

DELEGATED REPORT

Application No:	P/20/0243
Site Address:	Land Adjacent To Sunnybank Mount Pleasant Heolgerrig Merthyr Tydfil
Development:	Construct a detached dwelling and a detached garage
Case Officer:	Marlene Ferreira
Site Visit:	27th October 2020
Application Expiry Date:	15th July 2021
Consultation reply date expired:	22nd December 2020

APPLICATION SITE

The application site relates to the eastern garden area serving Sunnybank, a detached dormer bungalow which can be accessed from Farm Road and/or Mount Pleasant road, off Heolgerrig Road (the main road serving Heolgerrig). A driveway, which sweeps fairly steeply around the front of Sunnybank and culminates in a parking area to the east of the dwelling, provides the access into the property. The property benefits from a small triangular garden to the west and a large semi-circular garden to the east. The eastern garden area was previously used as a pony paddock and accommodates a detached timber building which appears to be formerly used as a stable. This paddock area, which is separated from the driveway and the remainder property by a low timber fence, is elevated above Farm Road and retained (in places) by a stone wall and lined with mature trees and other vegetation. The application site adjoins the boundary with 17 Farm Road and 20 Cwm Cottages to the south, Sunnybank to the west and the adopted highway, Farm Road, to the north and east.

The area surrounding the application site is predominantly residential and varies in character. It largely consists of two-storey detached and semi-detached properties which are consistent in their scale and appearance to the east, semi-detached dormer bungalows to the north and detached two-storey and dormer bungalows which vary considerably in their scale and appearance to the south. The site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks outline planning permission to construct a detached dwelling and detached garage. All matters relating to the scale, appearance and landscaping are reserved for future consideration. As such the principle of the development is to be considered, together with the matters relating to the layout of the site and the means of access.

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, the plans and supporting information include details of the site layout, the position of the dwelling and garage and its access. The maximum and minimum scale parameters of the proposed dwelling and garage would be as follows:

Dwelling: Max width 9000mm Min width 8700mm
 Max depth 6000mm Min depth 5700mm
 Max height 8800mm Min height 7400mm

Garage: Max width 6000mm Min width 5700mm
 Max depth 4700mm Min depth 4400mm
 Max height 5000mm Min height 4700mm

The indicative details illustrate that the proposed dwelling would be a two-storey development with a large garden area. The property would be served by a new driveway off Farm Road, located approximately 19 metres further east (at its closest point) than the existing driveway access serving Sunnybank (which is to be removed as a result of this proposal). A detached garage and an on-site manoeuvring/parking area, to the west of the proposed dwelling, would serve the parking requirements of the proposed dwelling.

Sunnybank would also be served by a new access off Farm Road, located approximately 13 metres further east (at its closest point) from the existing access.

In addition to the creation of two new accesses other engineering works are proposed which include removing part of the embankment (including mature trees, a stone wall and other vegetation) along the northern boundary of the site. The submitted plan illustrates that these works proposed along part of Farm Road and Mount Pleasant road would provide a visibility splay (2.4m x 30m) to the right (east) of the proposed accesses. A further visibility splay (2.4m x 30m) would be provided to the left (west) of the proposed accesses. The provision of this visibility splay would result in the removal of a stone boundary wall and hedge and the construction of a new boundary wall behind the proposed splay line, to the west, to serve the existing dwelling and the grading back of the embankment to the east to serve the proposed dwelling.

PLANNING HISTORY

The council's records indicate the following relevant planning history for this site:

- **P/07/0311** – Two detached dwellings (outline) – Approved: 22nd August 2007

The Council's records also show other recent and relevant history in close proximity to the application site:

- **P/18/0373** – Proposed 4 bedroom house (outline) – Refused: 23rd October 2019

Reason for refusal: *The existing highways (Tramroadside & Mount Pleasant) serving the site are sub-standard in their design with narrow carriageways, limited facility for passing vehicles, restricted forward visibility for drivers and a lack of pedestrian segregation. The increased use of these roads would create traffic hazards to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policy BW12 of the Merthyr Tydfil Local Development Plan 2006-2021.*

The applicant appealed the above decision:

APP/U6925/A/20/324689 – Land off Tramroadside and to the rear (north) of Six Bells Estate, Heolgerrig, Merthyr Tydfil which was Dismissed (1st June 2020)

The Inspector concluded: *The proposal would add to the traffic using the highways and lanes leading to the site from Heolgerrig. Notwithstanding the relatively low traffic volumes and speed, this increased traffic would be prejudicial to pedestrian and highway safety because of the restricted road widths, poor forward visibility and lack of proper pedestrian facilities or suitable passing places. I have had regard to all the matters raised in support of the scheme, but none individually or cumulatively outweigh its adverse effects. I conclude that the proposal would be contrary to Policy SW11 of the Adopted Merthyr Tydfil Replacement Local Development Plan for the reasons given above.*

CONSULTATION

Head of Engineering

Objection. *'The additional traffic generated is considered prejudicial to pedestrian and highway safety because of restricted width, poor forward visibility, limited pedestrian facilities and suitable passing places/provisions'.*

Town Planning Division's
Policy Officer

No objection.

