

DELEGATED REPORT

Application No:	P/23/0198
Site Address:	Former Offices Off Williams Terrace Treharris CF46 5HH
Development:	Change of use from offices to 4 no. flats, with external alterations
Case Officer:	Marlene Ferreira
Site Visit:	8th September 2023
Application Expiry Date:	13th October 2023
Consultation reply date expired:	14th September 2023

APPLICATION SITE

The application site relates to a 'V' shaped end of terraced premises, located on the corner of Cardiff Road and Williams Terrace. It was formerly used as the offices of Hugh James Solicitors (A2 use class) but has been vacant since 2017. The two-storey property, a large-scale building of an irregular design occupying a prominent position, follows the topography of the road and slopes down significantly from the north to the south and from the west to the east. It is finished with rendered elevations, slate roof tiles and timber windows. It also features a decorative shopfront off Williams Terrace and matching decorative window surrounds adjacent to Cardiff Road, comprising traditional pilasters either side, a central fascia above and a rendered stallriser below.

An opening with roller shutter exists, at ground floor, off Cardiff Road, which was formerly used in association with a historic business (shop) which previously operated from the site. This ground floor part of the building is owned by the applicant but does not form part of this application site.

The premises, given its location off the main street through Treharris Local Centre, sits adjacent to other commercial and/or residential properties.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the premises from office use to residential use to provide 4 flats.

Internally, the ground floor would be subdivided to provide 2, 1 bedroom flats, 1 to the rear part of the building and 1 to the front part of the building. The first floor would be

subdivided to provide 1, 2 bedroom flat to the front part of the building and 1, 1 bedroom flat to the rear part of the building.

Externally, the proposed use would entail the removal of the existing decorative shopfront off Williams Terrace, to the east. The existing entrance on this elevation would be retained and a new hardwood door would be installed, however, two smaller openings with new timber windows would replace the shopfront to the rear part of the building and two smaller openings with new timber windows would replace the existing window and decorative surround to the front part of the building. The remainder of the elevation would be made good and rendered to match existing.

The proposal would also include the removal of the window and decorative surround off Cardiff Road, to the south. This would be replaced by two smaller openings with new timber windows. The remainder of this elevation would also be made good and rendered to match existing.

The existing single window with decorative surround, where the two elevations meet (off Cardiff Road), would have a new larger opening to provide an entranceway into the building off Cardiff Road to include the installation of a new hardwood door. The decorative surround would be retained in association with these works.

The remaining first floor existing windows, facing Williams Terrace to the east and Cardiff Road to the south, would be replaced with new timber windows. A new timber window would also be installed at first floor, to the western elevation (facing Treharris bus station), which would serve the living room area of the first floor 2 bedroom flat.

The slate roof would be retained and repaired/replaced only where necessary. New soffits and fascias would also be installed.

The ground floor flat to the rear part of the building would be directly accessed by the existing entranceway off Williams Terrace. The ground floor flat to the front part of the building would be accessed via a ground floor communal hallway leading off the new entranceway from Cardiff Road. Both of these first-floor flats would also be accessed by the new entranceway off Cardiff Road, via the ground floor communal hallway, leading to a staircase and then a first floor communal hallway with direct access to each of these flats.

PLANNING HISTORY

The following planning history is relevant to this application site:

P/00/0403 – New shopfront and window – Approved: 15th November 2000

CONSULTATION

Head of Engineering and Highways	No objection.
Policy Officer	No objection.
Ecologist	No objection, subject to conditions.

Environmental Health Manager

No objection, subject to conditions.

Welsh Water

No objection, subject to conditions.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, nearby properties were consulted and 2 site notices were displayed in the immediate vicinity. No letters of representation were received following the publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policy

- Planning Policy Wales (edition 12, February 2024)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states 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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 6.16, 6.17 and 6.19 discusses the Welsh Government’s objectives for the historic environment and states that these seek to *‘...protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of*

historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way... Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place...'

