

DELEGATED REPORT

Application No:	P/24/0063
Site Address:	Former Day Nursery Brewery Road Penydarren Merthyr Tydfil CF48 3BU
Development:	Change of use of former day nursery to offices and storage, raising of the roof alterations to the front elevation and rear first storey extension
Case Officer:	Kate Glover
Site Visit:	12th April 2024
Application Expiry Date:	1st August 2024
Consultation reply date expired:	18th April 2024

APPLICATION SITE

The application site is located within the settlement boundary and the Merthyr Tydfil Primary Growth Area.

The site comprises a two-storey detached building with a small single storey flat roof element at the rear. The property also benefits from a modest rear yard and amenity area, access to the rear of the property is pedestrian only. The external materials of the building are slate roof, rendered elevations. The building and the rear yard are in a state of disrepair and windows and doors have been boarded. Plans submitted in support of the proposal indicate that window frames and doors are uPVC, and during the site visit uPVC window frames were observed at first floor level.

The property does not benefit from private parking area. However, there are 5 parking spaces and a turning area at the front of the building.

To the north of the site is Ifor Park, to the east of the site is St. Illtyd's Roman Catholic Church (Church) (Grade II Listed Building) and Convent, and to the southeast a primary school.

The topography is such that the land adjacent to the site is on a steep slope, as the ground slopes steeply upwards at the rear of the application building and its associated rear yard. The church, convent and primary school buildings are several meters above the application site. The primary school recreation area is at the same ground level as the site.

When approaching the site from the southeast via Gelligaelog Old Road, the site, church, convent and primary school buildings are observed together.

Constraints show that the site is adjacent to a group of trees that are the subject of a group Tree preservation order (TPO). These trees are located within the grounds of the church, convent and primary school.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of the site from a nursery to a B1 use to provide an office and ancillary storage for a solar panel company. A planning statement has been submitted in support of the proposal and advises that four employees will be at the building at any 1 time. In addition, the building will not be open to the general public and will be used between the hours of 8 am to 5pm Monday to Friday and will be closed on bank holidays and weekends.

Permission is also sought to increase the height of the wall plate and re-roof the building. These alterations will result in the ridge line of the building being raised from 5.8m to 7.2m. A section of solar panels measuring some 8.6m long by 2.5m wide will be set into the roof plane.

At the rear of the building, a first storey extension will be added to the existing single storey section. This alteration will result in the roof of the rear element increasing from 2.5m to 5.6m.

The fenestration on the principal elevation of the building will be reorganised, as a number of windows and doors will be removed and a large double door provided to allow access to the storage area. Revised plans have been submitted to address officers concerns on the removal of a number of windows at ground floor level which resulted in detriment to the character and appearance of the principle elevation of the property. Revised plans illustrate the creation of dummy windows.

The proposed materials are rendered elevations, slates on the pitched roof and edpm for the flat roof, uPVC window and door frames and roof goods. The proposed solar panels will be black in colour. Details of the proposed slate have been submitted in support of the application.

Following the advice of the council's Ecologist a bat survey and further details on biodiversity enhancement have been submitted in support of the proposal.

The survey report identifies that no species are using the property. The report includes a number of biodiversity enhancements. These include the raising of some ridge tiles to allow access for crevice roosting bats. The raising of wall plate has enabled a bat box to be incorporated into the south elevation, a sparrow box and a swift box to be incorporated into the north elevation. In addition, details of securing lighting have been submitted. The movement triggered, security lighting will be located only on the principal elevation of the property, positioned at same level as the first floor window cills. The lighting will incorporate cowls, to ensure that the roof and eaves are not lit.

A soft landscaping scheme proposing native shrub planting on the steep rear slopes of the site has been submitted.

PLANNING HISTORY

P/98/0516 Change of use to Day Care Nursery
Permission GRANTED 18 February 1999

CONSULTATION

Head of Engineering and Highways	- No objection, subject to conditions
Planning Policy Officer	- No objection
Planning Ecologist	- No objection, subject to conditions
Environmental Health Manager	- No objections, subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, 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) (Future Wales) 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 12, February 2024) (PPW12)
Technical Advice Note 24: The Historic Environment May (2017)
Technical Advice Note (Wales) 10: Tree Preservation Orders (October 1997)

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW9: Planning Obligations
- SW11 Sustainable Design and Placemaking
- SW13: Protecting Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- CW1: The Historic Environment

In addition, the application will be determined having regard to the advice contained within the following documents:

- Note 4, Sustainable Design Supplementary Planning Guidance (SPG)
- Note 5, Nature and Development SPG

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to principle of development, visual impact which includes impact on the nearby Church (Grade II listed building), impact on the amenities of neighbours, highway safety and ecology.

Principle of Development

The development is within the settlement boundary and the Merthyr Tydfil Primary Growth Area.

The extant planning use of the application site is a children's nursery, and is therefore, considered to be a community facility. LDP Policy SW13 seeks the retention of community facility unless:

- 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 needs of the community and is no longer required, or
- it can be demonstrated there is no longer a viable community use for the facility.

The Planning Policy Officer (PPO) notes the use of the building ceased some 8-10 years ago and since then the building has been used on an ad-hoc basis for storage by a construction company. For the reasons given above, the PPO advises that the requirements of LPD policy SW13 have been met.

Consideration has been given to planning obligations and the applications location within the Merthyr Tydfil Primary Growth Area. The PPO advises that, due to the nature of the proposal, contributions towards the provision of affordable housing or open space would not be sought. In addition, Community Infrastructure Levy would not be chargeable.

