

DELEGATED REPORT

Application No:	P/24/0254
Site Address:	2 Church Street Merthyr Tydfil CF47 0BA
Development:	Change of use from offices (Use Class B1) to House of Multiple Occupation for four people (Use Class C4)
Case Officer:	Kate Glover
Site Visit:	12th November 2024
Application Expiry Date:	19th December 2024
Consultation reply date expired:	3rd December 2024

APPLICATION SITE

The application relates to a 2 storey mid-terraced property located on Church Street. The property is bound by a highway to the front, there is a private amenity area at the rear and a pedestrian access to the amenity area via a gated lane.

In respect of the uses of properties in the vicinity of the application site, it is noted that the properties on the north side of Church Street which is the side the application property is located, are predominantly used for residential purposes. The properties on the south side of Church Street and opposite the application site, comprise of shops, offices and takeaways at ground floor level. Some of these buildings include residential flats at first-floor level.

The site is located within the settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan and its associated proposals map. The property is also identified as located within the town centre boundary, Thomastown Conservation Area and Urban Character Area 2.

PROPOSED DEVELOPMENT

Full planning permission is sought to change of use of the property from offices within the B1 Use Class to a House of Multiple Occupancy (HMO) which falls within the C4 Use Class. The HMO would comprise of four bedrooms with shared kitchen, living room and bathroom.

In respect of internal alterations, a first-floor room that is located at the front of the property would be divided to provide two bedrooms and at ground floor level, a bathroom would be provided by moving the existing WC wall further into the property's kitchen space. Turning to external alterations, one of the windows that currently serves the kitchen would be blocked up to accommodate the internal works to increase the size of the bathroom.

A cycle store for use by residents of the HMO will be provided via an existing outbuilding that is located in the rear amenity area of the application property.

Biodiversity enhancement would be provided with the erection of a sparrow nest box and a bat box under the eaves on the rear elevation of the property.

PLANNING HISTORY

The relevant planning history is summarised below:

P/99/0289 Change of use from solicitors' office to single dwelling
GRANTED 24 Sep 1999

CONSULTATION

Planning Policy Officer:	No objection
Environmental Health Manager:	No objection
South Wales Police:	No objection
South Wales Fire and Rescue:	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and a site notice was 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) (Future Wales) 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):

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Creating sustainable development through reducing the reliance on car journeys and maximising opportunities for people to make more sustainable and healthy travel choice is emphasised throughout PPW. Paragraph 3.12 highlights that *“Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating*

appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate". Paragraph 4.1.1 reiterates this noting "*The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution*". Similarly, Paragraph 4.1.37 notes that "*Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services*". In respect to car parking paragraph 4.1.51 notes "*Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport*".

- Section 4.3 relates to retail and commercial development and paragraph 4.3.3 highlights that the planning system must:
 - "*promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;*
 - *sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and*
 - *improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport*".
- An emphasis is placed on creating viable and vibrant centres with paragraph 4.3.33 explaining that "*Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel*". Paragraph 4.3.34 expands on this further and notes that "*In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening*". The introduction of residential use into centres is specifically referred to in paragraph 4.3.37 noting that "*Within a retail and commercial centre boundary change of use to residential may also be acceptable and help contribute to the viability and vibrancy of a centre. However, night-time noise considerations may be a limiting factor in some areas and residential use is unlikely to be suitable on the ground floor within primary areas or other places of concentrated A1 uses because it may fragment the shopping frontage and impact on the vibrancy and viability of a centre*".
- Paragraphs 6.1.14 – 6.1.17 relate to conservation areas. Paragraph 6.1.14 notes that "*There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised*". With paragraph 6.1.15 clarifying that "*There is a strong presumption against the granting of planning permission for developments, including*

advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level".

Technical Advice Notes (TAN):

- TAN 12: Design (March 2016)
- TAN 24: Historic Environment (May 2017)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW11 Sustainable Design and Placemaking
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- 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 4, Sustainable Design

PLANNING CONSIDERATIONS

The key considerations in the assessment of this application are; the principle of the development, impact upon the character of the Thomastown Centre Conservation Area and Urban Character Area 2 and the impact upon residential amenities of neighbouring properties.

Principle Development

The application site is located within the defined settlement boundary where the principle of new development is generally supported and encouraged by Policy SW4 of the LDP.

It is also noted that the site lies within the town centre boundary but outside of the Primary Shopping Area. As such, Policies EcW3 and EcW5 of the LDP are 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 result in the loss of an office premise. However, it is also recognised that in order to thrive, town centres must have a blend of retail, commercial, leisure and other complementary uses, which include residential use. The application site is located in an area of the town centre where there is already a mixture of commercial and residential uses, therefore, the proposal would not be detrimental town centre vitality or viability. The proposal would accord with Policies EcW3 and EcW5 of the LDP as well as those of PPW.

In respect of sustainability, the application site is within close proximity to local amenities which would be accessible to future occupiers via sustainable modes of public transport.

Given the above it is considered that the proposed development is acceptable in principle.

Character and Visual Impact

The proposed development would involve a minor alteration at the rear elevation of the property at ground floor level, comprising provision of a bathroom vent in an existing window opening and blocking up the surrounding window opening. This is a minor alteration in nature and scale. As such, this alteration would result in a negligible impact on the character or visual amenity of the property and its contribution to the Thomastown Centre Conservation Area and Urban Character Area 2.

As such, the proposal meets the requirements of LDP Policy SW11.

Residential Amenity

The proposed development does not seek any new openings such as windows nor extensions. As such, there would be no detriment to the residential amenities of neighbouring properties. It is also noted that no representations were received following the publicity exercise.

As such, the proposal meets the requirements of LDP Policies CW1 and SW11.

Ecology/Biodiversity

The proposed development raises no significant concerns in this regard given the existing context and nature/extent of development proposed. The development would have minimal impact upon green infrastructure or biodiversity interests and would not have any significant impact upon climate change. The local planning authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. The provision of ecological enhancements can be secured by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives.

As such, the proposal meets with the requirements of LDP Policy EnW1.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Title: 2 Church Street, Merthyr Tydfil, CF47 0BA, Drawing No: 3001 C, Received on 25 October 2024.

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

3. **Prior to the development hereby approved coming into beneficial use** the bat box and sparrow terrace shall be provided in accordance with approved plan Drawing Title: 2 Church Street, Merthry Tydfil, CF47 0BA, Drawing No: 3001 C, Received on 25 October 2024. The bat box and sparrow terrace shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 19.12.2024