

<b>DATE WRITTEN</b>	15 <sup>th</sup> February 2018
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<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	28 <sup>th</sup> February 2018

**Application No.**  
P/16/0378

**Date**  
12th December 2016

**Determining Authority**  
MTCBC

**Proposed Development**

**Location**

**Name & Address of Applicant/Agent**

Refurbishment of existing building and conversion to 5 residential units

Former St Margaret's Spiritualist Church  
Lower Thomas Street  
Merthyr Tydfil  
CF47 0BY

Rental Mental Ltd  
c/o Stephen George Architects  
25 Courtland Terrace  
Merthyr Tydfil  
CF47 0DT



This application was received in December 2016. At that time former councillor Linda Matthews requested that this application be reported to Committee to consider the acceptability of the proposed flat (No. 3) to the rear of the property and the parking issues associated with this development.

## APPLICATION SITE

The application relates to a Grade II Listed Church located within a mainly residential street within the Town Centre boundary and the Thomastown Conservation Area as designated by the Merthyr Tydfil Local Development Plan 2006-2021. The church building occupies the entire site with the exception of light wells to either side. The site is bounded by a residential dwelling to the south, the offices of a charity to the north, a highway to the west and lane to the east.

## PROPOSED DEVELOPMENT

Full planning permission is sought for the refurbishment of the building and its conversion into five residential flats. These would comprise of two, one bedroom flats/maisonettes; one, two bedroom flat/maisonette and two, one bedroom studios/bedsits.

The two studios/bedsits would be located within the basement of the existing building which would require the subdivision of the existing meeting room. This level would also house the sprinkler water storage tank, gas and electricity meters and a refuse and recycling store. These would all be accessed via existing external steps from Lower Thomas Street.

The two, one bedroom flats/maisonettes would be located at ground floor level with one accessed from the front entrance of the building (off Lower Thomas Street) and the other from the rear entrance off Library Lane.

A new first floor level is proposed which would contain the two bedroom flat. It would be accessed via a new spiral staircase proposed in the front lobby.

To necessitate the proposed change of use a number of internal and external alterations to the building are proposed. These proposed alterations along with their impact on the character and appearance of the listed building are fully assessed under an application for listed building consent (P/16/0379) which is being considered under delegated powers by the Head of Planning and Countryside before final determination by Cadw. The impact of the external alterations in terms of their impact on residential amenity and the character and appearance of the conservation area are considered in this report.

## PLANNING HISTORY

The relevant planning history is detailed below:

- P/13/0394 Replacement of lead on narthex roof with Terne Coated Steel, reduce rear chimney and increase height of front railings  
Granted Listed Building approval subject to conditions on 11 March 2014
- P/16/0379 Refurbishment of existing building and conversion to 5 residential units (Listed building Consent) – Not yet determined.

## CONSULTATION

The following bodies were consulted and their responses are presented below:

Engineering & Traffic Group Leader	No objection
Planning Division's Policy Group Leader	No objection
Planning Division's Countryside Officer	No objection subject to condition
Planning Division's Design, Heritage & Conservation Officer	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions
Dwr Cymru Welsh Water	No objection subject to condition
Wales and West Utilities	No objection
Western Power	No response

## PUBLICITY

In accordance with statutory publicity requirements, letters were sent to adjoining properties and two site notices were displayed within the vicinity of the site.

One letter of objection was received following this publicity exercise. This has been signed by 28 individuals from 16 separate addresses located within Church Street, Union Terrace and Lower Thomas Street. The main concerns raised are summarised below:

1. Parking spaces designated to this area are already greatly inadequate for the number of houses and there is concern over where the residents of the proposed flats would park;
2. Concern that there would be extra human traffic along Library Lane with the back gates of properties in Union Terrace in close proximity to the entrance to the church;
3. Questions over where refuse bins would be stored and the possibility that they would be kept in Library Lane which is used by residents of Union Terrace, Lower Thomas Street and two cottages in Library Lane.

