

DELEGATED REPORT

Application No:	P/24/0188
Site Address:	5 Cae Deri Heolgerrig CF48 1BY
Development:	Construct a three storey dwelling with attached garage and detached garden store
Case Officer:	Marlene Ferreira
Site Visit:	8th August 2024
Application Expiry Date:	25th September 2024
Consultation reply date expired:	28th August 2024

APPLICATION SITE

The application site relates to an irregular shaped parcel of land, plot 7, measuring approximately 1883sq.m located to the southwest of a recently built detached dwelling, plot 6, located off Cae Deri in the area of Heolgerrig. The site, which was formerly overgrown with vegetation and trees, has been largely cleared. However, extensive vegetation and trees remain (some of which are protected), along the northwest and southwest boundaries. It is accessed via an existing gravel driveway which runs alongside the boundary with the recently constructed dwelling (at plot 6) and alongside the front/side boundary garden/wall of 5 Cae Deri. The gravel road, which appears to be partly shared with plot 6 and runs between 4 and 5 Cae Deri (extending from the adopted highway between 7 and 8 at Winchfawr Park) appears to have been recently laid and rises gently, approximately 70 metres to southwest, until it reaches the main part of the site. The topography of the main part of the site was also formerly raised, however, excavation works have been undertaken (as noted during the site visit), which has resulted in the removal of material to provide a flat and spacious site in readiness for development.

The site abuts the boundary with a residential development site and designated open space, Mayors Close, to the northwest, plot 6 to the east, 110 Heolgerrig to the south, and undeveloped land to the west. It forms part of a wider parcel of land (formerly garden area serving 5 Cae Deri) which has been granted outline planning permission for a residential development of 2 dwellings, under planning application P/22/0007. This wider parcel of land now accommodates a new dwelling, plot 6 as referred to above, which was granted full planning permission under application P/22/0208.

The application site, given its significant set back from Cae Deri, relates to a development plot which is far more discrete than that of surrounding properties. Indeed, the neighbouring surrounding dwellings all relate to large two-storey dwellings prominently sited along Cae Deri, some of which are of a traditional appearance and others which are of a contemporary design.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a two-storey 5-bedroom detached dwelling and a detached single storey garden store. The dwelling would be located to the northwest of plot 6 and the garden store would be located to the southwest of the application dwelling.

The dwelling would have a total width of 20m (including the single storey side projection), a total depth of 16.1m (including the front and rear projections), with a ridge height of 9.5m. It would comprise a double height hallway, study, lounge, kitchen/dining/family room, WC, storage, utility room and garage at ground floor, 3 en-suite bedrooms at first floor, and 2 bedrooms and a bathroom within the roof space. The property would be finished with an artificial slate roof, render and stone cladded elevations, and UPVc windows. The garden store would measure 6m in width, 6.5m in depth and would have a 5.2m ridge height. It would be finished with an artificial slate roof, rendered elevations, and a roller shutter door.

The dwelling would be sited so that its front elevation would be southeast facing onto Cae Deri. Its rear garden area would be situated to the northwest of the site. Parking provision would be provided by means of an attached garage and a driveway/gravel area to the front of the garage. The access to the property, as noted above, would be via a gravel access road which would lead off Cae Deri.

PLANNING HISTORY

The following planning history is relevant to this site:

P/22/0208 – Construction of 4 bedroom dwelling – Approved: 1st November 2022

P/22/0007 – Outline application for the construction of two dwellings with integral garages and associated works - Approved: 26th May 2022

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Officer	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection, subject to conditions.
The Coal Authority	No objections, subject to conditions.
Welsh Water	No objection, subject to conditions.
Tree Officer	No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, neighbouring properties were consulted and three site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

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 12 (February 2024)

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 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 (TANs)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'*

TAN 12 – Design (2016)

This TAN advises that the Welsh 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. Section 2.6 of TAN12 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...'* Section 4.3 of TAN12 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...'*

