

DELEGATED REPORT

Application No:	P/23/0136
Site Address:	Land Adjacent To 15 Russell Street Dowlais Merthyr Tydfil
Development:	Outline planning permission for residential development
Case Officer:	Rebecca Owens
Site Visit:	12th June 2023
Application Expiry Date:	28th November 2023
Consultation reply date expired:	27th July 2023

APPLICATION SITE

The application relates to a parcel of land adjacent at the end of a row of terraced dwelling and within a residential area in the settlement boundary. The site is bound by highways to the front and eastern side, and dwellings to the rear and western side.

PROPOSED DEVELOPMENT

Outline planning permission is sought for residential development of the site with all matters reserved. Whilst the number of residential units has not been specified, it is likely that only a single building could be erected on site which could be used a single dwelling or split into flats. However, for ease of reference the report will refer to this as a dwelling.

However, in accordance with the legislative requirements for an outline planning application, an indicative site layout has been submitted suggesting the possible position of the proposed building and access. The drawing indicates that the proposed building could be sited to the front of the site adjacent to the existing terrace row. Access could be gained from the eastern side of the site, off Mary Street.

The scale parameters provided state that the proposed dwelling would be between 7m and 7.5m in height, between 3.9m and 7m in width and between 7m and 10m in depth.

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 & Highways	No objection
Planning Division's Policy Group Leader	No objection
Planning Division's Ecologist	No objection
Environmental Health Manager	No objection
Dwr Cymru Welsh Water	No objection subject to condition

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) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 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...*'. In addition, in reference to character, Paragraph 3.9 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*'
- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that '*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...'

- Paragraphs 4.1.49 – 4.1.54 refer to car parking, with 4.1.50 noting “A design-led 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”.
- In regard to Biodiversity and ecology, paragraph 6.4.3 states ‘*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*’. Paragraph 6.4.21 also notes that “*Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible*”.

These policies are supplemented by guidance contained in the following Technical Advice Notes:

- TAN 5: Nature Conservation and Planning
- TAN 12: Design
- TAN 18: Transport

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
- SW9 Planning Obligations
- SW11 Sustainable Design and Placemaking
- EnW1 Nature Conservation and Ecosystem Resilience
- EnW2 Internationally and Nationally Protected Sites and Species
- EnW3 Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species
- EnW4 Environmental Protection
- EcW9 District Heating

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

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The application site is located within a primary growth area of the settlement boundary and thus the principle of developing the site is acceptable providing the proposal complies with other relevant policies and material planning considerations.

Details with regard to the landscaping, layout of the proposed development and the appearance and scale of the buildings have been reserved for future consideration. However, the indicative site layout submitted with this application illustrates a single building and an upper and lower scale range for this has been provided. It is acknowledged that this is a modest site adjacent to a residential terrace and as such there is limited space for development. However, it is considered that the site would be able to accommodate a building, acting as a single dwelling or containing flats, in the position identified and within the scale parameters provided. Whilst this would result in a large proportion of the site being built upon, it would still allow for parking and external amenity space which would be akin to the existing pattern of development and arrangement of other dwellings within the terrace.

It is considered that the indicative siting of the dwelling, adjoining the end of terrace dwelling known as 15 Russell Street would likely be the only acceptable position for the development and that it would be most appropriate for the dwelling to front onto Russell Street. It would then continue the existing terrace. It is also noted that the applicant, who is the owner of 15 Russell Street has indicated that he has no objection to the dwelling being adjoined to this property. It is recognised that siting the dwelling in this position would require some reprofiling of the site to allow for the dwelling to sit at a suitable level in relation to the terrace but this would be achievable. The upper and lower scale parameters of the height and the indicative streetscene provided, indicate that that dwelling could either site at the same height as 15 Russell Street or be stepped above this, given the existing roofscape of the terrace with steps up in line with the gradient of the hill, it is considered that the dwelling would sit comfortably within the streetscene. It is also noted that the frontage of the dwellings within Russell Street are inconsistent with a variety of widths. As such, a dwelling with a minimum of 3.9m in width would not appear incongruous. Accordingly, a dwelling within the proposed scale parameters, which is sympathetically designed could be erected within the site without adversely impacting on the character and visual amenity of the area and thus in compliance with Policy SW11 of the LDP.

