

DELEGATED REPORT

Application No:	P/22/0062
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:	24th March 2022
Application Expiry Date:	10th May 2022
Consultation reply date expired:	19th April 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. Therefore, 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 bedrooms and bathrooms on the second floor with kitchen, dining and living accommodation within the converted and extended roof space.

As indicated above dormer roof extensions are proposed to the front and rear roof planes. These would both have flat roofs which would be set 0.3m below the ridgeline. The front dormer extension would span the full width of the roof (8.5m) and would project out a maximum depth of 5.1m. It would feature two windows in its front elevation and two roof lights which would project above the dormer roof by 0.2m. The rear dormer window would be 7.5m in width and would also project out a maximum depth of 5.1m. It would feature

four rear windows and two roof lights which would project above the dormer roof by 0.2m. The elevations of the dormer would be finished with artificial timber boarding, the roofs would be covered with a dark grey epdm membrane and the windows and fascia would be powder coated aluminium.

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 window in its rear elevation and southern side elevation which would serve the stairwell. 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 timber shopfront is proposed within the front elevation. This would be 6.1m in width and 2.65m in height. It would comprise of a central entrance door with three window panes on either side and would feature a stallriser, pilasters and capitals and a fascia.

Other external alterations are proposed which are summarised below:

- 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.
- 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.
- Within the main southern facing elevation, which adjoins the covered alleyway, it is proposed to create a number of new windows and a doorway.
- Within the southern facing elevations of the rear annexes it is proposed to insert two new doorways at ground floor level with composite doors and a new window. These would serve a bike/bin store, a lobby to the residential units and the stairwell respectively. Two further windows are proposed at first floor level serving the stairwell and a bathroom.
- A Schwegler 1SP sparrow terrace is proposed on the rear elevation of the rear dormer and a Schwegler 1FF bat box is proposed on the front elevation of the front dormer.
- 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.

PLANNING HISTORY

The relevant planning history is summarised below:

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|-----------|--|
| 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 Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Rights of Way	No response
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 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 4.1.50 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. In this respect there are significant concerns with respect to two of the main elements of this development.

Dormer roof additions are not a feature readily visible within the area and whilst there are some examples, these are generally considered to be of a poor appearance which detract from the character of the building on which they have been erected. The roof of this property can clearly be viewed travelling in a southerly direction down the high street and the introduction of two large box dormers of the proportions proposed would dominate the shallow pitched roof creating the appearance of an almost flat roof and changing the character and proportions of the building. Their size and siting behind an existing parapet would also give them the appearance of being discordant and out of place on the building itself and within the wider area. This is compounded by the inappropriate use of artificial timber boarding which is neither a feature of the existing building or area in general and which is certainly not a material which is characteristic of the conservation area. The fenestration of the front dormer window also fails to respect the pattern of fenestration below and upsets the rhythm of the front elevation. The fenestration to the rear dormer is also considered to be poor, with too many individual window panes and varying heights. For the above reasons it is considered that the dormers would harm the character and appearance of the building itself and would neither preserve nor enhance the conservation area.

In addition, the proposed shopfront is considered to be of a poor design which does not reflect the proportions of the existing front fenestration or maintain the rhythm of the building or above. The proposed shopfront appears squat and compact within the front elevation, particularly in relation to the large upper floor windows and is positioned off centre to the upper floors, failing to align with the windows above. This would give the shopfront a discordant appearance and would again neither preserve nor enhance the town centre conservation area.

However, the remaining alterations are generally deemed to be acceptable. 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.

Having regard to the above considerations and particularly those relating to the dormers and shop front, the proposal would not 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 on balance 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. 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. Similarly, no concerns are raised regarding the dormer windows (front or back), or rear elevational windows in the rear extension or existing annexes.

With regard to the dormer roof extensions, it is noted that the bank building to the south is already significantly taller than the application building and as such there would be no notable impact on this property. However, it is recognised that the building to the north is of a similar height and appears to benefit from a roof terrace. The dormer roof extensions would be erected adjacent to this but, on balance, and given that property is a public house, it is not considered that there would be an overbearing impact and its siting to the north of the site would help to reduce any overshadowing or loss of light. 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 3 Rivers. It is acknowledged that this proposal is for residential units which are classed as highly vulnerable development. Notwithstanding this, Natural Resources Wales (NRW) has considered the Drainage Strategy and Flood Risk Assessment submitted in support of the application and given that the proposal residential element relates only to the upper floors of the property, notes that the residential units 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

In reaching the recommendation, the requirements of section 3 and 5 of the Wellbeing of Future Generations (Wales) Act 2015 have been taken into account. The recommendation is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Minister's well-being objective of supporting safe, cohesive and resilient communities.

Accordingly the following recommendation is made:

CONDITIONS/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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

28/9/22