

DELEGATED REPORT

Application No:	P/23/0102
Site Address:	35 Fox Street Treharris CF46 5HE
Development:	Conservation Area Consent for demolition of outbuilding at the rear of the premises
Case Officer:	Marlene Ferreira
Site Visit:	9th May 2023
Application Expiry Date:	20th September 2023
Consultation reply date expired:	1st June 2023

APPLICATION SITE

The application site relates to an existing outbuilding located at the rear of 35 Fox Street, an end of terrace premises occupied by Co-op convenience store. The outbuilding runs east to southwest and is accessed off a small yard area with two other outbuildings/garages, one located to southeast and east. The outbuilding and garages can be accessed by a private vehicular access road off Fox Street. The outbuilding is vacant and appears in a state of disrepair.

PROPOSED DEVELOPMENT

This application seeks conservation area consent for the demolition of the outbuilding. The outbuilding is constructed in a mix of stone and brick with timber trusses and a slate roof. Double timber doors provide access into the building, whilst other openings have been blocked up with brick.

The outbuilding is proposed to be demolished in its entirety, however, its hardstanding will remain and continue to be used by Co-op for the storage of empty cages, which are currently stored in the access road to the side of the premises.

The application has been accompanied by:

- Historic Impact Assessment
- Brief structural survey
- Bat report

PLANNING HISTORY

There is no recent or relevant planning history in respect of this application site.

CONSULTATION

None

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a notice was displayed in the vicinity of the site, and a notice was published in the local press.

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policy

- Planning Policy Wales

Paragraph 6.16, 6.17 and 6.19 discusses the Welsh Government's objectives for the historic environment and states that these seek to *protect the Outstanding Universal Value of the World Heritage Sites; conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy; safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved; preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous... It is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way... Any decisions made through the planning system must fully consider the impact on the historic environment¹⁰² and on the significance and heritage values of individual historic assets and their contribution to the character of place.*

- Technical Advice Notes

- TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that '*...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...*

Paragraph 4.3.4 states that '*...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...*'

- TAN 24: The Historic Environment (2014)

Paragraph 6 specifically refers to demolition of buildings in a conservation area.

6.12 and 6.13 state that '*...Applications for consent to demolish must be made to the local planning authority. Applications for Conservation Area Consent will require a heritage impact statement, which should explain why demolition is desirable or necessary alongside a broader assessment of the impact of the proposals on the character or appearance of the area...There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition...*'

Local Planning Policies

The Merthyr Tydfil Replacement Local Development Plan 2016-2031

LDP Policy SW11 – Sustainable Design and Placemaking

LDP Policy CW1 – Historic Environment

LDP Policy EnW1 – Nature Conservation and Ecosystem Resilience

- Supplementary Planning Guidance (SPG's)

SPG Note 5 – Nature and Development (2015)

- Other Guidance

Treharris Conservation Area Character Appraisal (2009)

The conservation area appraisal notes that 35 Fox Street is a key building.

PLANNING CONSIDERATIONS

The primary issues to consider in the assessment of this application relate to whether the proposed demolition of the outbuilding would preserve or enhance the character and appearance of the Treharris Conservation Area. The impact of the development upon ecology is also an important consideration.

Conservation Area Impact

The outbuilding, as noted above, is located to the rear of the premises. Its discrete siting, means that it is not visible within the streetscene and as such, makes no contribution to the character and appearance of the area when viewed from Fox Street. Indeed, the Treharris Conservation Area Appraisal refers to 35 Fox Street as a key building in the conservation area, however, this refers to the premises only and no reference is made to the outbuilding located to the rear. It is therefore reasonable to conclude that this outbuilding is not a key building within the conservation area. In respect of the condition of the building, it appears to be in a poor state of repair. A structural survey submitted in support of the application has assessed its condition and concluded that *'...the outbuilding to the rear of the store is in a dilapidated state and there should be no access to the building which is in a dangerous condition. The roof is damaged beyond repair and the masonry walls are bowed and could become unsafe if the roof structure collapses. The building should be demolished as a matter of urgency...'* Nevertheless, it is important to assess whether the building, in respect of its construction and appearance possesses any architectural or historic interest.

The Historic Impact Assessment submitted in support of the application has considered the significance of the building in respect of its archaeological, historical and architectural interest. In respect of its archaeological interest the document states that *'...the outbuilding first appears on the 1901 OS map suggesting it was built in conjunction with Treharris as a model industrial village in a rural setting. There are finds from the HER within 1km of some evidence of the bronze age to the east and north of the area and Roman period to the east region, but no finds on or adjacent to the site. Though the site is historically near to a former transport line and apparent access to the line leading to the colliery, there are no older settlements or suggested buildings evident prior to its origin. Given the rapid transformation of Treharris at the turn of the century, and the ancillary outbuilding being erected at this time with no indication of previous use such as a farm building...'* The document therefore concludes that the outbuilding has a slight archaeological interest.

In respect of its historic interest, the document goes on to state that *'...the outbuilding has an ancillary use which has likely evolved over the twentieth century. The building is not a car garage like the other outbuildings however it is suitable for vehicular access. The conservation area highlights the historic relevance of Treharris being a model industrial village however the outbuilding is not considered a key building in terms of its contribution to the conservation area and is secluded from public view. Though the building has areas of stone forming part of the external fabric, the outbuilding doesn't provide much assistance in understanding the past lives and events of Treharris other than there was requirement for an ancillary building. Fox Street was a commercial area so it was probably used as a workshop or commercial store given the location and design of the openings...'* The document therefore concludes that the outbuilding has slight historic interest.

With regards to the architectural interest of the outbuilding, the document explains that *'...the conservation area is predominantly housing with similar detailing (quoins, stone and render wall finish) and other associated buildings to serve the community and support the*

colliery. The outbuilding is not typical of the general aesthetics of Treharris and appears as a rapidly produced functional building with limited architectural detail. The outbuilding does have some interest due to its stone plinth which could indicate an earlier boundary wall. The later alterations to the door reveal, roof, and openings, detract from its design...' The document therefore concludes that the outbuilding has a negligible architectural interest.

The HIA therefore indicates that the outbuilding does not comprise any high value features or interest and makes little or no contribution to the character and appearance of the conservation area. The structural survey confirms that the outbuilding is dilapidated, at risk of collapse and in need of urgent demolition. The proposed demolition is therefore not considered to have a detrimental impact on the character and appearance of the Treharris Conservation Area. The proposal is therefore considered acceptable and would accord with LDP Policies SW11 and CW1.

Ecological Impact

The proposed demolition of the outbuilding has also been considered in respect of its impact upon ecology. Given the suitability of the building for bats and nesting birds, a Preliminary Roost Assessment was requested in support of the application to assess the potential impact of the proposal upon protected species. The report submitted concluded that the outbuilding is of negligible ecological value to support bats and included details of the timings of works, clearing of nesting bird habitat, toolbox talk, as well as compensation and enhancement measures (i.e. the erection of bat boxes). The Council's Ecologist has considered the report and found it to be acceptable, provided the proposal is carried out in accordance with the recommendations set out in the report. As such, an appropriately worded condition will be added to any planning permission granted. The proposal would therefore accord with LDP Policy EnW1.

CONCLUSION

The proposed development, for the reasons discussed above, is therefore considered acceptable and would accord with the relevant policies.

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 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:

- IES Consulting, Bat Inspection and Emergence Survey Report, received: 1st August 2023

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

f.p.

DATE: 14.08.2023