

DELEGATED REPORT

Application No:	P/25/0302
Site Address:	13 Wheatsheaf Lane Merthyr Tydfil CF47 8AY
Development:	Change of use to ice cream shop and external alternations including replacement shopfront and shutter and new side window
Case Officer:	Rebecca Owens
Site Visit:	24th November 2025
Application Expiry Date:	13th January 2026
Consultation reply date expired:	15th December 2025

APPLICATION SITE

The application relates to a small single storey unit located within the town centre and thus in the settlement boundary. The site is in a mixed use area where there are retail commercial and residential uses present. Is also located within the Town Centre Conservation Area.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the unit to ice cream shop. The submitted information indicates that this would be operated by one part time and one full time employee and would be open between the hours of 8:30am and 6pm Mondays to Fridays, from 9am until 6pm on Saturdays and from 10am until 6pm on Sundays and bank holidays.

Planning permission is also sought for external alternations which are summarised below:

- The existing white upvc shopfront would be replaced with a new anthracite grey, aluminium shopfront which would comprise of two glazed doors.
- A new high level window would be inserted into the side elevation.

It is also noted that a replacement roller shutter is proposed. This would be installed internally on a like for like basis and thus would be a shutter with a grille pattern of perforation.

PLANNING HISTORY

There is no recent planning history which needs to be considered when determining this application.

CONSULTATION

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

Engineering and Highways	No objection
Planning Policy	No objection
Environmental Health	No objection subject to conditions
Natural Resources Wales	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two site notices were 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 12, February 2024) must be taken into considerations. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for people to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable*

development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution". Similarity, Paragraph 4.1.37 notes that "Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services". In respect to car parking paragraph 4.1.51 notes "Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport".

- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that planning authorities should:
 - *"promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and*
 - *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport".*
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that *"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 4.3.34 expands on this further and notes that *"In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening".*
- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that *"There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised".* With paragraph 6.1.15 clarifying that *"There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level".*
- Paragraphs 6.2.1 – 6.2.14 refer to green infrastructure, green infrastructure statements and net benefit to biodiversity.
- Paragraphs 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 15: Development and Flood Risk and updated TAN 15: Development, flooding and coastal erosion
- TAN 18: Transport
- TAN 12: Design
- TAN 24: Historic Environment

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 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
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW3 Retail Hierarchy – Supporting Retailing Provision
- EcW5 Town and Local Centre Development

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

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to other relevant policies and material planning considerations which are set out below.

Policy EcW3 highlights that the town centre is the favoured location for retail, leisure and other complementary development and supports proposals for new and enhanced retail, leisure and other complementary provision where they improve the vitality and viability of the centre. Similarly, Policy EcW5 supports development that enhances the vitality and viability of the town centre. In this case, whilst the application site is within the town centre boundary, it is outside of the Primary Shopping Area. It is considered that an ice cream shop would be an appropriate use within this location and would bring a vacant unit back into beneficial use which would be beneficial to the vitality and viability of the town centre in alignment with Policies EcW3 and EcW5 of the LDP.

It is recognised that the proposal would result in the loss of an information centre and as such Policy SW13 would be relevant. This policy seeks to protect the loss of community facilities unless it can be appropriately justified under the following criteria:

- alternative provision of at least equivalent value to the local community can be provided nearby, or
- the existing provision is inappropriate or surplus to the needs of the community and is no longer required, or

- there is no longer a viable community use for the facility.

The unit has become vacant as it is not longer required as an information centre on regeneration projects with a new public drop in centre providing information, advice and guidance now located in close proximity to the site (3 New Market Walk). As such its replacement with a new community facility in the form of an ice cream parlour is considered to be acceptable and would not contravene the aims of this policy.

Character, visual amenity and impact on conservation area

The application site is located within the Town Centre Conservation Area and Urban Character Area 1 (UCA1). As such regard has been had for Policy CW1 of the LDP and the impact of the proposal on the character of the area has been carefully considered. In this respect it is noted that the proposal includes the replacement of the existing shopfront. It is recognised that the new shopfront has a modern appearance and utilises modern materials. However, this is no different to the existing shopfront which it would replace. In addition, whilst being located within the town centre conservation area, the application does not relate to a historic building but rather a more contemporary single storey unit. It is also located within a predominantly rear street scene with some commercial unit frontages which are also modern in their appearance. Within this setting it is considered that the proposed shop front is appropriate and would preserve the character of the wider conservation area. Thus, having regard to the above it is not considered that there would be any detriment to visual amenity and the changes would not harm the character of the conservation area or UCA1. It is therefore found to comply with Policies SW11 and CW1 of the LDP.

