

DELEGATED REPORT

Application No: P/24/0068

Site Address: Land On The South Side Of Goitre-coed Road
Treharris
CF46 5BB

Development: Construction of 13 garages

Case Officer: Adam Foote

Site Visit: 10th April 2024

Application Expiry Date: 20th May 2024

Consultation reply date expired: 30th May 2024

APPLICATION SITE

The application site comprises an undeveloped parcel of land on the south side of Goitre-Coed Road, Treharris. The site is located between two residential properties known as Twynfa to the west and Oaklands to the east, the topography of the site is such that land levels reduce towards the south/ south-east.

The site is located within the settlement boundary as identified by Policy SW4 of the Local Development Plan (LDP) and is designated as Ancient Woodland. The section of the site immediately adjacent to the road is lined by a hedge with the area to the rear (outside of the defined settlement boundary) being allocated as a Site of Importance for Nature Conservation (SINC - 48 Lower Taf and Edwardsville).

PROPOSED DEVELOPMENT

This application seeks consent for the construction of 13 garages to be constructed on the land with access proposed directly onto Goitre-coed Road. The garages are proposed to be arranged forming 2 blocks, the most easterly block with 7 garages measuring 7.0m x 20.47m and the westerly block with 6 garages measuring 7.0m x 17.613m. Both blocks are proposed with a ridge height of 4.64m and an eaves height of 2.3m. The external finish is proposed to be a tiled roof, rendered elevations, white UPVC rain water goods and soffits with galvanised up-and-over garage doors. Each garage is shown with an electric vehicle (EV) charging point and 2 external EV charging points for public use.

PLANNING HISTORY

P/12/0148	Residential Development (Outline)	REFUSED
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CONSULTATION

Planning Policy Officer	Concerns raised
Planning Ecologist	Concerns raised

Head of Engineering and Highways
Dwr Cymru Welsh Water
Natural Resources Wales

Recommends Refusal
No reply
No objection subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, site notices were displayed within the vicinity of the site and letter were sent to the closest residential properties. As a result of this publicity exercise 18 representations were received objecting to the development with the main points/considerations being:

- The garages are not wanted or needed,
- The development would be out of character with the pattern of development,
- Detrimental to highway safety,
- Ecological concerns.

The Ward Councillors have been notified of the concerns raised by the local residents and have not raised any objection with the application proceeding to be determined by the Director of Neighbourhood Service under the Council delegated agreement.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040

Policy 1 – Where Wales will grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

Policy 15 – National Forest

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Planning Policy Wales (PPW) Edition 12 (February 2024)

4.1.51 Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. This includes preventing pavement parking through the design of the street. Car parking should be overlooked by surrounding properties to provide natural surveillance.

4.1.55 As part of the overall approach to parking, local authorities should use charging policies for on-street parking and off-street parking, where it is under their control, to complement their land use policies and encourage the use of electric vehicles.

5.1.42 protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;

6.4.43 Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss¹³⁹. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory, work to improve its completeness and use it to ensure the protection of trees and woodland and identify opportunities for more planting as part of the Green Infrastructure Assessment, particularly in terms of canopy cover.

Technical Advice Notes (TAN):

TAN 5: nature conservation and planning

TAN 12: design

TAN 18: transport

Local Policy

Merthyr Tydfil County Borough Replacement Local Development Plan 2016-2031:

Policy SW4: Settlement Boundaries

Policy SW9: Planning Obligations

Policy SW11: Sustainable Design and Placemaking

Policy SW12: Improving the Transport Network

Policy CW1: Historic Environment

Policy EnW1: Nature Conservation & 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

Policy EnW5 Landscape Protection

Supplementary planning guidance;

SPG 2: Planning Obligations

SPG 4: Sustainable Design

SPG 5: Nature and Development

CSS Wales - Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are, Sustainability/sustainable development, highway safety/parking, visual amenity/character of the area, biodiversity/green infrastructure and residential amenity.

Sustainable development

The application site is within the settlement boundary as identified by LDP Policy SW4 and its associated proposals map, accordingly there is a presumption in favour of development and the efficient use of land is encouraged. No conflict with LDP Policy SW4 has been identified.

