

APPLICANT: Mr Russell Young Barry Evangelical Church, Wilberforce Hall, Barry Road, Barry , CF62 8HE

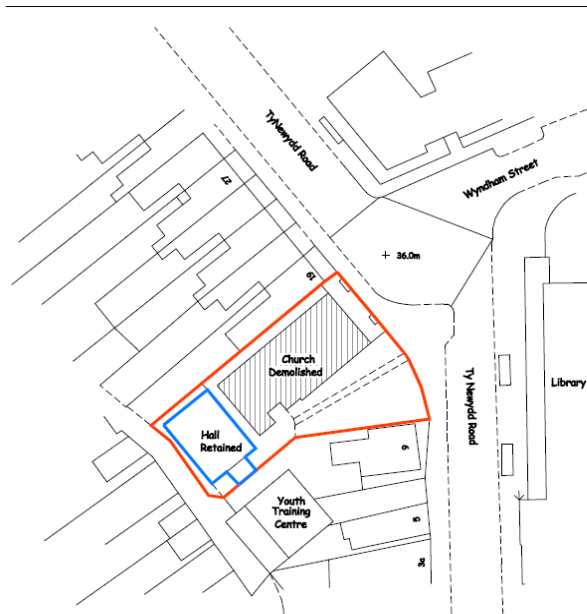
AGENT: Mr Michael Newton Lapider , 41 High Street , Penarth, Vale of Glamorgan, CF64 1EY

Christ Church Presbyterian, Tynewydd Road, Barry

Demolition of existing church building which is derelict and not in use

SITE AND CONTEXT

The site relates to Christ Church Presbyterian, Tynewydd Road. The building is a large gothic church located in a highly prominent location within the settlement of Barry and just outside of the Holton Road District Shopping Centre, as identified by the site location plan below.



DESCRIPTION OF DEVELOPMENT

This is a prior notification of demolition for the demolition of the church. The building has fallen into disrepair. Existing elevations and photographs are shown below.

Existing Elevations



Photograph (taken from Google Street View)



PLANNING HISTORY

1993/01095/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Residential, Decision: Refused, Date: 1994-03-15

1993/01096/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Retail with offices, Decision: Approved, Decision Date: 1994-03-15

1993/01097/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Offices, Decision: Refused, Decision Date: 1994-03-15

1998/00132/FUL, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Conversion of Chapel into offices with associated parking, Decision: Refused, Decision Date: 1998-04-02

2011/01046/FUL, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Install disabled ramp to chapel, 2 no. new external staircases and solar panels, Decision: Approved, Decision Date: 2011-11-23

2019/00361/FUL, Address: New Jerusalem Church, Tynewydd Road, Barry,
Proposal: The existing single storey building to the rear is to be refurbished internally with a new porch to front property. Also existing door to be replaced with window and also front window reduced in size, Decision: Approved, Decision Date: 2019-06-19

CONSULTATIONS

Barry Town Council were consulted 21st July 2021. Their comments dated 2nd August strongly object to the demolition of the Church on the basis that the building is likely to host protected bat roosts, that the loss of the Church would be have a detrimental impact on the street scene and that a detailed structural survey of the building has not been submitted. The Town Council also note that there is a lack of evidence relating to the possible re-use of the Church building for alternative uses and that there is a lack of information related to the continued/future use of the Church Hall to the rear of the main building.

Local Ward Members were consulted 21st July 2021. A response dated 23rd July stated that they would have further comments to make following further consideration and that the site notice had been displayed on the church doors, making it difficult to read from the adopted highway.

Additional comments were received on 10th August 2021. They state that LDP policies SP10 and MD8 refer to the protection of historical buildings and the loss of the church would significantly impact the quality of the street scene. They note that several other former religious buildings have been converted across Barry and although similar buildings may be common across Wales, they are a crucial part of the history of a town, whose history is primarily industrial and whose growth was primarily in late Victorian and Edwardian times. It is unacceptable that historical buildings in Barry can be demolished without consideration of alternative uses and it has been more than a decade since the Vale of Glamorgan County Treasures List was prepared and a review of that list, and the opportunities for preservation, should be a priority. Lastly, the local councillor notes that the submission includes insufficient detail to confirm whether it is structurally unsafe and measures could be taken to make it safe in the future.

In terms of the site notice, Schedule 2, Part 31, Class A.2 (b)(iii) of the Town and Country Planning (General Permitted Development) Order states that “the applicant shall display a site notice by site display on or near the land on which the building to be demolished is sited and shall leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority”. The applicant is considered to have complied with the requirements of the regulations in this respect.

Shared Regulatory Services (Pollution) were consulted 21st July 2021. However, no comments have been received to date.

Building Control Section were consulted 21st July 2021. However, no comments have been received to date.

Ecology Officer were consulted 21st July 2021. An objection was received on 3rd August on the basis that the applicant has not undertaken an assessment for the impact of the proposals on bats and nesting birds who may be using the building and are protected in law. Therefore, a holding objection is requested until such an assessment has been done and submitted.

Contaminated Land, Air & Water Quality were consulted 21st July 2021. However, no comments have been received to date.

