

DELEGATED REPORT

Application No:	P/23/0017
Site Address:	The Croft Shop Queens Road Twynyrodyn Merthyr Tydfil CF47 0HE
Development:	Convert existing garage into coffee shop
Case Officer:	Marlene Ferreira
Site Visit:	26th January 2023
Application Expiry Date:	25th October 2023
Consultation reply date expired:	16th February 2023

APPLICATION SITE

The application site relates to a detached garage, located to the north of The Croft property, a former residential dwelling with annex recently granted permission for use as holiday lets. The annex was formerly used as a coffee shop (A3 use) but was recently converted to an annex, prior to its change of use to holiday lets. The garage adjoins the garden wall enclosing the garden/driveway area serving The Croft and has been vacant for a significant period of time.

The application site lies within the settlement boundary and within the Thomastown Conservation Area.

PROPOSED DEVELOPMENT

This application seeks planning permission to convert the existing garage into a coffee shop.

Externally the proposed garage would comprise a pan tiled roof to replace the existing corrugated roof sheets. New pan roof tiles would also be installed on the existing front roof canopy. The front entrance would comprise grey UPVc double doors set just within the existing garage opening with a red steel external roller shutter. New black UPVc gutters would also be installed. A canvas, comprising the coffee shop name/signage would be installed above the roof canopy, which would be subject to a separate advertisement consent application.

Internally, the single garage would provide approximately 13 square metres of internal floor space which would include an open servery/prep area with a separate WC to the rear. It is proposed to operate with 4 staff members (2 full time and 2 part time), Monday to

Friday from 07:30 until 18:00, Saturdays from 08:00 until 16:00, and Sunday from 08:00 until 18:00.

PLANNING HISTORY

P/22/0292 – Change of use from two bedroom dwelling with annex to holiday lets – Approved: 19th December 2022.

P/22/0174 – Change of use from A3 to residential annex – Approved: 3rd August 2022.

P/05/0625 – Retention of extension to existing shop and food preparation and servery area associated with proposed A3 (Coffee shop snack bar facility) – Approved: 25th January 2006.

P/00/0277 – Proposed extension to existing shop and food preparation and servery area associated with proposed A3 (Coffee shop snack bar facility) – Approved: 21st March 2000.

CONSULTATION

Head of Engineering and Highways	Objection raised. ' <i>...The proposal will result in on-street parking to the detriment of highway safety and the free flow of traffic...</i> '
Planning Policy Officer	No objection.
Town Planning Division's Ecology Officer	No objection.
Environmental Health Manager	No objection.
Welsh Water	No objection.

Ward Councillors were consulted on the objections received but have not requested that the application be determined at Planning Committee. As such, the application will progress to be determined under delegated powers by the Director of Neighbourhood Services.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining 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)

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 3.7, 3.9, 3.10, 3.12 and 4.2.17 discusses good design and the use of previously developed land *‘...Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development...’* *‘...The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations...’* *‘...In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important...’* *‘...Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys...’* *‘...Maximising the use of suitable previously developed...can assist regeneration and at the same time relieve pressure for development on greenfield sites...’*

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...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’*

- TAN's (Technical Advice Notes)

TAN 4: Retail and Commercial Development (2016)

This TAN refers to the importance of retail and commercial development and states that '...the planning system's role in creating vibrant, viable and attractive retail and commercial centres is two fold: firstly in creating a positive and flexible policy environment for retail and commercial centres which recognises the individual needs and potential of each centre and planning for their futures in a co-ordinated way and; secondly, taking other policy and development management decisions which do not undermine the importance of retail and commercial centres and the sustainable locations they offer for businesses and the community. In guiding development to the most appropriate location, local planning authorities, in their development plans, should develop a local hierarchy to classify their various retail and commercial centres, and apply appropriate policies to those centres based on their characteristics. This locally-driven approach to defining higher and lower order centres is seen as most appropriate as urban and rural areas will have different scales and characteristics which cannot be defined consistently at the national level...'

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 24: The Historic Environment (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 EcW6: Out of Town Retailing Areas

PLANNING CONSIDERATIONS

The main issues to consider in the assessment of this application relate to whether the principle of the development is acceptable in this location and whether it would be an appropriate proposal in respect of its impact upon the character and appearance of the area, residential amenity, ecology, 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. Indeed, a coffee shop (A3 use) formerly operated from The Croft Annex since 2000 and has only recently been converted to an annex under planning permission P/22/0174, as noted above.

The site lies off Queen's Road which lies approximately 300 metres (as the crow flies) from the town centre. 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 followed by local centres. Outside the above centres, proposals will be subject to an assessment of need and a strict application of the sequential test. Proposals will then only be permitted where they avoid causing harm to town/local centre vitality and viability'*. Policy EcW6 goes on to state that *'proposals for retail development on new sites or existing retail areas in out-of-town locations will only be permitted where, it can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town or local retail centre, and, the proposal would not either individually or cumulatively with other existing or consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town or local centres'*.

It is acknowledged that the proposal would introduce an A3 use outside of a defined town or local centre. However, it should also be noted that the facility, which would only provide approximately 13m² of internal floor space, would amount to such a small development, that it would not be considered to have any significant adverse impact upon the vitality or viability of the town centre or any other centre. Furthermore, it appears likely that the unit would primarily serve the surrounding nearby residents and visitors of the adjacent Thomastown Park. As such, is very unlikely that this proposal would compete with similar A3 uses in the town centre or local centres, particularly considering that a coffee shop has existed in recent years at the premises next door (The Annex at The Croft) as briefly referred to above. In this instance, the proposed development would therefore be considered acceptable and would accord with LDP Policies EcW3 and EcW6.

