

DELEGATED REPORT

Application No:	P/24/0013
Site Address:	Cwm Woods Grove (Plots 9 And 10) Off Upper Colliers Row Heolgerrig CF48 1DP
Development:	Construct 2 detached properties
Case Officer:	Marlene Ferreira
Site Visit:	23rd January 2024
Application Expiry Date:	21st March 2024
Consultation reply date expired:	12th February 2024

APPLICATION SITE

The application site relates to an irregular parcel of land, known as plots 9 and 10, measuring approximately 0.06 of a hectare, located just off Upper Colliers Row, in Heolgerrig. The site rises gently from east to the west and lies adjacent to a wider parcel of land, measuring approximately 0.42 hectares, which has been granted outline planning permission for a residential development of 8 dwellings. Most of the neighbouring plots have been developed (following the approval of full planning permission for detached dwellings). The site adjoins plot 8 to the north, which has recently had planning permission for a detached dwelling and which has already been constructed. The site adjoins Upper Colliers Row to the east, and undeveloped land to the south and west. Prior to its development, the wider site was heavily planted as part of the reclamation scheme associated with Georgetown and Cyfarthfa tips, formerly known as 'Brondeg Tip'.

The area surrounding the application site is characterised by dwellings of varied styles, form and detailing, comprising bungalows, detached, semi-detached, and terraced two storey properties. The immediate area surrounding the application site, comprises of relatively large detached dwellings, of a contemporary design, with modern front porches and/or projections, mainly finished in render, some of which also feature stone cladding front features.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of two detached two-storey dwellings and private road/driveway.

Each of the dwellings would measure 7.9 metres wide, 11.25 metres deep and 9 metres in height. They would each feature a two-storey projecting gable on the principal elevation, as well as a modern flat roof canopy/porch over the front entrance. At ground floor, the

dwelling would be served by a kitchen/dining area, utility area, pantry room, lounge, WC and storage area. At first floor the dwelling would comprise a bathroom and 4 bedrooms (1 of which with en-suite and 1 with a dressing area). A bedroom would also be provided within the roof space. They would be finished with Marley fibre cement slate tiles, K rend and Bradstone stonework, and UPVc windows.

The dwellings would be sited so that their front elevations would be east facing onto Upper Colliers Row. Their rear garden areas would sit to the western part of the site and would be provided over two levels, a flat patio area and an upper flat patio area, both of which would be retained by low walls. Parking provision would be provided to the front of the dwellings by means of 3 parallel parking spaces to serve each of the plots.

A private road/driveway is also proposed to the northern side of Plot 9. This would sit between Plot 9 and Plot 8 and would act as an access to serve the undeveloped land located to the rear.

PLANNING HISTORY

The following planning history is relevant to this application:

P/19/0228 - Outline planning for 8 two storey detached dwellings - Approved: 7th November 2020.

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.

Welsh Water - No objection, subject to conditions.

The Coal Authority - No objection.

Highways (Welsh Government) - No objection.

Wales and West Utilities - No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, two 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 3.55 addresses brownfield sites and explains 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 4.2.18 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...’*

- 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 SW9 – Planning Obligations

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. It forms part of an allocated housing site (SW3.4 Brondeg). As such, 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 dwellings, in terms of their siting, scale and design, would be acceptable with regards to their impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Character and Appearance

The proposed dwellings would be set back from the main highway (Upper Colliers Row) and would be served by a front driveway/garden. A private rear garden would also be provided to the west of the property. Each of the dwellings would have a front two-storey gable projection. This would act as the focal point of the dwelling and add character and interest to its primary frontage. Its scale and appearance is considered acceptable and draws reference to certain design features of other larger detached dwellings, recently granted planning permission at the Upper Colliers site, as well as the more traditional semi-detached properties within the vicinity of the site. Thus, it is considered that the proposed dwellings, given their well-proportioned scale, design, finishes as well as their 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 within this context, which would not be deemed detrimental to the character or appearance of the area. As such, the proposal would accord with LDP Policy SW11.

Residential Amenity

The proposed dwellings would be sited to the south of plot 8, for which a detached dwelling has also recently been granted planning permission and this is the neighbouring plot most likely to be impacted by the proposed development. However, it should also be noted that the proposed dwellings would not adjoin the boundary with plot 8, since a private road/driveway, measuring 6.5 metres wide, would run between the application site and plot 8. As such, given the distance between the application site and this neighbouring plot, the proposed dwellings, particularly given their scale, siting and orientation, would not be considered to have any adverse impact on this neighbouring plot (no.8) located further north. Whilst it is recognised that two side facing windows would be located to the first floor northern side elevation of the proposed dwelling on plot 9, these would serve an en-suite and a bathroom and would be conditioned to be fitted with obscure glazing, in order to safeguard the amenities of these occupiers located to the north. Regard has also been had for other occupiers surrounding the application site, and it is acknowledged that the land to the south and west of the application site is vacant land and has not yet been developed and as such, the proposal would not have any adverse impact upon this neighbouring land.

The proposed dwellings would therefore not be deemed to cause any significant detrimental impacts upon the amenities of neighbouring occupiers and its relationship with the neighbouring plots and land is therefore deemed acceptable. The proposed development would therefore accord with LDP Policy SW11.