REPRESENTATIONS

Comments have been received from five members of the public to date. In summary they state -

- The building should be retained and converted into a museum for local people and visitors.
- Demolishing this building would harm Barry's historic and cultural heritage.
- The church contributes positively towards the visual amenity/character of the street scene and should, therefore, be retained and marketed for other uses, similar to other historical buildings across Barry (e.g. The Pump House).
- Historic buildings cannot be replaced, and the Council should not allow another to be demolished.
- There is no timeframe/details related to the demolition and the safety of neighbour's and visitors may be jeopardised during the works.
- There are no details regarding the replacement of the church building.

REPORT

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Planning policies are of no direct relevance to this notification of demolition, which seeks solely a determination from the Local Planning Authority as to whether prior approval is required for details of the method of demolition and site restoration.

The building subject to this application is Christ Church Presbyterian, on Tynewydd Road in Barry. It is detached, lies between two terraces and its gothic architectural style and prominence means it is a highly visible building in the street scene. Notwithstanding its historic character and scale, the church is not identified as a listed building or county treasure. The application documents also state that the building is in a poor state of repair and, therefore, is becoming unsafe. Several consultees noted that the application is not supported by a structural survey to determine how unsafe the building currently is and whether it could be made safe. However, this information is not a required to make up a valid notification.

It is also noted that consultees including the Town Council and Local Ward Members, along with several members of the public, have stated that the building should be retained by virtue of its historic character and contribution towards Barry's Victorian/Edwardian heritage and should be marketed for alternative uses (as several other notable buildings have been across Barry), in an effort to prevent the permanent loss of a local historical asset. Notwithstanding these comments, being neither listed or situated in a conservation area, the demolition of the building fall within the scope of 'permitted development' under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the "GPDO"). The notification process is not a mechanism to assess the principle of the proposals and does not convey upon Council any power to prevent or oppose demolition. The power to list properties is contained under separate legislature and administered by CADW. The Council's powers to restrict permitted development, including demolition, are contained in Article 4 of the GDPO.

In terms of the Church Hall to the rear, any material change of use would require a separate application for full planning permission. Therefore, this is not a relevant consideration. Similarly, no application has been received for a replacement building and any proposal would need to be assessed following the submission of a full application for planning permission.

One neighbour has commented that the demolition has no timeframe or details as to how it would be carried out and that this leaves uncertainty as to whether there would be a risk to public/neighbouring safety. Given the large scale of the building and that it is in close proximity of a main road and several neighbouring residential properties, it is considered that the *method of demolition* should be controlled to ensure the works do not pose an unacceptable public safety risk or have an undue impact on neighbouring residential amenity. This would entail ascertaining the hours of operation as well as details of how the building would be demolished. Details pertaining to the restoration of the site once the church has been demolished are also required to ensure that the site is left in a safe and secure condition following demolition.

Aside from safety and the effect on residential amenity, it is considered that the roof space and eaves of the Church offer an opportunity for bat roosts/nesting birds, as noted by the Town Council and the Ecology Officer. Bats and certain bird species, their breeding sites and resting/nesting places are protected under the 'Conservation of Habitats and Species Regulations 2017'. In cases where they are likely to be present, an ecology survey and suitable mitigation strategy (in the case they are found) must be undertaken by a suitably qualified ecological consultant, to ensure that the demolition works do not breach this legal protection. If protected bats and/or nesting birds are present, demolition can only be carried out subject to a 'European Protected Species' (EPS) license obtained from Natural Resources Wales (NRW), having satisfied the following three requirements set out in the legislation.

- i) The development works to be authorised are for the purpose of preserving public health or 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;
- ii) There is no satisfactory alternative; and
- iii) The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Schedule 2, Part 31 A.2 (vi) of the GPDO states that:

The development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application.

In the first instance, the building is considered to be potentially suitable for bats and/or nesting birds, and given they may be present in the building, a survey must be undertaken by a licenced and experienced ecological consultant to determine whether any roosts/nests are present. Prior approval is therefore also considered necessary for a subsequent ecological report, including the results of any necessary flight surveys and mitigation detail. This is to inform the *method of demolition* and inform assessment of the 'three tests' of the Habitats Regulations.

RECOMMENDATION

REQUIRES THE PRIOR APPROVAL of the Local Planning Authority.

1. Details of the method of demolition, including measures to limit noise disturbance, vibration and the generation and spread of dust during demolition.
2. Details of the restoration of the site, specifically, details of retained materials/ stockpiles (their location, width and height), site surfacing and finished levels.
3. Details of an ecological assessment of the building (including bat and breeding bird surveys) undertaken by a qualified and licensed ecological consultant and, if protected species are present on the site, details of appropriate mitigation measures. These details should be presented as part of an Ecological Report, specifically to inform the method of demolition and subsequent site restoration.

NOTE:

1. **Warning: A European protected species (EPS) Licence may be required for this development, because the Church building is potentially home to bat roosts and/or nesting birds. It is an offence to deliberately capture, kill or disturb an EPS 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 the 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/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

