

DELEGATED REPORT

Application No:	P/24/0064
Site Address:	Land At East Street And Upper Union Street Dowlais Merthyr Tydfil CF48 3LB
Development:	Non material amendment to relocate a bin store, changes to landscaping and planting, changes to the fencing, additional fencing and railings, and railing protection measures
Case Officer:	Kate Glover
Application Expiry Date:	21st July 2024
Consultation reply date expired:	4th June 2024

APPLICATION SITE

This application site relates to an 'L' shaped area of land measuring approximately 0.18 of a hectare, located within the Dowlais Conservation Area. The site slopes down from the north to the site and a group of dwellings are currently under construction. The development was granted planning permission via planning appeal reference APP/U6925/A/19/3231012 and the approved plans were later varied via planning permission reference P/20/0055.

The site is bound to the north partly by the Cancer Aid Centre and Upper Union Street. Beyond this is the grade II listed St. Johns Church (which has been converted to flats), the grade II listed Dowlais Works Stables and residential properties along Church Row. To the west of the site is a public car park and grassed embankment. Opposite this is the grade II listed Dowlais Public Library. To the south is East Street with a row of terraced properties that essentially back on to the highway. To the east is Commercial Street, beyond which is a prominent area of public open space.

PROPOSED DEVELOPMENT

This is an application for a non-material amendment (NMA) to planning permission P/20/0055. The application seeks permission to make a number of changes to the approved plans. Details on the landscaping, including location and species numbers, and details of the proposed fencing and railings have been submitted in support of the NMA. Further details are provided below:

Relocate a bin store

The bin store is currently located in a shared amenity area at the rear of units 5-6 and 9-10. The relocated bin store would be situated to the rear of the site and between plot 4 and units 5-6. The NMA also seeks to enclose the bin store with a 1.5 m high brick wall. Access to the bin store will be via a ledge and brace gate.

Alternative landscaping and planting

This NMA seeks the following changes to the approved scheme of landscaping and planting:

- provide beds of wall climbing/trailing plants in the following areas: along a section of the southwest boundary of the site; against a wall adjacent to plot 4; and on a section of the rear boundary to the side and rear of units 5-6
- omit a section of semi-native planting to the side of plot 1
- provide wildflower mix on the amenity area between plots 2 and 3
- on a section of the boundary between the site and the Cancer Aid Centre, replace post and planter hederia screen with defensible shrub mix
- on a section of the boundary between the site and the Cancer Aid Centre, replace semi-native tree planting with trees and defensible shrub mix
- to the north of plot 4 and around units 5-10, replace ornamental planting with scented garden/ground cover shrub planting

Changes to boundary treatment

The approved plans include lengths of 1.8 m high wooden, feather edge fencing in the following areas of the site:

- Along the south west boundary between the site and the Cancer Aid Centre
- Around the rear amenity areas of plots 1 – 4
- Near to the boundary of units 9 – 10.

This NMA seeks to use 1.8 m high hit and miss/palisade fencing in place of the approved fencing.

This NMA also seeks to incorporate an additional 17m length of 1.8m high hit and miss/palisade fencing. The fencing will curve around the rear of the site, from a point 1.9m from the north west boundary to a point on the boundary with the Cancer Aid Centre.

The approved plans include lengths of 1.2 m high wooden, feather edge fencing in the following areas of the site:

- the boundaries between plots 1 - 2
- the boundaries between and at the rear of plots 3 - 4

This NMA seeks to use 1.2m high hit and miss/palisade fencing in place of the approved fencing.

This NMA also seeks to incorporate an additional 15.8m length of 1.2m high hit and miss/palisade fencing. The fencing will be erected atop a wall which goes from the rear of units 9-10 and to rear boundary of plot 4.

The proposed wooden hit and miss/palisade fence which would have gaps of approximately 1.5cm between the boards.

Erect additional lengths of railings in the following areas:

- 5.6m of railing between the parking area and the rear amenity area of units 5-10
- 8.7m of railing to enclose an area of planting located on the northeast boundary near units 7-8
- 2.4m of railing at the rear of units 9-10.

