

DELEGATED REPORT

Application No: P/20/0029

Site Address: 14 Gelligaer Road
Trelewis
Treharris
CF46 6DN

Development: Detached dwelling within garden

Case Officer: Rebecca Owens

Application Expiry Date: 1st April 2021

Consultation reply date expired: 24th January 2022

APPLICATION SITE

The application relates to a parcel of land which currently forms part of the curtilage of a detached dwelling (including its garage) and an adjacent parcel of land to the rear which is part of the garden of another residential dwelling. The site is located on the outskirts of the settlement boundary but is within a mainly residential area.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a new detached dwelling within the curtilage of 14 Gelligaer Road. This would necessitate the demolition of a garage positioned off the southern elevation of this dwelling.

The proposed dwelling would be a bungalow with living accommodation within the roof space. It would be sited alongside the existing dwelling with the front elevation set 2m in front of the foremost elevation of 14 Gelligaer Road. It would have a rectangular foot print with a width of 7.5m and a depth of 18.5m and would feature a half hipped roof with a ridge height of 6.7m. The front elevation would contain three windows, two at ground floor level serving a games room and a window above serving a bedroom. The main entrance would be located on the north eastern elevation with a pitched canopy above. This elevation would also feature a window serving a bedroom. The south western elevation would contain a further door and three windows serving a shower, W.C. and kitchen and the south western roof plane would also incorporate three roof lights serving two en-suites and a dressing room. The first floor of the dwelling would be set in 2m at the rear to provide a covered balcony area under the main roof which would be enclosed with 1.1m high balustrading. The inset first floor elevation would be largely glazed with French doors providing access onto the balcony. The ground floor rear elevation would contain a large glazed bi-fold door. The roof of the dwelling would be covered with black re-constituted slate tiles and the external walls would be finished with a combination of K-Rend render and grey/brown facing brickwork.

The existing and proposed dwellings would share an access off the adjacent highway which would be widened to 6m and the front garden areas would accommodate parking and turning facilities for both properties.

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 subject to condition
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection subject to conditions
Planning Division's Landscape Architect	No objection
Environmental Health Manager	No response
Bedlinog and Trelewis Community Council	No response
Dwr Cymru Welsh Water	No objection subject to condition

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and three 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 Policies

Planning Policy Wales (Edition 11, February 2021) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 states that '*...design is not just about the architecture of a building*

but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'. In addition, in reference to character, Paragraph 3.9 states that '...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations'

- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that *'In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'* Paragraph 4.2.17 goes on to state that *'...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*
- In respect to Landscape, paragraph 6.33 states *'All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term'*
- In regard to Biodiversity and ecology, paragraph 6.4.3 states *'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement'*. Paragraph 6.4.21 also notes that *"Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible"*.

These policies are supplemented by guidance contained in the following Technical Advice Notes:

- TAN 5: Nature Conservation and Planning
- TAN 12: Design
- TAN 18: Transport

Local Planning Policies

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

- SW1: Provision of New Homes
- SW3: Sustainably Distributing New Homes
- SW4: Settlement Boundaries
- SW9: Planning Obligations
- SW11: Sustainable design and place making
- SW12: Improving the Transport Network
- CW1: The Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW3: Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4: Environmental Protection
- EnW5: Landscape Protection

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

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

Principle

The application site is located in a mainly residential area within the settlement boundary (Policy SW4) and as such the principle of developing the site with the erection of a new dwelling is acceptable in principle subject to compliance with other relevant policies and material planning considerations.

Design and visual amenities

The application site is located on a residential street in which there are a variety of dwellings, which differ in terms of their design and scale, with both bungalows and two storey properties present. There is also no uniform building line to this side of the street with a number of dwellings set substantially back from the highway (including the existing dwelling on the site). Whilst the dwelling proposed is of a substantial depth at 18.5m, and is not of a particularly strong design, with the front elevation notably simple in appearance, it would be set back within the site by over 12m. Furthermore, in this setting, it is not considered that it would appear out of place in terms of its scale, siting or indeed overall appearance. It would therefore not harm the character or visual amenities of the existing dwelling on site or indeed the wider street scene. As such, on balance, it would not be justifiable to refuse the application on design grounds and thus it would comply with Policy SW11 of the LDP.

Residential amenities

Regard has also been had for the impact of the proposal on the residential amenities of the neighbouring properties. In this respect, it is noted that the proposed dwelling would have other dwellings on either side. To the north east is the existing bungalow within the site (14 Gelligaer Road). The proposed property would be erected just over 3m from the remaining flank elevation (following the demolition of the existing garage). Due to the depth of the proposed dwelling, it would also project past the rear elevation of 14 Gelligaer Road by 5.4m. However, given its relatively modest eaves height of just under 3m it is not considered that it would have an overbearing impact. Similarly, as there are no windows in the flank elevation of 14 Gelligaer Road, it would not create any significant overshadowing or loss of light to the rear garden or internal rooms. It is noted that the north eastern elevation of the property would feature a ground floor bedroom window, but views from this would be obscured by the 1.8m high boundary fence proposed between the two properties.

To the south west of the site is 12 Gelligaer Road, which is sited further forward than the proposed dwelling and occupies a slightly lower level. It is noted that the proposal would be erected between 1.2m and 3.2m from the shared boundary with this property and would run along almost the full length of its rear garden. Whilst this arrangement is not generally desirable, no objections have been received from the occupants of this neighbouring property. Thus on balance, when considering the set back and the modest eaves height of just under 3m, it is not considered that it would have a harmful overbearing impact and it would not result in any significant overshadowing or loss of light. It is also noted that the south western elevation would feature both ground floor windows and roof lights. However, views from the ground floor windows would be obscured by the proposed 1.8m high boundary fence and the roof lights would be positioned 1.7m above the internal floor area thus preventing views into the neighbouring property from them.

