

DELEGATED REPORT

Application No: P/20/0281

Site Address: 1 Vulcan Buildings
Brecon Road
Merthyr Tydfil
CF47 8NH

Development: Proposed change of use of property to takeaway (on ground floor) and 3 No. flats, 3 storey rear extension and external alterations including the installation of a flue, and conversion of rear garage to a further residential unit

Case Officer: Rebecca Owens

Site Visit: 23rd November 2020

Application Expiry Date: 11th January 2021

Consultation reply date expired: 7th December 2020

APPLICATION SITE

The application relates to an end of terrace dwelling, which is split level with three storeys to the front and four storeys to the rear. It is located on a street characterised by a mixture of uses including residential, retail and commercial uses. It is within a designated local centre. It also falls within the Morgantown Conservation Area and is in close proximity to the Grade II Listed Capel Tabernacle, which is located opposite. The site is bound by the highway known as Brecon Road to the front (north east), a lane to the rear (south west), a dwelling to the south east and a commercial premise and flats to the north west.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a three storey rear extension providing additional space to the basement, ground floor and first floor. This extension would be 5.6m in width by 3.85m in depth and would have a pitched roof with a ridge height of 9.4m. The extension would feature a window and a door in its rear elevation at basement level and further windows in the rear elevation at ground and first floor levels.

Permission is also sought for the change of use of the ground floor from residential (C3 use class) to a takeaway (A3 use class) and the conversion of the rest of the building into three flats with one at basement level, one at first floor level and one at second floor level.

The proposed takeaway use would occupy the ground floor with a small, separate, area (served via a separate door) providing access to the upper floors of the building. The opening hours of the proposed takeaway are at this stage unknown. To facilitate this

change of use it is also proposed to install a new shop front within the front elevation and a flue to the rear.

The proposed shop front would be installed within the existing ground floor window opening. However, the new entrance door way would require a section of the wall below the window to be removed. The shopfront would comprise of a new powder coated aluminium window and door (white in colour) whilst the remaining features within the front elevation would remain as existing.

The flue is proposed to the rear of the building exiting the property through the roof of the proposed extension. It would project above this roof plane by 3.5m, terminating below the ridgeline of the main roof. The flue would be 0.4m in diameter.

Planning permission is also sought to change the rest of the building into three flats. The first of these would be located at basement level and would be accessed through the rear. This would have two bedrooms. A further two bedroom flat would be located at first floor level and the final one bed flat would be on the second floor. Both upper flats would be accessed off Brecon Road via the existing entrance door. A new window is also proposed in the south east facing elevation, which would serve the proposed living room of the first floor flat.

Finally, it is proposed to convert the rear garage into a further one bedroom unit with a covered walkway providing access to this flat, the rear amenity area and the basement flat. To facilitate this conversion some external works to the building would be required which would include the removal of the existing garage door and the insertion of a pedestrian door and two windows in its place. Two further windows and a door are also proposed in its rear elevation.

PLANNING HISTORY

The relevant planning history is summarised below:

P/20/0311 Partial change of use of ground floor from residential (C3 use class) to takeaway (A3 use class) and installation of flue to rear and shopfront to front elevation
Granted planning permission subject to conditions on 27 January 2020

CONSULTATION

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

Planning Policy Group Leader	No objection
Head of Engineering	No objection
Environmental Health Manager	No objection subject to conditions

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

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement Boundaries
- SW9: Planning Obligations
- SW11: Sustainable Design and Placemaking
- CW1: Historic Environment
- EcW3: Retail Hierarchy – Supporting Retail Provision
- EcW5: Town and Local Centre Development
- EnW4: Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Merthyr Tydfil Local Development Plan 2006-2021, 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

National Policies

Planning Policy Wales (Edition 10, December 2018) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 - 3.16 relate to good design and placemaking. Paragraph 3.9 notes that *"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"*.
- Section 4.3 focuses on retail and commercial development with paragraphs 4.3.32 and 4.3.34 referring to mixed uses within primary and secondary shopping areas. Furthermore, paragraphs 4.3.43 – 4.3.45 relate to evening and night time economies.
- Paragraphs 6.1.14 - 6.1.17 refer to conservation areas. Paragraph 6.1.14 states *"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"*. As such paragraph 6.1.15 notes *"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"*. The preservation or enhancement of a conservation area is explained in paragraph 6.1.16 as being "achieved by a

development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.

