

DELEGATED REPORT

Application No: P/20/0285

Site Address: 8 Pontmorlais
High Street
Merthyr Tydfil
CF47 8UB

Development: Construct rear extension (amendments to planning permission P/19/0009 to include alterations to roof, elevations and windows)

Case Officer: Marlene Ferreira

Site Visit: 3rd December 2020

Application Expiry Date: 15th January 2021

Consultation reply date expired: 18th December 2020

APPLICATION SITE

The application site relates to a two-storey end of terrace property (with cellar area) at 8, Pontmorlais High Street, in the town centre. The front section of the building was formerly used as a shop and the rear section of the building (also known as 3 and 4 Bowdens Court), has been unused for the last 20 years and is in a very poor state of repair.

The building has been altered overtime by unsympathetic alterations, which included the addition of a full width rendered façade. This hindered the access (off the High Street) into the courtyard, as well as obscuring the appearance of the original property, in particular its façade and roof design. Recently, some demolition works have been carried at the premises which include the removal of the rendered front façade, following the recent approval of planning permission P/19/0009 on the 24th September 2019.

The application site adjoins 6 and 7 Pontmorlais to the southwest and to the northwest, a private lane to the north (Old Mill Lane) and the adopted highway to the east (High Street). It lies within the settlement boundary – Primary Growth Area and within the Town Centre Conservation Area and within a C2 Flood Zone, as designated within the Merthyr Tydfil Local Development (LDP) 20016-2021. The property also lies within the Pontmorlais Article 4 Direction area.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a rear two-storey extension. The proposed extension would measure 4.9 metres wide, 5.4 metres deep and 6.8 metres in height and provide male and female WC's at ground floor and a bar area at first floor. Its scale and use would therefore be the same as the rear extension to be used in association

with the restaurant/bar with micro-brewery (A3 use) granted under planning permission P/19/0009. However, the under this application, the following alterations are proposed to its external appearance:

- The proposed rear extension is proposed to be finished with a natural slate roof, instead of a profiled metal roof;
- Two conservation roof lights are proposed to the southwest roof elevation of the proposed rear extension;
- The ground floor southwest side elevation of the proposed rear extension is proposed to be finished in lime render instead of timber cladding and a small sash window would replace the full height windows;
- The first floor southwest side elevation of the proposed rear extension is proposed to be finished with lime render and full height 3.5 metre wide glazed doors with a 1.1 metre high painted wrought iron Juliet balcony, instead of the full height and full width fixed glazing;
- The rear northwest side elevation of the proposed rear extension is proposed to be finished in reclaimed rubble stone, instead of lime render.

Other minor alterations are also proposed to the entrance door of the two storey irregular shaped staircase extension to the southwest side elevation. The entrance doorway is proposed to the southwest side elevation, instead of the southeast front elevation. The southeast front elevation is proposed to be fitted with fixed glazing.

PLANNING HISTORY

P/19/0009 - Refurbishment, re-instatement, conversion and extensions to provide a restaurant/bar with micro-brewery (A3 Use) – Approved: 24th September 2019.

CONSULTATION

Head of Engineering	No objection.
Planning Division's Policy Section	No response.
Planning Division's Ecologist Officer	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales (NRW)	No objection.
Welsh Water Dwr Cymru	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order (Wales) 2012, nearby properties were consulted and two site notices were displayed in the vicinity of the site. No letters have been received as a result of this publicity exercise.

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales (PPW) (Edition 10, December 2018)

The following paragraphs in PPW are relevant to the consideration of the application.

4.3.30 *'...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy...'*

4.3.31 *'...Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities...'*

4.3.33 *'...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...'*

4.3.34 *'...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...'*

4.3.43 *'...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...'*

4.3.44 *'...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...'*

6.0.2 *'...The special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles...'*

6.1.14 *'...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...'*

6.1.15 *'...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. In exceptional cases, the*

presumption may be overridden in favour of development considered desirable on public interest grounds...

6.1.16 *'...Preservation or enhancement of a conservation area can be achieved by a development which either 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...'*

6.4.22 *'...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained...an ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...'*

6.6.22 *'...Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals....'*

6.6.24 *'...Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood....'*

6.6.25 *'...Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development....'*

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (2016)

Section 2.3 of TAN 4 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...'*

Technical Advice Note 15: Development and Flood Risk (2004)

Section 5 of TAN 15 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.

Technical Advice Note 24: The Historic Environment (2017)

Section 1.14 of TAN 24 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 County Borough Council Replacement Local Development Plan (LDP) 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Placemaking

Policy CW1: The Historic Environment

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

Policy EcW3: Retail Hierarchy – Supporting Retailing Provision

Policy EcW5: Town and Local Centre Development

- Supplementary Planning Guidance (SPG)

SPG Note 4 – Sustainable Design (2013)

SPG Note 5 – Nature and Development (2015)

- Other Guidance

Merthyr Tydfil Town Centre Conservation Area (2009)

PLANING CONSIDERATIONS

The principle of development in this location has already been established by the granting of planning permission P/19/0009. Thus, the issues to consider under the assessment of this application relate to whether the proposed alterations to the approved extensions, as detailed above, would be acceptable with regards to their impact upon the appearance of the premises and the character and appearance of the conservation area. The impact upon residential amenity is also an important consideration.

