

DELEGATED REPORT

Application No:	P/24/0008
Site Address:	Cwm Golau Intergrated Childrens Centre Duffryn Road Pentrebach CF48 4BJ
Development:	Erection of free standing pergola
Case Officer:	Rebecca Owens
Site Visit:	22nd January 2024
Application Expiry Date:	14th March 2024
Consultation reply date expired:	12th February 2024

APPLICATION SITE

The application relates to a pre-school located within the Cwm Golau Integrated Children's Services building. This is located within the settlement boundary with the highway known as Dyffryn Road to the east of the site, a school to the north and recreation field to the south.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of free standing pergola which would be erected adjacent to the south eastern elevation within the external play area of the pre-school. The pergola would provide shade and shelter when utilising the outdoor space. The pergola would be 5m in width by 3m in depth with a mono-pitched polycarbonate roof. This would have a maximum height of 2.7m.

PLANNING HISTORY

The relevant planning history is detailed below:

P/21/0426	Erection of timber-clad summer house Granted planning permission subject to conditions on 1 February 2022
P/21/0033	Erection of a shelter/canopy in garden area Granted planning permission subject to conditions on 4 March 2021
P/03/0185	Erection of single storey early years learning centre Granted planning permission subject to conditions on 13 June 2003

CONSULTATION

No consultation exercise was considered necessary in this instance.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, two site notices were 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
- SW11 Sustainable Design and Placemaking
- SW13 Protecting and Improving Local Community Facilities

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.

PLANNING CONSIDERATIONS

It is noted that canopies and pergolas such as this are common features found within the grounds of schools, nurseries etc. Indeed, there is already a similar structure visible to the front of the site. In addition, the scale of the pergola would be proportionate to the building and would represent only a minor addition. As such, the proposal would not appear incongruous. It is also noted that given its height and location, it would be largely concealed from outside of the site by the existing boundary fence and as such would have no impact on the character or visual amenities of the area. For the above reasons the pergola would not impinge on the character or visual amenities of the building itself or indeed the area in general and as such would accord with Policy SW11 of the LDP.

Regard has also been had for the impact of the proposal on residential amenities. However, given the siting of the pergola which is adjacent to a recreation field and some distance from the nearest dwelling, it would not have any harmful impact in this respect. Accordingly, it would again comply with Policy SW11 of the LDP.

Finally, whilst the pergola would be free standing and not physically attached to the building, it would be in close proximity. As such, consideration has also been had for the impact on of the proposal Potential Roost Features (PRFs) for bats on the main building.

However, the planning authority's Ecologist is satisfied that there would not be any adverse impact and has raised no objection subject to an enhancement being provided. The developer has proposed a bird box on the sycamore tree to the north east of the main and the provision of this can be secured via an appropriate condition.

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 includes the erection of a free standing pergola, 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:

Location of pergola including position of bird box, Received 29 February 2024.

Block plan, Drawing Reference: 91459, Received on 18 January 2024.

Poly Roof Pergola - PRP, Drawing Reference: Installation Sheet 1, Received on 18 January 2024.

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

3. **WITHIN 3 MONTHS OF THIS PERMISSION** a bird box shall be erected in accordance with the approved drawings listed in condition 2 of this permission 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.

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

DATE: 05.03.2024