

DELEGATED REPORT

Application No:	P/22/0301
Site Address:	120 - 121 High Street Merthyr Tydfil CF47 8BL
Development:	Renovation and extension of building and change of use from retail and office to a bar/restaurant and residential (5 No. flats)
Case Officer:	Rebecca Owens
Site Visit:	1st December 2023
Application Expiry Date:	11th January 2023
Consultation reply date expired:	22nd December 2022

APPLICATION SITE

The application relates to a three-storey property (with additional basement) located within the Merthyr Tydfil town centre and Town Centre Conservation Area. The site is therefore within a mixed-use area in which there are retail, commercial, leisure and residential uses. Indeed, the site is bound by a public house to the north (which is locally listed) and a bank to the south.

PROPOSED DEVELOPMENT

Full planning permission is sought for the renovation and extension of the building and for a change of use from retail and offices to a bar/restaurant and residential units.

The bar/restaurant would be at ground floor level with toilets, cloak room and lobby area within the basement. Whilst the description refers to restaurant, the agent has indicated that there would be no food preparation within the property with bar food prepared away from the premises. As such, no extraction/flue is required.

Five residential units are proposed within the upper floors. There would be two, 1 bedroom, flats and a studio at first floor with two, 2 bedroom, flats above. These would have a bedroom, bathroom and open plan living accommodation (comprising of kitchen, diner and lounge) on the second floor with an additional bedroom within the converted roof space. The attic rooms would be served by new conservation roof lights with two proposed in the front roof plane and a further two in the rear roof plane.

A rear extension to the second floor would be erected above an existing two storey annexe. Due to the angle of the rear elevation, this extension would be a maximum depth of 4.35m (bringing it in line with the existing three storey rear annexe) and would be 4m in width. It would have a pitched roof with a ridge height of 9.98m to match the existing three

storey annexe alongside it. The extension would feature a timber window in its rear elevation and white upvc window in its southern side elevation which would serve the stairwell and a further upvc window in the southern elevation serving a bedroom. The external walls of the extension would be rendered to match other rear elevations and the roof would be covered with dark grey roman riles to match the existing roofs.

A new hardwood timber shopfront is proposed within the front elevation. This would be 7.4m in width and a maximum of 3.4m in height. It would comprise of a central entrance door with two large window panes on either side and would feature a stallriser, pilasters and capitals and a fascia. It would be anthracite grey in colour.

Other external alterations are proposed which are summarised below:

- The existing first and second floor windows in the front elevation are to be replaced with new like for like timber windows.
- Two new roof lights are proposed in the flat roofed single storey rear annexe. These would project above the roof by 0.2m.
- Two new roof lights are proposed within the southern roof plane of the existing two storey rear annexe.
- New window openings are proposed in the main rear elevation of the property at first and second floor levels which would be fitted with timber windows to match the style of the existing windows. These would be painted white in colour.
- A new first floor window opening is proposed within the rear elevation of the two storey rear annexe which would be fitted with a new timber window to match the existing windows and which would be painted white in colour. Similarly, a new window opening is proposed at first floor level in the rear elevation of the existing three storey rear annexe which again would be a timber window to match the design of the existing windows and painted white in colour.
- An existing doorway in the rear elevation is being removed and blocked up and a second door is being replaced with a new upvc door.
- Within the main southern facing elevation, which adjoins the covered alleyway, it is proposed to create a secondary entrance to the ground floor unit. This would comprise of a central door with windows either side. This would be hardwood and painted anthracite grey. A further ground floor window is also proposed which would also be hardwood and anthracite in colour.
- Within the southern facing elevations of the rear annexes it is proposed to insert two new doors (one metal and the other upvc) at ground floor level and a new upvc window. These would serve a bike/bin store, a lobby to the residential units and the stairwell respectively. Two further upvc windows are proposed at first floor level serving the stairwell and a bathroom.
- Alterations are proposed to the windows and doors at first and second floor levels within the northern side elevation. In their place it is proposed to install two first floor windows serving a bathroom and kitchen and two second floor window serving a hall and bathroom. These would be upvc and fitted with obscure glazing.
- A Schwegler 1SP sparrow terrace is proposed on the rear elevation of the rear three storey annexe and a Schwegler 1FF bat box is proposed on the front elevation.

