

DELEGATED REPORT

Application No:	P/22/0279
Site Address:	Annexe To Side Of 147 High Street And Garage To Rear Merthyr Tydfil CF47 8DP
Development:	Change of use of annexe from offices to santa's gotto at ground floor and offices above with associated external alterations and change of use of garage to santa's workshop (Temporary Permission)
Case Officer:	Marlene Ferreira
Site Visit:	3rd November 2022
Application Expiry Date:	14th December 2022
Consultation reply date expired:	24th November 2022

APPLICATION SITE

The application site relates to 147 High Street and a large garage to its rear, located off Three Salmon Street. The property is accessed via an arched entranceway, which provides access to the application premises and other neighbouring properties. Currently the premises is unoccupied but was previously used as offices. The garage, also currently vacant, is accessed via a large hardstanding area to the east which is designated adopted highway.

The application site lies within the settlement boundary – Primary Growth Area, Town Centre Boundary, Town Centre Conservation Area as designated within the Merthyr Tydfil Local Development Plan 2016-2031. The site also falls within a C2 Flood Zone.

PROPOSED DEVELOPMENT

This application seeks temporary planning permission to change the use of the ground floor of the premises from offices into a 'Santa's Grotto' and to change the use of the garage into a Santa's workshop. This temporary permission is proposed to operate from 09:00 until 21:00, from 28th November 2022 until 24th December 2022 with a total of 5 staff. Externally, no alterations are proposed to the premises, other than the addition of a new window and a door to replace the existing window on the front elevation. The garage building would also remain free of any external alterations.

The agent has confirmed that the families would arrive at Santa's workshop, be provided with refreshments, meet the elves, engage in drawing/colouring activities and write a letter

to Santa Claus. Visitors would then have their pre booked tickets scanned and would subsequently be escorted in turn (by the elves) to Santa's Grotto (via the High Street) to meet Santa Claus, where the session would come to an end.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/10/0322 – Installation of timber pilasters to shopfront – Approved: 10th December 2010

P/10/0028 – Installation of new shopfront and general refurbishment work – Approved: 23rd March 2010

P/97/0491 – Removal of condition 1 of Planning Consent P/97/0114 requiring screen/fence/wall along boundary – Approved: 12th February 1998

P/97/0114 – Retention of first floor conservatory for dentist's surgery – Approved: 14th August 1997

CONSULTATION

Head of Engineering and Highways	No objection.
Planning Policy Officer	No objection.
Ecology Officer	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to the adjoining properties and two site notices were 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 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

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...'*

Paragraphs 4.3.30, 4.3.33 and 4.3.34 refer to mixed uses in centres and state *'...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy....' '...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. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas...'* *'...Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. 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 4.3.43 and 4.3.44 recognise the importance of evening and night time economies, *'...Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic...'* *'...Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity'.*

Paragraph 6.1.14 refers to conservation areas *'...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. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...'*

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...'*

- TAN's (Technical Advice Notes)

TAN 4: Retail and Commercial Development (November 2016) – This TAN 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. These centres are traditionally characterised by having higher densities which*

increases scope for different uses, including residential, to be accommodated above retail and commercial floorspace. Encouraging people to live and work in existing centres reinforces local demand and provides additional vibrancy during the day and in the evening. 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 Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12: Design (2016) – This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 15: Development and Flood Risk (2004) – This TAN considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

TAN 24: The Historic Environment (May, 2017) – This TAN 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 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 EnW4: Environmental Protection

Policy EcW3: Retail Hierarchy – supporting retail provision

Policy EcW5: Town and Local Centre Development

- Other guidance: Merthyr Tydfil Town Centre Conservation Area – Character Appraisal (June 2009)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location, in principle, and whether it would be acceptable with regards to its impact upon the appearance of the premises, the

character and appearance of the conservation area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary – Primary Growth Area and as such, the proposal would therefore be in accordance with LDP Policy SW4 since new development in this location is acceptable in principle, provided it complies with other relevant LDP policies.

