

DELEGATED REPORT

Application No: P/20/0265

Site Address: 18 Pontmorlais
High Street
Merthyr Tydfil
CF47 8UB

Development: Change of use from retail (A1 Use Class) to restaurant (A3 Use Class) at ground floor and lower ground floor, to include a two storey rear extension, new shop front and other external alterations. Refurbish the existing 3 bedroom flat at first and second floors.

Case Officer: Marlene Ferreira

Site Visit: 17th November 2020

Application Expiry Date: 28th December 2020

Consultation reply date expired: 25th November 2020

APPLICATION SITE

The existing premises relates to a vacant retail ground floor unit, with lower ground floor storage areas (also vacant), and an existing residential flat at first and second floor (attic space) at 18 Pontmorlais, High Street. The existing building, lies in a row of terraced properties of a similar scale and design. Due to inappropriate alterations and lack of necessary repairs overtime, the premises has become overgrown with ivy (at the rear of the premises) and has a tired and unmaintained appearance. The front is characterised by a poorly maintained roof dormer, cracked rendered walls at first floor and a modern shopfront addition with roller shutter at ground floor. The premises adjoins terraced properties to the north and south, High Street to the front (east) and a section of open river to the west (rear) (which discharges to the River Taff). The building is prominently sited along Pontmorlais High Street and its rear elevation is also prominently viewed from the properties sited to the other side of the open river, along Bolgoed Place, including the Pontmorlais Pocket Park.

The application site lies within the Merthyr Tydfil Town Centre boundary and forms part of the Primary Growth Area, as designated in the Merthyr Tydfil Replacement Local Development Plan. The site also lies within the Town Centre Conservation Area, Article 4 Area and within a C2 Flood Zone.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the ground floor, formerly used as a retail unit (with associated storage space at lower ground floor), to provide a

new restaurant (tapas style/informal dining). This would include the construction of a rear two storey extension (at lower ground and ground floor level) measuring 4.45 metres in width (maximum), 4.55 metres in depth, with a 6.9 metre ridge height. At ground floor a deli counter, bar area and seating area would be provided. New internal stairs from the ground floor area would provide access to the lower ground floor area, where a kitchen, office, toilets and a seating area would be provided. The lower ground floor seating area would lead out onto the small rear garden/courtyard overlooking part of the river.

The plans also include details of the first floor and second floors (attic space) which is currently used as one, three bedroom flat and which is proposed to be refurbished and used as one, two bedroom flat. This latter part of the proposed development would continue to relate to only one flat and as such, the internal alterations, which would involve reconfiguring the layout and providing one less bedroom, would not require planning permission.

Externally, the proposal in addition to the erection of a new two storey rear extension which would be finished with natural slate, grey aluminium windows, lime rendered elevations and cast iron rainwater goods, would also involve the overall refurbishment of the premises. A new natural slate roof would be installed. To the front elevation, the works would include installing a new timber dormer window and new timber windows (painted black) at first floor, including repairing the window surrounds, lime rendered elevations and a new traditional timber shopfront with glazed brick stallriser at ground floor. To the rear elevation, a new conservation style timber roof light would be installed to serve the attic space, new timber windows would be installed at first floor and the elevation would be lime rendered.

The proposed restaurant would employ 2 full time staff and 5 part time staff and would operate from 07:30 until 23:30 from Monday to Saturday and not at all on Sundays and Bank holidays.

PLANNING HISTORY

The council's record do not indicate any other recent or relevant planning history for this site.

CONSULTATION

Head of Engineering	No objection.
Planning Division's Policy Section	No objection.
Planning Division's Ecology Officer	No objection.
Environmental Health Manager	No objection.
Natural Resources Wales (NRW)	No objection.
Welsh Water Dwr Cymru	No objection.

PUBLICITY

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

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales (PPW) (edition 10, December 2018)

The following paragraphs in PPW are relevant to the consideration of the application.

4.3.30 *'...Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy...'*

4.3.31 *'...Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities...'*

4.3.33 *'...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...'*

4.3.34 *'...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...'*

4.3.43 *'...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...'*

4.3.44 *'...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...'*

6.0.2 *'...The special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles...'*

6.1.14 *'...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...

