

DELEGATED REPORT

Application No:	P/22/0208
Site Address:	Land Adjoining 1 Cae Deri Heolgerrig Merthyr Tydfil CF48 1BY
Development:	Construction of 4 bedroom dwelling with associated access, landscaping and ecological works
Case Officer:	David Cross
Site Visit:	31st August 2022
Application Expiry Date:	5th October 2022
Consultation reply date expired:	12th September 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 Nos. 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 an 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

Full planning permission is sought for the construction of a detached dwelling with an attached double garage. The dwelling would measure approximately 18.4m wide by 14.3m deep and 8.3m high with a hipped roof. It would incorporate a gable feature to the front elevation with a stone finish to frame a full height glazed entrance. The double garage would be located on the norther side of the building and would be setback 1.4m back from the front elevation. On the rear elevation, a two storey and single storey annexe would be constructed. The external material finishes would largely comprise rendered elevations with blue pennant stone detailing around the front gable, the double garage and the rear single storey annexe. An artificial slate would be utilised on the roof, with grey upvc windows and doors.

The dwelling would be located within a fairly central position of Plot 6, with Plot 7 (currently vacant) to the south, which also benefits from outline permission for a dwelling. It would be orientated with an easterly frontage, with an outlook between the adjacent dwellings. It would also be setback approximately 54m from the main highway, 43m from 4 Cae Deri and 21m from 5 Cae Deri.

Access to the dwelling would be via the private shared road measuring 3.5m over a length of 35m that links to the main highway and would serve Plot 7 should that site be developed in the future. The driveway would measure 27m in length and 11m wide, which could adequately accommodate 3-4 vehicles, in addition to the double garage, with sufficient turning facilities.

The submitted plans indicate new trees would be planted along the northern site boundary to infill gaps between existing trees, together with an area of wildflowers. A small number of trees would also be planted in the front garden area adjacent to the access road, along with a reptile hibernacula and an area of wild flowers that would also be used as a swale.

PLANNING HISTORY

P/22/0007 - Construction of two dwellings with integral garages and associated landscaping and access works.

Outline permission GRANTED on 26.05.2022

CONSULTATION

Head of Engineering & Highways	-	No objection subject to the driveways and garages being retained for parking purposes, and surface water not being discharged on to the highway
Planning Division's Ecologist	-	No objection subject to conditions relating to a lighting scheme and a Landscape Ecological Management Plan.
The Coal Authority	-	No objection subject to a further intrusive site investigation.
Welsh Water	-	No objection subject to a condition relating to surface water and land drainage.

PUBLICITY

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

No representations were received as a result of this publicity exercise.

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

The application site lies within the settlement boundaries where the majority of new development is 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 integrate well within the neighbouring properties. Additionally, outline planning permission (P/22/0007) has previously been granted. As such, the principle of the development is acceptable.

Design approach

The proposed dwelling 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 submitted plans illustrate the dwelling would be positioned between No. 4 & 5 Cae Deri with a frontage orientated towards the street. Its footprint and general scale would be similar to that of No. 5 Cae Deri. It would also include a large garage setback to the side of the building in a similar manner to the other dwellings at Cae Deri. The appearance of the proposed dwelling would incorporate appropriate features that complement the street scene, which include a gable feature to the front, large glazed feature windows and the use of pennant stone detailing. Furthermore, the proposed material finishes are acceptable and would complement the character of the street.

Along the proposed access road, the site plan indicates the boundary walls would have a stone finish, which would complement other front boundary treatments along Cae Deri. Additionally, the landscaping scheme would introduce a number of trees and wildflower area that both improves the quality of the development and enhances its ecological value.

The general design, siting and scale of the proposed development is acceptable and would not have an adverse impact on the character or appearance of the surrounding area. Therefore, the proposal complies with policy SW11 of the LDP.

Amenity impacts

The properties that have the greatest potential to be affected by the development are those that immediately adjoin the site. The proposed dwelling would be set back at least 43m from the side elevation of No. 4 Cae Deri and 21m from the rear of No. 5 Cae Deri. This is deemed to be a sufficient separation distance to not give rise to overbearing impacts. Considering the distance and orientation of the proposed dwelling in relation to these neighbouring properties and their garden areas, the development would not give rise to significant overlooking concerns.

