

DELEGATED REPORT

Application No: P/21/0187

Site Address: 32 High Street
Merthyr Tydfil
CF47 8DE

Development: Conversion of the first and second floor to provide three one bedroom self contained flats with part refurbishment of ground floor to provide an A3 takeaway use. Proposal to include associated external works

Case Officer: Caroline Pulley

Site Visit: 24th June 2021

Application Expiry Date: 8th November 2021

Consultation reply date expired: 27th October 2021

APPLICATION SITE

The application site relates to a commercial building located on the corner of High Street and Masonic Street in Merthyr Tydfil Town Centre. The property is located adjacent to a premise known as Sunflower Cafi at the lower end of the High Street. It comprises a two-storey building occupied by a barbers and a disused shop on the ground floor. The first and second floors (roof space) of the building are currently vacant. The property has a rendered finish, a slate roof covering with white uPVC fascia boards. Some of the first floor timber windows have been altered to casement windows but the majority of the first floor openings are timber sash. Currently, the main aspect of the property fronts onto High Street. The disused shop unit to the rear appears dilapidated and unused. The western rear gable, which faces onto a service lane features an unsympathetic steel staircase.

The application site is within the settlement boundary – Primary Growth Area, town centre primary shopping area, as designated within the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP). The site also lies within a C2 Flood Zone, as defined by the Development Advice Map (Dam) referred to in Technical Advice Note 15. Additionally, it forms part of the Town Centre Conservation Area.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the conversion of the first and second floors to provide 3 self-contained flats. The proposal also seeks to convert the rear disused ground floor shop to a takeaway falling within use class A3. In addition, permission is sought for a new shop front, new timber windows, an external flue and other associated works to the building.

The first floor would be subdivided to provide three one bedroom flats with access being obtained directly off Masonic Street. The second floor (located in the roof space) would provide the bedroom and bathroom serving flat 3. On the ground floor, the rear disused shop would be converted to provide an A3 takeaway use with a waiting area, servery, w.c. and lobby. It is proposed that the takeaway use would operate daily between the hours of 12:00 and 00:30. No extensions or off street parking provision is being proposed as part of the application.

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

South side of building (Masonic Street elevation)

- Provide a new timber door and shopfront with an integrated roller shutter door to the ground floor to serve the new takeaway. The shopfront would comprise hardwood pilasters, Clerestory / transform lights, Hardwood capital, a ply fascia and stallriser, a concealed roller shutter door mechanism with a perforated shutter and four external lights.
- Provide a new door to serve the rear of the front shop (currently a barbers).
- Replace 6 first floor windows with dark grey timber sash windows.
- Paint masonry detail white;
- Provide replacement white uPVC fascia, soffit and rainwater goods;
- Paint existing render light grey;

East facing rear elevation of building

- Remove the external staircase and first floor access door located along the eastern rear elevation of the building and install two softwood sash windows (with hardwood cills) to the first floor and provide a new ground floor hardwood timber door (with an integrated shutter) to this elevation;
- Paint existing render light grey;
- Provide two single crevice bat boxes at a high level
- Upgrade existing rooflight located within the main roof to a conservation type rooflight;

North facing side elevation of building

- Block up a first floor kitchen window and provide a replacement first floor timber sash window (lower half to be obscured) in lieu of an existing window opening;
- Install an external 2.1m high extraction flue to northern roof plane of the rear gable.
- Paint existing render light grey;

West facing front elevation of building (facing High Street)

- Replace a first floor window with a new dark grey timber sash window;
- Upgrade existing rooflight to a conservation type rooflight;
- Provide a replacement timber sash box window on the chamfered corner of building.
- Paint existing render light grey;

In addition to the above, the application also indicates a new artificial slate roof covering being provided to the building. This aspect of the development had largely been completed at the time of the officer's site visit. The enclosed yard area to the rear of the building would be subdivided to provide separate refuse storage for the proposed flats and

the proposed takeaway. The boundary walls surrounding the yard are to be redecorated to match the building with the coping stones to be cleaned and re-pointed. The existing gated access is to be replaced with a galvanised vertical bar gated entrance which is to be painted black similar to the existing.

The application is accompanied by a Design and Access Statement (DAS) and a Flood Consequence Assessment (FCA).

PLANNING HISTORY

There is no recent planning history relating to the property.

CONSULTATION

Head of Engineering: No objection.

Planning Division's Policy Officer: No objection.

Environmental Health Manager: No objection.

Natural Resources Wales: No objection.

Planning Division's Ecologist: 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.

As a result of the publicity exercise undertaken, one letter of objection was received to the application raising the following points/concerns:

- The area has too many takeaways and the approval of another would have a detrimental effect upon the viability of an existing business within the area;
- The application does not propose any opening times. It is pointed out that a daytime use may be acceptable but there is concern that a late night takeaway has potential to lead to an increase in noise and disturbance for existing residents and the future occupiers of the proposed flats;
- Late night hot food takeaways have the potential to lead to an increase in litter. There is also concern that more refuse for both the flats and the takeaway would lead to an unsightly outlook;
- The use of the ground floor as a takeaway has the potential to conflict with the proposed first and second floor residential accommodation by virtue of noise and anti-social behaviour.
- There is no ideal location to install a fume extraction system which will not interfere with the residential amenity of future occupiers of the flats;
- There is no parking available within the vicinity and there is concern that the proposed takeaway use would lead to illegal car parking which would conflict with pedestrian safety.

