

DELEGATED REPORT

Application No:	P/25/0092
Site Address:	Brynhyfryd Chapel Thomas Street Treharris CF46 5AA
Development:	Variation of condition 2 of planning permission P/22/0326 to allow a variation in the approved boundary delineation of the site
Case Officer:	Mr Gareth Davies
Site Visit:	11th April 2025
Application Expiry Date:	11th July 2025
Consultation reply date expired:	22nd May 2025

APPLICATION SITE

This application relates to the former Brynhyfryd Chapel located within a predominantly residential area on Thomas Street Treharris, along with an additional parcel of land to the south. There are a number of commercial properties in the vicinity of the site located primarily along Perrott Street to the North.

The property fronts on to Thomas Street which serves the site to the west, with a small forecourt separating the building from the highway. To the north and east of the chapel the site is bounded by adjoining residential property with a strip of vacant land along the southern boundary of the site. Beyond that strip of land is a small parcel of land which is also included as part of the application site and is accessed independently of the chapel from Thomas Street.

The Former Brynhyfryd Chapel lies within the Treharris Conservation Area and is designated a building of local importance, and can be seen on town centre plans predating 1900. The chapel is of a classical design and retains much of its original architectural merit, although it is not afforded any statutory protection. The site has been vacant for some time and is overgrown, the element that would become the parking area has also been the subject of recent fly tipping.

The chapel sits above the adjacent highway to the west with the general topography of the area sloping downwards from north to south.

PROPOSED DEVELOPMENT

This is an application under Section 73 of the Town & Country Planning Act 1990 to vary condition 2 of planning permission P/22/0326. The condition as it stands reads as follows:

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

- Location and Block Plan (Drawing no. SD481 02)
- Proposed Layouts (Drawing no. SD481 05C)
- Proposed Elevations (Drawing no. SD481 06B)
- Bat Survey Version 2.0 Date April 2023 Ecological Services Ltd.
- Bat and Nesting Bird Friendly Working Methodology Version 2.0 Date: April 2023 Ecological Services Ltd.

It is proposed to reword condition 2 as follows:

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

- Location (Drawing no. SD982 VAR 01)
- Block plan (Drawing no. SD982 VAR 02) with WDQR notes
- Proposed Layouts (Drawing no. SD481 05C)
- Proposed Elevations (Drawing no. SD481 06B)
- Bat Survey Version 2.0 Date April 2023 Ecological Services Ltd.
- Bat and Nesting Bird Friendly Working Methodology Version 2.0 Date: April 2023 Ecological Services Ltd.

The application has been submitted as a result of a minor error in the drafting of the original planning application P/23/0326, and associated parking area in that the submit red line boundary of the chapel did not accurately reflect the extent of its ownership which was smaller. The red line boundary as submitted under this application aims to address that matter.

PLANNING HISTORY

P/22/0326 – Conversion of chapel to 8 flats with associated refurbishment works demolition of rear vestry annexe and creation of dedicated parking area – Approved 21st November 2023

P/11/0189 – Conversion of former chapel to accommodate 6 apartments including the demolition of the rear vestry annexe and other associated external works. – Refused 31st October 2012.

P/07/0169 – Conversion of chapel to a dwelling (including alterations to the building). – Approved 18th Ma7 2007

P/04/0193 – Change of use to single residential unit. – Approved 16th June 2004.

CONSULTATION

Head of Engineering and Highways – No objections

PUBLICITY

In accordance with the Town & Country Planning (General Development Procedure)(Wales) Orde 2012, letters were sent to neighbouring properties on 9th April 2025 and site notices were displayed in the vicinity of the site on 11th April 2025.

As a result of the publicity exercise there have been two submissions from one individual not objecting to the proposal itself but expressing concern that the access to the rear of Thornwood Place would not be obstructed or blocked as a result of the development.

POLICY CONTEXT

National Policy

Future Wales (FW) – The National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including and sustaining vibrant economy, achieving de carbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities. FW provides guidance on matters relevant to the application including but not limited to:

- Policy 1: Where Wales will grow.
- Policy 2: Shaping Urban Growth and Regeneration - Strategic Placemaking
- Policy 7: Delivering Affordable Homes.
- Policy 33: National Growth Areas – Cardiff Newport and the Valleys.

Planning Policy Wales (PPW) Edition 12 (February 2024) sets out the land use policies for the Welsh Government. PPW provides guidance on matters relevant to the application including:

- Placemaking.
- Strategic Placemaking
- Activities in places
- Distinctive and Natural Places

Chapter 3 of PPW 12 amongst other things sets out the principles of good design in new developments which should take into account its relationship with the surrounding context.

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

TAN 12 Design – advises that the Welsh 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 CW1 – Historic Environment
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection.

Supplementary Planning Guidance

- SPG Note 1: Affordable Housing (March 2012)
- SPG Note 3: Sustainable Design (July 2013)

PLANNING CONSIDERATIONS

The applicants have applied under Section 73 of the Town & Country Planning Act 1990 to amend condition 2 of planning permission P/22/0326. The condition in question relates to the approved plans and this application is attempting to address the issue described above. In these circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there have been any changes in policy or any other material circumstance that might affect the proposal. If the application is successful it will result in the grant of a new planning permission.