These policies are supplemented by guidance contained in the following Technical Advice Notes (TAN):

- TAN 18: Transport (March 2007)
- TAN 12: Design (March 2016)
- TAN 4: Retail and Commercial Development (November 2016).
- TAN 24: Historic Environment (May 2017).

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary (Policy SW4) and a primary growth area. As such, the principle of developing the site is acceptable subject to other relevant policies and material planning considerations.

In this respect, it is noted that the site also lies within the Brecon Road/Morgantown local centre and as such, Policy EcW3 is relevant. This policy supports proposals for new and enhanced retail, leisure and other complementary provision, which includes A3 Uses, where they improve the vitality and viability of the centre. EcW5 also supports development, which enhances the vitality and viability of local centres. The proposed use of the ground floor as a takeaway would be an acceptable alternative use, which would contribute to the vitality and viability of this local centre and would not be contrary to the aforementioned policies.

Character and Visual Amenities

The application site is located within a designed local centre (Policy EcW3) and as such is within a mixed-use area of commercial, retail and residential uses, including other flats and A3 uses. The proposed residential and takeaway use would therefore not be uncharacterised of this local centre.

The property is located within the Morgantown Conservation Area, Urban Character Area 6 (Williamstown, Cae Pant Tywl and Morgantown) as well as being opposite a Grade II Listed chapel. As such, the impact of these works on the character of the conservation area and the setting of the listed building is an important consideration.

The off of the proposed rear extension has clearly been designed to accommodate the existing dormer, which itself has a detrimental impact in both terms of its appearance its offset siting within the roof slope. This results in its extremely shallow pitch and lower eaves height. It is considered that the above factors would give the extension a discordant and awkward appearance against the main roof of the building and the existing dormer window and would further highlight the off-centre siting of this existing roof extension. For the above reasons, the rear extension is considered to be of a poor and unsympathetic design, which would represent an incongruous feature and harm the character and visual amenity of the building and thus the wider area. It is recognised that the rear street scene has other examples of damaging and inharmonious additions. However, it is considered that the introduction of another unsympathetic development would cause further visual harm and would fail to preserve or enhance the conservation area. However, given its

location to the rear of the building, it is not considered that it would harm the setting of the listed chapel.

Similarly, with respect to the flue, it is noted that this would be installed to the rear of the building exiting through the roof of the proposed three storey extension. As such, it would not be viewed from the front of the property but would be visible from the rear street scene and Vulcan Road to the west. It is again acknowledged that the rear street scene already contains a number of unsympathetic, rear additions. These include satellite dishes, air conditioning units and a metal fire escape ladder. However, whilst the appearance is poor, it is considered that the introduction of a flue, which projects above the extension roof by 3.5m, would be detrimental and would neither preserve nor enhance the conservation area. It is noted that a recent planning permission has been granted for a flue on this property but this was more discretely located, exiting the building through the main roof adjacent to the dormer window (and thus further obscured from public views). However, given its location to the rear of the building, it is not considered that the flue would harm the setting of the listed chapel.

The conversion of the garage into a residential unit would also require some external alterations. However, the garage is already visually poor and the alterations would arguably improve the appearance of the outbuilding. As such, no concerns are raised with respect to this.