Finally, whilst the rear elevation would be largely glazed and would feature a balcony, views from these would overlook the undeveloped land to the rear and any views over adjacent gardens would not be any more harmful than that which is commonly found between neighbouring properties. Similarly, views from the front windows would be at an appropriate distance to prevent any harmful overlooking to the properties opposite and views from these to the flank elevation of 12 Geillgaer Road (which features ground floor windows) would be angled and thus not direct.

On balance and given that no representations were received from the occupants of the neighbouring property following the publicity exercise, it is considered that the impact of the proposed dwelling on the residential amenities of the neighbouring occupants would not be detrimental enough to warrant the refusal of the application and it therefore complies with Policy SW11 of the LDP.

Parking and highway safety

The existing and proposed dwellings would be accessed off the classified B4254 highway via the existing access, which would be extended to 6m. Parking and turning provision for both properties would be located to the front of the dwellings. The Head of Engineering has not raised any objection to the proposal subject to conditions and as such it is found to be acceptable in terms of highway safety and parking.

Ecology

An Ecological Impact Assessment has been submitted with the application. The Ecologist is satisfied with respect to the impact of the proposal in this respect subject to the development being undertaken in accordance with the recommendations set out in this document and the mitigation and enhancement measures being provided.

Landscape

The proposed dwelling would be sited between two existing dwellings on a residential street and would be contained within existing residential curtilages. It would therefore not encroach into the surrounding open landscape or appear out of place within its setting. As such, it is not considered that the proposal would result in unacceptable harm to the character and quality of the landscape setting and the Landscape Architect has not raised any concerns in this respect. The proposal would therefore accord with Policy EnW5. A Tree survey has also been submitted with the application and considered by the Landscape Architect who is satisfied with its content.

Historic Environment

The application site is located adjacent to the Gelligaer Common Archaeologically Sensitive Area. However, as the proposal would not extend outside of existing residential curtilages and does not encroach onto this land, it is not considered that it would have any harmful impact that would contravene Policy CW1 of the LDP.

Planning contributions

Policy SW9 relates to Planning Obligations. However, given that the proposal is for a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought.

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.

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: Land at 14 Gelligaer Road Trelewis Merthyr Tydfil CF46 6DN (proposed floor plans and section), Drawing Number: 2710 NB 01, Amended Plan Received on 14 December 2021.

Drawing Title: Land at 14 Gelligaer Road Trelewis Merthyr Tydfil CF46 6DN (proposed elevations and layout plan), Drawing Number: 2710 NB 02, Amended Plan Received on 14 December 2021.

Drawing Title: Land Adjoining 14 Gelligaer Road. Trelewis. Tree Constraints Plan, Drawing Number: SAVL/GR1, Received on 23 November 2020.

Tree Survey, Categorisation & Constraints Report at Land Adjoining 14 Gelligaer Road. Trelewis. Produced by Steve Ambler & Sons Tree Specialists Ltd, Dated November 2020 and submitted on 23 November 2020.

Land at 14 Gelligaer Road, Merthyr Tydfil EcIA, produced by BE Ecological Ltd, Issue 1, VC, dated November 2020 and submitted on 22 December 2021

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

3. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

4. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 3, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

5. **No development shall take place** until details, including structural calculations and facing materials, 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 .

6. Notwithstanding the provisions of schedule 2, part 1, class A 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 enlargement, improvement or other alterations to the dwelling shall be undertaken other than those expressly authorised by this permission.

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

7. Notwithstanding the provisions of the Schedule 2, Part 1, Classes B & C 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 **enlargements of the dwellinghouse consisting of an addition or alteration to its roof or other alterations to the roof of the dwellinghouse** shall be erected/implemented without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason - Having regard to the restricted nature of the site and the need to assess the potential effect of any future extensions on the residential amenity of occupiers of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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.

9. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 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.

10. Prior to the occupation of the dwelling hereby approved, the boundary treatments shall be erected in accordance with the details indicated on the approved plans (Drawing Number: 2710 NB 02). The development shall be retained as such thereafter.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. Prior to the occupation of the dwelling hereby approved, the access off Gelligaer Road shall be widened and the car parking and turning areas serving the proposed dwelling and 14 Gelligaer Road, shall be provided as shown on Drawing Number: 2710 NB 02. The car parking spaces and turning areas shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. No development shall take place until a Construction and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Construction and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

13. In accordance with the recommendations of the Ecological Impact Assessment and approved drawings, **before the dwelling is occupied**, the two modified ridge tiles for bat access and one Schwegler 1SP Sparrow Terrace shall be provided. These shall remain in perpetuity thereafter.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

14. All planting and seeding for the area identified for the planting of pollinators as outlined in the EcIA, produced by BE Ecological Ltd and identified in drawing number 2710 NB 02, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason - To protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 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. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

4. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.
5. The applicant is advised to contact the MTCBC SAB Officer regarding discharges of storm water and compliance with the relevant legislation of January 2019.
6. The developer is advised to contact the MTCBC drainage section regarding the proposal as works affecting the watercourse will require Open Watercourse Consent.
7. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

8. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

20/1/22