

DELEGATED REPORT

Application No: P/21/0301

Site Address: Orchard House
Gwernllwyn Road
Dowlais
Merthyr Tydfil
CF48 3NA

Development: Creation of new vehicle and pedestrian access off highway, boundary walls and associated change of use of parcel of land to form part of residential unit

Case Officer: Rebecca Owens

Site Visit: 31st August 2021

Application Expiry Date: 18th October 2021

Consultation reply date expired: 14th September 2021

APPLICATION SITE

The application relates to a large detached dwelling located in a generous curtilage and the adjacent parcel of land, which currently forms part of a car park. The site is within the settlement boundary and is bound by a highway to the north east, a bowls club to the north west and west. There is also a car park serving the Grade II* Listed former Guest Memorial Library (now the Guest Memorial Sports & Social Club) to the south east.

PROPOSED DEVELOPMENT

Full planning permission is sought to enclose the adjacent parcel of land and change its use so it forms part of the residential unit of Orchard House. The land would be enclosed with 2m high stone boundary walls.

Permission is also sought for the creation of new vehicle and pedestrian access off the adjacent highway (Gwernllwyn Road) into this land, which would be via double gates and a pedestrian gate, which would feature within the north eastern boundary wall. Both gates would be 1.7m high.

PLANNING HISTORY

There is no relevant planning history, which needs to be taken into consideration when determining this application.

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering No objection

Coal Authority No objection

PUBLICITY

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW4: Settlement boundaries
- SW11: Sustainable design and Placemaking
- CW1: Historic Environment

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 4, Sustainable Design.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary and the proposed enclosure, change of use of the land and accesses are therefore acceptable in principle.

The proposal is located in an area where there are a mixture of uses present including other residential properties and would entail a parcel of land being incorporated into the garden of the dwelling subject of the application. A residential use of the land is therefore deemed acceptable. It is recognised that the proposed boundary walls, which would enclose this parcel of land, would be 2m in height with a section of these adjacent to the highway. However, given that the existing walls, which enclose the site, are of a similar

height (being slightly taller than proposed), it is not considered that they would have an overly dominant presence or appear incongruous. It is noted that the walls would be finished with stone and providing these match the stone of the existing walls of the application site then they would appear as a continuation of the existing walling and would be of a sympathetic appearance. However, as the details of the stone proposed has not been provided, it is recommended that this, in addition to the coursing and pointing, is controlled via conditions to ensure it is complementary to the existing walls. Similarly, as no details of the design and material finishes of the gates have been provided it is also recommended that these be conditioned to ensure they are acceptable. With the inclusion of these conditions, it is not considered that the proposal would harm the character or visual amenity of the dwelling itself or indeed the wider streetscene. In this respect it is recognised that the proposal is in close proximity to the Grade II* Listed former Guest Memorial Library (now the Guest Memorial Sports & Social Club). However, given the scale and nature of the proposal and with suitable material finishes, it is not considered that the proposal would impinge on its character or setting. As such, the proposal is found to accord with Policy CW1 of the LDP.

Given the siting of the proposal, which is within a car parking area and not directly adjoined by any other residential properties, it is not considered that the proposal would have any notable impact on the residential amenities of any of the neighbouring residents. It is therefore deemed acceptable in this respect and in accord with Policy SW11 of the LDP.

Vehicular and pedestrian access to the application site is currently via an existing access off the adopted highway of Gwernllwyn Road into a car parking area serving the adjacent Guest Memorial Sports and Social Club. The proposal would create a new access off this highway to serve the dwelling exclusively. This has been considered by the Head of Engineering who has not raised any concerns with regard to highway or pedestrian safety and such the proposal is found to be acceptable in this respect.

The application site falls within a defined Development High Risk Area, which indicates that within the application site and surrounding area there are coal mining features and hazards. However, the Coal Authority have noted that whilst the site is within an area of recorded shallow mine workings, these relate to ironstone workings and not coal mine workings. In addition to the above, a coal seam (GARW VEIN) of workable thickness outcrops within the southern part of the site only, that may have been historically worked at shallow depths beneath the existing and proposed access road. However, when considering the scale and nature of this particular development proposal, which would not appear to require substantial foundations or earthworks, the Coal Authority do not consider it proportionate to request a Coal Mining Risk Assessment and have not objected to the application.

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:

Drawing Title: Proposed new access with new boundary walls, Received on 23 August 2021

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

3. **Prior to the construction of the boundary walls** hereby approved details/samples of the stone to be used in the construction of the walls, including any coping stones, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. The external stone walling shall be constructed in strict accordance with details of coursing and pointing to be submitted to and approved in writing by the Local Planning Authority and such details shall be demonstrated by the prior construction of a sample panel. The panel shall be retained on site until the completion of the walling.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **Prior to the installation of the gates** hereby approved details of their design and material finishes shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

2. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

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.

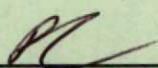
Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

5. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;
Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>
Email : Highways.CustomerCare@merthyr.gov.uk
Tel no : 01685 727470 or 725000
6. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.
7. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

RECOMMENDATION ENDORSED



Head of Town Planning

R.P.

DATE: 11/10/21