The front elevation of the application site retains some traditional elements and is a prominent feature within the streetscene despite its rundown appearance. However, it is recognised that the front elevation is poorly composed and unbalanced in appearance (particularly at ground floor level). Thus, whilst the proposed shop front is not of a particularly strong design, it would be installed within the existing window opening and as such would not further unbalance the appearance of the building. Furthermore, it is noted that the application site is located at the end of a terrace row originally consisting of four properties, but now featuring a large corner shop occupying the ground floor of two of the properties and a commercial premises occupying the ground floor of the other. Within the context of this terrace, the proposed shop front, in terms of its general design and scale would not appear out of place or create any additional harm to the character or visual amenities of the streetscene. Similarly, whilst the use of powder coated aluminium for the shopfront window and door is not ideal (with timber being the preferred option), when considering this context, it would not be detrimental. As such, the shopfront would have a negligible impact on the conservation area and setting of the listed building.

Residential amenity

Regard has been had for the impact of the proposal on the residential amenities of the surrounding occupants and in this respect, it is noted that the site is in close proximity to a number of residential dwellings.

With regard to the change of use of the ground floor, it is acknowledged that an A3 takeaway use would generate greater levels of noise and disturbance than a residential dwelling and could have the potential to impact on surrounding residents in terms of odours and litter. Furthermore, it is noted that a takeaway use in particular, may give rise to noise and disturbance at times of the day when local residents would expect a certain level of peace and quiet. However, the application site is located in a retail centre and is in close proximity to a number of other commercial properties which benefit from late opening hours. These include a public house and a takeaway. As such, it is not considered that the proposal would significantly add to the levels of noise and activity that

are already present at this time in the late evening. Consequently, the proposal would not harm residential amenity to an extent that would warrant the refusal of the proposal or necessitate a condition limiting opening hours. It should be noted that the Licensing Authority would control late night opening hours. In addition to noise and disturbance, it is also noted that certain uses within the A3 Use Class would generate odours and cooking smells that can be detrimental to the living conditions of surrounding residents. This can often be alleviated via a suitably designed extraction system. Whilst this application does include a flue to the rear of the property, as outline above, this is not deemed visually acceptable within a conservation area. The application has therefore not demonstrated that a suitable extraction system can be provided which would be visually acceptable, meet the requirements of Environmental Health and adequately disperse smells and odours to protect the residential amenities of neighbouring occupants.

The change of use of the remaining floors to three separate flats and the conversion of the garage to a further flat would result in a single residential unit become 4 separate units. This would result in an increase in the number of households occupying the site and thus could generate greater noise and disturbance from the increased comings and goings of the occupants. Notwithstanding this, the noise and disturbance would still be residential in nature and it is not considered that it would be any greater than that from the proposed takeaway use and other similar uses within the immediate vicinity. As such, the impact of the additional residential units and associated increase in the number of household is deemed acceptable.

It is noted that the extension would be erected in close proximity to the shared boundary with 9 Brewery Court and would result in three storey development with an eaves height of 8.3m adjacent to the rear garden of this property. However, the rear elevation of the application site is currently set slightly behind the rear elevation of this neighbouring property so it would not be affected by the development's full depth. Notwithstanding this, the extension is relatively modest in depth at just 3.85m. As such, despite its height and given the lack of any objections from the neighbouring residents, it is not considered that it would give rise to any considerable overbearing impact or unacceptable loss of light.

The proposed extension would include windows in its rear elevation, which would look directly towards the dwelling known as 3 Brewery Mews with a distance of about 15m to this property's rear boundary and approximately 19.5m to its rear elevation. It is acknowledged that these windows may allow for some overlooking into the rear windows and rear garden of this dwelling, however, the upper floor windows of the extension would serve non-habitable rooms (a storeroom and WC serving the takeaway at ground floor level and a bathroom and kitchen diner serving a flat at first floor level). On this basis and given that no objections were received following the publicity exercise, it is not considered that the loss of privacy would be harmful to the extent that it would substantiate a reason to refuse the application. It is recognised that the rear extension windows would also allow for views across the rear of the adjoining properties on either side but it is not considered that these would be significantly more intrusive than the views that already exist from the existing rear windows. Furthermore, this degree of overlooking is commonplace between properties sited alongside one another.

