

DELEGATED REPORT

Application No:	P/24/0145
Site Address:	134 - 135 High Street Merthyr Tydfil CF47 8DN
Development:	Installation of new shop front, provision of 8 flats at first and second floor level, demolition of rear annexes and erection of three storey rear extension with associated parking
Case Officer:	Rebecca Owens
Site Visit:	1st July 2024
Application Expiry Date:	15th August 2024
Consultation reply date expired:	3rd February 2025

APPLICATION SITE

The application relates to two three storey properties, both with two storey and single storey annexes located to the rear and vacant retail units at ground floor level. The properties are located within the town centre and thus within the settlement boundary. It is also in the Town Centre Conservation Area and adjacent to the Grade II Listed High Street Baptist Church. The site is bound to the front by the main high street of the town centre and a highway to the side (south)

PROPOSED DEVELOPMENT

Full planning permission is sought for the installation of a new shop front, provision of 8 flats at first and second floor level with a ground floor cycle store and bin storage area, demolition of the rear annexe, the erection of a three storey rear extension with associated parking and other external alterations.

The three storey rear extension would span the full width of the two buildings (12.2m) and would be 11.1m in depth. Much of the area at ground floor level would be open with the upper floors overhanging the majority of the rear yard and car parking area. There would also be an internal void between the main rear elevation and the extension which would form a light shaft to serve existing rear windows and new windows in an enclosed elevation of the extension. The roof of the extension would be hipped with a ridge height of 11.6m. It would feature two roof lights in its northern plane with solar panels installed on the southern roof plane. The solar panels would have a flush finish to the roof and would be grey in colour to match the roof. The side elevation of the proposed extension would be finished in stone to match the existing boundary wall while the rear elevation would be covered with vegetation to create a green wall. Two integrated bird boxes are proposed on the northern flank elevation of the extension and two integrated bat boxes are proposed on the southern elevation. There would also be some planting beds

incorporated into the southern elevation and at ground floor level. The windows in the extension would be aluminium framed.

It is proposed to replace the existing shop fronts with two new timber shopfronts, one smaller shopfront on the right hand side and a larger shopfront to the left which would wrap around the corner and along a small section of the southern elevation. These shopfronts would be relatively traditional in design with pilasters and a glazed brick stall riser. A retractable awning would also be fitted within the fascia. Ironmongery detailing along the top of the shopfronts is also proposed to replicate a feature which has been identified in historic photographs of the building. The plans also indicate that the shopfront would be fitted with internal roller shutters.

In addition, two windows would be inserted into blocked up openings in the front elevation. One at first floor and the other at second floor level. These would be timber framed sash windows to match the design of the existing windows in this elevation.

Other works involve the laying of tarmac and block sets to create the yard and car parking area (which would provide seven parking spaces) and the erection of a stone boundary wall which would be 2.55m high.

PLANNING HISTORY

The relevant planning history is summarised below:

P/00/0239 Erection of fascia and projecting sign
 Granted advertisement consent on 31st July 2000

CONSULTATION

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

Head of Engineering and Highways	No objection subject to conditions
Planning Policy Officer	No objection
Planning Ecologist	No objection subject to conditions and amended Green Infrastructure Statement (GIS)
Environmental Health Manager	No objection subject to conditions
Natural Resources Wales	No objection
Dwr Cymru Welsh Water	No objection subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two 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 12, February 2024)

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
- SW3 Sustainably Distributing New Homes
- SW4 Settlement Boundaries
- SW9 Planning Obligations
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- 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

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 in the town centre boundary and within 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 new shopfronts to the ground floor units 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 Grade II Listed High Street Baptist Church with the Grade II Listed Barclays Bank also in close proximity. 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.

The proposed extension would represent a significant addition to these properties, which despite being located to the rear would in fact be highly visible when approaching the town centre from the nearby bus station. The existing rear street scene in this area is poor and the current rear arrangement within the site features a number of ad hoc two storey and single storey extensions. It is considered that the proposed extension, although substantial in scale, would present a simpler and more uniform rear elevation. The proposed green wall to the rear elevation would also create a feature of interest and help to facilitate placemaking in the approach from the bus station. It is recognised that due to the width of the extension, its roof (although hipped to match the main roof) would not reflect the pitch of the main roof. However, it is noted that the main roof is surrounded by a parapet and given the three storey height, it is not considered that the extension roof would be easily viewed in relation to this. It is also recognised that the extension is somewhat unusual in that the ground floor has an open rear elevation to facilitate parking beneath it. Having regard to the existing boundary treatment it is again not considered that this would be readily visible and overall the appearance of the rear of this property would be improved by the proposal.

