

DELEGATED REPORT

Application No:	P/21/0395
Site Address:	Castle House Glebeland Street Merthyr Tydfil CF47 8AT
Development:	Change of use from offices to restaurant (A3 Use Class) at ground floor, and 12 flats (C3 Use) over the first, second, third & fourth floors. Proposal to include external works to building.
Case Officer:	Caroline Pulley
Site Visit:	29th November 2021
Application Expiry Date:	5th May 2022
Consultation reply date expired:	20th December 2021

APPLICATION SITE

The application site relates to Castle House, a building adjoining the Castle Hotel, accessed off Glebeland Street, in the town centre. The premises is currently occupied by numerous offices and is not served by on-site parking. Its primary elevation consists of a brown brickwork, stone cladding, white render with aluminium curtain walling, white infill panels and single glazed aluminium casement windows. The building currently appears dated.

The premises lies within the settlement boundary - Primary Growth Area, Town Centre boundary, adjacent to the Town Centre Conservation Area and within a C2 Flood Zone as designated within the Merthyr Tydfil Local Development Plan 2006-2021.

PROPOSED DEVELOPMENT

This application seeks planning permission for the change of use from offices to a restaurant (A3 use class) at ground floor, and for 12 flats (C3 use) over the first, second, third and fourth floors. In addition, permission is sought for the refurbishment of the external elevations of the building and the installation of four windows within the east facing elevation. The submitted plans illustrate the ground floor being subdivided to provide a lobby area and a restaurant with a small kitchen, two toilets, a bin store and two storage rooms. The first, second, third and fourth floors would be subdivided to provide 3 flats on each floor (two one bedroom flats and one, two bedroom flat) with access being obtained from either the front or rear stairwell.

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

- Provide four new upper windows in the rear south-eastern side elevation of the building;
- Render existing brickwork to the front, rear and side elevation of the existing building;
- Provide three roller shutter doors across the ground floor rear elevation; and
- Provide a new gate and a new glass rail system to the front and rear elevation of the building.
- Remove the access steps currently located to the western side of the building's front elevation and repair with brickwork to match the existing pattern.

PLANNING HISTORY

The recent history relating to the property is as follows:

P/16/0092 Construction of new entrance lobby area and enhancement works to external facades and roof
Approved – 15.09.2016

CONSULTATION

Head of Engineering:	No objection.
Planning Division's Policy Officer:	No objection.
Environmental Health Manager:	No response.
Natural Resources Wales:	No objection. Highlights that the site lies entirely within zone C1 but as there is no change in vulnerability at ground floor, deem the risk to be acceptable.
Welsh Water:	No objection subject to conditions, one of which requires details of a potable water scheme to be provided.

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.

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 EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

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

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable with regard to its impact upon the character and appearance of the building and the adjacent conservation area. The impact upon residential amenity and parking and highway safety are also important planning considerations.

Character and appearance

The eastern boundary of the site lies adjacent to the Town Conservation Area. The proposed refurbishment works to the external façades of the building (which includes an aluminium glass frame system with coloured infill panels to the front and rear with rendered elevations to the side) would serve to revive the appearance of existing building which currently appears somewhat dated and tired in terms of its appearance. Whilst roller shutters are also proposed to the rear of the building, the back of the site fronts onto a rear service yard. In this location, the metal shutters would not have a harmful impact on the

character and appearance of the area. As such, subject to the exact material finishes and colours being agreed in writing before works start, it is considered that the proposal would result in an aesthetically pleasing form of development which would enhance the character and appearance of the existing building and the adjacent conservation area. As such, it would comply with Policies CW1 and SW11 of the LDP.

Residential Amenity

Given the nature of development, the location of the premises within the town centre, it is not considered that the proposal would in any significant loss of amenity to the occupiers of adjacent and surrounding properties. Consideration has been given to the impact of the proposed restaurant use on those living nearby and the adjacent hotel. In this respect, it is noted that the application site is located in the middle of a town centre where a level of activity would be expected during the day and into the evening. Additionally, any noise and disturbance to neighbouring residents after 11pm can be controlled by the Licensing Section of the Council under the Licencing Act. As such, it is not considered expedient in this case to control the hours of opening associated with the proposed restaurant use. The potential impact of the scheme on overlooking has also been considered and in this regard, the proposal is considered acceptable. While it is noted that the proposal would introduce four windows to the eastern façade of the building, the neighbouring premise is commercial in nature. Moreover, the positioning of the proposed windows would mean that the view would be primarily over the rear courtyard area which is used for parking. Furthermore, there have been no letters of objection or representation have been received to this application. Taking this into account, the proposal is considered to comply with Policy SW11 of the LDP.

Parking and highway safety

The site is located within the town centre whereby patrons and the residents of the proposed flats 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

The proposed development involves enhancement works to the existing premises and although the scheme does propose to introduce highly vulnerable residential development in a C1 flood Zone on the upper floors of the building, there is no change in vulnerability at ground floor and NRW has not raised any objections to the application. Additionally, it is acknowledged that the proposed works would also provide regeneration benefits to the town centre through the external refurbishment of the building. As such, the development is considered acceptable from a flood risk perspective.

Conclusion

The conversion of the property from offices to a mixed use comprising a restaurant and flats is considered to in compliance with Policies EcW3 and EcW5 of the LDP, which seek to protect the vitality and viability of the town and local centres of Merthyr Tydfil.

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 number 740.003 received on 11.03.2022

Drawing number 740.004 received on 11.03.2022

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

3. Prior to the commencement of the external works hereby approved, details and/or samples (including colour) of the materials to be used in the construction of the external surfaces of the development (including details of the proposed glazing system) 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 of the area and adjoining buildings in the interests of visual amenity and to accord with Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The restaurant use 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.

5. No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be

delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason - To ensure the site is served by a suitable potable water supply.

6. 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.

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.

INFORMATIVES

1. The developer/applicant should note that this application does not give permission of the erection of any external flue. If any external flue is required in association with the proposed restaurant use, a separate application for planning permission will need to be submitted to the local planning authority.
2. The applicant's attention is drawn to the comments received to this application from Welsh Water and Natural Resources Wales.
3. 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.

4. 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.

5. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

14/3/22