It is noted that details relating to the layout of the proposed development, and the appearance and scale of the buildings have been reserved for future consideration. As a result it is difficult to ascertain the specific affects that a residential development may have on the surrounding residents. Given that this is an outline application, it is the principle of residential development that is being considered. It is acknowledged that due to the restricted nature of the site, and the proximity of surrounding dwellings, only a sensitively sited dwelling of a modest size could be erected within the site without resulting in an overbearing impact or creating unacceptable overlooking to the surrounding dwellings and loss of privacy to their occupants. However, it is considered that the application site could accommodate a single dwelling (as indicated in the indicative drawings) up to the stated maximum scale limits, whilst not adversely impacting on the amenities of the surrounding residents to an unacceptable degree and thus in accordance with Policy SW11 of the LDP. This dwelling would likely have to be located adjacent to 15 Russell and at a similar level as a dwelling located further back into the site could result in an overbearing impact, overshadowing and overlooking to the properties to the south west (15 and 16 Russell Street).

It is considered that the local highway network has the capacity to accommodate a residential development at this site. In addition, whilst the means of access to the development has been reserved for future consideration, an indicative plan has been provided indicating that access to the dwelling could be achieved off Mary Street to the east of the site. The Head of Engineering and Highways has not raised any objection to

this on the basis that a suitable cross over is provided over the footway. In terms of parking, the Head of Engineering and Highways have noted that there would be an off street parking requirement of one space per bedroom (up to a maximum of 3 spaces). As this application is for outline permission, this information is not yet known. However, given the limited sized of the site, it is likely that only one space would be achievable. Notwithstanding this, the majority of dwellings in the area have no off street parking and despite this it would appear that there is ample space in the vicinity of the site for on street parking. As such it is not considered that the additional parking demand from this development would impinge on highway safety. It is also noted that there has been a shift in national planning policy, with an emphasis placed on reducing the reliance on private cars. Accordingly, in this instance it is considered that one parking spaces would be sufficient to meet the needs of the development and the proposal is not therefore contrary to Policy SW11 of the LDP.

Finally, it is noted that an Ecological Assessment has been submitted with the application and this has been considered by the Division's Ecologist. On the basis that the recommendations within this report are followed and the mitigation, compensation and enhancements outlined are provided, he is satisfied that the dwelling could be erected without harm to ecology. A condition to this effect would be required with any permission.

Planning Obligations

Policy SW9 relates to planning obligations. Given that the proposal is for a single dwelling, 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 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. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use:

- i) existing and proposed site levels including full cross sectional drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the position height and material of all walls, fences and other means of enclosure;
- iv) full construction and facing material details of any retaining walls over 1 metre in height;

Reason - To ensure a satisfactory standard of development and protect local amenity interest.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Demolition or construction works shall not take place outside the hours of 08 00 to 18 00 Mondays to Fridays and 09 000 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.

7. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. Notwithstanding the provisions of schedule 2, part 1, class E 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 buildings shall be erected other than those expressly authorised by this permission.

Reason - In the interest of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. Notwithstanding the provisions of schedule 2, part 1, class A 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 enlargement, improvement or other alterations to the dwelling shall be undertaken other than those expressly authorised by this permission.

Reason - In the interest of visual and residential amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The development shall be carried out in accordance with the mitigation, compensation and enhancement recommendations set out in the Technical Note prepared by BE Ecological Ltd, received on the 3rd October 2023. In line with this document, details relating to the bat block, sparrow terrace, and insect tower shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works and shall be implemented in full prior to the occupation of the dwelling. They shall be retained in perpetuity thereafter.

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

INFORMATIVES

1. The developer's attention is drawn to the comments and advice received from Welsh Water during the application process.
2. 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.

3. 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.

4. 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

5. 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.

6. 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

A handwritten signature in black ink, appearing to be 'C. J. S.', is written over a horizontal line. Below the line, the initials 'PP' are written.

Director of Neighbourhood Services

DATE: 18.12.2023