Highway safety/parking

The proposed development would be accessed directly from Goitre-Coed Road with the garages proposed to run parallel to the highway. Given the proposed arrangement, vehicles would turn into the site from a 90 degree angle, the requirements for this manoeuvre is a 6M width of highway to allow vehicles to safely access/exit the site without pulling into on coming traffic. Given the width of the highway there is insufficient space for this manoeuvre to be safely undertaken. The alignment, visibility and speed limit of the road has been taken into consideration in the assessment of this application. Given the use of the road and on street parking that occurs, it is considered that the proposed development would have an unacceptable adverse impact upon highway safety to the detriment of its users contrary to point 5 of LDP Policy SW11.

Additionally, the proposed garages due to their width do not meet the internal dimensions of the Wales Parking Standards 2008 as adopted by the Council, therefore, they cannot be counted as parking spaces.

Given the concerns raised in respect of the loss of Ancient Woodland and the impact upon the SINC (referred to later in this report) no amendments have been requested to address the highway concerns as the development is considered to be unacceptable in principle.

Visual amenity/character of the area

The majority of the built form along this section of Goitre-Coed Road runs along the opposite (northern) side of the road and consist primarily of semi-detached dwellings with a traditional design in close proximity to the road. The garages would infill an area of undeveloped land between two detached dwellings. Whilst it would remove some of the open character currently enjoyed, in the wider context it is noted that development occurs along both sides of the road. As such, the principle of development on the site itself would not necessarily be out of character with the pattern of development in the area.

The provision of garages in residential areas for domestic purposes is acceptable in principal and they should typically be subservient and integrate well with their surroundings. The proposal is considered to represent an incongruous form of development that would appear at odds with the surrounding context, as parking provision in the area generally occurs within the residential curtilages or on the street. The proposed blocks of garages would not appear subservient to any residential property and given the scale/concentration and prominence of the garages, which spans a considerable length of the street, the development would not integrate well with the character or appearance of the area. Given the existing context of the site and the parking arrangement that occurs it is considered that the proposal conflicts with points 1 and 2 of Policy SW11 of the LDP.

The application site falls within the Special Landscape Area (SLA) 4: Pontygwaith, however given the scale and height of the proposed development it is not considered that the development would have any unacceptable impact upon the SLA and no conflict with LDP Policy CW1 has been identified.

Residential amenity

The proposed garages by virtue of their limited scale and relationship with the closest neighbouring properties are not considered to result in any unacceptable adverse impact upon the living conditions of neighbouring occupiers. In this regard, the development would not give rise to unacceptable overbearing impacts or loss of privacy. No conflict with the relevant criterion of LDP Policy SW11 has been identified.

Biodiversity/green infrastructure

The site is allocated as Ancient Woodland and the land immediately to the rear is allocated as a SINC. Accordingly the requirements of LDP Policy EnW3 and the requirements of National Planning Policy found within PPW and Future Wales are relevant in the assessment of this application.

LDP Policy EnW3 (Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species) sets out a number of criterion for development proposals to be assessed against, stating;

Development proposals likely to have an adverse impact on Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves, or Priority Habitats and Species will only be permitted where it can be demonstrated that:

- 1. The need for the development clearly outweighs the conservation value of the site;*
- 2. Adverse impacts on nature conservation features or geological features can be avoided;*
- 3. Appropriate and proportionate mitigation and compensation measures can be provided;*
- and*
- 4. The development maintains and where possible enhances biodiversity and geodiversity interests.*

In this instance, no evidence has been submitted to the Local Planning Authority to demonstrate a need for off road parking in this area. It is acknowledged that there is limited off road parking along Goitre Coed Road however this does not equate to a highway safety concern/issue nor does it provide justification for the development of the land for garaging. The observations of the Planning Officer are that there is a sufficient level of on street parking along Goitre Coed Road to serve the existing houses, which in part is likely due to the absence of development along much of the southern side of the road. Furthermore, the thrust of current national planning policy is to promote lower levels of off street car parking provision within appropriate areas. Chapter 6 of Planning Policy Wales 12 also places much greater weight on biodiversity and green infrastructure. It has not been possible to identify a need that would outweigh the existing ecological value of the site. Additionally, no ecological survey works have been submitted in support of this application demonstrating any baseline for ecological value or suggesting any compensation or mitigation. Accordingly, the proposal conflicts with requirement 1 of LDP Policy EnW3.

