

DELEGATED REPORT

Application No:	P/24/0028
Site Address:	1 and 2 Vulcan Buildings Brecon Road CF47 8NH
Development:	Rear extensions to Vulcan 1 and 2 to facilitate extension to existing flats and change of use of garage in the grounds of Vulcan 1 to 1 number self contained flat.
Case Officer:	Adam Foote
Application Expiry Date:	8th April 2024
Consultation reply date expired:	5th March 2024

APPLICATION SITE

The application site comprises 1 and 2 Vulcan Buildings, Brecon Road. When viewed from Brecon Road at the front the building is 2 storey with the ground floor arranged as commercial premises, however, when viewed from the side/rear the building is 3 stories as the topography in the area reduces towards the west.

The site is within the settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan (LDP) and its associated proposals map and is within a primary growth area as established by LDP Policy SW3.

The site falls within the Brecon Road local centre and within the Morgantown Conservation Area. Opposite (to the front) is the Capel Tabernacle a Grade II listed Welsh Baptist Church (listing ref; 11394).

PROPOSED DEVELOPMENT

This application seeks consent for a rear extension and other minor amendments to No 1 and 2 Vulcan Buildings to provide additional residential units and for the conversion of the existing garage into a self-contained residential unit. Consent has previously been granted for the extension of No 1 and for the conversion of the garage.

This proposal relates to a rear extension spanning the rear of both buildings constructed as one development. In total the extension would measure 3.85m depth x 11.485m width and would be 4 storeys in height. The design is simple with 2 gable ends and a central valley roof design. The fenestration is distributed evenly and symmetrically across the rear elevation with 2 roof lights and 2 flues being proposed within the rear roof plan of the existing building. The ground floor of each unit is shown as a commercial premises and the other floors as residential.

At the lower ground floor level an existing conservatory is proposed to be demolished. An amenity area is shown to the rear of the building with a pedestrian access to the rear. In total across both properties 7 residential units would be provided (including the garage conversion) x5 one bedroom and x2 two bedroom. The proposal would result in an additional 2 units relative to the existing. Minor changes to the front elevation area proposed comprising the creation of additional doors/accesses.

PLANNING HISTORY

No.1 Vulcan Buildings

P/19/0311	Partial change of use of ground floor from residential (C3 use class) to takeaway (A3 use class) and installation of flue to rear and shopfront to front elevation	Full Approval
P/20/0281	Proposed change of use of property to takeaway (on ground floor) and 3 No. flats, 3 storey rear extension and external alterations including the installation of a flue, and conversion of rear garage to a further residential unit	Refused
P/21/0051	Proposed change of use of property to food takeaway (on ground floor)	Full Approval

No.2 Vulcan Buildings

P/05/0410	Change of Use: Green grocers shop to a betting shop (A1 to A2)	Full Approval
P/23/0246	change of use from bookmakers to a hot food takeaway	Full Approval

CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and x2 site notices were displayed within the vicinity of the site. No representations have been received following this publicity exercise.

National Policy

The Future Wales – the National Plan 2040
 Planning Policy Wales (PPW) Edition 12 (February 2024)
 The Planning (Listed Building and Conservation Areas) Act 1990

Technical Advice Notes (TAN):

Technical advice note 2: planning and affordable housing
 Technical advice note 4: retail and commercial development
 Technical advice note 12: design
 Technical advice note 18: transport

Technical advice note24: the historic environment

Local Policy

Merthyr Tydfil Replacement Local Development Plan:

Policy SW1 Provision of New Homes
Policy SW2 Provision of Affordable Housing
Policy SW4 Settlement Boundaries
Policy SW9 Planning Obligations
Policy SW11 Sustainable Design and Placemaking
Policy CW1 Historic Environment
Policy EnW1 Nature Conservation and Ecosystem Resilience
Policy EnW4 Environmental Protection
Policy EnW5 Landscape Protection
Policy EcW3 Retail Hierarchy – Supporting Retailing Provision
Policy EcW4 Retail Allocation
Policy EcW5 Town and Local Centre Development

