

DELEGATED REPORT

Application No: P/20/0314

Site Address: 30 - 30A Victoria Street
Dowlais
Merthyr Tydfil
CF48 3RN

Development: Change of use from A1 to A3 to include the erection of a vent/flue

Case Officer: Marlene Ferreira

Site Visit: 22nd December 2020

Application Expiry Date: 15th April 2021

Consultation reply date expired: 7th January 2021

APPLICATION SITE

The application site relates to the ground floor of a terraced premises at 30a and 30 Victoria Street, which extends from Victoria Street and turns the corner into Mount Pleasant Street. The property, at first floor, appears to be used for residential purposes.

The premises, which is accessed off Victoria Street, was formerly occupied by a pharmacy, but has been vacant for almost 2 years, following its relocation into Morlais Medical Centre, located less than 40 metres to the south of the application site. The area lies in a street comprising a mix of commercial and residential properties.

The application site lies within the settlement boundary – Primary Growth Area and within the local centre of Dowlais, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from A1 to A3 to provide a café with take away. It includes the erection of a flue.

The proposed café with takeaway would have a seating area in place of the existing service area, preparation room and part of the consultation room. A WC would replace part of the existing consultation room. The kitchen, store areas, rear WC and rear yard would remain unaltered. The proposal does not involve external alterations. However a flue is proposed to be installed in the kitchen area. The flue would be installed through the existing chimney and project a total of 0.25 metres above it. The café with takeaway would operate from 08:00 to 14:00 Monday to Sunday and would employ 4 staff.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

Head of Engineering	No objection.
Policy Section	No objection.
Environmental Health Officer	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to nearby occupiers and two site notices were displayed within the vicinity of the site. No letters of representation have been received as a result of 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 11, February 2021)

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...'

- Technical Advice Notes (TANs)

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

Section 2.3 of TAN 6 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...*'

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

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 proposed change of use, from an A1 use to an A3 use, would be acceptable in this location. The acceptability of the proposal with regards to its impact upon the character and appearance of the premises, 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. 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 LDP Policy SW4.

The premises also lies within the Dowlais Local Centre, and LDP Policies EcW3 and EcW5 are therefore relevant. 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. A complementary commercial use, including A3 uses, are acceptable within the local centres, however, the loss of an A1 use could affect the vitality of the centre, by reducing the number of A1 uses with active shopfronts in the centre. However, given that no changes are proposed to the frontage of the application premises, the proposed use would 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. Within local centres a change of use from A1 to another A use class would be acceptable in principle, subject to it enhancing the viability of the centre. In this instance, the proposal would indeed enhance the vitality and viability of the centre since it would be occupying a premises which has remained vacant for approximately 2 years. The proposed change of use would therefore comply with LDP Policies EcW3 and EcW5.

The proposed development would result in the loss of a pharmacy, and given that this is classified 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 is noted that the pharmacy which previously occupied this site, has relocated 40 metres south of the application site, into Morlais Medical Centre. In addition, there is another pharmacy located opposite the application site. Furthermore, since the proposed café with take away, would also be a facility which serves the local community, the proposal would accord with LDP Policy SW13.

Character and Appearance

The proposed change of use would not result in any external alterations to the building other than the addition of a flue. This alteration would not be visible (other than its 0.25 metre projection above the chimney), since it would be fitted through the existing chimney. As such, the proposed development would not significantly harm the appearance of the premises, nor would it adversely affect the character of the street scene. As such, the development would comply with LDP Policy SW11.

Residential Amenity

The premises adjoins two other properties, a residential property to the west, along Mount Pleasant Street and a beer garden (part of the Morlais Tavern) to the south, off Berry Square. The proposed café with take away use would generate disturbances as a result of the comings and goings of customers. However it is proposed to operate from 08:00 until 14:00 and as such would not be considered any more harmful, in respect of noise and disturbance, to the amenities of nearby occupiers than the former pharmacy. In the event that the applicants seek to open the proposed café from 08:00 until 23:00, this would also be considered acceptable within this context, given that there are a variety of uses surrounding the application site which open until later hours of the evening, including a public house in very close proximity to the application site. It should also be noted that should the applicants seek to open after 23:00, this would be a matter controlled by licensing legislation. With regards to the external alterations, which would involve the introduction of a flue, this, as discussed above, would be fitted through the existing chimney and would therefore not cause any nuisance to nearby residents. Thus, no objections have been raised by the Environmental Health Officer. It should also be noted that no objections have been received from nearby residents. As such, the proposed change of use would not detract from the privacy and amenities of nearby residential occupiers and would therefore comply with LDP Policy SW11.

Ecology

The proposal mainly includes internal alterations, however, given the introduction and siting of the proposed flue, a brief daytime Preliminary Roost Assessment (PRA) was requested to ascertain whether protected species, in particular bats and nesting birds would be affected as a result of these works and whether further surveys would be necessary. The BEecological Technical Note report was received on the 18th February 2021. The Council's Ecologist, who has reviewed the report, considers it to be acceptable and agrees with the proposed enhancements (which have also been shown on the proposed plans). Thus, provided the development is carried out in accordance with the report and plans (which would be secured by condition), the proposal would comply with LDP Policy EnW1.

Parking and Highway Safety

The site is not served by any on-site parking provision. However, the application site lies in a sustainable location, being located within walking distance of a bus stop and near public car parks. Therefore, the Head of Engineering has not raised an objection to the proposed development, which would therefore accord with LDP Policy SW11.

CONCLUSION

It is considered that the proposed development is acceptable in this location and would not adversely impact upon the character or appearance of the premises, nor would it be deemed detrimental to residential amenity, ecology or highway safety. The proposal is therefore considered acceptable and would comply with the relevant policies.

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:

- Drawing no: Victoria Street 30. 30A 02C, received: 18th February 2021;
- BEecological Technical Note report, received: 18th February 2021.

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

3. Before the development hereby permitted is brought into use, an adequate grease trap shall be fitted, details of which shall first be submitted to and agreed in writing by the local planning authority. The grease trap shall be permanently maintained thereafter.

Reason - To protect the integrity of the public sewage system and to ensure the free flow of sewage in accord and with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

04/03/2021