PLANNING HISTORY

The relevant planning history is summarised below:

P/22/0062 Renovation and extension of building and change of use from retail and office to a bar/restaurant and residential (5 No. flats)
Refused planning permission on 4th October for the following reasons:

1. *"The proposed dormer roof extensions, by virtue of their design, mass, fenestration arrangement and external materials, would represent prominent and incongruous features which would significantly harm the character and appearance of the property and fail to preserve or enhance the character and appearance of the conservation area. As such, the development is contrary to Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*
2. *"The proposed shopfront, by virtue of its design and scale, fails to respect the proportions and rhythm of the existing building. It would therefore appear as a discordant addition which would neither preserve nor enhance the conservation area. As such, the development is contrary to Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan".*

P/03/0419 Change of use: hairdressers to cafe/takeaway
Granted planning permission subject to conditions on 23 September 2003

P/99/0335 New shop front and improvements to front elevation
Granted planning permission subject to conditions on 22 October 1999

P/96/0316 Renewal of shop front
Refused planning permission on 30 May 1997

CONSULTATION

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

Head of Engineering and Highways	No objection
Planning Division's Ecologist	No objection subject to enhancements
Environmental Health Manager	No objection subject to conditions
Rights of Way	No objection
Dwr Cymru Welsh Water	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 the neighbouring properties and three 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 11, February 2021) must be taken into consideration. Relevant sections are identified below:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for people to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate”*. Paragraph 4.1.1 reiterates this noting *“The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution”*. Similarly, 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 of car parking paragraph 4.1.50 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 6.6.22 – 6.6.29 refer to development and flood risk.

The following Technical Advice Notes are also relevant:

- TAN 15: Development and Flood Risk
- 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 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes
- SW2: Provision of Affordable Housing
- SW4: Settlement boundaries
- SW5: Affordable Housing Exception Sites
- 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
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision

- EcW5: Town and Local Centre Development
- EcW7: Tourism, Leisure and Recreation Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 3, Shopfront Design.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the primary growth area of the settlement boundary (Policy SW4) and as such the principle of development is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect it is noted that the site also lies within the town centre boundary but outside of the Primary Shopping Area. As such Policies EcW3 and EcW5 would be relevant. These policies support proposals for new development and enhanced retail, leisure and other complimentary provision in the town centre where they improve its vitality and viability. The proposal would introduce a new bar/restaurant within the ground floor and new residential units to the upper floors, thus bringing vacant space back into use. It is considered that this would contribute to the vitality and viability of this town centre and thus would accord with these policies and those of PPW.

Character and visual amenity

The application site is located within the Town Centre conservation area and Urban Character Area 1 (Town Centre: High Street and Pontmorlais) and is adjacent to the locally listed Belle Vue public house and inn. As such the design and visual impact of the development is an important consideration, with Policy CW1 highlighting that proposals will only be permitted where they would preserve or enhance designated historic environment assets.

The proposed shopfront is considered to be of a suitable design and scale. It would appear sympathetic within the front elevation and reflective of the proportions of the fenestration above and whilst it would not align with the upper windows (due in part to the covered walkway), this is similar to the existing shopfronts which it would replace. The traditional detailing and timber finish is also deemed to be in keeping with the character of the conservation area. As such the shop front is deemed to be visually acceptable and would not harm the character of the conservation area or visual amenities of the area in general. Similarly, the introduction of relatively modest, conversation roof lights into the front and rear roof slopes is also deemed to be acceptable. Whilst it would introduce a new feature into the main roof, the rooflights are considered to be suitably discrete and would not result in any significant harm to the character or appearance of the building or indeed the wider conservation area.

The rear extension would be of an appropriate scale and whilst it would result in a twin gable feature to the rear, it is not considered that it would appear sufficiently discordant as

to harm the rear streetscene. Similarly, the alterations to windows and doors not contained within the shopfront are deemed to be visually acceptable as are the rooflights.

Having regard to the above considerations, the proposal would accord with Policies SW11 or CW1 of the LDP.

Residential amenity

The application site is located within the town centre and, as such, in an area characterised by a mixture of commercial, leisure and residential uses. It is noted that in the immediate vicinity of the site there are uses which would create a degree of noise and disturbance and that some of these uses operate later into the evening and night. As such whilst the proposed use, particularly the bar/restaurant, would generate noise and disturbance, within this setting it is not considered that it would significantly add to the level of noise and disturbance that already exists and any future residents of the flats would occupy them in full knowledge of the uses in the area and noise and disturbance that these would cause. It is also noted that no objections were received from the Environmental Health Manager or following the publicity exercise in this respect. The proposal is therefore found to accord with Policies SW11 and EnW4 of the LDP.