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)
CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The primary considerations relevant to this application are; the principle of the development, sustainability, visual impact/impact upon the character of the area, residential amenity, highway safety/parking provision, drainage and ecology/biodiversity

Principle of the Development

The application site is within the settlement boundary (LDP Policy SW4) where there is a presumption in favour of development and the efficient use of land is encouraged. Furthermore, Policy SW3 of the Merthyr Tydfil Local Development Plan designates this area of the County Borough as a primary growth area, this position is solidified by Policy 1 of Future Wales (Where will Wales Grow) which promotes growth in The Valleys region.

Given the location of the application site and the relevant designations through the LDP, no objection is raised to the principle of additional residential units being provided within the site.

The site falls within the Brecon Road local centre therefore LDP Policy EcW5 is applicable in the assessment of the proposed development. Given that the ground floors of each building would remain within Use Class A no conflict with the policy has been identified. Previously consent has been granted for the use of the ground floor of the properties to be used for commercial purposes (hot food take away) under application refs; P/21/0051 (No 1) and P/23/0246 (No 2). Both consents are able to be enacted, therefore, no objection is raised to this element of the proposed development.

Given its location within the settlement boundary and compatibility with the other immediate uses no concern is raised to the principle of the development.

Sustainability

The application site is within the designated Brecon Road Local centre, is on a bus route and is accessible to the main town centre via sustainable modes of transport accordingly the proposal raises no concern in respect of sustainability.

Visual amenity/character of the area

The application site is within the Brecon Road local centre, accordingly the area has a mixed character of both commercial and residential. Therefore, the proposal with a mix of residential with a commercial offering on the ground floor facing Brecon Road raises no concern or conflict with Policy EcW5.

The site is within the Morgantown Conservation Area and opposite the Grade II listed Capel Tabernacle therefore significant consideration must be given to visual impact of the proposed development. In respect of the proposed alterations to the front of the buildings, these are considered to be minor and are not deemed to have any unacceptable impact upon the visual amenity of the area. Nor would it detract from the character of the Conservation Area subject to the materials of the alterations being acceptable and appropriate within the Conservation Area. As the details of the external materials to be used have not been provided as part of this submission it is considered necessary to condition that these details are provided at a later date prior to the commencement of development.

In respect of the need to preserve or enhance the setting of the listed building, it is not considered that the proposal would give rise to any significant concern, subject to the external materials being acceptable. As such, no conflict with LDP Policy CW1 has been identified.

The majority of the development/built form is proposed to the rear of the buildings where a number of ad hoc developments have been undertaken over a number of years including the construction of outbuildings, addition of air conditioning units and the insertion of roof lights within the rear roof planes of properties and dormers. The cumulative impact of these developments is considered to have an overall detrimental impact upon the amenity and character of the area. Therefore, the proposal is considered to add an element of uniformity and simplicity to the rear of the site which is deemed to be an improvement to the existing situation.

Having consideration to the already approved scheme at No 1, the scale and design of the development as proposed across the rear of both buildings is considered to be acceptable. No conflict with the requirements of LDP Policy SW11 has been identified.

Residential amenity

In respect of the use of the ground floor of the buildings as A3 takeaways, this has already been granted consent and can be implemented regardless of the outcome of this application. However, no concern or objection is raised to the implementation of commercial uses falling within an 'A' use class within a designated commercial centre. Any impact upon the living conditions of neighbouring occupiers is considered to be acceptable.

subject to conditions limiting the timings of the use and a condition requiring the implementation of a grease trap prior to this use being operational. Previously a condition limiting the hours of operation was attached to planning consent P/23/0246 therefore this consent will replicate the hours of operation for consistency across the consents.

