

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0550/CON 23.07.2012	Llandaff Diocesan Board Of Finance 39 Cathedral Road Cardiff CF11 9XF	Convert former rectory into two affordable houses and erect residential development of six dwellings The Rectory And School Site High Street Nelson Treharris CF46 6HA

**APPLICATION TYPE:** Conservation Area Consent

### SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of High Street opposite St John's Church.

Site description: The application site comprises the curtilage of the former rectory and the site of the former Llanfabon School. This is a relatively flat site with the curtilage of the rectory to the front of the site and the school to the rear. The rectory building is sited approximately 20m back from the road frontage and in the middle of the garden area with all of the former school buildings having been demolished some time ago. The rectory is bounded by a dry stone wall with separate pedestrian and vehicular access gates whilst the former school has a concrete block wall to the exterior.

This is a mainly residential area with a mixture of bungalows and two storey dwellings surrounding the site with the church to the north on the opposite side of High Street. The properties to the west at Rose Cottages are at the same ground level as the application site whilst the dwellings to the south at High Close and to the east at High Street are at lower ground levels.

Development: The application seeks Conservation Area consent for the demolition of the front and rear boundary walls of the Rectory together with the demolition of a WC and store annexe to the detached garage of the Rectory in order to accommodate the residential development of the site. The development will incorporate the conversion of the rectory into two affordable housing units and the erection of 6 dwellings on the site of the former school.

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Application No. 12/0550/CON - Continued

The site will be accessed using the existing gated access to the rectory with a new access road curving around the retained rectory and serving the new dwellings to the rear of the site. The access will necessitate the demolition of the front and rear stone boundary walls to the Rectory in order to provide access to the site.

The former rectory is to be converted into two two-bedroom affordable units with lounge, WC and kitchen/dining room on the ground floor and two bedrooms and a bathroom on the first floor. A small annexe containing a WC and storeroom which is attached to the detached garage to the side of the garage is also to be demolished.

Dimensions: The site has overall measurements of 105m deep by 55m wide. The front boundary wall measures 30m long in total whilst the rear wall measures 16m long in total. The annexe measures 3.6m by 2m by 2.7m high.

Materials: Not applicable.

Ancillary development, e.g. parking: The stone from the demolished structures is to be retained to be used in the new walls to be erected as part of the redevelopment of the site.

## PLANNING HISTORY

5/5/91/0601 - Construct an access onto the public highway - Granted 04.12.91.

5/5/92/0522 - Cut down, top and lop trees - No objection 09.10.92.

5/5/93/0701 - Erect three detached houses - Granted 08.12.93.

P/05/1228 - Construct two groups of three detached private dwellings - Refused 15.02.06.

07/1333/TCA - Fell Tree - Prior approval not required - 27.11.07.

12/0571/FULL - Demolish former rectory and erect residential development of 8 dwellings (including two affordable houses) - Not Yet Determined.

## POLICY

### Site Allocation

Local Development Plan: Within settlement limits.

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Application No. 12/0550/CON - Continued

### Policies

Local Development Plan: SP2 (Development Strategy in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP15 (Affordable Housing Target) CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP6 Building Better Places to Live gives advice on all levels of development.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: -

"The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions".

National Planning Guidance contained in Technical Advice Note (TAN) 2 Planning and Affordable Housing and TAN 12 - Design.

### CONSULTATION

Transportation Engineering Manager - No objection.

Conservation & Design Officer - No objection subject to conditions.

Nelson Community Council - No objection.

Countryside And Landscape Services - No objection subject to conditions.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: 13 letters of objection and a petition containing 17 signatures were received in respect of the application.

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Application No. 12/0550/CON - Continued

Summary of observations:

1. Objection to the demolition of the former rectory,
2. The creation of the new access road through the curtilage of the former rectory would have a detrimental impact on the historical character of that building and its setting,
3. The proposal would have a detrimental impact on the ecology of the area,
4. The access to the site lacks adequate visibility,
5. Use of the access would create dangers to highway safety,
6. Loss of privacy to neighbouring dwellings,
7. The proposed access would have a detrimental impact on the amenity of The Maples, High Street,
8. Renovation of the former rectory is unworkable,
9. The proposal will exacerbate existing drainage problems in Nelson,
10. The creation of the landscaped area would lead to anti social behaviour in the area.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A bat survey has been carried out in respect of this development and it has been discovered that the former rectory is a roost for bats. In that regard the Local Planning Authority has to assess the application against the following tests: -

- Test i)           The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. As part of the proposal two affordable housing units are to be provided. This is in accordance with Policy SP15 and Key Components 1 and 3 of the Caerphilly County Borough Local Development Plan. As such the derogation is in the interests of overriding public interest of a social or economic nature.

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Application No. 12/0550/CON - Continued

Test ii) There is no satisfactory alternative. In order to satisfy test no 2, at least two alternative options can be considered: Option 1 do nothing, Option 2 converting the building in a way that does not affect the existing roost. The Rectory building has been vacant for approximately 6 years and is slowly falling into a state of disrepair. To leave the building as it is would only result in the building eventually becoming derelict and in need of demolition. Indeed the applicants originally proposed to demolish the building as part of this development but its retention and conversion into two affordable units has now been secured as part of the accompanying application for residential development. As such doing nothing with the building is not an option in this instance.

It should also be noted that because of the state of disrepair of the building extensive works are required in order to bring it back into beneficial use. Those works would inevitably involve an affect on the roost and again it is considered that other options for conversion are not available in this instance.

Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Brown long eared and soprano pipistrelle bats emerged from the building during the bat survey carried out by a competent ecologist with proven experience in bat surveying at an appropriate time of year. The survey report concludes that the building is a maternity roost for brown long eared bats with soprano pipistrelle roosting in the rear south chimney base. The proposed development will therefore result in disturbance to bats; however, adequate mitigation, compensation and monitoring recommendations have been put forward in the Method Statement, such as undertaking and completing the works when the bats are not using the building, replacing like for like when renewing the existing roof structure, retaining the existing entry points to the roosts and conditions can be placed on the application to ensure that the mitigation will be implemented. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for brown long eared and soprano pipistrelle bats at this location.

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ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The demolition of the front and rear boundary walls and the annexe to the detached garage would not have a detrimental impact on the historic character of the building and would not be harmful to the character of the conservation area. The replacement of the front boundary wall with a new stone wall utilising the stone from the existing walls would also mitigate the loss of that feature and as such it is considered that the development is acceptable in planning terms.

Comments from consultees: No objections raised.

Comments from public: The concerns raised by residents relate mainly to the redevelopment of the site for residential purposes and those objections have been dealt with in respect of application 12/0571/FULL. With regard to the demolition of the rectory this is no longer part of the proposal and as such that objection is no longer relevant. In respect of the demolition of the structures the subject of this application, as stated above it is not considered that this would have a detrimental impact on the character of the conservation area and as such the proposal is acceptable.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The works hereby permitted shall be begun before the expiry of five years from the date of this permission.  
REASON: To comply with the provisions of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.
- 02) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: PA-01T2016-PA-02, T2016-PA-03A, T2016-PA-24A, TP/2016-PA-27, Bat Survey from The Countryman: Wildlife Consultancy dated October 2013, Adendum to the Bat Survey from The Countryman: Wildlife Consultancy dated 7th February 2014, Draft Timetable for Conversion and Restoration.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Application No. 12/0550/CON - Continued

- 03) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.  
REASON: To ensure adequate protection to protected species.
- 04) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2.

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