Town Planning Division's Ecologist

Bat survey requested following the submission of the Preliminary Ecological Appraisal.

Landscape Architect

No objection.

Environmental Health Manager

No objection, subject to conditions.

The Coal Authority

No objection, subject to conditions.

Welsh Water

No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, two notices were displayed within the vicinity of the site

and nearby properties were consulted. Two letters of objection were received which raise the following concerns:

- The proposal would raise privacy concerns for my property as its elevated position would look directly into my rooms and rear garden;
- Due to the height of the ground and its make-up, there are concerns regarding the stability of the site as a result of this proposal;
- Properties on Martin Close are already below that of Farm Road and this dwelling would be significantly elevated above Farm Road, without any drainage details;
- Farm Road is a narrow single track road and a new dwelling would generate additional traffic.

Ward Councillors were advised of the objections received, however, they have not requested that the application be determined at Planning Committee. The application will therefore progress to be determined, under delegated powers, by the Chief Officer Planning and Neighbourhood Services.

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 11 (February 2021)

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 states 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 4.2.17 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...*'

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 (TAN'S)

- TAN 5 - Nature Conservation and Planning (September 2009)
- TAN 12 - Design (March 2016)
- TAN 18 - Transport (March 2007)

Local Planning Policies

- The Merthyr Tydfil Replacement Local Development Plan 2016-2031

Policy SW1: Provision of New Homes;
Policy SW3: Sustainably Distributing New Homes;
Policy SW4: Settlement Boundaries;
Policy SW9: Planning Obligations;
Policy SW11: Sustainable Design and Placemaking;
Policy CW1: The Historic Environment;
Policy EnW1: Nature Conservation and Ecosystem Resilience;
Policy EnW4: Environmental Protection;

- Supplementary Planning Guidance:

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)
Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)
Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)
Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

- Other guidance:

CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposal would, in the first instance, be acceptable in principle in this location and whether it would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary – Primary Growth Areas. In such areas the principle of residential development is generally supported by LDP Policies SW1, SW3 and SW4, provided that it is compatible with other relevant policies and material planning considerations. As such, the proposed development would be acceptable in principle and therefore accord with the LDP Policies SW1, SW3 and SW4.

Notwithstanding the fact that the development is considered acceptable in principle in this location, there are other site specific matters which require consideration and these have been addressed below.

Character and Appearance

The reasons for the visibility splays are fully appreciated, however, their provision would result in the felling of mature trees (and other vegetation) and the removal of stone walls. Although requested, no substantive detail/evidence has been provided which clearly indicates how the re-engineered embankment (to the east of the new accesses) would be profiled/constructed/landscaped. However, what is clearly evident is that a significant proportion of the embankment would have to be removed to provide the necessary splay. This significant engineering operation, combined with that proposed to the west of the accesses, would have an extremely harmful impact on the visual appearance of these parts of Farm Road and Mount Pleasant road. This area consists of a narrow sweeping highway that is framed on its southern side by a visually attractive landscaped embankment, retained, in places, behind a stone wall. The grassed triangular junction (and narrow roads with either lack of, or inadequate, footpaths), to the front of Sunnybank, further emphasises the rural feel of this part of Heolgerrig. It is considered that the widening of the carriageway, removal of vegetation/stone walls and the overall engineering works required to provide the visibility splay lines would result in a development that would significantly harm the character and appearance of the area. As such the proposal would be contrary to LDP Policy SW11.

In respect of the proposed property, the illustrated plans indicate that the proposed dwelling would be detached and two-storey, and the garage would be detached and single storey. The property and garage would be significantly set back from the highway, Farm Road, and would be accessed via a private driveway. It would have a spacious front parking area as well as a large side and rear garden. Whilst the dwelling would be located within a spacious garden, it would be sited in an elevated position. A two-storey development, measuring between 7.4 metres and 8.8 metres in height, in this location would form a highly visible and discordant feature in the landscape, which given its elevated position and somewhat divorced siting, would be at odds with the surrounding built development. This is particularly evident when viewing the site from Heolgerrig Road (at the junction with both Farm Road and Brondeg). Whilst it is noted that there are mature trees alongside the southern boundary of the site, which would provide some screening to the dwelling, it is unclear whether these would be retained, given the proximity of the

proposed dwelling to this southern boundary. Notwithstanding this, particularly during the months, when the trees have no leaves, the proposed dwelling would appear as a dominant and incongruous form of development. As such, the dwelling could not be sensitively accommodated on this site (within the scale parameters proposed) and would have a detrimental impact on the character and appearance of the area, contrary to LDP Policy SW11.