Railing protection measures

Half battered kerbs will be installed in the parking area serving units 5-10. The applicant advises these measures are to protect the railings.

PLANNING HISTORY

The relevant planning history is detailed below:

P/20/0055	Variation of condition 2 of appeal decision APP/U6925/A/19/3231012 (application P/18/0330). Permission GRANTED 16.04.2020
P/18/0330	Construction of 10 dwellings with associated retaining works, parking, access and new footpath. permission REFUSED on 18.04.2019 and subsequently ALLOWED at appeal (Ref APP/U6925/A/19/3231012) on 16.09.2019
P/08/0214	Erection of 2 No. semi-detached dwellings and 5 No. detached dwellings. Permission GRANTED 05.06.2009
P/82/0018	Residential development for self-build plots (outline). Permission GRANTED 03.03.1982
P/78/0386	Housing development of 39 units (4 and 5 person units). Permission GRANTED 05.07.1978

CONSULTATION

Head of Engineering – No objection.

PUBLICITY

No publicity exercise was undertaken.

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

Of the policies identified in the original planning application, Policy SW11: Sustainable design and place making, and policy CW1: The Historic Environment of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application.

Other relevant guidance

Welsh Government Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission (July 2014)

The guidance advises that a non-material amendment will depend on factors such as the context of the overall scheme, the amendments being sought to the original planning permission, the specific circumstances of the site and the surrounding area, which will vary from one application to another.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. The guidance also identifies four tests, which local planning authorities may wish to consider when assessing and determining whether a proposed change would qualify as a non-material amendment. These are as follows:

- is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,
- would the proposed change result in a detrimental impact either visually or in terms of local amenity?
- would the interests of any third party or body be disadvantaged in planning terms; or,
- would the proposed change conflict with national or development plan policies?

PLANNING CONSIDERATIONS

The main issue in determining this application is whether the changes listed above constitute a non-material amendment to the development approved under planning application reference P/20/0055.

Bin store

The relocation of the bin store would be more prominent in the street scene than the approved arrangement. The enclosed bin store will not result in any detriment to residential/neighbouring amenities as its proposed position is approximately 5m west of the approved location. In addition, the relocated bin store will be seen in the context of the dwellings which would not significantly change the overall character or appearance of the site.

Landscaping

Full details of the location, species and number of plants, trees and shrubs have been submitted.

It is considered that the details are acceptable and will provide appropriate landscaping and species mix to the benefit of the visual appearance of the development and biodiversity.

Boundary treatment

The planning history of the site was scrutinised to establish the purpose of previously approved boundary treatment. For example, to prevent overlooking between the site and the rear Cancer Aid Centre and if approved boundary treatment needed to be provided for the lifetime of the development.

It is noted that the landscaping plan (A128 Rev D) approved under appeal decision reference APP/U6925/A/19/3231012 proposed a strip of defensible shrub mix along most of the boundary between the Cancer Aid Centre and the site.

The landscaping plan (N479.01 rev 01) approved under planning permission reference P/20/0055 included the provision of a 3m high post and planter hedera screen with defensible shrub mix. This screening would be located on part of the boundary located between the Cancer Aid Centre and the rear of plots 3 and 4 and part of the parking area for units 5-10.

Neither of the permissions listed above required the retention of any boundary treatment for the lifetime of the development.

As such, it is considered that the changes to the design and location of the fencing is acceptable. It is note that there would be 1.5cm gaps between boards, however it is considered that there would be no significant detriment to residential/neighbour amenities or the visual appearance of the proposal or the conservation area.

It is considered that the additional railings would not cause any detriment to residential/neighbour amenities or the visual appearance of the proposal or the conservation area.

Railing protection measures

The Head of Engineering advises that they do not expect to adopt the parking areas. There is no reason to object to the installation of the half-battered kerbs in the parking areas.

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.

It is considered that the proposed changes to the planning permission are not harmful to the character and visual amenities of the area or residential amenity. The revised scheme

would therefore be acceptable and accord with Policy SW11 or Policy CW1 of the Replacement LDP.

RECOMMENDATION: BE APPROVED

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'P. J. S.', is written over a horizontal line.

Director of Neighbourhood Services

DATE: 05.07.2024