

DELEGATED REPORT

Application No:	P/23/0048
Site Address:	Land Adjacent To 17 Beechwood Drive Heolgerrig Merthyr Tydfil
Development:	Variation of condition 2 and 10 of planning permission P/21/0412 for the erection of a dwelling to amend the layout of the site and the vision splays onto Heolgerrig Road
Case Officer:	Marlene Ferreira
Site Visit:	24th March 2023
Application Expiry Date:	10th May 2023
Consultation reply date expired:	16th March 2023

APPLICATION SITE

The application site consists of a vacant parcel of land situated immediately to the west of 17 Beechwood Drive and south of 132 Heolgerrig, in the area of Heolgerrig. It is accessed from a private driveway (off the main road through Heolgerrig), via a field gate located within the northeastern corner of the plot.

The site is located within an established residential area, with surrounding residential dwellings located to the east, west and northern boundaries. The irregular shaped site is predominately grassed and slopes down from the west to the east. It is bounded by the side elevation of a detached gable fronted bungalow to the east, a gable end of a semi-detached dwelling to the north and the rear garden of Bleddfa, a large detached dwelling to the west. The southern boundary of the site is bordered by a couple of trees which abut an undeveloped parcel of land that is designated as a Site of Important Nature Conservation (SINC).

Given the topography of the site, it is raised in relation to the bungalow to the east and the semi-detached dwelling to the north. The neighbouring bungalow (17 Beechwood Drive) is gable fronted onto the road and its western side elevation sits between 2-3m away from the dividing boundary with the application site. The northern boundary of the site faces onto the gable side elevation of number 132 Heolgerrig, which has a side driveway and garage located next to the dividing boundary and is enclosed from the site by the side wall of the garage and a low brick wall. Its gable end is located approximately 5metres away from the dividing boundary.

PROPOSED DEVELOPMENT

This application seeks planning permission to vary conditions 2 and 10 to allow for an amended layout of the site and revised vision splays onto Heolgerrig Road, from that approved under planning permission P/21/0412.

Condition 2 of planning permission P/21/0412 states:

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing number 547-002 received on 13.12.2021

Proposed Site Sections received on 17.03.2022

Drawing number 013 - elevations received on 13.12.2021

Proposed site plan with existing topography shown received on 17.03.2022

Proposed site plan received on 17.03.2022

Site Plan with ecology notes received on 11.05.2022

Drawing number 011 - plans received on 13.12.2021

Coal Mining Risk Assessment received on 13.12.2021 and the submitted letter from Blanford Consulting dated 14.01.2022

Preliminary Ecological Appraisal and Preliminary Roost Assessment for Bats received on 26.04.2022

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

Condition 10 of planning permission P/21/0412 states:

10. Before the commencement of the dwelling hereby approved, the boundary enclosures to the dwelling known as 'The Gables' shall be amended and completed in accordance with drawing number 547-002. Thereafter, the visibility splay shown on drawing numbers 547-002 shall be maintained free of any obstruction exceeding 0.9m in height thereafter.

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

The proposed layout of the site would be amended from that shown on the approved plans of planning permission P/21/0412 to include an extended driveway which would run alongside the eastern boundary, adjacent to 17 Beechwood Drive. In addition, a low retaining wall, measuring 0.995metres in height would be erected to the western side of the site to retain the re-graded embankment area (details of which were recently considered and approved under the discharge of condition application P/23/0047, as part of condition 4 relating to the proposed site level details).

The proposed vision splays onto Heolgerrig Road would also be amended from that shown on the approved plan 547-002 under P/21/0412, to that shown on plan 687.101A submitted with this application. This latter plan indicates that the existing hedgerow to the north and west of the front garden serving the Gables property, would be trimmed back and a new timber fence would be erected 100mm behind the vision play (2 x 21 metres).