The creation of an additional 2 residential units in this location is not considered to result in an unacceptable level of intensification that would warrant concern or result in an unacceptable adverse impact upon the living conditions of neighbouring occupiers.

The extent of the built form as proposed and the relationship with neighbouring residential properties is considered to be acceptable. The proposed extension would project 3.850m from the existing rear elevation, this is deemed to be acceptable as to avoid any overlooking, overshadowing or overbearing impact. The proposed development complies with the relevant criterion of LDP Policy SW11.

Highway safety/parking

The development does not propose any parking provision on site which does not accord with the Council's current adopted parking standards. It is noted that the adopted parking standards are guidance only, were adopted in 2008 and have therefore been superseded by both PPW12 and Future Wales, both of which advocate for lower levels of car parking or parking-free developments in suitable locations. In this instance, given the highly sustainable location of the application site in conjunction with the proximity to public modes of transport, the Local Planning Department have no objection to the development as proposed in relation to parking.

The Head of Engineering and Highways has been consulted on this application and raises no objection in principle however has requested conditions be attached to any grant of planning consent relating to the creation of additional parking spaces. As stated previously, the sustainable location of the proposed development site and the shift in focus of National Planning Policies towards lower levels of car parking spaces/parking free schemes in suitable locations, warrants support of this scheme without any additional off street parking being provided. Therefore these conditions will not be attached to any subsequent grant of planning consent as they are not deemed to be necessary.

Drainage

The proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010 therefore requiring Sustainable Urban Drainage (SuDS) consent. This is separate legislation sitting outside the remit of the Town & Country Planning Act and therefore will be considered separately. However, it is considered necessary to condition that no surface water drainage connects to the public sewer systems as requested by Dwr Cymru Welsh Water and by the Head of Engineering and Highways

Dwr Cymru Welsh Water as statutory undertakers for this area have raised no objection to the proposed development.

Ecology

LDP Policy EnW1 seeks to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal raises no

significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the aforementioned features and to mitigate against the effects of climate change. As no enhancement has been proposed it is considered necessary to attach a condition to the grant of any subsequent planning consent requiring that details of a biodiversity enhancement be submitted to the Local Planning Authority for approval prior to the commencement of development.

It is considered that a suitably worded informative attached to any subsequent grant of consent will offer a sufficient level of protection in relation to European Protected Species and allow for this development to progress without the need for any additional survey works. No survey works were requested for the already approved scheme at No1 which can be implemented, therefore it is not considered appropriate to attach a condition requiring additional information for the neighbouring, attached property.

Planning obligations

Given the number of new residential units that would be created the proposal would not trigger an onsite contribution for affordable housing, nor would a financial contribution towards affordable housing or open space would be sought. Community Infrastructure Levy (CIL) would not be sought for this proposal.

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.

Having regard to the policy context above, the proposal is considered acceptable and the following recommendation 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:

Proposed Block Plan
Proposed First and Second Floor Plans
Proposed Front and Rear Elevations
Proposed Lower Ground and Ground Floor Plan
Proposed Side Elevations- No.1 Vulcan Buildings

Proposed Side Elevations- No.2 Vulcan Buildings

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

3. **Prior to the commencement of the development** hereby approved details of the materials to be used in the construction of the external surfaces 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. 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 to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

5. 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 in accordance with Policy EnW4 of the Merthyr Tydfil Local Development Plan.

6. **No development shall take place** until a scheme for biodiversity enhancement which shall include the number, specification and location of bird and bat boxes on site has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

7. The A3 use hereby approved shall not commence until an adequate grease trap has been fitted in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason - To protect the integrity of the public sewage system and ensure the free flow of sewage and to with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

8. The A3 use hereby permitted shall only be carried out between 0900 hours and 2300 hours on weekdays, weekends and bank holidays.

Reason - To safeguard the amenities of neighbouring residents in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council 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


ff **Director of Neighbourhood Services**

DATE: 26.03.2024