Residential Amenity

New developments should not have a harmful impact on the amenities of neighbouring occupiers and thus the relationship with the neighbouring properties requires careful consideration.

In respect of the properties to the south, the proposal indicates that the dwelling would be sited within a large garden area and would be located approximately 1 metre from the southern dividing boundary. This southern boundary is made up of tall mature trees which would partly screen the dwelling (as briefly mentioned above). However, as a result of the elevated position of the garden, the two-storey dwelling would 'tower' over the rear garden serving the neighbouring dwelling, 17 Farm Road, and would therefore appear overbearing when viewed from the rear garden of this neighbouring property. Whilst there are tall trees along this southern boundary which are mature and would partly screen the dwelling, during the autumn/winter months (provided these could be retained), the two-storey dwelling would still appear prominent when viewed from the rear garden of this neighbouring dwelling. The number and siting of the windows on this southern elevation could also result in overlooking into the neighbours rear amenity area. However, given that the layout indicates this would be a gabled elevation, there would probably be little fenestration and in any event this could be controlled under any future reserved matters application.

In respect of the properties to the east and north, the proposal shows that the dwelling would be located a suitable distance from the dividing boundary with these neighbouring dwellings, since it would be sited approximately 21 metres away (at its closest point), from the dividing boundary with the neighbouring dwellings located along Martin Close (to the east) and approximately 22 metres away, (at its closest point), from the dividing boundary with the properties located along Six Bells Estate (to the north). As such, this distance would ensure that the proposed dwelling would not result in an overbearing form of development. Although such distances would normally be deemed sufficient to safeguard the private amenities of nearby occupiers, in this instance, the property would be located in an elevated position, and as a two-storey development with a rear elevation facing east, it would allow for overlooking into the private rear garden areas serving these neighbouring properties along Martin Close (15, 16 and 17 Martin Close), which are located at a significantly lower level and back onto Farm Road. Although boundary treatments comprising of fencing and/or planting could help to screen the dwelling's windows at ground floor, adequate and permanent screening solutions could not be achieved for first floor windows on a two storey development in this elevated position. Although the number and siting of windows would require careful consideration at a later stage, under a reserved matters or full application, it is evident that as a two-storey development with a minimum height of 7.4 metres and a maximum height of 8.8 metres, the overlooking opportunities upon surrounding residents would be significantly greater than those associated with a property that has a lower ridge height. It is therefore considered that the proposed development could not be sensitively located without having

an adverse impact upon the amenities of nearby residential occupiers and as such, would not accord with LDP Policy SW11.

In respect of the properties to the north, Martin Close, the layout of the property shows that the northern gable end elevation would front these dwellings and as such, is likely to have little fenestration (as noted above), which in any event, could be controlled by a future reserved matters or full application. The proposed development would therefore not be considered to harm the amenities of these neighbouring occupiers.

Ecology

The proposal has the potential to impact upon priority and protected species. The Council's Ecologist therefore requested that a Preliminary Ecological Assessment (PEA) be submitted in support of the application. A PEA was submitted and subsequently updated on the 9th March 2021. The PEA confirmed that no external lighting was proposed and included enhancement measurements, comprising of shrubs and dense scrub. In addition, the PEA determined that the existing detached timber building on-site had low potential suitability for bats. Nevertheless, the Council's Ecologist requested that a single bat activity survey be submitted prior to the determination of the application. The agent was advised of this on 1st April 2021. On the 21st April 2021 the agent confirmed via email that *'...sufficient information has already been provided in two reports submitted to enable the ecology officer to condition the ecological requirements of any future detailed application...'* As such, the bat activity survey has not been submitted in support of the application. The absence of this information prevents a full assessment to be made on the potential impact upon protected species as a result of the proposed development. As such, the proposal would fail to comply with LDP Policy EnW1.

Parking Provision and Highway Safety

In respect of highway safety, it is noted that the Head of Engineering did not initially raise highway safety concerns. The initial comments noted that *'...the proposal involves a new access onto Farm Road, involving the demolition of existing boundary wall and removal of the vegetation to achieve a 2.4m x 30m visibility splays indicated. Visibility splays are not to be subject to any future obstructions/vegetation in excess of 900mm that may impede visibility. Visibility splays are acceptable...there are no objections to the proposal ...'* However, the Head of Engineering was advised that an application for a new dwelling (P/18/0373) located near this application site, and also accessed off Heolgerrig Road, was dismissed at appeal (APP/U6925/A/20/324689) on the 16th June 2020. As highlighted above, the Inspector concluded that the use of the roads leading to the application site, off Heolgerrig Road, were inadequate to cater for additional traffic generated by an additional dwelling, due to their restricted widths, poor visibility and absence of pedestrian footpath and adequate passing bays. As such, the construction of an additional dwelling to be accessed off Farm Road (to the east) or Mount Pleasant road (to the west) would add additional traffic to an already substandard highway, which would be prejudicial to highway and pedestrian safety.