PLANNING HISTORY

The planning history relating to the site is as follows:

- P/21/0412 Proposed dwelling with minor works on the junction of Heolgerrig Road – Approved 07.06.2022
- P/18/0054 Proposed dwelling with minor works on the junction of Heolgerrig Road (outline) – Approved 06.02.2019
- P/00/0240 Erection of dwelling (Outline)- Refused planning permission on 09-05.2002 for the following reason:

‘The proposed development as submitted is considered unacceptable in that it runs contrary to Policy H2 of the adopted Merthyr Tydfil Borough Local Plan. The proposal would result in increased traffic levels off an existing private lane at its junction with Heolgerrig Road. The said junction is substandard in that it lacks suitable visibility onto the main highway. Any increase in traffic using the access would prejudice the safety of both traffic and pedestrians travelling along this section of Heolgerrig Road.’

Reference was also made to insufficient information being provided in relation to land ownership.

- P/92/0348 1no. dwelling (Outline) – Refused planning permission on the 01.10.1992 on highway safety grounds.
- P/87/1065 Erection of dwelling (Full) – Refused planning permission on the 23.02.1998. Appeal was dismissed by the Planning Inspectorate.

CONSULTATION

Head of Engineering and Highways	No objection.
Welsh Water	No objection.
Coal Authority	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, nearby occupiers were notified and site notices were displayed within the vicinity of the site. No letters of representation have been received following this publicity exercise.

POLICY CONTEXT

National Development Framework

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

The national plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

- Planning Policy Wales (PPW) Edition 11 (February 2021)

PPW sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

Paragraph 2.2 notes that *“All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being”*. Paragraph 2.3 expands on this highlighting that *“the planning system should create sustainable places which are attractive, sociable, accessible, attractive, secure, welcoming, healthy and friendly.*

Paragraph 3.9 *“the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations”*

Paragraph 3.45 provides guidance in relation to accessibility. It advises that *‘Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and the use of public transport’*.

Paragraph 4.1.8 advises that the Welsh Government is committed to supporting sustainable forms of transport with the aim of reducing reliance on the private car.

Paragraph 4.2.17 states *‘Maximising the use of suitable previously and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites’*.

Paragraph 4.2.22 highlights the preference for higher density development in suitable locations noting *“Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their area. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links”*.

- Technical Advice Notes (TANs)

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. Paragraph 2.6 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’*. Paragraph 4.3 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.’*

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated. Paragraph 9.16 states that *‘the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road’*.

Local Planning Policy

- The Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW2 – Provision of Affordable Housing

Policy SW3 – Sustainably Distributing New Homes

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 EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Policy EcW10 – Sustainably Supplying Materials

Policy EcW13 – Minerals Safeguarding

Supplementary Planning Guidance (SPG) Note No. 1 - Affordable Housing

Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations

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

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

Other Guidance:

- Manual for Streets

- CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed amended site layout and revised vision splays onto Heolgerrig Road, would be acceptable in respect of their impact upon the character and appearance of the area, residential amenity, and highway safety.

Amended site layout:

- Extended Driveway

In respect of its impact upon the character of the area, it is noted that the scheme permitted under planning permission P/21/0412 illustrated a driveway area to accommodate two vehicles, concentrated to the front of the proposed dwelling. The scheme submitted under this application seeks to retain the driveway area to the front of the dwelling to be used as a turning head and extend the driveway approximately 10.5 metres to the south, alongside the eastern boundary, where two on-site parking spaces would be provided. The addition of an extended driveway area would be considered

visually acceptable. Indeed, the neighbouring dwelling to the east, 17 Beechwood Drive, is already served by an extensive driveway which runs from the private lane, along the side of the property, to the front of their garage. Similarly, the semi-detached dwelling to the north is also served by a long driveway. As such, this part of the proposal would appear in context with the surrounding development and would not detract from the character or appearance of the area. As such it would comply with LDP Policy SW11.

In respect of its impact upon residential amenity, it is noted that the extended driveway area would run alongside the eastern dividing boundary with neighbouring dwelling, 17 Beechwood Drive. It is also noted that the ground level of the application site would be raised 0.5 metres higher. However, the neighbouring property itself is located between 2 and 3 metres from this dividing boundary and only comprises a single window (which appears to serve a bathroom) to its western side elevation. Furthermore, only two parking spaces are proposed within the site to serve the residential property which would have no significant noise, overbearing or light disturbance impacts. It is not considered that this arrangement would be significantly more harmful to the amenities of nearby occupiers than the originally approved scheme. It should also be noted that no letters of representation have been received in respect of this change. As such, the extended driveway area would accord with LDP Policy SW11.

