

DELEGATED REPORT

Application No:	P/22/0051
Site Address:	First Floors Milbourne Chambers 56 - 57 Glebeland Street And 117-119 High Street Merthyr Tydfil CF47 8AT
Development:	Change of use of first floor from office space (B1 Use Class) to 6 no. one bedroom flats (C3 Use Class)
Case Officer:	Rebecca Owens
Site Visit:	7th March 2022
Application Expiry Date:	26th April 2022
Consultation reply date expired:	28th March 2022

APPLICATION SITE

The application relates to the first floor of a three storey building within the town centre and thus within the settlement boundary. The building occupies a prominent corner position with primary elevations fronting onto both Glebeland Street to the south and High Street to the east. The southern elevation faces towards Post Office Lane and the northern side is bound by another property. The first floor of the premises is currently vacant having previously been occupied by offices while the ground floor contains commercial units. The site is within the Town Centre Conservation area and a C2 Flood Zone.

PROPOSED DEVELOPMENT

Full planning permission is sought to change of use of the first floor from office space (B1 Use Class) to six one-bedroom flats (C3 Use Class) with laundry facilities. The flats would be accessed via an internal staircase from Glebeland Street. The only external alteration proposed is the replacement of a first floor window in the western elevation within the courtyard, to a doorway. There would no designated on site parking to serve the flats.

PLANNING HISTORY

The relevant planning history is summarised below:

P/21/0277	Change of use to restaurant at ground floor to include external alterations Granted planning permission subject to conditions on 9 November 2021
P/18/0300	Change of use from offices and shop to provide a restaurant with takeaway (A3 use class) to include the removal of roller shutters and a new shopfront and installation of flue to the rear Granted planning permission subject to conditions on 19 August 2019

P/110349 Installation of new shopfront to serve men's hair centre and alterations to existing shopfront serving Ladybirds Hair Centre
Granted planning permission subject to conditions on 26 January 2012

CONSULTATION

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

Head of Engineering	No objection
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to enhancements
Environmental Health Manager	No response
Natural Resources Wales	No objection
Dwr Cymru Welsh Water	No objection subject to condition

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". 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 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
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- CW1: Historic Environment
- EnW4: Environmental Protection
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

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

- Note 1, Affordable Housing
- Note 2, Planning Obligations
- 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 and 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 not impact on the ground floor of the property and would introduce new residential units to the first floor, bringing vacant space back into use. It is considered that this would contribute to the vitality and viability of this Local Centre and thus would accord with these policies and those of PPW.

Character and visual amenity

The only external alteration proposed as part of this application relates to the replacement of a first floor window with a door. This would be located on the western elevation facing into the internal courtyard and as such would not be readily visible from public vantage points. In addition, the door proposed would occupy the same opening as the existing window (being of a similar size) and would replicate the arrangement directly above where there is also a door in this location on the second floor. Thus, it is not considered that the alteration would harm the character or visual amenities of the building itself or indeed the wider streetscene. Similarly, whilst it is recognised that the application site is located within the Town Centre conservation area and Urban Character Area 1 (Town Centre: High Street and Pontmorlais), it is not considered that this minor and discretely located alteration would have any adverse impact on the character or setting of the conservation area or UCA 1 and as such would not contravene policy 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. Indeed, the ground floor of the application site comprises of commercial units with planning permission in place for a restaurant in the larger unit, which is currently vacant (Planning reference P/21/0277). The introduction of flats to the first floor of this property is not likely to generate a significantly greater level of noise and disturbance than that which 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 representations were received from the Environmental Health Manager or following the publicity exercise. The proposal is therefore found to accord with Policies SW11 and EnW4 of the LDP.

It is noted that no new window openings are proposed which would affect any of the surrounding properties and overlooking from the existing windows would be no different than that which already exists. In terms of overlooking between the flats themselves, this would only be possible from the windows which face towards the internal courtyard. The majority of these serve the passageways, laundry rooms and non-habitable rooms and as such there would be no harmful impact, only two of the windows would serve a bedroom and these would be opposite non-habitable rooms within flat 6, with only angled views towards these windows from the other windows within the courtyard. As such, no concerns are raised in respect to overlooking between the flats.

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. 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. 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). It is acknowledged that this proposal is for residential units which are classed as highly vulnerable development. Notwithstanding this, Natural Resources Wales have considered the Flood Consequences Assessment submitted in support of the application and given that the proposal relates to the first floor 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 they 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

The planning division's Ecologist has identified designated sites and priority and protected species within 500m of the application site. However, having regard to the nature and scale of the proposal he does not consider any ecological survey work to be necessary. Notwithstanding this, he has indicated that there is small possibility that works could impact on roosting bats and as such a suitably worded informative should be included with any permission issued to highlight the requirements in this respect.

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.

Having had regard to the above considerations the proposal is found to be acceptable. 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: Proposed First Floor Plan, Drawing Number: R485-09 A1, Received on 1 March 2022

Drawing Title: Proposed Elevations, Drawing Number: R485-10 A1, Received on 1 March 2022

Drawing Title: Proposed Elevations, Drawing Number: R485-11 A1, Received on 1 March 2022

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

3. 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.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. The developer may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers

for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact Dwr Cymru Welsh Water's new connections team on 0800 917 2652 for further information on water and sewerage connections. The developer is also advised that some public sewers and lateral drains may not be recorded Dwr Cymru Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The developer is advised that a water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. For more information the developer should contact Dwr Cymru Welsh Water.

3. Natural Resources Wales recommend that the developer considers the future insurability of this development and advises that the developer reviews the Association of British Insurers published paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help ensure any properties are as flood proof as possible and Insurable.
4. The application site is located within a defined flood risk area. The developer/applicant is advised to review the comments/advice received from Natural Resources Wales (NRW) during the application process.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/4/22