

DELEGATED REPORT

Application No:	P/21/0381
Site Address:	Land Rear Of 51-56 Ernest Street Merthyr Tydfil
Development:	Erection of 7 garages with associated retaining wall
Case Officer:	Caroline Pulley
Site Visit:	18th November 2021
Application Expiry Date:	25th April 2022
Consultation reply date expired:	30th November 2021

APPLICATION SITE

The application site relates to a rectangular parcel of land situated directly between two rows of houses, namely Ernest Street and Clare Street. Specifically, this site relates to a strip of land located directly between two garages. It measures approximately 34m in width and is bound to the north-east and south-west by the rear access lanes serving Ernest Street and Clare Street. As such, the land does not sit directly adjacent to the boundary of a residential dwelling. However, it is situated to the south-west of numbers 50 - 56 Ernest Street and to the north of a detached property called Wedgewood located on Clare Street.

Most of the site is undeveloped and is covered in vegetation. There is a store building (covered with steel sheet roofing) situated within the north-eastern corner of the site and two greenhouses in the south-eastern part of the site. These structures would be removed as part of the development. The north-eastern half of site appears reasonably flat, however, the land to the south-west is raised in line with the topography of the two streets. The existing boundary treatments to the front and rear of the site predominately consist of hexagonal wire mesh fencing. Although the boundary treatment along part of the north-eastern boundary is adhoc and comprises different sections of materials (i.e. sheets, picket style fencing). The land to the north and south of the site is predominately occupied by garages, the majority of which are accessed from the lane to the north-east (rear of Ernest Street). Each garage differs in terms of its overall scale and design with some having pitched roofs while others are of a flat or monopitch construction. Most notably, the garage to the north-west of the site is on a higher level and is orientated to face the rear of Clare Street.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a row of 7 garages for domestic use and an associated retaining wall on the site. The row of garages would measure 32m in width and would comprise a line of six identical size garages (each measuring 4.2m wide by 6.5m deep internally) and a single end garage with a wider footprint (measuring 6.8m wide by 5.5m deep internally). The seven garages would be set back from the lane and would be orientated to face onto the rear boundary of Ernest Street. They would be finished externally in render with the roofs being covered in plastic coated steel sheets. Each garage would be served by a roller shutter door located within the north-eastern front elevation of the building.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection.
Environmental Health Manager:	No objection.
Natural Resources Wales:	No comment.
Welsh Water:	No objection.
Ecologist:	No objection, subject to the on-site biodiversity enhancements being provided.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties and two 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.

Local Policy

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

Policy SW4 – Settlement boundaries

Policy SW11 – Sustainable design and Placemaking

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

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

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

PLANNING CONSIDERATIONS

The issues to consider under this application relate to the siting, scale and design of the proposed garages, their impact on the character and appearance of the area, and the impact on residential amenity and highway safety.

The layout of the development is largely informed by the constraints of the site, resulting in a linear form, with the garages orientated towards the rear of Ernest Street, which compliments the topography and pattern of development in the area. The siting of the garages with a setback from the highway to provide a crossover also reflects the general positioning and layout of the existing garages to the south of the site. Furthermore, the provision of linked garages between the existing buildings helps to reinforce the sense of enclosure along this particular strip of land. The scale of the proposed garages in terms of their width, depth and height is appropriate for the site, and would generally reflect the scale of the existing garages in the vicinity.

With regard to residential amenity, it should be noted that the garages, due to their siting away from nearby dwellings and their appropriate scale and height, would not detract from the amenities of nearby occupiers. Moreover, a condition would ensure that the garages are used for domestic purposes only and are not used for commercial or business use in the future without the prior approval of the local planning authority. It is also noted that the garages would be set back from the edge of the lane and Council's Head of Engineering has not raised any highway objections to the proposed scheme. As such, the application is also acceptable in respect of highway safety.

Turning to the ecological impact of the proposal, the site is currently used as a private allotment and there is an existing store building which would be demolished as part of this development. Accordingly, the application is supported by a Preliminary Ecological

Appraisal (PEA) and a Bat Activity Survey Report. The PEA highlights that the site offers various niches suitable for some species in terms of refugia and hibernacula. However, overall, it concludes that the biodiversity of the site was found to be poor with a limited variety of plant species and negligible/moderate likelihood for protected species. Nonetheless, it notes that the presence of a building on the site and the nature of its construction offers a potential as a small summer bat roost. Accordingly, the PEA report recommended for bat activity surveys to be undertaken between May and September to establish the use of the store by bats. The dusk emergence surveys returned a positive result of two bat species using the site and its surroundings. However, no bats were recorded using the store building for roosting. Taking these surveys into account, the report concludes that bats are likely to be absent from the store building. Accordingly, it recommends that this building can be demolished without any specific limitations or restrictions. A number of on-site enhancements are proposed which include the incorporation of an Eco Ricket Bat Box and a sympathetic planting scheme behind the proposed garages to improve connectivity to the surrounding habitats. Having regard to the enhancements measures being put forward within the PEA and Bat Activity Report, the Council's Ecologist raises no objection to the scheme.

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 2 of 2 received on 01.11.2021

Preliminary Ecological Appraisal Version 02 received on 09.03.22

Bat Activity Survey Report Version 01 received on 01.06.22

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

3. Prior to works commencing on site, details for the provision of a bat box and bird box together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before any garage hereby permitted is brought into use.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

4. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. 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 - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. The garages hereby approved shall be used for purposes ancillary and incidental to domestic residential use and at no time shall it be used for any commercial or business use.

Reason - To clearly define the scope of this permission and the use of the structure in the interest of highway safety and residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. Prior to works commencing on site, details for the provision of a native hedgerow on the site shall be submitted to and approved in writing by the local planning authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the first garage or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. 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.

2. 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.

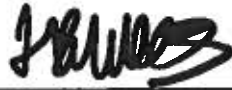
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. The applicant is advised that all development (including fascias, rainwater goods and footings) shall take place solely on the applicant's land and shall not encroach on adjacent land. In this regard the applicant is also advised to have regard to the provisions of the Party Wall Act 1996.
4. The developer is advised to contact Merthyr Tydfil County Borough Council's Highway Division regarding any retaining works or other works affecting the highway BEFORE construction works commence. This approval is independent of any approval of planning permission.

The developer should also note that no surface water should be allowed to discharge onto the public highway.

5. 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.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'J. Williams' or similar, written over a horizontal line.

Head of Town Planning

DATE:

7/6/22

