

DELEGATED REPORT

Application No: P/19/0244

Site Address: 40 - 42 High Street
Merthyr Tydfil
CF47 8DE

Development: Proposed refurbishment to create 12 flats and 7 self contained serviced units (holiday lets), together with new shop front, third floor rear extension and associated bike shed and bin store. Change of use of shop to cafe/bar/restaurant (A3 Use) and provision of ground floor storage areas.

Case Officer: David Cross

Site Visit: 26th September 2019

Application Expiry Date: 2nd December 2020

Consultation reply date expired: 8th October 2019

APPLICATION SITE

The application site comprises two buildings located within the Town Centre Conservation Area that are orientated back to back with a central courtyard area. The buildings are also linked together by an enclosed walkway at first floor level. The three storey building in the western part of the site accommodates a café and a vacant shop at ground floor, with residential units above and has a key frontage onto the main pedestrianised high street. Although part of the shopfronts and fascias have been modernised over time, the café retains elements of some of its traditional character i.e. stall riser and barrel glass windows with recessed entrance. The vacant shop has an aluminium frontage which generally appears dated and out of place with the rest of the building. The upper level of the buildings frontage retains the traditional windows with detailed surrounds. The building has prominent position within the street scene due to its wide frontage and height, which is notably larger than the adjoining properties and is seen as a key building that contributes to the character of the Town Centre Conservation Area.

The smaller two storey building in the eastern part of the site was previously used as part of the former Howfield Bakery, with a workshop/warehouse area at ground floor and store rooms and offices at first floor level. It is of a traditional stonework construction with brickwork detailing around the windows with a modern metal pitched roof. There is a rear service yard area and a modern garage that adjoins the building, which can be accessed from a rear road.

The site is located in the southern part of the town centre and forms part of a terrace, comprising a mixture of traditional commercial properties and modern infill developments to the north and south. To the west (opposite) is High Street Chapel with a link to a new bus station which is currently under construction. To the east is the main train station and the Tesco car park.

PROPOSED DEVELOPMENT

Full planning permission is sought for the refurbishment of the buildings, the creation of 12 flats and 7 self-contained serviced units (holiday lets), together with the installation of a new shop front, the change of use of an existing shop to a café/bar/restaurant (A3 Use), provision of storage facilities, a third floor rear extension and associated bike shed and bin store.

The proposed works to the shopfronts would include the installation of new rendered stall risers, new shop windows incorporating 6 glazed panel sections along the top and the retention of the barrel glass window design serving the existing café. New double timber doors would be provided for each shop, together with new fascias, pilasters, cornice and awnings. The existing cast iron double gates situations between the café and shop, which provides access to the rear (east) building, would be renovated.

The first, second and third (within roof space) floors above the café and shop, which currently provide 2 residential units would be sub-divided to create 5 flats (1 and 2 bedroom) and 7 self-contained serviced holiday lets. The flats would be accessed from the communal lobby area via a gated walkway at the centre of the building. The holiday lets would be accessed via a separate entrance that fronts onto the main high street.

It is proposed to remove the existing metal roof on the former bakery building and construct a third floor extension with a new pitched roof to accommodate a total of 7 flats (1 and 2 bedroom) on the upper levels of the building (including within the roof space), as well as storage facilities on the ground floor. The proposed extension would be of a modern design matching the existing footprint of the building and would measure 13.4m high, when measured from the ground floor or 7.4m high from the existing eaves. The west and east elevations of the extension would incorporate a row of elongated windows that slightly project from the vertical plane of the building and would be of a similar size to the existing windows on the lower levels. A row of elongated dormer window features would also be provided within the roof planes. The external finishes of the extension would comprise grey metal cladding on the elevations and roof with aluminium framed windows. The material finishes are intended to contrast with the existing stonework elevations to clearly define the historic and modern elements of the building.

The proposed renovation works would also involve the painting of the rendered elevations of the western building, refurbishment of the existing tiled roof and the renovation/painting of the existing windows. The existing front door serving the holiday lets from the main high street would be replaced with a new timber door. Furthermore, the existing garage building would be demolished and a communal space/garden area would be provided within the rear and central court yard areas.

PLANNING HISTORY

There is no relevant planning history relating to this application site.

CONSULTATION

Engineering & Traffic Group Leader	-	No objection, subject to a condition relating to details of the flood mitigation measures.
Planning Division's Policy Officer	-	No objection.
Planning Division's Conservation Officer	-	No objection in principle, however concerns were initially raised in respect of the design of the shop fronts and the rear extension.
Planning Division's Ecologist	-	No objection subject to conditions relating to the implementation of enhancement measures and a lighting plan.
Environmental Health Manager	-	No response.
Natural Resources Wales	-	No objection.
Welsh Water	-	No objection to a condition relating to surface water drainage.
South Wales Police	-	No objection.
Wales & West Utilities	-	No objection.
Western Power Dist.	-	No response.

