

DELEGATED REPORT

Application No: P/20/0153

Site Address: Land Adjoining 48 High Street
Trelewis

Development: Erection of three dwellings

Case Officer: Caroline Pulley

Application Expiry Date: 19th November 2020

Consultation reply date expired: 17th September 2020

APPLICATION SITE

The application site relates to a vacant parcel of land at the northern end of High Street, Trelewis. It comprises a square plot with a site area of 0.05 hectares. It is bound by High Street to the east, the side elevation of number 48 High Street to the south and a car park serving Parc Taf Bargoed to the north. To the west, and beyond a rear adopted access lane, which runs parallel to High Street, is Parc Taf Bargoed.

The site is stepped down from the level of High Street but is raised above the access lane which sits alongside its western boundary. While the majority of the site is flat, the western part does slope downwards towards the rear access lane. It should also be noted that the adjacent dwelling is sited on a slightly higher level and its main back wall has been extended with a single storey monopitch addition. The surrounding area is predominately residential in nature and characterised by traditional terraced housing.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of three terraced dwellings on the site. Each dwelling would measure 7m wide by a maximum of 9.6m deep and 7.5m high with a pitched roof. They would be of a modest design with the front elevations incorporating windows at first floor that have a vertical emphasis and horizontal windows at ground floor to reflect the design of the existing properties along High Street. The rear elevations would provide a simple arrangement of windows and a patio door. The dwellings would each be finished with Pennant stone to the front and render to the sides and rear. Their roofs would be covered with artificial slate.

The row of dwellings would be set back from the edge of the pavement by approximately 1.5m. The existing stone wall positioned along the front of the site would be retained as part of the development. However, three small openings would be created within the wall to provide pedestrian access to the front of each of the three dwellings. The garden areas

of each of the three properties would be level with the proposed dwelling and would be divided along the common boundary of each property by a 1.8m high fence. The on-site parking (2 spaces per dwelling) would be provided at a lower level to the rear and would be accessed from the rear service lane. The three parking bays would be retained by a blue/black brick 3m high retaining wall (a glazed balustrade is proposed to be sited on top of the wall to enclose the garden area above).

The application has been accompanied by a Coal Mining Risk Assessment (CMRA) and a Preliminary Bat Roost Assessment.

PLANNING HISTORY

P/18/0245 Construction of two dwellings
Refused – 02.11.2018

CONSULTATION

Engineering and Traffic Group Leader:	No objection.
Planning Division's Policy Officer:	No objection.
Planning Division's Ecologist:	No objection.
The Coal Authority:	No objection.
Welsh Water:	Raises no objection to the scheme but advises that the site is crossed by a public sewer.
Council's Landscape Architect:	Highlights that the land is identified as Open Space, being part of the much larger open space of Parc Taf Bargoed. No objection is raised to the loss of open space but it is advised that consideration needs to be given to the interface between the development and the park.

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

One letter of objection has been received raised concern over a loss of a view. 5 letters of support have also been received to the proposal.

Local Ward Members were advised of the objections received to this application however, no request has been submitted requiring the application to be reported to the Planning Committee. As such, the application will progress to be determined by the Chief Officer Planning and Neighbourhood Services.

POLICY CONTEXT

National Policy

Planning Policy Wales (PPW) Edition 10 (December 2018) 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 TANs to this application are 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 SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

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

Supplementary Planning Guidance Note 1: Affordable Housing (March 2012)

Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the dwellings, in terms of their scale, design and siting, would be acceptable with regards to their impact upon the character and appearance of the area. The impact upon residential amenity, parking provision and highway safety are also important considerations.

Principle of Development

The application site lies within the settlement boundary as defined by the LDP Proposals Map. It is also situated within an established residential area. Therefore, the principle of

residential development is considered acceptable and is generally supported by LDP Policy SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. However, the site is formally identified in the Merthyr Tydfil Open Space Strategy as open space. Its purposes include the maintenance of visual amenity and landscape character and to safeguard the environmental and open space resources.

While Policy SW10 does not preclude development, it requires proposals to comply with the specified criteria. It states that the loss of open space will only be permitted if:

- *It would not cause or exacerbate a deficiency of open space in accordance with the Council's open space standards or;*
- *The majority of the open space can best be retained and enhanced through the redevelopment of a small part of the site or;*
- *Satisfactory equivalent community benefit or enhanced compensatory provision can be provided in accordance with the Council's open space standards and*
- *In all cases, the open space has no significant nature or historic conservation importance.*

While it is acknowledged that the site involves a small proportion of an area of open space, the area of land concerning this application is divorced from the outdoor sports/playing areas located within Parc Taf Bargoed and that it does not benefit from public access. Accordingly, the development of this particular site will not cause or exacerbate a deficiency of open space. It is also important to note that the Council's Landscape Architect has not raised any objection to the loss of the area of open space providing that an acceptable interface is provided between the development and the park. As such, the proposal is considered to be in compliance with Policy SW10 of the LDP.

Character and Appearance

The dwellings surrounding the application site have been developed in a regular pattern and terraced form. They are very similar in scale and appearance, particularly when viewed within the street scene. The character and appearance of this part of the settlement is therefore consistent. As such, the proposed dwellings, by virtue of their similar scale and design, matching material finishes and linear layout would not have an adverse visual impact on the character and appearance of the area. Indeed, the redevelopment of this vacant site would be a vast improvement and more in keeping with the context of this residential area. It is also considered that the retaining walls and glass balustrades proposed to the rear of the site would be visually acceptable in terms of their relationship with the existing dwellings and the character and appearance of Taf Bargoed Park. As such, the proposal is considered to be an acceptable and sympathetic form of development in this location, in compliance with Policy BW7 of the LDP.

