

DELEGATED REPORT

Application No:	P/21/0388
Site Address:	2 Carn Gwilym Goch Cefn Coed Merthyr Tydfil
Development:	Proposed dwelling
Case Officer:	Caroline Pulley
Site Visit:	18th November 2021
Application Expiry Date:	2nd March 2022
Consultation reply date expired:	22nd June 2022

SITE NOTES:

APPLICATION SITE

The application site relates to a steeply sloping, rectangular parcel of land (also known as plot 2), measuring approximately 0.06 of a hectare. The site is located just off Upper High Street in Cefn Coed and is located directly alongside the south-eastern side boundary of a detached two-storey dwelling known as Ty Teulu, 1 Carn Gwilym Goch. It is set back from the main highway to the south-west by an existing access road and is screened by landscaping along its south-western boundary. The existing housing surrounding the site is characterised by detached dwellings of varied style, form and detailing. Cefn Coed House to the south-west is of a traditional design and comprises a natural stone and render finish with white sash windows. To the left of this property there is a row of three red brick properties which feature prominent gables and dormers to their front elevations. To the south-east of the site, the properties appear more varied in terms of their siting with some properties being set back into the hillside while others are situated closer to the road. The character of these houses also varies in terms of design, scale and appearance.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a two-storey detached dwelling.

The proposed dwelling would measure 13m wide, 14.2m deep (including a rear single storey projection) and 9.8m in height (when measured from the level of the integral garage). It would comprise a hallway, living room, kitchen/dining room, utility room, a bathroom, and an integral garage on the ground floor. At first floor, the dwelling would

accommodate a master bedroom with an en-suite and dressing room, two smaller bedrooms (one also with an en-suite) and a bathroom.

The front elevation of the dwelling would feature a two-storey gable extending from the eastern end of the property and a single storey flat roof covering an integral garage and an entrance door (with a rooflight above). To the rear, the dwelling would feature an unusually designed kitchen/lining room projection with a dual monopitch roof and cedar cladding. The external walls of the main dwelling would be finished in a mixture of dressed stonework and render. The roof would be covered with artificial slate and the windows would be made from aluminium.

The dwelling would be sited so that its front elevation would be south-west facing with the rear garden area being provided over two levels in the north-eastern part of the site, which includes a 2m retaining wall with a fence above and a wild meadow on the upper level. The dwelling would be accessed from the existing access road to the south-west via a steeply sloping 'zig-zag' driveway which would terminate at the front of the garage. As the site is sloping, the proposal would require engineering works to facilitate the development. These works are illustrated on the section drawings provided with the application.

The application is supported by an ecological assessment carried out by BE Ecological.

PLANNING HISTORY

The history relating to the site is as follows:

P/08/0219 – Erection of dwelling (Plot 2) (full)
Approved with conditions 11.12.2008

P/07/0163 – Erection of house (Plot 2) (full)
Approved with conditions 24.05.2007

P/07/0162 – Renewal of outline planning consent allowed on appeal dated 31.03.2004 (Ref APP/U6925/A/03/1136643) to develop the site for residential purposes (outline)
Approved with conditions – 14.05.2007

P/06/0304 – New private access road (full)
Approved with conditions 11.08.2006

P/06/0303 – Single private dwelling (Plot 1) (full)
Approved with conditions 21.08.2006

P/03/0520 – Removal of planning condition attached to outline consent ref: P/03/0219 – to enable development to the whole of application site
Appeal Allowed – 31.03.2004

P/03/0219 – Residential Development (outline)
Approved subject to conditions - 25.07.2003

CONSULTATION

Head of Engineering:

No objection, subject to conditions relating to the gradient of the proposed driveway, ground conditions, and retaining walls.

Environmental Health Manager:	No objection, subject to conditions.
Welsh Water:	No objection, subject to a condition preventing surface water from connecting with the public sewerage network.
Ecologist:	No objection, subject to conditions.

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 objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW) Edition 11 (February 2021) 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 TAN to this application is 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 SW1: Provision of New Homes
- Policy SW3: Sustainably Distributing New Homes
- Policy SW4: Settlement Boundaries
- Policy SW5: Affordable Housing Exception Sites
- 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

The following supplementary planning guidance (SPG) is also applicable:

- SPG1 – Affordable Housing
- SPG2 – Planning Obligations
- SPG4 – Sustainable Design
- SPG5 – Nature and Development
- CSS Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The application site is situated within a predominately residential area within the designated settlement boundary. New development is acceptable in this location under Policy SW4 provided it complies with other relevant policies and material planning considerations. Indeed, full planning permission for a single dwelling has previously been approved on this site in 2008 under application P/08/0219. As such, the principle of utilising the site for residential purposes is acceptable.

Therefore, the main issues to consider when assessing this application relate to whether the new dwelling, in terms of its scale, design and siting, would be acceptable with regard to its impact upon the character and appearance of the area, residential amenity, parking provision and highway safety. These matters are discussed below.