PUBLICITY

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

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

The following policies are relevant to the determination of this application:

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2019:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard

should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.25 – 4.2.34 set out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Para 6.1.14 – 6.1.15 sets out the general presumption in favour of the preservation or enhancement of conservation areas or appearance of conservation areas or their setting. There is also a strong presumption against development that damages the character or appearance of a conservation area or its setting to an unacceptable level.

Para 6.1.16 – notes that the preservation or enhancement of a conservation area can be achieved by a development which makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Para 6.6.22 – 6.6.26 note that flooding as a hazard involves the consideration of the potential consequences of flooding as well as the likelihood of an event occurring. Development should reduce and must not increase flood risk arising from river and/or coastal flooding on and off the development site itself.

Technical Advice Notes (TAN):

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016
- TAN 12, Guidance on Design and Access Statements, March 2016
- TAN 15, Development and Flood Risk, July 2004
- TAN 24, The Historic Environment, May 2017

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP), January 2020:

- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations

- Policy SW11 - Sustainable Design and Placemaking
- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental protection
- Policy EcW7 - Tourism, Leisure and Recreation Development

Supplementary Planning Guidance (SPG):

- SPG 1 – Affordable Housing, March 2012
- SPG 2 – Planning Obligations, March 2012
- SPG 5 – Nature and Development, May 2015

Other material considerations:

- Merthyr Tydfil Town Centre Conservation Area, Character Appraisal, June 2009
- CSS Wales Parking Standards, 2008

PLANNING CONSIDERATION

Land use

The application site is located within the settlement boundary and Primary Growth Area, where new development is generally encouraged and supported in principle by policy SW4 of the LDP. Indeed the proposal seeks to renovate and bring two vacant buildings back in to beneficial use, which would help improve the viability and vitality of the town centre. The proposed mixed use development would be situated in a sustainable location and would complement the surrounding commercial and residential uses within the town centre.

It is proposed to change the use of the existing shop to provide a café/bar/restaurant (A3 Use) that fronts on to the main high street. Policy EcW5 of the LDP seeks to protect the viability and vitality of the Primary Shopping Area within the town centre by maintaining at least 75% of the commercial uses within the A1 Use Class. The policy also requires that there shall not be more than two adjoining non-A1 uses and not more than three non-A1 uses within any block of 5 units. In this instance, the proposal would not result in more than two adjoining cafes/bars/restaurant (A3 Use), with only one other A3 Use (restaurant/takeaway) within a block of 5 units to the north or south of the application site. Therefore, the proposed change of use of the ground floor is acceptable and complies with Policy EcW5 of the LDP.

Flood risk

The proposed development lies within an area deemed to be at risk from flooding (C2 Flood Zone) as identified on the DAM maps produced by Natural Resources Wales.

It is acknowledged that residential use is classed as '*highly vulnerable development*' and is not normally permitted within C2 Flood Zones due to the high risk of flooding. The response received from Natural Resources Wales (NRW) has confirmed that the application site is partially located within the 1 in 100 year and 1 in 1000 year annual probability fluvial flood outlines. However, on the basis that the proposed flats and holiday lets (highly vulnerable element) would be located above the flood risk with less vulnerable uses (cafes and store facilities) remaining on the ground floor, NRW has raised no objection to the application.

The principle of the development is generally supported as part of the wider regeneration works that have been undertaken to improve the vitality and viability of the town centre. The proposal would also assist to enable a historic building within a Conservation Area to be brought back into beneficial use. There is also significant grant funding for this project to assist in enabling the development. In this instance, the development would provide overriding economic, social and cultural benefits that would contribute to the regeneration of the town centre. Additionally, the location of the flats/holidays lets above the cafes and store facilities (less vulnerable uses) significantly reduces the risk to the future occupants. It is also noted that the land to the east of the site, together with part of the access road, lies outside of the flood zone and would accommodate a safe means of escape during a flooding event. Having regard to the particular circumstances of this development, appropriate measures have been put in place to minimise/avoid any unnecessary flood risk.