## POLICY CONTEXT

### National Policy

Planning Policy Wales (Edition 9, November 2016) is relevant to the determination of this planning application. The following sections are identified as being of particular importance:

Paragraph 4.9 highlights the preference for the re-use of previously developed land.

Paragraph 4.11.10 states *"In areas recognised for their landscape, townscape or historic value, such as National Parks, Areas of Outstanding Natural Beauty and conservation areas, and more widely in areas with an established and distinctive design character, it can*

*be appropriate to seek to promote or reinforce traditional and 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. The impact of development on listed buildings should be given particular attention”*

Paragraph 6.1.3 notes *“The historic environment is relevant to and is a vibrant part of the culture and economy of Wales. To enable the historic environment to deliver rich benefits to the people of Wales, what is of significance needs to be identified and change that has an impact on historic assets must be managed in a sensitive and sustainable way”*.

Paragraph 6.1.4 states *“Decisions on planning applications and listed building and conservation area consents must be based on adequate information provided by the applicant and any action must be in proportion to the impact of the proposals, and the effects on the significance of the assets and their heritage values”*

Paragraph 6.2.1 sets out the objective in relation to protecting, managing and conserving the historic environment. In relation to historic buildings and conservation areas it states that proposals should *“safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, while at the same time helping them remain vibrant and prosperous”*;

Paragraph 6.5.11 specifically refers to development proposals affecting a listed building. It states *“For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. The aim should be to find the best way to protect and enhance the special qualities of listed buildings, retaining them in sustainable use. The continuation or reinstatement of the original use should generally be the first option, but not all original uses will now be viable or appropriate. The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered in order to secure a building’s survival or provide it with a sound economic future”*.

Paragraph 6.5.21 refers to the conservation areas and states *“There will be 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...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”*.

Paragraph 9.3.3 notes that conversion and adaptation, should not be allowed to damage an area’s character or amenity. Additionally, paragraph 9.3.4 states *“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity”*.

The following Technical Advice Notes (TAN) are also of relevance:

- TAN 5: Nature Conservation and Planning (2009)
- TAN 12: Design (2016)
- TAN 24: The Historic Environment (2017)

### Local Planning Policy

The following policies of the Merthyr Tydfil Local Development Plan 2006-2021 are relevant to the determination of this application.

BW1: Development Strategy – Primary Growth Areas  
 BW4: Settlement Boundaries/ locational constraints;  
 BW6: Townscape and Built Heritage;  
 BW7: Sustainable Design and Place Making;  
 BW8: Development and Water Environment;  
 BW12: Development Proposals and Transport;  
 BW17: Securing Community Infrastructure Benefits;  
 AS19: Merthyr Tydfil Town Centre  
 AS22: Affordable Housing Contributions;  
 TB11: Access, parking and accessibility of local facilities.

Furthermore, the application will be determined having regard to the advice contained within the following Merthyr Tydfil Local Development Plan 2006-2021, Supplementary Planning Guidance Notes:

- SPG Note 1, Affordable Housing;
- SPG Note 2, Planning Obligations;
- SPG Note 4, Sustainable Design;
- SPG Note 5, Nature and Development.

The Thomastown Conservation Area Appraisal (July 2014) further states that preservation of the Conservation Area is a priority and identifies Listed Buildings, locally listed buildings and buildings that are considered to add positively to the character and appearance of the Conservation Area.

## PLANNING CONSIDERATIONS

### Principle of development

The application site is located within the Primary Growth Area (Policy BW1) and within the settlement boundary (Policy BW4) where there is a presumption in favour of development. Accordingly, the principle of converting the building for residential use is considered to be acceptable subject to other relevant policies and material planning considerations.

### Character and visual amenity

It is also noted that this application relates to a Grade II Listed Building which is located within the Thomastown Conservation Area. As such Policy BW6 would be an important consideration. This policy states that development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character and setting of both the conservation area and listed building.

