

DELEGATED REPORT

Application No: P/19/0307

Site Address: Land To The Rear Of
Cherry Tree Way
Trelewis
Treharris

Development: Proposed construction of new bungalow.
(Proposal to include works to widen the existing highway)

Case Officer: Caroline Pulley

Site Visit: 5th September 2019

Application Expiry Date: 23rd March 2021

Consultation reply date expired: 1st January 2020

APPLICATION SITE

The application site relates to an irregular shaped area of land measuring approximately 0.1 of a hectare. The site currently contains three single garages along the northern and western boundary and some trees and vegetation. However, the site was previously occupied by a number of garages (understood to be 8 in total) and a number of trees. It is bound by two-storey, semi-detached houses to the west (Cherry Tree Way) and the access road which serves the site to the north-east. To the south-east is a narrow rear service lane which is at a lower level to the site and is bound by a stone retaining wall. Beyond this are the rear gardens of the terraced properties that front onto Field Street.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of a detached bungalow with an integral garage. The proposed dwelling would have a rectangular footprint measuring 19m in width by 9m in depth. Its pitched roof would extend to a maximum height of 5.2m and would be covered in composite slate. The submitted plans indicate that the front elevation of the dwelling would be finished in Bradstone or a similar natural stone. The remaining elevations (sides and rear) are to have a rendered finish. The windows and doors are to be grey uPVC. To the front (north) of the dwelling it is indicated a hardstanding/vehicular parking would be created with access/egress to the site being directly onto Cherry Tree Way (to the north) via an opening proposed within north-western part of the site. To the rear, there would be a raised patio area measuring 8.6m wide by 4.3m in length. It is proposed that the dwelling would accommodate three bedrooms, an integral garage and associated living accommodation.

It should be noted that the development of the site also involves a proposal to widen/realign the highway which flanks the northern boundary of the site.

PLANNING HISTORY

There is no planning history relating to this site.

CONSULTATION

Head of Engineering:	No objection subject to conditions.
Planning Division's Ecologist:	No objection subject to all mitigation and enhancement measures being undertaken and controlled by condition.
Public Rights of Way Officer:	Advises that there is a bridleway running adjacent to the application site, which should be protected at all times.
Environmental Health Manager:	No response.
Welsh Water:	No objection.
Bedlinog Community Council:	No objection.

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.

No letters of representation were received following this publicity exercise.

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 SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

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)

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

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

PLANNING CONSIDERATIONS

Principle of the development

The application site is located within the settlement limits as defined by the LDP. Therefore, the principle of developing the site for residential purposes is acceptable under Policy SW4 of the LDP.

Impact on character and appearance of the area

The pattern of development surrounding the application site is somewhat sporadic. Although the semi-detached properties along Cherry Tree Way are positioned in a consistent manner, the siting and orientation of the properties along the lane varies with some properties being set back from the highway, while the dormer bungalow opposite the site is orientated so that its side elevation faces onto the lane. The properties within the vicinity also vary considerably in their design and scale, with a mixture of bungalows and two storey properties that incorporate differing architectural features. The external finishes in the area generally vary, albeit, the use of render and natural stone is prominently used.

This site was previously occupied by a number of garages, which poorly contributed to the visual appearance of the street. Therefore, the development of a dwelling on this land would visually improve the character and appearance of the area. The siting of the proposed bungalow also results in a direct frontage onto the lane which would follow the general pattern of development in the area. The scale of the dwelling with its pitched roof design would also be appropriate for the site and would not appear out of context with its surroundings. The proposed external finishes are also acceptable and would generally complement the character and appearance of the area. A condition is however recommended so that the exact finish of the dwelling can be agreed by the LPA prior to works commencing on site.

While it is acknowledged that a number of trees on the site have been recently been felled, permission was not required for these works. Moreover, the proposed scheme does

include the planting of four replacement native trees, which is welcomed. In terms of boundary treatments, the submitted plans show the attractive stone retaining wall to the rear of the site being retained, which is also welcomed. To the front of the site, the plans detail the siting of 900mm high hoop railings, which is acceptable. Overall, given that the site previously occupied a number of dilapidated garages, it is considered that the proposed development would not be detrimental to the character and appearance of the area.

Residential amenity

Turning to the impact of the scheme on neighbouring residential amenity, the scheme would not cause any undue harm, due to the low height of the proposed dwelling. Moreover, the proposed dwelling would be positioned between 18m and 1.2m (at its tightest point) from the rear southern boundary of the site and approximately 4.5m off the western boundary of the site. Given these distances and the low height and orientation of the proposed dwelling, the development would not adversely impact on the amenities of the neighbouring occupiers in terms of overlooking or overbearing impacts. It should also be noted that there have been no letters of objection or representation received to the application as a result of the publicity exercise undertaken with neighbouring properties. Therefore, the proposed development would not have an adverse impact on the amenities of neighbouring occupiers and complies with policy SW11 of the LDP.

