

DELEGATED REPORT

Application No:	P/21/0409
Site Address:	Land Adjacent To 2 Plymouth House Milbourne Terrace Merthyr Tydfil
Development:	Variation of conditions 2, 6 and 7 of planning permission P/19/0069 to allow amendments to be made for the approved landscaping scheme and re-siting of replacement tress (subject to a tree preservation order)
Case Officer:	Caroline Pulley
Site Visit:	13th December 2021
Application Expiry Date:	3rd February 2022
Consultation reply date expired:	3rd January 2022

APPLICATION SITE

The application site comprises part of the former garden area of 2 Plymouth House, Milbourne Terrace. The site is now occupied by four detached houses (approved under application P/19/0069). It measures approximately 67m at its widest point and some 46m deep. It is relatively flat with a slight fall from east to west. It lies within a predominately residential area and is bound to the north-east by the highway (Milbourne Terrace), to the south by residential properties (Brodawel) and by the highway to the north.

PROPOSED DEVELOPMENT

Planning permission is sought for the variation of conditions 2, 6 and 7 of planning permission P/19/0069, which refer to the list of approved plans, the approved landscaping scheme and re-siting of replacement trees (subject to a tree preservation order).

Condition 6 of the approval states:

'No dwelling shall be occupied until the two Fagus sylvatic trees proposed along the northern boundary of the site and identified on the proposed landscaping scheme drawing number 01 A have been planted in accordance with the approved details. Any trees 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 replacement Tree Preservation Order (TPO) trees are provided in the interests of visual amenity in accordance with Policies BW5 and BW7 of the Merthyr Tydfil Local Development Plan.'

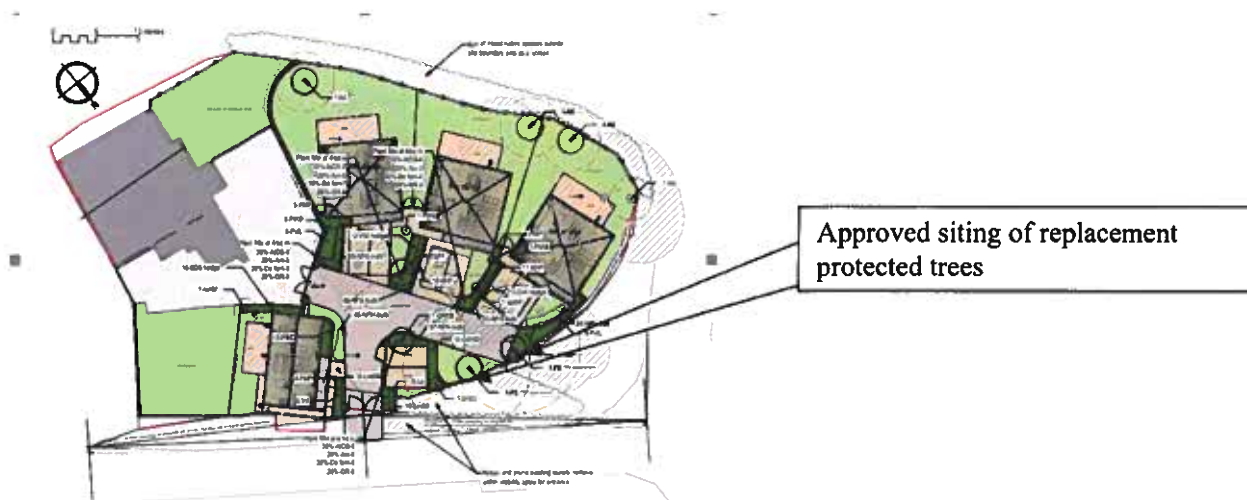
Condition 7 states:

'All planting, seeding or turfing comprised in the approved details of landscaping (Drawing no. 01 Rev A) shall be carried out in the first planting and seeding seasons following the occupation of any dwelling 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.'

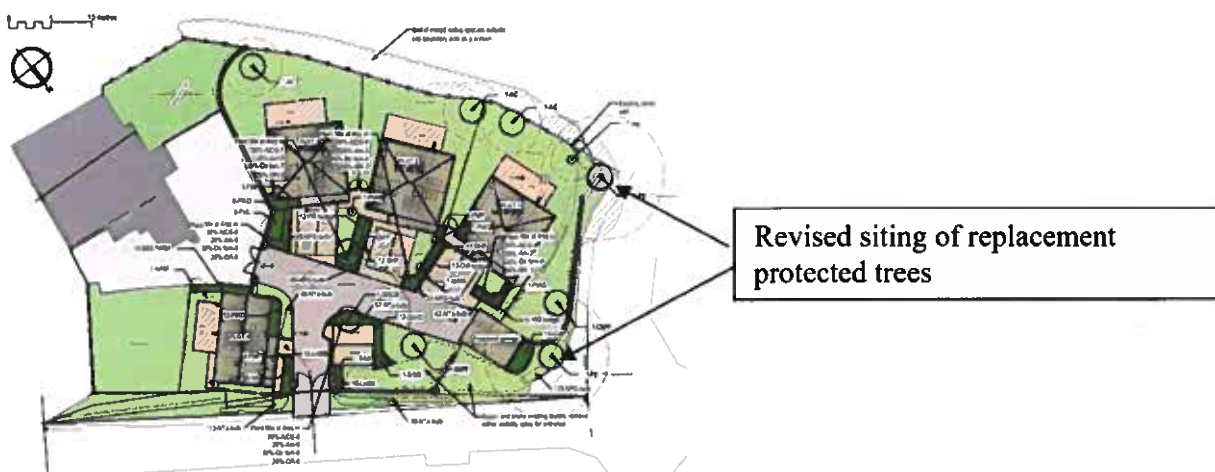
Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.'