This building positively contributes to not only the street but also the wider conservation area. However, it is clear that the fabric of the building is slowly deteriorating. Therefore, it urgently requires works to bring it back to its former quality and distinctiveness. The proposal, which would bring the listed asset back into use, is welcomed. Its refurbishment would also enhance the conservation area by having a positive impact on its character and appearance.

As such the proposal accords with policies BW6 and BW7 of the LDP and it is noted that the Design, Heritage and Conservation Officer has not raised any objections in this respect. As stated above the effect of the proposed external and internal alterations on the character and appearance of the listed building are fully assessed under the listed building application.

### Residential amenity

The impact of the proposal on the residential amenities of surrounding occupants has also been considered. In this respect, no extensions are proposed and as such the proposed conversion would have no additional affect in terms of overshadowing or overbearing impact. Notwithstanding this, it is noted that alterations to the building are proposed including changes to existing windows and the insertion of new windows. The impact of these on neighbouring properties is considered below.

The southern boundary of the application site is adjoined by a dwelling known as 60 Lower Thomas Street. The dwelling itself is at a lower level than the church with the first floor windows at a similar level to the church's ground floor windows. Moreover, it is noted that the rear garden occupies an elevated position in relation to the dwelling. The basement windows and door which run alongside the southern light well are not visible from this adjoining dwelling or its garden and as such would not result in any overlooking or loss of privacy. Of the ground floor windows, two existing windows look onto the flank elevation of the adjoining dwelling and as such the introduction of casement opening lights would have little impact. Notwithstanding this, they are to be fitted with restricted openers. The third ground floor, south facing window is partially visible from the garden of 60 Lower Thomas Street with one half of the window directly in line with the rear elevation. An openable window in this position would have restricted views, but nonetheless would directly overlook part of the rear garden. To overcome this, one casement opening light would be fixed shut, while the other fitted with restrictors to limit opening. It is also noted that the south gable projection (which directly adjoins this neighbouring garden) has a window in its west facing elevation. This looks over the southern light well but is alongside the rear garden of 60 Lower Thomas Street. Whilst views would be limited as a result of the angle of the window to both the garden and the rear windows of 60 Lower Thomas Street, this window would also be fitted with a restricted opener to further limit its potential to overlook. Finally whilst roof lights would be inserted into the southern facing roof plane, given their elevated position, views from them would be constrained and as such it is not considered that they would result in any direct overlooking to the rear garden of 60 lower Thomas Street.

The northern boundary of the site adjoins a charity with associated facilities and offices. A similar arrangement exists between this property and the application site with the basement windows and door below the level of the external amenity space. However, at ground floor level, of the windows in the northern elevation, two and a half directly look towards the rear

amenity space of the charity with the remaining half of the third window obscured by the flank wall of the property. The partially obscured window would not be altered. However, the other windows which are in full view from this adjoining property would be fitted with casement opening lights. To reduce any overlooking and loss of privacy from these, it is proposed to fit them with restrictors to limit opening. Similarly, the north gable projection (which directly adjoins this neighbouring property's external amenity area) has a ground floor window in its east and west facing elevations which would serve the living/dining room of a flat (3).

It is proposed to introduce a new casement opening light into the west facing window and whilst this looks over the northern light well, it is sited alongside the external amenity area and fitted with a restrictor to limit its opening and thus limit overlooking and loss of privacy. The east facing window would look over a small square of external amenity space belonging to the charity. However, it would face directly towards the rear boundary wall. Thus, it is not considered that this window would result in any unacceptable loss of privacy. It is also proposed to replace an existing sash window in the north facing elevation of the rear annexe which would serve the shower room of flat 3. Whilst this would not allow views across the whole of the rear amenity area, it would directly overlook the eastern section. As such it is recommended that a condition is included with any planning permission which requires this window to be fitted with obscure glazing.

