

DELEGATED REPORT

Application No:	P/22/0007
Site Address:	Land Adjoining 1 Cae Deri Heolgerrig Merthyr Tydfil CF48 1BY
Development:	Construction of two dwellings with integral garages and associated landscaping and access works.
Case Officer:	David Cross
Site Visit:	28th March 2022
Application Expiry Date:	16th May 2022
Consultation reply date expired:	8th February 2022

APPLICATION SITE

This application relates to an area of vacant land, measuring approximately 0.38 of a hectare, that generally slopes down from the north-west to south-east. The site is bound to the west by a neighbouring field and to the north are residential properties that form part of Mayor's Close and Green Meadow View. To the south is 110 Heolgerrig and to the east is No. 4 & 5 Cae Deri.

The site itself largely comprises an area of grassland with a small number of trees located along the northern, western and southern boundaries. There is also a earth mound and steep embankment in the southern part of the site that slopes down to 110 Heolgerrig.

Access to the site is from the adopted highway (Winchfawr Park) to the east and then via a private drive, which extends between No. 7 & 8 Winchfawr Park and currently serves five dwellings that form part of the Cae Deri cul-de-sac.

PROPOSED DEVELOPMENT

Outline planning permission is sought for a residential scheme comprising two dwellings with integral garages and associated landscaping and access works. All matters relating to the access, appearance, landscaping, layout and scale have been reserved for future consideration. As such, it is only the principle of the development that is to be determined in this application.

An indicative site layout plan has been submitted which essentially illustrates the site being split into two plots to the west and east with the dwellings positioned in a fairly central position in each plot. It is suggested that the dwellings would have an easterly orientation with private gardens provided in the western and northern parts of the plots.

The proposed two storey dwellings, including the integral garages, would measure between 17m to 19m wide by 12m to 14m deep and 9m to 11m high with a pitched roof.

Access to the plots would likely be via a new private driveway that extends across part of the side garden area serving No. 5 Cae Deri and runs alongside the existing driveway serving No. 4 Cae Deri. An area could be accommodated to the front of the dwellings to provide parking on the driveway.

Whilst no landscaping details have been provided at this stage, the indicative plan suggests planting could be introduced along the garden boundaries.

PLANNING HISTORY

P/09/0198 - Renewal of outline application No. P/05/0529, residential development for 5 dwellings served by new private access road.

Permission GRANTED on 20.11.2009

P/08/0140 - Full application for the erection of 38 dwellings and associated infrastructure.

No decision was made by the Local Planning Authority. The application was appealed on non-determination to the Welsh Assembly.

Appeal DISMISSED on 08.04.2008

P/05/0529 - Outline application for a residential development of five houses accessed by a private drive.

Granted CONSENT on 24.11.2006

CONSULTATION

Head of Engineering - No objection subject to conditions relating to ground conditions, access details and retaining works.

Planning Division's Policy Officer - No objection

Planning Division's Countryside Officer - No objection subject to conditions relating to an external lighting strategy and a landscape ecological management plan.

Welsh Water - No objection subject to a condition relating to surface water and land drainage.

The Coal Authority - No objection subject to conditions relating to a site investigation.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties.

As a result of this publicity exercise 2 letters of objection were received, which raised the following concerns:

- Concerns with the potential for overlooking into neighbouring properties and the loss of natural light.
- The development at Cae Deri was originally granted for only 5 properties.
- Concerns with the stability of the embankment that borders 110 Heolgerrig.

The local ward councillors were informed of the concerns raised and wish the application to be determined under delegated powers by the Director of Neighbourhood Services.

POLICY CONTEXT

National planning 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:

Para 3.5 – 3.15 set out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.56 set out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.4.21 – 6.4.23 note that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species which may result in disturbance or harm to the species or its habitat.

Technical Advice Notes (TAN):

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

Local planning policy

Merthyr Tydfil 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):

- SPG 2 Planning Obligations, March 2012
- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use principle

The application site lies within the settlement boundaries where the majority of new development is generally encouraged and supported by policy SW4 of the LDP. Given the predominantly residential nature of the surrounding area, the development of the site for residential purposes would generally integrate well within the neighbouring properties. As such, the principle of the development is acceptable subject to its compliance with other relevant LDP policies.

