

DELEGATED REPORT

Application No:	P/20/0163
Site Address:	49 Bridge Street Troedyrhiw Merthyr Tydfil CF48 4DX
Development:	Change of use from tanning salon (Sui Generis) to a shop (A1 use)
Case Officer:	Rebecca Owens
Site Visit:	30th July 2020
Application Expiry Date:	11th September 2020
Consultation reply date expired:	12th August 2020

APPLICATION SITE

The application relates to the ground floor of a mid-terrace property which was formerly used as a tanning salon (with separate residential flats above). The site is located in a C2 Flood Zone and is within the local centre of Troedyrhiw, which is an area characterised by a mixture of uses including retail, commercial and residential. The application site is bound by a highway to the front, a hot food takeaway to the east, and residential properties to the north and west.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the ground floor from a tanning salon (sui generis use) to a shop (A1 Use Class). At present, the opening hours of the business are unknown. No external alterations to the building are proposed to facilitate the change of use.

PLANNING HISTORY

The relevant planning history is detailed below:

P/19/0241	Change of use of ground floor to tanning salon (Sui Generis) Granted planning permission subject to conditions on 23 October 2019
P/16/0336	Change of use of ground floor from hairdressers (A1 use class) to dog groomers (Sui Generis) Granted planning permission subject to conditions on 29 November 2016
P/97/0311	Change of use of ground floor from shop unit to doctor's surgery Granted planning permission subject to conditions on 16 October 1997

CONSULTATION

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

Engineering & Traffic Group Leader No objection

Natural Resources Wales No response

PUBLICITY

In accordance with the Town & 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

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
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- EnW4: Environmental Protection
- EcW2: Protecting Employment Sites
- EcW3: Retail Hierarchy – supporting retail provision
- EcW5: Town and Local Centre Development

Finally, as the application site is located within a C2 Flood Zone, Technical Advice Note 15: Development and Flood Risk (TAN 15), is also relevant.

PLANNING CONSIDERATIONS

Principle

The application property is situated within the settlement boundary (Policy SW4) where there is a presumption in favour of development subject to other relevant planning policies and material planning considerations. The site is also within the designated local centre of Troedyrhiw where LDP Policies EcW3 and EcW5 apply. However, it is noted that the proposed change of use would comply with the objectives of both these policies. The proposal would bring a vacant ground floor unit back into use within A1 use class in the local centre of Troedyrhiw (local centres being the favoured location after the town centre for such uses) and in doing so would increase the retail provision within the area and positively impact on the vitality and viability of this local centre. The principle of the proposal is therefore found to be acceptable.

Character and visual amenity

Given that the application site is located in a retail centre where there is a mixture of uses present, the proposed shop would not appear out of place. Furthermore, as no external

alterations to the property are proposed, it would not have any impact on the character and visual amenities of the property itself or the wider area. As such, the proposal complies with Policy SW11 of the LDP.

Residential Amenity

Whilst the application site is located in a designated local centre, the area has a mixture of uses including residential dwellings and flats. In fact, the application site is itself directly adjoined by a number of residential units. Thus, the impact of the proposed change of use on the occupants of these adjoining properties is an important consideration. In this respect, it is acknowledged that an A1 use may have the potential to generate a greater number of visiting members of the public than the existing tanning salon. However, given that the site is located on a busy mixed-use street, with uses that operate at differing hours (including into the evening), it is not considered that an A1 use would create noise and disturbance to a significantly greater level than that which already exists and is to be expected within such local centres. It is also noted that no objections have been received following the publicity exercise. As such, the proposed change of use complies with Policy SW11 of the LDP in terms of its impact on residential amenity.

Parking and Highway Safety

It is noted that there is no on site car parking provision for visiting members of the public. However, it is acknowledged that this property, and other existing commercial uses in the area, have, and are operating, with the same lack of designated parking. When taking this into account along with the knowledge that this site is within a local centre with good public transport links and serving a large local community (which can access it by foot), it is not considered that it would be justified to refuse the application on the grounds of parking. Moreover, the Engineering and Traffic Group Leader is satisfied with the proposed use and thus it is not considered that it would have a significant effect on the highway network or highway safety.

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 designated local centre, the site is necessary to assist the local authority strategy to sustain the existing settlement of Troedyrhiw.

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. The property currently has permission to operate as a tanning salon, which involves the ground floor being occupied by employees and visiting members of the public. The proposed change of use to a retail unit would not differ in this respect and as no external alterations are proposed, there would be no impact from the development on flooding. 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:

Ground floor internal layout (existing and proposed), Received on 17 July 2020.

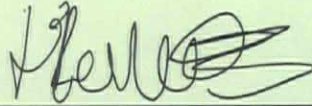
Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/9/20