In relation to the properties to the north, the proposal dwelling would be at least 19.3m away from the rear elevation of 6 Mayors Close and 17m away from the rear elevation of 7 Green Meadows. This is deemed to be a sufficient distance to not give rise to overbearing

impacts and it is noted that the dwelling would be at a slightly lower level to these neighbouring properties due to the existing topography. Given the orientation of the proposed dwelling, the first floor windows, (particularly those serving the bedroom in the two storey annexe which are closest to the neighbouring properties) would be at an acute angle that minimises any direct overlooking in to the adjacent properties. Whilst there may be some potential to overlook the neighbouring rear gardens, there would be a sufficient separation distance of at least 10m to the garden boundaries, which would be typical for this residential area. The tree planting along the northern boundary may provide some additional screening in the future once established.

It is acknowledged that 110 Heolgerrig, approximately 30m to the south of the site, is at a significantly lower level and is largely screening from the development by the existing landform. As such, the development would not adversely impact on the amenities of this property.

It is acknowledged that following of the publicity exercise undertaken, no objections were received that may otherwise highlight any particular amenity concerns. Therefore, the proposal is acceptable and would not result in an adverse impact on residential amenity. Accordingly, the development complies with policy SW11 of the LDP.

Highway implications

The existing private road serving Cae Deri would be utilised to provide access to the proposed dwelling and the future development of the adjoining Plot 7. This would involve engineering works to part of the side garden of No. 5 Cae Deri to form the private driveway to each plot. Due to the level differences, this would involve re-profiling works to the garden area and would necessitate the need for retaining works along one side of the access. Given the length of the driveway, a suitable gradient would be provided. 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 be sufficient room within the site to accommodate at least 3-4 off-street parking spaces on the driveways, in addition to the parking in the double garages.

The capacity of the main highway (privately maintained) to accommodate the development was previously considered as part of the outline proposal (P/22/0007). It is noted that 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 main 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 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 and Highways has not raised any highway safety concerns. Therefore, the proposal complies with policy SW11 of the LDP.

Ecological impact

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 regard 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 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.

Ground conditions

The application site lies within an area identified by the Coal Authority to be at high risk to past coal mining activities that may undermine the stability of the site. A Coal Mining Risk Assessment has been submitted in support of the application. Whilst a mine shaft and adits to the north-east of the site have been identified, these are located some distance away from the development and would lie within the grounds of 5 Cae Deri, which has already been developed. As such, these mining legacy features do not pose a risk to the application site. The report notes that there is a risk from surface subsidence as a result of past shallow mine workings. As such, the report recommends that an intrusive site investigation be carried out and appropriate mitigation measures be put in place. This could include the need for drilling and grouting and would inform the appropriate structural design for the foundations. It is acknowledged that the Coal Authority has not raised any objection to the development of the site subject to an intrusive site investigation being carried out and appropriate mitigation measures to address the risks posed by past coal mining. Accordingly, the development of the site would not pose a significant risk, subject to appropriate measures being implemented, which can be secured by condition. Therefore, the proposal complies with policy EnW4 of the LDP.

CONCLUSION

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. 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:

- Proposed General Arrangements Plan, Rev P02, (Site Plan) - received 12.10.2022
- Proposed General Arrangements Plan, Rev P01, (Floor Plans) - received 12.10.2022
- Proposed Elevations & Sections, Rev P02 - received 12.10.2022
- Proposed Roof Plan & Exterior Material Palette, Rev P01 - received 12.10.2022
- Existing & Proposed Site Sections, Rev P01 - received 28.10.2022
- Ecological Assessment, February 2022, Issue 1VB

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 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. **Prior to any construction works commencing on site**, 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, (dated February 2022, Issue 1VB), 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 dwelling 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.

5. **No construction works 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 in the interests of amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council 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 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, (dated February 2022, Issue 1VB). 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.

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.

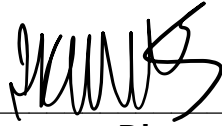
9. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development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



Director of Neighbourhood Services

DATE:

11/11/22