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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	3rd July 2019

Application No.
P/18/0377

Date
7th May 2019

Determining Authority
MTCBC

Proposed Development

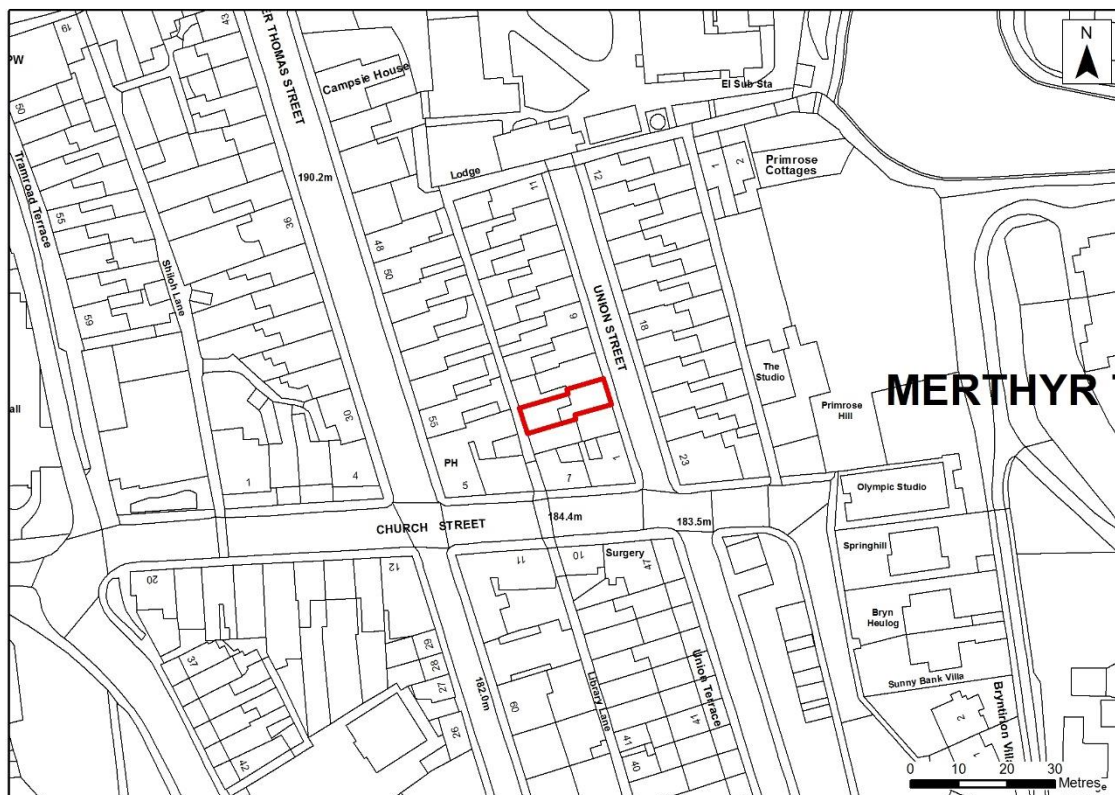
Location

Name & Address of Applicant/Agent

Change of use from a dwelling into a self contained flat at lower ground floor and two, one bedroom holiday lets, (one at ground floor and one at first floor) to include the installation of two air conditioning units and new windows and doors to the rear of the property (Retrospective)

3 Union Street
Merthyr Tydfil
CF47 0EB

Mr Crimmings
c/o George + Co
Hwyl Hub
1st Floor Woodfired Studios
62 High Street
Merthyr Tydfil



Councillor John Thomas and Councillor Andrew Barry have requested that this application be determined by the Planning, Regulatory and Licensing Committee to consider noise and overcrowding concerns and other issues raised by neighbours.

APPLICATION SITE

The application site relates to a terraced two-storey property (with basement level) located near the town centre. The dwelling has been extended to the rear by means of a two storey addition. It lies in a no-through road and backs onto a rear lane, which can be accessed from its rear garden. The property is served by on-street parking.

The dwelling lies in a residential street of terraced properties, some of which have also been extended to the rear. Like the application site, these properties also have access to the rear lane and are only served by on-street parking.

The application site lies within the settlement boundary – Primary Growth Area and Thomastown Conservation Area and just outside the town centre boundary, as designated within the Merthyr Tydfil Local Development (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This application seeks planning permission to convert the existing three bedroom dwelling into one self-contained flat and two holiday lets. It also includes external alterations to the rear of the property, as well as the installation of two air conditioning units.

The self-contained flat is proposed at basement level and would be served by a bedroom, a kitchen/living space and a shower room. The flat would be independently accessed via the rear lane, along the rear garden and through a rear entrance door at basement level. The holiday let at ground floor would have a living space/bedroom area and shower room. The holiday let at first floor would also have a living space/bedroom area and a shower room. Both holiday lets would be accessed via the existing front entrance from Union Street.