It is not considered that there is a way for the development to avoid adverse impacts upon nature conservation features in this instance due to the nature of the allocation. Ancient Woodland as identified by foot note 129 within PPW12 states, *“Habitats, including the natural resources which underpin them, which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account*

their age, uniqueness, species diversity or rarity. Examples include, ancient woodland and veteran trees, ancient hedgerows, wet woodlands, sand dunes, peatland, species rich grassland, long undisturbed soils, blanket bog, salt marsh and lowland fen". As it would not be possible to avoid or provide a reasonable amount of mitigation/compensation for the Ancient Woodland it is considered that the proposal is contrary to requirements 2, 3 and 4 of EnW3. Additionally no mitigation or compensation has been proposed via this submission therefore it is considered necessary to refuse the application in accordance with the Dear Chief Planning Officer Letter of 2019 which states that "...where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission". In this case it is not considered that there are other significant material considerations that would outweigh this requirement.

It is acknowledged that the site has been subject to human intervention over time with planning enforcement action previously having been taken to rectify unauthorised development/use of the land, it is also acknowledged that some trees have been removed from the site which arguably could diminish the value of the site. However it is considered necessary to consider the contents within NRW's "Advice to planning authorities considering proposals affecting ancient woodland" which, in part states;

"Existing condition of ancient woodland - Ancient woodland sites are valuable because of the long ecological history which results in diverse species and habitats and characteristic woodland soils. A woodland in poor condition is likely to have remnant features and can be improved with good management. Development proposals should enhance the condition of existing ancient woodland, where possible. The existing poor condition of ancient woodland should not be seen as a reason to give permission for development which would cause loss, further detriment or provide a barrier to future improvement".

NRW have been consulted on this application and although they raise no objection, subject to a condition requiring a Construction Environmental Management Plan (CEMP) be submitted for approval prior to the commencement of development, they do refer the LPA to their guidance on applications impacting Ancient Woodland. The advice states, *"Planning Policy Wales recognises the significant value of ancient woodlands and makes provision for their protection against damage or loss. **We advise that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, given that ancient woodland is irreplaceable unless there are wholly exceptional reasons.** Where a decision maker is satisfied there is a wholly exceptional reason, every endeavour should be made to minimise and compensate for loss"*. In this instance no wholly exceptional reason(s) have been identified therefore it is considered necessary to recommend this application for refusal contrary to LDP Policy EnW3 and Planning Policy Wales 12.

Response to third party comments

The points raised in the representations received from the public consultation have been considered in the assessment of this application and covered within the earlier sections of this report.

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.

The proposed development seeks consent for 13 garages to be constructed on a greenfield site designated as Ancient Woodland, adjacent to a SINC. Given the designation of the land, it is not considered that the development is acceptable in principle and is contrary to LDP Policy EnW3 and Planning Policy Wales 12. Additionally, the proposed development is considered to be detrimental to highway safety due to the proposed arrangement and limited width of the road contrary to LDP Policy SW12 and given their width does not accord with the adopted CSS Wales Parking Standards 2008. Concern is also raised in relation to the impact upon the character and amenity of the area contrary to LDP Policy SW11. Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following **REASON:**

1. The proposed development would result in the loss of Ancient Woodland without any justification, compensation or mitigation contrary to Planning Policy Wales 12 and Policy EnW3 of the Merthyr Tydfil Replacement Local Development Plan.

2. The application has not demonstrated a net benefit in respect of biodiversity contrary to Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan, Planning Policy Wales 12 and The Environment (Wales) Act 2016.

3. There is insufficient room for vehicles to safely enter/exit the site in accordance with the requirements of Manual for Streets resulting in a detriment to highway safety in the area. The proposed development is contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

4. The development by virtue of its scale and prominence would result in a visually incongruous feature within the street scene that is detrimental to the character and appearance of the surrounding area, contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 19.07.2024