Design approach

The proposed dwellings would be seen in the context of the existing self-build properties that form part of Cae Deri, which vary in their size, tend to have large footprints and are set within large grounds. The indicative plan suggests the proposed dwellings would be orientated with a frontage towards the private road and would have a footprint that is similar to the other properties at Cae Deri. The height of the proposed dwellings would also be similar to those along Cae Deri, of which some appear to include accommodation within the roof space.

Although the style of the existing dwellings differs slightly, there is some commonality with integral garages, gable features to the front elevations, along with a combination of natural stone and render finishes on the elevations. It is considered that the future design of the proposed dwelling could adequately accommodate similar features and material finishes as part of a reserved matters application to ensure the development integrates well with its surroundings.

Given the change in levels, there are also a number of retaining walls positioned along the garden boundaries, typically with a stone face or rendered finish. Where necessary, such features could be incorporated as part of the proposed development.

The indicative layout plan adequately demonstrates that a residential scheme could be accommodated within the site that integrates with Cae Deri with sufficient amenity space around the properties and a suitable area for on-site parking. Therefore, the proposal complies with policy SW11 of the LDP.

Amenities

The properties that have the greatest potential to be affected by the development are those that immediately adjoin the site. It has been illustrated on the indicative plan that the proposed dwelling on Plot 6 could be set back approximately 47m from the side elevation of No. 4 Cae Deri and 22m from the rear of No. 5 Cae Deri. The dwelling on Plot 7 could also be set back approximately 67m from the side/rear elevations of No. 4 Cae Deri and 55m from No. 5 Cae Deri. This indicates that sufficient separation distances could be provided between the existing properties to the east and south-east of the site to minimise any overlooking or overbearing concerns.

In relation to the properties to the north of the site, the indicative plan suggests the dwelling on Plot 6 could be positioned approximately 20m from the rear elevation of No. 7 Green Meadow and 21m from the rear elevation of 6 Mayors Close. Although these separation distances are generally appropriate, it would be suggested as part of the reserved matters application that the dwelling be sited further east to increase the separation distance. The dwelling should also then be slightly orientated more to the east so any outlook towards the neighbouring properties from the upper windows is at a more acute angle. The indicative plan also suggests the side elevation of the dwelling on Plot 7 could be positioned 21m to the side of 6 Mayors Close, which would have a minimal amenity impact.

It is acknowledged that 110 Heolgerrig, is at a significantly lower level to the site, with only the upper parts of the property being visible. Concerns were raised, as a result of the publicity exercise, that the development may impinge on the privacy of this adjoining property. The indicative plan suggests that the side elevation of the proposed dwelling on Plot 7 would be approximately 15m away from the rear elevation of 110 Heolgerrig, albeit obscured in part by existing trees along the embankment. The indicative plan demonstrates that the siting and orientation of the dwelling could be such that there would be no direct overlooking towards the property. Additionally, the integral garage could be positioned adjacent to the boundary with 110 Heolgerrig with the main bulk of the dwelling being pushed further north to minimise any potential overbearing impacts due to the elevated nature of the site.

At this stage, the indicative plan presents a potential layout of the development and that the siting and orientation of the dwellings would be finalised as part of a reserved matters application. The design of the dwellings has also not been provided at this stage, which may further indicate the position of any windows and the shape/design of the dwellings. However, it has been adequately demonstrated that a potential residential scheme for two dwellings could be accommodated within the site, without adversely impacting on the amenities of the neighbouring occupiers in terms of overlooking or overbearing impacts. Therefore, the proposal complies with policy SW11 of the LDP.

Highway impact

The existing private road serving Cae Deri would be utilised to provide access to the proposed dwellings. This would involve engineering works to part of the side garden of No.

5 Cae Deri in order to form the private driveway to each plot. Due to the level differences this would involve some re-profiling works to the garden area and would likely necessitate the need for retaining works. Given the length of the potential driveway, it is considered that a suitable gradient could be achieved. At the point where the driveway meets the private road, there would be appropriate visibility for drivers to see oncoming traffic in both directions. Furthermore, there would appear to be sufficient room within the site to accommodate at least 2 off-street parking spaces on the driveways, along with the integral garages.