Residential amenity

In terms of residential amenity, the terraced properties to the east of the site are located on the opposite side of the highway where distances of approximately 13m would be maintained. While it is appreciated that the proposed dwellings would be visible from these properties, it is not considered that the impact would be sufficiently detrimental to prevent this site from being developed. Furthermore, the relationship between the site and the properties on the opposite side of the road would be comparable to the existing built form and the impact experienced by other properties along High Street.

The greatest impact from the proposed dwellings would be upon the dwelling sited to the south of the site (48 High Street). This neighbouring property is located immediately next to the development site. Although there would be a close relationship between the proposed dwellings and the existing property, the built development would not exceed the depth of the existing dwellings, and the main rear elevations of the proposed dwellings would be in line with the original rear elevations of the existing neighbouring properties. As such, the dwellings would not be overbearing upon 48 High Street, nor would they result in any significant loss of light to the amenities of nearby occupiers. Furthermore, there are no first floor windows proposed on the side elevation of the dwelling which faces this neighbouring property. Although the rear facing windows would allow for some overlooking of the neighbouring adjacent garden, this would not be significant, and is a typical arrangement, particularly within terraced streets. As such, it is considered that the proposed dwellings have been designed and sited to limit overbearing, loss of light and overlooking concerns, for the existing surrounding occupiers and the future occupiers of this site. The proposal is therefore considered acceptable and compliant with Policy SW11 of the LDP.

While it is acknowledged that one letter of objection has been received to this scheme, the loss of a view is not a material planning consideration.

Parking and Highway Safety

Each of the proposed dwellings would be served by two rear parking spaces. As noted previously, these would be accessed off the adopted lane running along the rear of the site.

The Engineering and Traffic Group Leader considers the proposed layout, parking bays and parking provision to be adequate. As such, he has not objected to this application and the proposal would therefore comply with Policy SW11 of the LDP.

Other matters

Ecology

A Preliminary Bat Roost Assessment has been submitted in support of the application. This highlights that there are no features within the site which could be used by bats. Also, the adjoining property is in good condition and there are no obvious points of entry for bats. Accordingly, it is considered that the scheme is unlikely to have a harmful negative impact on bat species and/or their habitats. In line with the Environment (Wales) Act 2016, the scheme does propose some on-site enhancements which include the siting of bat boxes on the southern end gable of the most southerly proposed dwelling and the northern gable end of the most northerly building. Such enhancements are welcomed and are indeed encouraged.

Ground Stability

The application site falls within a high risk area for coal mining activities. Accordingly the application has been accompanied by a Coal Mining Risk Assessment (CMRA). This indicates that there is a recorded fissure which runs adjacent to the site and encroaches into the north eastern corner of the boundary. However, the Coal Authority note that the CMRA concludes that there is no further risk to ground stability posed by coal mining

legacy issues, in particular fault reactivation, at the site. Accordingly, they have not raised any objection to the scheme nor have they suggested any conditions.

Conclusion

The proposed development is considered to have an acceptable impact on the character and appearance of the area. While it is noted that one letter of objection has been received to the scheme, the proposal would allow a vacant and underused site to be brought into beneficial use. It is also noted that there have been no concerns raised in relation to residential amenity or highway safety.

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 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 number 633.002 Elevations received on 14.10.2020

Drawing number 633.003b Site Plan received on 14.10.2020

Drawing number 633.001A received on 14.10.2020

Coal Mining Risk Assessment undertaken by Richard Davies of Rhondda Geotechnical Services

Preliminary Bat Roost Assessment Document Reference EV200911.01.01 Version 1.0 received on 15.10.2020

Agent's email containing material details dated 02.09.2020

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

3. Prior to the construction of the dwellings hereby approved details and/or samples of the following shall be submitted to and approved in writing by the Local Planning Authority and all works undertaken shall be completed in accordance with such approved details/samples.

- I. Details of the type and colour of the external render.

- II. The height and colour (if any) of the glass balustrade proposed to enclose the rear of the upper garden areas (above the car park retaining walls)
- III. Sample of roof slates
- IV. Colour for windows and doors

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Prior to the commencement of the development, a sample of the Pennant stone together with details of the coursing and pointing to be used to face the front elevations of the dwellings shall be submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The development shall be completed in accordance with the approved materials.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall take place** until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

7. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 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 Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **No development shall take place** until details, including structural calculations, of any retaining wall which exceeds 1 metre in height have been 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 .

9. Notwithstanding the provisions of schedule 2, part 1, class b and class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no outbuildings or roof extensions shall be erected other than those expressly authorised by this permission.

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

INFORMATIVES

1. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. All reasonable precautions shall be taken to reduce the impact of dust. Effective dust control measures, such as 'damping down' following cutting or other dusty operations shall be employed at all times.

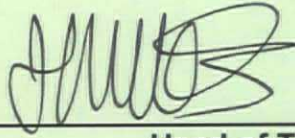
All waste materials should be disposed of to a licensed waste disposal site, burial on site is not acceptable, and under no circumstances shall waste be fly tipped. Fly tipping hotspots are under regular surveillance by the Authority, with view to taking a prosecution against offenders.

3. Any onsite lighting must conform to the guidelines provided by the Bat Conservation Trust Guidance Note 8 Bats and Artificial Lighting - <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
4. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be

roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'J. M. B.', written over a horizontal line.

Head of Town Planning

DATE:

21/10/20