External alterations are proposed to the rear of the property and would involve the addition of a new UPVc window and door (to replace an existing window) on the rear elevation at basement level, and a new window (to replace an existing door) on the northern side elevation of the rear extension, at basement level. The window and door on the rear elevation have already been installed.

Two air conditioning units, each measuring 0.8 metres wide, 0.9 metres high and 0.3 metres deep, are proposed above the roof of the rear extension. These would provide heating/cooling facilities to serve the units. One of the units has already been installed.

PLANNING HISTORY

The Council's records do not indicate any other planning history for this site.

CONSULTATION

Engineering and Traffic Group Leader	No objection.
Planning Division Policy Group Leader	No objection.
Planning Division Conservation Officer	Concerns raised in respect of the intensified use of the property.
Environmental Health Manager	No objection.
Welsh Water	No objection.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties. As a result of this publicity exercise, nine letters of objection have been received. The concerns raised in the letters have been summarised below:

- The work has already begun without the benefit of planning permission;
- The layout, where a bedroom is next to the living room of a neighbouring dwelling, is not convenient and would generate a lot of noise and disturbance, impacting on neighbouring properties, particularly those with medical conditions and who have trouble sleeping;
- The construction of a kitchen at first floor next to the neighbouring properties would be a fire hazard since there is no fire escape in place;
- The property lies in a conservation area and it is assumed that the siting of a large extractor fan unit at the rear would be an eyesore, yet this has already been done. The unit is on at all times and is very disruptive to nearby occupiers, especially during the night time. The council have a duty to preserve and enhance the character of the conservation area, as set out in the Thomastown Conservation Area Appraisal and this proposal should therefore not be acceptable. If approved, it would further deteriorate the appearance of the area, adding it to other unacceptable developments such as the listed synagogue building which has been left unmaintained;
- The boundary between neighbouring properties has been knocked down and replaced with an 8ft high wall;
- Three wheelie bins, three black bins and three food bins, would extend along the application property and beyond and be an eyesore at the front of the property. They would also result in a hazard to pedestrians using the pavement, whereby parts of the pavement have already been lost to vehicular parking;

- There is not enough parking in the street to serve existing residents and the proposal would result in an additional 3 to 6 vehicles having to park in a narrow and already overcrowded street, where vehicles are required to park partially on the pavement, or even, elsewhere (i.e. Tesco car park) to allow emergency vehicles and refuse vehicles to gain access. There is insufficient on-street parking spaces. This development would result in additional on-street parking, thus resulting in more obstructions for emergency vehicles, should these need to access the street;
- The type of tenants living at the property would cause issues for neighbouring properties and have done so in the past, resulting in additional noise and disturbances;
- The development would de-value neighbouring properties;
- The noise from the fan units at the rear will be disruptive to a disabled person;
- Not all neighbouring properties within the street have received a letter. This process is unfair and all neighbours should be consulted since it will affect everyone within the street;
- For over 30 years there hasn't been any issues on this street, but in the last 4 years, it has become a dumping ground, with rubbish, including nappies, etc being discarded on the street. This is also the case for the lane which runs along the rear of these properties. The lane also tends to be used by individuals for anti-social behaviour. The addition of three separate units in the street will only make these problems worse;
- The development would be detrimental to the health of nearby occupiers.

POLICY CONTEXT

National Planning Policies

Planning Policy Wales (edition 10, December 2018)

Paragraph 2.2 refers to place making and states that *'...the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all...'*

Paragraph 3.12 discusses movement and states that *'...Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate...'*

Paragraphs 6.1.5, 6.1.7 and 6.1.8 refers to the historic environment and states that *'...the planning system must take into account the Welsh Government's objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations. The historic environment can only be maintained as a resource for future generations if the individual historic*

assets are protected and conserved...It is important that the planning system looks to protect, conserve and enhance the significance of historic assets.

Local Planning Policies

The following policies within the Merthyr Tydfil Local Development Plan (LDP) 2006 – 2021 are relevant to the determination of this application:

- Policy BW1- Development strategy – Primary Growth Area
- Policy BW4- Settlement boundaries / locational constraints
- Policy BW6 – Townscape and Built Heritage
- Policy BW7- Sustainable design and place making
- Policy BW8- Development and the water environment
- Policy BW12- Development proposals and transport
- Policy BW17- Securing community infrastructure benefits
- Policy AS22- Affordable housing contributions
- Policy TB11- Access, parking and accessibility of local facilities

Other Guidance:

Thomastown Town Conservation Area Appraisal (July 2014)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposal would be acceptable in principle in this location, as well as in respect of its impact on the character and appearance of the existing premises and the conservation area, residential amenity, parking provision and highway safety.

Principle of Development

The existing property lies within the settlement boundary and the proposed conversion of a dwelling into a flat and two holiday units would therefore be in accordance with LDP Policies BW1 and BW4, since new development in this location is acceptable in principle, provided it complies with other relevant policies.

