

DELEGATED REPORT

Application No:	P/25/0189
Site Address:	51 Perrott Street Treharris CF46 5ET
Development:	Change of use from the Print Shop (A1) to a dessert shop (A3)
Case Officer:	Marlene Ferreira
Site Visit:	9th July 2025
Application Expiry Date:	25th August 2025
Consultation reply date expired:	24th July 2025

APPLICATION SITE

The application site relates to the ground floor of a commercial premises located at 51 Perrott Street in the area of Treharris. The two-storey premises, is a mid-terraced property located in a row of commercial properties, within the Treharris Local Centre and Conservation Area. The property which has been vacant for some time and appears to have been previously used as a travel agent and more recently as a print store at ground floor and as a flat at first floor.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from a print store (A1 use class) to a dessert shop (A3 use class).

The proposal does not include any external or internal alterations. Thus, there are no changes to the external appearance of the premises, including no new windows or doors. Internally, the layout will also remain as existing with the addition of a shop counter only. The proposed layout will therefore include a shop floor as you enter the building, a kitchen/prep area beyond, and a staff/stock room and WC at the rear of the premises.

The dessert shop is proposed to have 3 full-time employees and operate every day from 5pm until 11pm.

PLANNING HISTORY

The Council's records do not show any other planning history for this site.

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Environmental Health Manager	No response.
Ecology Officer	No objection, subject to conditions.
Dwr Cymru Welsh Water	No objection, subject to conditions.

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 representation were received following 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 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policy

- Planning Policy Wales (edition 12, February 2024)

Paragraph 3.3 refers to good design and states that *'...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'*

Paragraph 3.9 refers to character and states that *'...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are*

important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...'

Paragraph 3.14 refers to context appraisal and states that these '*...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...*'

Paragraph 6.16, 6.17 and 6.19 discusses the Welsh Government's objectives for the historic environment and states that these seek to '*...protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way... Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place...*'

Paragraph 4.3.30 – 4.3.34 discusses commercial development and states 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, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. 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. Planning authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals map. 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.*

Paragraph 4.3.36 refers to vacant premises and explains that '*...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...*'

Paragraph 6.4.3 discusses biodiversity and states that '*...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...*'

- Technical Advice Notes (TANs)

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

Section 2.3 of TAN 4 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...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...'*

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'*

Technical Advice Note 24: The Historic Environment (2017)

Section 1.14 of TAN 24 refers to conservation principles and *'... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...'*

Local Planning Policies

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy CW1 – Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

- Supplementary Planning Guidance (SPG):

SPG4 – Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

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 principle, in a local centre location and whether it would be acceptable with regards to its impact upon the character and appearance of the premises and wider conservation area. The impact upon residential amenity, ecology and highway safety are also important considerations.

Principle of Development

The premises lies in the settlement boundary – Other Growth Area. Development in this location is supported by LDP Policy SW4 provided it complies with all relevant LDP policies and other material considerations.

The ground floor of the premises, albeit vacant, was formerly used as a print store, and is therefore recognised as a community facility. As such, LDP Policy SW13 is a relevant policy consideration. LDP Policy SW13 states that *‘the provision of new and enhanced community facilities will be supported subject to satisfying other relevant LDP policies. The Council will protect and support the enhancement of the County Borough’s existing community facilities. Development proposals that would result in a loss of an existing community facility will only be permitted where 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’.*

This proposal would result in the loss of the print store and would therefore evidently result in the loss of a community facility. However, the proposal to provide a dessert shop to replace the print store, would provide a new community facility, of a different nature. Furthermore, given that the premises is currently vacant, its occupation and re-use would be welcomed and would further enhance the community facilities available to serve the local community of Treharris. The proposed development would therefore accord with the criteria set out under LDP Policy SW13.

