

DELEGATED REPORT

Application No: P/20/0055

Site Address: Land At East Street And
Upper Union Street
Dowlais
Merthyr Tydfil

Development: Variation of condition 2 of appeal decision
APP/U6925/A/19/3231012 (application P/18/0330)

Case Officer: David Cross

Site Visit:

Application Expiry Date: 20th April 2020

Consultation reply date expired: 10th April 2020

APPLICATION SITE

This application relates to an 'L' shaped area of vacant land measuring approximately 0.18 of a hectare, located within the Dowlais Conversation Area. The site can be characterised as a grassed embankment, which slopes down from the north to south and is largely void of any notable features, other than a small group of trees and vegetation in the south-west corner.

The site is bound to the north partly by the Cancer Aid Centre and Upper Union Street. Beyond this is the grade II listed St Johns Church (which has been converted into flats), the grade II listed Dowlais Works Stables and residential properties along Church Row. To the west of the site is a public car park and grassed embankment. Opposite this is the grade II listed Dowlais Public Library. To the south is East Street with a row of terraced properties that essentially back on to the highway. To the east is Commercial Street, beyond which is a prominent area of public open space.

PROPOSED DEVELOPMENT

This application seeks permission for the variation of condition 2, attached to appeal decision APP/U6925/A/19/3231012 (planning application P/18/0330), which relates to the list of approved plans for a residential development comprising 10 dwellings.

In order to accommodate a suitable drainage scheme to serve the development, a number of amendments are required to the approved layout to enable a suitable connection to be provided to the existing main sewer and surface water systems.

It is proposed that the raised rear garden area between plots 2 and 3 would be extended further out (south), partly between the two dwellings, in order to protect/accommodate the drainage systems. These engineering works, together with the associated retaining walls,

would result in the loss of two parking spaces that would serve plots 2 and 3. However, both dwellings would still retain 1 parking space. Additionally, to provide an adequate easement on either side of the drainage system, the footprint of plots 1 & 2 would be repositioned 0.4m to the west and plots 3 & 4 would be repositioned 0.4m to the east. Due to the proposed changes to the layout of the development, a revised detailed landscaping scheme has been provided, which includes native species, screen planting and trees along the northern boundary of the site. Native species are also proposed along the western boundary, with ornamental planting to be provided on the eastern corner of the site and amenity grassed areas in the rear gardens.

With reference to the relevant sections highlighted below, condition 2 states: *The development shall be carried out in accordance with the following approved plans and documents:*

Drawing No. SK11 Rev P3 (Vehicle Manoeuvres and Visibility Splays), received 01.03.2019

Drawing No. A112 Rev K (Proposed Site Layout), dated 17.05.2019

Drawing No. A113 Rev B (Floor Plan - Plots 1 & 2), received 21.01.2019

Drawing No. A114 Rev B (Elevations - Plots 1 & 2), received 21.01.2019

Drawing No. A115 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019

Drawing No. A116 Rev B (Elevations - Plots 3 & 4), received 21.01.2019

Drawing No. A117 Rev B (Ground Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A118 Rev B (First Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A119 Rev B (Front & Rear Elevations Plots 5-10), received 21.01.2019

Drawing No. A120 Rev B (Side Elevations Plots 5-10), received 21.01.2019

Drawing No. A123 Rev F (Context Elevations), received 22.01.2019

Drawing No. A124 Rev E (Site Sections), received 21.01.2019

Drawing No. A125 Rev B (Perspective View 1), received 21.01.2019

Drawing No. A126 Rev D (Perspective View 2), received 22.01.2019

Drawing No. A127 Rev C (Perspective View 3), received 22.01.2019

Drawing No. A128 Rev D (Proposed Landscape Layout), received 28.02.2019

Ecological Assessment (prepared by David Clements Ecology Ltd), dated May 2017

Archaeological Desk Based Assessment (prepared by Archaeology Wales), dated May 2017

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

It is proposed that condition 2 be varied to refer to the revised plans as follows: *The development shall be carried out in accordance with the following approved plans and documents:*

Drawing No. SK11 Rev P3 (Vehicle Manoeuvres and Visibility Splays), received 01.03.2019

