

DELEGATED REPORT

Application No:	P/23/0295
Site Address:	Plot 5 Cwm Woods Grove Upper Colliers Row Heolgerrig Merthyr Tydfil CF48 1DP
Development:	Detached dwelling
Case Officer:	Marlene Ferreira
Site Visit:	23rd January 2024
Application Expiry Date:	13th March 2024
Consultation reply date expired:	25th January 2024

APPLICATION SITE

The application site relates to a rectangular parcel of land, plot 5, measuring approximately 0.044 of a hectare, located off Upper Colliers Row, in Heolgerrig. The site, which is elevated above and set back approximately 30 metres from Upper Colliers Row road, is relatively flat and is accessed from the private driveway (approved under planning permission P/20/0074). The site forms part of a wider parcel of land, measuring approximately 0.42 hectares, which has been granted outline planning permission for a residential development of 8 dwellings. Most of the neighbouring plots have been developed (following the approval of full planning permission for detached dwellings) except the application site and plot 3. The site adjoins the private driveway/access road to the north, a detached property (on plot 4) to the west, detached properties on plots 6 and 7 to the east, and undeveloped land to the south. Prior to its development, the site was heavily planted as part of the reclamation scheme associated with Georgetown and Cyfarthfa tips, formerly known as 'Brondeg Tip'.

The wider area surrounding the site is characterised by dwellings of varied styles, form and detailing, comprising bungalows, detached, semi-detached, and terraced two storey properties. The immediate area surrounding the application site, comprises of relatively large detached dwellings, of a modern design, with modern porches, finished in render.

The site lies within the settlement boundary - Primary Growth Area as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031. It also forms part of housing allocation site, SW3.4 Brondeg, Heolgerrig.

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a detached two-storey dwelling.

The dwelling would measure 13 metres wide, 13.5 metres deep (including garage and front projections) and 9.5 metres in height. It would feature two, two-storey projecting gables on the principal elevation and a central modern flat roof canopy/porch over the front entrance. At ground floor, the dwelling would be served by a kitchen/dining/living area, lounge, utility room, WC and garage. At first floor the dwelling would comprise a bathroom, 4 bedrooms (1 of which with en-suite) and a store room. The property would be finished with K-Rend render and Bradstone dressed stonework elevations, Marley fibre cement roof tiles and black Upvc windows.

The dwelling would be sited so that its front elevation would be north facing onto the private driveway/access road (off Upper Colliers Row). The rear garden area would be situated in the southern part of the site. Parking provision would be provided by means of an integral garage and a front parking area.

PLANNING HISTORY

The following planning history is relevant to this application:

P/19/0228 - Outline planning for 8 two storey detached dwellings - Approved: 7th November 2020.

CONSULTATION

Head of Engineering and Highways	-	No objection, subject to conditions.
Policy Officer	-	No response.
Ecology Officer	-	No objection, subject to conditions.
Environmental Health Manager	-	No objection subject to conditions.
The Coal Authority	-	No objection.
Welsh Water	-	No objection subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, neighbouring properties were consulted and two site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities
Policy 9 – Resilient Ecological Networks and Green Infrastructure
Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and 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...’*

Paragraph 3.9 refers to character and 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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 addresses brownfield sites and explains that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. 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 4.2.18 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...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...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...’*

- Technical Advice Notes (TANs)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *‘...It is essential that the presence or otherwise of protected species, and the extent that they*

may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

This TAN advises that the Welsh 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. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

Local Planning Policies

- Merthyr Tydfil Local Development Plan 2006-2021

Policy SW1 – Provision of New Homes

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. It forms part of an allocated housing site (SW3.4 Brondeg) and outline planning permission (P/19/0228) has been previously granted for a wider development area, which includes the application site. Therefore, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to consider when assessing this application relate to whether the proposed dwelling, in terms of its siting, scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The proposed dwelling would be located off the private driveway/access road that runs from Upper Colliers Row and would be served by a front driveway/garden area with a north facing primary elevation and a south facing rear garden. Its layout would therefore be very similar to that of plot 4 located to the west of the application dwelling. With regards to the dwelling itself, it would have two front two-storey gable projections, which would act as focal points of the dwelling and add character and interest to its primary frontage. Its scale and appearance draws reference to certain design features of other larger detached dwellings, recently granted planning permission at the Upper Colliers site, as well as the more traditional semi-detached properties within the vicinity of the site. Thus, it is considered that the property's well-proportioned scale, design, as well as its layout and orientation, would be reflective of other existing properties in the immediate surrounding area. It is noted that the proposed material finishes, in addition to the commonly used K rend render on elevations, the proposal also includes a Bradstone dressed stonework which would be used on the front western projection. Whilst this is not frequently found on the historic surrounding properties, it has been used on the recently built dwelling on plot 4 and as such, the proposed material finishes in this instance would be acceptable.

The proposed detached dwelling would therefore result in an acceptable form of development within this context, which would not be deemed detrimental to the character or appearance of the area. As such, it would comply with LDP Policy SW11.

Residential Amenity

The proposed dwelling would be sited to the east (side) of plot 4 and to the west (rear) of plots 6 and 7, and these are the neighbouring properties most likely to be affected as a result of the proposed development.

