

DELEGATED REPORT

Application No:	P/21/0277
Site Address:	56 - 57 Glebeland Street And 119 High Street Merthyr Tydfil CF47 8AT
Development:	Change of use to restaurant at ground floor to include external alterations
Case Officer:	Marlene Ferreira
Site Visit:	17th August 2021
Application Expiry Date:	20th December 2021
Consultation reply date expired:	19th August 2021

APPLICATION SITE

The application site relates to a three storey building, known as 119 High Street and 56 and 57 Glebeland Street. The attractive buildings feature a clock tower (at 119 High Street) and is recognised as a locally listed building. Overtime however, its frontage along the High Street and Glebeland Street have been altered by unsympathetic alterations. The properties benefit a front entrance off the High Street and Glebeland Street and a rear entrance off Post Office Lane which provides access to an enclosed courtyard at lower ground level.

The first and second floors of the buildings appear to be subdivided into flats and offices, whilst their ground floors are currently vacant, 56 and 57 Glebeland Street were formerly used as a money/currency shop (A2 use class) and 119 High Street was formerly used as a retail shop (A1 use class).

The application site lies within the settlement boundary – Primary Growth Area, Town Centre Boundary and Town Centre Conservation Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021. The site also falls within a C2 Flood Zone.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of the ground floor of these premises into a restaurant (A3 use class). These works would involve external alterations to the façades of the buildings, including the installation of a new shopfront off the High Street and the erection of a flue to the rear of the premises. It should be noted that a similar proposal for a restaurant which included external alterations, has been recently granted planning permission under planning application P/18/0300. The buildings however, remain unaltered and are vacant. This recent permission has therefore not been implemented.

The proposal seeks to provide a restaurant with dining area within 119 High Street. Internal walls would be removed to adjoin the main restaurant area at 119 High Street with an additional dining area, kitchen area and WC facilities which would be provided within 56 and 57 Glebeland Street. The main entrance into the restaurant would be retained off Glebeland Street and a small lobby area would be provided internally. This main entrance and the remaining frontage adjacent to the High Street and Glebeland Street is proposed to undergo external alterations as follows:

- Remove all roller shutters from the facades of the building, along Glebeland Street and the High Street;
- Remove grey boarding and black tiles from fascia above the main entrance (at the corner of Glebeland Street and High Street), and expose and repair the light brown stonework beneath to provide a decorative band (to be painted cream);
- Construct wall of black colour panels and timber bands (to match black colour panels and timber bands on the frontage of Glebeland Street) above the shopfront windows of the main entrance, at the corner of Glebeland Street and High Street.
- Erect a new black timber and glass shopfront with black tile stallriser, to include the erection of a new pillar, finished in cream render and the use of the existing pillar (also to be finished in cream render following the removal of black painted tiles) to frame the new main entrance into the restaurant off the High Street;
- Construct two new red brickwork and light brown stonework pilasters along Glebeland Street (to match other pilasters along Glebeland Street) between window frontages;
- Construct wall of black colour panels and timber bands along Glebeland Street (to match black colour panels and timber bands on part of the frontage of Glebeland Street). Construct black tile stallriser with bi-folding black timber windows above, along the Glebeland frontage and the High Street frontage to serve the main restaurant and dining area, as well as the secondary dining area;
- Alter part of the frontage along Glebeland Street near Post Office lane, and that of Post Office Lane, to include the installation of new black timber frosted windows and new black timber doors. This part of the building still benefits from the black colour panels and timber bands with the decorative band above and a black tile stallriser, which is proposed to be retained;
- Erect a galvanised steel flue measuring 0.45 metres wide and 14.5 metres in height (erected 1 metre above the eaves height of the premises) to the rear of the property, within the enclosed courtyard area.

The proposed restaurant is proposed to open from 12:00 until 23:00 from Mondays to Saturdays and from 12:00 until 21:00 on Sundays and Bank Holidays. Details of the number of staff to be employed have not been provided.

PLANNING HISTORY

The Council's records indicate the following planning history for this site:

P/18/0300 - Change of use from offices and shop to provide a restaurant with takeaway (A3 use class) to include the removal of roller shutters and a new shopfront and installation of flue to the rear – Approved: 19th August 2019

P/11/0349 - Installation of new shopfront to serve men's hair centre and alterations to existing shopfront serving Ladybirds Hair Centre – Approved: 26th January 2012

CONSULTATION

Engineering and Highways Manager	No objection.
Town Planning Division Policy and Implementation Officer	No objection.
Town Planning Division Ecology Officer	No objection.
Environmental Health Manager	No objection, subject to conditions.
Natural Resources Wales (NRW)	No objection, subject to conditions.
Welsh Water Dwr Cymru	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, nearby properties were consulted and two site notices were displayed in the immediate vicinity. No letters of representation have been received as a result of this publicity exercise.

