

DELEGATED REPORT

Application No:	P/23/0166
Site Address:	Land Adjacent To 8 & 9 Perrott Street Treharris
Development:	New building comprising of retail space and residential units
Case Officer:	Emma Watkins
Application Expiry Date:	22nd August 2023
Consultation reply date expired:	24th July 2023

APPLICATION SITE

The application site is a vacant parcel of land on the south-eastern side of Perrott Street partially located within the Treharris Local Centre and wholly within the Treharris Conservation Area. The site is within the settlement boundary and is also located within an Other Growth Area. To the north of the site (on the opposite side of the entrance to the public car park) is the Treharris Public Library which is Grade II Listed. The site slopes down from west to east so the street frontage is higher than the rear frontage.

PROPOSED DEVELOPMENT

The application is in outline with landscaping a reserved matter and proposes 1 no. retail unit at street level and 6 no. 1-bedroom flats on the two floors above. The proposals will develop a vacant brownfield land. The upper ground floor (fronting street level on Perrott Street) will have a level access into the commercial unit and to the residential units on the upper floors. Parking is proposed to the rear of the site in the existing car park and a new loading bay will also be provided on Perrott Street. There is space allocated on the lower ground floor for bins and bike storage, with space to accommodate a minimum of 1 cycle space per flat.

The retail element will be provided on the ground floor level off Perrott Street, with additional floor space on the lower ground floor for storage/back of house services accessed off the car park area, whilst residential flats will occupy the two floors above. Retail provision within the development has been retained to reflect the site's town centre location.

The proposed materials are shown within the elevation plans and include:

- 'Cembrit Jutland' Blue/black fibre cement roof slates
- Light grey upvc fascias - RAL 7042 3
- Black upvc rainwater goods
- Smooth painted render to external walls, with recon stone plinth

- Light grey upvc windows / french doors - RAL 7042, with recon stone heads & cills
- PCC Aluminium glazed shop front, with pressed aluminium signage
- Composite entrance door to residential stairs with glazed panels
- Metal security door

The application has been supported by a Design and Access Statement and Preliminary Ecological Appraisal.

PLANNING HISTORY

- P/17/0356 - Erection of Veterinary Surgery with associated external works (including retaining works) - Granted March 2018
- P/07/0463 – Erection of 4 no. self-contained flats - Granted October 2007
- P/06/0491 - Erection of 2.4m high palisade fencing to enclose rear and side of premises – Granted December 2006
- P/05/0650 - Reconstruction of rear annex – Granted January 2006
- P/04/0599 - Construction of retail and stores extension to builder's store—Granted April 2005

CONSULTATION

Environmental Health Manager – No objection subject to conditions

Head of Engineering and Highways – No objection subject to conditions

Ecology Officer – No objection subject to conditions

Welsh Water – No objection subject to conditions

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TAN to this application is as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes
Policy SW2 – Provision of Affordable Housing
Policy SW3 – Sustainably Distributing New Homes
Policy SW4 – Settlement boundaries
Policy SW9 – Planning Obligations
Policy SW11 – Sustainable Design and Placemaking
Policy SW12 – Improving the Transport Network
Policy SW13 – Protecting and Improving Local Community Facilities
Policy CW1 - 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) Note No. 3 – Shopfront Design
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The key considerations in the determination of this application relate to the principle of development, visual amenity and impact on the conservation area / historic assets, neighbouring amenity, highways and access, drainage and ecology.

Principle of Development

The application site is located within the settlement boundary and is also located within an Other Growth Area (policies SW1 and SW3) where development will be allowed subject to the proposals compatibility with other plan policies and material considerations. Policy EcW3 favours Merthyr Tydfil Town Centre for retail, leisure and other complimentary development but the retail hierarchy then favours local centres, including Treharris where new and enhanced retail will be permitted where they improve the vitality and viability of the centre concerned.

The proposal for the erection of a retail unit at ground floor with residential accommodation above can therefore be supported in principle as an acceptable use in this location.

Visual Amenity and Impact on Conservation Area / Historic Assets

The application site is located within the Treharris Conservation Area and in proximity of Treharris Public Library, a Grade II listed building. Policy CW1 refers to the historic environment and states that development proposals will only be permitted where it can be demonstrated they would preserve or enhance the architectural quality, character or the historic cultural importance of designated historic environmental assets. The supporting text for policy CW1 states that the plan seeks to ensure that the conservation of the whole historic environment is taken into consideration in the determination of applications, although this will include consideration of the setting of an historic asset which might extend beyond its curtilage, it does not preclude carefully considered contemporary design.

