

DELEGATED REPORT

Application No: P/19/0305

Site Address: 4 Bridge Street
Troedyrhiw
Merthyr Tydfil
CF48 4JX

Development: Change of use to a cafe (A3 use). Provision of a first floor flat and new side access door

Case Officer: Caroline Pulley

Site Visit: 2nd December 2019

Application Expiry Date: 6th April 2020

Consultation reply date expired: 3rd March 2020

APPLICATION SITE

The application site comprises a two-storey property located along Bridge Street in the designated retail centre of Troedyrhiw. The property is positioned between two commercial properties on the opposite side of the road to Troedyrhiw Infants School. It is currently unoccupied but is understood to have been used previously as a dentist. Its Bridge Street elevation has a traditional timber shop front comprising a recessed entrance door, a low stallriser, mullions, transoms, pilasters and attractive decorative railings. The remaining part of the building is rendered and benefits from white timber sash windows. On its eastern side the property is bound by a restaurant and to the west and on the opposite side of a short narrow access lane is a pharmacy. To the rear, the property backs onto a two-storey building which projects from the back wall of the adjoining restaurant. The wider area surrounding the site is predominantly commercial in nature. However, there are a number of residential properties located along Bridge Street.

PROPOSED DEVELOPMENT

This application seeks full planning permission to convert the ground floor of the property to a café and provide a one bedroom flat on the first floor. No substantial alterations are proposed to be undertaken to the fabric or external elevations of the building and the applicant has confirmed that there are no intentions to install a flue. However, as part of the proposal, one of the ground floor windows located in the west facing side elevation of the building would be changed to a door to facilitate an independent access to the first floor flat.

The opening hours proposed for the cafe are as follows:

- Monday to Friday 06:00 to 18:00 hours

- Saturdays 06:00 to 14:00 hours
- Sundays and bank holidays 08:00 to 13:00 hours

The application is accompanied by a Flood Consequence Assessment (FCA).

PLANNING HISTORY

P/99/0086 Replacement of flat roof with pitched roof at rear, security grids and gates to front elevation and internal w.c.
Approved – 22.04.99

CONSULTATION

Engineering and Traffic: No objection.

Environmental Health Manager: No objection.

Natural Resources Wales: 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 two site notices were displayed within the vicinity of the site.

No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) 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 TANs to this application are as follows:-

TAN 4 – Retail and Commercial Development highlights that a wide range of uses are located in retail and commercial centres. In particular, it states *‘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 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.

TAN 15 – Flood Risk and Development and Flood Risk classes residential development as highly vulnerable development.

Technical Advice Note (TAN) 23 – Economic Development

Para. 1.1.1 highlights the importance of the planning system in recognising the economic aspects of all development and that planning decisions are made in a sustainable way which balances the social, environmental and economic considerations.

Local Policy

Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy SW13 - Protecting and Improving Local Community Facilities

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The application site is located within settlement limits and within an area that is characterised by a mixture of both commercial and residential uses. It also lies within the Troedyrhiw local centre as defined by Policy EcW3 of the LDP. This policy states that development proposals for new or enhanced will be supported '*where they improve the vitality and viability of the centre(s) concerned*'. Therefore, having considered the very nature of the proposal and its location within the designated local centre, it is considered that the principle of changing the use of the building to a mixed retail/residential use is acceptable.

With regard to the loss of a community facility, the dentist which previously occupied the building is now located within another property nearby on Bridge Street. As such, an alternative provision has been provided and therefore the proposal meets the objectives of Policy SW13 which seeks to protect and support the enhancement of community facilities within the County Borough.

As such, the main issues to be considered when determining this application are therefore:

- The impact of the development on the character and appearance of the existing building and the wider area.
- The impact of the development on the amenities of neighbouring residents.
- The highway/pedestrian safety implications of the development.
- The flood risk implications associated with the proposed development.

Impact on the character and appearance of the area

As the area is characterised by a mixture of uses, it is not considered that the change of use would pose any adverse impact upon the character and appearance of the

surrounding area. Also, the proposal would not require any substantial alterations to the building and it is noted that the traditional timber shop front present on Bridge Street would remain intact. As such, the development would not cause material harm to the character and appearance of the building.

