

DELEGATED REPORT

Application No: P/21/0161

Site Address: Unit 4
The Arches
Clare Street
Merthyr Tydfil

Development: Change of use from kitchen supplier to personal training fitness studio

Case Officer: Rebecca Owens

Site Visit: 27th May 2021

Application Expiry Date: 24th June 2021

Consultation reply date expired: 25th May 2021

APPLICATION SITE

The application relates to a small vacant unit, which comprises one of limited number of commercial units formed under the arches of a railway bridge. Despite this, the site is located within a mainly residential area and is within the settlement boundary. It is also within a protected employment area, Urban Character Area and a C2 Flood zone.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the unit from a kitchen supplier to a personal training fitness studio. This would provide personal training sessions on a one-to-one basis, which would be pre-booked. No walk-in facility would be provided and the proposed use is not intended as a public gym. The applicant has indicated that the premises would operate from 8am-8pm Mondays to Fridays and 8-12 on Saturdays.

The only external alterations relate to the resurfacing of the external area to the front of the unit. This would comprise of rubber flooring panels and artificial grass.

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	No objection
Planning Division's Policy Group Leader	No objection

Environmental Health Manager

No response

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)

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 and Ecosystem Resilience
- EnW4: Environmental Protection
- EnW5: Landscape Protection
- EcW2: Protecting Employment sites

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 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application comprises a small vacant unit, within The Arches Neighbourhood Employment Site, located within the settlement boundary and Primary Growth Area (Policy

SW4). As such, the development of the site is acceptable in principle subject to proposals being compatible with other relevant policies and material considerations.

Policy EcW2 seeks to protect existing office, employment and industrial warehousing land (B1, B2 and B8 uses) to ensure their role and function in providing accessible sources of employment. The Arches is located within an allocated employment site but would not provide a B1, B2 or B8 use. However, the unit has been vacant for a number of years and, as such, it would appear that the premises are surplus to the requirements of the employment market. In addition, the proposal does not require any extensive alterations and as such could easily be reverted back to a B use in the future. The change of use of this single unit which has been vacant for a long period would also not lead to an unacceptable change in the nature of the employment site and may in fact reinvigorate the appearance of the unit, which at present is unkempt and does not positively contribute to the street scene. It is therefore not found to be contrary to Policy EcW2 of the LDP.

Character and visual amenity

The commercial use of the unit is characteristic of the property and would not be out of place within this employment site. In addition, it is noted that the only external works relate to the resurfacing of the land to the front of the unit and some minor painting. As noted above, the unit has been unoccupied for a number of years and the external appearance and land to the front appears untidy and poorly maintained. The reuse of the unit and general refurbishment would have a positive impact on its overall appearance and in doing so improve the visual amenity of the wider area. Accordingly, the proposal is acceptable in this respect and would not harm the character or visual amenities of the area or impinge on Urban Character Area 4: South of the Town Centre: Plymouth Street Area. It therefore complies with policies SW11 and CW1 of the LDP.

Residential amenity

Whilst the application site is not directly adjoined by any dwellings, it is located in a density populated residential area. As such, the impact of the proposal on residential amenity is an important consideration. However, the site is also within a protected employment site in which uses, which fall within the B Use Class, would be acceptable in principle. The proposed use would comprise of a private gym providing personal one-to-one sessions on an appointment basis. Given the modest size of the premises and the proposed use, it is not considered that there would be excessive noise and disturbance from either the use itself or the comings and goings of clientele. As such, it is not considered that the proposal would harm the residential amenity of the neighbouring occupiers and it is noted that no representations were received following the publicity exercise.

Parking and highway safety

Policy SW12 supports development that encourages a modal shift towards sustainable transport. While there is a car park to the rear of the unit which would accommodate any private vehicles of employee and visiting clients, it is also recognised that the site is located in a densely populated residential area which would allow for local clients to walk to the premises and there are also good public transport links. It therefore allows for alternative means of more sustainable forms of transport. It is also recognised that, access to the unit would be unchanged and as noted above, there is a car park, which serves the units, which make up The Arches. As such, no concerns are raised with respect to car

parking or highway safety and no objections have been received from the Head of Engineering.

Ecology

The Ecologist has not raised any objections to the proposal but has indicated that no vegetation should be removed from in front of The Arches or from the stonework of The Arches themselves without ecological assessment being undertaken first. As such, the applicant will be informed of this and the requirements in terms of bats and birds via a suitably worded informative that can be attached to any permission issued.

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). 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 a protected employment site, the re-use of the vacant unit would positively contribute to the local authority strategy to regenerate 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 just a change of use and no external alterations, it is not considered that it would be proportionate to ask for such information. Notwithstanding the above, it is recommended that the developer is made aware of the flood risk and advised to consider incorporating flood resistance/resilience measures into the refurbishment works and making provisions for flood warning and emergency access/egress. This can be done through a suitably worded informative.

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:

Front of Unit 4 Clare St. 'Open Area' End unit, Drawing Number: 1, Received on 29 April 2021

Existing & proposed floor plan, Drawing Number: 3, Received on 29 April 2021

Car parking layout (existing) rear of unit 4, 3, 2 & 1, Received on 29 April 2021

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

INFORMATIVES

1. 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). As such the developer is advised of the flood risk to the current/future occupiers of the property and is advised to consider incorporating flood resistance/resilience measures into the refurbishment works and making provisions for flood warning and emergency access/egress. The developer may also wish to undertake a Flood Consequence Assessment (FCA) for their own benefit. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be appropriate to the scale and nature of the development being proposed. If the building and/or access/egress routes are shown to flood during events up to and including a predicted 0.1% (plus an allowance for climate change) flood event, the FCA should propose suitable and appropriate mitigation measures to reduce the effects and consequences of flooding. Flood resistance/resilience measures that could be incorporated into the development include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. Appropriate 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 be found <https://www.gov.uk/prepare-for-flooding/future-flooding>. Further advice can be found on the Natural Resources Wales website.
2. 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.

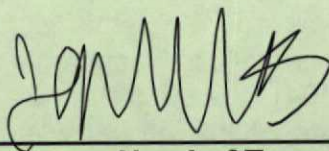
If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

3. 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.

4. The Council's Ecologist has advised that no vegetation should be removed from in front of The Arches or from the stonework of The Arches themselves without ecological assessment.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/6/21