

DELEGATED REPORT

Application No:	P/23/0081
Site Address:	Church Hall Church Street Penydarren Merthyr Tydfil CF47 9HS
Development:	Change of use to a dwelling with associated works including demolition of side annexe and erection of side extension, insertion of new windows and roof lights, installation of flue to rear, creation of parking area, re-profiling and erection of retaining wall and fencing
Case Officer:	Rebecca Owens
Site Visit:	20th April 2023
Application Expiry Date:	17th November 2023
Consultation reply date expired:	27th April 2023

APPLICATION SITE

The application relates to a detached building which was formerly a church hall. It is located within a mainly residential area in the settlement boundary, with a terrace of dwellings opposite and dwellings bounding each of the side boundaries. To the front of the site is the highway known as Church Street and to the rear is a parcel of undeveloped land.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the property to a four bedroom dwelling. This would involve the demolition of a side annexe and the erection of a side extension. The proposed extension would be set back from the main front elevation by 5.69m. It would be 2.48m in width by 5.12m in depth and would have a mono pitched roof with a ridge height of 3.9m

Other works include:

- The replacement of the timber windows and doors within the front elevation with upvc alternative. As the proposed windows would not be as tall as the existing window openings it is proposed that the upper sections would comprise of a set back, brick infill.
- In the eastern side elevation an existing doorway would be blocked up. Two of the windows would be replaced with shorter windows and the upper sections would

therefore have brick infills. A third window in the elevation would be removed entirely and a new window opening created.

- A window would also be provided in the main western side elevation in the opening of a previously internal doorway.
- Two new window would be inserted into the rear elevation
- The installation of flue to rear which would terminate 0.28m above the ridge of the main roof.
- Twelve roof lights would be inserted into the main roof (six in each roof plane)
- The land to the west of the building would be reprofiled and increased significantly to create a flat car parking area (for two vehicles) and side garden. As such a retaining wall is required to the rear of the side which would be 2.3m high. A new fence would be erected above this and along the western boundary which would be 2.1m high.
- New boundary wall directly to the south of the rear elevation of the building is also proposed which would be 1.05m high.
- New steps are proposed adjacent to the eastern elevation providing access to the lower ground level.
- New fencing is also proposed along the eastern boundary which would be 1.8m high.

PLANNING HISTORY

The relevant planning history is detailed below:

P/17/0164	Erection of two pairs of semi-detached dwellings Granted planning permission subject to conditions on 15 September 2017
P/16/0219	Non material amendment to planning permission P/14/0286 to construct a ramped access to the side of the dwelling on plot 2 Approved on 3 August 2016
P/14/0286	Erection of three pairs of semi-detached dwellings Granted planning permission subject to conditions on 14 January 2015
P/12/0122	Residential Development (6 No. dwellings) Granted outlined planning permission subject to conditions on 9 November 2012
P/07/0176	Residential Development Granted outlined planning permission subject to conditions on 15 June 2007

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering and Highways	No objection subject to conditions
Policy Officer	No objection
Ecology Officer	No objection subject to conditions
Environmental Health Manager	No objection subject to conditions

The Coal Authority

No objection

Dwr Cymru Welsh Water

No objection subject to condition

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two site notices were 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

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
- SW12: Improving the Transport Network
- SW13 Protecting and Improving Local Community Facilities
- CW1 Historic Environment
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection

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

- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the primary growth area of the settlement boundary (Policy SW4) and as such the principle of the proposal is acceptable subject to compliance with other relevant policies and material planning considerations.

In this respect it is noted that the proposal would result in the loss of a former church hall. Policy SW13 seeks to protect and support the enhancement of the County Borough's existing community facilities, which include places of worship. This policy states that development proposals which would result in a loss of an existing community facility would only be permitted where:

- Alternative provision of at least equivalent value to the local community can be provided nearby, or
- It can be demonstrated that existing provision is inappropriate or surplus to the need of the community and is no longer required, or
- It can be demonstrated there is no longer a viable community use for the facility.

Given the length of time that the property has been empty it is considered that the above criteria has been met and thus the proposal would not be contrary to Policy SW13 of the LDP.

Design and visual amenity

The application site is located in a residential street characterised by mainly traditional terraced dwellings interspersed by a small number of more modern semi-detached houses. As such the church hall represents a unique feature contrasting with the uniformity of the other properties. Thus whilst the removal of the large side annexe would result in a notable alteration and would significantly reduce the overall mass of the property, the main hall would remain and it is not considered that this alteration would impinge on the character of the area. Similarly, the proposed side extension is found to be of an acceptable design and scale which would represent a subservient and sympathetic addition. Whilst no other major structural alterations are proposed to the external building, a number of smaller adaptations are proposed which include the insertion of roof lights and changes to the scale and appearance of the windows. These are also found to be visually acceptable. Accordingly, it is not considered that the proposal would be harmful to the character or visual amenities of the area which it is noted lies within the Penydarren Urban Character Area (UCA 7). Thus, it would not contravene Policies SW11 or CW1 of the LDP.