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

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

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 Policy EcW5 seeks to prevent an overconcentration of non-A1 uses and the level of A1 uses falling below a certain level. The policy states:

'Within the Town Centre Primary Shopping Area (PSA) the change of use of the ground floor from A1 to another 'A class' use will be permitted where;

- At least 75% of the commercial uses at street level within the PSA remain A1, and;*
- There are no more than two adjoining 'non-A1' units in any row of five units, provided there are not more than three 'non-A1' units in any 5 units. that development proposals.'*

In terms of the first criteria, the Council's Policy Officer has surveyed the PSA and has confirmed that the loss of the A1 use would result in the percentage of A1 units dropping to 77.7%. Therefore, at least 75% of the commercial units in the PSA would remain A1. In relation to the second part of the policy, it is noted that the change of use of the ground floor of the application property from a shop to a takeaway falling into use class A3 would not result in there being more than two adjoining non-A1 retail units within a row of 5 units. It would also not result in more than three non-A1 uses being located in any 5 units. For this reason, the proposed change of use would be compliant with Policy EcVV5. As such, the principle of the change of use in the primary shopping centre is acceptable.

Visual and residential amenity

In terms of visual amenity, the rear aspect of the application building currently has a dilapidated appearance. The existing shop front which faces Masonic Street has been boarded over and there is an unsightly roller shutter door next to it. To the rear, there is an unsympathetic steel staircase, which is to be removed as part of this development. This is welcomed. The proposal also seeks to paint the external elevations of the property and provide new timber sash windows, which in combination with the new timber shop front, would have a positive impact on the character and appearance of the Merthyr Tydfil Town Centre Conservation Area.

Being located within a town centre, it is likely that there are some residential flats above the shops within the vicinity of this site. The proposed takeaway use by virtue of its very nature could generate smells and odours that could be detrimental to the living conditions of surrounding residents. Taking this into account, details of a suitable extraction system was requested during the application process. Initially, there was concern that the siting of the extraction flue to the side of the rear two-storey annexe would have an adverse and unneighbourly impact on neighbouring residents. However, amended plans now show the flue being installed entirely within the building extracting through the roof of the two-storey rear annexe. Consequently, a large part of the flue would be hidden inside the building and the scheme would have a limited impact on the existing and future occupiers of the proposed flats. The Council's Environmental Health Manager has also reviewed the extraction flue details and has raised no objection to the scheme. As such, if the proposed use were to operate with this arrangement, smells and odours would be adequately dispersed and the flue, would not be detrimental to residential amenity nor would it have a significant visual impact on the surrounding area.

In terms of the concerns raised in connection to potential noise and disturbance arising from the proposed takeaway use, 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 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 there is a first floor window located within the north facing side elevation of the building which is in close proximity to neighbouring windows, this is an existing window opening. Moreover, the lower half of this window would be obscured and the window would serve a non-habitable room (hallway). Therefore, this opening would not cause a harmful level of overlooking. The remaining windows all face onto public areas and as such, would not cause harmful levels of overlooking.

Parking and highway safety

While the concerns raised by the objector in relation to the lack of parking are acknowledged, 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 would introduce highly vulnerable residential development in a C2 flood risk zone, the proposal would help to improve the vitality and viability of the town centre by bringing the building into full beneficial use. The proposed works would also provide regeneration benefits to the town centre through the external refurbishment of the building. The comments received from NRW highlight that the application site lies entirely within a C2 Flood Risk Zone and within the 1% and 0.1% annual probability fluvial outlines of the River Taff, a designated main river. However, 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.

Other matters

The concerns raised to the application by a local business owner have been acknowledged. However, competition of uses is not a matter which can be controlled under the planning system.

Conclusion

The conversion of the property from a retail shop to a takeaway falling within use class A3 is considered to be in compliance with Policies EcW3 and EcW5 of the LDP, which seek to protect A1 uses within 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

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:

Proposed Elevations Drawing no. 302 - AL(99)06 Rev C received on 27.10.2021
Window Schedule / Window Details Drawing no. 302 - AD(60)01 Rev A received on 27.10.2021

Window Schedule / Window Details Drawing no. 302 - AD(60)02 Rev A received on 13.09.2021

Proposed Second Floor Plan Drawing no. 302 - AL(99)05 received on 27.10.2021

Proposed Ground and First Floor Plans Drawing no. 302 - AL(99)04 received on 26.07.2021

Refuse Store Layout Drawing no. 302 - AL(90)01 Rev A date received 13.9.2021

Proposed Kitchen Extract Ventilation System Ductwork Routes Drawing no. HTP 3183 M101 Rev A received on 13.09.2021

Flood Consequence Assessment undertaken by Vale Consultancy and received on 26.08.2021

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

3. 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.

4. 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.

5. Before the use hereby permitted commences, the equipment to control the emission of fumes and odour from the premises shall be installed in accordance with approved details shown on drawing number HTP 3183 M101 Rev A received on 13.09.2021. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues.

Reason - To protect the amenities of the occupiers of adjoining properties in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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.

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 developer is advised to review the comments received from Natural Resources Wales (NRW) regarding the flood risks associated with the development.
4. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problems 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

2/11/21