

DELEGATED REPORT

Application No:	P/22/0326
Site Address:	Brynhyfryd Chapel Thomas Street Treharris
Development:	Conversion of chapel into 8 flats with associated refurbishment works, demolition of rear vestry annexe and creation of dedicated car parking area.
Case Officer:	David Cross
Application Expiry Date:	10th February 2023
Consultation reply date expired:	11th January 2023

APPLICATION SITE

The application relates to the former Brynhyfryd Chapel located within the predominantly residential area of Treharris and a parcel of land to the south. There are several commercial units within the vicinity of the site, located primarily along Perrott Street to the north of the site.

The property fronts on to the main road (Thomas Street) serving 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 properties with a strip of vacant land along the southern boundary of the site. Beyond the strip of land, is a small parcel of land also included within the application site, which is accessed independently of the Chapel directly from Thomas Street.

The former Brynhyfryd Chapel lies within the Treharris Conservation Area and is designated as a building of local importance, which can be seen on town centre plans earlier than 1900. The Chapel is of a classical design and has retained much of its architectural merit, although it is not afforded statutory protection. The site has been vacant for some time and is overgrown.

The Chapel is elevated above the main highway to the west with the land in the immediate vicinity sloping downwards from north to south.

PROPOSED DEVELOPMENT

Full planning permission is sought for the conversion of the former chapel into 8 no. x 1-bedroom flats, including the refurbishment of the building, the demolition of the rear annexe to create an area of amenity space. The scheme also includes the use of vacant land adjacent to the site to provide an area of designated off-street parking with a total of 12 parking bays. The removal of the rear annex provides space for a communal garden

area, enclosed by a 1.8m close boarded fence, for the residents as well as an area for bin storage and recycling.

PLANNING HISTORY

- 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 – 31.10/2012
- P/07/0169 Conversion of Chapel to dwelling (including alterations to building)
Granted – 18.05.2007
- P/04/0193 Change of use to single residential unit
Granted – 16.06.2004

CONSULTATION

Head of Engineering and Highways – No objection, subject to conditions

Planning Ecology – No objection

Bedlinog & Trelewis Community Council – No response

Welsh Water – No objection, subject to conditions

GGAT – No objection, subject to conditions

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and a site notice was displayed within the vicinity of the site.

3 no. letters of objection were received following this publicity exercise, raising the following concerns:

- Concerns that the development would require access over their land in order to renovate the building.
- Concerns with the number of flats and the existing parking problem in the area
- Concerns with the safety/condition of the building
- It has been questioned why the council sold the land where the proposed car park is to be located. The Royal Hotel has indicated that they expressed interest in buying additional land in the area and were rejected.

With regards the concerns raised, access over adjoining land would be a civil matter between landowners to agree and the concerns with the sale of the land is not a material planning consideration.

Local Ward Members were advised of the objections received to this application however, no request has been submitted requiring the application to be reported to the Planning

Committee. As such, the application will progress to be determined by the Director of Neighbourhood Services.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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. FW provides guidance on matters relevant to this 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 Area – Cardiff, Newport and the Valleys

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. PPW provides guidance on matters relevant to this application including:

- Placemaking in Action: Good Design Making Better Places
- Strategic Placemaking: Previously Developed Land
- Activities in Places: Living in a Place
- Distinctive and Natural Places: Recognising the Special Characteristics of Places

PPW Sections 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

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

TAN 12 - Design advises that the Assembly 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 SW10 – Protecting and Improving Open Spaces
- Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network
Policy SW13 – Protecting and Improving Local Community Facilities
Policy CW1 - Historic Environment
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG)

- SPG Note 1: Affordable Housing (March 2012)
- SPG Note 2: Planning Obligations (March 2012)
- SPG Note 4: Sustainable Design (July 2013)

PLANNING CONSIDERATIONS

The key considerations in the determination of this application relate to the principle of development, design and heritage, neighbouring and residential amenity, highways and access, drainage, ecology and biodiversity, loss of open space, loss of community use and planning obligations.

Principle of development

The site of the proposal is located within an Other Growth Area (Policies SW1 and SW3), as defined by the LDP, and within the settlement boundary where development will be allowed subject to the proposals compatibility with other plan policies and material considerations (Policy SW4). The proposal – the change of use of a chapel to 8 flats - would be supported in principle as an acceptable use in this location.

Design and heritage

Policy SW11 of the LDP sets out the need for new development to contribute to the creation of attractive and sustainable places through high quality design. It should also be noted that the property lies within the Treharris Conversation Area and is a locally important building which is visually prominent within the street. As such, the design of the development should have regard to Policy CW1 of the LDP, which seeks to ensure the integrity of the historic environment will be conserved and enhanced.