While roof lights would be inserted into the northern facing roof plane, given the elevated position of these, the views from them would be restricted and as such it is not considered that they would result in any direct overlooking to the rear amenity space of the charity.

The proposal includes the provision of a new first floor level for residential accommodation. Three new windows are proposed in the eastern elevation to serve the living / dining room of this flat. However, as these windows would be at first floor level and this elevation is in close proximity to the rear boundaries of dwellings in Union Terrace, there is the potential for them to overlook the rear gardens and result in a loss of privacy to their occupants. To eliminate this concern the windows would be fitted with obscure glazing and the two windows which would open, would be fitted with restrictors. As such it is not considered that these windows would have any unacceptable impact on the occupants of Union Terrace.

Given the above, the proposal would not result in an unacceptable level of overlooking or loss of privacy. It is also noted that no objections have been received relating to such matters. However, a condition is recommended which would ensure the relevant windows, once provided, would be retained as approved (i.e. with obscure glazing and/or fitted with restricted openers). As such, the proposal accords with policy BW7 of the LDP.

Finally, consideration has been had for the impact of the change of use on surrounding occupants in terms of noise and disturbance. In this respect it is noted that the site is located in a high density residential area. As such the proposed residential use would be in keeping with the area and any noise and disturbance would not be significantly different from that which already exists. It is acknowledged that the proposal would introduce openable windows in place of existing fixed window panes which would be in very close proximity to the rear garden of 60 Lower Thomas Street and rear amenity area of Willow House. However, the noise and disturbance would not be significantly greater than exists with rear windows on neighbouring dwellings. It is also noted that the building was

previously a church which would have resulted in some noise and disturbance to neighbouring properties.

### Objections

As outlined above, a letter was received following the publicity exercise outlining concerns with regard to the proposal. In response to the main concerns raised the following comments are made:

1. Issues regarding parking are addressed below.
2. The proposal would introduce one flat which would be accessed off Library Lane with the remaining flats accessed from Lower Thomas Street. A single one bed flat would not result in a significant increase in pedestrian movements along Library Lane and as such there would not be any unacceptable noise and disturbance to the dwellings in the area. It is also noted that this is a public highway with public access available to anyone.
3. The proposal includes a refuse and recycling store which would be located at basement level and accessed via the external steps from Lower Thomas Street. It is acknowledged that this would not be convenient to flat 3 which is accessed off Library Lane. However, flat 3 would have its own internal bin storage area located in a designated space in the entrance lobby. Should refuse be stored within Library Lane, resulting in obstruction or environmental health issues, these would need to be addressed by the relevant Council departments. It is also noted that no objections/concerns have been received in this respect from either the Engineering and Traffic Group Leader or the Environmental Health Manager.

### Highway safety, parking and access

It is acknowledged that there is no opportunity to provide designated off street parking for the occupants of the proposed flats. However, the application site is located within the Town Centre and thus is in close proximity to good public transport links which in turn encourages residents to be less reliant on private cars. However, the car ownership of potential residents cannot be controlled and the parking needs of residents (and visitors) would need to be accommodated on-street within the surrounding area. However, the lack of off-street parking must be weighed against the positive benefits which would arise from the reuse and refurbishment of this listed building within the Town Centre Conservation Area. Taking this into account together with the buildings sustainable location and lack of objection from the Engineering and Highway Manager, it is not considered that the application should be refused on parking grounds. Similarly, given the lack of any objections from the Engineering and Traffic Group Leader it is concluded that any additional traffic movements associated with the proposal could be satisfactorily met by the existing highway network. The proposal is therefore in accord with Policy BW12 of the LDP.

It is noted that the proposed flats would be difficult to access for those with mobility impairments, with access to flats 1 and 1A (within the basement), flat 2 (at ground floor level), flat 3 (to the rear and accessed off Library Lane) and flat 4 (at first floor level) involving the use of steps. However, as the building is Grade II Listed it would be highly unlikely that the external alterations that would be necessary in order to provide a fully

accessible entrance (for example ramps/lifts etc.) would be acceptable. As such, it is acknowledged that in this instance, it would be unjustified to raise objections on such grounds.

