

DELEGATED REPORT

Application No: P/22/0111

Site Address: 96 High Street
Merthyr Tydfil
CF47 8UD

Development: Conversion of ground floor from 1 retail unit to 2 A1 units and first floor to 4 flats. Proposal to include various external refurbishment works to building, including new shop fronts, new windows and the rebuilding of a rear extension

Case Officer: Caroline Pulley

Site Visit:

Application Expiry Date: 4th July 2022

Consultation reply date expired: 7th June 2022

APPLICATION SITE

The application site comprises a vacant, two-storey building located within the Pontmorlais area of Merthyr Tydfil Town Centre. The property is bounded by High Street to the front and Castle Yard to the rear (leading to a Council car park). Being situated within a town centre location, there are a mixture of commercial properties within the vicinity. The premise adjoining the southern boundary of the site is occupied by Hairport. To the north there is a bar called 'Barcode'.

The exterior finish of the property appears quite dilapidated in terms of its appearance. The front and rear elevations are both rendered. The windows to the front elevation have been boarded up and painted. On the rear elevation there are a mixture of timber and metal frame windows, some of which have been painted. With the exception of a small yard area, the building is fully developed within its curtilage and was previously utilised for retail purposes on the ground floor. The previous use of the first floor is unknown. The property currently has no off-road parking provision and on-street parking in the area is controlled.

PROPOSED DEVELOPMENT

This application seeks to refurbish the external elevations of the existing building, subdivide the ground floor into two class A1 retail units and the first floor to 4 flats.

The key aspects of the proposed works are as follows:

- Subdivision of existing retail unit to two A1 retail units at ground floor (this part of the scheme does not require planning permission);
- Conversion of first floor to provide 4 one-bedroom flats, access to which would be from Castle Yard to the rear (west);
- Remove existing shop front, external roller shutter and first floor window boarding. Provide new metal framed shopfronts with central external doors and internal chainlink roller shutters. Remove tiled finish to front entrance ramp and adapt existing stallriser to suit new shopfront. Apply new render finish to the area surrounding the perimeter of the shop front and the proposed fascia signs. Also, apply new render finish to first floor and the insertion of new metal framed windows.
- Provide new aluminium windows, new concrete copings and aluminium rainwater goods (and hoppers) to the rear. Also provide new doors to ground floor rear elevation and a 300mm step to the flat entrance door for flood protection.
- Removal of existing rear metal access stair and security gate/fence and replace with new 1.8m high metal security gates and fence to rear entrance.
- Take down and rebuild a rear extension. The new extension would be two-storeys in height, measuring 5.5m in width, 3.6m in depth and 6.8m in height with a flat roof.
- Provide a refuse store in the rear yard. The proposed structure would measure 1.5m by 3.9m and 2.24m high and would feature two sets of close boarded timber doors to the northern elevation.
- Siting of three bat boxes along the rear western elevation.

The application is accompanied by the following reports:

- A Flood Consequence Assessment
- Preliminary Roost Assessment (PRA) and Bat Emergence and Re-Entrance Survey
- An Acoustic Report

PLANNING HISTORY

There is no recent planning history relating to this property. It is noted that an application (P/21/0289) was recently considered by the LPA for the conversion of the upper floors of the adjacent property to the north to 6 studio flats and 6 holiday lets.

CONSULTATION

Head of Engineering:	No objection.
Environmental Health Manager:	No response.
Planning Division's Policy Officer:	No objection.
Natural Resources Wales (NRW):	No objection.
Welsh Water:	No objection.
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

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 SW1 – Provision of New Homes

Policy SW2 – Provision of Affordable Housing

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 CW2 – Cyfarthfa Heritage Area

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

PLANNING CONSIDERATIONS

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. In this location, new development is acceptable in principle, subject to the proposal being compatible with other relevant policies and all other material considerations. As such, the proposal complies with Policy SW4 of the LDP. Moreover, the conversion of the first floor to residential use would help to add vitality to the town centre whilst also enhancing the diversity of activity on the street. The proposal is therefore in accordance with the objectives of policies EcW3 and EcW5, which generally seek to protect the function and role of the town centre.

