

DELEGATED REPORT

Application No:	P/25/0100
Site Address:	28 Victoria Street Merthyr Tydfil CF47 8BW
Development:	Conversion of first floor cafe into a flat, erection of second floor rear extension and conversion of enlarged second floor into another flat and other external alterations
Case Officer:	Rebecca Owens
Site Visit:	14th April 2025
Application Expiry Date:	25th September 2025
Consultation reply date expired:	5th May 2025

APPLICATION SITE

The application relates to a mid-terrace property located in the settlement boundary and within the town centre and town centre conservation area. It is therefore in an area characterised by a mixture of uses including commercial, retail and residential. The property itself currently comprises of a retail unit at ground floor with a vacant first floor café and unused rooms to the second floor. It is bound by highways to both the front and rear and other properties on either side.

PROPOSED DEVELOPMENT

Full planning permission is sought for the conversion of the existing first floor cafe into a flat, the erection of a second floor rear extension and the conversion of the enlarged second floor into another flat and other external alterations.

The proposed first floor flat would provide two bedrooms, a bathroom and an open plan kitchen/living room. A recessed balcony area would also be created within the floor space.

The proposed extension would be erected above the existing rear annexe and would be the same depth (7.15m) and width (7.28m). It would have a pitched with a ridge height of 10.5m. The external elevations of the extension and the first floor level of the lower annexe would be finished in slate hanging tiles to match the existing flank elevations of the property and the ground floor level of the annexe would be finished with render. The rear elevation of the annexe would feature a windows and a recessed balcony with balustrade. The first floor of the annexe below this would be altered to match the extension above with a window and recessed balcony while a doorway would be removed from the ground floor.

The enlarged second floor would be converted into an additional flat which would have an identical layout to the ground floor flat this providing two bedrooms, a bathroom and an

open plan kitchen/living room. A recessed balcony area would also be created within the floor space.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/22/0276 Discharge of condition 3 (bat and bird boxes) of planning permission P/21/0295
Condition discharged on 20 October 2022
- P/21/0295 Replacement of concrete tiled roof with a new fibre cement slate roof. Works to include replacement vertical cladding on pine end fascia/sofits
Granted planning permission on 6 July 2022
- P/01/0053 Installation of Roller Shutters
Granted planning permission on 9 May 2001

CONSULTATION

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

Head of Engineering and Highways	No objection
Planning Policy Officer	No objection
Ecologist	No objection
Environmental Health Manager	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 peoples 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”*. The introduction of residential use into centres is specifically referred to in paragraph

4.3.37 noting that “*Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre*”.

- 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:

- SW1 Provision of New Homes
- SW2 Provision of Affordable Housing
- SW3 Sustainably Distributing New Homes
- 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 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 and the proposal relates to the upper floors with the existing ground floor retail unit remaining as existing. It is acknowledged that it would result in the loss of a café and thus a unit with the 'A' use classes. However, this is currently vacant and located on the first floor and it is also noted that there are several cafes within close proximity to the site and that there are a number of vacant units available for any potential new A uses to occupy. Thus, change of use would bring a vacant property back into use whilst retaining a retail element and active frontage at ground floor level. Planning Policy Wales (PPW) and the LDP recognises that retail uses must be carefully blended with cultural, leisure and other uses if town centres are to continue to thrive. With reference to residential uses in town centres section 4.3.37 of PPW, notes that "*change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre*". Thus having regard to the above it is not considered that the proposal would be harmful to the vitality and viability of the town centre or contrary to Policies EcW3 and EcW5 of the LDP.

As highlighted above, the proposal would result in the loss of a cafe 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.

Given that there are several café uses within close proximity of the site the proposal would not contravene 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.

The property subject to this application is currently vacant at first and second floor level and a continued lack of use could result in a steady decline in its condition and state of repair which would have a negative impact on the appearance of the street scene and the character of the conservation area. The reuse of the building would therefore be considered positive.