Drawing No. A112 Rev L (Proposed Site Layout), received 24.02.2020

Drawing No. A113 Rev B (Floor Plan - Plots 1 & 2), received 21.01.2019

Drawing No. A114 Rev B (Elevations - Plots 1 & 2), received 21.01.2019

Drawing No. A115 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019

Drawing No. A116 Rev B (Elevations - Plots 3 & 4), received 21.01.2019

Drawing No. A117 Rev B (Ground Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A118 Rev B (First Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A119 Rev B (Front & Rear Elevations Plots 5-10), received 21.01.2019

Drawing No. A120 Rev B (Side Elevations Plots 5-10), received 21.01.2019

Drawing No. A123 Rev G (Context Elevations), received 24.02.2020

Drawing No. A124 Rev F (Site Sections), received 24.02.2020

Drawing No. A125 Rev B (Perspective View 1), received 21.01.2019

Drawing No. A126 Rev D (Perspective View 2), received 22.01.2019

Drawing No. A127 Rev C (Perspective View 3), received 22.01.2019

Drawing No. 479.01 (Planting Plan), received 16.03.2020

Ecological Assessment (prepared by David Clements Ecology Ltd), dated May 2017

Archaeological Desk Based Assessment (prepared by Archaeology Wales), dated May 2017

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

PLANNING HISTORY

- P/18/0330 - Construction of 10 dwellings with associated retaining works, parking, access and new footpath.
- REFUSED permission on 18.04.2019 and subsequently ALLOWED at appeal (Ref APP/U6925/A/19/3231012) on 16.09.19.
- P/08/0214 - Erection of 2 No. semi-detached dwellings and 5 No. detached dwellings.
- Permission was GRANTED on 05.06.2009
- P/82/0018 - Residential development for self-build plots (outline).
- Permission GRANTED on 03.03.1982
- P/78/0386 - Housing development of 39 units (4 and 5 person units).
- Permission GRANTED on 05.07.1978

CONSULTATION

- | | | |
|---|---|--------------|
| Engineering and Traffic Group Leader | - | No objection |
| Planning Division's Landscape Architect | - | No objection |
| Welsh Water | - | No objection |
| Wales & West Utilities | - | No objection |

PUBLICITY

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

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

The following policies are relevant to the determination of this application:

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

Para 3.5 – 3.15 sets out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 sets out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.25 – 4.2.34 sets out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Para 6.1.10 states that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting.

Para 6.1.14 states that there should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their setting.

Para 6.1.23 – 6.1.27 sets out the requirement to consider any potential impacts on archaeological remains.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to the potential harm to any protected species and habitats.

Technical Advice Notes (TAN)

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016

Local planning policy

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

- Policy SW3 - Sustainably Distributing New Homes
- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy CW1 - The Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW4 - Environmental Protection

PLANNING CONSIDERATIONS

The principle and overall design of the development has already been established as part of the appeal decision APP/U6925/A/19/3231012. Therefore, the main considerations of this application is whether the proposal would have an unacceptable impact on the character and appearance of the Dowlais Conservation Area, adversely impinge on the amenities of neighbouring properties or given rise to highway safety implications.

Character and appearance

As part of the approved layout, each of the semi-detached dwellings would have a rear patio, together with a raised garden area that runs alongside the northern boundary, which adjoins the Cancer Aid Centre. These patios and raised garden areas would largely remain as approved. The proposed drainage system would result in a small section of the raised garden area between plots 2 and 3 being extended approximately 4.5m further south (towards East Street). This would involve repositioning the retaining wall (2.6m high with 1m high railings above) between the two pairs of semi-detached dwelling. It is noted that the area of raised land to accommodate the drainage system would not be utilised as a garden area and would instead be a grassed embankment.

The proposed raised embankment and associated retaining works would not appear dissimilar to that initially approved. In this regard, the retaining wall would be of a similar height and would have a stonework external finish to match other retaining walls within the development. The repositioning of the retaining wall closer to the highway (East Street) has the potential to give it greater prominence within the street scene. However, the retaining wall would be setback approximately 7.5m from the edge of the highway and it would largely be screened by the dwellings on either side. Only when opposite the retaining wall would it be visible and would be seen in the same context as the approved scheme. As such, the impact of the proposed re-profiling and retaining works would not differ significantly to the previously approved scheme and would not adversely impact on the character or appearance of the Dowlais Conservation Area. Similarly, the amended siting of the semi-detached dwellings, which increases the separation distance between plots 2 and 3 by 0.8m (to enable a suitable easement for the drainage system) would have a negligible impact on the street scene.