The proposed shopfronts are considered to be of a suitable design and scale that would appear sympathetic within the front elevation and reflective of the proportions of the fenestration above. Whilst they would not entirely align with the upper windows, the shopfront openings reflect those of the existing shopfronts. The traditional detailing and timber finish is also deemed to be in keeping with the character of the conservation area. It is recognised that the shopfront on the left hand side of the building is currently set back with the upper floor overhanging it. The proposal would result in the loss of this, with the new shopfront being brought forward in line with the main elevation. This would reflect the shopfront on the right hand side and indeed those in the wider area. This would also result in the corner of the shopfront projecting out beyond the curved left hand corner of the building. Whilst a ground floor which followed this curve would have been preferable, it is recognised that this can be expensive and difficult to achieve. In addition, it is noted that the shopfronts would include an awning which would be installed within the fascia. Whilst this would result in some projection of the shopfront fascia off the face of the building, it is not considered that this would be to a harmful degree. Thus on balance given the overall improvements that would occur as a result of the redevelopment of the building and the new shopfront proposed, this is found to be an acceptable compromise. The plans also include roller shutters to the shopfront but these would be internally fitted which is considered to be acceptable and in line with the SPG.

The proposal also includes the reintroduction of a first and second floor window in front elevation which are currently blocked up. These would be timber sliding sash to replicate the existing windows. This is considered to be an acceptable improvement which would instate original window openings in a sympathetic manner.

Similarly, the introduction of relatively modest roof lights into the northern roof slope and solar panels on the southern roof slope are also deemed to be acceptable. The roof lights are considered to be suitably discrete and located on a less prominent roof plane and while the solar panels would be installed on a more visible roof slope, these would be of a flush profile and of a colour which would blend with the roof. As such, it is not considered that these would result in any significant harm to the character or appearance of the building or indeed the wider conservation area.

As such the extension, shop front and other external alterations are deemed to be visually acceptable and would not harm the character of the conservation area, the visual amenities of the area in general or indeed the setting of the adjacent listed church. The proposal therefore accords with policies SW11 and 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 and where there is already a high volume of activity and general noise. As such, it is not considered that the introduction of eight flats would result in additional comings and goings to a level that would generate noise and disturbance to an unacceptable level. In addition, any future residents of the flats would occupy these 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 development involves the erection of a large rear extension which would be positioned hard on the boundary line with 133 High Street and which would be 11.1m in depth with an eaves height of approximately 9m. However, given that the adjoining property already benefits from a two storey rear extension which abuts the boundary it is not considered that the proposed would have any overbearing impact and it is noted that this is a commercial property currently occupied by an estate agents. In addition, it is noted that the extension may lead to some loss of light to the upper floor windows in the rear elevation of this property but those nearest to the site are small square windows and on balance it is not considered that the impact would be significantly harmful.

It is recognised that the extension features windows in its southern elevation which would be in close proximity to the adjacent listed church which features windows in its opposite elevation. However, given that this is not a residential property it is not considered that the extension windows would give rise to any loss of privacy. Similarly, the windows in the extension's rear elevation would look over a rear service area and the reinstated windows in the front elevation would overlooking the main high street. As such no concerns are raised with respect to these. It is recognised that the scheme include an enclosed void which would contain windows in the main rear elevation of the building and also windows in the opposite elevation of the extension. These windows would be extremely close (just 1.5m apart at their closest). However, the windows in the extension would be angled and the windows within these two opposite elevations would be fitted with obscure glazing to

avoid any harmful views between bedrooms. It is also noted that any future occupiers would be aware of this arrangement before inhabiting the flats.

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 currently benefit from any off-street parking provision. However, the proposal would provide seven off street parking spaces to serve the proposed flats which is considered to be sufficient particularly given the sustainable location of the site and its close proximity to public car parks and public transport links. The proposed access into the site and manoeuvrability within has also been considered and is found to be acceptable. The plans also include a cycle store with thirteen cycle stands, which along with the sustainable location, would encourage more sustainable modes of transport. Having regard to the above and noting that no objections have been received from the Head of Engineering and Highways, the proposal is found to be acceptable in terms of highway safety and in compliance 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 2 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 noted that the proposed residential element relates only to the upper floors of the property and as such 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 and with refurbishment of the retail units would help to encourage their future occupation. The proposal is therefore found to be acceptable in this respect.

