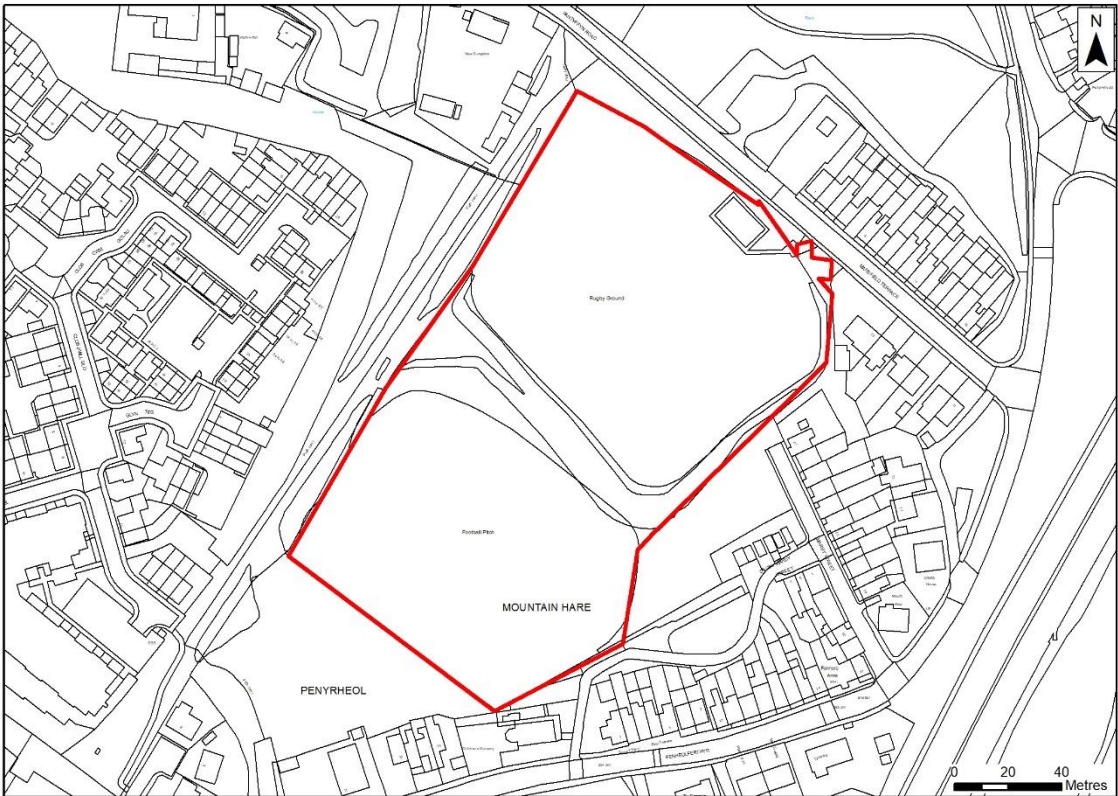


|                       |                         |
|-----------------------|-------------------------|
| <b>DATE WRITTEN</b>   | 3rd September 2024      |
| <b>REPORT AUTHOR</b>  | Judith Jones            |
| <b>CASE OFFICER</b>   | Rebecca Owens           |
| <b>COMMITTEE</b>      | Planning and Regulatory |
| <b>COMMITTEE DATE</b> | 11th September 2024     |

|                                                                            |                                                                                                 |                                                                                                              |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <b>Application No.</b><br>P/23/0216                                        | <b>Date</b><br>13th November 2023                                                               | <b>Determining Authority</b><br>MTCBC                                                                        |
| <b>Proposed Development</b>                                                | <b>Location</b>                                                                                 | <b>Name &amp; Address of Applicant/Agent</b>                                                                 |
| Extension to existing changing rooms and new boundary fence to lower pitch | Land at Pavilion and Changing Rooms<br>Panttyffyn Road<br>Penyard<br>Merthyr Tydfil<br>CF47 0LB | Mr Justin O'Brien<br>c/o Mr Paul Thomas<br>Utopia Design<br>5 Amberton Place<br>Penydarren<br>Merthyr Tydfil |



Councillor David Jones has requested that this application be reported to Committee to consider the impact of the proposal on local residents' use of the recreational area.

## APPLICATION SITE

The application relates to Mountain Hare Rugby and Football fields. The fields lie adjacent to one another with the rugby ground occupying a higher level than the football pitch to the south-west. There is also a building to the north east of the site which provides changing facilities. The site is situated within a mainly residential area within the settlement boundary and the site is also classed as an Open Space within the Local Development Plan.

## PROPOSED DEVELOPMENT

Full planning permission is sought to extend the existing changing rooms to provide a gym and ladies changing facilities, for a new boundary fence to the lower pitch and for high ball fencing.

