

DELEGATED REPORT

Application No: P/24/0027

Site Address: Garages At Hillcrest
(to The North West Of 32 And 33 Hillcrest)
Penydarren
Merthyr Tydfil

Development: Demolition of 3 no. garages

Case Officer: Rebecca Owens

Application Expiry Date: 26th March 2024

Consultation reply date expired: 22nd February 2024

APPLICATION SITE

The application relates to three garages located on a parcel of largely undeveloped grass land within the settlement boundary and sited between the dwellings of Hillcrest and Mitchell Crescent.

PROPOSED DEVELOPMENT

This is an application made under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for Prior Notification of Demolition, relating to three garage. This Prior Notification of Demolition (PND) application seeks a determination as to whether the approval of the authority will be required for the method of demolition and any proposed restoration of this site.

The application has been accompanied by written confirmation that a site notice has been displayed at the site, in accordance with sub-paragraph (iii), which requires that:

“(iii).... the applicant shall display a site notice by site display on or near the land on which the building to be demolished is sited and shall leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;”

The following documents have been submitted in support of the application:

Demolition Plan/Method Statement, Revision 01

The Demolition Plan/Method Statement outlines the method of demolition which would be applied to the garages and a brief outline of the proposed restoration works. This indicates that the garage roofs would be soft stripped and then demolition would be carried out using a 13 excavator with a grab attachment and pecker attachment. It is also indicated that ecological supervision will take place.

Removal of waste material will be by skips at the end of the demolition works.

Restoration of the site would comprise of clearing the site and infilling excavated areas with stone in preparation for future redevelopment of the wider wide.

Preliminary Ecological Assessment, Version V1.0, dated 6th January 2023, produced by Ecological Services Ltd

The Preliminary Ecological Assessment has been prepared for the wider redevelopment of the site. However, this include the garages subject to this application. In reference the these the PEA notes that *“The garages are considered to have negligible to low potential to provide roosting opportunities for bats. Whilst a number of potential access points into the building were noted given the construction and materials of each garage they are unlikely to be used frequently by bats as they temperatures will fluctuate. A single bat activity survey on such limited potential buildings is unlikely to find roosting use of the structures”*

It recommends that *“the garages are removed under direct ecological supervision and in stages. Each building will be subject to c. Following the internal and external inspections, if no evidence of bats is found the garages can then be demolished under the supervision of the licenced ecologist. The roofing sheets will be lifted by hand and inspected for the presence of bats. The internal structures such as supporting struts along the top of the garages will also be inspected and removed by hand. Once the supervising ecologist is satisfied there are no bats present within the garages they can then be demolished”*. It also notes that *“If bats or evidence of the presence of bat use of any building is found all work will cease. Advice will be sought from NRW on how to proceed and advice may include that a development licence is sought from NRW prior to works re-commencing”*.

PLANNING HISTORY

Not relevant

CONSULTATION

Head of Engineering and Highways	No objection
Environmental Health Manager	No objection
Ecologist	Recommends a presence/likely absence survey

PUBLICITY

None statutorily required for this application.

POLICY CONTEXT

Planning policies are of no relevance to this application, which seeks solely to apply for a determination from the Local Planning Authority as to whether the prior approval of the authority is required for the proposed method of demolition and restoration of the site.

PLANNING CONSIDERATIONS

The proposed method of demolition is deemed to be acceptable and no objections have been received following consultation with the Environmental Health Manager and the Head of Engineering and Highways. Whilst the Environmental Health Manager has requested conditions in relation to hours of works, dust and waste disposal it is noted that conditions can not be added to a prior notification decision. However, given the scale of the demolition works and the methods of demolition outlined in the accompanying information it is not considered that these would be necessary or should form a reason for determining that prior approval would be required. Similarly the restoration of the site is considered to be acceptable given it modest area the site cleared and excavations filled with stone in preparation for future redevelopment of the site.

With reference to the potential impact of the works on bats, the ecology report submitted with the application has indicated that the garages have negligible to low potential to provide roosting opportunities for bats. The planning department's Ecologist has acknowledged this but has noted that as internal inspections of the garages were not undertaken a presence/likely absence survey would be needed in the form of a single dusk emergence survey unless a further PRA is carried out that demonstrates that a complete inspection has been carried out. He has also asked for details of suitable provision for roosting bats and birds to be provided for the time between demolition and construction of the possible new development. Whilst the Ecologist comments are fully noted the PEA has identified the garages to be of negligible to low potential for bats. In addition its recommendations include an external and internal inspection of the garages prior to demolition, by a licenced bat ecologist and for demolition to take place under the supervision of the licenced ecologist. Accordingly, in this instance it is not considered that further survey works would be justified as suitable regard has been had for the potential impact on any bats with an acceptable strategy prior to and during construction being outlined. However, an informative highlighting the protected status of bat and nesting birds can be included within and decision.

Based on the above, it has been determined that Prior Notification is not required for the proposed demolition works.

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: PRIOR APPROVAL NOT REQUIRED

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

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DATE: 22.02.2024