As a result of the publicity exercise, concerns were raised in respect of the number of properties that were being served by the private road and that it is limited to no more than five. It is acknowledged that a private road, which may have a narrow carriageway or limited footpath provision, may present highway concerns where it serves a large number of dwellings, of which a typical threshold may be 5 dwellings. In this instance the carriageway measures approximately 4.5m wide with a 1.8m footway along one side of the road and in parts, both sides. However, where the private road passes between No. 7 & 8 Winchfawr Park, the width of the carriageway is reduced to approximately 3m - 4m wide over a length of approximately 20m. This in effect creates a pinch point where two-way traffic movements are restricted and pedestrian segregation is limited. However, there is generally good forward visibility for drivers on either side of this pinch point with sufficient space for vehicles to give-way to oncoming traffic and pedestrians. Given that only a short section of the highway is restricted in its dimensions with good driver visibility, there are no significant highway safety concerns. Additionally, the proposed development would only result in a modest increase in traffic movements. In this regard, it is acknowledged that the Head of Engineering has not raised any highway objection. Therefore, the proposal complies with policy SW11 of the LDP.

Ecological implications

A Preliminary Ecological Appraisal (PEA) report, which considers the potential impact of the development on protected species and habitats, has been submitted in support of the application. The report identified a number of habitats across the site, namely the semi-improved grassland, scattered trees and hedgerow, which have the potential to support bats, badgers, breeding birds, reptiles and invertebrates.

The report notes that the scattered trees would be retained as part of the development, except for a single tree in the north-east corner, which would be felled. Additionally, the hedgerow along part of the southern boundary and embankment would also be retained. Given that these features are to be retained, the PEA report considers there to be minimal impact on bats and birds. It is recommended in the report that dark corridors be retained, with planting species introduced to enhance areas for bat foraging, along with a bat box to be provided within the site. In regards to birds, the report indicates that any site clearance should be undertaken outside of the bird nesting season and that a bird box be provided on the dwellings.

The site is generally not considered to be suitable for badgers and dormice, however, there is some potential for reptiles, such as slow worms and lizards to use the site. Whilst there was no evidence of reptiles present within the site, a number of natural refugia features were identified. As such, the report sets out the need for any site clearance to follow a reptile method statement to avoid any potential harm. Overall, the report concludes that the site is of moderate ecological value at a local level and that subject to the proposed mitigations the development would not have a significant impact on

protected species or habitats. In this regard, it is acknowledged that the Planning Division's Ecologist is satisfied with the survey work subject to a condition requiring the provision of a Landscape Ecological Management Plan. Therefore, the proposal complies with policies EnW1, EnW2 and EnW3 of the LDP.

CONCLUSIONS

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.

For the above reasons, the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use:

- i) existing and proposed site levels including full cross section drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the position, height and material of all walls, fences and other means of enclosure;
- iv) full construction and facing material details of any retaining walls over 1 metre in height.

Reason - To ensure a satisfactory standard of development and protect local amenity interest.

5. In conjunction with the statutory "reserved matters" details required by Condition 1, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall provide full details of the ecological mitigation, compensation and enhancement measures in accordance with the recommendations set out in Section 7 and Appendix F of the Ecological Assessment, Issue 1VB (received 05.05.2022), which shall include the provision of 2 bat boxes, 2 bird boxes and a reptile hibernacula. All works shall be completed fully in accordance with such approved details **BEFORE** the dwellings hereby approved are brought into use.

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

6. **No external lighting shall be installed on the dwellings**, until a detailed lighting scheme has first been submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate that dark corridors for bat foraging/commuting will be maintained and that the access points to bat boxes remain unilluminated, in accordance with the recommendations of the Ecological Assessment, Issue 1VB (received 05.05.2022). The lighting scheme shall be carried out in accordance with the approved details.

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

7. 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To protect 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.

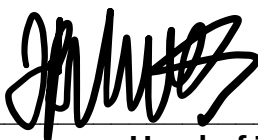
9. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development 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.

10. Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 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.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

26/5/22