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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	28th November 2018

Application No.
P/18/0287

Date
11th September 2018

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

Refurbishment of existing building and conversion to a house of multiple occupation

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

Rental Mental Ltd
c/o Paul Overton Architects
97A High Street
Merthyr Tydfil
CF47 8UD



P/18/0287

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Councillor's O'Neill and A. Barry have requested that this application be reported to committee to consider parking issues and the other objections raised by surrounding residents.

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 (Willow House), a highway to the west and Library Lane to the east.

PROPOSED DEVELOPMENT

Full planning permission is sought for the refurbishment of the building and its conversion into a house of multiple occupation (HMO) with 11 bedrooms and associated shared amenities including bathrooms/shower rooms, kitchen and living/dining room. As this would provide accommodation for over six individuals the use class would be sui generis (i.e. does not fall within a specific use class as defined by The Town and Country Planning (Use Classes) Order 1987 (as amended)).

The basement level would contain 5 bedrooms (one of which would be en-suite), a bathroom and a shower room. These would be accessed via a new internal staircase. This level would also house the sprinkler water storage tank, gas and electric meters and a refuse and recycling store. However, the meters and refuse and recycling store would be accessed via existing external steps from Lower Thomas Street.

Within the ground floor it is proposed to provide an internal lobby, kitchen, living/dining room, shower room and two further bedrooms. Access to the ground floor would be gained via two entrances, the main front entrance off Lower Thomas Street and a rear entrance off Library Lane.

A new first floor level is also proposed which would contain four bedrooms and a shower room. It would be accessed from the internal staircase.

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/18/0288) which also forms part of the agenda. 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 the assessment of this application.

PLANNING HISTORY

The relevant planning history is detailed below:

P/16/0379 Refurbishment of existing building and conversion to 5 residential units
(Listed building Consent)
Granted Listed Building approval subject to conditions on 12 March
2018

- P/16/0378 Refurbishment of existing building and conversion to 5 residential units
Granted planning permission subject to conditions on 1 March 2018
- 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

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 a condition
Environmental Health Manager	No objection
Dwr Cymru Welsh Water	No objection subject to a condition
Wales and West Utilities	No objection
Western Power	No response
Glamorgan Gwent Archaeological Trust	No objection subject to a condition
Natural Resources Wales	No objection

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.

Following this publicity exercise twenty three letters of objection were received to this application. The main issues raised within these letters are summarised below:

- **Parking:** Parking within the street is restricted to resident permit holders only with not enough spaces currently for the existing residents. The surrounding streets are also congested with parking difficult. This proposal would bring more residents and thus increase demand for parking, causing danger to traffic and pedestrians and also preventing existing residents from parking in their own street. It is also claimed that the lack of parking is deterring people from moving into the street;
- **Highway safety:** Proximity of the building to the junction will cause danger to pedestrians, the junction is currently very dangerous and increased traffic

would make it worse. There are also concerns that the development would create too much traffic;

- Bird and bats within the building;
- Noise from residents, additional noise pollution due to increased volume of people in the area, increased footfall and increased noise levels from the rear entrance onto library lane;
- Overcrowding within the building;
- Overcrowding and overpopulation of the area;
- There are already enough flats/bedsits in the area with problematic issues surrounding anti-social behaviour, drug taking and noise. Similarly it is noted that there is an overconcentration of accommodation for vulnerable people which is also resulting in difficulties for other residents and businesses;
- The proposal is not conducive of a conservation area;
- A problem with rats;
- Occupiers of the flats;
- Drainage and location of pipes;
- The appearance of the building and alteration to a property in a conservation area;
- Loss of property value;
- Proximity of the rear door of the property to the rear entrance of an existing dwelling;
- Refuse and recycling boxes being stored in Library Lane;
- The possible conversion of other buildings in the area into flats/bedsits (including the synagogue) and this additional impact.

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)

Other guidance:

- Welsh Government Guidance; Houses in Multiple Occupation: Practice Guidance (February 2016).

Local Policy

The following policies of the Merthyr Tydfil Local Development Plan 2006-2021 and Supplementary Planning Guidance (SPG) 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.

- 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) 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. St Margaret's Church is identified as a key building within this document.