Design and heritage

The application site lies within the southern part of the Town Centre Conservation Area which can be broadly characterised as having a strong linear form with commercial properties, largely terraced, along either side of the High Street. The majority of the buildings are consistent in their scale and massing with variations in their architectural style, some of which are Grade II listed. Within the vicinity of the site there are also a small number of infill developments that integrate poorly with the area both in terms of their building design and material finishes. The building in the western part of the site, due to its scale and architecture, has a degree of prominence along the High Street and is identified in the Town Centre Conservation Area Character Appraisal (CACA) as a key building, which has been subjected to unsympathetic alterations i.e. loss of historic shop fronts and poor maintenance.

The proposal seeks to re-introduce the traditional elements of the shop fronts (i.e. stall riser, pilasters, fascias and cornice) and to renovate the exterior of the building. This would not only greatly improve the overall quality and condition of the building, but it would enhance the contribution the building has on the character and appear of the conservation area.

The building in the eastern part of the site, is somewhat isolated from the surrounding conservation area given its location to the rear of the main commercial buildings that front on to the High Street. This building when viewed from the nearby train station is mainly seen in relation to infill developments that are of a poor design and nearby service/delivery areas. The building itself, whilst retaining some of its original features (such as the stonework elevations and existing window openings), has been subjected to a number of modern alterations with the installation of a corrugated metal roof and an unsympathetic single storey garage extension.

It is proposed that the existing garage would be removed and along with the conversion of the former bakery building into flats, it is proposed that a 2nd floor extension would be constructed with residential accommodation provided in the roof space. The design approach is to retain and renovate the original features of the building, with the extension seen as an obvious addition, with differing material finishes that present a clear contrast between the historic and modern elements. This enables some appreciation of the original scale and fabric of the building whilst being able to improve the overall viability of the development.

The extension would incorporate a new pitched roof of a similar profile to the existing metal roof and a series of windows/dormers would be incorporated in the elevations of the extension, that seek to reflect the general scale and pattern of the existing fenestration. Although the extension would greatly alter the overall scale of the building, its increased height would not be dissimilar to the neighbouring buildings that front on to the main high street. The use of metal cladding on the extended parts of the elevation and roof would emphasise the extension. The contrast between the metal cladding and stonework finish would also help to break up the overall mass of the building.

It is noted that there are aspirations to improve the quality of the built environment, particularly in the area between the high street and railway station, where there are works underway to improve the links to the new bus station. In this regard, the development would enhance the quality of the area and would help provide a more welcoming environment that improves the sense of arrival for those travelling by train. Additionally, the modern extension would give renewed identity to the area and provide confidence for future investment in the area. The development is deemed to be of an acceptable design. The integrity of the historic environment would overall be maintained, with some enhancements to the key frontage on to the high street, where the development has the greatest contribution to the character and appearance of the Town Centre Conservation Area. Therefore the proposal complies with policies SW11 and CW1 of the LDP.

Amenities

The property is located at the heart of the town centre where there is generally a high level of activity expected during the day and the late evening. Whilst the sub-division of the buildings to provide a number of flats and holiday-lets will result in an intensification of the use, it would not result in an adverse impact on the level of amenity currently enjoyed by neighbouring occupiers, which include residential properties above shops.

It is acknowledged that the proposed flats in the eastern part of the site would be located opposite the main train station, which may have a potential noise impact on the development. However, given the location of the property within a busy town centre, residents cannot reasonably expect the same level of peace and quiet that may be experienced in residential areas. Notwithstanding this, a Noise Assessment was submitted in support of the application. It was concluded in the report that standard thermal double glazed windows would provide sufficient noise insulation for future occupants. Additionally, it is noted that there is limited train movements during night time hours. Therefore, the proposal complies with policies SW11 and EnW4 of the LDP.

Ecology impact

It was identified by the Planning Division's Ecologist that the proposed works, including the removal of the roof on the building in the eastern part of the site, has the potential to impact on protected species i.e. bats and nesting birds. As such, a bat survey report was submitted in support of the application.

It is concluded in the report that the buildings are not located in a particularly favourable area for bat habitats and is deemed to have low to moderate potential to support bats. It was noted that two bat species were seen using the surrounding area for foraging, socialising and commuting. However, the bats were not using the buildings within the application site. The report considers the localised scale of the development and suggests that the impact of the development on local ecology is likely to be low and that the

proposed enhancement measures (provision of bat box) would have a positive impact and net gain for biodiversity.

It is acknowledged that the Planning Division's Ecologist is satisfied with the conclusion of the bat survey, subject to the implementation of the proposed enhancement measure and the approval of an external lighting plan to maintain dark areas for bat activity, which can be secured by condition. Therefore the proposal would maintain/enhance biodiversity interests in accordance with policy EnW1 of the LDP.

