

DELEGATED REPORT

Application No: P/20/0037

Site Address: 2 Morlais Buildings
High Street
Pontmorlais
Merthyr Tydfil
CF47 8UL

Development: Refurbish existing building to include new shopfront. Change of use to flat at first and second floor, to provide two, one bedroom flats. Demolish garage to the rear to provide new parking area

Case Officer: Marlene Ferreira

Site Visit: 23rd March 2020

Application Expiry Date: 30th October 2020

Consultation reply date expired: 12th March 2020

APPLICATION SITE

This application site relates to a three storey terraced property located in the Pontmorlais area of Merthyr Tydfil Town Centre. The building has been altered overtime by unsympathetic alterations, which include the addition of roller shutters to the shopfront, replacement of windows with smaller UPVc windows and the painting of original decorative features. This combined with the fact that the building is vacant and has been left unmaintained for some time, has contributed to its poor and tired appearance.

The application site adjoins the neighbouring three storey attached property, 3 Morlais Buildings to the northeast, the three storey attached property 1 Morlais Buildings to the southwest, Tramroadside to the east and Pontmorlais High Street to the west. It lies within the settlement boundary, Town Centre Conservation Area and a C2 Flood Zone, as designated within the Merthyr Tydfil Replacement Local Development (LDP) 2016-2031. The property is also within the Pontmorlais Article 4 Direction area.

PROPOSED DEVELOPMENT

This application seeks planning permission to refurbish the existing building and replace the flat at first and second floor with two, one bedroom flats. The refurbishments include the demolition of two rear single storey extensions and the removal of the garage, at the rear of the property, to provide an open parking area.

In summary, the works proposed to the front and rear elevations of the premises are as follows:

- Construct new brick chimney stack, lead tray and flashings, using reclaimed bricks to match the existing stack;
- Painted brickwork to be cleaned and repointed throughout;
- Painted stone quoins, pediment and cill cleaned and made good throughout;
- New timber windows throughout;
- 'Egg and dart' stone detailing restored to match adjoining property;
- New smooth render (rear elevation where extensions have been removed);
- Painted stone pilasters to be cleaned and made good;
- First floor windows replaced with new timber glazed screen as originally built;
- New timber shopfront and door;
- New timber louvres above shopfront;
- Install cast iron decorative brackets beneath timber louvres;
- New timber board above timber louvres with new hand painted sign;
- New timber door at the side elevation of the rear projection (to provide rear access to the commercial unit at ground floor);
- New rainwater goods.

The works proposed to the rear of the property are as follows:

- Demolish two single storey rear extensions at ground floor to provide an external lower yard area to serve the commercial unit;
- Removal of artificial roof to provide a larger upper yard area, enclosed with a 1 metre high steel and balustrade railing, at first floor;
- Removal of existing garage and creation of an elevated tarmac parking area to the rear of the property, off Tramroadside Road, retained by a new 1.1 metre high wall (1.9 metres in height when measured from the upper yard level, which is located at a lower level than the parking area);
- New concrete steps and balustrade to provide access from the proposed elevated parking area into the upper yard;
- New concrete steps and balustrade (1.1 metres in height) from upper yard into rear entrance lobby into flats.

In respect of the proposed internal works at ground, first and second floor, it is noted from the plans that the existing ground floor would be altered to include an open shop area within the main part of the building and a kitchen and WC within the rear projection. The flat provided over two floors will now be sub-divided into two, one bedroom flats. The first floor flat, accessed from the proposed rear entrance lobby (formerly accommodating a bathroom and a lobby area) would have a bedroom within the rear part of the building, a central bathroom, and a kitchen/living/dining area within the front half of the building. The second floor flat, accessed from the rear entrance lobby onto steps leading up to the second floor, would also have a bedroom within the rear part of the building, a central bathroom and a kitchen/living/dining area within the front part of the building.

PLANNING HISTORY

The council's records indicate the following planning history for this property:

P/13/0356 - Refurbishment of external elevations including new shopfront and new rear access door - Approved: 17th December 2013

P/09/0332 - Change of use of ground floor rear annexe and first floor shop into fitness area - Approved: 1st February 2010.

CONSULTATION

Engineering and Traffic Group Leader - No objection, subject to conditions.

Planning Division's Conservation Officer - No objection.

Planning Division's Ecologist - No objection, subject to conditions.

