

DELEGATED REPORT

Application No: P/19/0151

Site Address: Brackendale
Heolgerrig
Merthyr Tydfil
CF48 1TD

Development: Extension of garden curtilage with associated engineering works. Erection of new garage and siting of two converted railway units for domestic use

Case Officer: Caroline Pulley

Site Visit: 19th June 2016

Application Expiry Date: 1st August 2019

Consultation reply date expired: 26th October 2020

APPLICATION SITE

The application site relates to an irregular shaped parcel of land located to the north of the property called Brackendale, which is a two-storey detached dwelling. This property is accessed from the west via a narrow access lane. It is positioned so that its front elevation faces directly onto the lane with its rear elevation facing towards the side elevation of the neighbouring property, Ty Brycheinjog. The property is currently served by a detached garage, which is accessed from a 'Y' shaped driveway and parking area.

The land which forms the subject of this application is located to the rear of the applicant's garage. It is bound by a private lane to the west and an area of undeveloped land to the east. It is at a significantly lower level to the private lane and is currently accessed from the applicant's driveway through a field gate, beyond which is an unsurfaced and steeply sloping track. The closest neighbouring properties are located to the east of the applicant's property. However, there is also a caravan located to the north of the site. At the time of the officer's site visit, ground works had commenced but there were no buildings on the site.

PROPOSED DEVELOPMENT

Full planning permission is sought to change the use of a parcel of land to the north of an existing dwelling known as Brackendale into part of its residential curtilage. Permission is also sought to erect a two-storey detached garage and site two converted railway units on the land.

The proposed garage would be sited within the south-western corner of the site (to the rear of the applicant's existing garage). It would be 7.4m long, 5.5m wide and would have

a 7.4m (max) high, pitched apex roof containing two skylight windows and log burner flue. The garage would have a 3.9m wide up and over door and a 1.2m wide first floor window in its front elevation. Its rear elevation, which would have the appearance of a single storey structure, would feature a set of patio doors providing access to a first floor home office via a ramped walkway. The eastern side elevation of the garage would include a side entrance door. It is proposed that the external walls of the garage would be finished in render. The supporting information provided with the application confirms that the office above the garage would be used by the applicant for private use only.

The two converted railway units/horse boxes would be sited close to the western boundary and to the north of the proposed garage. They would each measure 2.5m in width by 5.5m in length and their roofs would be curved and would have a height of 2.45m. Their exact finish is unknown at this stage. However, the details provided by the agent suggest that the two units would be refurbished in timber or a similar profiled material. The submitted details also confirm that the two units would sit on a flush plinth made up of 150mm hardcore and a 100mm base. It is noted that the agent has confirmed that the two structures would each be used for domestic purposes with the submitted plans indicating their use as storage and/or a summerhouse.

To facilitate the development, the proposal would require some engineering works to the land. It is also noted that the submitted plans detail a 1.2m high post and rail fence being erected adjacent to the eastern boundary of the site and a new 1.8m pedestrian gate being sited next to the western side elevation of the existing garage.

PLANNING HISTORY

P/16/0004	Retention of rear single storey extension Approved 16.02.2016
P/01/0186	Dwelling Approved 31.07.2001

CONSULTATION

Engineering and Traffic Group Leader:	No objection subject to conditions.
Planning Division's Ecologist:	No objection.
Landscape Architect:	No objection to the scheme. However, some queries were initially raised to the scheme.
Environmental Health Officer:	No objection.
The Coal Authority:	Raises no objection to the scheme, subject to the undertaking of intrusive site investigations prior to the commencement of the development.
Welsh Water:	Raises no objection to the scheme.

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 as a result of the initial publicity exercise carried out as part of the application. The concerns raised by the objector are summarised below:

- The objector points out that there has never been an access off the lane. It is also noted that the lane is privately owned. The creation of an access off the lane will result in increased traffic movements. The objector questions why the applicant would need an additional access to the proposed structures when he has an access to the site past his own property.
- Concerns are raised that the applicant may use the proposed garage and railway units as holiday lets or separate units of residential accommodation.

Local Ward Members were advised of the objection 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.

Section 6.9.13 highlights that local authorities should take into account the nature, scale and extent of surface and subsurface hazards which may pose a risk to health and environment.

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 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 (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

Principle of the proposed development

The application site is located within the settlement boundary and within a predominately residential area. As such the principle of the change of use of the land to residential curtilage and developing it within this use is considered to be acceptable subject to compliance with other relevant planning policies and material planning considerations.

Impact on the character and appearance of the area

The proposed extension to the curtilage of Brackendale and the use of the land for residential purposes is considered to be in keeping with the residential character of the area and would not appear out of place. While it is acknowledged that the land is at a significantly lower level to the applicant's property and is somewhat divorced from the existing garden area, it is not considered that the incorporation of this land into the curtilage of Brackendale would cause material harm to the form or character of the existing houses in the area. While it is acknowledged that the structures being proposed on this site are quite sizeable in scale, they would not form overly conspicuous additions nor would they cause significant harm to the visual appearance of the area. Moreover, a condition would ensure that the external appearance of the proposed railway units/horse boxes are acceptable. It is recognised that parts of the site are steeply sloping in nature. However, the majority of the site has already been engineered to form a plateau and the submitted plans indicate no changes being proposed to the levels of the steeply sloping western embankment. The plans do indicate some re-profiling works being proposed to the embankment positioned along the eastern boundary but these works are considered to be visually acceptable.