The Treharris Conservation Character Area Appraisal was adopted in June 2009, and although it predates the adopted LDP, it is a material consideration. It provides a detailed analysis of the conservation area and the characteristics that contribute to its special historic and architectural interests including the location in the heart of the South Wales coalfield, the mountainside setting, a planned 19th century 'model' industrial settlement and high-quality townscape resulting from 19th century planning. The Character Area Appraisal refers to Brynhyfryd Chapel as a prominent building within the conservation area. To date whilst there have been previous approvals of planning permission, the site remains undeveloped which means that the site continues to have a negative impact on the character and appearance of the conservation area.

In this respect it is considered that the proposed conversion of the chapel would help bring an otherwise abandoned building back into beneficial use. Presently the property is in a poor condition with overgrown vegetation in the forecourt and across the building. Many of the windows have also blocked up, which currently has a visually harmful impact on the

character of the area. The submitted plans indicate the external features of the chapel would largely be retained, with the rear vestry annexe to be demolished and a new obscured glazed window provided at first floor level. The rear elevation would be made good with a rendered finish.

The proposal includes the retention of the existing windows on the front elevation and the windows on the side elevations would be unblocked with new hardwood window frames installed. It is noted that the proposed windows would be of a similar glazing pattern to those on the front.

GGAT has commented on the proposal and stated that it will require archaeological mitigation. GGAT recognise that the chapel forms an important part of the town's cultural heritage and records show that the building retains internal and external features. The preservation in the landscape of the structure is important in order to maintain the historic landscape of Treharris. GGAT do not object to the application but because alterations to the building have the possibility of removing or obscuring key architectural or functional features of the building, they require a complete record of the structure by both means of a drawn and photographic record, prior to any works commencing on site. The chapel is an important element in the socio-cultural life of the area, and in the visual street scene.

Overall, the proposed conversion and alterations to the Chapel are considered to be acceptable and would present an opportunity to improve the quality of the building and its contribution to the character of the area and the historic environment, subject to the condition suggested by GGAT for a survey of the building prior to works commencing. The proposal is therefore in accordance with policies SW11 criterion 1 and 2 and CW1 of the adopted LDP.

Neighbouring and residential amenity

Policy SW11 requires development to contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design. Where appropriate new development will be required to, amongst other things, 3) not result in unacceptable impact on local amenity, loss of light or privacy or visual impact and incorporate a good standard of landscape design and 11) provide adequate facilities and space for waste collections and recycling.

The principle of a residential use of the chapel has previously been established, albeit previous proposals were approved for a single dwelling. This application proposes conversion to 8 no. 1 bedroom flats, but since the chapel is in a predominantly residential area, it is not considered that the use will result in an unacceptable impact on local amenity. It is acknowledged that the new windows on the northern elevation will face directly towards neighbouring properties (fronting both Thomas Street and Perrott Street). These have been confirmed to be obscure glazed with restricted opening to secure the privacy of the adjoining occupiers and this element will be conditioned.

In the interest of the amenity for the future occupier's conservation type rooflights are proposed to flats no. 5 and no. 6 above the lounge area, where the only other window will be obscured and non-openable. With regards outside amenity area, a small, shared area of grass is located to the rear of the chapel which is directly accessible from Flats no. 3 and no. 4 and to the rest of the flats via a side access, which also leads to the bin store area.

Highways and access

Policy SW11 criterion 5 requires new development to allow access for the widest range of people possible and demonstrate that any traffic movements will not have an unacceptable impact on local amenity or highway safety and satisfy the Council's parking standards.

A previous planning application (P/11/0189) proposed conversion of the chapel to 6 no. flats, including the demolition of the rear vestry annexe and other associated renovation works, which is not dissimilar to the current proposal. At that time there were concerns that the intensified use of the building would result in highway safety concerns, particularly as there was no dedicated parking provision in the area. To address this, alterations were proposed to the chapel to provide basement parking, which was deemed to be of an unacceptable design and consequently resulted in that application being refused. In essence to overcome the highway matter, it is now proposed that an area of vacant to the south of the site be utilised to provide dedicated parking for the flats.

The Head of Engineering and Highways has reviewed the application with regards access, circulation, and parking standards. The submitted floor plans indicate that primary access to the proposed flats is to be achieved via the existing entranceway off Thomas Street, that previously served the chapel. Secondary access to the dedicated off-street parking provision is via the existing private access adjacent to the Royal Hotel. The plans of the parking area indicate an aisle width of 6m which will allow residents to leave and re-join the public highway in a forward gear.

With regards the level of parking provision, in accordance with Wales Parking Standards 2008 each flat has a requirement of 1 space per bedroom, plus a requirement of 1 space per 5 units for visitors. This results in a total requirement of 10 spaces. The proposal includes 12 spaces, resulting in off-street parking in excess of requirements.

Overall, there is no objection from the Head of Engineering and Highways subject to the imposition of conditions requiring the parking area to be laid out and retained and submission of cycle parking details. The proposal complies with policy SW11 (criterion 5).

