

DELEGATED REPORT

Application No:	P/22/0296
Site Address:	Courtland Terrace Union Street Merthyr Tydfil CF47 0DT
Development:	Five storey four bedroom dwelling
Case Officer:	Caroline Pulley
Site Visit:	17th November 2022
Application Expiry Date:	30th March 2023
Consultation reply date expired:	23rd February 2023

APPLICATION SITE

The application site relates to an infill plot located on Union Street on the outskirts of Merthyr Tydfil Town Centre. The land lies in a predominantly residential area. It adjoins a Victorian terraced property to the south, 26 Courtland Terrace and a large, modern detached dwelling to the north, 1 Sandbrook Villas. The highway of Courtland Terrace/Union Street is to the east and a narrow pedestrian lane is to the west. Beyond the access lane, and at a significantly lower level, are 88 and 89 Lower Thomas Street, which form part of a terraced row of houses.

The application site lies within the settlement boundary – Primary Growth Area and Thomastown Conservation Area, as designated by the Merthyr Tydfil Replacement Local Development (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a four-bedroom dwelling on the site.

The proposed dwelling would measure 9.1m wide, a maximum of 10.5m in depth (inclusive of a front gable projection) and a maximum of 9m in height at the front and 14m in height at the rear. At ground floor, the dwelling would be served by an integral garage, an open plan kitchen/dining room, a utility room, a cloakroom and a w.c. At first floor, the dwelling would accommodate three bedrooms, a gallery landing area and a bathroom. The fourth bedroom would be provided in the roof space of the dwelling and would be served by an en-suite bathroom. The main living accommodation would be located on the lower ground floor and would comprise a lounge, a cinema room and an office. Below this, and on lower ground level 2 would be a gymnasium, a steam room, a sauna, a service room and a bathroom.

The dwelling would be sited so that its front elevation would be east facing (onto Courtland Terrace/Union Street) with the rear garden area facing west towards the rear elevations of the properties located on Lower Thomas Street. Its front elevation would be two-storeys in height and would include a gable feature to the left, an integral garage to the right and two rooflights in its front roof plane and a single rooflight and solar panels to the rear. The rear wall of the dwelling would comprise a series of windows and bi-folding doors and a galvanised balcony structure set over two levels. The balconies would be set in from the side elevations of the dwelling by 300mm. They would measure 8.2m wide and would project 2.5m from the rear wall of the dwelling. It is proposed that the lower balcony would serve the lower ground floor lounge and the other balcony would be accessed from the ground floor kitchen/diner. The supporting details provided illustrate a privacy screen being installed to each side of the balcony, consisting of a solid sheet of tongue and groove composite cladding.

The external walls of the dwelling would be finished in light grey render and the roof would be covered with artificial slate. The windows and doors would be dark grey uPVC. In terms of boundary treatments, it is proposed that 1.8m high fencing would secure the western rear boundary and the northern and southern side boundaries to the rear of the dwelling. To the front of the dwelling, the plans illustrate a courtyard enclosed by a low 0.5m high natural stone wall to the front with a boundary wall and railings to the side. A set of steps positioned alongside the southern boundary of the property would provide access down to the rear garden area. The steps, positioned alongside gable end of the property, form an existing shared access between the site and 26 Courtland Terrace. A new section of steps would be provided to the rear of the dwelling to provide access down to the lower garden area. This area of steps would lead out from a small platform area and would measure 4.73m in length.

The application is supported by a Design and Access Statement.

The proposal represents the resubmission of an earlier refused scheme to erect a dwelling on the site (Ref: P/22/0060). The scheme was refused as it was considered that the proposed development by virtue of its design, height, mass and external materials would be unsympathetic to its local context and would fail to preserve or enhance the character and appearance of the Thomastown Conservation Area. The main differences between this application and the previously refused scheme are as follows:

- The dormers have been removed and the position of the front projecting gable and garage door have been flipped;
- The design of the rear fenestration and balconies have been changed;
- The dwelling has been reduced in height.
- The grey horizontal cladding originally proposed for part of the external walls of the dwelling has been removed from the scheme.

PLANNING HISTORY

P/22/0060	Erection of a 4 bedroomed dwelling with an integral garage
	Refused – 05.05.2022

CONSULTATION

Head of Engineering and Highways:	Initially raised an objection to the
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application. Following receipt of revised plans which include changes to the proposed parking layout, no further response was received.

Planning Division's Policy Officer:

No objection.

Ecologist:

Advises that a Preliminary Ecological Appraisal (PEA) of the site and a Preliminary Roost Assessment (PRA) for bats and nesting birds is required.

