

DELEGATED REPORT

Application No:	P/23/0116
Site Address:	12 Fox Street Treharris CF46 5HE
Development:	Change of use from a shop (A1 Use Class) to a dog groomers (sui generis)
Case Officer:	Rebecca Owens
Site Visit:	16th May 2023
Application Expiry Date:	28th June 2023
Consultation reply date expired:	6th June 2023

APPLICATION SITE

The application relates to mid-terrace property within the Treharris local centre and thus is within a mixed use area where there are a number of different uses present including retail, commercial and residential. The site is located within the settlement boundary and is also within the Treharris Conservation Area. It currently comprises of a vacant retail unit at ground floor.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the ground floor to a dog groomers which is classed as a sui generis use. No external works to the building are proposed.

The application form indicates that the groomers would be open 9am until 5pm Monday to Friday and 9am until 2:30pm on Saturdays.

PLANNING HISTORY

The relevant planning history is detailed below:

P/17/0153	Installation of replacement fascia sign and projecting hanging sign Granted advertisement consent on 26 June 2017
P/10/0295	Installation of new fascia sign and projecting hanging sign to front of building Granted advertisement consent on 29 November 2010
P/05/0561	Fascia and projecting sign Granted advertisement consent on 23 November 2005

CONSULTATION

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

Head of Engineering and Highways	No objection subject to conditions
Planning Division's Policy Group Leader	No objection
Environmental Health Manager	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring 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 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 and the 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”.*
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *“Vibrant and viable centres 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”.*
- 4.3.36 Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas,

which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels".

- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised"*. With paragraph 6.1.15 clarifying that *"There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level"*.

The following Technical Advice Notes are also relevant:

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

Local Planning Policies

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

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- SW13: Protecting Community Facilities
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development
- CW1: Historic Environment

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.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the the settlement boundary (Policy SW4) and as such, the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

It is noted that the site also lies within the Treharris local centre boundary. As such, Policies EcW3 and EcW5 would be relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in the local centres where they improve its vitality and viability. However, Policy EcW5 notes that within local centres, the change of use of the ground floor to 'non-A' use classes will only be permitted 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'."*

Information has been submitted with the application indicating that the application site has been vacant for at least 12 months. However, the applicant has confirmed that the property was not marketed in this time. Therefore, it is not possible to demonstrate that the use is no longer economically viable through such means. Notwithstanding this, there are a number of vacant units within the local centre (approximately 20), some of which have been vacant for some time. As such, there are other potential units available for new 'A' uses to occupy. However, the high number of empty units would suggest that the economic viability of such uses at this location is poor. In addition, whilst the proposal is for a non 'A' use, a dog groomers is considered to be a use which has similar characteristics, which would be appropriate within a local centre. It would also bring a vacant unit back into use, which would be beneficial to the vitality and viability of the local centre. With respect to the other criteria set out by Policy EcW5, it is not considered that the proposal would result in an overconcentration of non-A1 uses. There are a number of commercial units that currently operate from the local centre, with a mix of 'A1' and other uses. In addition, the proposal would not result in a dead window frontage (as the vacant unit now has) and would operate during normal daytime working hours. Finally, it is not deemed that it would have a negative impact on the amenity and viability of neighbouring uses. Taking the above into consideration, the proposal would satisfy the four criteria set out in policy EcW5 and the overarching objective to enhance the vitality and viability of the local centre.

In addition, it is noted that Policy SW13 seeks to support new and enhanced community facilities whilst also protecting against the loss of such facilities. Although this proposal would result in the loss of a shop unit, it would be replaced with an alternative community facility in the form of the dog groomers. It is also noted that there are a number of other shops and uses within the Treharris Local Centre to serve the community. In addition, there are also a number of vacant units suggesting that these are surplus to the needs of the community. Having regard to this, it is considered that this proposal would be in accordance with this policy.

Design and visual amenity

The application site is situated within the Treharris Conservation Area. As such, Policy CW1 of the LDP is an important consideration. This policy states that proposals will only be permitted where they preserve or enhance the architectural quality, character or the historic or cultural importance of designated historic environment assets. The proposal does not include any external alterations to the building and as such, its appearance would

remain unchanged. However, it is noted that the introduction of a dog groomers would bring a vacant unit back into use and result in an active frontage. This would be beneficial to the character of the local centre. Accordingly, the proposal is found to comply with Policies SW11 and CW1 of the LDP.

Residential amenity

The application site is located within a local centre and, as such, in an area characterised by a mixture of commercial, leisure and residential uses. It is noted that in the immediate vicinity of the site there are uses that would create a degree of noise and disturbance. Whilst it is acknowledged that a dog groomers may generate additional noise as a result of dogs barking, the Environmental Health Manager has not raised any objection to the use. Taking this into account and acknowledging the existing uses in the area, the proposal it would not significantly add to any noise and disturbance to a degree that would warrant the refusal of the application on such grounds. It is also noted that no objections were received following the publicity exercise. Accordingly, the proposal complies with Policies SW11 and EnW4 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 customers of the business. However, the application site is located in a local town centre, which is well served by a public car park and public transport links. Given this 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.

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:**

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:

Proposed floor plan, Received on 3 May 2023.

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

P.P.

DATE: 19.06.2023