It is noted that the proposal involves the creation of new windows and doors but it is not considered that these would give rise to any unacceptable overlooking or loss of privacy. The new ground floor windows and doors within the southern elevation of the existing building would not have any impact on the bank located to the south and whilst the upper floor windows located within the rear extension would face directly towards the northern annexe of the bank, and the windows contained within this, and indeed may give angled views to the windows in its main rear elevation, it is recognised that these serve a commercial building and the extension windows would serve non-habitable rooms (with the exception of one small bedroom window). Similarly, whilst there would be two new window openings created in the main rear elevation of the building (serving bedrooms), which would be in close proximity to these same windows in the northern elevation of the bank's rear annexe, views from these would be somewhat angled and again the adjacent property is not residential in use. The new windows proposed in the northern elevation which would serve bathrooms, a kitchen and hall, would replace existing windows and doors which served the offices and stairwell. Given that there are already openings in this elevation (two of which serve office space) it is not considered that the new windows would result in a substantial change in terms of overlooking and the plans indicate that these would be obscure glazed. Similarly, no concerns are raised regarding the windows in the rear extension or existing annexes or in relation to the roof lights in the main roof and within the annexes. Finally with respect to the proposed rear extension, whilst it is not considered that this would give rise to any overbearing impact, it is noted that its close proximity to the adjoining property to the south, would result in some loss of light to the windows in its northern elevation and thus the room(s) they serve. However, as this is a commercial property, it is not considered that the loss of light would necessitate the refusal of the application.

Having regard to the above and noting that no objections were received following the publicity exercise, the proposal is found to be acceptable in terms of impact on amenity and in accord with Policy SW11 of the LDP.

Parking and highway safety

It is noted that the application site does not benefit from any off-street parking provision and as such there would be no designated parking area available for the occupants of the proposed flats or indeed the employees and customers of the restaurant. However, the application site is located in the town centre, which is well served by public car parks and public transport links. Given this location it is not considered that the lack of parking would impact on highway safety and in fact would encourage the use of other more sustainable modes of transport to the private car. It is also noted that no objections have been received from the Head of Engineering and Highways. The proposal therefore complies with Policies SW11 and SW12 of the LDP and PPW.

Flood risk

The application site is located within a C2 Flood Zone of the Development Advice Map (DAM) and the FNfP identifies the application site to be at risk of flooding and falling within Flood Zone 2 & 3. It is acknowledged that this proposal is for residential units which are classed as highly vulnerable development. Notwithstanding this, Natural Resources Wales (NRW) has noted that the proposed residential element relates only to the upper floors of the property and as such would be elevated above the flood risk with no change in vulnerability use at ground floor level. As such NRW have no objection to the application in relation to flood risk. In addition, the proposal would help to improve the vitality and viability of the town centre by bringing the first floor of the building into full beneficial use. The proposal is therefore found to be acceptable in this respect.

Ecology

A Bat Survey has been provided which indicates that the building is of low potential for roosting bats and no evidence of breeding birds were found at the time of the survey work. The Planning Division's Ecologist has considered this report and is satisfied that the proposal is acceptable in terms of its impact on ecology, providing the recommendations and enhancements detailed within it, are adhered to. This could be dealt with by means of a condition.

Planning Obligations

Policy SW9 relates to Planning Obligations and having regard to development viability, planning obligations will be sought for a financial contribution towards the provision of affordable housing on sites of between 5 and 9 homes. However, in this instance no planning obligations for the provision of affordable housing or any other contributions have been sought as this would likely render the development financially unviable.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing Title: As Proposed Plans and Elevations, Drawing Number: PL02 Rev. I, Amended Plan Received on 30 January 2023

Drawing Title: Elevations and Section Existing and Proposed, Drawing Number: PL03 Rev. J, Amended Plan Received on 13 February 2023

Drawing Title: Proposed shop front information, Drawing Number: PL10 Rev. B, Amended Plan Received 13 February 2023

Drawing Title: Proposed windows information, Drawing Number: PL11 Rev. A, Amended Plan Received 30 January 2023

Drawing Title: Proposed windows information, Drawing Number: PL12, Amended Plan Received 30 January 2023

Drawing Title: Proposed windows information, Drawing Number: PL13, Amended Plan Received 30 January 2023

Bat Survey, Issue 1 Version C, February 2022 produced by BE Ecological LTD and received on 16 November 2022

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

3. Before the bar/restaurant or residential units hereby approved are brought into use, 1 no. bat box and 1 no. sparrow terrace shall be installed in accordance with the details within the Bat Survey, Issue 1, Version C and the approved drawings PL02 Rev. I and PL03 Rev. J and 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. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage 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 and ensure no pollution of or detriment to the environment.

5. The approved use for the bar/restaurant shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason -To protect the integrity of the public sewage system and ensure the free flow of sewage.

INFORMATIVES

1. 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.

2. The developer is advised that the application site is located within a C2 Flood Zone of the Development Advice Map (DAM) and the FNfP identifies the application site to be at risk of flooding and falling within Flood Zone 2 & 3 Rivers. It is therefore recommended that the developer/applicant reviews the advice received from Natural Resources Wales (NRW) during the course of this application.
4. The developer's attention is drawn to the comments received from Dwr Cymru Welsh Water during the course of this application.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

17/2/23