

DELEGATED REPORT

Application No:	P/21/0295
Site Address:	27 & 28 Victoria Street Merthyr Tydfil CF47 8BW
Development:	Replacement of concrete tiled roof with a new fibre cement slate roof. Works to include replacement vertical cladding on pine end fascia/sofits
Case Officer:	Rebecca Owens
Site Visit:	26th August 2021
Application Expiry Date:	11th August 2022
Consultation reply date expired:	16th September 2021

APPLICATION SITE

The application relates to two commercial properties within the Merthyr Tydfil town centre and thus located in the settlement boundary. The site also falls within the town centre conservation area and a C2 Flood Zone.

PROPOSED DEVELOPMENT

Full planning permission is sought for the replacement of the existing concrete tiles which cover the main roof of 27 Victoria Street and the pitched roof of its rear annexe. The replacement tiles would be fibre cement slates, specifically Cembrit Westerland in blue/black. It is also proposed to replace the fascias/soffits and guttering/downpipes in upvc black.

In addition, permission is sought to replace the vertical cladding on the pine end of the adjacent property of 28 Victoria Street which projects above the roof of 27 Victoria Street. The replacement cladding would comprise of Cembrit Jutland fibre cement slates (600x300) a in graphite colour.

PLANNING HISTORY

Whilst there is some recent planning history relating to the application site, none of these are relevant to the determination of this application.

CONSULTATION

No consultation exercise was considered necessary in this instance. However, the Planning Division's Ecologist requested the submission of a Preliminary Roost Appraisal

for bats and nesting birds. An ecological report was subsequently submitted and the Ecologist has raised no objections to the proposal subject to enhancements.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring 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 Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

Policy SW11: Sustainable design and place making of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW11: Sustainable design and Placemaking
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EcW3: Retail Hierarchy – Supporting Retailing Provision
- EcW5: Town and Local Centre Development

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary and as such the principle of the development is acceptable subject to other relevant policies and material planning considerations.

Whilst the application site is located with the town centre area where policies EcW3 and EcW5 of the LDP apply, the proposal does not involve any change of use or provision of any new or enhanced retail, leisure or other complementary provision. As such the development would not be in conflict with these policies.

Similarly, whilst the application site is also located within a C2 Flood Zone, due to the scale and nature of the works proposed a Flood Consequence Assessment would not be necessary and the impact of the works would be negligible. As such, no objections are raised in this respect.

Design and Visual amenity

The application site is located within the Town Centre Conservation Area and Urban Character Area 1 (Town Centre: High Street and Pontmorlais). As such, Policy CW1 of the LDP is an important consideration. This policy states that proposals will only be permitted where they preserve or enhance the architectural quality, character or the historic or cultural importance of designated historic environment assets. Whilst this proposal would not replace the roofs with a natural slate, the composite slate (which is deemed to be of an acceptable quality) would be more sympathetic than the existing concrete roofs. Similarly, the replacement of the existing hanging tiles to the adjacent gable (which currently comprises of fibre cement tiles which are mainly light grey with a patch of darker grey tiles) with tiles of the same material but in a uniform dark grey colour to match the new roof would also be more aesthetically pleasing without harming the character of the conservation area. Thus, the proposal is generally deemed to be acceptable in terms of its visual impact and impact on the character of the conservation area and urban character area. It would therefore comply with policies SW11 and CW1 of the LDP.

Residential Amenity

Given the nature of the works proposed, which only relate to the replacement of roofing and hanging tiles, and no other works to the roofs or building, there would be no additional impact on residential amenity and the proposal would comply with Policy SW11 in this respect. It is also noted that no representations were received following the publicity exercise.

Ecology

As indicated above, a report was submitted following an inspection of the site for bats and birds. This states that no bats or evidence of bats or breeding birds were found at the property and has concluded that the building has low potential for roosting bats. The Ecologist is satisfied with this and has raised no objections to the proposal subject to enhancements which can be satisfactorily conditioned as part of any planning permission issued.

Conclusion

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

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: Perspective illustration. Drawing Number: A3. Received on 17 August 2021 and amended as per emails dated 18 January 2022 and 7 March 2022

Initial Bat Inspection Survey, Issue 1, Version B. Produced by BE Ecological Ltd (dated November 2021) and received on 16 June 2022

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

3. **WITHIN 1 MONTH** of the re-roofing work hereby approved being completed, The bat and bird boxes proposed in the Initial Bat Inspection Survey produced by BE Ecological Ltd (dated November 2021) shall be erected in accordance with plans/photographs indicating their exact locations which shall first be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be retained in perpetuity thereafter.

Reason - To protect biodiversity in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. 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.

2. 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.

3. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property; or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:



