

DELEGATED REPORT

Application No:	P/24/0193
Site Address:	17 Quarry Row Merthyr Tydfil CF47 8PS
Development:	Sub-division of single dwelling into two dwellings
Case Officer:	Kate Glover
Site Visit:	21st August 2024
Application Expiry Date:	12th February 2025
Consultation reply date expired:	24th January 2025

APPLICATION SITE

The application site relates to a semi-detached dwelling which fronts onto Quarry Row. The 4 bedroom dwelling has a single storey side extension (northeast), a single storey extension on the front of the building, front amenity area which contains one parking space, and a rear garden which has an area of approximately 381m². The rear garden also incorporates a parking area that is finished with loose chippings and this parking area is accessed via Vincent Terrace (southeast).

In respect of the surrounding area, the site is located between a detached property and its associated garden area (northwest) and the other dwelling which forms the semi-detached pair, a wooded corridor and the River Taf are located along the rear boundary of the site (southwest). The principal elevation of the application property faces Quarry Road and a terrace of houses and it is noted that the built development around the site, is a mix of house types which include detached, semi-detached and terraces.

The application site is within the settlement boundary as identified by Local Development Plan Policy SW4 and within Flood Zone C2 of the Development Advice Map contained in TAN15.

PROPOSED DEVELOPMENT

This application seeks full permission to sub-divide the property and its rear garden area thus creating 2 dwellings. The sub-division would see the property divided vertically so that a terrace of three dwellings is formed with one dwelling siting between the neighbouring property (16 Quarry Row) and another other dwelling which would sit on the end of the newly formed terrace.

Each of the new dwelling's would contain 2 bedrooms, with one property containing 1 bedroom on the ground floor and 1 bedroom on the first floor and the other property having 2 bedrooms at first floor level. Pedestrian access from Quarry Row would be shared by both of the new dwellings and the existing front door would serve the end of

terrace property. For the mid-terrace property, a new front door and hallway would be provided by extending the single storey front extension by approximately 1.28m. The proposed development would also involve minor alterations on the rear elevation of the property at ground floor level, comprising the blocking up of a back door and patio doors and insertion of new patio doors.

The division of the rear garden would be almost equal except that to provide the end of terrace dwelling with a vehicular access from Vicent Place, the driveway will pass along the bottom of the drive and parking area which would serve the mid-terrace property.

PLANNING HISTORY

The relevant planning history is summarised below:

P/06/0275	Erection of dwelling house (Reserved Matters) GRANTED 31 Jul 2006
P/04/0271	Erection of detached dwelling (Outline) GRANTED 09 June 2004
P/02/0077	Conversion of existing garage to office/workroom and provision of new garage and store building (2 storey) GRANTED 12 Sep 2002
P/99/0248	Erection of domestic garage GRANTED 27 Aug 1999

CONSULTATION

Head of Engineering and Highways:	No objection, subject to conditions
Planning Ecology Officer:	No objection
Natural Resources Wales	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining properties and two site notices were displayed within the vicinity of the site. In addition to the initial consultation and following the receipt of a Flood Consequence Assessment and a revised site layout, a re-consultation letter was sent to the objector. No further comments were received as a result of the re-consultation.

One letter of objection was received following this publicity exercise. The main material points of the letters received have been summarised below:

- The proposal is inappropriate in its local context and have a negative impact on the character of the area in terms of density. Density in the area has been increased by more flats in the area and the proposal would lead to a general impact on highway safety, parking and local amenity.
- The property is too small to be divided into 2 dwellings.
- Impact on neighbour's residential amenity from additional noise and traffic movements.

- Potential anti-social behaviour and loss of privacy because of the layout and orientation of the proposal.
- The application is for highly vulnerable development and is in a C2 floodzone.
- Site is next to the River Taff and partially within a Site of Importance for Nature Conservation (SINC)
- The parking area of the property has been extended into the SINC without planning permission.
- The subdivision of the property would turn a semi-detached pair of dwellings into a terrace of properties. This would result in a reduction in the value and amenity of adjacent property.

Due to the objections received this application has been referred to the local Ward Councillors to inform them of the responses received in relation to this application. It has not been requested that the application be presented to the planning committee. As such, it will be determined under the delegated powers by the Director of neighbourhood Services.