Ecology

A Bat Survey Report was submitted in support of this application which found no evidence of bats or nesting birds. However, the report recommended that bat and bird boxes be provided on the proposed extension and the incorporation of local and native biodiversity into the site through window boxes and the planting of native wildflowers. This report has been considered by the local planning authority's Ecologist who has not raised any objection subject to the recommendations being implemented.

It is recognised that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, a GIS was submitted but concerns were raised by the local planning authority's Ecologist that this was not sufficient. Despite requesting that the GIS be amended the agent indicated that they were not prepared to revise the document. Notwithstanding this, the document notes that the entire site is currently built upon and suggests ecological enhancements and benefits through the provision of planting beds and greenspaces along with bat and bird boxes. It is considered that this along with the proposed plans and

above survey has demonstrated that there would be a net benefit to biodiversity and these enhancements would be sought and secured by condition, which would contribute to the wider green infrastructure objectives.

The proposed development would therefore comply with LDP Policy EnW1.

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, the viability of the development has been reviewed using the Three Dragons Toolkit and it has been indicated by the Policy Officer that in this instance no planning obligations for the provision of affordable housing or any other contributions would be 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.

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 Title: Elevation (Proposed side), Drawings Number: 1033.08B, Amended plan received 30 January 2025.

Drawing Title: Shop front, Drawing Number: 1033.10, Received 30 January 2025.

Drawing Title: Elevation (Proposed rear and rear boundary wall), Drawings Number: 1033.10A, Amended plan received 7 November 2024.

Drawing Title: Elevation (Proposed front and rear), Drawing Number: 1033.11A, Amended plan received 30 January 2025.

Drawing Title: Plans (Proposed ground floor plan), Drawing Number: 1033.12A, Amended plan received 30 January 2025.

Drawing Title: Plans (Proposed ground floor plan), Drawing Number: 1033.12A, Amended plan received 30 January 2025.

Drawing Title: Plans (Proposed first floor plan), Drawing Number: 1033.13A, Amended plan received 30 January 2025.

Drawing Title: Plans (Proposed second floor plan), Drawing Number: 1033.14A, Amended plan received 30 January 2025.

Drawing Title: Proposed Block, Drawing Number: 1033.16, Amended plan received 30 January 2025.

Bat Survey Report, Ref: 1G2024135HighStreet, Version 3, dated 7 November 2024, produced by I & G Ecological Consulting, received 7 November 2024.

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

3. **BEFORE** works commence on site details/samples of the following shall be submitted to and approved in writing by the local planning authority:

- The roof tile of the extension
- The stonework to the external elevations of the extension
- The glazed bricks and shopfront colour
- The awning (including dimensions when extended)

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 of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **No development shall take place** until details of the construction of the car park shown on drawing number 1033.12A, including levels, drainage and details of the finished surface have been submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details prior to the occupation of the flats and the car parking spaces and areas for manoeuvring shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **BEFORE** works commence of site a Construction Traffic management Plan shall be submitted to and approved in writing by the Local Planning Authority. This document shall contain details of delivery parking, construction workers parking, material storage, and construction access. The development shall be carried out in accordance with the approved details.

Reason - In the interests of highway safety

6. 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.

7. Demolition or construction works shall not take place outside the hours of 08:00 to 16:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **BEFORE** the flats hereby approved are occupied the bat and bird boxes detailed in the Bat Survey Report shall be provided in accordance with Drawing Numbers: 1033.08B and 1033.09B received on 30 January 2025 and these shall be retained in perpetuity thereafter.

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping which shall include details of the green wall. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. No development shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority which shall include the green wall. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. Before the development hereby permitted is brought into use, the windows in the void between the main rear elevation of the building and the eastern elevation of the extension shall be fitted with obscured glazing, details of which shall first be

submitted to and agreed in writing by the local planning authority and any part of the windows that are less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

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. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

3. The developer is advised that the proposed scheme will require a highway licence to enable access out onto the adopted highway. Accordingly, contact should be made with the council's Highway Maintenance Department regarding the approval of a section 184 license in relation to any the proposed vehicular crossovers. This this must be obtained separate to this planning permission and before construction of the new access point.
4. The developer is advised that 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 2 Rivers. It is therefore recommended that the developer/applicant reviews the advice received from Natural Resources Wales (NRW) during the course of this application.

5. The developer's attention is drawn to the comments received from Dwr Cymru Welsh Water during the course of this application.
6. The developer is advised that this permission does not grant permission for any advertisement or sign (including the reinstatement of the historic mural). These may require separate advertisement consent.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 03.02.2025