Whilst the proposed extension would be located to the rear of the property, this elevation is located on Wheatsheaf Lane and is clearly visible within the rear streetscene. However, the general design and scale of the extension is deemed to be acceptable and would be an improvement on the existing annexe which is visually poor. It is recognised that the extension would feature quite modern fenestration and balconies which are not typical features within the area but the properties along Wheatsheaf Lane all vary in their appearance featuring different additions, roof designs and materials. Many of these also have their rear elevations facing this direction and as such they tend to feature unsympathetic additions and are generally of a poorer appearance than the frontages along Victoria Street. Within this setting it is not considered that the extension would appear incongruous and as noted above the extension would have a more positive contribution than the existing annexe. Similarly, regard has been had for the proposed material finishes which would comprise of render at ground floor and hanging slate tiles to the upper floors. As noted above, the properties in this area comprise of a variety of different finishes. Whilst hanging tiles are not one of the primary elevational materials, they do feature on the flank elevation of the application building and in a modest panel on the rear elevation of the adjoining property (27 Victoria Street). As such the use of this to the upper floors of the property would not be discordant. 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. With respect to the proposed extension, it is not considered that it would result in any overbearing impact or lead to any harmful overshadowing or loss of light. In addition, no concerns are raised that the balconies or rear fenestration would give rise to any overlooking or loss of privacy. It is not considered that these would have any adverse impact and it is noted that the windows would not give rise to any overlooking or loss of privacy. Similarly, no concerns are raised with respect to the residential use itself. 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 and any new residents of the flats would occupy them in full knowledge of this. In addition, a residential use would result in a reduction in the comings and goings that would be associated with a café use and as such would result in less noise and disturbance to local residents. It is also noted that the property does not benefit from any external amenity space to serve residents. However, this arrangement is not uncommon with flats in the town centre and it is not considered justified to refuse the application on such grounds. 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 Café would generate a parking demand that would be in excess of the proposed residential use. 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 the proposal would introduce a residential use to the upper floors of the building which would be categorised as highly vulnerable development. 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 long term 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. It is also noted that a Flood Consequences Assessment (FCA) has been submitted to support the application. The content of this document is somewhat limited and it is not considered that it comprehensively demonstrates that the potential risks and consequences of flooding are manageable. However, it is also recognised that, the residential use would be located on the upper floors of the building and thus above flood levels and therefore would be subject to limited flood risk. As such Natural Resources Wales have not objected to the proposal. Indeed TAN15 noted that *“Where proposals for redevelopment include residential use, local authorities should ensure that such uses do not occur at ground floor level”*.

As already identified the residential units would be above the level of flood risk and as such would provide a safe environment during a flood. However, it is recognised that it would be difficult to provide a safe means of escape given that the ground floor and immediate area surrounding it also falls within the area of flood risk. However, this is the arrangement for a significant number of properties within the town centre where occupiers may have to remain in the safety of their homes until flood levels recede or rescue is provided. Noting that the flats would provide safe refuge 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.

It is also noted that TAN 15 requires development in Zone 2 to demonstrate resilient flood design, this application only relates to the upper floors of the building which would be above the level of flooding. As such flood waters would not enter the flats themselves so the need for measures such as raised floor levels, higher electrical circuits and appropriate materials would not be required. Indeed, the ground floor would retain its use as a retail unit classed as less vulnerable development.

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

Ecology

This application has been supported with a Bat Survey report outlining the results of a Preliminary Roost Assessment and dusk activity survey. This highlights that no evidence was recorded of bat using the building as a roost and thus concludes that bats are likely absent. It also noted that whilst limited features were observed that could be used by nesting birds, no active nests were identified. The Local Planning Authority's Ecologist has considered this and has not raised any objections to the application subject to conditions.

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, a GIS has not been provided but it is recognised that the bat survey report makes reference to this section of PPW and recognises the requirement to provide enhancements to improve the ecological value of a site. It is also noted that this site is entirely developed and thus has limited ecological value and that the proposal relates to a change of use and upper floor extension. Having regard to the current ecological value of the site, the nature of the development and the enhancements that are proposed it is considered that a net benefit to biodiversity would be achieved and that this 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**:

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 front and rear elevations, Drawing Number: 1103.06, Received 10 April 2025.

Proposed side elevations, Drawing Number: 1103.07, Received 11 August 2025.

Proposed section, Drawing Number: 1103.08, Received 10 April 2025.

Proposed street view, Drawing Number: 1103.09, Received 10 April 2025.

Proposed ground floor layout plan, Drawing Number: 1103.07, Received 10 April 2025.

Proposed first and second floor layout plans, Drawing Number: 1103.08A, Received 26 August 2025.

Bat Survey Report, reference LT312-BAS-25 Version 2, Dated 21.08.2025, produced by Little Wing Ecology received on 26 August 2025.

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

3. The development shall be carried out in accordance with the recommendations of the Bat Survey report and the enhancements set out within Section 6 of the report shall be provided in accordance with the elevational drawings on drawing number 1103.07 **BEFORE** the flats hereby approved are occupied. The enhancements shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **BEFORE WORKS COMMENCE ON SITE** a Precautionary Working Method Statement for hibernating bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason - To protect the natural environment and minimise impacts on protected species, in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. The materials to be used in the construction of the external roof surfaces of the extension shall match those used in the existing building.

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.

6. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.
Lighting scheme shown details of lighting and position, heights of luminaires

7. **Prior to the installation of any external lighting**, a Lighting Scheme shall be submitted to and agreed in writing by the Local Planning Authority, which shall

include details of the exact siting and types of all lighting to be used. Lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

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. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 17.09.2025