The existing building would be extended off the north western side elevation. The extension would be set back from the rear elevation by 1.2m and would be 20m in width by 8.55m in depth with a pitched roof 4.8m in height to its ridge. This would feature two doorways and two windows in its south western elevation which would all be protected by roller shutters. A smaller store extension is proposed off the rear elevation which would be accessed externally via a roller shutter door in its side elevation. This would be 5m in width by 2.62m in depth and feature a pitched roof with a ridge height of 4.1m. The roof of the extensions would be covered with concrete tiles and the external elevations would be finished in render to match the main building.

It is also proposed to introduce solar panels to the south western roof slopes of the existing building and side extension. These would cover an area of 16.7m by 4.5m and 19.2m by 4.5m respectively, and would project off the roof plane by 35mm

Two sections of high-ball fencing are proposed to the rear of the two goal posts on the lower pitch. These would be 20m in length and 5m in height. It is proposed to enclose the lower field with 1.8m high fencing but this element of the proposal would not require planning permission.

## PLANNING HISTORY

The relevant planning history is summarised below:

- |           |                                                                                                                                                                                                                      |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| P/22/0118 | Provision of access and car parking, CCTV cameras, storage container, dug outs, fencing with associated access gates and pitch side rail<br>Granted outline planning permission subject to conditions on 1 July 2022 |
| P/20/0187 | New footpath linking changing rooms to football pitch<br>Granted planning permission subject to conditions on 14 September 2020                                                                                      |

P/00/0037     Siting of portable building for use as additional changing rooms, stores and associated use.  
Granted planning permission subject to conditions on 23 March 2000

## CONSULTATION

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

|                                  |                                    |
|----------------------------------|------------------------------------|
| Planning Policy Officer          | No objection                       |
| Planning Ecology Officer         | No objection                       |
| Head of Engineering and Highways | No objection                       |
| Environmental Health Manager     | No objection subject to conditions |
| The Coal Authority               | No objection                       |
| Dwr Cymru Welsh Water            | No objection subject to condition  |

## PUBLICITY

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

As a result of this publicity exercise 16 objections were received and the main points raised are summarised below:

- There is limited open and accessible space for local residents to use with areas being lost in recent years. The fencing on the top field is a concern as the gates have been locked preventing access to the public. There is concern expressed over the fencing of the lower field which may also restrict access to it for the general public. The field is used for informal recreation including exercise, dog walking and as a space for children to play. Its loss would impact on the mental health and wellbeing of residents. It would also result in residents having to drive to other areas of open space, which impacts on pollution levels.
- Parking of cars during training and matches is raised as a concern with cars being parked on private land and blocking gates. The extension of the changing room would cause more traffic issues.
- Car parking would affect emergency vehicle access.
- Fencing would be an eyesore.
- Fencing would impact on property values.
- Loss of view across the fields.
- The area is identified as a high risk area by the Coal Authority and there is already a sink hole near to the proposed site which is not currently fenced off.

## 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*
- SW13 Protecting and Improving Local Community Facilities
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection
- EcW7 Tourism, Leisure and Recreation Development

The following Supplementary Planning Guidance (SPG) and other guidance is also applicable:

- SPG Note 4: Sustainable Design (July 2013).
- SPG Note 5: Nature and Development (May 2015).
- Merthyr Tydfil Open Space Strategy and Action Plans (June 2016).

## PLANNING CONSIDERATIONS

### Principle

The application site is located within the primary growth area of the settlement boundary (Policy SW4) 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 application site is located within a designated area of open space and as such Policy SW10 is relevant. This Policy aims to protect open

space, 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.

Additionally, Policy SW13 encourages the provision of new and enhanced community facilities.

The proposal would introduce improved facilities to the Open Space, which would increase its potential use and the extensions to the changing rooms would only be built on a small part of the Open Space with the majority of the space retained. As such, the proposal would be supported by Policies SW10 and SW13 of the LDP by enhancing the current community facility.

Whilst it is acknowledged that the proposal includes the erection of fencing to enclose the lower field, the enclosure of the land can be undertaken without planning permission and is therefore outside of planning control. It is noted that the fencing would include gates and residents have raised concerns about the public access to the fields. Although not controlled by the planning authority, it is understood that there is a clause within the lease agreement to maintain public access, which is to be uninterrupted outside of match and practice times.

### Design and visual amenity

The existing changing room building is a simple and modestly sized structure, positioned to the north east of the site where it is readily visible from the adjacent highway known as Pantyffyn Road. The proposal would more than double the size of this structure resulting in a building which would have a far greater visual impact than the existing building and one which would present an almost 37m, blank rear elevation to the highway. However, as the extension would be set back from the existing rear elevation there would be a visual break within this expanse and this elevation would also be broken up by the smaller extension proposed off the rear elevation. It is also recognised that buildings of this nature are often of a simple design and given that it is only single storey in height, it is considered that it would be acceptable with the addition of vegetation screening to soften its overall impact when viewed from the adjacent highway. In addition, no concerns are raised with respect to the introduction of solar panels which would be located on the front roof slope facing towards the sports fields.

