

DELEGATED REPORT

Application No:	P/24/0019
Site Address:	79 79A & 80 Victoria Street Dowlais Merthyr Tydfil CF48 3RN
Development:	Change of use from existing office use at first floor of 79 & 79A Victoria Street into 1 bedroom flat. Change of use from dog grooming room at ground floor of 80 Victoria to provide 2nd bedroom to serve existing first floor flat.
Case Officer:	Marlene Ferreira
Site Visit:	21st February 2024
Application Expiry Date:	26th March 2024
Consultation reply date expired:	22nd February 2024

APPLICATION SITE

The application site relates to a row of terraced properties at 79, 79a and 80 Victoria Street, located in Dowlais. The properties, jointly, are occupied by a dog grooming business at ground floor with a staff room/office and kitchen and WC at first floor, accessed off the lobby area at 79 Victoria Street. A separate one bedroom flat also occupies the first floor and is accessed via a ground floor lobby area at 80 Victoria Street.

The properties lie within the Dowlais Local Centre and are not served by any on-site parking or on-street parking since this is marked by double yellow lines. However, a public car park lies within a very short walking distance of the application properties.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the existing office/staff room area, kitchen and WC at first floor into an independent 1 bedroom flat. The proposal also includes a change of use of one of the existing ground floor dog grooming rooms and WC into a 2nd bedroom with WC to be used in association with the existing first floor flat. As such, this proposal seeks to reduce the area used for the dog grooming business and provide a new 1 bedroom flat to replace the office/staff area, and extend the existing 1 bedroom flat into a 2 bedroom flat via the removal of a dog grooming area.

The works proposed relate to internal alterations only. Thus, no external changes by means of new windows, new openings and/or extensions are proposed in association with this development.

PLANNING HISTORY

The following planning history is relevant to this application site:

PI-08/0475 - Change of use of 79 Victoria Street to form part of the adjoining veterinary practice, erection of single storey side extension, installation of new shop front to 79, 79A and 80 Victoria Street – Approved: 27th January 2009

CONSULTATION

Head of Engineering & Highways	No objection.
Planning Policy Officer	No objection.
Planning Ecology Officer	No objection.
Environmental Health Manager	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 nearby occupiers 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 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 6 – Town Centre First

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

National Planning Policy

- Planning Policy Wales (edition 12, February 2024)

Paragraph 4.3.1 states that ‘...retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development...’

Paragraph 4.3.30, 4.3.31 and 4.3.32 refers to mixed uses in centres and explains that ‘...although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy....Primary areas are typically characterised by a high proportion of A1 retail uses...Secondary areas typically contain

mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities...Policies should encourage a diversity of uses in centres...'

Paragraph 4.3.33 talks about the vibrancy and viability of centres and states that these '...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...'

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...'

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (November, 2016)

Section 2.3 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...'

Technical Advice Note 5: Nature Conservation and Planning (2009)

Paragraph 4.3.4 states that '...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...'

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

SW4: Settlement Boundaries

SW11: Sustainable Design and Placemaking

SW13: Protecting and Improving Community Facilities

EnW1: Nature Conservation and Ecosystem Resilience

EnW4: Environmental Protection

EcW3: Retail Hierarchy – Supporting Retail Provision

EcW5: Town and Local Centre Retailing Areas

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposal, which includes a new 1 bedroom flat and the addition of a bedroom to an existing 1 bedroom flat, would be acceptable in this location. The acceptability of the proposal with regards to its impact upon the character and appearance of the premises and wider area, residential amenity, ecology, parking provision and highway safety are also primary considerations.

Principle of Development

The premises lies within the settlement boundary – Primary Growth Area. LDP Policy SW4 states that development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The proposal would therefore comply with this policy.

The premises also lies within the Dowlais Local Centre and LDP Policies EcW3 and ECW5 are therefore relevant. LDP Policy EcW3 relates to retail hierarchy, with the town centre being the favoured location for retail and other complementary uses, followed by local centres, provided they improve the vitality and viability of the centre. Thus, complementary residential uses, including the intensification of existing residential uses would therefore be acceptable within the local centre. Furthermore, since there are no external alterations proposed to the property's existing frontage in association with the development, the proposed use would therefore not be considered to adversely affect the vitality of the Dowlais Local Centre.

LDP Policy EcW5 is supportive of development that enhances the vitality and viability of town and local centres. In this instance, the proposal would not result in a development which would augment the existing commercial business (dog groomers), however, the business would be retained albeit with one less dog grooming room, and as such, the proposal would not be considered to significantly or adversely affect the viability or vitality of the existing business. It would therefore comply with LDP Policy EcW5.

The proposed development, as discussed above, would result in the loss of a dog grooming room to allow an additional bedroom to be created to serve the existing 1 bedroom flat. Since the dog grooming business is classified as a community facility, LDP Policy SW13, which seeks to protect and improve such facilities, is relevant. This policy states that development proposals that would result in the loss of an existing community facility would only be permitted where there is evidence that alternative provision of at least equivalent value to the local community can be provided nearby; or it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required; or it can be demonstrated there is no longer a viable community use for the facility. In this instance, it should be noted that the existing business, although being reduced in size, since it would have one less dog grooming room, it would continue to operate as a dog grooming business. The applicant states that the additional dog grooming room is surplus to the needs of the community. As such, the existing business would not be lost as a result of this proposal and the community facility would continue to serve the residents of Dowlais. The proposal would therefore accord with LDP Policy SW13.

Character and Appearance

The proposed change of use would not include any external alterations to the premises, and as such, the proposal would not have any adverse impact on the character or appearance of the property or the wider area. Thus, the development would accord with LDP Policy SW11.

Residential Amenities

The application site, comprising of 3 terraced properties, does not adjoin any other property. There are no properties located to the north of 79 Victoria Street. Whilst a flat roof building is located to the south of 80 Victoria Street, this is also detached from the application site and currently houses a pharmacy business. Thus, the proposed development, which seeks to create a new residential use and enlarge an existing residential use, would not be considered to have any significant detrimental impact upon neighbouring properties. It should be noted in this regard, that no letters of representation have been received in respect of this proposal. The proposed development would therefore accord with LDP Policy SW11.

Ecology

In respect of ecology, the Council's Ecologist has concluded that survey work would not be required in respect of this proposal. However, in accordance with the Environmental Wales Act (2016), Welsh Government Circular 'Securing Biodiversity Enhancements' (2019) and, Chapter 6 of Planning Policy Wales 12, the Council's Ecologist has requested that a bat box be installed on the gable ends of the property. Given that the proposal would not have a detrimental impact upon protected species and relates to a change of use only without any external alterations, it would not be considered reasonable, in this instance, to request that these works be undertaken as part of this application.

Parking Provision and Highway Safety

The site is not served by on-site parking provision and the applicant is unable to accommodate any on-site parking in association with the proposed development. However, the application site lies in a sustainable location, being located within walking distance of a bus stop and within a very short distance of an existing public car park. Therefore, the Head of Engineering and Highways has not raised any objections to the proposed development. Thus, the proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with the relevant policies and guidance.

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:

- Existing and Proposed ground and first floor plans, received: 30th January 2024

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 08.05.2024