With regards to plot 4, it is noted that the application dwelling would be sited so that its front elevation would be north facing (adjacent to private driveway/access road), and its side elevation would therefore be facing plot 4, located to the west. Since the application property's layout would have a similar layout to the dwelling on plot 4, as previously mentioned, the side elevations of the dwelling on plot 4 would also face the application site. Whilst the application dwelling would project approximately 5 metres further back than this neighbouring dwelling, the majority of the dwelling, given its central location within the plot, would sit alongside the built dwelling on plot 4. Furthermore, the application dwelling would be located over 2 metres from the dividing boundary and a further 1.8 metres from the neighbouring dwelling itself. This combined with the fact that the application dwelling would sit approximately 0.75 metres lower than the ridge height of this neighbouring property, would ensure that the proposed dwelling would not result in an overbearing or an unneighbourly form of development. Furthermore, there are no first-floor west side facing windows proposed, thus preventing any direct overlooking into this neighbouring garden.

In respect of plots 6 and 7, it is noted that the application dwelling would be sited to the rear of these plots. The dwelling would also be located at a higher level, since the application site is elevated above Upper Colliers Row. Thus, the application property's ridge height would be approximately 3 metres higher the ridge height of plot 7 and approximately 3.45 metres higher than the ridge height of plot 6. However, it should be noted that the application dwelling would be sited approximately 3 metres from the dividing boundary with these neighbouring properties, and a further 8 metres (at its closest point) from the neighbouring dwellings themselves. Thus, whilst this would result in a close

relationship, it would not be deemed to result in an overbearing or unneighbourly form of development which would be considered to significantly harm the amenities of these neighbouring occupiers. Indeed, layouts/relationships such as this, are very common, especially amongst new built developments. Whilst a new window has been proposed to the first-floor eastern side elevation, this would be a small en-suite window which would be conditioned to be installed with obscure glazing, to safeguard the privacy of these neighbouring occupiers.

The relationship of the proposed dwelling with the neighbouring properties, as explained above, is therefore considered acceptable and would comply with LDP Policy SW11.

Ecology

The Council's Ecologist has considered the proposed scheme and requested that a Landscape Ecological Management Plan to include a Green Infrastructure Statement, which is specific to this plot only (plot 5), be submitted in support of this application. The relevant information was submitted on 17th January 2024. It confirmed the implementation of certain enhancement measures which include the erection of bird and bat boxes. The Council's Ecologist has considered the report and concluded this to be acceptable. As such, a suitably worded condition could be added to any planning permission granted to ensure such enhancement measures are carried out. The proposed development would therefore be acceptable and comply with LDP Policy EnW1.

Parking and Highway safety

The proposed dwelling would be accessed directly off the private driveway/access road leading off Upper Colliers Row and would be served by a front parking area and an integral garage. This would involve reversing movements onto the front private road, which also provides access to plot 3 (currently undeveloped) and plot 4. The Head of Engineering and Highways has considered the proposal in respect of on-site parking provision and highway safety and has not raised any objections, provided that the integral garage is conditioned to be used for the parking of vehicles only. Whilst the comments from the Head Engineering and Highways have been considered, it should be noted that Upper Colliers Row is a lightly trafficked road that currently serves around 13 houses, allotments and other rural buildings located further south of the application site. Whilst recent development on this site, following the approval of outline application P/19/0228, would result in an additional 8 dwellings using the Upper Colliers Row road (which includes the application site), all of these dwellings are also served by on-site parking provision for 2 or more vehicles. Furthermore, there is unrestricted parking available along Upper Colliers Row. Thus, the request to retain the garage for parking purposes only in this instance, as suggested by the Head Engineering and Highways, would not be considered necessary. The proposed development would therefore not give rise to adverse highway or pedestrian safety concerns and would comply with LDP Policy SW11.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant LDP policies.

Finally, 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:

- Proposed Plans and Elevations Drawing No. 12/05/01, received: 22nd December 2023;
- Existing and Proposed Site Layout Drawing No. 12/05/02, received: 22nd December 2023;
- Ground Investigation Report, Report No. Q0558/GIR (July 2021), received: 22nd December 2023;
- Landscape and Ecology Management Plan, received: 17th January 2024;

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

3. **Prior to the commencement of development** , a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved, before the occupation of the dwelling.

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

4. Before the development hereby permitted is brought into use, the first floor east facing window, to serve the en-suite, shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The window shall be permanently retained in that condition thereafter.

Reason - In the interest of residential 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 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 B 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 additions or alterations shall be carried out to the roof of the dwelling 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.

7. 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 enlargements, improvements or other any other alterations, shall be carried out to the dwelling 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.

8. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

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. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason - To ensure that the new development will be visually attractive and in the interest of biodiversity to accord with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping 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 trees or 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 ensure that the new development will be visually attractive and in the interest of biodiversity to accord with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. Prior to the occupation of the dwelling hereby approved, the bat and bird boxes shall be erected on the side elevations of the property, as shown on page 10 of the Landscape and Ecological Management Plan, received on 17th January 2024, and shall be retained thereafter in perpetuity.

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

INFORMATIVES

1. 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

2. 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

3. The applicant is advised that an armco culvert is located to the rear of the footway along Upper Colliers Row (which runs in a southerly direction into the Nant Rhydycar). Any works to or affecting the culvert would require consent from Merthyr Tydfil County borough Council's Land Drainage Officer.
4. The applicant/developer is advised that Japanese Knotweed may be present on the site and if not adequately addressed, could be potentially harmful to the proposed development.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 26.03.2024