Residential amenities

Regard has also been had for the impact of the proposal on the residential amenities of surrounding occupants. The physical alterations to the building which include a new shopfront and new windows in the side elevation would not result in any harmful impact or give rise to any unacceptable overlooking or loss of privacy. In addition, with respect to the proposed use, it is noted that the site is located in the town centre and thus in an area where a higher level of noise and activity is to be expected. In addition, the proposed use would not likely give rise to any significant increase in comings and goings than that which would be associated with the existing use. As such, the proposal would not result in a harmful increase in noise and disturbance to local residents. The proposal is therefore found to accord with Policy SW11 of the LDP in terms of residential amenity.

Car parking and highway safety

It is noted that the site does not benefit from any off-street parking and no designated parking is included as part of the proposal. However, the existing use as an office would generate a parking demand and it is not considered that the proposed retail unit would result in any significant increase in parking need. Furthermore, the site is located in a sustainable location within the town centre and is therefore in close proximity to services, facilities and public transport links. As such, no concerns are raised in respect to car parking or highway safety and no objection has been received from the Head of Engineering and Highways.

Flood risk

The application site is located within Flood Zone 2 – Rivers of the Flood Map for Planning and as such is at risk of flooding. TAN 15 notes that *“In Zone 2 allocations may be made for new development and redevelopment of any vulnerability that is necessary to implement the strategy of an LDP, a strategy to regenerate or revitalise existing settlements or to achieve key economic or environmental objectives, provided that a Strategic Flood Consequences Assessment has identified an acceptable level of risk”*. In this respect it is noted that the proposal would bring a vacant unit within the town centre back into beneficial use which is necessary to assist the local authority strategy to regenerate the town centre and sustain this area.

Being located on the ground floor, it is recognised that it would be difficult to provide a completely safe means of escape given that the site and the immediate area surrounding it falls within the area of flood risk. However, it is noted that the land on the opposite side of the street is outside of the flood risk and would provide a means of escape within very close proximity to the front entrance to the unit. In addition, it is recognised that this is the arrangement for a significant number of commercial units within the town centre and given the importance of regenerating and supporting the viability of the town centre it is not considered that this would necessitate the refusal of the application. In addition it is noted that the land on the opposite side of the highway and thus in very close proximity to the site is outside of the area of risk and would provide a safe area for escape.

It is recognised that Tan 15 requires a Flood Consequences Assessment (FCA) to be undertaken for applications located within Zone 2 but it notes that this should be proportionate to the development proposal. Whilst a FCA has not been submitted to support the application, the proposed use would be classed as less vulnerable development and thus there is no change in the level of risk. In this instance having regard to the above and the scale and nature of the development, it is therefore considered disproportionate and unreasonable to require this. It is also highlighted that Natural Resources Wales have not objected to the proposal.

Similarly, It is acknowledged that TAN 15 requires development in Zone 2 to demonstrate resilient flood design. However, once again having regard to the small scale of the development and no change in risk level it is not considered justified to require that this is undertaken. However, an informative can be included in any permission issued to advise the developer of the flood risk and recommend that flood resilient design is incorporated into the scheme where feasible.

Having regard to the above, the flood risk is on balance found to be acceptable.

Ecology

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only includes a change of use and modest external alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be sought and secured by condition, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with 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.

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:

Drawing Title: A2- Proposed GA Plans and Elevations, Drawing Number: 771-240
Revision C, Received 18 November 2025.

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

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. The developer is advised that the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding within Flood Zone 2 - Rivers. It is therefore recommended that flood resilient design is incorporated into the development where feasible. Guidance on resilient design can be found in Chapter 13 of TAN15 which references advice from Construction Industry Research and Information Association, including a Code of Practice and Guidance for Property Flood Resilience. Further advice can also be found on the Natural Resources Wales website under the section 'Preparing for a flood'.
2. The developer is advise that this decision notice does not grant permission for any advertisements or signage. Advertisements or signage that require consent would be subject to a separate application for advertisement consent.

RECOMMENDATION ENDORSED *G. Davies*
pp. Director of Neighbourhood Services

DATE: 22nd December 2025