With regards to the impact of the extended driveway on highway and pedestrian safety, it should be noted that the extended driveway would provide improved access, manoeuvring space and parking provision. As such, this amended parking layout would not cause adverse harm to highway or pedestrian safety and the Head of Engineering and Highways has therefore not raised any objections in this respect. The proposal would therefore accord with LDP Policy SW11.

- Retaining wall

With regards to its impact on the appearance of the area, it should be noted that this would be a low wall, measuring just under 1 metre in height, to the western side of the site, within the proposed rear and side garden areas. This area would be re-graded and the proposed wall would therefore be constructed to retain the small embankment to this part of the site. This would amount to development set back from the front of the site and as such would remain screened when viewing the dwelling within the cul de sac. Thus, provided that the design and material finishes of the retaining wall are sympathetic to the character of the area, the proposed enclosure would be acceptable. As such, it would not detract from the character or appearance of the area and would therefore accord with LDP Policy SW11.

Given the height and siting of the retaining wall, it would not cause any adverse harm to the amenities of nearby occupiers and would therefore comply with LDP Policy SW11.

Revised visibility splay

Plan 687.101A submitted with this application shows a revised visibility splay off the private road onto Heolgerrig Road. It indicates that the existing hedgerow, to the north and west of the front garden serving The Gables, would be trimmed back. In addition, it illustrates that a new timber fence would be erected 100mm behind the proposed vision splay (2 x 21 metres). The Head of Engineering and Highways has considered the amended details and has not raised any objections. As such, the proposed amendments are considered to provide adequate visibility onto the main road and as such, would not raise any highway safety issues. It would therefore accord with LDP Policy SW11.

CONCLUSION

The proposed amended layout and revised junction details, for the reasons discussed above, are therefore considered acceptable.

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.

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, documents, emails and samples:

- Plan 687.101A, received: 22nd February 2023;
- Plan 867.010C, received 15th March 2023;
- Plan 867.011B, received 15th March 2023;
- Plan 867.012A, received 15th March 2023;
- Plan 867.013, received 15th March 2023;
- Drawing number 013 - elevations, received 14th April 2023;
- Drawing number 011 - floor plans, received 14th April 2023;
- Construction Method Statement and accompanying plan 867.010C, received 14th April 2023;
- Fined down render in natural white, as detailed in email, received 14th April 2023;
- Marley clay roof tile, smooth brindle sample, received 14th April 2023;
- Vandersanden Old farmhouse brick sample, received 14th April 2023;
- Timberlook Flush Sash window in cream foil, as highlighted in brochure, received 14th April 2023;
- Coal Mining Risk Assessment, Report No. BC/MB/06.20.02. and Coal Authority letter dated 14th January 2022;
- Preliminary Ecological Appraisal and Preliminary Roost Assessment for Bats for Land Off Heolgerrig, prepared by Koru Ecology Associates.

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

3. Before the development hereby permitted is brought into use, the first floor bathroom window located in the north-western side elevation of the dwelling shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows 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

4. Prior to the occupation of the dwelling details of the facing materials of the proposed 0.995 metre high wall, (as shown on Plan 867.010C received 15th March 2023) to be erected to the west of the site to retain the embankment area to the side/rear garden, shall be submitted to and approved by the local planning authority. The wall shall be completed as approved before the occupation of the dwelling.

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

5. Prior to the occupation of the dwelling hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved 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 amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Before the commencement of the dwelling hereby approved**, the vision splay works, including boundary enclosures, to the dwelling known as 'The Gables' shall be completed in accordance with drawing number 687-101A, received 22nd February 2023. The visibility splay shown on drawing number 687-101A shall be maintained free of any obstruction exceeding 0.9m in height thereafter.

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

7. All planting, seeding or turfing comprised in the approved details of landscaping (and detailed on plan 867.010C received 15th March 2023) 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.

8. 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.

9. If during the course of development, any unexpected land instability issues are found which were not identified in the Coal Mining Risk Assessment undertaken by Blanford Consulting, 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 in accordance with EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and 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 extensions, outbuildings or other alterations shall be carried out other than what is expressly authorised by this permission.

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

11. 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 in accordance with EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

26/4/23