Amenities of neighbouring properties

Policy SW11 of the LDP, amongst other things, considers the potential impact on the amenities of neighbouring properties. In this respect, the site is located in a mixed use area with commercial, retail and residential uses present, and while the site is bounded by a restaurant to the east and a pharmacy to the west, there are a number of residential properties nearby. The use of the premises as a cafe however, is considered to be acceptable as the proposed use would operate during daytime hours and would by its very nature typically attract customers that visit and stay for a period of time. However, other uses within the A3 class may not be acceptable in this location for example, a hot food takeaway. This type of A3 use generally results in numerous short visits and generates more noise and disturbance from the comings and goings of customers and associated vehicle noise (etc. car engines, car doors etc.). It is also a use which typically attracts customers later into the evening when surrounding neighbours would expect a certain level of peace and quiet. This type of use can also generate odours and cooking smells which can impinge on the amenities of nearby residents. It is acknowledged that there are examples of A3 uses in the local centre which would operate late into the evening/early into the night which would also generate noise and disturbance (including hot food takeaways, restaurants and public houses). However, many of these are historic uses which have been in situ for numerous years. Having regard to the above, the proposed use is acceptable subject to conditions which restricts the property to a café use only and no other use within the A3 Use Class and also limits the opening hours. It is also noted that no representations were received following the publicity exercise.

Highway Safety

The Engineering and Traffic Group Leader has noted that there are parking restrictions in place along the adjacent highway. As such any illegal parking is enforceable. Furthermore, the parking demand for this mixed retail/residential use is not considered to be materially different to the previous dentist use which would have likely generated multiple short term visits throughout the day. As such no objections have been raised in this respect. The proposal is therefore found to be acceptable in terms of highway safety and in accord with the relevant criteria set out by Policy SW11 of the LDP.

Flood Risk

Notwithstanding the above, residential development is proposed within an area identified as a C2 Flood Risk Zone, being an area of floodplain without significant defence infrastructure. The advice set out in TAN 15, advises that in such locations, highly vulnerable development, which includes residential properties, should not be considered. Nevertheless, in this instance, it is considered that there are other material considerations which should be taken into account when considering the flood risk associated with the proposed development.

Whilst recognising that it is not sensible to allow people to live in areas which are subject to flooding, the application relates to the conversion of an existing building which is in an area characterised by a mixture of both commercial and residential uses. This particular

proposal would also allow a vacant and underused building within a designated retail area to be brought back into full beneficial use which would help to support the function of the centre by providing additional vibrancy during the day and in the evening. It is also important to acknowledge that the proposed residential use would be located on the first floor level and the submitted FCA has confirmed that the flat would be free from flooding should a 1 in 100 or 1 in 1000 year event occur. Therefore, given the particular circumstances of this case, it is considered that a balanced view should be taken when considering the flood risks associated with this development. Accordingly the advice of NRW has been sought.

Following a comprehensive assessment of the flood risks associated with the commercial unit located on the ground floor, together with the residential unit proposed on the first floor of the building, NRW raise no objection to the scheme. Their response acknowledges that there would be no change in vulnerability to the use proposed on the ground floor. In respect of the first floor flat, they clearly advise that residential development in this location should not be considered as it fails to accord with national policy set out in TAN 15. However, having regard to the particular circumstances of this case and the fact that the residential use would remain flood free, they have raised no objections to the development. However, they advise that no information has been provided on the rate of rise or speed of inundation. This has been acknowledged. However, given that the residential unit would remain flood free and there is no change in vulnerability to the use proposed on the ground floor, this information is not considered necessary.

Conclusion

The proposed development is welcomed as it would help to bring an existing building back into beneficial use, thus helping to contribute to the regeneration of local retail centre. Although it is fully acknowledged that the scheme does propose highly vulnerable development (i.e residential development) in an area which is at risk of flooding, the submitted FCA confirms that the flat would remain flood free. As such, it is considered that the risks associated with flooding could be managed to an acceptable level. Moreover, the potential risks on the development have been carefully balanced against the benefits of bringing a vacant building in the retail area back into beneficial use. It should also be noted that the Environmental Health Officer and the Engineering and Traffic Group Leader have not raised any objections to the scheme.

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 Side Elevation - Dwg No. 004 (dated 26/10/2019)

Proposed Layout - Dwg No. 002 (dated 26/10/2019)

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

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

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

4. The ground floor of the premises shall be used for a cafe only and for no other purpose in class A3 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - To restrict the development to prevent an adverse impact on residential amenity in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

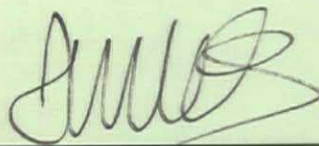
5. The cafe use shall not be carried out outside the hours of 06.00am to 19:00pm Monday to Saturday and 08:00am to 18 00pm on Sundays.

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.

INFORMATIVES

1. The applicant's attention is drawn to the comments received from Natural Resources Wales regarding the flood risk associated with the proposed development.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

17/3/20