

DELEGATED REPORT

Application No:	P/22/0331
Site Address:	86 High Street Merthyr Tydfil CF47 8UG
Development:	Change of use from offices to gymnasium
Case Officer:	Marlene Ferreira
Site Visit:	5th January 2023
Application Expiry Date:	10th February 2023
Consultation reply date expired:	11th January 2023

APPLICATION SITE

The application site relates to the ground floor of 86 High Street, Pontmorlais in the Town Centre. Currently the premises is unoccupied but was previously used as offices.

The application site lies within the settlement boundary – Primary Growth Area, Town Centre Boundary, Town Centre Conservation Area and Article 4 Area as designated within the Merthyr Tydfil Local Development Plan 2016-2031. The site also falls within a C2 Flood Zone.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the ground floor of the premises from offices (B1 use class) into a gym (D2 use class).

The gym would be used for one-to-one training between the applicant, who is a personal trainer, and her clients. Internally, the premises would continue to make use of the existing layout to provide a yoga area, sports massage room, cardio room, kitchen, WC and office. Externally, no alterations are proposed to the premises.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/19/0203 - Change of use of ground floor from D2 (Assembly and Leisure) to B1 (offices)
– Approved: 10th September 2019

P/17/0034 – Change of use of ground floor from A2 (Accountants Office) to D2 (Assembly and Leisure) – Approved: 14th March 2017

P/16/0360 – Change of use of ground floor from A2 (Accountants Office) to D2 (Assembly and Leisure) – Refused: 12th January 2017

P/03/0050 – Conversion of garage to office and erection of side extension – Approved: 2nd July 2003

P/96/0371 – Conversion of first and second floors into 3 self-contained flats – Approved: 28th November 1996

CONSULTATION

Head of Engineering and Highways	No response.
Planning Policy Officer	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: The National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraphs 4.3.30, 4.3.33 and 4.3.34 refer to mixed uses in centres and state ‘...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy....’ ‘...Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre’s well-being and success, whilst also reducing the need to travel. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas...’ ‘...Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening...’

Paragraphs 4.3.43 and 4.3.44 recognise the importance of evening and night time economies, ‘...Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic...’ ‘...Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity’.

Paragraph 6.1.14 refers to conservation areas ‘...There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...’

- TAN's (Technical Advice Notes)

TAN 4: Retail and Commercial Development (November 2016) – This TAN refers to the variety of uses in the centre and states that ‘...a wide range of uses are located in retail and commercial centres including retail, office, residential, leisure, tourism and community functions. These centres are traditionally characterised by having higher densities which increases scope for different uses, including residential, to be accommodated above retail and commercial floorspace. Encouraging people to live and work in existing centres reinforces local demand and provides additional vibrancy during the day and in the evening. This diversity of uses, whilst benefiting the wider economy, will need to be carefully planned and managed to ensure that no conflicts arise, particularly with regards to amenity...’

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12: Design (2016) – This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment,

which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 15: Development and Flood Risk (2004) – This TAN considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

TAN 24: The Historic Environment (May, 2017) – This TAN refers to conservation principles and *‘... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...’*

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Placemaking

Policy CW1: Historic Environment

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

Policy EcW3: Retail Hierarchy – Supporting Retail Provision

Policy EcW5: Town and Local Centre Development

- Other guidance: Merthyr Tydfil Town Centre Conservation Area – Character Appraisal (June 2009)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location in principle, and whether it would be acceptable with regards to its impact upon the appearance of the premises, the character and appearance of the conservation area, residential amenity, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary – Primary Growth Area and as such, the proposal would therefore be in accordance with LDP Policy SW4 since new development in this location is acceptable in principle, provided it complies with other relevant LDP policies.

The site lies outside the Primary Shopping Area but is located within the Town Centre boundary and LDP Policies EcW3 and EcW5 are therefore relevant. LDP Policy EcW3 states that *‘...Merthyr Tydfil Town Centre is the favoured location for retail, leisure and other complementary development, being situated at the head of a retail hierarchy and*

being follow by the local centres...proposals for new and enhanced retail, leisure and other complimentary provision in all these centres will be permitted where they improve the vitality and viability of centres... LDP Policy EcW5 states that ‘...development enhancing the vitality and viability of the Town and Local Centres will be supported...’ Thus, the proposed gym would be providing a leisure facility and therefore would be considered an acceptable complementary use in the town centre which would not only bring the vacant premises back into use but would also enhance the vitality and viability within this part of the town centre. As such, the proposal would result in an acceptable development in accordance with LDP Policies EcW3 and EcW5.

The application site lies entirely within a C2 Flood Zone as illustrated on the LDP constraints map and within Flood Zone 3 of Natural Resources Wales (NRW) Flood Map for Planning. The proposed use of the ground floor of the premises as a gym, is classified as less vulnerable development as confirmed by NRW. As such, the location of the proposed development is considered acceptable subject to the developer being made aware of the potential flood risks and advised to install any feasible flood-proofing measures as part of the redevelopment. A copy of NRW’s comments has therefore been sent to the agent for their consideration. The proposed development would therefore accord with LDP Policy EnW4.

Character and Appearance

The works proposed in association with the change of use relate to internal alterations only and as such would not have any adverse impact on the character and appearance of the premises or the conservation area. As such, the proposal would accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use, it is recognised that it has the potential to create some noise and disturbance to nearby occupiers. However, it should be noted that the premises lies on a busy street within the town centre and is located in close proximity to other commercial businesses, including a Public House and Takeaway, which undoubtedly produces more noise and disturbance into the late evenings. Thus, the operation of the proposed use would not be deemed significantly more harmful to residential amenity when compared to the current commercial uses that already operate during late night hours, within close proximity of the application site. The Environmental Health Section has been consulted and has not raised any objections. It is noted however that they have recommended that there should be adequate sound proofing between the business and residential units. However, given the nature of the surrounding uses and the proposed times of operation from 06.30 until 20:30, this would not be considered a reasonable requirement in this instance, particularly having noted that this premises has been previously used for a D2 leisure use between 2017 and 2019. It should also be noted that no letters of representation have been received from nearby occupiers in respect of this use. The proposed development would therefore comply with LDP Policies SW11 and EnW4.

Parking and Highway safety

The proposed use would not be served by on-site parking provision. However, the application site lies within a sustainable town centre location, near a variety of facilities and in close proximity to bus stops and a train station. In addition, a public car park lies within

close walking distance of the application site. As such, the proposed development would therefore comply with LDP Policy SW11.

CONCLUSION

The proposed development, for the reasons discussed above, is considered acceptable and should therefore be approved.

Finally, 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.

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:

Drawing no: 908.01, Plans, received: 16th December 2022

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

3. The use shall not be carried out outside the hours of 06.30 to 23.00 Monday to Sunday.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



PR. Director of Neighbourhood Services

DATE: 03.02.2023