

DELEGATED REPORT

Application No: P/21/0397

Site Address: 30-31 Lower High Street
Merthyr Tydfil
CF47 8DP

Development: Change of use of ground floor from C2 Residential Institution to A3 Food and Drink and upper floors from C2 Residential Institution to C1 Hotel, to include extensions and external alterations

Case Officer: Caroline Pulley

Site Visit: 13th December 2021

Application Expiry Date: 22nd March 2022

Consultation reply date expired: 3rd January 2022

APPLICATION SITE

The application site comprises two properties, 30 and 31 Lower High Street, Merthyr Tydfil. The existing properties contain a restaurant to the ground floor and basement floors of number 31 and sheltered residential accommodation to the ground and basement floors of number 30, and to the whole of the first and second floors of numbers 30 and 31.

31 Lower High Street is located on the corner of Masonic Street and Lower High Street. It has a chamfered entrance door with a fascia sign above and two primary elevations, one facing north onto Masonic Street, and the other facing east directly onto Lower High Street. 30 Lower High Street has a single frontage onto Lower High Street. The rear of the two properties front onto a Council car park. On the right hand side there is the Merthyr Tydfil Conservation Club and a first/second floor flat. On the left hand side of the two properties is a dentist. Being located in the town centre, the site is situated in close proximity to a number of 'noisy' uses, which include the Conservative Club and The New Crown Inn.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of part of the ground floor from a C2 residential institution to an A3 food and drink use, the basement from storage to a catering use and first and second floors from a C2 Residential Institution use to a C1 Boutique Hotel. It also seeks permission to replace an existing rear steel staircase

with an extension comprising an enclosed staircase together with an enclosed staircase and associated plant space. Additionally, works are proposed to the main roof of the building.

As a result of the proposal, the existing ground floor of number 30 Lower High Street would be converted to a bar lounge and reception area in association with the existing restaurant currently operating from 31 Lower High Street (Jol's). The toilets currently located within the existing extension at the back of number 30 would be rearranged and a new stairwell and store room would be provided with the rear extension proposed to the north of the toilets. The basement area beneath the two properties would be converted to provide a catering area, which would include a kitchen, a fridge and freezer store, an office, plant room and a dry store. On the upper floors of numbers 30 and 31, it is proposed to provide a boutique hotel comprising 10 double en-suite hotel bedrooms (five on each floor).

The key aspects of the proposed external works are as follows:

To the front of the two premises

- Insert 8 brick vents into the existing brick coursing
- Insert 6 300mm x 800mm polyester coated steel plate vent covers (in Victorian style pattern) with the fascia panels (proposed colour to match the main signage).

To the rear of the two premises

- Lower the eaves line of the rear south facing roof plane from 11.8m to 8.6m. This would bring the roof of this section of the building down to the eaves level of the east facing roof slope. The new roof slope would be covered in natural slate (to match the existing) and would include a conservation rooflight and a roof cowl measuring 765mm x 765mm.
- Erect a two-storey rear extension off the south facing rear elevation. The extension would measure 4.1m in width, 8.1m in depth and 8.5m in height with a pitched roof. The extension would be utilised as a plant room on the first and second floor and would contain a first floor side facing window and a side access door. The additional space created on the ground floor would form a store and a rear passageway.
- Remove the rear external metal staircase and first and second floor doors and provide two new second floor landing windows and a landing access door (leading onto a roof terrace) along the southern rear elevation of the property.
- Removal of an extraction flue sited along the eastern rear elevation and provide two new bedroom windows (one at first floor and another at second floor). The new windows are listed to match the existing with the colour to be confirmed.
- Replace the roof of the single storey extension (the part which falls only on the application side) with a flat timber deck area which would be 4m above ground level. The new deck area would be accessed at first floor level from the landing area and the proposed plant room (situated in the new extension). Its southern edge would consist of a 1.3m long wall enclosure which would slope from a height of 1.9m (above the ridge of the remaining part of the pitched roof which forms part of the neighbouring dentist). A 250mm high enclosure and a 0.4m high balustrade would enclose the remaining section the deck area.

The application is accompanied by the following documents:

- Roof cowl specification detail
- Environmental Noise Assessment (Hunter Acoustics)
- Flood Consequence Assessment (JBA Consulting)
- Initial Bat Inspection Survey (BE Ecological)

PLANNING HISTORY

The recent history relating to the site is as follows:

P/21/0396	Proposed signage Approved – 04.01.2022
P/13/0162	Building enhancement to include new shopfront, new front and rear windows, new guttering and removal of redundant fire escape and associated works Approved – 03.07.2013
P/12/0355	Change of use from former Chaplin's Hotel, Restaurant and Retail Unit (ice cream parlour) to learning education and accommodation project Approved – 06.02.2013

CONSULTATION

Head of Engineering:	No objection.
Policy Officer:	No objection.
Environmental Health Officer:	No response.
Natural Resources Wales:	No objection.
Welsh Water:	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.