POLICY CONTEXT

National Planning Policy

National Development Framework - Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- Planning Policy Wales (edition 11, February 2021)

Paragraphs 4.3.30, 4.3.33 and 4.3.34 refer to mixed uses in centres and state '*...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy....*' '*...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. Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas...*' '*...Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can*

contribute to a successful evening economy. 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...'

Paragraphs 4.3.43 and 4.3.44 recognise the importance of evening and night time economies, '*...Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic...'* '*...Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity*'.

Paragraphs 3.7, 3.9, 3.10, 3.12 and 4.2.17 discusses good design and the use of previously developed land '*...Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development...'* '*...The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations...'* '*...In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important...'* '*...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...'* '*...Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*

Paragraph 6.1.14 refers to conservation areas '*...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. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...'*

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (November 2016)

Section 2.3 of TAN 4 refers to the variety of uses in the centre and states that '*...a wide range of uses are located in retail and commercial centres including retail, office, residential, leisure, tourism and community functions. These centres are traditionally characterised by having higher densities which increases scope for different uses, including residential, to be accommodated above retail and commercial floorspace. Encouraging people to live and work in existing centres reinforces local demand and provides additional vibrancy during the day and in the evening. This diversity of uses, whilst benefiting the wider economy, will need to be carefully planned and managed to ensure that no conflicts arise, particularly with regards to amenity...*'

Technical Advice Note 15: Development and Flood Risk (July 2004)

Section 5 of TAN 15 considers the vulnerability of different land uses to flooding and identifies three separate development categories, emergency services, highly vulnerable development and less vulnerable development. Sections 6 and 7 of TAN 15 relates to the justification of development types within flood zones and whether a flood consequent assessment is required.

Technical Advice Note 24: The Historic Environment (May, 2017)

Section 1.14 of TAN 24 refers to conservation principles and '*... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...*'

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2006-2021

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 EnW4: Environmental Protection

Policy EcW3: Retail Hierarchy – supporting retail provision

Policy EcW5: Town and Local Centre Development

- Other guidance: Merthyr Tydfil Town Centre Conservation Area – Character Appraisal (June 2009)

This document defines the positive characteristics that contribute to the special historic or architectural interest of the town centre. It also identifies issues that detract from the character and appearance of the area. The application property is designated a key building in the appraisal.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location, in principle, and whether it would be acceptable with regards to its impact upon the appearance of the premises, the character and appearance of the conservation area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary – Primary Growth Area and as such, the proposal would therefore be in accordance with LDP Policy SW4 since new development in this location is acceptable in principle, provided it complies with other relevant LDP policies. Indeed, a very similar proposal was recently granted under planning permission P/18/0300, as noted above.

The site lies outside the Primary Shopping Area, but is located within the Town Centre boundary and LDP Policies EcW3 and EcW5 are therefore relevant. LDP Policy EcW3 states that *'...Merthyr Tydfil Town Centre is the favoured location for retail, leisure and other complementary development, being situated at the head of a retail hierarchy and being followed by the local centres...proposals for new and enhanced retail, leisure and other complimentary provision in all these centres will be permitted where they improve the vitality and viability of centres...'* LDP Policy EcW5 states that *'...development enhancing the vitality and viability of the Town and Local Centres will be supported...'* Thus, the proposal, which seeks to provide a A3 restaurant use, would be considered an acceptable complementary use in the town centre, which would not only bring vacant premises back into use, but which would also enhance the vitality and viability of the town centre. As such, it would result in an acceptable development in accordance with LDP Policies EcW3 and EcW5.

The application site lies entirely within a C2 Flood Zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The proposed ground floor of the premises as a commercial use, is classified as less vulnerable development. As such, the location of the proposed restaurant is considered acceptable in this respect. NRW has therefore not objected to this application and consider that the risk, in the absence of a Flood Consequence Assessment (FCA), could be acceptable provided that the developer is made aware of the potential flood risks. A copy of NRW's comments has been sent to the agent for their consideration.

The proposed development would therefore accord with LDP Policies SW4, EcW3, EcW5 and EnW4.

Character and Appearance

The proposed development seeks to undergo internal and external alterations to the premises.

In respect of the proposed alterations to the shopfront as well as the remaining façade of the premises along both Glebeland Street and the High Street, these alterations would not only significantly improve the appearance of the premises but would also introduce detailing which had been lost as a result of the insensitive modifications that were previously undertaken. Indeed, the removal of the roller shutters alone, would be a significant improvement to the appearance of the premises. The one existing pillar would

be stripped (of black painted tiles), rendered and painted, and a new pillar, also rendered and painted, would be constructed either side of the new timber shopfront. The pillars would add symmetry to the shopfront frontage, whilst the shopfront itself would benefit significantly from its timber material finishes, both of which were formerly a strong characteristic of the premises prior to its insensitive alterations. The proposed black tile stallriser would also be deemed an improvement to the existing adhoc black plastic stallriser. Above the shopfront, black colour panels and a timber band would be erected and a light stonework decorative band would be revealed and repaired. These works seek to reflect the existing frontage of the premises along part of Glebeland Street. The remaining shopfront along Glebeland Street, Post Office Lane and the High Street however, would also include the installation of new black timber windows, some of which would be bi-folding, and these alterations would also be considered acceptable. The introduction of red brickwork and light brown stonework pilasters to the Glebeland elevation, which would replace the black painted tiles, would also be welcomed. These alterations would bring uniformity to the character and appearance of the building when viewed from both Glebeland Street and High Street, as well as adding interest and appeal to a grand building, prominently sited within the town centre.