Character and appearance

The proposed dwelling would have a front two-storey gable projection. This would act as the focal point of the dwelling and add character and interest to its primary frontage. Its scale and appearance are considered acceptable and draws reference to the design of the red brick detached properties located to the north of the site and along Upper High Street. It is also noted that the properties in the vicinity of this site do vary in terms of their design and scale and having regard to this context, the proposed dwelling would not look out of place in the street scene of Upper High Street. The proposed dressed stonework and rendered elevations would also be consistent with the material finishes on other properties in the surrounding area. The proposed dwelling would therefore result in an acceptable form of development within this context.

Notwithstanding the above, it should be acknowledged that the proposed development would entail significant engineering works to facilitate an access to the dwelling. While the visual impact of these works is a concern, the property and its driveway would be set well back from the main highway (Upper High Street). There is still concern that the driveway would appear 'over-engineered' from the highway below, however, an appropriate landscaping scheme as suggested on the submitted drawings, would help to visually break up the extent of the driveway and the engineering required to create it. On balance, the engineering works required to facilitate this development would not have such a harmful impact on the character and appearance of the surrounding locality to warrant the refusal of planning permission.

Residential amenity

The greatest impact from the proposed development, in respect of overlooking, overbearing, loss of light and privacy, would be to the detached dwelling to the north of the application site (Ty Teulu, 1 Carn Gwilym Goch). While it is acknowledged that the development would be situated in an elevated position above Cefn Coed House to the south-west, the development would be offset from this neighbouring property by the driveway serving Ty Teulu and having regard to the siting of the proposed dwelling, the development would not have a significant harmful impact on this property.

The proposed dwelling would be sited so that its front elevation would face a south-westerly direction (towards the main highway). Its northern side elevation would face the gable end of Ty Teulu at a slight angle. However, the bulk of the proposed dwelling would be situated alongside the side wall of this neighbouring property. A separation distance of approximately 7m would also be maintained between the side elevation of the proposed dwelling and the side elevation of Ty Teulu (the existing property). Taking this distance into account as well as the relationship that would be shared between the two properties, the proposed dwelling would not appear overbearing, nor would it have a significant harmful level of overshadowing on Ty Teulu. Furthermore, the side elevation facing this property would not include any habitable windows and the first floor en-suite window would be obscurely glazed. This could be controlled by condition to ensure that the glass is obscurely glazed to an acceptable level. As such, the proposal would not have a significant impact on the amenities of the adjoining property. In addition, as the front of the property would overlook the highway, there would be no significant loss of privacy to the properties situated along the highway of Upper High Street and it is noted that no letters of objection or representation have been received as a result of the publicity exercises undertaken on the application.

Parking and Highway Safety

The proposed dwelling would be accessed off Upper High Street via an existing driveway and would be served by at least two off road parking spaces. The Head of Engineering has considered the proposal in respect of on-site parking and highway safety and has not raised any objections, subject to the driveway not exceeding a 1 in 8 gradient and full details and calculations for the retaining walls being controlled by way of a condition. Therefore, the proposed development would not give rise to any adverse highway/pedestrian safety concerns and in this respect, complies with Policy SW11 of the LDP.

Ecology

The application as mentioned earlier, is supported by an Ecological Assessment Report which considers the impact of the development on protected species and their habitats. The report highlights that the site is of a moderate ecological value at a local level and the proposed development (including site clearance) could potentially have an impact on nesting birds, reptiles, bats, badgers and invertebrates. Therefore, several protection/mitigation and enhancement measures are proposed as highlighted in the Ecological Assessment Report. Such measures include the provision of dark corridors and a buffer zone for foraging bats and the erection of a bird box and a bat box on the side elevations of the dwelling. The report has been considered by the Council's Ecologist who has not raised any objection to the proposed development provided an appropriate

Landscape and Ecological Management Plan (LEMP) is controlled by way of a condition and the development is carried out in accordance with the submitted details.

CONCLUSION

For the reasons set out above, the proposed development is acceptable and complies with the relevant policies 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

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 no. 799.003 Section received on 25.05.2022

Drawing no. 799.008 Section received on 25.05.2022

Drawing no. 799.001 Plans received on 10.05.2022

Drawing no. 799.002A Site Plan received on 10.05.2022

Drawing no. 799.007 Block Plan received on 10.05.2022

Ecological Assessment Report, Issue 1, VD received on 25.05.2022

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

3. Prior to the construction of the development hereby approved 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. **Prior to the commencement of development** a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be

completed as approved before the occupation of the dwelling and retained for the lifetime of the development.

Reason - In the interests of biodiversity and 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.

5. Before the development hereby permitted is brought into use, the first floor windows located in the north-western and south-eastern side elevations 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[s] 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

6. **No development shall take place** until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

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

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

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

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 Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

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

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

11. **No development shall take place** until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

4. 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 applicant/developer(s) are advised to contact the Environmental Health Section 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

6/7/22