

DELEGATED REPORT

Application No: P/24/0165

Site Address: Nando's
Unit 3
Merthyr Tydfil Leisure Village
Merthyr Tydfil
CF48 1UT

Development: External alterations to shopfront

Case Officer: Kate Glover

Site Visit: 25th July 2024

Application Expiry Date: 8th September 2024

Consultation reply date expired: 15th August 2024

APPLICATION SITE

The application site is a restaurant occupying a unit within Merthyr Tydfil Leisure Village.

There is an area of open space to the front of the unit where tables and chairs for outdoor dining are provided.

PROPOSED DEVELOPMENT

This application seeks full permission to make alteration to arrangement of the principal elevation of the unit.

The alterations comprise a new arrangement of fenestration and alteration of the doorways. Patterned glazing will be provided at a high level above the doors and at ground level. Instead of one large doorway, there will be two smaller doors to enable access/egress to the building.

The plans indicate that the outdoor eating area will be repositioned on the north side of the outside area.

The proposed plans do not show any alterations to the existing signage.

PLANNING HISTORY

The relevant planning history is summarised below:

P/04/0631 Development of new leisure centre, bowls club and associated landscaping, cinema, hotels, family pub and cafe/sandwich bar
GRANTED 18 May 2005

- P/06/0585 Demolition of existing leisure centre, erection of new sports and leisure centre building with associated site access roads, service facilities, car parking and pedestrian routes, including site infrastructure for further commercial development
GRANTED 22 Dec 2006
- P/06/0633 Erection of new building comprising ten pin bowling suite, 9 screen cinema and restaurant, and associated car parking and site infrastructure |
GRANTED 19 Jan 2007
- P/07/0240 Erection of sports and leisure centre building, ten pin bowling, cinema and restaurant building and construction of associated site access, car parking and other site works (ARM)
GRANTED 15 Jun 2007
- P/06/0242 Development of new leisure centre, bowls club, hotel, backpackers hotel, cinema, 10 pin bowling complex, pub, restaurant and residential units (maximum of 30 units)
GRANTED 21 Aug 2006
- P/08/0428 - Erection of fascia sign
GRANTED 27 Jan 2009
- P/08/0470 Retention of ten pin bowling, cinema and restaurant building and associated car parking and other works
GRANTED 12 Mar 2009
- P/10/0067 - Installation of illuminated sign to front elevation of building
GRANTED 12 May 2010

CONSULTATION

Consultations were not carried out as part of this application.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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 12, February 2024) (PPW12).

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- EcW6: Out-of-Town Retailing Areas
- EnW1 Nature Conservation and Ecosystem Resilience

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 3, Shopfront Design
- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate are principle of development, impact upon the character and appearance of the property and the wider area, highway safety and ecology.

Principle of Development

The proposal would be located within the settlement boundary and Merthyr Village Leasure Village.

The principle of development is acceptable and meets with the requirements of policy SW4.

Visual Impact

It is considered that the scale, design and nature of the proposal would not be detrimental to the visual qualities of the property or wider area.

The proposal meets the requirements of LDP Policy SW11 and Note 3, Shopfront Design.

Highway Safety

The proposed development is located away from the highway network and adopted highway.

The proposal meets the requirements of LDP Policy SW11.

Ecology

In respect of ecology, the Council's Ecologist has recommended that a bat box is positioned on the southeast elevation of the property. Plans showing a single crevice bat box in location identified have been submitted.

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Likewise, given the nature of development, this would not be deemed a reasonable requirement in this instance. Notwithstanding this, ecological enhancements would be requested and controlled by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives.

The proposal meets with the requirements of LDP Policy EnW1.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Title: Proposed General Arrangement Plan, Drawing Number 112/157 901,
Received on 15 July 2024

Drawing Title: Proposed Shopfront Elevations, Drawing Number 112/157 903,
Received on 15 July 2024

Biodiversity Enhancement Plan, Received on 30 August 2024

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

3. **BEFORE WORKS COMMENCE ON SITE** a bat box shall be erected in accordance with approved Biodiversity Enhancement Plan, Received on 30 August 2024. The bat box shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil 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: 06.09.2024