The Treharris Conservation Character Area Appraisal was adopted in June 2009, and although it predates the adopted LDP, it is a material consideration. It provides a detailed analysis of the conservation area and the characteristics that contribute to its special historic and architectural interests including the location in the heart of the South Wales coalfield, the mountainside setting, a planned 19th century 'model' industrial settlement and high-quality townscape resulting from 19th century planning. It refers to this site as one of the key issues in the conservation area as a vacant and derelict site. To date whilst there have been previous approvals of planning permission, the site remains undeveloped which means that the site continues to have a negative impact on the character and appearance of the conservation area.

Policy SW11 requires development to contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate new development will be required to, amongst other things, 1) be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density and 2) integrate effectively with adjacent spaces, the public realm and historic environment to enhance the general street scene and create good quality townscape.

The full design of the scheme can be seen on the accompanying drawings but briefly the proposed building largely fills the plot, with a strip of land, that will form a subsequent landscaping reserved matter application, adjacent to the access to the car park. It is two storey (with accommodation in the roof space) on the street front elevation and three storey on the car park elevation due to the topography of the site which slopes down from west to east. At ground floor (street elevation) is a largely glazed shopfront which wraps around the northern corner of the building, with an atm, security door and entrance door to the flats all on the main street elevation. On the upper floors to the front and all rear elevations the pattern of windows has been designed to match the existing street scene being evenly spaced and of similar proportions. A pitched roof is proposed with 3 no. rooflights on the front elevation, 3 no. on the side elevation and 1 no. on the rear elevation.

The most recent application approved a single storey building, slightly at odds with the street scene and on balance considered to have a neutral impact on the conservation area. The current proposal is considered to integrate well into the existing street scene and through its scale, massing and design it largely follows the existing pattern of development. Furthermore, it is considered that the redevelopment of this vacant site will enhance the character and appearance of the Treharris Conservation Area.

The listed Treharris Library Building to the north is an important building within the Conservation Area and the impact on the special character of the building needs to be assessed. It is considered that the development site is sufficiently separated from the application site with the intervening car park entrance and small strip of soft landscaping (detail to be submitted as a reserved matter) providing a visual break between the site and the listed building.

The proposed materials are detailed on the drawings and above in the proposal section. Whilst the proposals include the use of upvc windows/doors, fascias and rainwater goods the colour choice of light grey (RAL 7042) helps to soften their appearance and coupled with the use of smooth painted render and blue/black roof tiles are appropriate and reflect a new commercial and residential scheme. The front, rear and side roofscape includes rooflights, a condition has been added to ensure that these are designed as flush with the roof slope with details to be submitted.

Overall the development is considered to be of an acceptable design and appearance and results in the redevelopment of a vacant site identified as an issue with the conservation area. The proposal is therefore considered to be in accordance with policies SW11 criterion 1 and 2 and policy CW1.

Neighbouring amenity

Policy SW11 requires development to contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate new development will be required to, amongst other things, 3) not result in unacceptable impact on local amenity, loss of light or privacy or visual impact and incorporate a good standard of landscape design.

The site is partially located within the Treharris Local Centre, reflecting its proximity to a mix of residential, commercial and community uses. There is only one immediate neighbouring building, which is in commercial use. The proposed ground floor retail use with residential above does not raise any concerns with regards unacceptable impacts and the development is considered to be in accordance with policy SW11 criterion 3.

Highways and Access

Policy SW11 criterion 5 requires new development to allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards.

Primary access to the proposed retail unit and residential units will be off Perrott Street, in the same manner as the existing properties on the street. Secondary access to the proposed service yard and storage area is proposed from the existing car park area at the rear of the property. The secondary access at the rear would require an amendment to the existing car parking spaces within the car park; the submitted plans include an amended car parking arrangement with a net gain of 1 space.

The proposal also seeks to extend the existing on-street limited parking on Perrott Street to the front of the development. The developer would be required to enter into a S278 Highway agreement with the Council to undertake the proposed works within the existing highway. In addition, the existing Traffic Regulation Order (TRO) would need to be

amended accordingly. These will be dealt with separately from planning via the Highway Authority. With regards access Engineering and Highways are satisfied with the proposal subject to the developer entering into the necessary S278 agreement / TRO amendments.

With regards to parking, the proposed development has a total requirement (in accordance with the Wales Parking Standards 2008) of 2 commercial spaces and 14 car parking spaces. Sufficient spaces can be made available within the existing car park amending the existing layout and also in agreement with MTCBC Estates Department. Whilst at the time of the application the agreement is not in place, a suitably worded condition to ensure that the car parking is made available prior to occupation and retained in perpetuity has been added.