Highways safety

The existing café/shop would continue to be accessed and serviced from the pedestrianised high street which has limited vehicular access. The proposed holiday lets would be accessed directly from the high street via their own entrance to one side of the shop. The flats above the café and in the eastern building would be accessed from the central gated walkway via communal lobby areas. Additionally, the existing garage that is accessed from the rear service road would be demolished and the rear court yard would be utilised as a communal garden area, with an area provided for the storage of refuse bins. An access gate leading on to the service road would be retained, which could also be used for waste collection.

The proposed development is located at the heart of the town centre, within walking distance to the new main bus station and train station, as well as a range of other local shops, services and facilities. It is acknowledged that there is no designated off-street or on-street parking available within the immediate vicinity of the site and that the car parks around the town centre are mostly regulated or would incur a charge for their use. The CSS Wales Parking Standards set out the parking requirements for residential and tourist accommodation for different zones. In this instance, given the sustainable location of the development within the town centre (Zone 1) close to public transport and other services, the parking guidelines identifies no requirement for on-site parking to be provided.

The existing access serving the proposed development is deemed to be adequate given its location within the town centre and would not present any significant highway safety concerns. In this regard, the Engineering and Traffic Group Leader has not raised any objection to the development. Therefore the proposal complies with policy SW11 of the LDP.

Planning obligations

Policy SW9 of the LDP sets out, where appropriate and having regard to development viability, planning obligations would be sought on new residential development. On sites within the Primary Growth Area, comprising of 10 or more homes, 10% on-site affordable housing shall be provided. Where on-site provision is not appropriate a financial contribution may be sought instead.

The proposal would provide a mixed use development comprising commercial units, flats and tourist accommodation. Given the integrated nature of these uses, being in the same buildings and with communal facilities, which would be managed by the applicant, it would not be appropriate in this instance to provide on-site affordable housing (equating to a single dwelling in this instance). This would likely create an undesirable arrangement where a Registered Social Landlord (RSL) would have limited control over the building, which may present issues with the management of the accommodation.

Regard has been given to the potential for a financial contribution toward affordable housing. Using the Three Dragons Toolkit, the viability of the development has been assessed, which takes into consideration the considerable amount of grant funding offered to improve the viability of the scheme. In this instance, a financial contribution is not sought as this would likely render the project unviable and would off-set the benefits of the granting funding. Therefore, the proposal complies with policy SW9 of the LDP.

CONCLUSIONS

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.

For the above reasons the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMEDNATION: **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 No. 625.001A (Proposed Ground Floor Plans), received 07.10.2020
- Drawing No. 625.011B (Proposed Elevations), received 13.08.2020
- Drawing No. 625.002A (Proposed First Floor Plan), received 23.07.2020
- Drawing No. 625.007 (Proposed Roof Plan), received 23.07.2020
- Drawing No. 625.009B (Proposed Elevations), received 23.07.2020
- Drawing No. 625.003A (Proposed Second Floor Plan), received 23.07.2020
- Drawing No. 625.006 (Proposed Elevations), received 23.07.2020
- Drawing No. 625.004A (Proposed Third Floor Plan), received 23.07.2020
- Drawing No. 625.005 (Proposed Section), received 23.07.2020
- Drawing No. 625.010 (Proposed Elevations), received 23.07.2020
- Drawing No. 625.100 (Shopfront Sections), received 13.08.2020
- Drawing No. 625.101 (Shopfront detail), received 13.08.2020
- Bat Survey Report, received 08.07.2020

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

3. **Prior to the construction of the extension** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the shop fronts and rear extension shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. No surface water from any increase in the roof area of the building or impermeable surfaces within the site shall be allowed to drain directly or indirectly to the public sewerage system.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents, to ensure no pollution of or detriment to the environment and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

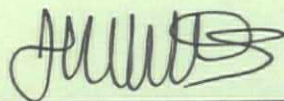
5. **Prior to the occupation of the flats** an external lighting plan shall be submitted to and approved in writing by the local planning authority, which shall have regard to the recommendations as set out in Section 5.1 of the Bat Survey Report (received 08.07.2020).

Reason - To minimise any potential harm to protected species and to protect/enhance the natural environment in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

6. The cafe/bar/restaurant as shown on drawing 625.001A (received 07.10.20) hereby approved, shall only be used as a cafe/bar/restaurant and for no other purpose in Class A3 of the schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended), nor in any provision equivalent to the Class in any statutory instrument revoking and re-enacting the Order.

Reason - To clearly define the scope of this permission in the interest of protecting the viability and vitality of the Town Centre and to preserve and enhance the character of the Town Centre Conservation Area, in accordance with policies EcW3 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

29/10/20