The Local Planning Authority may grant planning permission subject to conditions differing from those to which the original permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

The key consideration in the determination of this application is that planning policy remains supportive of the proposed development within the terms laid down by national planning policy and the adopted Merthyr Tydfil County Borough Council Replacement Local Development Plan (RLDP). Considerations in respect of the RLDP remain as they were when planning permission for the development of the site was first approved. At the national level planning policy has been updated with the introduction of Planning Policy Wales (PPW) 12 in February 2024. The key objective of PPW remains though to support sustainable development through placemaking and the proposed development sits well with the key themes that achieve this.

In addition to the application forms the current application is accompanied by updated plans and the supporting documentation provided for the original planning application.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can:

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements.

Having regard to the policy context support for the proposed development remains. Issues relating to the following were all fully considered under the original planning application: -

- Design and heritage
- Neighbouring and residential amenity.
- Highways and access
- Drainage.
- Ecology and biodiversity
- Loss of open space
- Loss of community use.

Regarding these material considerations matters remain unaltered in relation to the minor alteration to the red line boundary of the application site. Subject to conditions there would be no reason for raising any of the above issues against the new proposals.

Policy SW9 would normally require the provision of a financial contribution towards the provision of affordable housing as the proposed development would provide between 5 and 9 new dwellings. In this instance as with the original application, the applicants have provided a viability assessment that demonstrates the proposals would not be viable if such a charge was made. Community Infrastructure Levy is not chargeable in this part of the County Borough.

Under consultation it should be noted that a local resident has expressed concern over the potential impact of the proposed development on maintaining access to properties on Thornwood Place. Whilst residents might experience some disruption to access in the course of developing the proposed car parking area, there is nothing in the proposals to suggest that there would be any permanent obstruction. Indeed, the Highways and Engineering Manager has not raised any concerns in respect of the current submission and did not object to the original planning application.

CONCLUSIONS

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 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 in 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.

In conclusion the principle of residential development remains acceptable in the context of the adopted Local Development Plan. Since the original approval of the scheme at the national level policy circumstances have changed with the introduction of Planning Policy Wales 12, however, when considered in the round it would still favour the development of the site.

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:

- Site Plan (Drawing no. SD982 VAR 01)
- Block plan (Drawing no. SD982 VAR 02)
- Proposed Layouts (Drawing no. SD481 05D)
- Proposed Elevations (Drawing no. SD481 06B)
- Bat Survey Version 2.0 Date April 2023 Ecological Services Ltd.
- Bat and Nesting Bird Friendly Working Methodology Version 2.0 Dated, April 2023 Ecological Services Ltd.

Reason - To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.

3. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason - As the building is of architectural and cultural significance the specified records are required to mitigate the impact of development and to comply with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. No building or use hereby permitted shall be occupied until the parking area (and turning space) shown on the approved plans has been completed and thereafter the area shall be kept free of obstruction and available for the parking of vehicles associated with the development. The parking area must be properly consolidated and surfaced (not loose stone, gravel or grasscrete) in accordance with details to be submitted to and agreed in writing by the Local Planning Authority and subsequently always maintained in accordance with the approved details for the lifetime of the development.

Reason - To ensure that there are adequate parking facilities to serve the development, constructed to an acceptable standard and to protect the character and appearance of

the conservation area in compliance with policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. No building or use hereby permitted shall be occupied until the windows on the north (lower side) elevation have been fitted with obscured glazing to level 3 or above on the Pilkington privacy levels, details of which shall first be submitted to and agreed in writing by the Local Planning Authority, and any part of the windows that is less than 1.7m above internal floor level of the room in which it is installed shall be non-opening. The windows shall be permanently maintained in that condition thereafter.

Reason - In the interests of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. No building or use hereby permitted shall be occupied until a plan indicating the position, height, design materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed and retained in accordance with the approved details, and must take account of Section 10 "Proposed Mitigation" of Bat Survey Version 2.0 dated April 2023: Ecological Services Ltd.

Reason - To ensure that the new development will be visually attractive and in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. No building or use hereby permitted shall be occupied until the proposed ecological mitigation for bats and birds as detailed in Section 10 "Proposed Mitigation" of Bat Survey 2.0 Date April 2023: Ecological Services Ltd, and as shown on the approved drawings has been fully implemented.

Reason - To protect the natural environment in accordance with Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. The stone pillars, railings and gates to the front of the building shall be retained at all times.

Reason - In the interests of visual amenity and to protect the architectural integrity of the building which is important in the conservation area in compliance with Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Local Development Plan.

9. No surface water from any increase in the roof area of the building / or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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 compliance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council 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 not at all on Sundays or Public Holidays.

Reason - In the interests of local amenity and to avoid statutory nuisance and in compliance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'D. Jones', is written over a horizontal line.

Director of Neighbourhood Services

DATE: 09.06.2025