In respect of the proposed flue, this would be required in respect of the operation of the proposed restaurant. It would be sited to the rear of the property and given its discrete location, would not be visible within the street scene. In fact, given that the flue would project only 1 metre above the eaves height and would be located on a rear wall adjacent to an enclosed courtyard, it would remain totally screened when viewing the premises from the front, side and rear street scenes.

The proposed external alterations proposed in association with the proposed restaurant would therefore be considered to enhance the character and appearance of the premises and the character and appearance of the Town Centre Conservation Area. As such, these works would accord with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed ground floor use, its hours of operation, and its siting near residential properties (given that some of the first floors of the application site appear to be sub-divided into flats), the proposed use has the potential to create some noise and disturbance to nearby occupiers. However, it should be noted that the premises lies on a busy street within the town centre and is located in close proximity to other commercial businesses (e.g. The existing public house located immediately to the west, also off Glebeland Street, the public house on the opposite side of road, also accessed off Glebeland Street, the existing cocktail bar located approximately 25 metres to the southeast, and the public house located approximately 90 metres to the north), which undoubtedly produce noise and disturbance into the late evenings. Thus, the operation of the proposed use during late evenings would not be deemed significantly more harmful to residential amenity when compared to the current commercial uses that already operate during similar late night hours, within close proximity of the application site.

In respect of the proposed extraction flue, it should be noted that the apparatus would emit odours at least 1 metre above the closest window (i.e. the rear windows of the first floor flats/offices). As such, the operation of an A3 use during these times with an extraction system of this scale and siting, would not significantly impact upon the residential amenities of nearby occupiers. The Environmental Health Manager has therefore not raised any objections in respect of the proposed restaurant use or the extraction system

proposed to serve the business. The proposal would therefore comply with LDP Policies SW11 and EnW4.

Ecology

The proposed development is due to be carried out to the ground floor of the premises only and the nature of the external alterations mainly relate to installation of new windows and new shopfront, the removal of grey boarding and tiles, and the erection of a flue etc. As such, the Council's Ecologist has not requested any survey work, provided that an informative is added in the event that any bats or evidence of bats are found during the carrying out of these works. As such, an informative would form part of any planning permission granted and the proposed development would therefore comply with LDP Policy EnW1.

Parking and Highway safety

The proposed development would not be served by on-site parking provision. However, the application site lies within a sustainable town centre location, near a variety of facilities and in close proximity to bus stops and a train station. In addition, a public car park lies within close walking distance of the application site. Therefore, the Head of Engineering has not raised an objection to this proposal. The development would therefore comply with LDP Policy SW11.

CONCLUSION

The proposed development, for the reasons discussed above, is considered acceptable and should therefore be approved.

Finally, I have considered 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"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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: Casa Bianca Restaurant, Proposed Plan and Renders, No: R630-02 A1,
received: 25th October 2021;

- Drawing: Casa Bianca Restaurant Elevations, No: R630-03 A1, received: 25th October 2021;
- Drawing: Proposed Courtyard Elevations, No: R257-03 A1, received: 25th October 2021;

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

3. **Prior to the commencement of development** the following samples/details shall be submitted to and approved in writing by the Local Planning Authority:

- shopfront timber windows and doors (to include section details);
- timber windows (including bi-folding windows) and doors (to include section details);
- cream render of the pillars either side of the shopfront;
- black tiles of the stallriser;
- red brickwork and light stonework of the pilasters;
- black colour panels and timber bands above windows.

The 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 in the interests of visual amenity and to accord with LDP Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. The proposed restaurant shall be used solely for restaurant/cafe use only and for no other purpose (including any other purpose in class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason - To restrict the development and prevent an adverse impact on the character and appearance of the conservation area and the vitality and viability of the town centre in accordance with LDP Policies SW11, CW1, EcW3 and EcW5 of the Merthyr Tydfil Replacement Local Development Plan.

5. Details of a system to prevent waste cooking oil, fats and grease and solid waste from entering the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use of the premises commences and then shall operate in perpetuity.

Reason - To protect the amenities of the occupiers of adjoining properties in accordance with Policies SW11 and 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. No advertisement material apart from that permitted by the Town and Country Planning (Control of Advertisement 1985) shall be placed on the building without the prior written consent of the Local Planning Authority.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

9/11/21