

DELEGATED REPORT

Application No:	P/21/0382
Site Address:	Webster House Dynevor Street Georgetown Merthyr Tydfil CF48 1BA
Development:	Proposed front and side extensions, rear and side canopies, provision of outdoor seating and associated works
Case Officer:	Caroline Pulley
Site Visit:	4th November 2021
Application Expiry Date:	8th August 2022
Consultation reply date expired:	30th November 2021

APPLICATION SITE

The application relates to the site of the former Merthyr Rugby Club situated on the outskirts of Merthyr Tydfil Town Centre. The two-storey building is prominently located on the junction of Dynevor Street and Aberdare Road and is located directly opposite the side entrance of the central fire station. Its front elevation is stepped back from the edge of the pavement by approximately 4m and is enclosed by a low brick wall/metal railings and a set of metal gates. Its north-western side elevation faces towards Aberdare Road and abuts a car parking area surrounded by weld mesh fencing. Beyond the fencing and outside the boundary of the site is a small grass verge and some trees, which help to screen the building from the road. The building itself has as an unusual asymmetrical roof design, a grey brick finish and white uPVC windows.

PROPOSED DEVELOPMENT

This application seeks full planning permission to extend the front, side and rear of the existing building and provide outdoor seating within its curtilage. The key aspects of the proposal are as follows:

- Construction of a single storey extension along the northern side elevation of the building. The proposed extension would be set back 0.65m from the front elevation and would measure 8m in width, 34m in depth and would have a 3.7m high flat roof. The extension would feature a bi-fold door in its front elevation and two small windows to the rear. Its northern side elevation would contain three pedestrian doors and three sets of bi-fold doors. It is proposed that the extension would form

an addition to the main hall and would include a backstage welfare facility to the front with additional toilet cubicles being provided to the rear.

- Provision of a canopy and outdoor seating (16 tables) to the southern side of the building. The proposed canopy would be set back 1.5m from the front elevation of the building. It would measure 10.2m wide at the front and 12.2m wide at the rear and 11m in depth. The outdoor seating area, which would be partially covered by the canopy, would be accessed from the south side elevation of the building via three sets of bi-fold doors.
- The construction of a glazed single storey extension to the centre of the front elevation of the existing building. The proposed extension would be flush with the main front elevation of the existing building and would measure 7.2m wide by 8.4m in depth. Its roof would form a 4.6m high gable to the front but would include a flat roof behind featuring a large rectangular roof light.
- Provision of a canopy to the rear elevation of the existing building. The rear canopy would measure 17.6m wide by 2m deep and 6m in height.
- Clad the lower elevations of the building in natural stone and provide timber cladding to upper level of the elevations.
- The installation of photovoltaic solar panels to the south facing roof plane of the existing building.
- Provision of a water feature along the southern rear boundary of the site.
- Site a 1.8m high steel waste container to the rear of the building. The container would measure 2.7m by 1.9m and would be sited alongside the side wall of the existing single storey rear extension.
- Alter the existing parking layout and provide three electric vehicle (ev) charging points within the curtilage. As a result of the development, 25 off-road parking spaces would be retained.

The application is accompanied by a Bat Survey Report.

PLANNING HISTORY

The recent planning history relating to the premise is listed below:

P/07/0103	Siting of a mobile hot food/burger van Approved – 18.07.2017
P/05/0624	External storage block Approved – 04.01.2006
P/03/0072	Change of use to training and education establishment Approved – 09.04.2003
P/03/0042	Change of use to place of worship Approved – 10.03.2003

CONSULTATION

Head of Engineering:	No objection.
Environmental Health Manager:	No objection subject to conditions.
Welsh Water:	No objection subject to conditions relating to surface water and the provision of a grease trap.
Natural Resources Wales:	Highlights that the application site falls within a flood risk zone but raises no objection to the proposed development subject to the developer being made aware of the potential flood risks.
Ecologist:	No objection subject to lighting details and dark corridors being controlled by way of a condition and mitigation/enhancement measures being introduced in line with the bat survey report. Also advises that a licence from NRW will be required.

PUBLICITY

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

No letters of objection were received following this publicity exercise.

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.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

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.

TAN 15 – Flood Risk and Development provides guidance to reduce flood risk associated with new development.

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy SW13 – Protecting and Improving Local Community Facilities

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW3 – Retail Hierarchy – Supporting Retailing Provision

Policy EcW5 – Town and Local Centre Development

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

The proposed development seeks permission to extend the footprint of the existing building and provide outdoor seating within its curtilage. The use of the building would remain unchanged by this proposal and as the building is located within settlement limits and within the town centre boundary, the principle of the development is acceptable. As such, the key considerations in the determination of this application are the potential impact of the development upon the character and appearance of the existing building and the surrounding area, and the potential impact upon the privacy and amenity of neighbouring properties and flood risk. The impact upon highway safety is a further consideration.