### Protected Species

The Countryside Officer has considered the proposal and has indicated that the development is unlikely to have any significant detrimental impact on protected species. Any potential use by bats (although unlikely) would be within the existing roof tiles and flashing and it is acknowledged that the proposed works would involve some roof maintenance and the insertion of new roof lights. As such it is recommended that a condition be attached to any planning permission which requires the submission and approval of a working methodology in relation to bats. In the unlikely event that bats should be discovered, the Countryside Officer is of the opinion that a Derogation Licence would be permitted (by Natural Resources Wales) in light of the ample scope available to provide mitigation or compensation for bat species within the development.

### Planning Obligations

Policies BW17 and AS22 of the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 consider the requirement for planning obligations and affordable housing contributions on all residential schemes respectively. On proposed residential developments of less than 10 units or where it can be demonstrated that on-site provision for affordable housing is not possible, the Council will require a financial contribution towards the provision of affordable housing elsewhere in the corresponding growth area of the LDP.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy & Implementation Group Leader. In this instance no planning obligations for the provisions of affordable housing or any other contributions have been sought as this would likely render the development financially unviable.

### Conclusion

The determination of this application requires careful consideration and the positive merits of the proposal have to be balanced against any harmful impacts such a scheme may pose. It is clear that this historic building is in urgent need of a new use. The proposal would ensure the character and appearance of the listed building and conservation area is vastly improved. Whilst the concerns of local residents are fully appreciated, any harm from additional on street parking or concerns around refuse storage/disposal do not outweigh the huge benefits of bringing this building back into use and providing much needed housing in a sustainable location.

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 WCFG Act.

As such, the proposed scheme is found to be acceptable. 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 Title: Proposals - plans, Drawing Number: 03 Rev G, amended plan received on 13 February 2018.

Drawing Title: Proposals - elevations and sections, Drawing Number: 04 Rev G, amended plan received on 13 February 2018.

Drawing Title: Details - sheet 1, Drawing Number: 05, amended plan received on 14 November 2017.

Drawing Title: Details - sheet 2, Drawing Number: 06 Rev A, amended plan received on 14 November 2017.

Drawing Title: Details - sheet 3, Drawing Number: 07, received on 14 November 2017.

Heritage Impact Assessment produced by Stephen George Architects and submitted on 13 February 2018 (amened version)

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

3. **Prior to works commencing on site**, a working methodology in relation to bats shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafeter take place in accordance with the approved methodology.

**Reason** - To protect the natural environment and important habitat in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

4. Before works commence on site, the following details relating to the specified windows shall be submitted to and approved in writing by the local planning authority:

- a) The obscurity and restricted opening of all windows serving flat 2

- b) The obscurity and restricted opening of the windows serving the living/dining room and bedroom of flat 2
- c) The obscurity of the shower room window of flat 3
- d) The obscurity and restricted opening of the windows serving the living/dining room of flat 4

The windows shall be permanently retained in accordance with the approved details thereafter.

**Reason** - In the interest of residential amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

5. **No development shall commence** until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the building and retained in perpetuity.

**Reason** - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

6. Demolition or construction works shall not take place outside the hours of 8:00 to 18:00 Mondays to Fridays and 8:00 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 Policy BW7 of the Merthyr Tydfil Local Development Plan.

## INFORMATIVES

1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure.

2. The developer is advised that Wales & West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. As such they require the promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should any diversion works be required these will be fully chargeable. You must not build over any of their plant or enclose their apparatus.
3. It is an offence to intentionally or recklessly kill, injure or take any wild animal listed as protected in the Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 under the Conservation of Habitats and Species Regulations 2010 (as amended).
4. The applicant / developer should be aware that no works should commence on site until Listed Building Consent has been granted and all pre-commencement conditions discharged.