

DELEGATED REPORT

Application No: P/22/0205

Site Address: 5 Fox Street
Treharris
CF46 5HE

Development: Change of use of ground floor to a beauty salon and first floor to a flat. Demolition and rebuilding of front façade, installation of new shop front and windows and alteration of rear ground floor window

Case Officer: Caroline Pulley

Site Visit: 16th August 2022

Application Expiry Date: 4th October 2022

Consultation reply date expired: 20th September 2022

APPLICATION SITE

The application site relates to an existing, vacant commercial unit (previously used as a bakers), located in a mixed use area in Treharris. The two-storey building is located mid-terrace, and is bound by the highway of Fox Street to the front, a hairdressers on the left hand side and a vacant newsagent on the right. The property currently has a Pennant sandstone frontage with white windows and red brick surrounds.

The site lies within the Settlement Boundary, Secondary Growth Area and Treharris Conservation Area as designated within the Local Development Plan.

PROPOSED DEVELOPMENT

This planning application seeks permission to change the use of the ground floor to a beauty salon and the first floor to a one-bedroom flat. The application works also involve the demolition and rebuilding of the front façade and the installation of new first floor windows and a new shop front. To the rear, the plans also indicate a ground window in the rear of a single storey extension being reduced in size to suit the proposed internal layout of the salon.

The new façade proposed for the front elevation of the building would be faced in stone which is to be reused from the existing wall. The new shop front would be constructed from grey aluminium and would incorporate a plain grey tiled stallriser, two Pilasters and a fascia board framed by Capitals and a cornice. The two front first floor windows would be made from softwood and would be finished in a pebble grey colour to match the new shop front. The rear window would be made from white uPVC.

PLANNING HISTORY

There is no recent planning history relating to this property.

CONSULTATION

Head of Engineering and Highways: No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision
Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 3 – Shop Front Design

PLANNING CONSIDERATIONS

The proposed development seeks permission to change the use of the ground floor to a beauty salon and the first floor to a residential flat. Additionally, permission is sought for a replacement façade, a new shop front and windows.

The main considerations in the determination of this application are the principle of the proposal and whether the change of use is consistent with the key requirements of planning policy. Other important considerations are the impact of the scheme on the Treharris Conservation Area, the potential impacts on highway safety, and the impact on the amenity of adjacent land users and other established uses in the area. These matters are considered in detail below.

Principle of the change of use

The application site lies within the settlement limits and within the local centre of Treharris. The proposal seeks, through the refurbishment of the ground and first floor, to bring the building back into full beneficial use by converting the property to a beauty salon with a self-contained flat above. Such a proposal would serve to add vitality to the local centre by increasing the diversity of activity on the street. This is in line with the objectives of Policy EcW3 which seeks to ensure that proposals improve the vitality and viability of the local and town centres. It is also noted that the premise has been vacant for a considerable period of time. As such, it can be deemed that the existing A1 use is no longer economically viable, in line with Policy EcW5 of the LDP.

Impact on character and appearance of the conservation area.

The installation of a new shop front that incorporates traditional features and proportions, together with the installation of new timber framed windows at first floor would overall improve and update the appearance of the building and would have a positive impact on the conservation area and the quality of the local centre as a whole. It is also noted that the facade of the property would be re-built incorporating the existing stone and red brick window surrounds. This is also considered acceptable. Additionally, the existing roller shutter which currently creates a dead frontage to the street would be removed. This change would further enhance the character and appearance of the Treharris Conservation Area.

Impact on the amenity of adjacent land users and other established uses in the area (including residential amenity).

As set out above, the property is located within a defined local centre whereby a level of activity is expected during the day and into the early evening. Whilst it is acknowledged that the change of use of the upper floor to residential flats may result in an intensification of the building, given that the property is located within an area that has a varied character, the change of use of the first floor to residential would not be unduly harmful in this context. Moreover, it should be noted that planning permission is not required for the provision of a flat above the existing shop. Additionally, no objections have been received

from local residents following the publicity exercise. Accordingly, the proposal complies with policy SW11 of the LDP.

Highway safety

In terms of highway safety, the Council's Head of Engineering and Highways has not raised any objection to the proposal noting that the property is located within a sustainable location, in close proximity to regulated on-street parking bays and public car parks. As such, the proposal to change the use of the building to a mixed retail/residential use does not raise any adverse highway safety issues.

Conclusion

The proposed development is welcomed as it would help to bring an existing building back into full beneficial use, thus helping to contribute to regenerate the area and enhance the conservation area.

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:

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. FOX ST 5 B CON 02A received on 30.09.2022

First floor front elevation window to be timber framed as per email dated 31/08/22 from the agent.

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

INFORMATIVES

1. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

2. 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.

3. 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

30/9/22