No letters of objection or representation have been received as a result of this exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040
 Planning Policy Wales (PPW) – Edition 11, February 2021
 Technical Advice Note (TAN) 4 – Retail and Commercial Development
 Technical Advice Note (TAN) 12 – Design
 Technical Advice Note (TAN) 15 – Development and flood risk

Technical Advice Note (TAN) 24 – The Historic Environment

Local Policy

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

Policy SW4 – Settlement boundaries
Policy SW9 – Planning Obligations
Policy SW11 – Sustainable design and Placemaking
Policy SW12 – Improving the Transport Network
Policy CW1 - Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
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 EcW4 – Retail Allocation
Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No.3 – Shopfront Design
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation.

PLANNING CONSIDERATIONS

Principle of the development

As detailed earlier, this application seeks to convert the ground floor of number 30 to an A3 food and drink use and the upper floors of numbers 30 and 31 to a boutique hotel. The application site is within settlement limits and is within the Merthyr Tydfil Town Centre boundary as set out by Policy EcW3 of the LDP. It also lies within the primary shopping area of town centre where there is support for development that would enhance the vitality and viability of the town centre. In this case, the proposal would allow two properties, which are in very close proximity to the central bus station and railway station, to be converted into a boutique hotel use on the upper floors with the expansion of the existing food and drink establishment on the ground floor. Such uses generally help to increase footfall on the high street by providing complementary uses which can help support the function and role of the town centre. As such, the principle of the development is acceptable, as it would provide appropriate uses to the town centre.

Impact on the character and appearance of the existing building and the Town Centre Conservation Area

Limited alterations are proposed to the key front elevations of the two properties and the works proposed to the rear of the site would have a positive impact on the character and appearance of the area. The front facades of the two properties would remain largely as existing. As such, the overall appearance of Masonic Street and Lower High Street would be preserved.

The rear less prominent elevations of the two properties front into a Council car park. The proposed extension and alterations proposed to the main roof would form notable

additions to the street scene in this location. However, whilst the existing eastern façade of number 30 does contain high quality timber sash windows, from the rear, the two buildings generally have an unsightly and somewhat cluttered appearance. The proposal to extend the southern roof slope down to the adjoining eaves line and provide a new arrangement of windows and doors in lieu of the existing arrangement would vastly improve the character of the building and the wider conservation area as a whole. The design, scale and appearance of the proposed two-storey rear extension and raised deck area would also be acceptable in this location.

However, being located within a designated conservation area, several conditions are recommended to ensure that exact details for the windows and doors are agreed in writing before works start. Likewise, a condition is recommended to ensure that details are provided for the construction of the proposed screen and balustrade which would form the southern boundary of the proposed deck area. Subject to these conditions, it is considered that the proposal would have a positive impact on the character and appearance of the Merthyr Tydfil Town Centre Conservation Area.

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 the late evening. Whilst it is acknowledged that the change of use of the upper floors to a Boutique Hotel 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. The property is located within an area that has a varied character and it is not considered that the change of use of the ground floor or the upper floors of the application site would be unduly harmful in this context.

It is also noted that the application is supported by a noise assessment, which considers the impact of noisy uses within the vicinity of the site upon the future residents of the hotel. This recommends a scheme of façade insulation measures including acoustic double or secondary glazing and mechanical ventilation to hotel bedrooms. While the recommendations of the report are acknowledged, given the nature of the use on the upper floors of the building would remain unchanged by this proposal (albeit it would provide residential accommodation in a different format i.e. hotel rooms), it is not considered that the imposition of a condition requiring sound reduction measures would be necessary for this development to proceed. However, this does not prevent the developer from implementing the measures put forward in the report, which include mechanical ventilation and high performance double glazing to bedrooms 5 and 10. It should be noted that if these measures did include the provision of air conditioning units, planning permission would need to be obtained for the external units. This would require a separate application to be submitted to the local planning authority.

Consideration has been given to the impact of the proposed external works on the amenities of those who may live within the vicinity of this site. In this respect, it is noted that there are some residential flats in the area and the works proposed to extend the rear roof plane of the building and provide a new two-storey rear extension along the eastern boundary would have some impact on a flat located above the neighbouring Conservative Club. While it is appreciated that the additional mass of the main roof and the proposed extension would be visible from the neighbouring flat, it is not considered that the proposal would give rise to a significant harmful overbearing or overshadowing impact. It is also

noted that no letters of objection or representation have been received to the proposed scheme.

In addition to the above, it is noted that the deck area, which is proposed to be erected in place of the existing single storey pitched roof, would lie directly adjacent to the first floor window located to the rear of number 29 (the neighbouring property (Dentist) to the other side). While this does provide some opportunity for overlooking to occur between the two buildings, the planning history for number 29 (P/03/0398) indicates that the first and second floors are used by the dentist and are not residential in nature. Also, it should be noted that the part of the deck which would lie closest to the rear elevation of number 29, would be enclosed in part by a 1.8m high enclosure. This will help to screen the development from the neighbouring window. Taking this into account, it is not considered that the overlooking impact arising from the use of the deck area would be to an unacceptable level.

Having considered the above, the proposal is therefore found to be acceptable in terms of residential amenity and it is noted that no representations were received following the publicity exercise.

