settlement boundary. The site is within the town centre and as such in a mixed use area comprising of other commercial, retail and residential uses. It is also within the Town Centre Conservation area

## PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the ground floor to a residential unit. This would comprise of a bedroom, bathroom and open plan kitchen, diner and lounge. In order to facilitate the change of use a number of associated external alterations are proposed which are summarised as follows:

- Removal of the shop front and roller shutters;
- Insertion of replacement timber windows in the front elevation;
- The insertion of a new timber window in the side elevation to serve a kitchen; and
- The insertion of a new timber window in the rear elevation to serve the bedroom.

Access to the existing first floor flat would remain as at present from the adjacent property.

## PLANNING HISTORY

The relevant planning history is summarised below:

P/25/0145 Alterations to shopfront including repositioning of doorway and new roller shutter  
Refused planning permission on 27 May 2025 for the following reason:

*“The proposed shopfront and roller shutter by virtue of their inappropriate and modern design would be visually harmful and fails to respect the character of the Town Centre Conservation Area, contrary to Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031”.*

P/00/0102 Retention of internally illuminated shop sign  
Refused planning permission on 10 May 2000.

## CONSULTATION

The following bodies were consulted and their responses are presented below:

Engineering and Highways	No objection
Planning Policy	No objection
Ecologist	No objection subject to enhancement
Environmental Health	No objection subject to conditions
Natural Resources Wales	No objection
Welsh Water	No objection subject to condition

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

## POLICY CONTEXT

### National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

### National Planning Policies

Planning Policy Wales (Edition 12, February 2024)

### Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1 Provision of New Homes
- SW2 Provision of Affordable Housing

- SW3 Sustainably Distributing New Homes
- SW4 Settlement Boundaries
- SW10 Protecting and Improving Open Space
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

## PLANNING CONSIDERATIONS

### Principle

The application site is located within the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to other relevant policies and material planning considerations which are set out below.

Policy EcW3 highlights that the town centre is the favoured location for retail, leisure and other complementary development and supports proposals for new and enhanced retail, leisure and other complementary provision where they improve the vitality and viability of the centre. Similarly, Policy EcW5 supports development that enhances the vitality and viability of the town centre. In this case, whilst the application site is within the town centre boundary, it is outside of the Primary Shopping Area, located on a quiet side street comprising of just two properties (1 and 2 Three Salmon Street). In this periphery location it is not considered that the introduction of a residential use at ground floor would be inappropriate or harmful to the overall town centre. It is acknowledged that it would result in the loss of a cafe and thus a unit with the 'A' use classes. However, it is also noted that there are several cafes within close proximity to the site and that there are several vacant units available for any potential new Class A uses to occupy. The change of use would also bring a vacant property back into use. Planning Policy Wales (PPW) and the LDP recognises that retail uses must be carefully blended with cultural, leisure and other uses if town centres are to continue to thrive. With reference to residential uses in town centres section 4.3.37 of PPW, notes that "*change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre*". Thus having regard to the above it is not considered that the proposal would be harmful to the vitality and viability of the town centre or contrary to Policies EcW3 and EcW5 of the LDP.

It is also noted that the proposal would result in the loss of a cafe and as such Policy SW13 would be relevant. This policy seeks to protect the loss of community facilities unless it can be appropriately justified under the following criteria:

- alternative provision of at least equivalent value to the local community can be provided nearby, or
- the existing provision is inappropriate or surplus to the needs of the community and is no longer required, or
- there is no longer a viable community use for the facility.

Given that there are several cafe uses within close proximity of the site the proposal would not contravene this policy.

It is also recognised that the application site falls within an area designated as open space, and protected under Policy SW10 of the LDP. However, as the development relates entirely to the existing building with no alteration to its footprint, there would be no impact on the open space provision.

### Character and visual amenity

The application site is located within the Town Centre Conservation Area and Urban Character Area 1 (UCA1). As such regard has been taken of Policy CW1 of the LDP and the impact of the proposal on the character of the area has been carefully considered.

The property subject to this application is vacant at ground floor level. As such the property currently has its roller shutters closed and provides no active frontage to the street. In addition, a continued lack of use could result in a steady decline in its condition and state of repair which would also negatively impact the appearance of the street scene and the character of the conservation area. The reuse of the building would be positive.

It is noted that there are proposed changes to the front elevation to create a domestic rather than commercial frontage along with some additional windows proposed at ground floor. In this respect the design and arrangement of the fenestration is considered to be appropriate and in keeping with the character of the property. In addition, it is highlighted that these would be timber units and thus would be sympathetic to the traditional character of the conservation area.

Thus, having regard to the above it is not considered that there would be any detriment to visual amenity and the changes would not harm the character of the conservation area or UCA1. It is therefore found to comply with Policies SW11 and CW1 of the LDP.

### Residential amenities

Regard has also been had for the impact of the proposal on the residential amenities of surrounding occupants. In this respect it is noted that the only physical changes to the exterior of the building relate to the removal of the shopfront and new fenestration. It is not considered that these would have any adverse impact and it is noted that the windows would not give rise to any overlooking or loss of privacy. Similarly, no concerns are raised with respect to the use itself. The site is located in the town centre and thus in an area where a higher level of noise and activity is to be expected and any new residents of the flat would occupy it in full knowledge of this. In addition, a residential use would result in a reduction in the comings and goings that would be associated with a cafe use and as such would result in less noise and disturbance to residents. It is also noted that the property does not benefit from any external amenity space to serve residents. However, its

arrangement is not uncommon with flats in the town centre, and it is not considered justified to refuse the application on such grounds. The proposal is therefore found to accord with Policy SW11 of the LDP in terms of residential amenity.

### Car parking and highway safety

It is noted that the site does not benefit from any off-street parking and no designated parking is included as part of the proposal. However, the existing use as Cafe would generate a parking demand that would be in excess of the proposed residential use. Furthermore, the site is located in a sustainable location within the town centre and is therefore in close proximity to services, facilities and public transport links. As such, no concerns are raised in respect to car parking or highway safety and no objection has been received from the Head of Engineering and Highways.

### Flood risk

The planning application proposes a residential use to the ground floor of the property. This is classed as highly vulnerable development under Technical Advice Note 15. However, the Flood Map for Planning illustrates just the western extent of the site abutting Flood Zone 2 and 3 (Rivers) with the site itself just outside of the flood zones. As such the use is found to be acceptable and it is noted that no objection has been received from Natural Resources Wales.

### Ecology

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a change of use and minor external alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

### Conclusion

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") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal 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.

Accordingly the following recommendation is made:

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

#### **CONDITIONS/REASONS:**

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:

Drawing Title: Proposed plans, elevations and sections, Drawing Number: FP02A, Received 16 July 2025.

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

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

**Reason** - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment.

## **INFORMATIVES**

1. The developers attention is drawn to the comments of Natural Resources Wales with respect to flood risk which were received as part of the planning application process and are published on the planning application search facility of the Merthyr Tydfil County Borough Council Website.
2. The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded the Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

*G. Davies*

**RECOMMENDATION ENDORSED**

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**Director of Neighbourhood Services**

**PP**

**DATE: 18<sup>th</sup> July 2025**