Planning Division's Landscape Architect - No objection.

Environmental Health Officer - No objection.

Natural Resources Wales - 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 of representation have been received following this publicity exercise.

POLICY CONTEXT

National Planning Policies

- Planning Policy Wales (edition 10, December 2018)

Paragraphs 4.3.30, 4.3.33 and 4.3.34 refer to mixed uses in centres and states that although retailing should continue to underpin retail and commercial centres, it is only one of the factors that contribute towards their vibrancy. Vibrant and viable centres are distinguished by a diversity of activities and uses which contribute towards a centres well being and success, whilst also reducing the need to travel. Such variety of uses and mixed use developments, including residential, where appropriate, promotes lively centres during both the day time and evening.

Paragraphs 3.7, 3.9, 3.10, 3.12 and 4.2.17 discuss good design and the use of previously developed land '...Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development...' '...The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations...' '...In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be

particularly important...' '...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...' '...Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. For example, sites and allocations which are no longer likely to be needed for office, industrial or retail purposes may be appropriate locations for housing...'

Paragraph 6.1.14 refers to conservation areas '...There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...'

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (November, 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 relate to the justification of development types within flood zones and whether a flood consequent assessment is required.

Technical Advice Note 24: The Historic Environment (May, 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

- Merthyr Tydfil Replacement Local Development Plan 2016-2031

SW4 - Settlement Boundaries
SW11 - Sustainable Design and Placemaking
CW1 - Historic Environment
EnW1 - Nature Conservation and Ecosystem Resilience
EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG Note 3: Shopfront Design (May 2013)

Paragraphs 4.1 and 5.5 of the SPG refer to the principles of good shopfront design and encourage the use of traditional shopfronts and traditional style windows.

- Other Guidance:

Merthyr Tydfil Town Centre Conservation Area (June 2009)

The application site has been identified as a key historic building within the conservation area. The building, which is part of the terrace of 1-6 Morlais Buildings, has been identified as having heritage value within the Town Centre Conservation Area.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed alterations to the premises would be acceptable in respect of their impact upon the appearance of the building and the character of the conservation area. The impact of the proposal on residential amenity and parking and highway safety is also a primary consideration.

Principle of Development

The premises lies in the settlement boundary, where new development is generally supported provided it complies with other LDP policies and material planning considerations. The property also lies within the town centre boundary, but outside the designated shopping area where A1 uses are protected from other unjustified development. In this instance, the development seeks to improve the external appearance of the premises and would not involve a change of use to the ground floor area. Instead, it seeks to provide an additional residential use at first/second floor. The principle of development in this location would therefore comply with LDP Policy SW4.

The application site however lies within a C2 Flood Zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The Flood Map information confirms the site to be within 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. Whilst the ground floor of the premises relates to a commercial use which is not subject to change, the first and second floors of the premises are to be sub-divided to provide an additional flat. In this instance however, whilst the additional flat would amount to a highly vulnerable development within a C2 flood zone, it should be noted that the vulnerable use will exist only at first floor and above, and would therefore be above any potential flooding levels, should a flood occur at this location. NRW have therefore not objected to this application and consider that the risk could be

acceptable provided that the developer is made aware of the potential flood risks. A copy of NRW's comments has been sent to the agent for consideration. The proposed development would therefore comply with LDP Policy EnW4.

Character and Appearance

The application site, as noted above, is a three storey building prominently located along Pontmorlais High Street, within a designated conservation area and Article 4 Area. It is also viewed in context with nearby listed buildings e.g. Wesley Chapel. However, the premises appears dated, in a poor state of repair and fails to make a positive contribution to the vitality of the town centre. The proposed development therefore seeks to revive the tired appearance of the premises.

The external alterations to the property, particularly to the front elevation, would result in the introduction of important detailing and the reinstatement of historic features, such as a traditional shopfront, new timber windows, cast iron decorative brackets, etc. The cleaning of stone quoins and pilasters is also proposed. These alterations essentially seek to reinstate the historic and original appearance of the property and preserve its character for the future. It is therefore considered that these alterations would not only revive the appearance to the building, but would also serve to retain interest and character, particularly to its primary frontage. The resulting building would appear worthy of its recognition as a prominent premises. The existing vacant unit, once renovated, would also appeal to the business rental market and could contribute to the vibrancy and vitality of the Town Centre's Conservation Area and shopping environment.