Due to the minor changes to the garden areas and layout of the development, a detailed landscaping scheme has been submitted in support of this application, setting out the key areas of screen planting, the location of any trees, the planting of native species and ornamental shrubs. Notwithstanding the difference in levels between the Cancer Aid Centre and the development, it is proposed that a planted screen (3m high in planters and attached to supports) would be provided along the northern boundary. This will ensure that

effective screening to secure privacy is provided early on. Hedge/bush planting would be provided adjacent to the flats with a small number of root-balled trees to provide further screening and variation to the landscaping works with native species. Ornamental planting around the frontages of the flats and in the communal carpark would also provide additional interest to the public areas of the development. It is acknowledged that the Planning Division's Landscape Architect considers the landscaping scheme to be of an acceptable design. It would improve the overall quality of the development, while protecting the amenities of the adjoining Cancer Aid Centre. Therefore, the proposal complies with Policy SW11 of the LDP.

Residential amenity

The proposed alterations to the raised garden areas and siting of the retaining wall would have a limited impact on the amenities of neighbouring properties. The raised land would be of a similar level to the previously approved garden areas and would slope down slightly towards East Street. As such it would have no greater impact on the Cancer Aid Centre. The retaining wall would be approximately 21m away from the existing residential properties along East Street and 15.5m away from their garden boundaries. Furthermore, the raised land would not form part of the gardens serving plots 2 and 3. As such, the proposal would not give rise to any adverse overlooking or overbearing impacts. In this respect it is acknowledged that no objections were received as a result of the publicity exercise. Therefore the proposal complies with Policy SW11 of the LDP.

Highway implications

The proposed re-profiling works and retaining walls would encroach onto two of the parking spaces that would serve the two bedroom dwellings on plots 2 and 3. It is typically expected that 2 parking spaces would be provided for a 2 bedroom property to minimise on-street parking and avoid congestion along the highway. A Parking Appraisal Report has been submitted in support of the application to assist in the assessment of the potential highway implications. Using the Census data, it has been highlighted in the report that within the immediate vicinity of the site, the existing car ownership levels (for all tenures, types and sizes of houses) is 0.88 cars per dwelling. When considering affordable housing, the car ownership is at a reduced level of 0.48 per dwelling. As such, it has been demonstrated that the car ownership levels in the area are generally low, particularly in relation to affordable housing, where typically a 2 bedroom dwelling might be expected to only have 1 car. This would suggest that the provision of 1 parking space for plots 2 and 3 (affordable houses) would be adequate.

The Parking Appraisal Report also considers the existing demand for on-street parking along the highways within the vicinity of the site, which includes Upper Union Street, Church Street, Commercial Street and East Street. A survey was undertaken of the on-street parking in the late evening/early mornings to ensure the maximum residential parking demand was captured. Along the main highway serving the site (East Street) it is noted that there is potential for 32 parking spaces, of which only 6 spaces were noted as being used. It is shown in the report that overall there is adequate on-street parking provision within the vicinity of the site. As such, the loss of two parking spaces would not likely give rise to unacceptable levels of on-street parking in the area to detriment on highway safety. Based on the information provided, the Engineering and Highway Group Leader has not raised any objection to the development. Therefore the proposal complies with Policy SW11 of the LDP.

CONCLUSIONS

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, as well as the Welsh Ministers well-being objectives set out in section 8 of the WBFG Act.

For the above reasons, the proposed alterations to the previously approved scheme is acceptable and complies with the relevant LDP policies. As such, the variation of condition 2 of the appeal decision APP/U6925/A/19/3231012, to amend the approved plans to reflect the proposed changes is acceptable. Accordingly, the following recommendation is made:

RECOMMENDATION: **BE APPROVED** subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. The development shall be carried out in accordance with the following approved plans and documents:

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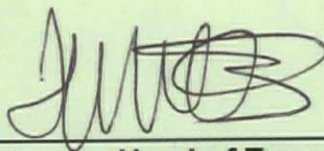
2. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing No. 479.01 - Planting Plan) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees 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.

INFORMATIVES

1. This permission shall be read in conjunction with the approved details of planning permission P/18/0330 and the conditions set out in the appeal decision APP/U6925/A/19/3231012. For clarity, it should be noted that condition 2 of this permission supersedes the landscaping conditions No. 5 and 6 on the appeal decision.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

16/4/20