6.1.15 *'...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. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds...'*

6.1.16 *'...Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area...'*

6.4.22 *'...The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained...an ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process...'*

6.6.22 *'...Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals....'*

6.6.24 *'...Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood....'*

6.6.25 *'...Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development....'*

- Technical Advice Notes (TANs)

Technical Advice Note 4: Retail and Commercial Development (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 (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 (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 County Borough Council Replacement Local Development Plan (LDP) 2016-2031

Policy SW4: Settlement Boundaries

Policy SW11: Sustainable Design and Placemaking

Policy CW1: The Historic Environment

Policy EnW1: Nature Conservation and Ecosystem Resilience

Policy EnW4: Environmental Protection

Policy EcW3: Retail Hierarchy – Supporting Retailing Provision

Policy EcW5: Town and Local Centre Development

- Supplementary Planning Guidance (SPG)

SPG Note 3: Shopfront Design (May 2013)

SPG Note 4: Sustainable Design (July 2013)

- Other Guidance

Merthyr Tydfil Town Centre Conservation Area (June 2009)

The property is recognised as a key building in the conservation area appraisal.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed change of use, from an A1 use class to A3 use class, would be acceptable in this town centre location in principle, and whether the proposed extension and other external alterations would be acceptable with regards to their impact upon the character and appearance of the premises and conservation area. The impact upon residential amenity, ecology, parking provision and highway safety are also important considerations.

Principle of Development

The premises lies within the settlement boundary - Primary Growth Area. SW4 states that new development in this location is considered acceptable in principle, provided it is compatible with other relevant LDP Policies and material planning considerations. The premises also lies within the town centre boundary, but lies outside the primary shopping area where a change of use from A1 uses to other uses are generally resisted unless they can meet the criteria set out under EcW5. In this instance, the proposal seeks to change an A1 use to an A3 use and LDP Policies EcW3 and EcW5 are therefore relevant. LDP Policy EcW3 relates to retail hierarchy and states that Merthyr Tydfil Town Centre is the favoured location for retail and other complementary uses where they improve the vitality and viability of the town centre. LDP Policy EcW5 supports development that enhances the vitality and viability of the Town Centre. The proposed change to an A3 use would be considered an acceptable complementary use in this location. Although this would result in the loss of an A1 use in the town centre, it should be noted that the retail premises is currently vacant. The occupation of this premises would provide an active frontage and prevent the building from falling into disrepair, which would otherwise have an adverse impact on the character and appearance of the conservation area. Thus, the proposed change of use would bring the premises back into use and would therefore enhance the vitality and viability of the town centre. As such, it would be considered to comply with LDP Policies EcW3 and EcW5.

The application site also lies within a C2 Flood Zone. The proposed development however seeks to provide a commercial use which is classified as less vulnerable development. As such, the location of the proposed restaurant is considered acceptable in this respect. NRW have therefore not objected to this application and consider that the proposed development could be acceptable, provided that the developer is made aware of the potential flood risks, advised to install flood-proofing measures and make provisions for flood warnings and emergency access/aggress as part of the development. It should be noted that a copy of the comments received from NRW have been forwarded to the agent for consideration. The proposed development would therefore comply with LDP Policy EnW4.

Character and Appearance

The existing premises is prominently sited just off Pontmorlais High Street in the town centre. As referred to previously, the premises has been altered by means of unsympathetic alterations overtime, and detracts from the appearance of the property, the wider street scene and the conservation area. As it stands, the building is vacant and makes no contribution to the vitality or viability of the town centre.

The proposed development would not only bring the building back into use, but would also significantly improve its appearance, by removing the insensitive additions, refurbishing

the property and introducing important detailing. The front elevation in particular would undergo a significant transformation, which would primarily involve a traditional shopfront being introduced to its ground floor with timber windows above, at first and second floor (roof space), as well as the addition of a new natural slate roof, cast iron water goods and lime rendered elevations. Indeed, these alterations are not limited to the front of the premises, but would, in respect of lime render, natural slates and timber windows, be carried out throughout the entire building. These alterations essentially seek to reflect the historic appearance of the property and preserve its character for the future.