The consequences for the proposed uses as a result of flooding have also been considered. Residential development is classed as '*highly vulnerable development*' and is not normally permitted within Flood Zone C2 due to the high risk of flooding. The response received from Natural Resources Wales (NRW) has confirmed that the application site lies entirely within Zone C2. However, on the basis that no residential development is proposed on the ground floor, NRW raise no objection to the application subject to the applicant/developer being made aware of the potential flood risks. Having regard to this and the fact the scheme would bring significant regeneration benefits to the town centre, it is considered that the risk of flooding is acceptable for the provision of residential accommodation on the upper floor of this property.

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.

In terms of visual amenity, this application has come forward as part of the Pontmorlais Townscape Heritage Initiative (THI) which is aimed at protecting and enhancing Merthyr Tydfil's Built Heritage. The proposed alterations to the exterior of the building are primarily to remove unsympathetic alterations which have been added to the building over a period of time and are considered to have a detrimental impact on the character and appearance of the building. As a result of this proposal, the external envelope of the building would be fully refurbished. The render on the front elevation of the building would be renewed and the unsightly roller shutter door would be replaced with an internal chain link shutter, which is welcomed. To the rear, the external metal staircase would be removed, and the rear two-storey extension would be re-built due to its poor condition. The existing metal gate would also be replaced with a new 1.8m high security gate. Such works are considered to represent a positive contribution to the Merthyr Tydfil Town Centre Conservation Area. Overall, subject to details being agreed by way of a condition, the proposed scheme is considered to enhance the character of the Town Centre Conservation Area and is therefore in accordance 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 first floor to 4 flats may result in an intensification of the building, it is not considered to result in an adverse impact upon the levels of amenity currently enjoyed by neighbouring occupiers. The property is located within an area that has a varied character and it is not considered that the proposal would be unduly harmful in this context.

The impact of the proposal on highway safety

The Head of Engineering has raised no objection to the planning application. The property is situated within a defined retail centre where there are good transport links and public car parks. Furthermore, there is a public car park to the rear providing off road parking. Given the above and the fact the site is situated in a sustainable location, within easy reach of a range of transport options and facilities, no highway objections are raised to the proposed scheme.

Ecology

A Preliminary Roost Assessment (PRA) and a Bat Emergence and Re-Entrance Survey support the application. The Council's Ecologist has considered these reports and has raised no objection to the proposed scheme subject to three bat boxes being erected on the western rear elevation of the building in accordance with the submitted drawings.

Conclusion

Having taken account of all the issues outlined above, the application proposal is considered acceptable in terms of its impact upon the character and appearance of the conservation area, compatibility with existing uses and its potential impact upon highway safety.

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 No, PL-010 Rev D
Drawing No. PL-011 Rev E
Drawing No. PL-012 Rev C
Drawing No. PL-013 Rev C
Preliminary Roost Assessment Survey, Issue 4
Bat Emergence and Re-Entrance Survey, Issue 4
Environmental Noise Assessment (Hunter Acoustics) REF: 6348/ENA1
Flood Consequence Assessment undertaken by Geosmart

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

3. Before works commence details/samples of the following shall be submitted and approved in writing by the Local Planning Authority and all works undertaken shall be completed in accordance with such approved details/samples.

- (I) colour of proposed rear gates
- (II) colour of rainwater goods
- (III) Colour of proposed windows and doors
- (IV) Render including colour and texture.
- (V) Details of the shop front including materials and colour.

Reason - To protect the character of the conservation area in accordance with Policies CW1 and SW11 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. **Prior to the occupation of the flats hereby approved**, three bat boxes shall be installed on the western elevation of the building, as recommended in the Bat Emergence and Re-Entrance Survey and illustrated on the proposed elevations (Drawing No. PL-010 Rev D).

Reason - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council 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.

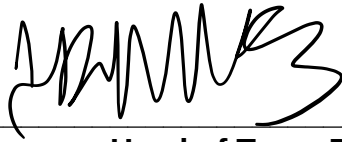
3. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

4. The developer is advised to review the comments received from Natural Resources Wales (NRW) regarding the flood risks associated with the development.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, consisting of a series of loops and a final flourish.

Head of Town Planning

DATE:

29/6/22