

DATE WRITTEN	17th April 2023
REPORT AUTHOR	Judith Jones
CASE OFFICER	Rebecca Owens
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	26th April 2023

Application No.
P/21/0194

Date
27th May 2021

Determining Authority
MTCBC

Proposed Development

Location

Name & Address of Applicant/Agent

Erection of a new unit of holiday accommodation

Autumn Leaves
Grawen Lane
Cefn Coed
Merthyr Tydfil
CF48 2NP

Mr Clive Tovey
c/o Drawing And
Surveying Services
3 Thornbury Close
Clwydyfagwr
Merthyr Tydfil
CF48 1HP



This application is being presented to the Committee as the applicant is Councillor Clive Tovey (Chair of Planning, Regulatory and Licensing Committee).

APPLICATION SITE

The application relates to a large, detached, dwelling located within a generous curtilage. Within the grounds of the property there is also a two-storey structure comprising of a garage at ground floor with a self-contained flat above, a detached building which is used as holiday accommodation (converted from a pool house) and a greenhouse. The site is in a mainly residential area within the settlement boundary and is bound by a highway to the front and other residential dwellings on all remaining sides.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a holiday accommodation building, which would provide 3 double bedrooms. It would be located in the north western corner of the garden and would measure 13.7m in width by 7.5m in depth and would have a hipped roof with a ridge height of 4.1m. There would be a door in the western elevation, three windows in the northern elevation (serving bedrooms), three windows in the southern elevation (serving a lounge, breakfast room and kitchen) and two windows in the eastern elevation (serving an ensuite and wet room). The roof of the building would be covered with concrete tiles (to match the roofs of the existing buildings) and the walls would be finished with render and dash.

The proposal also involves the creation of two additional car parking spaces off the existing driveway to accommodate any additional parking requirements created by the proposal.

PLANNING HISTORY

The relevant planning history is summarised below:

- P/20/0049 Non material amendment to planning permission P/16/0262 to replace roof lights with windows in the western elevation
Granted permission on 17 March 2020
- P/16/0262 Change of use of existing pool house to self-contained holiday accommodation and other minor alterations
Granted planning permission subject to conditions on 12 October 2016

CONSULTATION

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

- | | |
|------------------------------------|--------------|
| Head of Engineering and Highways | No objection |
| Planning Division's Policy Officer | No objection |

Planning Division's Ecologist	No objection subject to conditions and enhancements
Landscape Architect	No objection
Arboriculturist	No objection
Environmental Health Manager	No objection subject to conditions
Welsh Government Highways	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and a site notice was 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). The following sections are noted as being of particular relevance:

- Paragraphs 3.3 – 3.18 refer to good design and better places.
- Paragraph 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.
- Paragraphs 4.1.49 – 4.1.54 refer to car parking, with 4.1.50 noting “A designed approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development”.
- Paragraphs 5.5.1 – 5.5.7 relate specifically to tourism acknowledging that tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection. The planning system encourages tourism where it contributes to economic development and where it can assist in enhancing the sense of place of an area which has intrinsic value and interest for tourists.

- Paragraphs 6.4.24 relate to the importance of trees, woodlands and hedgerows.

Technical Advice Notes (TAN)

TAN 5: Nature Conservation and Planning (September 2009).

TAN12: Design (March 2016).

TAN 13: Tourism (October 1997).

TAN 18: Transport (March 2007).

TAN 23: Economic Development (February 2014).

Local Planning Policies

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

- SW4: Settlement Boundaries
- SW11: Sustainable Design and Placemaking
- SW12: Improving the Transport Network
- CW1: Historic Environment
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental Protection
- EnW5: Landscape Protection and
- EcW7: Tourism, Leisure and Recreation Development.

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.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The site is located within a residential area and lies within the Primary Growth Area of the settlement boundary (Policy SW4). As such the development is acceptable in principle, subject to the proposal being compatible with other relevant planning policies and material considerations.

Policy EcW7 of the LDP relates to tourism, leisure and recreation development. This states that within settlement boundaries, development of this nature is generally supported.

Character and visual amenity

The site is located in a residential area characterised by a variety of different dwellings of various designs and scales. The proposal would introduce an additional holiday accommodation building within the rear garden and thus, in this location, it would not be readily visible from public vantage points. The proposal would be single storey and would reflect the design of the existing detached buildings within the site and thus would not appear incongruous or out of place in the spacious rear garden. Given this context and the discrete location of the structure it would not adversely impact on the character or appearance of the dwelling or indeed the area in general and as such would comply with Policy SW11 of the LDP.

Residential amenity

The proposed building would be used as holiday accommodation and as such may result in some additional noise and disturbance caused by the comings and goings of guests and associated activities. Furthermore, the impact of this additional unit must be assessed in conjunction with the existing dwelling, flat and other unit of holiday accommodation. There would be an intensification in the use of the site as a result of this proposal and thus an increase in general activity, noise and disturbance. It is also recognised that people behave differently when on holiday. However, the structure would be located within a generous rear garden and the proposed use of the building would still be fundamentally residential in nature. Therefore, it is unlikely to generate noise and disturbance significantly greater than that of a dwelling and as such would not be detrimental to the amenities of surrounding residents. In this respect it is noted that no objections were raised by the Environmental Health Manager.

The proposed holiday accommodation would be erected in the north eastern corner of the site. In this location it would be positioned approximately 3m from the northern boundary shared with Oaklands House and approximately 0.95m from the eastern boundary shared with Lyndale House. Despite the close proximity of the structure to these neighbouring properties, it would be single storey and have a hipped roof with an eaves height of 2.2m and a ridge height of less than 4m. Given the location and size of the building it would not have an overbearing impact or result in any harmful overshadowing or loss of light.

