

DELEGATED REPORT

Application No: P/21/0309

Site Address: Land Rear Of 3
Summerhill Place
Twynyrodyn
Merthyr Tydfil

Development: Proposed store and associated change of use of land

Case Officer: Rebecca Owens

Site Visit: 6th September 2021

Application Expiry Date: 20th October 2021

Consultation reply date expired: 22nd September 2021

APPLICATION SITE

The site is located within the settlement boundary and relates to a parcel of land off a lane to the rear of a residential terrace. The site forms part of a larger parcel of land which lies between the lane and the boundary of the adjacent school. This land is largely covered with vegetation, although the section which is subject to this application has been cleared and covered with membrane. The parcel of land is of an irregular shape with an almost 'L' shaped footprint. The profile of the site is relatively flat.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of this land into a residential use which would be used in association with the property directly opposite known as 3 Summerhill, Summerhill Place. In addition, it is proposed to erect a store building adjacent to the north eastern boundary and create a hardstanding area to the front of this.

The proposed store would be 2.65m in depth by 5.2m in width and would have a mono-pitched roof with a maximum height of 3.05m. It would feature a single roller shutter door in its front elevation. The external walls of the store would be finished with render and the roof would be covered with metal sheets.

PLANNING HISTORY

There is no relevant planning history which needs to be taken into consideration when determining this application.

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering

No objection

Coal Authority

No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring 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) 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 11, February 2021)

Local Planning Policies

Policies SW11: Sustainable design and place making and CW1: The Historic Environment of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 is relevant to the determination of this planning application. Furthermore, the application will be determined having regard to the advice contained within Supplementary Planning Guidance Note 6, A Design Guide for Householder Development.

PLANNING CONSIDERATIONS

Principle

The application site is located within the settlement boundary and in a mainly residential area. As such, the proposal is deemed to be acceptable in principle subject to other relevant policies and material planning considerations.

Design and visual amenity

The site is located off a rear lane and forms part of a larger parcel of land which lies between the lane and the boundary of the adjacent school. At present on this strip of land there is only a garage to the north of the application site and a substation on the southern section. However, there are also a number of other garages units within the immediate vicinity, which are located within the rear gardens of the terraced properties opposite and on land to the south of the site. The store building proposed is generally considered to be of an acceptable design and scale and would not appear out of character within this context. It is acknowledged that the store would feature a mono-pitched roof, while the garage to the north (on the same strip of land) has a pitched roof. However, given the

difference in their footprints and siting, it would not be possible to create any uniformity in appearance between the two structures. In addition, the proposed store would be sited further back from the lane in a less prominent location. Thus whilst a pitched roof would be preferable, it is not considered that the proposal would significantly harm the character and visual amenity of the area to an extent that would warrant a refusal. The proposal is therefore found to be acceptable in terms of its impact on the character and visual amenities of the area and in accord with Policy SW11 of the LDP. The proposal would also not impinge on Urban Character Area 2 (Thomastown and Penyard) and thus would also comply with Policy CW1.

Residential amenities

There is a terrace of residential properties located to the west of the application site, which are separated from this land by a rear lane. The rear boundaries of these dwellings feature relatively high boundary treatments and/or rear garages. Having regard to this and the scale and siting of the store it is not considered that the development would have any significant impact on the residential amenities of the neighbouring occupants. However, any potential commercial use of the premises may have the propensity to create unacceptable noise and disturbance. As such, it is recommended that a condition is included on any planning permission granted which would prevent its use for any commercial or business activities.

It is acknowledged that the site is directly adjoined by the grounds of a school. However, given its scale and position, it is not considered that it would have any significant impact on this land or its use.

Highway safety

As part of the proposal, a hardstanding area is to be created which would be accessed off the adjacent lane. This is adopted with no designated footways and is also narrow and contains a blind bend around the rear garden of number 1 Summerhill Place. It is noted that the introduction of a formal hardstanding could result in an intensification of the use of the lane. However, it is not considered that the introduction of this hardstanding is likely to increase traffic movements to such an extent as to warrant a refusal of any such application on highway safety grounds. Furthermore, it is noted that no objections were received from the Head of Engineering in terms of highway or pedestrian safety.

Land stability

The application site is located in an area identified as being at risk from past coal mining activity and the Coal Authority's information indicates that the application site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth. However, given the nature and scale of the proposal, the Coal Authority do not consider it proportionate to request a Coal Mining Risk Assessment and have not raised any objections to the planning application.

Summary

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:**

CONDITIONS/REASONS:

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 plans and documents:

Drawing Title: Development Proposal, Drawing Number: 732.001, Received on 25 August 2021

Drawing Title: Proposed Block Plan, Drawing Number: 732.002, Received on 25 August 2021

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

3. The store hereby approved, shall not be used at any time for any commercial or business use.

Reason - To clearly define the scope of this permission and the use of the garage 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.

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.

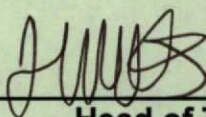
3. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

18/10/21