

DELEGATED REPORT

Application No: P/20/0157

Site Address: 3 - 4 Pontmorlais
High Street
Merthyr Tydfil
CF47 8UB

Development: Conversion of first and second floor to provide 4 flats. Proposal to include siting of an external staircase and new entrance doors to first and second floor.

Case Officer: Caroline Pulley

Site Visit: 23rd July 2020

Application Expiry Date: 23rd December 2020

Consultation reply date expired: 10th August 2020

APPLICATION SITE

The application site relates to a three storey building situated within the Pontmorlais area of Merthyr Tydfil town centre. The property is occupied by a restaurant on the ground floor, and a flat on the first floor and second floor. With the exception of a side alleyway, the plot is fully developed within its curtilage and currently consists of a large three-storey, three quarter width extension to the rear, beyond which is a single storey flat roof extension which physically abuts Zoar Chapel, a Grade II Listed Building. The premise adjoining the north eastern boundary of the site is utilised as a solicitor's office on the ground floor and a flat at first and second floor. To the south-west and on the other side of a gated alleyway is a public house called 'Ye Olde Express'. Being situated within a town centre location, there are a mixture of commercial properties within the vicinity.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the first and second floors of the building to provide four, one bedroom self-contained flats (two flats on each floor). The conversion would be undertaken within the fabric of the existing building, with no increase to its footprint. The proposal would however include the insertion of a new entrance door and the siting of an external staircase along the northern side wall of the rear three storey extension to serve the second floor flats.

The external staircase would provide access to the second floor flats from the roof area of a single storey, ground floor extension. This area is currently accessed from a side alleyway via an existing external staircase. The proposed staircase would lie parallel to the side wall of the extension. It would measure 0.9m wide by a total of 4.9m in length. At its top, it would comprise a rectangular shaped landing/platform measuring 1.5m in length. The height of the platform, at the top of the staircase, would be 2.9m above the roof area of the ground floor extension. The sides of the platform and staircase would be enclosed by a 1m high balustrade.

The first floor flats would be accessed from the roof area of the ground floor extension, utilising an existing entrance door located within the northern side wall of the rear extension.

The site does not have any on-site parking and none is proposed with this development.

PLANNING HISTORY

There is no recent planning history relating to this property.

CONSULTATION

Engineering and Traffic Group Leader:	No objection.
Environmental Health Manager:	No objection.
Natural Resources Wales:	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site

One letter of objection has been received from the owner of 5 Pontmorlais. The concerns raised are summarised as follows:

- An insufficient level of information has been provided to assess the proposed works and to establish what impact the development has on the conservation area;
- The internal space provided in each flat is extremely limited;
- The proposal may not meet the standards required by building control. It is noted that there is a low parapet wall between 5 Pontmorlais and 3-4 Pontmorlais which is in poor condition. The objector highlights that if a staircase is erected to the rear, building regulation officers would require this wall to be built up to prevent someone from falling into the courtyard of 5 Pontmorlais.

Local Ward Members were advised of the objection received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 4 - Retail and Commercial Development requires local planning authorities, in their development plans, to develop a local hierarchy to classify their various retail and commercial centres and to apply appropriate policies to those centres based on their characteristics.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

TAN 15 –Development and Flood Risk classes residential development as highly vulnerable development.

TAN 24 – The Historic Environment

Para. 1.8 states that 'Changes in the historic environment are inevitable. This can be the result of decay caused by natural processes, damage caused by wear and tear of use, and the need to respond to social, cultural, economic and technological changes'.

Para. 6.2 states that 'Conservation area designations provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area's special interest: this might include the pattern of development and the organisation of space and routes as well as the style and type of the building, and the use of materials and detail'

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy CW1 - Historic Environment

Policy SW11 – Sustainable design and Placemaking

Policy SW13 – Protecting and Improving Local Communities Facilities

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 2 – Planning Obligations
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No.5 – Nature and Development

PLANNING CONSIDERATIONS

The proposal seeks full planning permission to convert the upper floors of the property from one residential unit to four, one bedroom flats with the insertion of a new access door and staircase to the rear. The main considerations in the determination of this application are the principle of the proposal and whether the change of use is consistent with the key requirements of planning policy. Other important considerations are the impact of the scheme on the Merthyr Tydfil Town Centre Conservation Area, the potential impacts on highway safety, and the impact on the amenity of adjacent land users and other established uses in the area. The acceptability of residential development within a C2 flood risk zone is also a consideration. These matters are considered in detail below.

Principle of the change of use

The application site lies within the settlement limits and within the town centre of Merthyr Tydfil. The proposal seeks to provide 4 self-contained flats through the subdivision of the existing 7 bedroom maisonette. Such a proposal would serve to add vitality to the town centre by increasing the diversity of activity on the street. This is in line with the objectives of Policy EcW5, which states that development proposals which enhance the vitality and viability of the town centre will be supported. Nonetheless, it must be acknowledged the application site lies within a C2 Flood Zone and highly vulnerable development is proposed on the first and second floor of the building. Therefore, due consideration needs to be given as to whether the proposed development is justified in a C2 flood zone, with particular reference to TAN 15 and Policy EnW4 of the LDP.