Ecology

The application, following consultation with the Council's Ecologist, was accompanied by various reports and plans which included a Preliminary Ecological Appraisal (for plot 9 and 10 and the wider site), a Long Term Management Plan for Biodiversity and Green Infrastructure Statement, a Green Infrastructure Statement, a Construction Lighting Scheme, Landscape and Ecology Management Plan, Temporary Tree Protective and Fencing Plan, a Landscape Plan (with supplement), a Construction Environmental Management Plan – Biodiversity, a Tree Survey, a Tree Constraints Plan, a Landscape Master Plan, and, a Drainage Strategy Report.

The reports and plans confirmed the implementation of certain enhancement measures which include the planting of a hedgerow and trees along the side and rear boundary of the properties, the installation of bird and bat boxes, the provision of hedgehog passages and provision of lawn areas. The Council's Ecologist has considered the information submitted and concluded this to be acceptable provided the development is undertaken in accordance with the relevant plans and reports. As such, a suitably worded condition could be added to any planning permission granted to ensure that such enhancement measures are carried out. Thus, the proposed development would therefore be acceptable and accord with LDP Policy EnW1.

Parking and Highway safety

The proposed dwellings would be accessed directly off Upper Colliers Row and would each be served by a front parking area for 3 vehicles. This would involve reversing movements onto the front highway since an on-site turning area is not provided. The Head of Engineering and Highways has considered the proposal in respect of on-site parking provision and highway safety and has not raised any objections, provided that additional details of the proposed driveway areas are provided. As such, to secure this information a suitably worded condition could be added to any planning permission granted. Furthermore, no concerns or objections have been raised in respect of the private driveway off Upper Colliers Row. The proposed development is therefore considered acceptable and would not give rise to any adverse 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:

- Proposed Plans & Elevations Drawing Number 12/10/01 Rev A, received: 19th May 2025;
- Existing & Proposed Site Layout & Sections Drawing Number 12/12/02, received: 19th May 2025;
- Proposed Plans and Elevations Drawing Number 12/12/01 Rev A, received: 19th May 2025;
- Drainage Strategy Report, Phase 3, received: 2nd April 2025;
- Landscape Master Plan - Revision 4, received: 28th March 2025;
- Preliminary Ecological Appraisal (Land at Collier's Row, Heolgerrig), received: 28th March 2025;
- Tree Constraints Plan (by Treescene Arboriculturist Consultants), received: 19th February 2025;
- Tree Survey (by Treescene Arboriculturist Consultants), received: 19th February 2025;
- Construction Environmental Management Plan - Biodiversity (Rev 3), received: 17th February 2025;
- Landscape Plan (Supplement - Rev 2), received: 17th February 2025;
- Landscape Plan 01/01/25 Rev 2, received: 17th February 2025;
- Temporary Tree Protective and Safety Fencing Plan, Drawing no: 02/01/25 Rev 2, received: 17th February 2025;
- Landscape and Ecology Management Plan (Detached dwellings, plots 9&10 Collier's Row), received: 16th January 2025;
- Construction Lighting Scheme, received: 16th January 2025;
- Green Infrastructure Statement, received: 5th December 2024.
- Long Term Management Plan for Biodiversity & Green Infrastructure Statement, received: 13th November 2024.
- Preliminary Ecological Appraisal (Plots 19 & 10, Heolgerrig), received: 28th October 2024;
- Geo Environmental Report, Report No. BC/MB/08.19.0, received: 1st February 2024;
- Preliminary Site Investigation Report, Report No. BC/MB/11.20.04, received: 1st February 2024.

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

3. **Prior to the commencement of development**, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed as approved, before the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. Before the development hereby permitted is brought into use, the first floor north facing windows, to serve the en-suite and the bathroom of the proposed dwelling on Plot 9, shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The windows shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall take place** until details for the construction of the private road and driveways as shown on the Site Layout Plan (drawing number 12/12/02, received 19th May 2025), including level/sections, drainage (with porosity information), visibility splays, material finishes and the location and protection works for the stormwater culvert at the entrance to the site, have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details prior to the occupation of the dwelling and the parking spaces shall remain available for its designated use in perpetuity.

Reason - To ensure that the dwelling is served by an adequate access in the interest of highway safety, biodiversity and to protect the watercourse, in accordance with Policies SW11, EnW1 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

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

7. All areas of garden and landscaping shall be capped with a 600mm layer of suitable inert capping and topsoil.

Reason - In the interest of health and safety and residential amenity, to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. Notwithstanding the provisions of schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

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

9. Notwithstanding the provisions of schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no

enlargements, improvements or other any other alterations, shall be carried out to the dwelling other than those expressly authorised by this permission.

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

10. 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.

11. 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.

12. 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.

13. **No external lighting shall be installed on the dwelling or on-site**, 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.

14. **Prior to the commencement of development**, a plan indicating the positions/siting, design, materials and type of biodiversity/enhancement measures to be provided on-site (as stipulated in the list of approved plans and reports), to include the provision of bat and bird boxes, hibernacula, hedgehog passageways, planting of trees and hedgerow, and rain gardens etc, shall be submitted to and approved in writing by the local planning authority. The biodiversity/enhancement measures shall be completed in accordance with the approved details prior to the occupation of the dwelling.

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.

INFORMATIVES

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

2. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
3. The applicant is advised that an armco culvert is located to the rear of the footway and runs parallel to the application site (in a southerly direction into the Nant Rhydycar). Any works to or affecting the culvert would require consent from Merthyr Tydfil County borough Council's Land Drainage Officer.
4. The applicant/developer is advised that Japanese Knotweed may be present on the site and if not adequately addressed, could be potentially harmful to the proposed development.
5. 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.

6. 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

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DATE: 27.05.2025