Parking and highway safety

The site is located within the primary shopping area of the town centre whereby patrons would have access to public transport and car parking facilities. Furthermore, the Council's Head of Engineering has reviewed the scheme and has not raised any highway objections. As such, the proposal would not cause any significant highway or pedestrian safety issues which would warrant the refusal of planning permission.

Flood Risk

Although acknowledging that this development involves highly vulnerable residential development (i.e. a hotel use) in a C2 flood risk zone, at ground floor, the proposal would change the vulnerability on the ground floor from high to low through the expansion of the existing A3 food and drink use. On the first and second floors of the building, there would be no change in vulnerability, as the use would continue to be residential in nature. While noting that the proposal does include a rear extension and the provision of a deck area, the extension would provide an ancillary plant room and the decked area would provide limited outdoor space at first floor level in association with the proposed hotel use. Moreover, NRW have reviewed the application and have raised no objections to the scheme. Having regard to the nature of the proposed development, they consider the flood risks acceptable subject to the developer being made aware of the potential flood risks associated with the site. As such, the proposal is acceptable in this regard.

Ecology

The principal concern from an ecological perspective has been in respect of bats, which are a European Protected Species. As such, an initial bat inspection survey has been carried out to determine any potential impacts of the proposed scheme. The report notes that there were no bats or evidence of bats seen on the exterior or in the interior of the building during the survey undertaken in June 2021. Internally, it notes that there is only access to one area of roof (southern end of the building) and this area is extremely dark and there did not appear to be any gaps/obvious light ingress into the void. The report

concludes that the building has no obvious access points and given the fully urban location and the lit nature of the site, the building is of a limited ecological value to and for bats.

A number of enhancement measures have been put forward as part of the report. These include recommendations for the siting of a bat box to the eastern elevation and a bird box to the northern elevation of the building. The report also puts forward a method statement for carrying out the proposed works.

On this basis, the scheme is unlikely to have an adverse impact on protected species or habitats.

Conclusion

The conversion of the property to provide an extended food and drink establishment on the ground floor and a boutique hotel on the upper floors is considered to be in compliance with Policies SW11, EcW3 and ECW5 of the local development plan.

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. 14821-DB3-B01-DR-A-213 Revision B (Proposed Elevations 1 and 2) received on 18.02.22

Drawing no. 14821-DB3-B01-DR-A-214 Revision B (Proposed Elevation 3) received on 18.02.22

Drawing no. 14821-DB3-B01-DR-A-208 Revision A (Proposed Elevation 8) received on 22.11.21

Drawing no. 148-DB3-B01-DR-A-207 Revision A (Proposed Elevation 9) received on 22.11.21

Drawing no. 14821-DB3-B01-DR-A-210 Revision B (Proposed South Elevation) Revision B received on 18.02.22

Drawing no. 14821-DB3-B01-DR-A-204 Revision A (Proposed Floor Plans) received on 22.11.21

Drawing no. 14821-DB3-B01-A-202 Revision A (Proposed Ground Floor Plan) received on 22.11.21

Drawing no. 14821-DB3-B01-B01-DR-A-203 Revision B (Proposed First Floor Plan) received on 18.02.22

Drawing no. 14821-DB3-B01-B01-DR-A-201 Revision A (Proposed Basement Floor Plan) received on 22.11.21

Drawing no. 14821-DB3-B01-03-DR-A-205 Revision B (Proposed roof plan) received on 18.02.22

Drawing no. 14821-Db3-B01-B01-DR-A-200 Rev A (Proposed Site Plan) received on 22.11.21

Flood Consequence Assessment Version 1 received on 22.11.21

Environmental Noise Assessment (Hunter Acoustics) received on 22.11.21

Agent's email dated 24.02.22 which includes Systemair roof cowl specification details

Initial Bat Inspection Survey Issue 1 Version C received on 17.02.22

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. A sample of the slate for the proposed roof coverings.
- II. Details of the materials and colour of the new windows and doors.
- III. Details and/or samples (including colour) for the proposed external walling materials.
- IV. Details of the materials, colour and design proposed for the enclosure and balustrade surrounding the first floor deck area.
- V. Details of the colour of the cowl.

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.

4. The development hereby approved shall be carried out in accordance with the method statement set out in Section 8 of the Initial Bat Inspection Survey (Issue 1 Version C, received 17.02.2022) and details for the provision of a bat box and bird box together with details of their location within the site shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details prior to the beneficial use of the approved uses.

Reason - To protect the natural environment and important habitat and to provide biodiversity and environmental enhancements in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 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.

6. The uses hereby permitted shall not commence until a grease trap has been fitted in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained in accordance with the approved details so to prevent grease from entering the public sewerage system.

Reason - To protect the integrity of the public sewerage system and ensure the free flow of sewerage.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

8. The proposed first floor deck area shall not be brought into the beneficial use until a privacy screen has been erected in accordance with the details illustrated on drawing 14821-DB3-B01-B01-DR-A-210 Revision B. The privacy screen shall be retained as such thereafter.

Reason - To protect the privacy of neighbouring residential occupiers in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

2. 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.

3. 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.

4. The applicant/developer's attention is drawn to the comments received from Natural Resources Wales regarding the potential flood risks associated with the application site.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

8/3/22