Whilst it is acknowledged that TAN 15 advises that highly vulnerable development, which includes residential properties, should not be considered, the first and second floor of this building is currently used for residential purposes. As such, there would be no change in vulnerability of the use. Further to this, the proposal to introduce additional residential accommodation to the upper floors of the building would help to support the function and role of the town centre which in the current climate is experiencing increasing competition from the out of town retail parks. Most importantly, NRW has not objected to the application and their comments note that the proposed development is likely to be above any flood levels should a flooding event occur at this location. Therefore, the principle of the development is deemed acceptable in terms of the potential flood risk.

The concerns raised by the objector in relation to the size and standard of accommodation being offered with this application have been acknowledged. However, this is not considered to be a reason to refuse planning permission. It is appreciated that new flats should provide an acceptable quality of accommodation and poor quality accommodation can cause health and welfare issues for occupants due to small, cramped accommodation, with lack of natural light. However, it is not considered that this is the case with this application. Each of the four flats would have access to good ventilation and natural daylight. Whilst the some of the accommodation being put forward may be small in scale, it is not considered that the quality of accommodation is substandard. Indeed, there is a growing demand for small, affordable accommodation to be provided to meet the changing housing needs of a wide variety of people.

Impact on character and appearance of the conservation area.

As mentioned earlier, the conversion would be undertaken within the fabric of the existing building, with no increase to its footprint. Importantly, the proposal does not involve any changes to the key front elevation of the building. The frontage of the building would therefore be retained in its current form. While there are some external changes being proposed to the property, the alterations would be undertaken to the less prominent rear elevations of the building. While it is noted that the external staircase would be located in close proximity to a Grade II listed building, the staircase would be largely concealed by the side wall of the applicant's extension and as a result, would not appear overly conspicuous in this location. Furthermore, the existing staircase is located immediately adjacent to the wall of the listed building and has a greater impact than the staircase proposed with this application. It is also noted that a condition could ensure that the frame is constructed from a suitable material and is painted black to match the existing balustrades and staircase present at the rear of the property. Taken this into account, it is considered that the scheme would preserve the character and appearance of the conservation area in line with Policy CW1 of the LDP.

Impact on the amenity of adjacent land users and other established uses in the area (including residential amenity).

As set out above, the property is located within a defined retail area whereby a level of activity is expected during the day and into the late evening. Whilst the change of use of the upper floors to four residential flats may result in an intensification of the building, it would not result in an adverse impact upon the levels of amenity currently enjoyed by neighbouring occupiers. There are no major external alterations being proposed to the form and scale of the building and arguably the continued use of the property for residential purposes represents the most compatible and viable option for the building that would be least disruptive to surrounding residential properties. Additionally, no new windows are proposed at the property.

While the proposal would involve an external staircase being erected close to the dividing boundary with the adjacent property, 5 Pontmorlais, the size of the landing area at the top of the stairs is very small. Whilst it would be possible to sit a chair on the landing, the remaining space around it would be cramped and it would then obstruct access into the door serving the second floor flats. It would therefore provide a rather limited facility for any meaningful outdoor space. Taking this into account, the siting of the staircase or the introduction of the new doorway in this location would not give rise to a harmful level of overlooking or loss of privacy to the adjoining flat.

Whilst the introduction of a new access door at second floor level may increase the level of activity taking place close to the dividing boundary, the level of activity arising from the comings and goings of two flats would not be significantly harmful. Furthermore, there is already an existing access door within the side wall of the existing extension which would result in some activity taking place at present as a result of the use of the property as a 7 bedroom residential unit. In light of this and the very nature of the use, it is not considered that the scheme would result in a significant level of noise and disturbance to neighbouring properties.

Whilst the staircase would be highly visible from number 5 Pontmorlais, it would be set in from the dividing boundary by 1.5m. As such, it is not considered that the structure would have a harmful overbearing or overshadowing impact on number 5. Furthermore, the property is located within an area that has a varied character and the change of use of the first and second floors to flats would be unduly harmful in this context.

Highway safety

In terms of highway safety, the Council's Engineering and Traffic Group Leader has not raised any objection to the proposal noting that the property is located within a sustainable location, in close proximity to public car parks and the central bus and railway station. It is also noted that there are traffic regulation orders in place within this part of the town centre which would prevent indiscriminate on-street parking in these locations. As such, the proposal to change the use of the building does not raise any adverse highway safety issues.

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

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 number MA/2020/PL/001 received on 16.07.2020

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

3. **Before works commence** details/samples of the following shall be submitted to and approved in writing by the Local Planning Authority and all works undertaken shall be completed in accordance with such approved details/samples.

- i. The material and colour of the external entrance door proposed along the northern side elevation of the rear extension.
- ii. Materials and paint colour for the external staircase and associated balustrade.

Reason - To protect the character of the conservation area in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

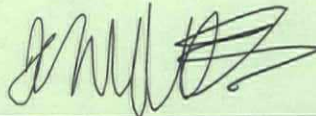
INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. The applicant's/developer's attention is drawn to the comments received from Natural Resources Wales in respect of flooding.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

12/11/20