It is noted that there would be windows in the northern, southern and eastern elevations of the building. The northern facing windows would look directly towards the boundary with Oaklands House. However, there is an existing boundary wall which would obscure views. Similarly, the windows in the eastern elevation would face directly towards Lyndale House. However, direct views into the garden of this property would again be largely obscured by an existing stone wall and vegetation and the windows in this elevation would serve an ensuite and wet room (i.e. non-habitable rooms). It is recognised that the southern facing windows would allow for angled views to the first floor windows of Lyndale House. However, having regard to the obliqueness of these views they would not result in a level of overlooking or loss of privacy that would be harmful enough to warrant the refusal of the application on such grounds. The southern windows would also overlook the garden of the application site and allow views to the rear windows of the dwelling and flat. However, as the proposed structure would be over 17m from the flat (and further away again from the dwelling)

and the use of the building could be conditioned so it could only be used in conjunction with the dwelling, there would be no detrimental impact.

Having regard to the above and noting that no representations were received following the publicity exercise, the impact of the proposal on the amenity of neighbouring residents is deemed to be acceptable and thus the development would not conflict with Policy SW11 of the LDP.

Parking and highway safety

The application site is accessed off Grawen Lane and benefits from a large front forecourt area and garage. It is noted that the access into the site itself would remain and no concerns are raised with the additional traffic movements associated with the proposal within the existing highway network. Given the large forecourt and creation of two further parking spaces, the parking needs of the holiday accommodation could be met in addition to those of the existing dwelling, flat and other holiday accommodation. In this respect it is noted that no objection has been made by the Head of Engineering and Highways.

Ecology

It is noted that there are trees on the site and the property is located in close proximity to grassland, woodland, a wooded river corridor and agricultural fields. It is also noted that there are several nearby sites designated for ecological reasons and a number of priority and protected species have been recorded nearby. Therefore, an Ecological Impact Assessment has been submitted within the application. Following consideration of this, the Council's Ecologist has raised no objections to the proposal subject to compliance with the recommendations of this report and the provision of the proposed ecological enhancements. It should be noted the enhancements include additional tree planting, wildflower seeding and the erection of bird and bat boxes (see recommended conditions 4, 5 and 6).

Trees and Landscape considerations

The application site adjoins land to the north containing trees which are subject to a group and individual Tree Preservation Orders (TPO). It is also recognised that the proposal would result in the loss of two mature trees within the existing garden area (these are not subject to a TPO). An arboricultural method statement has been submitted with the application and this has been assessed by the Council's Arboriculturalist. He has not raised any objection and concluded that the proposal would not have an impact on the protected trees.

Planning obligations

Policy SW9 relates to Planning Obligations. Given that the proposal is for one residential unit, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. However, Community Infrastructure Levy (CIL) is chargeable on residential development (£25 per square metre) in this part of the County Borough.

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.

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: Existing & proposed plans & elevations, Amended plan received on 25 September 2022

Drawing Title: Proposed layout - Parking arrangement, Amended plan received on 25 September 2022

Drawing Title: Tree Protection Plan - Proposed layout, Drawing Number: Arbtech AIA 01, Received on 9 August 2022

Drawing Title: Arboricultural Impact Assessment - Proposed layout, Drawing Number: Arbtech TPP 01, Received on 9 August 2022

Ecological Impact Assessment, Revision 3.0, dated 15 December 2022, produced by Acer Ecology and received on 20 December 2022.

Arboricultural Method Statement to BS5837:2012, dated 5 August 2022, produced by Arbtech and received on 9 August 2022

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

3. The holiday accommodation hereby approved shall only be used in conjunction with the dwelling known as Autumn Leave, Grawen Lane, Cefn Coed, Merthyr Tydfil.

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

4. All planting of the six trees and planting and seeding of the wildflower areas identified on Plan 8: Compensation Planting and Landscaping Scheme for Development of The Ecological Impact Assessment, shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, in accordance with the details contained within The Ecological Impact Assessment, and any plants or 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 protect the natural environment and important habitat in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **BEFORE** the development hereby approved is brought into beneficial use, the bat box proposed on a tree within the sycamore treeline along the eastern boundary of the site shall be erected in accordance with the details contained within the Ecological Impact Assessment, and shall be retained in perpetuity thereafter.

Reason - To protect biodiversity in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. **Prior to works commencing on site** details of the exact siting of the bird boxes detailed within the Ecological Impact Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be erected before the development, hereby approved, is brought into beneficial use and shall be retained in perpetuity thereafter.

Reason - To protect biodiversity in accordance with Policies EnW1 and EnW2 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **No external lighting shall be installed on the holiday accommodation**, hereby approved, until a detailed lighting scheme has first been submitted to and approved in writing by the local planning authority. The lighting scheme shall provide the specification of the luminaires to be used demonstrating that it conforms to guidelines in terms of colour temperature and should demonstrate that light will be directed away from the proposed bat boxes and any potential roost features that may be present. 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. **BEFORE** works relating to the additional car parking spaces illustrated on the proposed site layout commence, details of their construction, including levels and any associated retaining works shall be submitted to and approved in writing by the local planning authority. Development shall be completed in accordance with the approved details **PRIOR** to the holiday accommodation hereby approved being brought into beneficial use and the car parking spaces shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

INFORMATIVES

1. 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.

2. 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.

3. 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.

4. The applicant is advised that this permission does not permit any works to the trees to the north of the site which are subject to a Tree Preservation Order. No works are to be undertaken to these trees without approval first being granted for works to Trees subject to a Tree Preservation Order. Accordingly if any work would affect these tree you are strongly advised to seek advice from the Local Planning Authority.