

DELEGATED REPORT

Application No:	P/23/0039
Site Address:	3 New Market Walk Merthyr Tydfil CF47 8EL
Development:	Change of use from A1 use class (shop) to a public drop-in information, guidance and advice centre and other external alterations including the installation of a heating and ventilation heat Pump to rear
Case Officer:	Rebecca Owens
Site Visit:	21st February 2023
Application Expiry Date:	12th April 2023
Consultation reply date expired:	15th March 2023

APPLICATION SITE

The application relates to a retail unit located within the primary shopping area of the town centre. The site is bound by a pedestrianised street to the front, service yard to the rear and other properties on either side.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the property from an A1 use (shop) to a public drop-in information, guidance and advice centre which is classed as sui generis use. Planning permission is also sought for some external alterations to the rear of the property which are summarised below:

- The installation of a heating and ventilation/air source heat pump enclosed within a steel cage with locked gate. The enclosure would be 1.82m in height, 0.925m in depth and 1.22m in width.
- The relocation of a low level metal barrier to accommodate the above pump and enclosure.
- The installation of new metal louvres to replace the existing glass louvres.

PLANNING HISTORY

The relevant planning history is summarised below:

P/14/0019 Insert light weight steel framed glazing to the north east elevation
Granted planning permission subject to condition on 27 February 2014

P/16/0341 Advertisement application for the erection of 2 signs (a fascia and a projecting sign)
Granted advertisement approval subject on 2 December 2016

CONSULTATION

The following bodies were consulted and their responses are presented below:

Planning Division's Policy Officer	No objection
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Environmental Health Manager	No objection
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Natural Resources Wales	No objection
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PUBLICITY

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

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW11: Sustainable design and Placemaking
- SW13: Protecting and Improving Local Community Facilities
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.

PLANNING CONSIDERATIONS

The application relates to an existing ground floor unit within the town centre and thus within the settlement boundary (Policy SW4). As such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations. In this respect it is noted that the application site is located within the primary shopping area (PSA) of the town centre. As such Policies EcW3 and EcW5 of the Local Development Plan are relevant.

Policy EcW3 supports proposals for new and enhanced retail, leisure and other complementary provision where they improve the vitality and viability of the town centre. It is considered that the proposed public guidance and advice centre would be a complementary use within the Town Centre which would generate footfall. It would also create a new use in what has been a vacant unit. As such, it would benefit the vitality and viability of the town centre.

Policy controls the change of the ground floor premises, only permitting changes of use to 'non-A' use classes where:-

- *"It is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and,*
- *The proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre; and,*
- *The proposal would not result in the creation of a dead window frontage; and,*
- *The proposal would not have an unacceptable effect on the amenity and viability of neighbouring uses, having regard to the 'agent of change principle'".*

Evidence has been provided to demonstrate compliance with this policy which has been considered by the Planning Policy Officer and found to be satisfactory. As such, no policy objection has been raised and the proposal is found to be in accord with Policy EcW5.

Character and visual amenity

No works are proposed to the shopfront or indeed the front elevation and as such the proposal would not impact on the front streetscene which forms one of the primary shopping streets within the town centre. Whilst external works are proposed to the rear of the property, with the exception of the heating and ventilation pump these are relatively minor in nature. Furthermore, the rear of the site is located within an established service yard serving this property and those either side and which already features a number of unattractive mechanical additions. Within this setting the heating and ventilation pump would not appear incongruous or have a detrimental impact on the character or visual amenities of the immediate vicinity. Accordingly the proposal is found to be acceptable in this respect and would also not impinge upon Urban Character Area 1 (Town Centre: High Street and Pontmorlais). It therefore complies with Policies SW11 and CW1 of the LDP.

Residential amenity

The application site is located within the town centre and in an area characterised by a mixture of commercial, leisure and residential uses. As such there are numerous comings and goings and associated noise and disturbance. It is not considered that approval of this use would significantly add to this. It is also recognised that the proposal includes the installation of a heating and ventilation pump to the rear. However, this is located within an established service yard in which there are other similar fan type units. In this location,

which is also away from residential properties, it is not considered that the pump would generate noise and disturbance that would be harmful to residential amenity. As such the proposal would again accord with Policy SW11 of the LDP.

Parking and highway safety

It is noted that the application site does not benefit from any off-street parking provision and as such there would be no designated parking area available for the employees and users of the facility. However, the application site is located in the town centre, which is well served by public car parks and public transport links. Given this sustainable location it is not considered that the lack of parking would impact on highway safety. Accordingly, no objections have been received from the Head of Engineering and Highways. The proposal therefore complies with Policies SW11 and SW12 of the LDP.

Flood Risk

The application site is located entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 3 Rivers. Despite the omission of a Flood Consequence Assessment, given the nature and scale of the development proposed, Natural Resources Wales have not raised any objection to the proposal subject to the developer being made aware of the potential flood risks and advised to install flood proofing measures. This can be done through a suitably worded informative. In addition, it is noted that the proposal would help to improve the vitality and viability of the town centre by bringing a ground floor unit into beneficial use. The proposal is therefore found to be acceptable in this respect.

Conclusion

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:**

CONDITIONS/REASONS:

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:

Drawing Title: Proposed Plans + Elevations, Drawing Number: 2241 - 02, Received on 15 February 2023

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

3. The use hereby approved shall not be implemented until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details with the biodiversity enhancement provided within 3 months of the use being implemented and shall be retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

INFORMATIVES

1. The developer is advise that the application site is located entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and the Flood Map for Planning identifies the application site to be at risk of flooding and falling into Flood Zone 3 Rivers. As such it is recommended that the developer considers incorporating flood resistance / resilience measures into the design and construction of the development.

Additional guidance including the leaflet "Prepare your Property for flooding" can be found by following the link: <https://www.gov.uk/prepare-for-a-flood>

developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187_544.pdf

2. With respect to condition 3, it is advised that 1 no. bat box (woodcrete or woodstone) is erected on the western elevation. For example, see <https://www.greenwoodsecohabitats.co.uk/shop> (single crevice bat box)

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

4/4/23