POLICY CONTEXT

National Policy

The Future Wales National Plan 2040

Planning Policy Wales (PPW) Edition 12

Technical Advice Note 15: Development and Flood Risk (July 2004) (TAN15)

Local Policy

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

- Policy SW1 – Provision of New Homes
- Policy SW2 – Provision of Affordable Housing
- Policy SW4 – Settlement boundaries
- Policy SW9 – Planning Obligations
- Policy SW11 – Sustainable design and Placemaking
- Policy CW1 – Historic Environment
- Policy EnW1 – Nature Conservation and Ecosystem Resilience
- Policy EnW4 – Environmental Protection

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 key considerations in the assessment of this application are; the principle of the development, impact upon the character of the area, the impact upon the living conditions of neighbouring occupiers, highway safety and ecology/biodiversity.

Principle of the development

The application site is located within the defined settlement boundary where the principle of new development is generally supported and encouraged by Policy SW4 of the LDP. The residential nature of the site, although as two residential dwellings, would continue and therefore be compatible with the surrounding properties.

It has been adequately demonstrated on the submitted plans that the property is of a sufficient size to accommodate 2 No. two bedroom properties with appropriate communal and parking areas. As such, the proposal would not result in an overdevelopment/intensification in the use of the property.

In respect of sustainability, the application site is within close proximity to local amenities which would be accessible to future occupiers via sustainable modes of transport. Additionally, a bus service operates from the nearby bus stop linking the application site with the Town Centre and other nearby settlements/local centres.

The site is located within a C2 Flood Zone as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) and the Flood Map for Planning identifies the application site to be at risk of flooding and falling within Flood Zones 2 and 3 Rivers. TAN15 states that highly vulnerable development should not be considered or permitted in C2 Flood Zones.

A Flood Consequence Assessment by Atrium Planning Consultants has been submitted and has been reviewed by Natural Resources Wales (NRW). NRW do not object to the development and advise that the dwellings would not be affected by floodwaters in the 1 in 100 year Annual Exceedance Probability (AEP) plus Climate Change Allowance. However, the garden areas are predicted to flood during this event. NRW go on to advise that whilst the flood risk is not technically compliant with A1.15 TAN15, they acknowledge that the proposal is for the subdivision of an existing dwelling which is already highly vulnerable development. In relation to flood risk during the 1 in 1000 year AEP flood event, NRW advises that the dwellings are predicted to flood up to a depth of 690mm and this exceeds the tolerable limit of 600mm which is set out in paragraph A.1 of TAN15. NRW also note that the proposal would not result in any increases of flooding elsewhere and therefore meets the requirements of paragraph A.12 of TAN15.

NRW note the layout and two storey nature of the proposed dwellings and that occupants would be able to avoid flood waters by seeking refuge at first floor level.

It is noted that the proposal would not result in an increase in bedrooms and the residential nature of the current use and that of proposed use remains the same. Indeed, there is no change in the vulnerability and the current occupants of the property have the benefit of a refuge above floodwater. The proposal does not result in a change to the current position in relation to flood risk and vulnerability, as the use would continue to be highly vulnerable development with access to first floor refuge and as the proposal would not result in an increase in bedrooms and would not result in an intensification in the use of the site, to a degree that would warrant a recommendation of refusal in this instance.

It is also noted that the FCA advises that a Personal Flood Plan is used to ensure the risk of flooding and actions are known, and that there is registration with the NRW Flood Warning service. As such an informative can be used to secure the production and dissemination of a Personal Flood Plan and registration with the NRW Flood Warning service.

Given the above it is considered that the proposed development is acceptable in principle and meets the requirements of TAN15.

Character and visual impact

The proposed development would involve minor alterations to the principal elevation of the property, comprising of a ground floor extension to provide a front door and porch to the mid terrace property and minor alterations on the rear elevation of the property at ground floor level, comprising the blocking up of a back door and patio doors and insertion of new patio doors. As such, these alterations would amount to a negligible impact on the character or visual amenity.

In regards to the potential intensification of the residential use, it is considered that the sub-division from 1 No. 4 bedroomed house to 2 No. 2 bedroomed houses, would not lead to an over-intensification beyond that of the existing residential use that may otherwise appear out of character with the neighbouring residential properties. Indeed, the dwellings in the vicinity of the site are a mixture of density and include, detached, semi-detached and terraced properties. Therefore, the proposal would comply with LDP Policy SW11.

Residential amenity

In terms of the impact on residential amenity, the proposed 2 No. 2 bedroomed dwellings would not be significantly different to the existing 4 bedroom dwelling. In terms of potential overlooking and loss of privacy, noise and disturbance concerns, the proposal would not give rise to any significant change in impact from that which you might expect from the existing single dwellinghouse.

It is noted that to achieve the proposed driveway and parking areas, the driveway for the end of terrace property would pass by the end of the garden which is associated with the mid-terrace property. The level of vehicle movements which would be associated with the end of terrace property would not be at a level which would be significantly detrimental to the occupants of the mid-terrace property. It is noted that due to the orientation of the driveway, vehicles would not drive directly towards the garden or rear elevation belonging to the mid-terrace dwelling and there would not be a significant level of disturbance caused by car headlights shining into any of the garden or rooms of the mid-terrace property. Further to this permitted development rights could be used to erect a fence around the garden area of the property. Accordingly, the proposal complies with LDP Policy SW11.

Highway safety/parking

The proposal includes the provision of a separate vehicular access/egress and 2 off-street parking spaces within the site boundary of each of the proposed dwellings. The Head of Engineering and Highways (HEH) notes vehicular access will be via an unclassified road and goes on to advise that due to the unclassified nature of the road there is no requirement that vehicles leave the site in a forward gear. As such the HEH advises that the access and parking areas are set out in accordance with the submitted plans and that the surface materials comprise of consolidated materials rather than loose chippings as currently shown on the plans is satisfied with proposed access the level of parking. It is noted that the existing parking area has loose chippings as a surface material and vehicular access is at the end of an unclassified highway. Indeed, a porous surface

material would enable better surface water drainage and negate the need for a condition for the management of surface water. As such the proposed layout of the access and parking areas would be acceptable and beneficial in terms of surface water management. Therefore, the proposal meets with the requirements of LDP Policy SW11.

Ecology/Biodiversity

The Council's Planning Ecologist does not object to the proposal and notes that the site is adjacent to a SINC. Indeed, constraints show that approximately half of the site (southwest) is located within a SINC and this matter has been identified by the objector. However, it is noted that the land has been identified for development as part of previous planning permissions relating to the exiting dwelling, and further to this, aerial photographs dated 2006 show the garden area is the same size, or very similar to its current size. The application does not identify that any trees are affected by the proposal.

As noted in chapter 6 of Planning Policy Wales (edition 12), applications should be supported by Green Infrastructure Statements (GIS). Whilst a GIS has not been submitted, the proposal does not include any development works beyond or adjacent to the boundary of the residential curtilage and, as such, there is no planning reason to consider impacts on the SINC which is beyond the development boundary as identified on the plans. Given the nature of the application site and in particular the loose chipping surface which will be retained for the development, and ecological enhancements can be controlled by condition, which would provide additional habitats in the local area, the proposal would therefore contribute to the wider green infrastructure objectives. As such, the proposal meets with the requirements of LDP Policy EnW1.

Response to third party comments

The majority of the points raised as a result of the publicity exercise have been covered in the earlier sections of this report. In respect of the concerns relating to the future occupants and antisocial behaviour, these are issues that can arise with any residential property and are not limited to the subdivision of existing dwellings. Planning controls are concerned with the use of land rather than the user and there are other measures outside of the planning system available to address antisocial behaviour. As such, these matters fall outside the remit of the Town and Country Planning Act and are not material planning considerations in the assessment of this application. Similarly, the impact on property values is not a material planning consideration in the determination of a planning application.

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.

Having regard to the policy context above, the proposal is considered to be acceptable and 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:

Drawing Title: Proposed Elevations, Received on 09 August 2024.

Drawing Title: Proposed Floor Plans, Received on 09 August 2024.

Drawing Title: Site Layout, Drawing No., 365-LvWH-XX-00-DR-D-001, Rev B, Received on 11 October 2024.

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

3. **BEFORE WORKS COMMENCE ON SITE** a scheme for biodiversity enhancement, including a timescale for implementation, shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason - Future Wales and Planning Policy Wales (Edition 12, February 2024) requires all development to maintain and enhance biodiversity and to accord with Policy EnW1 of the Merthyr Tydfil Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Before the development is brought into use** the means of vehicular access together with parking area and access gates shall be laid out and operate as shown on submitted plan Drawing No., 365-LvWH-XX-00-DR-D-001, Rev B. Development shall be carried out in accordance with the approved details and retained in perpetuity thereafter.

Reason: In the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The developer/landowner shall ensure that the occupants of the development hereby approved are provided with the Flood Awareness measures as set out in the Flood Consequence Assessment Planning and Development by Atrium Planning Consultants, 17 Quarry Row, Merthyr Tydfil, CF47 8PS, document reference 210524-F01 (dated 20 November 2024).
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.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 10.02.2025