

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES)
ORDER 2012 (as amended)**

REFUSAL OF PERMISSION

To: Mr Kabilan Ponnuthurai c/o Mr John Skelton Housing Plot Ltd 7th Floor Brunel House
2 Fitzalan Road Cardiff CF24 0EB

WHEREAS you submitted an application on the 10th day of October 2023 to develop: Shingrig House 1 Efail
Shingrig Trelewis Treharris CF46 6DP short particulars of the application being as follows:-

Name of the Applicant

Description of Proposed Development

Mr Kabilan Ponnuthurai
1 Shingrig House Efail Shingrig
Trelewis
Merthyr Tydfil
Treharris

Convert workshop into a convenience store (A1 use) to include
rear extension (Full)

MERTHYR TYDFIL COUNTY BOROUGH COUNCIL as the Local Planning Authority hereby **REFUSE TO PERMIT** the proposed development for the following reasons, namely:

- 1 The applicant has failed to demonstrate the need for the provision of a convenience store in this out of centre location, which would have an unacceptable impact on the trade, turnover, vitality and viability of nearby similar established services. As such, the proposal would not accord with Policies EcW3 and EcW6 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
- 2 The proposed convenience store, by virtue of its inappropriate shopfront design comprising large full height windows with signage above, would represent a visually poor and disproportionate development, detrimental to the character and appearance of the existing building and surrounding street scene. The proposed development therefore fails to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
- 3 The proposed convenience store, by virtue of its siting near residential properties and late operating times in the evening and night, would result in unacceptable noise and disturbance, to the detriment of the residential amenities of nearby occupiers. As such, the proposal would be contrary to Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
- 4 The applicant has failed to provide sufficient ecological information to fully consider the potential impacts of the development on protected species, habitats and any other features of ecological interest. Insufficient information has also been submitted to demonstrate that a net benefit would be provided in respect of biodiversity. The proposed development is therefore contrary to Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan and Planning Policy Wales Edition 12.

- 5 The proposed convenience store, due to its siting in close proximity to a busy main highway junction and congested residential street, would result in indiscriminate short term parking by visiting customers and/or delivery drivers, to the detriment of highway and pedestrian safety and the free flow of traffic. The proposed development is therefore contrary to Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

Date: 6th September 2024

Signed:



(Director of Neighbourhood Services)

**IT IS IMPORTANT THAT YOU READ
THE NOTES ATTACHED TO THIS FORM**

NOTES

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant permission subject to conditions, he/she may appeal to Planning & Environment Decisions Wales in accordance with Section 78(i) of the Town and Country Planning Act 1990, within SIX MONTHS of the receipt of this Notice. (Appeals must be made on a form which is obtainable from Planning & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ). Alternatively you can use the Planning & Environment Decisions Wales website (www.gov.wales/planningappeal) to complete your appeal. Planning & Environment Decisions Wales has the power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Planning & Environment Decisions Wales is not required to entertain an appeal if it appears to it that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by Planning & Environment Decisions Wales, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he/she may serve on the Council in which the land is situated, a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- (3) In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by Planning & Environment Decisions Wales on appeal or on a reference of the application to it. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.