Welsh Water:

No response.

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 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) sets out the land use policies of the Welsh Government. The most relevant paragraphs are:

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 states 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 4.2.17 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 6.1.14 refers to conservation areas *'...There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed...'*

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...'*

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 5: Nature Conservation and Planning (2009) – This TAN provides guidance on how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

TAN 12 - Design advises that the Assembly 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.

TAN 24 - The Historic Environment

Section 1.14 of TAN 24 refers to conservation principles and *'... recognises that the whole of the historic environment is a finite and shared resource. Every place has its own history, which has shaped its character and leaves tangible traces in its present form and fabric. This historic character makes each place unique and gives it a distinctive identity. Historic character should be taken into account in the management of change in order to sustain local distinctiveness and a sense of place. The use of an objective, structured approach to identify the elements of historic character and creating an evidence base is vital...'*

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy CW1 - Historic Environment

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) Note No. 4 – Sustainable Design

Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Conservation

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Thus, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the area and the Thomastown Conservation Area.
- The impact of the development on the amenity of neighbouring residents.
- The highway/pedestrian safety implications of the development.
- Ecology.

The impact of the development on the character and appearance of the area and the Thomastown Conservation Area.

The application site relates to an area of land situated on an infill plot between two residential properties within the Thomastown Conservation Area. The site is most prominent at its Union Street frontage, opposite which are Victorian two storey, terraced houses framed by modest front gardens. It is steeply sloping and was, until recent, occupied by a pair of garages which presumably provided off-road parking provision in connection with the adjoining property, 26 Courtland Terrace.

The building form in the surrounding area is dominated by linear residential development, which is set on a slope of the hill overlooking the town centre. Most buildings are two-storeys, however, the properties on the western side of Union Street/Courtland Terrace have a basement level and thus appear as three storeys in height when viewed from the rear (west). Whilst the area to the north of the site comprises several large, detached dwellings, the traditional architecture and distinctive development pattern of Union Street,

framed against the steep hillside, contribute positively to the character and appearance of the conservation area.

During the consideration of the previous application, there was significant concern that the bulk, mass, height and design of the proposed dwelling was inappropriate and failed to preserve or enhance the character of the conservation area. There was also concern that the development proposed a dwelling of increased height and the provision of an overly fenestrated rear elevation, comprising a series of glazed balconies and bi-folding doors, which accentuated the overall prominence and scale of the building. The current scheme has taken into account the above points. The dwelling has been reduced in height and no longer appears top heavy in terms of its roof massing. The front and rear dormers have been removed and the overall scale of the dwelling, including its roof, appears more in proportion with the height of the adjoining properties which generally step down in line with the topography of the road. While the rear of the dwelling would still appear quite large in scale, the design of the fenestration has been improved and the size and number of balconies proposed to the rear have been reduced. As such, the rear elevation no longer appears overly dominant in terms of its appearance, design and scale. It is also noted that the grey cladding originally proposed for this dwelling has been removed and a suitable grey render finish is now proposed. Overall, given the amendments undertaken (in comparison to the earlier refused scheme), it is considered the design, scale and mass of the proposed dwelling would now preserve the character and appearance of the conservation area.

The impact of the development on the amenity of neighbouring residents.

In terms of amenity, the site is bound by 1 Sandbrook Villas to the north and 26 Courtland Terrace to the south (a property recently converted into 2 self-contained flats). As such, the greatest impact arising from this scheme would be to the occupiers of these properties.

The proposed dwelling would be located approximately 0.7m from the northern site boundary enclosing 1 Sandbrook Villas and 1.5m from 26 Courtland Terrace. Being located on an infill plot, the dwelling would be situated directly between the side elevations of these two properties. As such, there would be some level of overbearing impact to these properties, particularly as the two properties both have side facing windows. Also, 1 Sandbrook Villas is located to the north of the site and therefore this property would also experience some level of overshadowing and loss of light to its side facing windows and rear/side amenity area. While these impacts are noted, the bulk of the proposed dwelling would lie adjacent to the side wall of these two properties. Additionally, the relationship shared between the existing and proposed dwellings would not be so dissimilar to the relationship shared between other properties along Union Street. Taking this into account and the fact that no objections have been received to the application, the proposed dwelling would not result in harmful overshadowing or an overbearing form of development upon the adjacent properties.