Character and Appearance

The proposed amendments, as previously described, relate to the external appearance of the proposed two-storey rear extension. Thus, the alterations do not include any modifications in respect of its scale and the extension would therefore continue to be set down from the ridge height of the existing premises and appear as a proportionate addition to the existing property. The proposed amendments to the material finishes of its roof, and its side elevations would appear as prominent alterations, particularly when viewed from the adjoining private lane to the northeast and from within the courtyard to the southwest. It should be noted however that the proposed slate roof would match the existing roof finish of the existing premises. With regards to the proposed roof lights, these would be conservation roof lights (which could be controlled by condition) and are proposed to face the courtyard. As such, these would appear as a discrete addition when viewed from Pontmorlais High Street. Likewise, the lime render finish to the courtyard elevation would match the lime render finish already approved on the existing premises to this side elevation, and the proposed rubble stone wall to the northeast side elevation would match the existing stone wall of the existing premises, which runs alongside the private lane. The proposed full height windows with Juliet balcony to the extension's first floor southwest side elevation would also complement the appearance of the premises and appear acceptable when viewed from within the courtyard. The modification to the location of the entrance door which provides access into the staircase extension would be considered a minor alteration which would also be acceptable. The proposed alterations would therefore be sympathetic to the character and appearance of the property and wider conservation area and would therefore be in accordance with LDP Policies SW11 and CW1.

Residential Amenity

The proposed alterations primarily relate to alterations to the material finishes of the rear extension and such changes would not be considered to have any adverse impact upon the privacy or amenities of nearby occupiers. It is noted however that two new roof lights would be installed to the southwest roof profile of the rear extension and could result in the loss of privacy to nearby occupiers. However, it should be noted that the application site only adjoins two other buildings, a two-storey building, Soar Chapel and a three storey building 6-7 Pontmorlais High Street. Soar Chapel is a large property set back from the High Street, which adjoins the courtyard of the application site and would be immediately adjacent to the rear extension proposed at the application property. In addition, it has large side facing windows overlooking the courtyard area. Soar Chapel however is an events/performance hall with a café and shop and does not include any residential uses. Likewise, the three storey property (6-7 Pontmorlais) is located just off the High Street (to the southwest) and appears to have been previously used as a takeaway at ground floor, however this no longer appears to be operational. In addition, its first and second floors also appear to be unused, given that all first floor front windows and one second floor front window have also been boarded up (when viewed from Pontmorlais). Furthermore, the upper first and second floors are also not characterised as flats on the council's mapping/address points system. Thus, it is considered that the proposed roof lights would not be sited adjacent to any residential properties and would therefore not allow for any overlooking into neighbouring windows or detract from the privacy or nearby occupiers. The proposed alterations would therefore be acceptable and comply with LDP Policy SW11.

CONCLUSION

It is considered that the proposed alterations, due to the reasons discussed above, would be acceptable and comply with the relevant LDP Policies.

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 Elevations, Drawing no: GA110, rev D, received: 12th January 2021;
- Proposed Floor Plans, Drawing no: GA100, rev C, received: 19th January 2021;
- Vivara Pro Build-in Woodstone Bat Box, received: 19th January 2021;
- Preliminary Roost Assessment and Observation Survey, 8 Pontmorlais, High Street, Merthyr Tydfil on Behalf of Ferguson-Man Architects Ltd, September 2019, received: 19th January 2021.

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

3. The A3 use hereby permitted shall be used for restaurant/public house use only and for no other purpose (including any other purpose in class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - To restrict the development and prevent an adverse impact on the character and appearance of the conservation area and the vitality and viability of the town centre in accordance with Policies SW11, CW1 and EcW3 of the Merthyr Tydfil Replacement Local Development Plan.

5. **Prior to the commencement of development** the following samples/details shall be submitted to and approved in writing by the Local Planning Authority:

- aluminium doors (to include section details);
- timber windows (to include section details);
- conservation roof lights (to include section details);
- reclaimed rubble stone;

- natural roofing slates;
- clay ridge tiles;
- lime render;

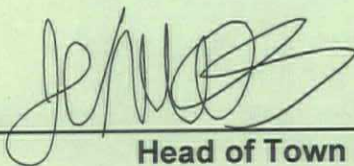
The development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity and to accord with Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

6. No external lighting, shall be installed on either the northern side elevation or the rear northwest elevation of the building.

Reason - To maintain a dark corridor for bats, in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE: 20/1/21