Paragraph 4.3.34 discusses commercial centres and state 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...*'

Paragraph 4.3.36 refers to vacant premises and explains that '*...Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels...*'

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (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...*'

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that '*...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...*'

Technical Advice Note 24: The Historic Environment (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

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy SW13 - Protecting Community Facilities

Policy CW1 – Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

- Supplementary Planning Guidance (SPG):

SPG4 – Sustainable Design, July 2013

SPG 3 – Shopfront Design, May 2013

SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed change of use, from offices (A2 use class) to flats (C3 use class), would be acceptable in principle in this local centre location and whether it would be acceptable with regards to its impact upon the character and appearance of the premises and conservation area. The impact upon residential amenity, ecology and highway safety are also important considerations.

Principle of Development

The premises lies in the settlement boundary – Other Growth Areas. Development in this location is supported by LDP Policy SW4 provided it complies with all relevant LDP policies and other material considerations.

The proposal, which seeks to replace offices with a residential development, would result in the loss of a community facility, as such LDP Policy SW13 is a relevant policy consideration. Policy SW13 states that *‘...the provision of new and enhanced community facilities will be supported subject to satisfying other relevant LDP policies. The Council will protect and support the enhancement of the County Borough’s existing community facilities. Development proposals that would result in a loss of an existing community facility will only be permitted where alternative provision of at least equivalent value to the*

local community can be provided nearby, or it can be demonstrated that existing provision is inappropriate or surplus to the needs of the community and is no longer required, or it can be demonstrated there is no longer a viable community use for the facility...

In this respect, a supporting letter submitted by the agent on the 17th October 2023, confirms that the property has been vacant for many years. It explains that the property has been marketed by First4Rentals many times, as separate business units or a single commercial property, but has been unsuccessful each time. The letter states that there has been a decline in commercial property in Treharris Local Centre in the last 10 to 15 years and as such, there is very little demand for business properties, such as the application site. Indeed, the vacancy periods in commercial properties has increased significantly and many remain vacant for years. The letter goes on to explain that allowing the premises to change use from commercial to residential would ensure that the building is promptly occupied given the housing shortage in the area.

Having considered the supporting letter, it should also be noted that there are other vacant commercial units in the Treharris Local Centre which could be occupied by an A2 business. However, as noted previously, the number of vacant units within the local centre have existed for some time and suggests that these uses are surplus to the needs of the local community. Thus, this would indicate that the economic viability of a new A2 use at this location is poor. Thus, the proposed development would accord with LDP Policy SW13.

The application property lies within the Treharris Local Centre, and as such, LDP Policies EcW3 and EcW5 area also relevant. LDP Policy EcW3 relates to retail hierarchy, with the town centre being the favoured location for retail and other complementary uses, followed by local centres, provided they improve the vitality and viability of the centre. Thus, complementary residential uses, such as the proposed 4 flats, would therefore be acceptable within the local centre.

LDP Policy EcW5 refers to the vibrancy of an area and states *'...that development enhancing the vitality and viability of the Town and Local Centres will be supported. And that within local centres, the change of use of the ground floor to 'non-A' use classes will only be permitted where, it is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and, the proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre; and, the proposal would not result in the creation of a dead window frontage; and, the proposal would not have an unacceptable effect on the amenity and viability of neighbouring uses, having regard to the 'agent of change principle...'*

Given that the proposal would result in the introduction of a non-A1 use to the Treharris Local Centre, it would not be in accordance with Policy EcW5 unless it meets specific criteria. However, as noted earlier in the report, the supporting letter submitted by the agent, explains that the existing premises has been vacant for a significant period of time, and that there are other several units within the local centre, which also remain vacant. Furthermore, it advises that the application premises had been marketed for lengthy periods of time previously but has not been successful in securing a business tenant/buyer. Indeed, as concluded previously, these factors indicate that the provision of an A use class in this location is no longer economically viable. Indeed, the occupation of this property with a residential use, as opposed to it remaining vacant in the long term, would be more beneficial to the character and appearance of the area, and would add to

the vibrancy and vitality of the local centre. As such, in this instance, the proposal would accord with LDP Policy EcW5.

