

DELEGATED REPORT

Application No:	P/24/0242
Site Address:	10 The Green Trefechan Merthyr Tydfil CF48 2EU
Development:	Change of use of part of the building from a Youth Centre to a Flying Start facility and erection of a canopy on the rear elevation of the building
Case Officer:	Kate Glover
Site Visit:	31st October 2024
Application Expiry Date:	16th December 2024
Consultation reply date expired:	21st November 2024

APPLICATION SITE

The application site is an area of grass which is approximately 193m in size and is located at the rear of a building known as The Green. The Green is a building in which residential flats are located at first floor and above, and at ground floor level, the building is divided into units which provide non-residential uses such as community facilities and shops. As noted above, the outdoor space is located at the rear of the building and access to the area is via a community childcare facility known as Flying Start.

The topography of the area is such that the site is a gentle slope and there are retaining boundary walls to the south and west.

The application site is within the settlement boundary as identified by Local Development Plan Policy SW4 and its associated proposal map.

PROPOSED DEVELOPMENT

This application seeks full permission to change the use of the outdoor area so that it can be used in association with the Flying Start childcare facility. It is proposed to construct a raised area/platform against the rear elevation of the property and, on the raised area, erect a lean-to canopy across part of the rear elevation of the property. In addition to the aforementioned development, this application also seek full permission to replace the natural grass with synthetic grass, in the area of land that would be between the raised area/platform and the boundary of the site and replace the natural grass with a rubberised surface to be used as a play area in the area to the north of the raised area/platform.

The raised area/platform would be provided by constructing a 0.76m high brick faced walls which would protrude 5.08m from the rear elevation of the building and by 12.50m across the rear of the building. Tarmac would be used on the floor of the raised area/platform and

a 0.9m high metal railing, safety fence would be provided around the edge of the area. To provide access to the wider outdoor space, steps would be located on the northwest corner of the raised area/platform.

The lean-to canopy would measure approximately 3.40m deep, 7.74m wide, 2.43m to eaves level and 2.92m to ridge height. The plans indicate that the canopy roof of the lean-to would be powder coated aluminium.

PLANNING HISTORY

The relevant planning history is summarised below:

P/24/0010 Change of use for a section of the building which is known as 'The Green' from a Youth Centre to a Flying Start provision
GRANTED 05 Mar 2024

CONSULTATION

Planning Policy Officer:	No objections
Environmental Health Manager:	No objection subject to conditions
Head of Education:	No objections received
Environmental Health Manager:	No objections received

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and two site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) (Future Wales) 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) (PPW12).

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 (LDP) are relevant to the determination of this application:

- SW4 Settlement Boundaries
- SW13 Protecting and Improving Local Community Facilities

- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design
- Note 5, Nature and Development

PLANNING CONSIDERATIONS

The matters to consider in assessing this application relate to the principle of the development, visual impact, the impact upon the residential amenities of neighbouring dwellings and ecology.

Principle of Development

The proposal would be located within the settlement boundary and would support the local community in respect of childcare provision.

As such, the proposal would be in accordance with LDP Policies SW4 and SW13.

Visual Impact

The scale of the raised area/platform and the lean-to and the materials that would be used in their construction, would not be detrimental to the visual qualities of the property or wider street scene.

Given that the area is to be used as a play area by children using the Flying Start facility, the loss of natural grass and its replacement with synthetic grass and a rubberised play area would not, in this instance, be unreasonable nor would the use of these materials be detrimental to the visual qualities of the property or wider street scene.

As such, the proposal meets the requirements of LDP Policy SW11.

Residential Amenity

It is noted that the first and second floors of The Green are used as residential flats, it is also noted that the application site does not provide any direct access by the residents or appear to have any formal or informal use other than a rear access to the ground floor units which have a variety of non-residential uses. As such the proposal would not result in the loss of amenity areas used by the residents of The Green.

In terms of noise and a potential conflict between a childcare facility and the residential amenities of the flats. No objections or concerns have been received from the Environmental Health Manager. It is also noted that no objections have been received from the public.

As such, the proposal meets the requirements of LDP Policy SW11.

Ecology

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Given the scale, nature and location of development, this would not be deemed a reasonable requirement in this instance. Notwithstanding this, ecological enhancements would be requested and controlled by condition, which would provide additional habitats in the local area, and therefore contribute to the wider green infrastructure objectives.

As such, the proposal meets with the requirements of LDP Policy EnW1.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

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 plan:

Drawing Title: External Works Including Canopy, Drawing No: 01AP, Received on 21 October 2024.

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

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil 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


Director of Neighbourhood Services

DATE: 13.12.2024