

DELEGATED REPORT

Application No:	P/23/0073
Site Address:	Unit 1 16 Dynevor Street Georgetown Merthyr Tydfil CF48 1AY
Development:	Partial change of use to A1 use class and associated external works
Case Officer:	Rebecca Owens
Site Visit:	24th March 2023
Application Expiry Date:	16th May 2023
Consultation reply date expired:	17th April 2023

APPLICATION SITE

The application relates to a single storey commercial property located on the outskirts of the Town Centre boundary and within the settlement boundary. The site is bound by a highway to the front, a take away to the north and a car wash to the east and south.

PROPOSED DEVELOPMENT

Full planning permission is sought to change part of the property to create a new unit with an A1 use. To facilitate this a new window and entrance into the unit is proposed within the front elevation. These would be fitted with roller shutters similar to the existing openings in the front elevation. It is also proposed to lengthen the existing ramped access so it extends in front of the new doorway.

The plans also indicate that the unit would be served by two off street parking spaces.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

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

Head of Engineering & Highways	No objection
Planning Division's Policy Group Leader	No objection

Environmental Health Manager	No response
Estates Manager	No response
Natural Resources Wales	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to 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) must be taken into consideration. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:
 - *“promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and*
 - *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport”.*
- Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 4: Retail and Commercial Development
- TAN 12: Design
- TAN 15: Development and Flood Risk
- TAN 18: Transport
- TAN 24: Historic Environment

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
- SW9: Planning Obligations
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- CW1: Historic Environment
- EnW1: Nature Conservation & Ecosystem Resilience
- EnW4: Environmental Protection
- 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 2, Planning Obligations.
- Note 3, Shopfront Design.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary and as such the principle of development is acceptable subject to other relevant policies and material planning considerations. In this respect it is noted that this commercial unit is also within the town centre boundary and as such policies EcW3 and EcW5 of the LDP would be relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in the town centre where they improve its vitality and viability. The provision of an additional A1 unit would not contravene these policies.

Design and visual amenity

There are some external works to the property proposed to facilitate the change of use. However, these are relatively minor. Whilst it is acknowledged that the new window and door would be fitted with roller shutters, given that there are shutters on all the existing openings on the front elevation, this would not appear incongruous or be harmful to either the character and visual amenities of the unit itself or indeed the wider area which is noted also forms part of Urban Character Area 8 (Georgetown and Ynysfach). As such the proposal is acceptable in terms of its visual impact and would comply with Policies SW11 and CW1 of the LDP.

Residential amenity

The impact of the proposal on the residential amenities of neighbouring occupants has been assessed. In this respect it is noted that whilst the application site is not directly adjoined by residential properties, there are dwellings and residential care homes within the surrounding area. It is recognised that an A1 use within the building, which would operate in addition to the existing A3 use would intensify the use of the property and result in an increase in coming and goings, which in turn could generate a degree of noise and disturbance. However, the site is located within the town centre boundary and is in close proximity to other commercial uses which already generate some level of disruption.

Thus, having considered this setting and the scale of the unit, it is not considered that it would significantly add to the levels of noise and disturbance that already exist to a harmful degree. Therefore, having regard to the above and noting that no objections have been received from the Environmental Health Manager or following the publicity exercise, the proposal is found to be in accord with policies SW11 and EnW4 of the LDP.

Parking and highways safety

Whilst the application site is located on the outskirts of the town centre boundary, it is in an accessible area well served by public transport and within walking distance of a public car park. In addition, the plans indicate that the unit would be served by two parking spaces. As such no concerns are raised in respect to highway safety or car parking and no objection has been received from the Head of Engineering and Highways.

Flood risk

The application site lies entirely within Zone C2 as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) and Natural Resources Wales Flood Map for Planning (FMfP) also identifies the application site to be at risk of flooding within Flood Zone 2 – Rivers. Section 6 of TAN15 outlines four tests, which must be met in order to justify development within a Zone C. It is considered that the proposed development complies with the first three tests for the following reasons:

- i. and ii. Being within the town centre, the site is necessary to assist the local authority strategy to regenerate the town centre and sustain this area.
- iii. It concurs with the aims of PPW and meets the definition of previously developed land.

In terms of the final test, whilst a Flood Consequence Assessment (FCA) has been not produced, given the nature of the proposal which involves a change of and minor external alterations, it is not considered that it would be proportionate to ask for such information. In this respect it is also noted that Natural Resources Wales have not raised any object to the application but have noted that there is an opportunity to raise awareness of the flood risk and incorporate flood resistance/resilience measures and make provisions for flood warning and emergency access/egress. This can be achieved through a suitably worded informative should the application be approved.

Ecology

Given the nature of the proposal no ecological survey work is deemed necessary but enhancement(s) will be required which can be secured through a suitably worded condition.

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: Existing & Proposed Plans, Drawing Number: DS-01 Rev A.
Received on 21 March 2023.

Drawing Title: Proposed Elevations, Drawing Number: DS-03 Rev A. Received on 21 March 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 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. 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.

2. 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.

3. With respect to condition 3, it is advised that 1 no. bat box (woodcrete or woodstone) is erected on the northern elevation. For example, see <https://www.wildcare.co.uk/schwegler-3ff-bat-colony-box-without-inspection-hatch10642.html>
4. The developer is advised that the application site is located within Zone C2 of the Development Advice Map (DAM) contained within TAN 15. Natural Resources Wales Flood Map for Planning (FMfP) also identifies the application site to be at risk of flooding within Flood Zone 2 - Rivers. As such the developer may wish to consider incorporating flood resistance/resilience measures and make provisions for flood warning and emergency access/egress. The developer may also wish to undertake a Flood Consequence Assessment (FCA). Appropriate flood resistance/resilience measures and advice is set out in the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available at <https://www.gov.uk/government/publications/improving-the-flood-resistance-of-domestic-and-small-business-properties-interim-guidance> and information from CIRIA (www.ciria.org/flooding). Additional guidance can also be found at <https://www.gov.uk/prepare-for-flooding/future-flooding>

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 05/05/23