Since the approval of application P/19/0069, the applicant secured ownership of an additional area of land to the north of the site boundary. This led to a separate planning application (P/21/0206) being submitted to the authority for the change of use of the land to garden and the erection of a detached garage to the front of Plot 1. This Section 73 application has come forward to allow the amendments to be made to the approved landscaping scheme and siting of the replacement protected trees to primarily facilitate the siting of the garage to the front of Plot 1. The changes proposed to the location of the replacement TPO trees is highlighted in the drawings below:

Approved landscaping scheme



Amended landscaping scheme being considered under this application



PLANNING HISTORY

P/21/0206	Change of use of highway verge to garden and erection of garage and boundary wall	Pending consideration
P/19/0069	Construction of 4 detached houses	Approved with conditions 23.12.2019
P/03/0441	Residential development (outline)	Approved with conditions 14.05.2004

CONSULTATION

Head of Engineering: No objection.

Landscape Architect: No objection.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW), Edition 11, February 2021

Local Policy

Since the approval of original application (P/19/0069), the Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031 has been adopted by the Council. Under the replacement plan, the following policies are considered to be of relevance to the proposal:

- Policy SW4 - Settlement Boundaries
- Policy SW11 - Sustainable Design and Placemaking
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection
- Policy EnW5 - Landscape Protection

PLANNING CONSIDERATIONS

The principle of developing the site (and the replacement of the two protected trees) has already been established and any environmental impacts have been addressed as part of that permission. The main consideration of this application is whether the revised landscaping scheme would cause any significant harm to the surrounding area and environment.

As highlighted in the previous report, the trees on this site made a significant positive contribution to the character of the area, particularly along the northern boundary where the site fronts onto a well-used and prominent road junction. As such, prior to the determination of previous application for housing on this site, careful consideration was given to the siting of two replacement TPO trees to ensure that the scheme would not cause undue harm to the visual amenity of the area. As part of this, consideration was given to the exact siting of the replacement TPO trees to ensure that the future health and growth of the protected trees would not be compromised by the construction or siting of the proposed houses on the site.

Following the approval of application P/19/0069, the applicant secured ownership of some additional land to the north and north-east of the site. This led to a separate planning application being submitted to the authority for the change the use of the additional land to the northern side of plot 1 to garden and the erection of a garage to the front of this plot. This Section 73 application has come forward to allow changes to be made to the approved landscaping scheme and the positioning of the replacement TPO trees on the site. This is to take account of the positioning of a detached garage which is now being proposed on the site (separately being considered under Ref: P/21/0206).

The general siting of the replacement trees along the northern boundary of the site would remain unchanged. However, it is now proposed that the replacement TPO trees would be sited on an area of land which is nearer to the adjoining highway. When mature, the crown of the two trees will overhang the side and rear garden area of plot 1 and this may lead to pressure for the branches of the trees to be lopped and pruned in the future. However, that being said, a large part of the canopy would lie outside the garden area of plot 1 and the planting of the replacement TPO trees on the outside edge of the site is the most practical approach and helps to limit the potential for pressure for the trees to be felled in the future. It is also noted that the Council's Landscape Architect has raised no objection to the revised landscaping proposal or the revised siting of the two replacement trees, which are to be covered by the protection order.

Overall, the revised location of the replacement protected trees and revised landscaping details are deemed acceptable and would not give rise to significant environmental impacts or have an unacceptable impact on the amenity of the surrounding area. As such, the variation of the condition 2 to include the updated landscaping plan, and variation of conditions 6 and 7 is deemed acceptable.

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

CONDITIONS:

1. The development shall be carried out in accordance with the following approved plans and documents:

Drawing no. 592.02E (Proposed site) received on 20.12.2019

Drawing no. 593.07A (Side elevations of proposed houses) received on 20.12.2019

Drawing no. 593-08 (Ground and first floor plan of proposed houses) received on 18.12.2019

Drawing no. 593-09 (Front and rear elevations of proposed houses) received on 18.12.2019

Drawing no. 592.11 (Block plan) received on 07.11.2019

Drawing no. 593-03A (Front and rear elevation Plan Plot 4) received on 07.11.2019

Drawing no. 593-04 (Ground and first floor plan Plot 4) received on 07.11.2019

Drawing no. 593-05 (Side elevations of Plot 4) received on 07.11.2019

Drawing no. 592.12A (Section A-A) received on 07.11.2019

Drawing no. 592.06 (Section A-A) received on 26.06.2019

Drawing no. 592.10 (Section) received on 26.06.2019

Preliminary Ecological Appraisal by BE Ecological Ltd June 2019 Issue 1VD received on 19.12.2019 and agent's email correspondence received on 20.12.2019

Drawing no. 01 Rev C (Planting plan) received on 09.12.2021

Drawing no. 592.110 (OS Map) received on 09.12.2021

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

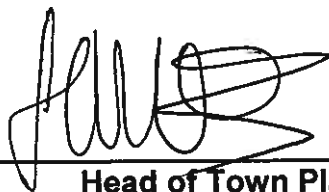
2. Within 6 months of the date of this decision, the two *Fagus sylvatic* trees proposed along the northern boundary of the site and identified on the proposed landscaping scheme drawing number 01 Rev C shall be planted in accordance with the approved details. Any trees which within a period of 5 years 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 replacement Tree Preservation Order (TPO) trees are provided in the interests of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing no. 01 Rev C) shall be carried out within 6 months of the date of this decision or in the first planting and seeding season following the approval of this application, 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.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'J. W. S.', written over a horizontal line.

Head of Town Planning

DATE:

17/1/22