Character and Appearance

The proposed change of use would mainly include internal alterations, however, there are some changes proposed to the external elevations. These include the removal of the large ground floor windows with decorative surrounds and the shopfront. Whilst the decorative large windows and shopfront with pilasters, fascias and stallrisers are complementary and attractive features on a commercial premises, they would not be fitting or practical to a residential property, and without such modifications, the proposed flats would be un-useable. It should be noted however that the proposed removal of the shopfront and large scale windows would be modified via the creation of smaller openings with new hardwood windows, which would be of the same scale, materials and design as the existing first floor windows (which would also be replaced with new timber double glazed windows). These would be proportionately sited/aligned to match the property's existing fenestration arrangement. The remainder of the elevations would be made good and rendered to match. To ensure these alterations are acceptable, a suitably worded condition requesting details of the windows and render finish, would form part of any planning permission granted. It should also be noted that the proposed new entranceway, at the point where the two elevations meet (off Williams Terrace and Cardiff Road), which also includes decorative surround, would be retained. The pilasters either side and fascia above, would frame the entrance into the flats and retain focus and interest to this part of the building.

The external works proposed in association with the change of use are therefore deemed necessary and would not be considered to cause any significant detrimental impact to the character or appearance of the premises or the Treharris Conservation Area. As such, the proposal would accord with LDP Policies SW11 and CW1.

Residential Amenity

The application site adjoins one other property to the northwest, a business premises, which appears to be used as a retail shop (Londis) at ground floor and a dance studio at first floor. There are no other properties which adjoin the application premises. Thus, the proposed development to create 4 flats would not be considered to detract from the amenities of nearby occupiers. Indeed, the proposed use, would be deemed less disruptive to the amenities of surrounding businesses or residential occupiers, than the former use of the premises as a solicitor's office. In this regard, it should be noted that no letters of representation have been received in respect of this proposal. The proposed development would therefore accord with LDP Policy SW11.

Ecology

The Council's Ecologist considered the proposed development and concluded that a Preliminary Roost Assessment (PRA) was required in support of the application. The PRA was received on the 22nd November 2024 and concluded that the premises had moderate suitability for roosting bats and therefore 2 dusk emergence surveys were requested to be submitted. The survey work was submitted on 12th September 2024. It concluded that bat activity at the site is low with only one species heard throughout the surveys (common pipistrelle). The property was therefore not identified as a bat roost. Enhancement measures were also proposed in the report in the form of a bat box (<https://www.nhbs.com/1wi-schwegler-summer-and-winter-bat-box>) or equivalent, which

would be installed on the northern elevation of the property, and a bird box (Schwegler 2GR, 1B Schwegler Nest Box) or a suitable equivalent, which would be installed on the north western elevation of the property. The Council's Ecologist has considered the report, including its recommendations/conclusions and enhancements and agrees with its findings. Thus, the Council's Ecologist has not raised any objections, provided the reports are conditioned as part of any planning permission granted.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the nature of the development, which largely relates to internal alterations, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancements, in the form of bat and bird boxes, would be provided, as noted above, and would be secured by condition. This proposed enhancement would contribute to the wider green infrastructure objectives and the proposed development would therefore accord with LDP Policy EnW1.

Parking Provision and Highway Safety

The site is not served by on-site parking provision and the applicant is unable to accommodate any on-site parking in association with the proposed development. However, the application site lies in a sustainable location, being located within a very short walking distance of a bus stop and an existing public car park. Therefore, the Head of Engineering and Highways has not raised any objections to the proposed development. Thus, the proposal would therefore accord with LDP Policy SW11.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with the relevant policies and guidance.

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

Accordingly the following recommendation is made:

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

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 No: 2949 C, received: 2nd October 2024;
- Drawing No: 2949 C 01, received: 2nd October 2024;

- Preliminary Roost Assessment, received: 29th November 2023;
- Bat Activity Survey, received: 11th September 2024.

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

3. **Prior to the commencement of development**, details/samples of the proposed external material finishes of the elevations, windows and doors, including section details of the proposed windows, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character and appearance of the area in the interests of visual amenity and to safeguard the appearance of the Treharris Conservation Area in accordance with LDP Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 14.10.2024