

DELEGATED REPORT

Application No:	P/21/0419
Site Address:	Building Block Pre School Heolgerrig Merthyr Tydfil CF48 1RP
Development:	Proposed canopy to rear of Creche with an associated extension to an existing raised decking path
Case Officer:	Caroline Pulley
Site Visit:	23rd December 2021
Application Expiry Date:	11th February 2022
Consultation reply date expired:	13th January 2022

APPLICATION SITE

The application site relates to a pre-school creche located to the rear of the Nation Changers Building in Heolgerrig. The building is located alongside the entrance of a relatively new housing estate. It is bound by a concrete wall and metal fencing along its far western boundary and weld mesh fencing to its south-western boundary. The proposed canopy would be located along the rear elevation of the building, adjacent to the eastern boundary of the site.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the siting of a canopy along the rear elevation of the building. The canopy would measure 4.4 metres wide, 3 metres deep and 2 metres in height. It would be finished in powder coated steelwork (mushroom in colour) and would have a sloping opaque UV cladded roof. As part of the works, the decking, which currently lies in the area of the proposed canopy would be removed and a new composite deck would be laid in its place. It is important to note that the height of the deck would remain unchanged by these works.

PLANNING HISTORY

P/20/0306	Proposed office Approved – 19.01.2021
P/17/0030	Variation/removal of condition 1 of planning permission P/14/0047 Approved – 07.03.2017
P/14/0047	New building to provide a new flying start crèche

CONSULTATION

The Coal Authority: Advises that the site falls within a high risk area for coal historic mining activity and recommends that the applicant obtains a coal mining risk assessment (CMRA). Notwithstanding this, having regard to the extent of the works, they do not consider that the requirement of a CMRA is proportionate to the nature of the development proposed and in this case, they do not raise any objection to the application.

PUBLICITY

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

PLANNING CONSIDERATIONS

The proposed canopy would be erected in a prominent location where it would be visible from the adjacent highway. Notwithstanding this, it is recognised that canopies such as this are commonplace within the grounds of community buildings and childcare settings and the proposed canopy is deemed to be of an acceptable design and scale. As such it is not considered that it would represent an incongruous feature or adversely impact on the character or visual amenities of the building itself or the wider area. It is therefore in accordance with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on the residential amenity of neighbouring occupants. In this respect it is noted that there are neighbouring properties to the east of the proposed canopy. However, there is an intervening row of trees separating the site from the neighbouring properties to the east. Moreover, given the distance of the canopy and the associated composite decking in relation to these properties, the proposal would not have an overbearing impact or result in any loss of light or overshadowing. In addition, as the height of the decking beneath the canopy would remain unchanged, the scheme would not have any impact in terms of overlooking or loss of privacy. As such, the proposal would comply with Policy SW11 in respect to residential amenity and it is noted that no representations were received following the publicity exercise.

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 number 01(P) received on 17.12.2021
Drawing number 03(P) received on 17.12.2021
Drawing number 04(P) received on 17.12.2021
Drawing number 08(P) received on 17.12.2021

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

INFORMATIVES

1. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

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. 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



Head of Town Planning

DATE:

14/1/22