The proposed development is considered to be in accordance with policy SW11 criterion 5 subject to compliance with the condition to ensure that the parking spaces are secured and implemented for the use of the occupants.

Drainage

Policy SW11 criterion 9 requires new development to provide and protect relevant utility services and infrastructure without causing unacceptable environmental impacts. This is supported further by policy EnW4 which requires development to demonstrate that it will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment.

The application indicates that foul flows from the development are to be disposed of via the public sewerage system and surface water is set to be drained via a sustainable drainage system, which will be the subject of a separate consent.

Welsh Water has no objection to the principle of foul flows discharging to the public sewer, but request a condition requiring a drainage scheme for the disposal of foul water to be submitted for approval before development commences.

Welsh Water also advises that the site is crossed by a public sewer and that no operational development shall be carried out within 3 metres either side of the centreline of the public sewers. The applicant has already confirmed that they are liaising directly with Welsh Water regarding this. The advisory note has been added as requested by Welsh Water.

The development is considered to be in accordance with policy SW11 criterion 9 and policy EnW4 subject to the submission of further details, as required by condition, and following the advice of Welsh Water.

Ecology

Policy EnW1 requires development proposal to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests.

The application has been supported by a Preliminary Ecological Appraisal which concluded that the site contains poor quality habitats due in part to the recent nature of the habitats on site, the urban location and the isolated nature of the site. The site has been

vacant for number of years and the habitats reflect the opportunistic species that often inundate such sites and are only ever short term temporary habitats.

The site has been assessed as being of low ecological value due to the lack of suitable habitats and the limited ability of the site to hold protected species. The conclusion is that that the development of the site will not impact upon protected or priority species or habitats either directly or indirectly and the findings are supported by the Planning Ecologist.

The report recommends a number of biodiversity enhancements including 2 no. bird boxes, 2 no. bat boxes and 2 no. insect hotels / bug boxes. A condition has been added to require the detail of these enhancements prior to the commencement of development.

The in light of the above the development is considered to be in accordance with policy EnW1.

Conclusion

For the reasons set out above, the proposed development is considered acceptable in that it will provide retail development in the existing local centre and residential development within the settlement boundary. The development has been designed to integrate well with in the street scene and will enhance the character and appearance of the conservation area by redeveloping an identified vacant / derelict site.

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.

RECOMMENDATION: BE APPROVED subject to the following CONDITIONS

1. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. The development shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan - Drawing no. A001
- Proposed Site Plan - Drawing no. A003 Rev A
- Proposed Lower Ground Floor Plan - Drawing no. A004 Rev C
- Proposed Upper Ground Floor Plan - Drawing no. A005 Rev D
- Proposed First Floor Plan - Drawing no. A006 Rev C
- Proposed Second Floor Plan - Drawing no. A007 Rev C
- Proposed Roof Plan - Drawing no. A008 Rev E
- Proposed Elevations - Drawing no. A009 Rev G
- Preliminary Ecological Assessment - Land adjacent to 8-9 Perrott Street, Treharris (Alder Ecology Ltd, 12 September 2023)

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

5. **No development shall commence** until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with LDP Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to any construction works commencing** on the development hereby approved full details / samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **Prior to the occupation of the residential units**, the parking spaces indicated on drawing No. A003 Rev A titled 'Proposed Site Plan' shall be provided on site and shall remain available for their designated use in perpetuity.

Reason - To ensure vehicles are parked off the public highway, in the interests of highway safety and the free flow of traffic and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. All rooflights hereby permitted shall be conservation style rooflights set as flush as practicable within the roof slope.

Reason - To ensure the development preserves the character and appearance of the conservation area in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified then all development works should be stopped immediately, the Local Planning Authority and the Environmental Health Department contacted within 2 working days and a scheme to investigate the risks and any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

Reason - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 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 Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The applicant / developer should contact the Council's Engineering and Traffic section on EngineeringandTraffic@merthyr.gov.uk regarding the required S278 agreement and amendment of the existing TRO.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

4. This grant of planning permission does not convey consent for the display of any advertisement on the application site.
5. The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority,

as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

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

The planning permission hereby granted does not extend any rights to carry out any works permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

No problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

We anticipate this development will require the installation of a new single water connection to serve the new premise. Capacity is available in the water supply system to accommodate the development. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under

Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website.

6. Please refer to the advice in the letter received from South Wales Fire Service dated 6 July 2023.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 09.11.2023