Residential amenity

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring properties and in this respect it is noted that the site is bound by dwellings on either side. The main church hall building is located in close proximity to the north eastern boundary which is shared with 83 Church Street. The only alterations to the building on this side would be the removal of an entrance door, the replacement of two windows with shorter windows and the relocation of a third window. The three windows would serve the kitchen, utility room and lounge on the ground floor of the property. The two windows reduced in height would be directly alongside the main flank elevation of 83 Church street where there are no windows and views from these would also be largely obscured by the boundary fence. However, the third window which would serve the lounge may allow for angled views up towards the first floor windows in this neighbouring dwelling. It is therefore suggested that this window is conditioned so it is obscurely glazed and restricted to opening only 1.7m above floor level. Thus removing the potential for a loss of privacy. In addition, the steps which are also proposed adjacent to the boundary, would not result in any significant impact on residential amenity.

To the other side of the site, adjacent to 96 Church Street, it is proposed to demolish an existing side annexe and raise the level of the land with associated retaining works and fencing hard on the boundary. At its highest point (the southern corner of the site) this would have an overall height of 4.4m. This would be a significant height above the lower garden level of 96 Church Street and it is recognised that it could have an oppressive and overbearing impact. However, this should be compared to the existing impact of the annexe which although not hard on the boundary, is only back by approximately 1m (at its furthest point) and which has an eaves height of 5.6m. Having regard to this existing arrangement and noting that no objections have been received following the publicity exercise, the impact of this element of the scheme is on balance deemed not to be harmful enough to warrant the refusal of the application.

A new extension is also proposed to the south western elevation of the church hall but given its distance from the boundary and modest size it is not considered that it would have any detrimental impact. Similarly, whilst a window would be inserted into the south western elevation of the main building, given its distance from the boundary, which would have a fence along it, it is not considered that it would give rise to any unacceptable overlooking.

Thus having regard to the above and noting the lack of any objections following the publicity exercise, the proposal is found to be acceptable in terms of residential amenity and thus would comply with Policy SW11 of the LDP.

Parking and highway safety

Access to the dwelling would be achieved directly off Church Street and the Head of Engineering and Highways is satisfied with this arrangement. It is noted that the proposal is for a five bedroom dwelling with two off street parking spaces to serve the occupants. However, the Head of Engineering and Highways has raised concern with respect to this provision indicating that a dwelling of this size should have three car parking spaces. Whilst this has been acknowledged, given *the relatively sustainable location of the dwelling and the clear shift in national planning policy*, with an emphasis placed on reducing the reliance on private cars, *it is considered that two parking spaces are sufficient to meet the needs of this dwelling.*

Ecology

A bat survey has been submitted with the application. This indicates that the building is at least of moderate potential for roosting bats but no bat roosts were identified. The building is however being used by pigeons. The Local Planning Authority's Ecologist is satisfied with the results of the report and the recommendations contained within it. As such he has not raised any objection to the proposal subject to the works being carried out in accordance with the recommendations.

Land stability

The application site is located in an area which is at high risk from past coal mining activities. It is noted that a Coal Mining Risk Assessment has not been submitted with this application but having regard to the nature of the proposal the Coal Authority does not consider that it would be proportionate to requested one in this particular instance and have not objected to the application.

Planning obligations

Policy SW9 relates to planning obligations but as this proposal is for a single dwelling in-site provision of affordable housing or open spaces would not be sought nor would a financial contribution towards affordable housing.

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:**

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: Proposed Plans, Drawing Number: CS-03 Rev. B, Received on 20 July 2023.

Drawing Title: Proposed Elevations, Drawing Number: CS-04 Rev. E, Amended plan received on 28 September 2023.

Drawing Title: Proposed Site Plan, Drawing Number: CS-06 Rev. A, Received on 20 July 2023.

Drawing Title: Proposed Sections, Drawing Number: CS-08 Rev. A, Received on 20 July 2023.

Bat Survey - Issue 1, Version B, September 2023, produced by BE Ecological Ltd, received 28 September 2023

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

3. **BEFORE** the dwelling hereby permitted is occupied, the lounge window in the north eastern facing side elevation shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The window shall be permanently retained in that condition thereafter.

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

4. Prior to the construction of the extension hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the extension 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.

5. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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.

7. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 9:00 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.

8. **BEFORE** the dwelling hereby approved is occupied, bat and bird boxes shall be erected in accordance with the bat survey and drawing number CS-04 Rev. 4 and shall be retained in perpetuity thereafter.

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

9. Prior to the occupation of the dwelling hereby approved the boundary treatments indicated on drawing numbers CS-03 Rev. B, CS-04 Rev. E and CS-06 Rev. A shall be erected and shall be retained in perpetuity.

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

10. Notwithstanding the provisions of schedule 2, part 1, class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. Notwithstanding the provisions of the Schedule 2, Part 1, Classes B & C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no **enlargements of the dwellinghouse consisting of an addition or alteration to its roof or other alterations to the roof of the dwellinghouse** shall be erected/implemented without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason - Having regard to the restricted nature of the site and the need to assess the potential effect of any future extensions on the residential amenity of occupiers of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. Notwithstanding the provisions of schedule 2, part 1, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alterations to the dwelling shall be undertaken other than those expressly authorised by this permission.

Reason - In the interest of visual and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. 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.

3. 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.

4. 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.

5. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

6. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought

to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and minewater. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

7. The developers attention is drawn to the comments and advice received from Welsh Water during the application process.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 02.10.2023