

DELEGATED REPORT

Application No:	P/22/0073
Site Address:	Land Rear of The Bothy Cyfarthfa Park Merthyr Tydfil CF47 8RE
Development:	Change of use to create charity garden with beepod, greenhouse, apiary and pathway
Case Officer:	Caroline Pulley
Site Visit:	25th March 2022
Application Expiry Date:	24th June 2022
Consultation reply date expired:	15th April 2022

APPLICATION SITE

The application site comprises a parcel of land located to the side of the depot buildings in Cyfarthfa Park. The site is accessed through the yard of the depot and is enclosed along its western and northern boundary by a concrete block wall. It is bound by the side elevations of the depot buildings to the east, a car park to the south and a woodland area to the west. The site is currently vacant, although works have already commenced on site. A large part of the ground has been disturbed and cleared and the greenhouse and three of the raised planters, which form part of this application, are already in situ.

PROPOSED DEVELOPMENT

This application seeks full planning permission to change the use of the land to a charity garden. It also seeks permission for the following works:

- The construction of an apiary building within the north-eastern corner of the site. The proposed building would have an irregular footprint measuring a maximum of 16.7m wide (at the front), 7m deep and 4.3m in height;
- The siting of a beepod along the southern boundary. The beepod would measure 4m wide by a maximum of 6m in depth. It would have a pitched roof with a maximum height of 3.6m.
- The siting of a greenhouse along the eastern boundary. The greenhouse measures 1.8m wide, 1.8m deep and 2.74m in height to the apex of its roof.
- The siting of a compost bin measuring 3.9m wide by 3.9m deep.
- The provision of a wildflower turf raised bed along the western boundary

- The provision of a 1.5m wide pathway within the site.
- The siting of 6 raised planters each measuring 1.2m x 1.8m.

As part of the application, the developer also seeks to provide willow tree screening to the eastern and northern boundary of the site. The submitted plans also detail some minor engineering works to facilitate the proposed access path and buildings/structures on the site.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection.
Cadw:	No objection.
Estates Department:	No objection.
Ecologist:	No objection, subject to conditions.
Landscape Architect:	Highlights that presence of Japanese Knotweed on the site.
GGAT:	No objection.
Regeneration Department:	No comment.
Parks Department:	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, 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 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

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.

TAN 24 - The Historic Environment

Section 1.14 of TAN 24 refers to conservation principles and *‘... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...’*

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 CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

As the application site is located within the grounds of Cyfartha Park and there are no residential properties within the immediate vicinity of the proposed garden, the scheme would have no impact on residential amenity. Also, being in close proximity to quite a large car park, there are no highway safety concerns arising from this scheme. As such, the main consideration of this application relates to the visual impact of the development on the character and appearance of the Cyfarthfa Conservation Area and its impact on the registered Grade II* Historic Park and Garden.

In this respect, it is noted that the parcel of land is in an inconspicuous location to the side of two large depot buildings. The proposed apiary, beepod and greenhouse due to their limited height and location, would not adversely affect the character or appearance of the park and furthermore, would be obscured by the existing depot buildings. In this location, the proposal would not have a harmful impact on the setting of the conservation area and

the Grade II* Historic Park and Garden. It is also noted that Cadw have not raised an objection to the proposal.

While there was originally some concern over the siting of close board fencing around the perimeter of the site, the fencing has now been replaced with a softer form of screening along the western and northern boundaries, details of which can be controlled by way of a condition. The presence of Japanese Knotweed on the site has also been acknowledged. In this regard, the Council's Parks Department have confirmed that the knotweed is subject to an on-going treatment programme. In light of this, it is considered that a condition requiring the knotweed to be eradicated is not entirely necessary and an informative note would be appropriate in this instance to ensure that the developer is fully aware of the risks associated with the Japanese Knotweed.

Finally, 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 be carried out in accordance with the following approved plans and documents:

Preliminary Ecological Appraisal received on 29.04.2022
Design and Access Statement received on 29.04.2022
Block Plans CYF Park 2 received on 15.03.2022
Proposed Sections CYF Park 3A date received 15.03.22
Block Plans CYF Park 1D received on 11.05.2022

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

2. **Within 2 months of the date of this decision**, details for the provision of a bat box and bird box together with details of their location within the site, shall be submitted to and approved in writing by the local planning authority. The bat and bird boxes shall be installed in accordance with the approved details before the charity garden is brought into beneficial use.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

3. **Within 2 months of the date of this decision** details of both hard and soft landscape works and boundary treatments shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i) means of enclosure and retaining structures
- ii) hard surfacing materials for the proposed pathway
- iii) the location of the areas proposed for wildflower planting with the seed specification mix to be used

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.

4. 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.

INFORMATIVES

1. The developer's attention is drawn to the risks associated with the presence of Japanese Knotweed on the site. This is a non native invasive species listed on Schedule 9 of the Wildlife and Countryside Act. It is unlawful to plant it or otherwise cause it to spread in the wild. For further guidance and advice please visit <https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/japanese-knotweed/?lang=en>
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:

24/5/22