It is considered that the proposal meets with the requirements of Policies SW4, SW9 and SW13.

Visual Impact

It is considered that the raising of the wall plate and the increase in the height of the building and alterations to the rear extension would not be detrimental to the character and appearance of the building. The reorganisation of the fenestration is acceptable and the incorporation of fake windows adds relief to expanses of rendered elevation. Additionally the proposed material finishes are acceptable.

The proposed alterations to the building and its contribution to the wider street scene is acceptable and would not result in a detrimental impact on the setting of the Church (Grade II listed building).

Therefore, the proposal meets with the requirements of Technical Advice Note 24: The Historic Environment May (2017) and LDP Policies CW1 and SW11.

Impact on the Amenities of Neighbouring Properties

As noted above the site is adjacent to a Church, convent and primary school. It is considered that the use as an office and storage area associated with a solar panel enterprise would not represent development that would be noisy, odorous or dusty. In this regard it is noted that the Environmental Health Manager has raised no objection to the development. Nor have any concerns been raised as a result of the publicity exercise.

Therefore, the proposal meets with the requirements of LDP Policy EnW4.

Tree Preservation Order (TPO)

As noted above a group of trees that are the subject of a TPO are located to the rear of the site. This group of trees are unaffected by the proposal as they are at least 5m above the application site due their location in the grounds of the church and convent.

Therefore, the proposal meets with the requirements of Technical Advice Note (Wales) 10: Tree Preservation Orders (October 1997).

Highway Safety

As noted above the site does not benefit from any off-street parking. However, there is an area of Local Authority maintained parking and turning located at the front of the site. The applicant has indicated that no more than four employees would be present at the property and the building would not be open to the general public. It is acknowledged that the building was previously used as a nursery, which may have accommodated a similar number of staff, as well as a number of visitors at peak pickup and drop-off times. The proposal is not considered to generate a significantly higher level of traffic that would give rise to parking or highway safety concerns. In this respect the Head of Engineering and Highways has not raised any objection and is satisfied that sufficient parking is available.

The Head of Engineering and Highways has noted that the parking provision in the area should be reviewed in the future should the number of staff increase. However, it is deemed unreasonable to secure this by condition as the proposal is not likely to generate a greater level of traffic to that of its previous use. Furthermore, the site is located within a sustainable location with public transport available in the vicinity.

The Head of Engineering and Highways has made comments in respect of discharge of surface water into the sewer system. The proposal relates to an existing building that would be refurbished with no change to the existing drainage solution for the site. Therefore, it is not deemed necessary to impose such a condition.

Accordingly, the proposal meets with the requirement LDP Policy SW11.

Ecology

The Council's Ecologist notes the submission of '*Bat Survey: Former Day Nursery, Brewery Road, Dowlais, Merthyr Tydfil, CF48 3BU*' by Ecological Services Ltd, dated June 2024 Revision V3.0 (Bat Survey).

The Council's Ecologist (Ecologist) is satisfied with the survey methodology and notes that no bats were observed using the site during the survey effort. The Ecologist made the following recommendations:

- the bat and bird boxes provided for biodiversity enhancement are integrated into the fabric of the building
- the biodiversity enhancements are incorporated into plans submitted in support of the proposal.
- clarification on the approach to felt in the roof of the building

The Ecologist also recommends conditions on the timing of the works to protect bats that may use the building for winter hibernation and approval of an internal and external lighting plan. In this instance given that there is no evidence of bats roosting in the building, a condition controlling internal lighting would be unreasonable. Furthermore, internal works do not require planning permission and would be difficult to control within planning.

In response to the Ecologist's advice, revised plans have been submitted and show bat, swift and sparrow boxes incorporated in to the fabric of the building and the location of raised ridge tiles. In addition, the location and details of external lighting are also incorporated on to plan. A clearer image of the approach to felt used in the roof has been incorporated into the Bat Survey. Landscaping plans have been submitted and identify planting on the steep slope at the rear of the building and a list of species to be used. However, the details do not include the number of species or methods to ensure the landscaping scheme become established.

It is considered that the timing of works and full details on landscaping can be secured by conditions. It is considered that the proposed scheme for external lighting can be incorporated into the condition listing the approved plans and documents.

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Given the nature and scale of this development and the proposed biodiversity enhancements, a GIS would not be deemed a reasonable requirement in this instance. The ecological enhancements can be controlled by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives.

It is considered that the proposal meets with the requirements of Policies EnW1 and EnW2.

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 and Elevations, Drawing Number: GA 002, Revision: E, Received on 04 July 2024

Drawing Title: Ecology Plan, Drawing Number: GA 004, Received on 24 June 2024

Lighting details: Piazza II LED 96632757 PIAZZA II LED 1690-830 HF ANT, Received on 24 June 2024

Bat Survey: Former Day Nursery, Brewery Road, Dowlais, Merthyr Tydfil, CF48 3BU' by Ecological Services Ltd, dated June 2024 Revision V3.0, Received on 24 June 2024

Cedral Fibre Cement Slate, Rivendale Technical data, received 22.04.2024

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

3. Any demolition work shall NOT be carried out between the months of November to February inclusive.

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

4. Prior to the beneficial occupation of the development full details of a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant establishment), schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

5. All planting and seeding in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil 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.

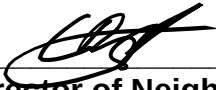
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

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.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

PP

DATE: 05.07.2024