In terms of overlooking, a condition would ensure that the side facing windows proposed within the northern and southern side elevations of the dwelling would be obscured. As such, these openings would not result in a significant loss of amenity or privacy. It is appreciated that raised balconies would be provided to the rear of the dwelling and these provide some opportunity for overlooking. However, as the sides of the balconies would be enclosed with solid composite cladding, the level of overlooking would not be so significant to warrant the refusal of planning permission. While the access steps proposed to the rear of the dwelling would allow for some overlooking, the platform is small in size

and the steps would purely seek to provide an access to the rear garden area. As such, it is considered that the potential overlooking impact from the steps would be of a limited degree and would not justify the refusal of this application.

With regard to the neighbouring properties located to the rear, the site slopes significantly downwards and at an angle that would make any overlooking into these properties very difficult. As highlighted by the section details, the raised balconies would be sited above the roofline of the terrace below and a distance of 16m would be maintained from the rear boundaries of the terraced houses below (namely 88 and 89 Lower Thomas Street). Taking into account the proposed levels and the separation distance, the development would not have a significant adverse impact on properties along Lower Thomas Street in terms of overlooking, overshadowing or overbearing impacts.

Having regard to the above considerations, the proposed development would not adversely impact upon the amenities or privacy of the adjoining occupiers to such a degree that would warrant the refusal of planning permission. As such the proposal complies with Policy BW7 of the LDP.

The highway/pedestrian safety implications of the development.

The proposed dwelling would be accessed via Union Street. The Head of Engineering and Highways initially raised an objection to the application as it was considered that the proposal did not provide sufficient off-road parking to cater for the development and the integral garage lacked sufficient space for a parking space. While these concerns were noted, the internal footprint of the garage has now been increased to 5.5m in length. While it is appreciated that the space inside the garage still falls short of the 6m length specified in the Council's adopted parking standards (Wales Parking Standards 2008), the space inside the garage is sufficient to cater for a vehicle and a second space would be accommodated on the hardstand to the front of the dwelling. Taking this into account as well as the fact that the site is located in a highly sustainable location, close to the town centre and weighing up the need to preserve the character and appearance of the conservation area, the parking provision proposed for the site is considered sufficient. It is also noted that no highway safety concerns were raised during the previous application and following receipt of revised plans, the Head of Engineering and Highways has not raised any further objection to the proposed development.

The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or impinge the free flow of traffic within the wider site. As such, it would comply with Policy SW11 in this respect.

Ecology

The Council's Ecologist has requested a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment of the site (PRA) to be submitted. He has noted that there are known records for protected and priority species e.g. bats (including Schedule 1 Species), birds, Hedgehog and Amphibians within 500m of the application site. It is also noted the site is within 300m of a Buglife B-Lines Area. While the advice of the Ecologist has been acknowledged, the existing garage on the site has already been demolished and given the condition of the land, it is not considered necessary to request the undertaking of an ecological survey for this site. However, in line with the Environment Wales Act, a scheme for biodiversity enhancement will be required as part of this development.

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:

Proposed Elevations & Plan Drawing no. Courtland 26a 06 received on 06.02.2023
Proposed Sections & Plan Drawing no. Courtland 26a r03C received on 06.02.2023
Proposed Elevations & Plan Drawing no. Courtland 26a r01C received on 01.02.2023
Proposed Elevations & Plan Drawing no. Courtland 26a r02C received on 01.02.2023
Proposed Block Plan Drawing no. Courtland 26a 05A received on 08.11.2023
Design and Access Statement received on 02.02.2023

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

3. Prior to the construction of the dwelling hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwelling 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 conservation area and adjoining buildings in the interests of visual amenity and to accord with Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **No development shall take place** until a scheme for biodiversity enhancement has been submitted to and approved in writing by the local planning authority.
Development shall be carried out in accordance with the approved details prior to the beneficial occupation of the dwelling.

Reason - In the interests of maintaining and enhancing biodiversity in accordance with Policies EnW1 and EnW3 of the Merthyr Tydfil Replacement County Borough Council Local Development Plan.

5. The windows in the northern and southern side elevations of the dwelling hereby permitted shall be fitted with obscure glazing which is level 3 or higher on the Pilkington Scale of Privacy or equivalent. The windows shall be fixed shut and any part of the window that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The dwelling shall not be occupied until the windows have been inserted in accordance with the approved plans and 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.

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. 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.

8. **Before the dwelling hereby permitted is brought into use** the 1.7 metre high composite privacy screens shall be fitted to the northern and southern sides of the balcony areas as shown on Drawing no: Courtland 26a r03C, received: 06.02.2023. The privacy screens 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.

9. The car parking spaces hereby permitted shall be provided before the dwelling hereby permitted is occupied. The car parking spaces shall thereafter be kept available for the parking of motor vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

10. 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 Policies CW1 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. 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.

INFORMATIVES

1. 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.

2. 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.

3. 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

4. Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

9/3/23