Character and Appearance

The external alterations to the premises are proposed to the rear of the property. The windows and door are proposed at lower basement level and as such, would not only be screened from neighbouring properties but also from the rear streetscene, by virtue of the high wall enclosing the rear garden. These alterations are therefore considered low key changes which would not detract from the character or appearance of the dwelling or the conservation area and would be in accordance with LDP Policies BW6 and BW7.

The impact of the proposed air conditioning units has also been assessed and this part of the proposal is also considered acceptable. These units are not highly visible from the rear lane given the size of the existing rear boundary treatment and the fact that each unit would be less than 1 metre in height, only 0.3 metres deep and would

sit tight against the rear wall of the property. They would however, be visible from neighbouring properties, but again, the size of the existing boundary enclosures would limit any detrimental visual impact. As such, in this instance, the proposed air conditioning units would be an acceptable form of development which would not have a significant harmful impact on the character or appearance of the property or the conservation area and would therefore comply with LDP Policies BW6 and BW7.

It is noted that the Council's Conservation Officer has raised concerns in respect of this proposal. Primarily, she is concerned about the use of the building which is not characteristic of the historic purpose of the terraced properties in this street, i.e. a terraced dwelling. Whilst this is appreciated, the adaptation of the building for the proposed uses would not have a significant impact on the character of the area and would not warrant the refusal of the application due to its failure to preserve or enhance the conservation area.

Residential Amenity

The conversion of a residential property to one flat would not have any significantly greater impact on neighbouring residents, in terms of overlooking, than that which currently exists. Whilst new windows, including a side facing window, are proposed to serve the flat, these would be installed at basement level and would therefore not result in any overlooking into neighbouring properties. The proposed holiday lets, given the nature of their use, would not result in a development which would cause significant noise and disturbance. Whilst three separate units are now proposed, the number of bedrooms serving the premises would still be three. As such, the potential for noise and disturbance would be very similar to a three bedroom residential property, which could be occupied, at any time, by a similar number of people. Whilst the objections from nearby residents have been considered in respect of noise and disturbance, as well as anti-social behaviour, it should be noted that the responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities (e.g. Public Health and Protection) and landlords. It should also be noted that the Environmental Health Manager has not raised any objections in respect of the proposed use of the premises. Thus, in this instance, it is considered the flat and two holiday lets would not have a significant adverse impact on the amenities of nearby occupiers and would therefore comply with LDP Policy BW7.

The impact of the air conditioning units has also been considered and the concerns raised by nearby occupiers have been noted. However, whilst some noise would be emitted from these units, it would not have an adverse impact on the amenities of nearby occupiers. This has been confirmed by the Environmental Health Officer following a visit to the premises. The proposed development would therefore comply with LDP Policy BW7.

Parking and Highway Safety

With regard to the objections of local residents concerning on-street parking, it should be noted that the property has 3 bedrooms and this would not change as a result of the proposal. Therefore, when compared to the permitted use, the proposal would not significantly increase the demand for on-street parking to a level that

would cause an adverse impact on the free flow of traffic or highway/ pedestrian safety. In addition, the site lies in a sustainable location, being located within walking distance of shops and services. It is also located in close proximity to the bus station and railway station. As such, the absence of on-site car parking to serve the proposed units has not raised any significant concerns and the Engineering and Traffic Group Leader has therefore not objected to the application. The proposal would therefore be in accordance with LDP Policies BW12 and TB11.

Responses to Representations

Some of the concerns raised by local residents have been considered above. Other concerns raised are addressed below:

- It is not illegal to carry out works without planning permission. Current legislation enables applicants to submit retrospective applications to seek planning permission for unauthorised development;
- The layout of the units and their acceptability in respect of fire escapes would be a consideration under the Building Regulations;
- The agent has confirmed that the dividing boundary fence has been replaced by a wall which does not exceed 2 metres in height and as such does not require planning permission;
- Any visual impact resulting from the siting of bins at the front of the property would not be dissimilar to that occurring on current refuse collection days;
- The illegal parking of cars in the street (i.e. on the pavement) is a Police matter;
- The type of people living in the flat or visiting the holiday lets would not be a planning consideration;
- The loss of value of neighbouring properties is not a material planning consideration;
- In consulting the adjoining occupiers, the local planning authority has complied with the relevant legislation;
- Issues regarding the discarding of waste/fly tipping in the street is not a planning matter.

Conclusion

This application has been carefully considered in respect of each of the issues that the application raises and it is noted that the majority of objections received relate to the potential impact this proposal would have on parking provision and highway safety as well as the potential noise and disturbance the proposed uses would have on nearby occupiers. However, for the reasons stated above, it is considered that the proposal, in this instance, complies with the relevant LDP policies and as such is considered acceptable.

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 this respect, it is noted that the Council's Local Development Plan puts sustainability at its core. Delivering a mix of quality housing through the re-use of vacant buildings or brownfield land,

within existing settlements, is key. 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 be carried out in accordance with the following approved plans and documents:

- 588-02D, received 7th May 2019;

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