The premises also lies within the local centre boundary. As such LDP Policies EcW3 and EcW5 are therefore relevant policy considerations. LDP Policy EcW3 advises that *‘Merthyr Tydfil Town Centre is the favoured location for retail, leisure, and other complementary development, being situated at the head of a retail hierarchy....Proposals for new and enhanced retail, leisure and other complementary provision in this location will be permitted where they improve the vitality and viability of the centre...’*

LDP Policy EcW5 advises that *‘Development enhancing the vitality and viability of the town and local centres will be supported...’*

Whilst the proposed dessert shop is classified as an A3 use and therefore has a different use class to the use of the premises as a print store, which is classified as an A1 use, it would nevertheless be appropriately located in the local centre. As such, it would not be deemed detrimental to the vitality, attractiveness and viability of the Treharris Local

Centre. Indeed, the A3 use could revert to an A1 use at any time, without the need for planning permission, and as such, would continue to positively contribute to the vitality and viability of the local centre. In this instance, it is also important to note that the application site has been advertised for rent on the MTCBC website as a vacant A1 premises, yet no new occupants have been found. Moreover, there are a number of commercial properties, in close proximity to the application site, that are vacant, and have been for some time. Many of these have also been advertised for rent, but have also been unsuccessful in finding occupants. As such, it appears that a new A1 use in this location, at this time, is not economically viable.

In addition, it should also be recognised that the occupation of the premises to provide a dessert shop, would bring a vacant unit back into beneficial use, resulting in an active window frontage and an overall increase to the number of businesses within the local centre. As such, having considered the above, it is considered in this instance that the proposed use would accord with the requirements of Policies EcW3 and EcW5.

Character and Appearance

The proposed development, as explained earlier, relates to a change of use only. As such, there are no external or internal alterations proposed to the premises and the proposed development would therefore not have any adverse impact on the character or appearance of the area or that of the Treharris Conservation Area. The proposal would therefore accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use, its hours of operation, and its siting nearby residential properties/flats, the proposed use has the potential to create some noise and disturbance to nearby occupiers. However, it should be noted that the premises lies within the Treharris Local Centre, and therefore within a busy commercial street and in close proximity to other commercial businesses (e.g. existing take aways and a public house), which undoubtedly produce noise and disturbance during late evening/night. Thus, the operation of a dessert shop within this context would not be deemed significantly more harmful to surrounding residential occupiers when compared to the current activities that already take place within close proximity of the application site and also operate during late evening/night hours. It should also be noted that the Environmental Health Section has not provided any comments and it is therefore assumed that they have no concerns or objections in this respect. The proposal would therefore accord with LDP Policies SW11 and EnW4.

Ecology

The proposed development has been considered by the Council's Ecologist, and given the nature of the works proposed, the Council's Ecologist has not requested any survey work. However, enhancement works, in line with the Environment (Wales Act 2016) and Welsh Government Circular 'Securing Biodiversity Enhancements', have been requested. Given the nature of the proposal and the context of the site, it is noted that there would be little opportunity to provide any ecological enhancements in this instance. Furthermore, the proposal would not give rise to any adverse impact on the ecology of the site or surrounding area.

It is also noted, under chapter 6 of Planning Policy Wales (edition 12) that applications should be supported by Green Infrastructure Statements (GIS). However, due to the nature of the development proposed, whereby no external or internal alterations are proposed, the submission of a GIS would be deemed disproportionate and unreasonable. Thus, in this instance, the proposed development would therefore be considered acceptable and accord with LDP Policy EnW1.

Parking and Highway Safety

The proposed development would not be served by on-site parking, however, there is some on-street parking available along Perrott Street. Furthermore, the site lies within a very short walk of a public car park. Therefore, the Head of Engineering and Highways has not raised an objection to this proposal. The development would therefore accord with LDP Policy SW11.

CONCLUSION

The proposed development, for the reasons discussed above, is therefore considered acceptable and would accord with the relevant policies.

Finally, I have considered 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”). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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:

- Existing and Proposed Plans, received: 30th June 2025

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

3. The A3 use hereby permitted shall be restricted to a dessert shop only and for no other purpose within Use Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - To restrict the development and prevent an adverse impact on the character and appearance of the conservation area and the vitality and viability of the town centre in

accordance with Policies SW11, CW1, EcW3 and EcW5 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. 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. 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 19.08.2025