Highway Safety

The access road serving the site is narrow and will not allow for two vehicles to pass. Visibility along the lane is also restricted by the geometry of the highway and by the siting of neighbouring buildings and boundary walls. While the scheme does include a proposal to widen the lane to improve visibility, taking into account the restricted nature of the highway and its use as a PROW, the Council's Head of Engineering originally raised concern that the development of a single dwelling in this location would intensify the use of the adjacent single width highway, increasing the risk of conflict between pedestrians and motor vehicles on the bridleway. In response to these concerns, the applicant commissioned a transport survey of the site. This highlights that the proposal to re-align the lane will improve the forward visibility for drivers traveling along Cherry Tree Way. Also, it notes that the site is located on the outside of a bend so there will be good visibility in each direction to the nearside kerb. Moreover, the report highlights that the proposed widening/realignment of the lane will significantly improve the visibility on the corner where the road meets a pinch point adjacent to the property known as Ty Draw.

Having carefully considered the information put forward in the report, the Head of Engineering has not raised any highway safety concerns in relation to the proposed access. Taking this into account and the fact that the site was previously occupied by a number of garages, the proposed use of the lane to facilitate access to the dwelling is not considered to be detrimental to highway or pedestrian safety. In terms of parking, the proposed driveway is of an adequate design to enable vehicles to enter and exit the site in a forward gear and sufficient off-street parking would be accommodated. Therefore the proposal complies with policy SW11 of the LDP.

Ecology

A Preliminary Ecological Appraisal and bat survey report has been submitted in support of the application, which reviews the impact of the proposal on protected species and/or their

habitats. The report identified that the site broadly consists of recently cleared bare ground, with some areas regenerating vegetation. An Ash tree located along the western boundary was identified as having moderate potential to support roosting opportunities for bats. This triggered the need to carry out further emergence surveys on the site. However, no bats were recorded emerging from the tree. Given that the Ash tree along the western boundary is to be felled, an Arboricultural Assessment was also carried out. The assessment concludes that the Ash tree is in decline and is potentially unstable.

The existing garage on the site, which is due to be demolished is also considered to have low potential to support roosting bats and no direct evidence of bats was identified during the inspection survey. In terms of reptiles, the report identifies that the site supports limited areas of habitat that may provide resting places for widespread reptile species. As such, precautionary working measures have been recommended concerning reptiles during the construction of the development. The report also highlights that any works that may have potential to impact on nesting bird habitats should be undertaken outside of the bird nesting season. Having regard to the mitigation measures put forward and the on-site enhancements included within the report (which include the siting of a bat box and bird box), the Council's Ecologist has not raised any objection to the scheme. Therefore the proposal complies with Policies EnW1, EnW2 and EnW3 of the LDP.

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:

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 block plan received on 27.11.2019

Drawing number hdw/ph/ala/03b Proposed Site Plan and Section A/A received on 14.05.2020

Drawing number hdw/ph/ala/04b Proposed Landscape and Boundary Treatments received on 22.01.2021

Drawing number hdw/ph/ala/01a Proposed Floor Plan, Elevations and Section received on 22.01.2021

Preliminary Ecological Appraisal and Bat Survey Report, Issue Final 01.12.2020
received on 08.12.2020
Arboricultural Evaluation received on 26.01.2021
Transport Statement January 2020

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

3. Prior to the construction of the dwelling hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling 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. **Before works commence on site** full engineering details of the road layout/widening proposal with sections, construction/materials details, surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the occupation of the dwelling, hereby approved.

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

5. All planting, seeding or turfing comprised in the approved details of landscaping as shown on drawing number hdw/ph/ala/o4b 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Notwithstanding the provisions 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 windows, dormers or roof extensions shall be erected within the rear south-western roof plane of the dwelling other than those expressly authorised by this permission.

Reason - To protect the amenity and privacy of neighbouring residents in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **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.

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.

INFORMATIVES

1. The grant of planning permission does not entitle developers to obstruct or carry out works to a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, in so far as it affects a right of way, should not be started; and the right of way should be kept open for public use until the necessary order under s.247 or s.257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. If you need advice about the right of way you should contact the Rights of Way Division on 01685 725309/rightsofway@merthyr.gov.uk.

2. 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.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

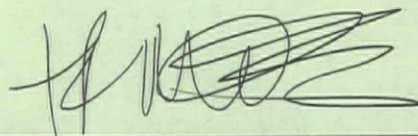
If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.

4. The developer is advised to contact Merthyr Tydfil County Borough Council's Highway Division regarding any retaining works or other works affecting the highway BEFORE construction works commence. This approval is independent of the approval of planning permission.

The developer is advised that he/she will need to enter into a Highway Adoption Agreement to facilitate the proposed highway improvements as per the details provided within the Traffic Assessment.

5. 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

8/2/21