With regards to the rear of the property, it is noted that a two storey extension would be constructed. This addition would not be visible when viewing the premises from Pontmorlais High Street. Nevertheless, the rear extension would be clearly visible when viewing the property from the Bolgoed Place. The modern gable end largely glazed addition would open out onto the rear courtyard overlooking the river, would be set significantly below the ridge height of the premises and would be finished with natural roof slates, lime rendered elevations, powder coated aluminium windows and cast iron rainwater goods. Whilst it would appear as a substantial addition, it does not seek to mimic the historic appearance of the premises but rather, ensure transparency between the historic building and this later proportionate development. It would also allow for the internal space to be maximised and would support the operation of the building as a multifunctional space.

It is therefore considered that these alterations would not only revive the appearance to the building, but would also add interest and character to the property without disturbing its original appearance. The proposed development, when viewed individually or as part of the wider street scene would therefore enhance and positively contribute to the character and appearance of the area and conservation area in accordance with LDP Policies SW11 and CW1.

Residential Amenity

Given the nature of the proposed use as a restaurant and its proposed operation hours, from 07:30 until 23:30 Monday to Saturday, it is likely that its operation during late evening hours could potentially create some noise and disturbance to nearby occupiers. However, it should also be noted that the site is located in the town centre where there are a mixture of uses including commercial, retail and residential and in an area where there is already a high degree of noise and disturbance from existing uses which operate into the late evening and night. These uses include the takeaway 'The Golden Valley' on the adjoining property, 17 Pontmorlais, High Street - located to the south), which already operates until 23:30. As such, the proposed development would not be significantly more harmful to the amenities of nearby residents than other existing uses surrounding the application site.

In respect of the scale of the extension, this would amount to a two-storey development to the rear of the premises. However, it would not exceed a depth of 4.55 metres. It would also comprise a pitched roof design with the roof sloping away from the adjoining neighbouring properties with an eaves height of 5.7 metres. As such, whilst some overshadowing would result to adjacent properties, this would not be considered significant. Furthermore, neighbouring properties at ground floor, either side, are also under commercial use and as such, the proposed extension, which would not be served by any side facing windows, would not affect the amenities of residential occupiers. Indeed, there are nearby properties (Taj Restaurant - located to the north) where two storey rear extensions have also been constructed. The relationship between the

proposed extension and the adjoining properties is therefore considered acceptable and would comply with LDP Policy SW11.

Ecology

The premises is in a poor state of repair and is therefore suitable for bats and nesting birds. The Council's Ecologist therefore requested that a Preliminary Roost Assessment (PRA) be submitted in support of the application. The bat survey report was received on 23rd November 2020. The report, including proposed enhancements, was considered acceptable and as such the proposal would not have an adverse impact upon protected species. As such, a condition to state that the works shall be carried out in accordance with the report shall form part of any planning permission. It should also be noted that Natural Resources Wales has considered the report submitted and has not raised any objections in this respect. The proposed development would therefore comply with LDP Policy EnW1.

Parking and Highway Safety

The proposed development would not be served with on-site parking. However, on-street parking is available along the High Street. The site lies in 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 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

It is considered that the proposed development is acceptable in this location and would positively impact upon the character and appearance of the conservation area without having a detrimental impact upon residential amenity, protected species, parking provision and highway safety. The proposal is therefore considered acceptable and would comply with the relevant policies.

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 no: PL(99)03, received: 2nd November 2020;
- Drawing no: 0014/PL(90)03, received: 2nd November 2020;
- Drawing no: 0014/PL(99)04, received: 2nd November 2020;
- Drawing no: 0014/PL(99)05, received: 2nd November 2020;
- Drawing no: 0014/PL(99)06, received: 2nd November 2020;
- BE Ecological Ltd, 18 High Street, Merthyr Tydfil, Bat Survey, Issue 1, Version B, September 2020, received: 2nd November 2020.

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:

- slates;
- lime render;
- timber dormer window and timber conservation roof light (to include section details);
- cast iron rainwater goods;

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To ensure that the external appearance of the property will be in keeping with the character of the area in the interests of visual amenity and to accord with Policies SW11 and CW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. No surface water shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

5. The A3 use hereby permitted shall be used as a restaurant/public house 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 Policies SW11, CW1, EcW3 and EcW5 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

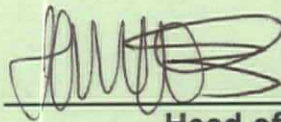
1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

10/12/20