The site lies outside the Primary Shopping Area but is located within the Town Centre boundary and LDP Policies EcW3 and EcW5 are therefore relevant. LDP Policy EcW3 states 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 and being followed by the local centres...proposals for new and enhanced retail, leisure and other complimentary provision in all these centres will be permitted where they improve the vitality and viability of centres...'* LDP Policy EcW5 states that *'...development enhancing the vitality and viability of the Town and Local Centres will be supported...'* Thus, the proposal, which seeks to provide an entertainment use and which is proposed during a temporary period of just under a month and for this year only, would be considered an acceptable complementary use in the town centre which would not only bring the vacant premises and garage back into use, but which would also enhance the vitality and viability during the time it is open, particularly within this part of the town centre. Indeed, a permanent use of this nature would also have been acceptable. As such, the proposal would result in an acceptable development in accordance with LDP Policies EcW3 and EcW5.

The application site lies entirely within a C2 Flood Zone as illustrated on the LDP constraints map and within Flood Zone's 2 and 3 of Natural Resources Wales (NRW) Flood Map for Planning. The proposed use of the ground floor of the premises as a Santa's Grotto and the proposed use of the garage as Santa's workshop, is classified as less vulnerable development as confirmed by NRW. As such, the location of the proposed development is considered acceptable in this respect and NRW has therefore not objected to this proposal. However, in the absence of a Flood Consequence Assessment (FCA), NRW has requested that the developer is made aware of the potential flood risks. A copy of NRW's comments has therefore been sent to the agent for their consideration.

The proposed development would therefore accord with LDP Policies SW4, EcW3, EcW5 and EnW4.

Character and Appearance

The majority of the works proposed in association with the change of use relate to internal alterations to the premises and to the garage. Whilst the premises would also undergo minor external works, which would include an additional access door with a smaller window (to replace the existing window) on the front elevation, these works are very minor and would not detract from the appearance of the premises. Furthermore, the new door and window would be finished in matching UPVC materials. It should also be noted that as the premises is significantly setback from the High Street and accessed via an arched entranceway, these alterations would not be readily visible when viewed from the High Street.

The alterations proposed in association with the proposed use would therefore not detract from the character and appearance of the premises or the Town Centre Conservation Area. As such, these works would accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use, its hours of operation, and the premises' and garage's siting near residential properties (given that some of the first floors of the nearby neighbouring properties appear to be sub-divided into flats), the proposed use has the potential to create some noise and disturbance to nearby occupiers. However, it should be noted that the premises and garage lie on a busy street within the town centre and are located in close proximity to other commercial businesses, which include a Public House on the opposite side of the High Street which undoubtedly produces more noise and disturbance into the late evenings. Thus, the operation of the proposed use, which would be carried out for under a month from 09:00 until 21:00 hours would not be deemed significantly more harmful to residential amenity when compared to the current commercial uses that already operate during later night hours, within close proximity of the application site. The Environmental Health Manager has therefore not raised any objections in respect of the proposed use. It should also be noted that no letters of representation have been received from nearby occupiers in respect of this proposal. The proposed development would therefore comply with LDP Policies SW11 and EnW4.

Ecology

The proposed development, as noted previously, relates to only minor external works which include a new window and door, since the majority of the works are internal alterations. As such, the Council's Ecologist has not requested any survey work. The proposed development would therefore accord with LDP Policy EnW1. However, enhancement works requiring the installation of a bat box, have been requested in line with the Environment (Wales) Act 2016. Since the works hereby proposed are predominantly internal and for a short period of time, it would not be deemed necessary or reasonable to request such enhancement works under this application.

Parking and Highway safety

The proposed development would not be served by on-site parking provision. However, the application site lies within a sustainable town centre location, near a variety of facilities and in close proximity to bus stops and a train station. In addition, a public car park lies within close walking distance of the application site. Therefore, the Head of Engineering and Highways has not raised an objection to this proposal and the development would therefore comply with LDP Policy SW11.

CONCLUSION

The proposed development, for the reasons discussed above, is considered acceptable and should therefore be approved.

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:

- Drawing no: Santa Prpsd 02A, received: 1st November 2022

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

3. The use, hereby permitted shall only operate between the following dates and times: from 28th November to 24th December between 09:00 and 21:00.

Reason - Planning permission is granted for a temporary period only having regard to the particular circumstances of the application.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

28/11/22