

DELEGATED REPORT

Application No:	P/22/0128
Site Address:	Land Adjacent To 8 Brickfield Crescent Twynyrodyn Merthyr Tydfil
Development:	Change of use of land to form part of garden of 8 Brickfield Crescent, re-profiling with associated retaining walls, shed and new boundary fence
Case Officer:	Nia Chard
Application Expiry Date:	19th July 2022
Consultation reply date expired:	28th June 2022

APPLICATION SITE

The application site relates to an irregular shaped plot of land adjoining the northern side of the property known as 8 Brickfield Crescent, situated within the residential area of Twynyrodyn. The site slopes downwards from east to west and measures a maximum of 23m wide by 26m deep. It is bounded to the west by the lane serving the rear of properties at Jenkins Place and a pedestrian access lane to the south and west.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of undeveloped land to garden. It also seeks permission for the construction of a detached shed, boundary treatments, retaining walls with associated engineering works. The application is made partly in retrospect as the boundary fence has already been erected and retaining works have already taken place.

The land subject to the change of use measures approximately 420m². The land has already been enclosed with a 2m high timber fence. The timber shed measures 3.8m wide by 3.8m deep and a maximum height of 2.9m. It features a double doors within the south elevation and a window in both the east and west elevation.

In order to create a levelled garden area, two retaining walls are proposed the first is located to west of the site and would measure 1.1m in height with steps in the middle leading to the levelled garden. A second retaining wall is located to the east of the site and would measure 0.9m in height.

PLANNING HISTORY

None relevant.

CONSULTATION

None undertaken

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.

One letter of objection has been raised as result of this exercise. This letter raises the following concern.

- No consultation had taken place before the works were undertaken.
- The boundary fence blocks access to the objectors vehicles, and would restrict access to the driveway that is proposed to be constructed in the future.

Local Ward Members were advised of the objection received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Director of Neighbourhood Services.

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
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 6 –Householder Design

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and within a predominately residential area. As such, the principle of the change of use of the land to garden is acceptable subject to compliance with other relevant planning policies and material planning considerations.

The proposed change of use of the land for residential purposes is in keeping with the residential character of the area and would not appear out of place. The land was previously undeveloped and had an unkempt appearance and overall, it is not considered that the development of this land for garden purposes would not cause significant harm to the character and appearance of the area. The proposed shed would be sited to the northern boundary of the site alongside an existing outbuilding located within the garden of 8 Brickfield Crescent. Given the location, scale and material finishes, the proposed shed would be a sympathetic form of development which would not detract from the character and appearance of the area. The boundary fence would be constructed in timber and would be in keeping with other boundary treatments within the area. It should also be noted the erection of the boundary fence does not require planning permission. Having regard to the above considerations the application is acceptable in terms of its impact on the character and visual amenities of the dwelling and the area in general and is therefore in compliance with Policy SW11.

Regard has also been had on the potential impact of the development on the amenities of the surrounding residents. In this respect, it is not considered that the change of use of the land to garden would have an adverse impact on residential amenity. Similarly given the siting of the shed, it would not have an impact on amenity of the neighbours in terms of loss of privacy, loss of light or overbearing impact. Concerns raised regarding the fence blocking access to the objector's garden is not a planning consideration and is a civil matter between the two parties. Having considered the above the development is deemed to be acceptable with respect to residential amenity and thus in compliance with Policy SW11 of the LDP.

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

CONDITIONS/REASONS:

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:

Site Plan, Received 24 May 2022

Block plan, Dwg No. SA03, Received 24 May 2022

Annotated Block plan Dwg No. SA03, Received 24 May 2022

Section Plan, Dwg No. SA06, Received 24 May 2022

Wall details A Dwg No. SA07, Received 24 May 2022

Wall details B Dwg No. SA08, Received 24 May 2022

Boundary Details, Dwg No. SA09, Received 24 May 2022

Shed Details, Received 24 May 2022

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings/structures shall be erected other than those expressly authorised by this permission and shown on the Block plan received 24 May 2022.

Reason - In the interest of visual amenity in accordance 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

13/7/22