

DELEGATED REPORT

Application No:	P/24/0197
Site Address:	Woodland View Pantyffyn Road Mountain Hare Merthyr Tydfil CF47 0HU
Development:	Change of use to extend residential curtilage, retention of shed and re-profiling of ground levels with associated retaining works, fencing and landscaping
Case Officer:	Kate Glover
Site Visit:	27th August 2024
Application Expiry Date:	14th January 2025
Consultation reply date expired:	17th September 2024

APPLICATION SITE

This application relates to an irregular shaped area of the land adjacent to (west of) Woodland View. The topography of the area is such that the ground level slopes downwards in two directions, with the ground level dropping steeply in a south to north direction. The site is bound to the north and west by vacant land, with the residential property (Woodland View) to the east and Pantyffin Road to the south.

Historic maps show that the application site was once woodland but has since been cleared with the ground levels having been subjected to engineering and re-profiling works.

The application site is within the settlement boundary as identified by Local Development Plan (LDP) Policy SW4 and its associated proposal map. The site is also classed as an Open Space Site in the LDP.

PROPOSED DEVELOPMENT

This application seeks retrospective permission to regularise an unauthorised change the use of land and engineering works to provide an extension of the residential curtilage associated with Woodland View.

As noted above the topography is such that the ground level slopes downwards to the north from Pantyffin Road and the site previously formed part of the wider open space.

The engineering works that have taken place involving the re-profiling of the land and the construction of gabion baskets to retain part of the land where two plateaus have been formed. The highest plateau measures approximately 220m² and is positioned close to the

southern boundary of the site and to Pantyffin Road. The surface of the plateau is finished with grass and its ground level is the same as the garden area associated with Woodland View. The ground level then steps down with a row of gabion baskets fronting a retaining feature below the first plateau. At the foot of the gabion baskets is the second plateau, which measures approximately 47m², and is finished with crushed stone. The second plateau is accessed via a series of steps that have been constructed with wooden beams and gravel. Around the western and southern boundaries is a swath of land that follows the natural ground levels. This swath is grassed and contains a number of trees and newly planted shrubs and saplings. A 2m high close boarded, wooden fence has been erected around the northern boundary of the site.

A 'Green Infrastructure Statement and Biodiversity Enhancement Plan' (Ecological Report) has been submitted in support of the proposal and advises that circa 2010 the predominant habitat across the site was bramble scrub and there were three Ash trees on the site. The Ecological report details a number of ecological measures to mitigate for the loss of the trees and proposed ecological enhancements. The ecological mitigation measures and enhancements are: planting of native trees (Hazel, Ash and Downy Birch); a species rich lawn mix; under canopy seed mix; Eco Hedgehog hole plates; and bird and bat boxes.

PLANNING HISTORY

The relevant planning history is summarised below:

P/07/0298 Erection of detached dwelling and double garage
 GRANTED 04 Jul 2007

CONSULTATION

The following bodies were consulted and their responses are presented below:

Planning Policy Officer:	No objection
Planning Ecology Officer:	No objection subject to conditions
Head of Engineering and Highways:	No objection
The Mining Remediation Authority:	No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW10: Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development
- Merthyr Tydfil Open Space Strategy and Action Plans (June 2016).

PLANNING CONSIDERATIONS

Principle of Development

The application site lies on land designated as Open Space and has recently been sold by the Council and purchased by the applicant.

In this respect, it is noted that the application site is located within a designated area of open space and as such Policy SW10 is relevant. This Policy aims to protect open spaces, preventing development which would result in an unacceptable adverse impact on, or result in a loss of, open space 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.

The piece of land is directly adjacent to Woodland View and located on the edge of the larger area of Open Space. The policy team notes that the area of land to be lost is small and would not result in a negative impact on the use of the wider Open Space or exacerbate a deficiency of open space. Indeed, the Council has recently sold the land to

the applicant there was no requirement at the time to provide community benefits or enhanced compensatory provision.

Whilst the development would result in some impact on the natural environment, this would be adequately mitigated and is discussed in more detail in the ecology section below. Additionally, the site does not contain any features of historic importance.

Accordingly, the principle of development is acceptable and meets with the requirements of policies SW4 and SW10.