Local Planning Policies

- Merthyr Tydfil Local Development Plan 2006-2021

Policy SW1 – Provision of New Homes

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

SPG5 – Nature and Conservation, May 2015

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map and has been previously granted outline planning permission for a residential development of 2 dwellings, which includes the application site. Therefore, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to consider when assessing this application relate to whether the proposed dwelling, in terms of its siting,

scale and design, would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The proposed dwelling, at plot 7, would be located off the shared driveway, as noted earlier, that runs from Cae Deri and which also serves plot 6. A driveway/garden area would be provided to the east, a rear garden area would be provided to the west, with a southeast facing primary elevation. Its layout would therefore be similar to that of the existing dwelling on plot 6 located to the northeast of the application dwelling. Whilst it is noted that there are existing protected trees along the northwest and southwest boundaries of the site (4 oak trees – TPO 19), the dwelling has been designed to incorporate these protected trees and no works are therefore proposed within their tree protection zones. With regards to the dwelling itself, it would have a central two-storey front gable projection, which would act as a focal point of the dwelling and add character and interest to its primary frontage. The dwelling would also feature a small roof dormer either side of the front central projection. It is noted that its scale and appearance draws reference to certain design features of other large detached dwellings along Cae Deri. In addition, its external materials comprising render and stone clad elevations are also reflective of the material finishes of other neighbouring properties along the Cae Deri streetscene. Thus, it is considered that the property's well-proportioned scale, design, finishes, as well as its layout and orientation, would be reflective of other existing properties in the immediate surrounding area.

The proposal would therefore result in an acceptable form of development in context with the surrounding built environment and natural landscape. As such, it would accord with LDP Policy SW11.

Residential Amenity

The proposed dwelling would be sited to the west of plot 6 and this is the property most likely to be affected as a result of the proposed development. The front elevation of the application dwelling would be located approximately 15 metres away (at the closest point) from the rear elevation of this neighbouring property (at plot 6). Furthermore, the application dwelling is orientated so that it is facing east, towards Cae Deri and would therefore not be located directly to the rear of this neighbouring dwelling, ensuring that any front or side facing windows would not be facing directly into the rear garden or rear windows of this neighbouring dwelling. Thus, given the separation distance from the neighbouring dwelling and the orientation of the application dwelling, the proposal would not be considered to result in an overbearing form of development or cause any significant loss of light or privacy to the occupiers of this adjoining property. Indeed, no letters of representation have been received in respect of this proposal.

The impact of the proposed dwelling has also been considered in respect of the neighbouring dwellings to the northwest (at Mayors Close) and it is noted that the proposed dwelling would be sited approximately 5.5 metres from the boundary with these properties. Whilst the proposal would have a closer relationship with this neighbouring residential development, it should be noted that the two-storey part of the dwelling, would be sited approximately 12 metres from the dividing boundary. Thus, this separation distance, combined with the boundary fence enclosure, and the orientation of the application dwelling (which would be angled away from these properties), would ensure

that the application dwelling does not appear overbearing or cause any significant loss of light or privacy. Indeed, the part of the application dwelling closest to the boundary fence relates to the single storey garage projection, and as such, this would not be deemed to have a significant overbearing impact when viewed from the occupiers of these neighbouring dwellings, located to the north.

In respect of the neighbouring property to the south, 110 Heolgerrig, it is noted that the dwelling would be located approximately 5 metres (at its closest point) from the dividing boundary with this property. It is recognised that this is a close relationship between the two-storey dwelling and this neighbouring property. However, it is also noted that the neighbouring property is located a further 10 metres away from this dividing boundary. Thus, this distance, combined with the existing vegetation and trees along this boundary, would ensure that any overbearing impact or loss of privacy impact upon this neighbouring property would be negligible. Furthermore, although the detached garden store would sit immediately adjoining the boundary with this neighbouring property, this would amount to a single storey structure, with a 5.2m ridge height, and as such, would not be deemed to have any significant overbearing impact upon these neighbouring occupiers which would warrant the refusal of the application. Indeed, as previously mentioned, no letters of representation have been received following the publicity exercise.

It is noted that the site also adjoins the boundary with undeveloped land, located to the west. Given the separation distance of approximately 10 metres, between the application dwelling and this dividing boundary, the proposal would not be deemed to cause any demonstrable or significant harm and would therefore be acceptable.

