

DELEGATED REPORT

Application No:	P/22/0153
Site Address:	St Aloysius Presbytery Church Chestnut Way Gurnos Merthyr Tydfil CF47 9SB
Development:	Change of use of church hall to charity shop
Case Officer:	Caroline Pulley
Site Visit:	30th June 2022
Application Expiry Date:	11th August 2022
Consultation reply date expired:	21st July 2022

APPLICATION SITE

The application site comprises a church hall located at St Aloysius RC church in the residential area of the Gurnos. The hall is located along the northern elevation of the church. It is physically attached to the main building and is surrounded by its curtilage to the north, east and west. The surrounding area is predominately residential but the church is located only a short distance from the Gurnos Local Retail Centre. The nearest properties to the hall are those to the north (on the opposite side of the road to the hall) and the dwellings to the east (on the other side of the car park).

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of a church hall to a charity shop. The conversion would be undertaken within the fabric of the existing building with no alterations being proposed to the external elevations of the building. The proposed floor plan accompanying the application illustrates an open plan layout with shelving and hanging rails.

The application is supported by an additional supporting statement to allow the authority to consider an assessment of need for the proposed retail use.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering: No objection.

Planning Division's Policy Officer: 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 site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 4 – Retail and Commercial Development highlights the role of the planning system in creating vibrant, viable and attractive retail and commercial centres. It highlights that planning applications for retail development should focus on a town/local centre first approach. It states that if no suitable sites are available in retail or commercial centres, then edge-of-centre locations should be considered. It notes that only when these locations have been fully considered can outside a settlement area be considered.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy SW13 – Protecting and Improving Local Community Facilities

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

PLANNING CONSIDERATIONS

The application site is located within the residential area of Gurnos, which lies within the Primary Growth Area of the settlement boundary. As such, the proposal is deemed to be acceptable in principle, subject to compliance with other relevant planning policies and material considerations.

It is noted that the proposal to convert the church hall would result in the creation of new A1 retail space outside of a designated retail centre as defined by the Proposals Map, and as such, Policy EcW3 is applicable. This Policy states that outside these centres, proposals will be subject to an assessment of need and a strict application of the sequential test. In addition, proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability. Although the application building is not identified on the proposals map as forming part of a retail or commercial centre, it is situated in very close proximity to the Gurnos local centre and the Council's Planning Policy Officer has not raised any objection to the proposed use. It is noted that the use would benefit from shared trips and supports/enhances the viability of the existing community facility (the church).

National Policy, in particular Policy 2 of Future Wales promotes neighborhoods that are compact, walkable and organised around mixed-use centres. This view is supported by paragraph 4.1.31 of PPW11, which describes walkable neighbourhoods as comprising a range of facilities within walking distance. Although walking distance is not fixed in planning terms it often ranges from 1/8 to a mile or a 10-minute walk dependent on accessibility. The nearest retail and commercial centre is Gurnos situated just under a 2 minute walk away. In this instance, it is therefore considered that the application properties are situated within a small-established walkable district centre that has not previously caused harm either to the Town Centre or nearby local Centre. In addition, the additional floor space created is very modest and would not have a significant additional impact. The proposal therefore accords with Policy EcW3.

There are no external works proposed to the fabric of the building as such, this proposal would not have any adverse impact on the character and appearance of the existing building. Regard has also been had for the impact of the proposal on residential amenity and in this respect it is noted that the hall is located within the church grounds and is offset from the boundaries with neighbouring properties. Moreover, it is not considered that the proposed shop use would give rise to a significantly greater degree of noise and disturbance than that which already exists.

Having regard to the above the proposal would accord with Policy SW11 of the LDP in terms of its impact on visual and residential amenity and it is noted that no representations were received following the publicity exercise.

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

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:

Proposed Floor Plan received on 16.06.2022

Site and Location Plan Drawing no. ST ALOY 02 received on 16.06.2022

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

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be

required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

5/8/22