

DELEGATED REPORT

Application No:	P/23/0021
Site Address:	Lle Hyfryd Mount Pleasant Heolgerrig Merthyr Tydfil CF48 1RY
Development:	Erection of dwelling
Case Officer:	Marlene Ferreira
Site Visit:	9th February 2023
Application Expiry Date:	5th May 2023
Consultation reply date expired:	16th March 2023

APPLICATION SITE

The application site relates to a rectangular parcel of land located between two detached dwellings, Lle Hyfryd to the northeast, Cavallino to the southwest. It abuts the adopted highway of Mount Pleasant to the front (southeast) and open countryside to the rear (northwest).

The site is enclosed from the front highway by a 2 metre high (approximately) timber fence. The site was previously used for the storage of building materials but appears to have been cleared recently.

The site lies within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Replacement Local Development Plan 2016 – 2031.

PROPOSED DEVELOPMENT

This application seeks outline planning permission for the construction of a detached dwelling. Appearance, landscaping and scale have been reserved for future consideration. As such, it is only access and layout which is to be considered under this outline application.

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a plan has been submitted which includes the scale parameters of the proposed dwelling:

Minimum width: 8.9 metres - Maximum width: 9.5 metres

Minimum depth: 7.6 metres – Maximum depth: 10 metres
Minimum height: 7.6 metres – maximum height: 8.5 metres

The proposed dwelling, as indicated by the proposed scale parameters and submitted plan, would be a two-storey development, served by a private garden area to the rear, three parking spaces within a front driveway area, and accessed off Mount Pleasant.

PLANNING HISTORY

P/19/0169 - Application to extend the time for the submission of reserved matters and the commencement of works in respect of planning permission P/16/0099 –
Approved: 30th July 2019

P/16/0099 - Erection of a dwelling – Approved: 22nd July 2016

P/05/0380 - Erection of 2 detached dwellings – Approved: 22nd September 2005

P/04/0047 - Erection of detached dwelling – Approved: 18th March 2004

P/01/0314 - Erection of dwelling – Approved: 22nd October 2001

CONSULTATION

Engineering and Highways Manager	No objection, subject to conditions.
The Town Planning Division's Policy Officer	No objection.
The Town Planning Division's Ecology Officer	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
The Coal Authority	No objection.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and a notice was displayed within the vicinity of the site. No letters of representation were received as a result of 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 11 (February 2021)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...’*

Paragraph 4.2.17 goes on to state that *‘...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...’*

Paragraph 6.4.3 discusses biodiversity and states that *‘...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...’*

- TAN (Technical Advice Note)

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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 18: Transport (2007) – This TAN provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 - Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)

Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this outline application relate to whether the principle of residential development at this site is acceptable. This proposal must also be assessed with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principal of Development

The application site is located within the settlement boundary - Primary Growth Area. LDP Policy SW4 supports new development in this area provided that it is compatible with other relevant plan policies and material planning considerations. It is therefore considered that residential development in this location is considered acceptable in principle and would comply with Policy SW4. Indeed, numerous planning permissions for new dwellings in this location have been previously granted planning permission on this site, the most recent being P/19/0169.

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

Character and Appearance

Matters relating to the scale and appearance of the dwelling have been reserved for future consideration. As such, the size of the dwelling, its design and the material finishes would be considered under a subsequent reserved matters application. However, the submitted

plans set out the proposed access and layout to be considered under this application, which demonstrates that a detached dwelling with an adequately sized rear garden area and a front driveway area (accessed off Mount Pleasant) can be appropriately provide on the plot. Indeed, it would reflect a similar layout and follow a similar building line to the existing dwelling to the northeast, Lle Hyfryd. As such, the proposal, provides an acceptable layout, which is compatible with the surrounding context and as such would not have an adverse impact on the character and appearance of the area and accord with LDP Policy SW11.

Residential amenity

The proposal in respect of its layout, would result in a detached dwelling which would have the greatest impact on the adjacent dwellings, Cavallino and Lle Hyfryd, to the southwest and northeast. The details show that the dwelling would be positioned at least 1.2m away from the shared boundary with each of these dwellings and would be sited adjacent to their side elevations. This relationship would be considered sufficient to prevent any unacceptable loss of light or overbearing impact, particularly since the proposed dwelling, would not project any further to the rear than the neighbouring dwellings either side. Whilst the proposed layout would still allow for a degree of overlooking to the rear gardens of the adjoining dwellings (and the proposed dwelling) from first floor level windows, fenestration siting and design, would be considered alongside the appearance of the dwelling, under a reserved matters application and as such, cannot be assessed under this application. Notwithstanding this, the proposed layout and relationship between the application dwelling and neighbouring dwellings could be considered acceptable in accordance with LDP Policy SW11.

Parking Provision and Highway Safety

The submitted plan indicates that access into the site would be off the adopted highway Mount Pleasant to the southeast. The residential use of the site, for one dwelling, would not greatly increase the level of traffic movement along Mount Pleasant or surrounding roads. It is acknowledged that the highway network serving the site is of a poor standard in terms of its width and driver visibility, which has resulted in highway safety concerns being raised on other applications within the immediate vicinity. However, a material consideration in this instance is that planning permission for a single dwelling has been granted on the application site on numerous occasions since 2001. The capacity for the highway network to accommodate a dwelling within the site was previously considered acceptable in earlier applications. This would have also been taken in account in the assessment of the highway capacity to accommodate further development in the surrounding area. In this instance, given that there has been no significant change in circumstances to the site or the surrounding area, the proposed access serving the development is deemed to be acceptable.

The submitted plan illustrates that there is sufficient space within the application site to accommodate three off-street parking spaces to the front of the dwelling. It is noted that as a result of the position of the proposed car parking area, this would result in reversing movements onto the highway. However, the proposal has been considered by the Engineering and Highways Manager and no objection to the proposed development has been raised. Thus, the access provision to serve the proposed dwelling would not have an unacceptable impact upon highway or pedestrian safety and would therefore accord with LDP Policy SW11.

Ecology

The proposal relates to a vacant site and therefore does not warrant the need for any survey work. However, in line with Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements', enhancement works are required. Thus, the installation of a bat box and the addition of gaps to any walls or fences, will be requested by condition under this application. The proposed development would therefore comply with LDP Policy EnW1.

Other Considerations

- Coal Mining

The application site lies within an area of 'High Risk', in relation to historical mining. The history of this site and a Mining Risk Assessment report has been considered by the Coal Authority. The Coal Authority have concurred with the recommendations of the report and raised no objection, provided that suitable conditions are attached to any permission, to ensure that intrusive site investigations are undertaken for the safety and stability of the site. The proposed development would therefore comply with LDP Policy EnW4.

- Planning Obligations

LDP Policy SW9 sets out the requirements for planning obligations. Given that the proposal is for a single dwelling, onsite provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought.

CONCLUSION

The proposed development, for the reasons discussed above, is acceptable and should therefore be approved.

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.

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

1. Details of the appearance, landscaping 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 sectional 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 (to include details of gaps of 13cm x 13 cm added to boundary fences and walls every 5m to allow the free passage of hedgehogs across the site), and other means of enclosure;
- iv) full constructional and facing material details of any retaining walls over 1 metre in height;
- v) details of a single integrated bat box (non illuminated) to be installed on the western elevation.

5. 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 Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

6. 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.

7. **No development shall commence** until:

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and to locate or discount mine shaft 303206-040; and
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with the approved details.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **Prior to the occupation of the development, or it being taken into beneficial use** 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. 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 Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

P.P.

DATE: 02.06.2023