The relationship of the proposed dwelling with the neighbouring properties, as explained above, is therefore considered acceptable and would comply with LDP Policy SW11.

Ecology

The Council's Ecologist considered the Ecological Assessment that accompanied the application and noted this to be out of date. As such, additional up to date information was requested. The relevant information, which included an up-to-date Ecological Assessment and a Technical Note with Green Infrastructure Statement were received on the 21st and 22nd November 2024. The documents confirmed the implementation of certain enhancement measures which include the erection of bird boxes, bat boxes, creation of gaps in boundaries for hedgehogs, planting of new hedgerow, etc. The Council's Ecologist has considered the reports, their mitigation, recommendations and enhancements and concluded these to be acceptable. As such, a suitably worded condition could be added to any planning permission granted to ensure the development is carried out in accordance with these reports. The proposed development would therefore be acceptable and accord with LDP Policy EnW1.

Parking and Highway safety

The proposed dwelling would be accessed off Cae Deri, via the gravel access road that is shared with the occupiers at plot 6. As noted previously, the property would be served by a garage to the side, with a gravel driveway area to its front. This gravel area to the front of the garage could accommodate 3 vehicles and has sufficient on-site turning space to leave the site in forward gear. The Head of Engineering and Highways has considered the proposal in respect of on-site parking provision, manoeuvring space, visibility and increased traffic movements and has found this layout, including the number of spaces

provided, to be adequate and satisfactory. Thus, no concerns or objections have been raised. However, the Engineering and Highways Officer, in the interest of highway safety, has requested that the first 6 metres of the private gravel access road, leading off Cae Deri (and shared with plot 6), be laid in consolidated materials. This seeks to prevent the transfer of loose material (gravel/chippings) onto the Cae Deri estate road. In this respect, a suitably worded condition could be added to any planning permission granted.

The development, as proposed, is therefore considered acceptable and would not give rise to any significant highway or pedestrian safety concerns. As such, it would accord with LDP Policy SW11.

CONCLUSION

The proposed development for the reasons discussed above is therefore considered acceptable and would comply with the relevant LDP policies.

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.

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:

- 002, Proposed Site Plan, received: 31st July 2024;
- 003, Existing and Proposed Site Sections, received: 31st July 2024;
- 004, Proposed General Arrangement, Ground & First Floor Plans, received: 31st July 2024;
- 005, Proposed General Arrangement, Second Floor and Roof Plans, received: 31st July 2024;
- 006, Proposed Front and Rear Elevations, received: 31st July 2024;
- 007, Proposed Side Elevations and Building Section, received: 31st July 2024;
- 008, Shed/Garden Store, received: 31st July 2024;
- Ecological Assessment, Plot 7 Cae Deri Heolgerrig Merthyr Tydfil CF418BY, prepared by BE Ecological Ltd. Issue 1VD, received: 21st November 2024;
- GI Statement, Plot 7 Cae Deri Merthyr Tydfil, prepared by BE Ecological Ltd, received: 22nd November 2024.

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

3. 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, prior to 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.

4. **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.

5. 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.

6. **No external lighting shall be installed on the dwelling**, 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 (received 21st November 2024). 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 Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **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.

8. 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.

9. Prior to the occupation of the dwelling hereby approved, the enhancement measures proposed, as stipulated in the recommendations of the Ecological Assessment and Green Infrastructure Statement (received on the 21st and 22nd November 2024), shall be implemented and shall be retained thereafter in perpetuity.

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

10. 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.

11. Notwithstanding the submitted plans and **prior to the commencement of development**, the first 6 metres (minimum) of the access road (shared with plot 6) shall be constructed in consolidated materials, details of which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and prior to the occupation of the dwelling.

Reason - In the interest of highway and pedestrian safety in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

12. **No development shall commence** until an intrusive site investigation has been carried out to establish the risks posed to the development by past coal mining activity. 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 arising from coal mining legacy 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 - In the interest of land stability and safety, to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

13. Prior to the occupation of the dwelling, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for

approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - In the interest of land stability and safety, to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. Ground Investigations:

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2. Shallow coal seams:

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

3. 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.

4. 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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 23.01.2025