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

This application relates to a Grade II Listed Building which is located within the Thomastown Conservation Area. As such Policy BW6 is 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 therefore 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. 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 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 northern 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 communal living/dining room. 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 would be 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 communal kitchen. 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 with four new windows proposed in the eastern elevation to serve first floor bedrooms. 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 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 there would be an access from the HMO onto Library Lane. However, the comings and goings via Library Lane would not be significant enough to generate excessive noise and disturbance. It is also noted that this is a public highway with public access available to anyone. Finally regard has been had to the fact that the building was previously a church which would have resulted in some noise and disturbance to neighbouring properties.

Highway safety, parking and access

It is acknowledged that there is no opportunity to provide designated off street parking for the occupants of the HMO. 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. 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. Whilst it is recognised that parking within Lower Thomas Street and the surrounding street network may be in limited supply, 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 Thomastown 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 main front entrance into the ground floor, and the proposed rooms at basement and first floor level, would be difficult to access for those with mobility impairments. 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.

Archaeological Constraints

It is noted that Glamorgan Gwent Archaeological Trust has not objected to the application, however, they note that the proposal would involve significant internal changes to the structure that may reveal or mask elements of the original building. As such, it is recommended that a programme of historic building recording and analysis is carried out in accordance with a written scheme of investigation. This could be secured by a suitably worded condition which would be more appropriately attached to any associated listed building consent.

Response to Representations

As outlined above, twenty three letters of objection were received following the publicity exercise. The impacts on parking and highway safety, protected species, the amenity of neighbouring residents and the conservation area have been assessed above. The remaining concerns are considered below.

Drainage can be dealt with via a suitably worded condition which requires details to be submitted to and approved in writing by the local planning authority. The building already benefits from a foul and surface water drainage system and whilst it is acknowledged that this may need to be adapted and new rainwater goods required, it is not considered that these would cause any adverse impact on the neighbouring properties directly adjoining the site.

The proposed HMO would provide a designated refuse and recycling store within the basement. This would prevent the need for refuse and recycling boxes to be stored within Library Lane or indeed Lower Thomas Street. Should refuse be permanently stored on the adjoining highways/footpaths resulting in obstruction or environmental health issues, these matters would 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.

The concerns regarding the number and concentration of flats/bedsits and accommodation for vulnerable people in the area and the problematic issues associated with these in terms of anti-social behaviour, drug taking and noise are noted. Whilst it is appreciated that properties occupied by non-family households have the potential to change the character of an area (i.e. damage social cohesion with higher levels of transient residents) it cannot be said that a HMO in this location would lead to an over-concentration of HMOs causing significant harm. The responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly, the police, local authority (e.g. Public Health and Protection) and social landlords.

It is not considered that the provision of an eleven bedroom HMO would result in a significant increase in the population of the area as to create any unacceptable overcrowding. In terms of overcrowding within the building it is noted that that this is

a large property which under the proposed scheme would have three floors. It is not considered that eleven bedrooms would result in the property being overcrowded and indeed the size requirements and occupation levels of a HMO would not be a material planning consideration. It is also noted that loss of property value, the type of occupant, anti-social behaviour of occupants and vermin are not material planning considerations.

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 noise, overcrowding and other matters 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 WBFG 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: HMO scheme proposals - plans, Drawing Number: 10, received on 11 September 2018.

Drawing Title: HMO scheme proposals elevations and sections, Drawing Number: 11, received on 11 September 2018.

Drawing Title: HMO scheme proposals details - sheet 1, Drawing Number: 12, received on 11 September 2018.

Drawing Title: HMO scheme proposals details - sheet 2, Drawing Number: 13, amended plan received on 5 November 2018.

Drawing Title: HMO scheme proposals details - sheet 3, Drawing Number: 14, received on 11 September 2018.

Heritage Impact Assessment produced by Paul Overton Architects and submitted on 31 October 2018 (amended 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 thereafter 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 the windows serving the ground floor shower room, living/dining room and ground floor bedrooms 5 and 6.
- b) The obscurity and restricted opening of the windows serving the internal staircase;
- c) The obscurity of the northern window of the ground floor communal kitchen;
- d) The obscurity and restricted opening of the windows serving first floor bedrooms 3 and 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.