Visual Impact

The site is in an elevated position and visible from the Open Space site from where the retaining features and newly erected fences are visible, which does currently draw the eye to them. However, as noted above the site would be the subject of tree planting which would soften the approach of the development into the wider landscape and would blend/whether in to the landscape better over time. Furthermore, the site is clearly observed as part of the residential garden associated with Woodland View and does not appear incongruous in the landscape. As such, the proposal meets the requirements of LDP Policy SW11.

Residential Amenity

Regard has also been had for the impact of the proposal on residential amenity, and it is noted that the application site is located away from other nearby residential properties. As such no concerns are raised in this respect. The proposal would therefore accord with Policy SW11 of the LDP.

Ecology

A Green Infrastructure Statement and Biodiversity Enhancement Plan (Ecological Report) has been submitted in support of the application.

The development carried out has resulted in the site being cleared of all habitats and it is difficult to fully understand what features might have been lost to make an assessment on the degree of replanting to mitigate for any ecological damage that has occurred. Chapter 6 of PPW, advises that development should be approached and assessed by using the DECCA Framework and Step-Wise approach, and applications should be supported by Green Infrastructure Statements (GIS). Chapter 6 of PPW also requires that the loss of any biodiversity is avoided in the first instance and if the loss can be justified, it should be mitigated with enhancements incorporated into the development.

The Ecological report advises, the predominant ecological habitat across of the site, which comprised of bramble shrub and three ash trees, were removed circa 2010. The Council's Ecologist is satisfied that the loss of trees and habitat can be mitigated for, and ecological enhancement would be provided with the planting of native trees (Hazel, Ash and Downy Birch); a species rich lawn mix; under canopy seed mix; Eco Hedgehog hole plates; and providing bird and bat boxes.

The ecological mitigation and enhancements can be controlled by condition, thus providing additional habitats in the local area and contributing to the wider green infrastructure objectives.

Turning to lighting. The Council's Ecologist recommends that a condition be used to control internal and external lighting so that dark areas can be maintained and that the lighting must conform to the latest guidance on Bats and Artificial Lighting at Night published by the Bat Conservation Trust and The Institute of Lighting Professionals. The development area is an area of land adjacent to an existing dwelling and it would be unreasonable to impose a condition that would seek to control the internal lighting of an existing dwelling. However, it is considered reasonable that the woodland areas that are adjacent to the site and the proposed ecological mitigation and enhancement remain free from inappropriately high levels of artificial lighting at night. As such a condition could be used to ensure that any proposed lighting is acceptable.

As such, the proposal meets with the requirements of LDP Policy EnW1.

Highway Safety

The Head of Engineering and Highways (HEH) is satisfied with the retaining calculations for the retaining walls and features which have been erected on site. No highway safety concerns have been raised and therefore the proposal meets the requirements of LDP Policy SW11.

Land stability

The application site falls within an area defined as being at high risk from past coal mining activities. However, The Mining Remediation Authority advised that they did not require any further information to be submitted in support of the proposal and they did not raised any objection to the 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 to be acceptable and the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall be carried out in accordance with the following approved plans and document:

Drawing Title: Proposed Site Sections, Drawing Number Woodland View 03,
Received on 20 August 2024

Drawing Title: Proposed Site Plans and Elevations, Drawing Number Woodland
View 02, Received on 14 August 2024

Drawing Title: Proposed Site Plans, Drawing Number Woodland View 01, Received on 14 August 2024

Green Infrastructure Statement and Biodiversity Enhancement Plan, Figure 1: Biodiversity Enhancement Plan, Revision V3.0, Received on 14 January 2025

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

2. **Within 3 months from the date of this decision** a scheme for biodiversity mitigation and enhancement shall be provided, together with a timescale for its implementation, in accordance with approved document Green Infrastructure Statement and Biodiversity Enhancement Plan, Figure 1: Biodiversity Enhancement Plan, Revision V3.0. The scheme for biodiversity mitigation and enhancement shall be completed in accordance with the approved details and retained in perpetuity.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

3. **Prior to the installation of any external lighting**, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme of lighting shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - In the interest of maintaining and enhancing biodiversity and to accord with Planning Policy Wales and Policy EnW1 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.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 13.02.2025