

DELEGATED REPORT

Application No: P/24/0230

Site Address: The Oval
Panttyffyn Road
Mountain Hare
Merthyr Tydfil
CF47 0LA

Development: Container for storage of sports equipment

Case Officer: Kate Glover

Site Visit: 17th October 2024

Application Expiry Date: 30th April 2025

Consultation reply date expired: 7th November 2024

APPLICATION SITE

The application site is located within The Oval recreational playing fields. The application site comprises a small parcel of land which contains shrubs and grass and is positioned adjacent to an area of woodland (east). To the rear (south) of the site is a hedgerow, to the side (west) are changing rooms and to the north amenity grassland associated with the recreational grounds.

The site is situated 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 provide a container which will store sports equipment to be used in association with the activities which take place on the recreational playing fields. The container would be coloured green and measure approximately 12.5m long, 5.21m wide and 5.51m high.

The proposal would require the removal of some shrubs and amenity grass land. A Preliminary Ecological Appraisal, incorporating a Green Infrastructure Statement has been submitted in support of the proposal and sets out a scheme of replacement planting and biodiversity enhancement which comprises of bat and bird boxes, planting to support foraging opportunities for bees (and other invertebrates) and the planting of a sessile oak.

PLANNING HISTORY

The relevant planning history is summarised below:

P/06/0081 Creation of two new football fields, erection of changing rooms and creation of new car park and associated access

Granted 27 Jun 2006

CONSULTATION

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

Planning Policy Officer: No objection

Planning Ecology Officer: No objection, subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining 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) (Future Wales) 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) (PPW12).

Local Planning Policies

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

- SW4 Settlement Boundaries
- SW10: Protecting and Improving Open Spaces
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species

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
- Merthyr Tydfil Open Space Strategy and Action Plans (June 2016).

PLANNING CONSIDERATIONS

Principle of Development

The application site lies within the settlement boundary and on land designated as Open Space. Policy SW10 aims to protect open spaces, by preventing development which would result in unacceptable adverse impact on, or loss of open space. The proposal will provide a modest building to be used for the storage of sporting equipment to be used in association with the sporting activities carried out on the recreational ground. As such, the proposal meets with the requirements of LDP Policies SW4 and SW10.

Visual Impact

The proposal would be located behind a hedgerow and as there would be changing rooms on one side and woodland to the other side, the container would be hidden from the public highway. The container would be seen from within the recreational grounds, and, although the container would be utilitarian in character and appearance, it would be seen in the context of the adjacent changing rooms. Given the scale and size of the proposal, its visual impact would not be significantly detrimental to the surrounding area. Accordingly, the proposal meets the requirements of LDP Policy SW11.

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 away from nearby residential properties. As such, no concerns are raised in this respect. The proposal would therefore accord with Policy SW11 of the LDP.

Ecology

A Preliminary Ecological Appraisal (PEA) containing a Green Infrastructure Statement (GIS) has been submitted in support of the application.

The PEA advises that there is a record of a great crested newt (GCN) within 453m of the site and there are water features within 21m of the site which comprise of a ditch/drain containing standing water and water-logged ground. The PEA advises that whilst there was no evidence that GCN are foraging in either the woodland adjacent to the site or scrub area in the location of the site, a precautionary approach is used for any site clearance and the area is checked by an appropriately qualified ecologist prior to the commencement of development. Should GCN be identified, works would cease and Natural Resources Wales would be contacted.

The development will result in the site being cleared of a modest area of shrub and grass. Chapter 6 of PPW, advises that development should be approached and assessed by using the DECCA Framework and Step-Wise approach, and applications should be supported by GIS. Chapter 6 of PPW also requires that the loss of any biodiversity is avoided in the first instance and if the loss can be justified, it should be mitigated with enhancements incorporated into the development.

The Council's Ecologist is satisfied with the findings of the PEA, that the loss of green infrastructure can be mitigated and ecological enhancement would be provided through

the provision of bird and bat boxes, planting of a sessile oak, new foraging opportunities for bees (and other invertebrates) via planting of a species-rich seed-mix.

Turning to lighting. The Council's Ecologist recommends that a condition be used to control internal and external lighting so that dark areas can be maintained. Internal lighting would not constitute development, and further to this, the container does not include any windows. However, a condition could be used to ensure that any future external lighting is acceptable.

As such, the proposal meets with the requirements of LDP Policy EnW1.

Land stability

The application site falls within an area defined as being at high risk from past coal mining activities. However, given the scale and nature of the proposal no further information is necessary to be submitted in support of the proposal.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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 plan and document:

Drawing Title: Existing and Proposed Plans, Elevations and Sections, Drawing No: Oval 01A, Received on 31 March 2025

Preliminary Ecological Appraisal Report and Green Infrastructure Statement, by Little Wing Ecology, Received on 28 March 2025

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

3. All planting comprised in the approved details (Preliminary Ecological Appraisal Report and Drawing Title: Existing and Proposed Plans, Elevations and Sections, Drawing No: Oval 01A) shall be carried out in the first planting and seeding seasons following the completion of the development; 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 - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the commencement of the development hereby approved** the bat boxes and bird boxes shall be provided in accordance with Preliminary Ecological Appraisal Report and approved plan Drawing Title: Existing and Proposed Plans, Elevations and Sections, Drawing No: Oval 01A. The bat boxes and bird boxes shall be maintained as such in perpetuity.

Reason - In the interest of biodiversity in accordance with the requirements of Planning Policy Wales 12, The Environment Wales Act and Policy EnW4 of the Merthyr Tydfil Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the installation of any external lighting**, a lighting scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme of lighting shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - In the interest of maintaining and enhancing biodiversity and to accord with Planning Policy Wales and Policy EnW1 of the Merthyr Tydfil 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

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DATE: 29.04.2025