

DELEGATED REPORT

Application No: P/21/0370

Site Address: Unit 2 Lower High Street
Merthyr Tydfil
CF47 8EB

Development: Change of use of ground floor from retail to a tanning salon (sui generis use)

Case Officer: Caroline Pulley

Site Visit: 1st November 2021

Application Expiry Date: 20th December 2021

Consultation reply date expired: 23rd November 2021

APPLICATION SITE

The application site comprises a former tool hire shop located on the outskirts of Merthyr Tydfil Town Centre. The detached building is situated between Merthyr Borough Ex Serviceman's Club and Applegreen Petrol Station. It is two-storeys in height but the proposal solely relates to the ground floor of the premises. The front of the building immediately fronts onto the pavement and contains three large display windows. The south-eastern side elevation of the building fronts onto the garage forecourt and contains the main entrance door. To the north-west, there is a small alleyway leading to the business premises to the north of the site, including the sorting office, which immediately abuts the rear boundary.

PROPOSED DEVELOPMENT

This application seeks to change the use of the ground floor of the premise from a tool hire shop to a tanning salon (Sui Generis use). No alterations are proposed to the exterior of the building. Internally, the plans illustrate the floor space being subdivided to provide a reception area, 12 sunbed rooms, two storerooms and a staff room. No changes are proposed to the existing access arrangements and it is noted that two parking spaces would be provided for the use of the premise on the existing tarmac area to the western side of the building (immediately adjacent to the garage forecourt). The opening hours proposed for the premise are as follows:

- Monday to Friday – 09:00 to 22:00 hours
- Saturday – 09:00 – 19:00 hours
- Sunday and Bank Holidays – 09:00 – 19:00 hours

PLANNING HISTORY

There is no recent planning history relating to the application property.

CONSULTATION

Head of Engineering:	No objection.
Planning Division's Policy Officer:	No objection.
Environmental Health Manager:	No response.
Natural Resources Wales:	No objection.
The Coal Authority:	No comment.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW) – Edition 11, February 2021
Technical Advice Note (TAN) 4 – Retail and Commercial Development
Technical Advice Note (TAN) 12 – Design
Technical Advice Note (TAN) 15 – Development and Flood Risk

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries
Policy SW11 – Sustainable design and Placemaking
Policy CW1 - Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW2 – Internationally and Nationally Protected Sites and Species
Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
Policy EnW4 – Environmental Protection
Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision
Policy EcW5 – Town and Local Centre Development

PLANNING CONSIDERATIONS

The proposed development seeks permission to change the use of a former tool hire shop to a tanning salon. The key considerations in the determination of this application are the potential impact of the development upon the character and appearance of the existing building and the surrounding area, and the potential impact upon the privacy and amenity of neighbouring properties and flood risk. The impact upon highway safety is a further consideration.

Principle of the change of use

The proposed site is located within the settlement limits as defined by Policy SW4 of the LDP where the majority of new development is generally encouraged. Notwithstanding this, the application site lies within the Town Centre boundary and the proposal would result in the loss of an A1 use, which could affect the vitality of the centre, by reducing the number of A1 uses with 'active' shopfronts. However, given that there are no alterations proposed to the shop front (apart from signage) and the proposal would bring a vacant property back into beneficial use, the Planning Division's Policy Officer considers that the proposal would not harm the vitality of the town centre and would be in accordance with Policies EcW3 EcW5 of the LDP. As such, the principle of the proposed change of use is considered to be in accordance with Policies SW4 and EcW3 of the LDP.

Impact upon the character and appearance of the area

The proposed development, as explained earlier, would not involve any external alterations (apart from signage which is independent of this application). Only internal alterations would be carried out to the premises. Since the exterior of the building is not proposed to be altered, the proposed development would not have an adverse impact on the character and appearance of the existing building or the surrounding area and would therefore comply with Policy SW11 of the LDP.

The privacy and amenity of neighbouring properties

The proposed development would involve changing the existing floor space of the shop to a tanning salon. The re-use of the building for this purpose would not unduly compromise the amenities of nearby residents, since no new extensions or window openings are proposed. As such, the proposal would not result in an overbearing impact or cause loss of light or privacy to the amenities of nearby occupiers. Furthermore, the proposed use, in terms of noise and disturbance would have no significant detrimental impact on residents who may live within the vicinity.

Impact on highway safety

In order to aid in the assessment of the scheme, consultation has been undertaken with the Council's Head of Engineering. In this respect, it is noted that no highway objections have been raised to the proposal. Moreover, the site is located within a highly sustainable location in close proximity to public car parks and the central bus and railway station. In addition to this, there are traffic regulation orders in place within the vicinity of the site which would prevent indiscriminate on-street parking in these locations. On this basis and having regard to the nature of the existing use, it is not considered that the development would have a detrimental impact on highway safety and the free flow of traffic in the area and is compliant with the requirements of Policy SW11 of the LDP.

Flood Risk

The comments received from NRW highlight that the application site lies within a zone which is at risk of flooding. However, given that the proposal will result in less vulnerable development being retained (and in the absence of a flood consequence assessment), they consider the proposal acceptable, subject to the developer being made aware of the flood risk associated with the site.

Conclusion

Having taken account of all the issues outlined above, the application is considered to be acceptable in planning terms and is in line with local development plan policy and the policy framework of Planning Policy Wales.

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 Ground Floor Plan Drawing no. 1196-P04 Rev B received on 25.10.2021

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

INFORMATIVES

1. The applicant/developer should note that this permission relates to the change of use of the building only. Separate permission may be required for the display of advertisements on the building. For further advice and guidance please contact the local planning authority.
2. The developer shall obtain all other necessary consents **BEFORE** works commence including BUILDING REGULATION approval.
3. 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.

4. The developer is advised that the site falls within an area which is at risk of flooding. The applicant's attention is drawn to the comments received from Natural Resources Wales (NRW) during the application process.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

29/5/21

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