Impact upon the character and appearance of the area

In terms of visual amenity, while the application building is prominently sited on the periphery of the town centre, its design does not positively contribute to the character of the area and its grey brick finish adds little to the appearance of the building. As a result of this proposal, the external walls of the building would be clad with natural stone and timber. In principle, it is considered that these materials could add interest to what is currently a very bland looking building. However, given that the prominence of the building, it is important that samples of the proposed cladding are reviewed and agreed by the local planning before works start. This would be controlled by way of a condition.

The extension proposed to the northern side of the building would be prominently located and would be highly visible from the highway to the north and east. Nevertheless, it would be single storey in height and as a result of amendments secured through the course of

this application, it would be of an appropriate height and would set back from the front of the building to reduce its overall visual impact. The canopy proposed along the other side of the building would also be set back and would not be of a siting or scale which would be harmful to the character and appearance of the building. The alterations proposed to the rear of the building (i.e. the rear canopy, water feature and steel waste container) are also considered to have a limited impact on the visual amenities of the area. Accordingly, subject to conditions, the proposal development would be acceptable in terms of its visual impact and is in accordance with Policy SW11 of the LDP.

The privacy and amenity of neighbouring properties

It is noted that the proposal to increase the floor space of the building would result in an intensification of the use of the site which may give rise to increase noise and disturbance. However, given that there is no change of use being proposed and the building is located in close proximity to a number of late-night establishments, it is considered a significant adverse effect is unlikely to occur as a result of this development. Moreover, it is noted that in the absence of any restrictive conditions, the land within the curtilage of the premise can be used as a 'beer garden' without the need planning permission.

Impact on highway safety

The proposed development would result in the loss of 17 off road parking spaces within the curtilage. While this is regrettable, the application site is located in a highly sustainable location in close proximity to public car parks and the central bus and railway station. Further to this, the Council's Head of Engineering has assessed the proposal and has not raised any highway objection to the proposed scheme or the loss of parking spaces on the site. As such, it is not considered that the development would have a detrimental impact on highway safety and the free flow of traffic in the area and is compliant with the requirements of Policy SW11 of the LDP.

Flood Risk

The comments received from NRW highlight that the application site lies within a zone which at risk of flooding. However, given the scale and nature of the development (and in the absence of a flood consequence assessment), they consider the proposal acceptable, subject to the developer being made aware of the flood risk associated with the site.

Ecology

The application is supported by a Bat Survey Report. On review of this report, the Council's Ecologist has advised that the building is a resting place (roost) for a small number of species of bat and as such, he notes that a derogation licence from Natural Resources Wales (NRW) is required to undertake the development legally. Also, as the building is likely to be used by bats for hibernating, works will need to take place outside of the hibernation season. Further to this, sensitive works (i.e. removal of roof coverings and barge boards, fascia boards, soffit boxes etc) will need to be undertaken under the close supervision of a suitably qualified and licensed bat ecologist (who will be the named ecologist in connection with the derogation licence).

The report makes a number of recommendations to safeguard species from the proposed development. These recommendations include a method statement to safeguard protected species during the construction phase of the development. A number of onsite

enhancements measures are proposed which include the provision of bat access points, the siting of two bat boxes within the vegetation retained on the site and the provision of a Sparrow terrace on the northern elevation of the building.

Having regard to the enhancements and mitigation measures being put forward with this application, the Council's Ecologist raises no objection to the scheme subject to conditions which amongst other things require a lighting plan to be submitted to demonstrate that the bat access points on the building and the bat boxes on the trees will not be directly illuminated and there are dark routes away from the access points and bat boxes. Finally, it is noted that the proposed works also require a species licence from NRW. This matter will be brought to the developer's attention though the imposition of an informative note on the decision.

Conclusion

Having taken account of all the issues outlined above, the application is considered to be acceptable in planning terms and is in line with local development plan policy and the policy framework of Planning Policy Wales.

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 no. Webster ECO 6GGG received on 07.07.2022

Drawing no. Webster 05D received on 15.12.2021

Drawing no. Webster 07A received on 15.12.2021

Drawing no. Webster 08A received on 15.12.2021

Drawing no. Webster Eco 4J received on 07.07.2022

Bat Survey Issue 1, Version D received on 07.07.2022

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

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

the building, extensions and canopies 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.

4. Prior to its installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of the siting and type of lighting to be used.
- Specification of luminaries
- Drawings setting out light spillage.

The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the installation of the water feature, details of its siting, design and appearance shall be submitted to and approved in writing by the local planning authority. The water feature shall be installed 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.

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.

INFORMATIVES

1. The proposed development is crossed by a trunk/distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps 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. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

3. The developer should be aware that a European Protected Species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. 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 found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at:

<https://naturalresources.wales/permits-and-permissions/specieslicensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>

4. 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.

5. 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



Head of Town Planning

DATE:

14/7/22