The proposed fencing would be located around the lower football pitch. Given that it would be less than 2m in height and not adjacent to a highway this element of the proposal would not require planning permission. However, it is acknowledged that in

addition to the boundary enclosure two sections of 'high-ball' fencing are proposed, one behind each of the goal posts with the purpose of preventing stray balls from escaping the field. It is recognised that these are relatively substantial at 5m in height and 20m in width. However, they are a feature which is commonly found within sporting fields and as such on balance it is not considered that they would represent an incongruous addition or result in such a harmful visual impact as to warrant the refusal of the application.

Having regard to the above, on balance it is not considered that the elements of the proposal that require permission would as a whole adversely impact on the character or visual amenities of the site itself or indeed the wider area. In this respect it is noted that the site lies within Urban Character Area 3 (Twynyrodyn, including Ysgubor Newydd and Penyrheol) but for the above reasons it is not considered that the proposal would have any adverse impact on the area. Therefore the proposal complies with Policies SW11 and CW1 of the LDP.

#### 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 in a mainly residential area. However, given the location of the proposed extension and fencing and their distance from residential properties, no concerns are raised in this respect. The proposal would therefore accord with Policy SW11 of the LDP.

#### Parking and Highway Safety

The proposal would not impact on the existing car parking area which would remain unaltered. Whilst it is recognised that it would provide additional facilities including a gym, this would be for club members only. Furthermore, it is not envisaged that the additional facilities would result in an increase in parking demand above that typically expected during training sessions or indeed during a match. In this regard it is acknowledged that the Head of Engineering and Highways has not raised any objection in respect of parking or highway safety.

#### Ecology

An Ecological Assessment has been submitted with the application which provides details of a Phase 1 Habitat Survey and single emergence survey for bats. The building was found to be of low potential for roosting bats and no bats were identified roosting within the building during the survey work. As such it is considered that the works can progress in accordance with the recommendations of this report which include mitigation measures and compensation. It is also recommended that a wildflower meadow be planted within the grounds and that both a sparrow terrace and bat block are provided on the extended building, which can be secured by condition.

It is noted that chapter 6 of Planning Policy Wales (edition 12) requests that applications be supported by Green Infrastructure Statements (GIS). However, this application was submitted before this was published and made a requirement. As such it is not considered reasonable to now request this given the length of time the application has been under consideration. Notwithstanding this, ecological

enhancements have been proposed which would provide additional habitats and result in a net benefit to biodiversity thus contributing to the wider green infrastructure objectives.

### Land stability

The application site falls within an area defined as being at high risk from past coal mining activities. The Coal Authority records indicate that the site is likely to have been subjected to historic unrecorded underground shallow coal mining, with voids and broken ground associated with such workings posing a potential risk of ground instability and the emission of mine gases. The site also lies within a Surface Coal Resource Zone. As such a Coal Mining Risk Assessment (prepared by Rhondda Geotechnical Services Ltd) has been submitted with the application. This identifies that the site is in an area of probable shallow coalmine workings. However, based on a review of appropriate coal mining and geological information, the report confirms that none of the shallow coal seams underlying the site are recorded to have been worked in the local area. The Coal Authority are satisfied with the conclusions of the assessment and they have not raised any objection to the proposal.

### Representations

The concerns that have been raised by the local residents have been addressed in the relevant sections of the report above. In addition to this, it is noted that concerns were raised in respect of the potential impact on property values and the loss of views. It should be noted that these issues are not material planning considerations and have not given any weight in the assessment of this application.

### Conclusion

For the above reasons, the proposed development is deemed to be acceptable and complies with the relevant LDP policies.

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 Plan, Drawing Number: MT HARE EXT 02, Received on 15 September 2023.

Drawing Title: Proposed Plans, Drawing Number: MT HARE EXT 03B, Received on 15 September 2023.

Drawing Title: Proposed Plans and Elevations, Drawing Number: MT HARE EXT 04D, Received on 12 June 2024.

Drawing Title: Existing & Proposed Plan, Drawing Number: MT HARE EXT 05A, Received on 15 September 2023.

Ecological Assessment 2023 Issue 1VB, produced by BE Ecological Ltd, Received 3 June 2024

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

3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason** - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

4. **BEFORE** the extension hereby approved is brought into use, the bat block and sparrow terrace detailed in the Ecological Assessment shall be provided in accordance with Drawing Number: MT HARE EXT 04B and shall be retained in perpetuity thereafter.

**Reason** - To protect the natural environment in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **BEFORE** the extension hereby approved is brought into use a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the screening trees and wildflower area identified on drawing number: MT HARE EXT 04D.

**Reason** - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. 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 buildings 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 ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. The gym hereby approved, shall only be used in association with Georgetown Boys and Girls Club and shall not be used at any time for any separate 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.

## 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.

3. The developer's attention is drawn to the comments and advice received from Welsh Water during the application process.
4. The developer's attention is drawn to the comments and advice received from The Coal Authority during the application process.