The proposal would also introduce a first floor window in the existing south east facing side elevation of the building, which would serve the living room of the proposed first floor flat. This window would look directly towards the flank elevation of 9 Brewery Court and may allow for some angular views to the rear garden of this property, affecting the privacy of its occupants. However, it is considered that this could be overcome via a condition requiring this window to be obscure glazed and only openable 1.7m above the internal

floor level of the room it serves. Consequently, it would not form a reason to refuse the application providing a suitably worded condition be attached to any planning permission.

Finally, with regard to the proposed conversion of the garage, it is noted that this would introduce windows into the front and rear elevations of the building. The rear windows would be in very close proximity to the windows of the proposed basement flat with just 2.9m between these opposite elevations. However, this arrangement would only affect the application site and would be apparent to any future occupants of the property. Similarly, it is acknowledged that there would be views from these windows towards the upper windows in the rear elevations of the adjoining dwellings known as 9 Brewery Court and 2 Vulcan Buildings. However, these would be angled upwards and to the side and thus it is not considered that they would give rise to clear or extensive views into the neighbouring rooms, and therefore would not result in a significant loss of privacy. As such, it is not considered justified to refuse the application for this reason. The proposed front windows would also be close to the rear boundary of 3 Brewery Mews. However, they would be separate from this dwelling by the intervening lane. As there is an existing boundary wall to the rear of this neighbouring property, the proposed windows would not give rise to any overlooking or loss of privacy to the rear garden or ground floor windows. While they would allow for angular views up towards the first floor rear windows, it is not considered that views would be harmful enough to warrant refusal on loss of privacy grounds. In this respect, it is also noted that no objections have been received on such grounds.

Parking and Highway Safety

The highway and pavement to the front of the application site known as Brecon Road is adopted with Traffic Restrictions Orders (TRO) in place. It is acknowledged that the proposal would result in the loss of the existing on-site parking provided through the existing garage. It is also noted that no designated parking is proposed for either the takeaway use or any of the four flats and it is recognised that the proposal could increase parking demand and traffic movements. However, there has been a clear shift in national policy with an emphasis placed on reducing the reliance on private cars. In this location, which is well served with public transport, there is an opportunity for the occupants of the flats and employees of the takeaway to be less dependent on private cars.

Specifically with regard to the proposed A3 Use, it is acknowledged that this would result in additional traffic movements and different parking requirements to that of a residential use. With particular regard to takeaways, it is noted that by their nature they generate a large number of short-term visits while people collect their orders and customers will often attempt to park as close as possible to the premises. Regard has been had for the impact of this use on parking and highway safety and in this respect, it is noted that the majority of commercial units in the area have no off-street parking provision and that there are opportunities in the surrounding area for on-street parking. Thus, the Head of Engineering has not raised any objection in this respect.

With respect to the flats, it is also noted that on street parking is commonplace within the immediate vicinity and thus this arrangement would be no different to many of the surrounding properties. Furthermore, whilst there are Traffic Restrictions Orders in place along Brecon Road, the surrounding highway network would be able to accommodate the additional parking demand without harming highway safety. In this respect, the Head of Engineering has not objected to the proposal.

Ecology

It is acknowledged that the Planning Division's Ecologist has recommended a Preliminary Roost Assessment (PRA) for bats and nesting birds. However, given the scale and nature of the development proposed it is not considered justifiable to request this. However, informatives relating to bats and birds would be necessary if planning permission was granted.

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.

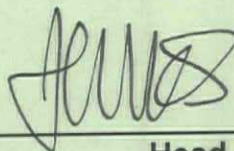
Thus having regard to the above, the following recommendation is made:

RECOMMENDATION: BE REFUSED

CONDITIONS/REASONS:

1. The proposed rear extension, by virtue of its poor and unsympathetic design would result in an incongruous development which would harm the character and appearance of the property. It would also 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 flue, by virtue of its height, size and siting would result in an unsympathetic and incongruous development, which would harm the character and appearance of the property. It would also 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

18/1/21