Similarly, the works to the rear of the property are also welcomed. The existing garage is a large structure which dominates the rear of the premises. Its large scale, combined with its design and finishes detract from the character and appearance of the property and the rear street scene. The removal of the garage and its replacement with a tarmac area to provide two vehicular parking spaces is therefore supported. Indeed, these works would provide two parking spaces which would serve the proposed flats. Similarly, the removal of the two, single storey, rear extensions is also supported. Whilst these structures are located at ground floor and are largely screened by the existing garage, it is evident that the removal of the garage would reveal these ad-hoc additions, which would cause further harm to the character and appearance of the premises. Their removal to ensure the provision of a larger yard area would therefore be welcomed.

The proposed development, when viewed individually or as part of the wider front and rear street scene would therefore be considered to enhance and positively contribute to the character and appearance of the conservation area and would therefore comply with LDP Policies SW11 and CW1.

Residential Amenity

The proposed works mainly relate to the reinstatement of historic features and installation of new windows (within existing openings). Whilst a new door is proposed to the side elevation of the rear projection, this is proposed at ground floor and would lie adjacent to other commercial units. Other external alterations relate to the removal of the garage and two single storey rear extensions. The demolition of the garage would result in the removal of an overbearing form of development in close proximity to nearby windows serving other first floor flats accessed from the rear of the neighbouring properties either side. Whilst a new yard area would be provided at ground floor, this yard area, would serve the

commercial use and lie adjacent to other commercial uses. Although a new larger upper yard area would also be provided, to serve the two flats, this would not be significantly larger than the existing upper yard area and would therefore not have an adverse impact upon neighbouring occupiers, in respect of overlooking and loss of privacy. Indeed, the use of the upper floors would still remain under residential use. As such, given the nature of the proposal, the proposed alterations would not be more harmful to the amenities of nearby occupiers than the existing arrangement on-site. No objections have been received from nearby occupiers. The proposal would therefore comply with LDP Policy SW11.

Ecology

The application site lies in an area which has records of bats, birds, Otter, hedgehogs and invertebrates. This proposal also includes the demolition of a garage and other rear extensions. Given this demolition, a Preliminary Roost Assessment (PRA) was requested in support of the application to investigate the impacts of the proposed works on protected species and inform whether any further survey would be required. The report, prepared by Wildwood Ecology, was received on 25th March 2020. It concluded that there were no suitable bat access features recorded within the property and as such, bats and birds would not be impacted by the proposed works. In respect of the detached garage, it did not offer suitable access or roosting features for bats or nesting birds. No further surveys were therefore requested. Finally, the report recommends that bird nesting boxes and bat roosting boxes be incorporated within the proposed building and boundary features. An amended report received 3rd September 2020 was submitted, which included plans to show the siting of the bat box and the bird box. The Council's Ecologist has reviewed the amended report and has not raised any objections provided that the development is carried out in accordance with recommendations/enhancements set out in this report. The proposed development would therefore be acceptable and in accordance with Policy EnW1 of the LDP.

Parking and Highway Safety

The proposed development would involve the removal of the existing garage. However, on-site parking would be retained on-site by means of a tarmac area which would be provided in place of the garage. As such, parking provision would continue to serve the premises. It should also be noted that the site lies in the town centre, and therefore a sustainable location within close proximity to bus stops and a train station. The Engineering and Traffic Group Leader has therefore raised no objections to the proposed development since it would not have an adverse impact upon parking provision or highway safety. The proposal would therefore comply with Policy SW11 of the LDP.

CONCLUSION

For the reasons set out above, the proposed development is considered to enhance the character and appearance of the property and conservation area and would therefore comply with the relevant 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.

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:

- Project no: 9038, Drawing no: 02, Rev: C, received: 1st September 2020;
- Project no: 9038, Drawing no: 03, Rev: A, received: 1st September 2020;
- Wildwood Ecology, Preliminary Roost Assessment, received: 3rd September 2020.

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

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

- windows (to include section details);
- rainwater goods.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

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 Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

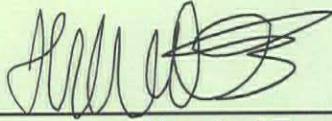
If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

3. The developer is advised to check for the presence of Japanese Knotweed, which is known to be present in the surrounding area, **BEFORE** the works commence.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

22/09/20