Drainage

Policy SW11 criterion 9 requires new development to provide and protect relevant utility services and infrastructure without causing unacceptable environmental impacts. This is supported further by policy EnW4 which requires development to demonstrate that it will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment.

Welsh Water has raised no objection but request a condition that no surface water from any increase in the roof area of the building / or impermeable surfaces within the curtilage be allowed to drain directly or indirectly to the public sewer system.

Welsh Water also advises that the site is crossed by a public sewer and that no operational development shall be carried out within 3 metres either side of the centreline of the public sewers. The applicant has already confirmed that they are liaising directly with Welsh Water regarding this. The advisory note has been added as requested by Welsh Water.

The development is considered to be in accordance with policy SW11 criterion 9 and policy EnW4 subject to the submission of further details, as required by condition, and following the advice of Welsh Water.

Ecology and Biodiversity

Policy EnW1 requires development proposal to promote the resilience of ecosystems. In particular, proposals will be required to maintain and enhance biodiversity interests.

The application has been supported by a Bat Survey Report and a Bat and Bird Method Statement. During the bat surveys, no bats were observed emerging from the building and throughout the surveys, a very low number of bat calls were recorded in the vicinity of the building. The survey concluded that the proposed building works will have a negligible impact on the local bat population, although it did recognise some optimal features of the building and surrounding area. The survey also acknowledged some constraints to the survey work because it was not possible to access neighbouring land to the north east, and therefore a bat friendly working methodology has been submitted to ensure that the development has no detrimental effect on bats.

The application includes proposals for ecological gain for bats and birds, including accessible ridge tiles for crevice dwelling species and swift nesting boxes on the buildings south and east elevations.

There is potential for nesting birds and bats to be impacted on any de-vegetation of the front of the building and any roofing works; both the Bat Survey and Bat and Bird Method Statement authored by Ecological Services Ltd and dated April 2023 will be included in the list of approved drawings and documents.

In addition to the work on protected species, the application proposes an area of wildflower planting on the grassed areas around the proposed parking area. Plus the rear lawn area, providing amenity space for the occupants, has been confirmed to be laid to flower lawn mixture EL1, which is a mixture that responds well to regular mowing, so will be suitable for amenity use, whilst still providing some ecological benefit.

The Council's Planning Ecologist has been consulted during the course of the application and has made recommendations resulting in updated reports and drawings. There is no objection to the application, subject to the inclusion of the reports and drawings in the list of approved documents and drawings.

In light of the above the development is considered to be in accordance with policy EnW1.

Loss of Open Space

Policy SW10 states that development proposals that improve the quality, quantity or access to open space will generally be supported. Development proposals that would have an unacceptable adverse impact on or result in a loss of open space will not be permitted unless:

- It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;

- The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;
- Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and
- In all cases, the open space has no significant nature or historic conservation importance.

It is acknowledged that the proposed parking area that would serve the development is within an area of designated open space. However, this part of the open space has been used for parking for a significant period of time and, as such, the proposal would not result in any change in this respect.

The proposal is therefore considered to comply with Policy SW10.

Loss of Community Use

Policy SW13 seeks to protect and support the enhancement of the County Borough's existing community facilities, which include places of worship, and states that, development proposals resulting in the 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 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.

A chapel is considered to be a community facility; therefore the above justification would be required. However, the principle of a change of use to residential use has been established by previous planning applications (P/04/0193 and P/11/0189). It is acknowledged that application P/11/0189 was refused, but that this was by virtue of inappropriate design. Additionally, the chapel has been vacant for a significant period of time, and there are other similar active facilities within Treharris. As such, the proposal is considered to comply with Policy SW13.

Planning Obligations

Policy SW9 relates to planning obligations and states that on sites of between 5 and 9 homes, a financial contribution towards the provision of affordable housing will be sought.

A viability assessment has been submitted with the application, which indicates that the development would not be viable if such a contribution was sought. It is agreed that assessment is accurate, and therefore a financial contribution towards affordable housing would not be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable in this part of the County Borough.

Conclusion

It is considered that for the reasons discussed above, the proposed change of use of the former chapel to 8 no. 1 – bedroom residential flats is acceptable because it complies with the relevant policies of the LDP and the application is recommended for approval.

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:
 - 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.

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

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 impact and to comply policy CW1 of Merthyr Tydfil 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 and approved 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 Replacement Local Development Plan.

5. **No building or use hereby permitted shall be occupied** until the windows[s] on the north (lower side) elevation have been 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[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows 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 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 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. Date, 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 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 Version, 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 Policies EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

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

Reason In the interest 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 Replacement 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 policy SW11 and EnW4 of the Merthyr Tydfil 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 at no time 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.

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 archaeological work required by condition 3 must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists. Please refer to the letter from GGAT dated 24 January 2023 for further information.

4. ASSET PROTECTION

The proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record attached to the consultation response from DCWW dated 09/01/2023. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

5. Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. POTABLE WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address contained in the DCWW consultation response to this application.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 21.11.2023