Character and Appearance

The proposed development seeks to undergo internal and external alterations to the premises. Indeed, the existing garage appears to have been left unmaintained for sometime and the proposed works would therefore be welcomed.

The proposal would include the provision of a new pan tiled roof to replace the existing corrugated roof, which is currently in poor condition. The proposed roof would match the roof tiles on the front canopy of the garage and the existing adjoining property (The Croft), and would therefore be acceptable. Likewise, the replacement of the roof tiles on the existing front canopy with new matching pan roof tiles would also be welcomed. Whilst the proposal would introduce UPVc double doors to the front elevation and UPVc rainwater goods on a premises within a conservation area, it should be noted that such material finishes are already prevalent in the street. Indeed, the Croft and Annex is already served by UPVc windows and rainwater goods. Furthermore, a new red roller shutter would be installed to the outside of the premises for added security. Nevertheless, the replacement of the roller shutter door with a new UPVc door and new roller shutter would undoubtedly improve the appearance of the building, when viewed individually and within the wider conservation area. The alterations proposed in association with the A3 coffee shop use would therefore be considered acceptable, which would not detract from the character or appearance of the premises or the Thomastown Conservation Area. As such, these works would accord with LDP Policies SW11 and CW1.

Residential Amenity

Generally, the nature of an A3 use and its hours of operation have the potential to create noise and disturbance to nearby occupiers. However, in this instance, it should be noted that the A3 Coffee shop use would be occupying a very small scale building with a floor area of 13m² only. Furthermore, the use is proposed to operate during the daytime only, between 07:30 and 18:00 and would therefore not operate during anti-social hours. As such, any noise and disturbances associated with the comings and goings of customers visiting the proposed coffee shop, e.g. parking outside the premises, opening and shutting car doors, talking between customers, would be considered insignificant particularly since these are likely to occur during the daytime only.

It should also be noted that in the event that the coffee shop was to operate into the late evening, the premises lies in a segregated part of the street and is therefore not adjoining the boundary with any other dwelling, other than The Croft and Annex (which is also under the applicant's ownership). Thus, the potential that the proposed coffee shop would disturb surrounding residents is further reduced, since the closest residential dwelling is located over 30 metres away. As discussed previously, an A3 coffee shop formerly existed at the neighbouring premises, the Annex at The Croft. Thus, the impact of this proposed A3 use would not be deemed significantly more harmful to the surrounding residential amenity when compared to the A3 coffee shop, which previously existed near the application site. The Environmental Health Manager has not raised any objections in respect of the proposed use. The proposal, in this instance, is therefore considered to accord with LDP Policies SW11 and EnW4.

Ecology

The proposed change of use would involve internal and external alterations to the premises, including the replacement of its roof. As such, the Council's Ecologist requested that a Preliminary Roost Assessment (PRA) be submitted to assess the potential impact of the development on protected species and whether further surveys are required, including any mitigation and compensation works. The PRA was received on the 27th February 2023 and identified that the garage had had multiple potential roost features for bats and is set within and near to valuable bat foraging and commuting habitats. As such, the Council's Ecologist requested bat activity surveys be undertaken in support of the application. The

bat survey report, *The Croft Shop, Queens Road, Twynnyroddyn, Merthyr Tydfil, Bat Activity Survey, Issue 1, Version B, May 2023*, was received on 30th August 2023. The report was considered by the Council's Ecologist and was found to be acceptable. The proposed development, provided it is carried out in accordance with the recommendations and mitigation measures described in the report, would be considered acceptable and comply with LDP Policy EnW1.

Parking and Highway safety

The proposed development would not be served by on-site parking provision and as such the Head of Engineering and Highways has raised an objection, since they have concluded that the proposed use would result in on-street parking to the detriment of highway safety and the free flow of traffic. It should be noted however that the proposed business use is very small in nature and is located off a wide road with a generous amount of on-street parking available, where staff and customers can park when visiting the coffee shop. Indeed, it is likely to serve individuals already visiting Thomastown Park, as well as local residents. Furthermore, it should also be noted that it lies within a relatively sustainable location, being sited within walking distance of the town centre, near a variety of facilities and in close proximity to bus stops, a train station and car parks. Thus, whilst the Head of Engineering and Highways has raised an objection, the proposed development would not be considered to have a significant adverse impact on the free flow of traffic along Queens Road, to the detriment of highway and pedestrian safety. As such, the proposal would be considered to accord 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:

- Title: Proposed Plans, Elevations and Sections, Drwg no: Park Shop B Con 01B, received: 30th August 2023;
- The Croft Shop, Queens Road, Twynnyroddyn, Merthyr Tydfil, Bat Activity Survey, Issue 1, Version B, May 2023.

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

INFORMATIVES

1. No advertisement material apart from that permitted by the Town and Country Planning (Control of Advertisement 1985) shall be placed on the building without the prior written consent of the Local Planning Authority.
2. 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.

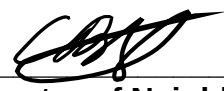
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. 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



Director of Neighbourhood Services

DATE: 07.09.2023