

DELEGATED REPORT

Application No:	P/22/0019
Site Address:	Land Opposite Nos 6 And 7 Graig Terrace (Bakery And Premises) Bedlinog
Development:	Change of use of land to garden. Construction of detached shed, creation of parking area and siting of gabion baskets. Proposal includes associated engineering works (Retrospective)
Case Officer:	Caroline Pulley
Site Visit:	17th February 2022
Application Expiry Date:	1st April 2022
Consultation reply date expired:	8th March 2022

APPLICATION SITE

The application site relates to a rectangular narrow plot of land situated within the residential area of Bedlinog. The site measures approximately 10m wide and 44m deep, is bounded to the north by the main road serving the site known as Graig Terrace and opposite are terraced properties. To the south and at a lower level, the land is bound by the rear boundaries of a row of terraced properties, which front onto Moriah Street, namely numbers 7, 8, 9 and 10 Moriah Street.

PROPOSED DEVELOPMENT

This application seeks planning permission to change the use of the land to garden. It also seeks permission for the construction of a detached shed, the creation of a parking area and the siting of gabion baskets with associated engineering works to the land. The application is made partly in retrospect as the shed has already been constructed and two rows of gabion baskets have already been sited on the land. The agent has confirmed that the shed would be used for storing garden equipment. He has also clarified in writing that the unauthorised engineering works, which have taken place, include levelling of the parking area, laying the gabion basket walls and partly grading the levels around the shed and the gabion baskets.

The submitted plans detail the parking area being located within the front western half of the site. When completed, it would measure 6.7m wide and 11m deep and would be retained to the rear by a gabion basket wall. The ground to the rear of the gabion basket wall would slope downwards towards another gabion basket wall to which at this point, the land would level off to a more gentle slope beneath the base of the shed. The ground to the side of the parking area would slope downwards towards a narrow 0.9m wide path,

which would run along the eastern boundary and turn at a ninety-degree angle to provide pedestrian access to the eastern elevation of the shed.

The shed measures 4.9m wide by 4.9m deep and 2.7m in height. It is raised 1.8m in height above the ground level to the rear and 0.3m above the ground level to the front and is supported by timber posts on each corner (four timber posts in total). It features a window and a doorway within its east facing elevation and a single window within its south-west facing elevation (facing Moriah Street). When completed, the external walls of the shed would be finished in brown shiplap cladding and the roof would be covered with EDPM rubber. The windows would be white uPVC and the door would be blue uPVC. Apart from the construction of a third gabion basket wall, no other changes are proposed to the levels of the ground located to the south-west of the shed.

PLANNING HISTORY

P/08/0361 One dwelling with off road parking
Refused – 30.01.2009
Appeal Dismissed – 16.07.2009

CONSULTATION

Head of Engineering:	No objection.
Environmental Health Manager:	No objection.
Bedlinog and Trelewis Community Council:	No objection.

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

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

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

Policy EnW4 – Environmental Protection

Supplementary Planning Guidance (SPG) Note No. 6 – A Design Guide for Householder Development

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 and developing it within this use is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

Access to the land is via a no through road that serves a row of terraced houses which are concentrated on the one side of the road only. The opposite side of the road is generally comprised of garden and parking areas. The road does not serve a significant number of dwellings, and traffic flow is light. As such, the creation and use of the parking area would not generate any significant highway safety concerns and it is noted that the Head of Engineering has not objected to the application.

In terms of the visual impact of the development, as mentioned above, the side of the road where works have taken place is characterised by garden and parking areas. While this side of the road is generally undeveloped in so far that there are no houses on this side of the street, the land has been developed into linear plots and there are some sheds and outbuildings present along the street. The shed, which is the subject of this application has been constructed on a sloping parcel of land and this increases its overall height and prominence in relation to the land and properties to the south. However, the shed has been set back a substantial distance from the highway to the front of the site and is viewed in association with various outbuildings and other paraphernalia along the street. As such, whilst it is considered that the shed could have been sited more appropriately on the land, having regard to the context of existing development along this side of Graig Terrace, it is not considered that it forms an overly obtrusive addition to the street scene. In terms of the engineering works, it is noted that these are largely obscured from the main public highway to the front of the site. In this context, the gabion baskets or changes to the

levels of the land would not have a significant adverse impact on visual amenity and thus it would not be justified to refuse the application on such grounds.

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring occupants. In this respect, while it is appreciated that the shed is likely to be visually prominent from the neighbouring houses to the south of the site, it has been constructed away from the boundary with the neighbouring properties. Given that a separation distance of 20m is maintained between the shed and the rear boundaries of numbers 7 – 11 Moriah Street, it is not considered that the shed would have a harmful overbearing, overshadowing or overlooking impact on the occupiers of these properties. Moreover, whilst a window has been inserted into the shed's south-western elevation, as this is an outbuilding and an appropriate separation distance of 20m would be maintained, the overlooking impact from this window would not be significantly harmful. Similarly, it is acknowledged that the window positioned within the shed's eastern elevation does face onto the neighbouring parcel of land from an elevated position. However, given the land is not overly private in nature and the window would serve an outbuilding, the overlooking impact would not be overly harmful in this context. In addition, no letters of objection have been received to this application as a result of the publicity exercise carried out and a condition would also ensure the shed and land is only used for domestic purposes.

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 furthermore, would not be harmful to the residential amenities of neighbouring occupants.

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:

Drawing number GT-02 Rev B
Drawing number GT-03 Rev B
Drawing number GT-05 Rev B

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

2. **Within 3 months of the date of this decision** details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height shall be submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan .

3. The shed and garden hereby approved shall be used for purposes ancillary and incidental to domestic residential use and at no time shall it be used for any commercial or business use.

Reason - To clearly define the scope of this permission and the use of the structure in the interest of highway safety and residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil 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.

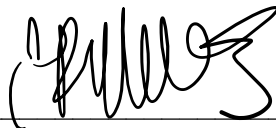
3. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Environmental Health Section, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

4. The developer is advised to contact Merthyr Tydfil County Borough Council's Highway Division regarding any retaining works or other works affecting the highway BEFORE construction works commence. This approval is independent of any approval of planning permission.

The developer should also note that no surface water should be allowed to discharge onto the public highway.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

30/3/22