

DELEGATED REPORT

Application No:	P/24/0044
Site Address:	Land Rear Of 9 Winifred Street Dowlais
Development:	Erection of detached garage with associated retaining works
Case Officer:	Rebecca Owens
Site Visit:	8th March 2024
Application Expiry Date:	30th April 2024
Consultation reply date expired:	29th March 2024

APPLICATION SITE

The application relates to a parcel of land located within the settlement boundary and between a residential area and a park. The site is bound by the park to the north and east, another garage to the south and the rear lane of a residential street to the west. The land comprises mainly of compacted earth and rubble with some scrub and vegetation along the northern and eastern boundaries. The main part of the site has a centre slope from the lane with the northern, southern, and western sections slightly elevated with the land held by large stone boulders.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of detached garage with associated retaining works.

The proposed garage would be 5.58m in depth by 4.24m in width and would have a shallow, mono-pitched roof with a maximum height of 3.4m. The garage would feature a plastic coated steel roller shutter in its front elevation and a door in its southern facing side elevation. The roof would comprise of plastic coated steel sheeting and the external elevations would be finished with render. For a width of 0.3m around the sides and rear of the garage there would be a clean stone soakaway.

The proposal also include the re-siting of existing stone boulders along the rear and northern sides if the site to retain the higher land level.

PLANNING HISTORY

There is no recent planning history which needs to be considered when determining this application.

CONSULTATION

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

Engineering and Highways Manager No objection subject to conditions

PUBLICITY

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

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW10 Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW12 Improving the Transport Network
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW4 Environmental Protection
- EcW9 District Heating

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.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and as such the principle of development is acceptable subject to compliance with other relevant planning policies and material planning considerations. In this respect it is noted that the site is on the outskirts of Ifor park, an area which has been designated as open space within the LDP. However the parcel of land subject to this application falls just outside of this designated area and

as such would not result in any loss of this. It would therefore not contravene Policy SW10 of the LDP

There are a number of garage located in this rear street scene which vary in their scale and design. However, generally they are of a modest size with flat/mono-pitched roofs and rendered elevations. Having regard to this context the proposed garage is found to be of an acceptable design and scale which will complement the existing developments visible and would not appear incongruous or harmful to the visual amenities of the area. As such it is found to accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the garage on the residential amenities of the neighbouring occupants. However, given the scale of the garage and its siting on the opposite side of the rear lane to the nearest dwellings in Winifred Street, it not would have any overbearing impact, impinge on privacy or give rise to any overshadowing or loss of light. Consideration has also been had for potential noise and disturbance but there are other garages located within the rear street scene and the comings and going from an addition garage would not generate any unacceptable impact in this respect. However, to ensure that the use of the garage does not change overtime it would be prudent to include a condition which restricts it from being used for business or commercial use. With the inclusion of such a condition the proposal would not harm residential amenity and it is noted that no objections were received following the publicity exercise. As such the proposal complies with both policies SW11 and EnW4 of the LDP

The proposal would necessitate some clearance of the scrub and vegetation along the northern and eastern boundaries. However, the extent of this would be minimal and as such it is not considered that there would be any notable loss of habitat or harm in an ecological sense. It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). In this instance, due to the scale and nature of the development, which only relates to a modestly sized garage on an area of compacted earth and rubble, the submission of a GIS is deemed to be disproportionate and unreasonable. Notwithstanding this, ecological enhancement would be provided, which would provide additional habitats in the local area, which would contribute to the wider green infrastructure objectives. The proposed development would therefore comply with LDP Policy EnW1.

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 Title: Existing & Proposed Plans, Elevations & Sections, Drawing Number: WINI 9 01, Received on 5 March 2024.

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

3. The garage hereby approved, shall not be used at any time for any commercial or business use.

Reason - To clearly define the scope of this permission and the use of the garage 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.

4. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

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.

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


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Director of Neighbourhood Services

DATE: 19.04.2024