

# DELEGATED REPORT

**Application No:** P/21/0317

**Site Address:** 30 Victoria Street  
Merthyr Tydfil  
CF47 8BW

**Development:** Conversion of first and second floors to provide 2 flats, new shop front and associated external works to building

**Case Officer:** Caroline Pulley

**Site Visit:** 16<sup>th</sup> September 2021

**Application Expiry Date:** 3rd November 2021

**Consultation reply date expired:** 7th October 2021

## APPLICATION SITE

The application site relates to a three-storey building situated within Merthyr Tydfil town centre. The property is bound by Victoria Street to the front and Wheatsheaf Lane to the rear. It is adjoined by commercial properties on both sides with Bonanza Amusements being located to the west and a grocery store 'Fresh 'n' Fruity' being situated to the east. Being positioned within a town centre location, there are a mixture of commercial properties within the vicinity.

The ground floor of the application property is currently in use as a pet shop and the applicant has indicated that the first and second floors were converted to residential some time ago but the works were never completed. To the rear, the property has a three-storey rear extension with non-traditional style timber windows. Its front elevation comprises a traditional timber shop front with timber sash sliding windows above. The property currently has no off road parking provision and on-street parking in the area is controlled by traffic regulation orders.

## PROPOSED DEVELOPMENT

This application seeks full planning permission for the conversion of the first and second floors to provide two flats, a new shop front and other associated external works to the building.

The key aspects of the proposed works are as follows:

- The provision of 2 self-contained flats (one to the first floor and one to the second floor of the building)

- The installation of a new shop front of a similar design to the existing, incorporating a stallriser, transoms and mullions, two Pilasters, a fascia and a roller shutter door.
- The installation of four new timber softwood sash windows to front elevation.
- The installation of two uPVC casement windows to the rear elevation
- Re-render front elevation of building with cream coloured acrylic render;
- Repair existing roof where possible.

## PLANNING HISTORY

There is no recent planning history relating to the property.

## CONSULTATION

Head of Engineering: No objection.

Natural Resources Wales: No objection.

Environmental Health Manager: No response.

## 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 were received following this publicity exercise.

## POLICY CONTEXT

### National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) 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 TAN to this application is as follows:-

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.

Technical Advice Note (TAN) 15 – Development and Flood Risk classes residential development as highly vulnerable development.

## Technical Advice Note (TAN) 23 – Economic Development

Para. 1.1.1 highlights the importance of the planning system in recognising the economic aspects of all development and that planning decisions are made in a sustainable way which balances the social, environmental and economic considerations.

## Technical Advice Note (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 SW11 – Sustainable design and Placemaking

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 EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 3 – Shopfront Design

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Development

## PLANNING CONSIDERATIONS

The proposal seeks full planning permission to retain the ground floor commercial unit as an A1 use, convert the upper floors of the property to residential together with some minor alterations to the front and rear fenestration. 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, through the refurbishment of the first and second floors, to bring the building back into full beneficial use by providing two self-contained flats. 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 EcW3 which seeks to ensure that proposals improve the vitality and viability of the local and town centres.

Nonetheless, it must be acknowledged that 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. In this respect, it is noted that the application proposes the retention of the existing ground floor retail unit and the conversion of the upper floors to residential to form a mixed use property incorporating 2 flats.

Whilst it is acknowledged that TAN 15 advises that highly vulnerable development, which includes residential properties, should not be considered, the upper floors of this building appear to have been converted for residential purposes some time ago. Further to this, the proposal to provide 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 online shopping and out of town retail parks. Most importantly, NRW have not raised any objection to the proposal. Their response highlights that the scheme proposes the retention of less vulnerable development on the ground floor and the highly vulnerable residential development would be elevated above the flood risk. Taking this into account, they consider the proposal acceptable.

Therefore, it is considered that in principle, the development is acceptable, subject to an assessment of the following criteria;

- The impact of the proposed development upon the character and appearance of the conservation area.
- The impact of the development on the residential amenities of neighbouring properties.
- The impact of the proposal on highway safety.

### Impact on character and appearance of the conservation area.

The installation of a new shop front that incorporates traditional features and proportions, together with the installation of new timber framed sash windows at first and second floor level would overall improve and update the appearance of the building and would have a positive impact on the conservation area and the quality of the town centre as a whole. It is also noted that the render on the façade of the building would be renewed with a cream acyclic render. This would further help to improve the overall appearance of the building.

While it is acknowledged that two uPVC windows are proposed to the rear of the building, the street scene to the rear of Victoria Street has been significantly altered over time and is dominated by garages, unsympathetic roller shutter doors, clutter and extensions of varying scales and designs. It is also noted that the window designs along this part of the

street vary and a number of properties have installed uPVC windows along their rear elevations. Also, the uPVC replacement windows are to be installed in a large, bulky extension which does not respond well to the main building. Given the modern and uncharacteristic appearance of this rear extension and its location to the rear of Victoria Street, the proposal to replace two existing timber windows with uPVC windows would be appropriate in this context. Therefore the proposal complies with policies CW1 and SW11 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 the late evening. Whilst it is acknowledged that the change of use of the upper floors to residential flats may result in an intensification of the building, given that the property is located within an area that has a varied character, the change of use of the first and second floors to residential would be unduly harmful in this context. Moreover, the windows serving the two flats would overlook the front and rear highway and the scheme does not propose any new window openings. Furthermore, it is acknowledged that no objections have been received from local residents following the publicity exercise. Accordingly, the proposal complies with policy SW11 of the LDP.

Highway safety

In terms of highway safety, the Council's Head of Engineering 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 to a mixed retail/business/residential use does not raise any adverse highway safety issues.

Conclusion

The proposed development is welcomed as it would help to bring an existing building back into full beneficial use, thus helping to contribute to the regeneration of the town centre. Although some concerns have been raised in relation to the potential flood risks associated with the development, this has been carefully balanced against the risks and the regeneration benefits of bringing a building in the town centre back into full beneficial use.

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 006 - Window Detail received on 10.12.2021  
Drawing 005 Ground Floor Plan received on 10.12.2021  
Drawing 004 Second Floor received on 10.12.2021  
Drawing 003 First Floor received on 10.12.2021  
Drawing 008 Shop front details received on 10.04.2021  
Drawing 007 Shop front details received on 10.04.2021  
Drawing 001 Front Elevation received on 10.12.2021  
Drawing 002 Rear elevation received on 10.12.2021

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

## INFORMATIVES

1. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Environmental Health department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

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.

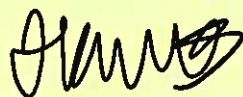
If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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. The application property lies within a defined flood risk area. The developer/applicant is advised to review the comments/advice received from Natural Resources Wales (NRW) during the application process.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/12/21