Residential amenity

Regard has also been had for the impact of the proposal on the residential amenities of surrounding residents. In this respect it is noted that the nearest dwelling is located to the south-east of the application site while the proposed development is all located to the north of the existing property. Given the distance, it is not considered that the proposed works or the use of the land would have any impact on the residents of this adjoining dwelling. In addition to this, the land sits at a lower level to neighbouring properties and for this reason, it is not considered that the development would give rise to a harmful level of overlooking to those living nearby. The proposal therefore complies with Policy SW11 of the LDP.

The concerns raised by a local resident that the structures may be used as holiday lets or separate units of accommodation in the future has been acknowledged. In this respect, it is noted that the agent has confirmed that the structures/buildings would be used in connection with the residential use of the existing property, Brackendale and this can be controlled by imposing an appropriate worded condition.

Highway safety

The scheme originally put forward as part of this application sought to create a new access off the private lane which borders the eastern boundary of the site. Following a number of highway safety concerns being raised by a local resident and the Engineering and Traffic Group Leader, this new access has been omitted from the application. The revised proposal shows the land being accessed solely from the hardstanding at the applicant's property via a ramped concrete driveway. The Council's Engineering and Traffic Group Leader has been consulted on the revised proposal and has raised no objection to the amended scheme. As such, the scheme is now considered acceptable in terms of its impact on highway safety.

Ground stability

The application site is located in an area defined by the Coal Authority as a 'Development High Risk Area'. Accordingly, a Coal Mining Risk Assessment (CMRA) has been submitted in support of this application. On review of the report, the Coal Authority have highlighted that there is potential for the site to be affected by shallow workings. Accordingly, the Coal Authority agrees with the recommendations of the report that intrusive site investigations should be undertaken within the site to determine the exact ground conditions and the presence or otherwise of shallow mine workings. The Coal Authority note that the exact form and extent of intrusive site investigations would need to be agreed by the Permitting Section of the Coal Authority as part of a permit application. Taking this into account, the Coal Authority raises no objection to the scheme subject to the imposition of a condition relating to the undertaking of site investigations prior to development commencing on site.

Ecology

The initial comments received from the Council's Ecologist recommended the undertaking of a Preliminary Ecological Appraisal (PEA) of the site. This was to establish whether or not the proposal would have an impact on Priority and Protected Species and/or their habitats. Accordingly, an ecological appraisal was requested as part of this application.

The submitted report reveals that the overall habitat quality is poor and has limited connectivity to neighbouring designated sites. No trees were found with suitable roosting features. Also, there were no reptiles or evidence of reptiles found on the site. Additionally, there was no evidence on site of any amphibian presence. As such, the potential impact of this scheme on these species is considered to be of a low risk. Having regard to this and the enhancement measures being put forward with the application (the siting of a bat and hibernacula), the Council's Ecologist raises no objection to the scheme.

Conclusion

For the above reasons, the proposed development, would not detract from the character or appearance of the property or wider area, nor would it adversely impact on residential amenity and would therefore comply with Policies SW4 and SW11 of the LDP.

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:

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 609.02D Proposed Site received on 21.09.2020

Drawing 609.06 Sections received on 21.09.2020

Drawing 609.05C Proposed Block Plan received on 07.04.2020

Drawing 609.04A Proposed Garage received on 05.11.2020

Drawing 609.03B Site Plan and Proposed Railway Units received on 07.04.2020

Preliminary Ecological Appraisal undertaken by EcoVigour dated 10.07.2020
document reference Ev200309 Rev 3

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

3. **Prior to the construction of the buildings/structures** hereby approved details and or samples of the materials to be used in the construction of the external surfaces of the buildings/structures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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. The works hereby approved shall be carried out in accordance with the recommendations outlined within the Preliminary Ecological Appraisal Ev200309 Rev.3, prepared by EcoVigour and dated 10th July 2020.

Reason - To protect and enhance the natural environment in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the construction of the buildings/structures hereby approved** a site investigation shall be 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.

6. 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 5, 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.

7. Prior to the commencement of development, full structural details and calculations of any retaining wall or structure above a metre in height shall first be submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the stability of the retaining structures required in connection with the development.

8. 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 Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. 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.

10. Notwithstanding the provisions of schedule 2, part 1, 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 buildings shall be erected other than those expressly authorised by this permission.

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

11. The development hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as Brackendale, Heolgerrig.

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

12. Notwithstanding the provisions of schedule 2, part 2, class B of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no new access should be created off the western boundary of the site.

Reason - To limit the number of accesses onto the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

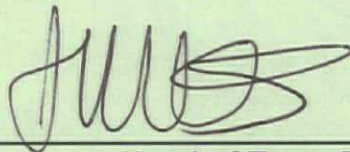
INFORMATIVES

1. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Environmental Health Section, the applicants/developers are advised to contact Environmental Health prior to the commencement of development to agree an appropriate method of noise and dust suppression.

The developer must ensure that all waste arising from the site is disposed of at a site licensed for its reception. Under no circumstances shall waste be burnt on site.

2. The applicant/developer's attention is drawn to the comments received from the Coal Authority during the course of this application. The comments note that a Permit Application will need to be submitted to the coal Authority.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

12/11/20