In this instance, the proposed dwelling would also be accessed via Farm Road and/or Mount Pleasant road, off Heolgerrig Road, and the recent appeal decision, (APP/U6925/A/20/324689) would therefore be a material consideration in the assessment of this application. The existing roads, both Farm Road and Mount Pleasant road, are adopted highways. However, these narrow roads, measuring a maximum of approximately 3.65 metres wide (along Farm Road) and 2.4 metres wide (along Mount

Pleasant road), are not only narrow, but have no or inadequate footpaths. Whilst it is appreciated the applicant proposes to increase the carriageway width to accommodate the vision splays, this would not overcome the concerns in respect of the narrow widths, limited visibility (due to the severe road bends and boundary walls limiting forward visibility) and the absence of vehicular passing bays and pedestrian pavements elsewhere along these roads, particularly nearer to Heolgerrig Road. Furthermore, the land ownership constraints would mean that any further widening of the roads, in order to allow for adequate two-way vehicular traffic, improved visibility and enhanced pedestrian facilities, would not be feasible. Indeed, LDP Policy SW11 specifically states that '*...new development will be required to...allow access for the widest range of people possible, and demonstrate that any traffic movements will not have an unacceptable impact upon local amenity or highway safety and satisfy the Council's parking standards...*' Following further consideration of all material planning considerations, the Head of Engineering objected to the application stating that: '*...the proposal will add to the existing traffic utilising the highway to and from Heolgerrig Road. The increased traffic is considered prejudicial to pedestrian and highway safety because of the restricted widths, poor forward visibility, limited pedestrian facilities and suitable passing place...*' This proposal would therefore generate further traffic which would lead to additional conflict with other vehicles and pedestrians, resulting in an increased risk to highway users. As a result and taking into consideration the works proposed under this application, the highway network serving the site is substandard to accommodate the additional traffic generated by the proposed dwelling and as such, would give rise to pedestrian and highway safety concerns and therefore fail to accord with LDP Policy SW11.

Planning Obligation

Policy SW9 considers the requirements for planning obligations. Since the proposal relates to a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing would not be sought in this instance. The proposed development would therefore comply with LDP Policy SW9.

Responses to Representations

Many of the concerns raised by local residents have been considered above. In respect of other concerns raised, these are addressed below:

- In respect of land stability, a Coal Mining Risk Assessment report was submitted. The Coal Authority, having reviewed the report, did not raise an objection provided that a scheme of intrusive investigations is carried out prior to the commencement of development and that any remedial and or mitigation works are carried out prior to the occupation of the dwelling.
- Issues regarding drainage would be assessed under a reserved matters or full application.

CONCLUSION

For the reasons discussed above the proposal would be considered to have an adverse impact upon the character and appearance of the area, the amenities of nearby occupiers and highway and pedestrian safety. As such, it would be contrary to LDP Policy SW11. In addition, insufficient information has been submitted to fully assess the impact of the development upon protected species, thus the proposal would also fail to comply with LDP Policy EnW1.

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.

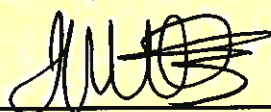
Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED

REASONS:

1. The engineering works required to create the vision splays would significantly harm the character and appearance of the area, contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
2. The proposed dwelling, by virtue of its elevated location, siting, mass and height, would result in dominant and incongruous form of development detrimental to the character and appearance of the area. As such, it would not contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
3. The proposed dwelling, by virtue of its elevated location, siting, mass and height, would have an overbearing impact on the rear garden area of 17 Farm Road, Mount Pleasant. As such, there would be a loss of residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
4. The proposed dwelling, by virtue of its elevated location, siting and height, would allow for direct overlooking into the rear garden areas and windows serving the properties at 15, 16 and 17 Martin Close. As such, it would have a detrimental impact upon residential amenity contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
5. The existing highways (Farm Road & Mount Pleasant road) serving the site are sub-standard in their design with narrow carriageways, limited facility for passing vehicles, restricted forward visibility for drivers and a lack of pedestrian segregation. The increased use of these roads would create traffic hazards to the detriment of highway and pedestrian safety. As such, the proposed development is contrary to Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.
6. No bat activity survey has been provided to fully assess the impact of the development upon protected species. As such the proposal is contrary to Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan 2016-2031.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

3/6/21