

DELEGATED REPORT

Application No:	P/23/0141
Site Address:	Land Between 99 - 107 Brecon Road Merthyr Tydfil CF47 8NG
Development:	1 No. pair of semi-detached dwellings
Case Officer:	Marlene Ferreira
Site Visit:	8th June 2023
Application Expiry Date:	25th July 2023
Consultation reply date expired:	28th June 2023

APPLICATION SITE

The application site, which sits between 99 and 107 Brecon Road, relates to a vacant and relatively flat site with a rear lane access off The Walk and Tudor Terrace. The rear narrow lane serves the existing properties and businesses located off Brecon Road, Tudor Terrace and The Walk. The site formerly housed a large storage shed/building.

The storage shed/building, which was of a substantial width and of single storey height and finished with corrugated roof sheeting, brickwork elevations and wooden doors, was prominently sited immediately adjacent to Brecon Road. This shed/building, as well as a garage and other small outbuildings and extensions which formerly existed on the land immediately adjoining the application site, have been demolished and completely removed from the site. Thus, the application site and adjoining land, whilst enclosed by a temporary 2 metre high metal security fence, remains undeveloped.

The area surrounding the site is predominantly residential to the northwest, comprising of small two-storey cottage like terraced properties located immediately adjacent to the highway. They are largely uniform in their scale and appearance, finished with stone and/or rendered elevations with concrete and/or slate roof tiles. To the southeast, the terraced properties are predominantly commercial and vary in their appearance. Opposite the site, this part of Brecon Road mainly comprises two storey small scale terraced dwellings, as well as a more modern development, also made up of small two-storey properties with small front courtyards (including a 'T' shaped courtyard off Brecon Road, which again is also made up of small two-storey cottage like terraced properties).

PROPOSED DEVELOPMENT

This application seeks planning permission to construct a pair of semi-detached dwellings.

Each of the properties would have a lounge, kitchen/diner and WC at ground floor, with 3 bedrooms and a bathroom at first floor and measure 4.9 metres wide, 8.5 metres deep, with a 6.55 metre ridge height. The dwellings would be finished with artificial slate, rendered elevations and UPVc windows. A small enclosed courtyard would be provided to the front of the dwellings, with a private garden area to the rear and two parking spaces beyond (for each dwelling), which would be accessed off the rear lane.

PLANNING HISTORY

The Council's records do not show any relevant or recent planning history for this site.

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Officer	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health Manager	No objection.
Rights of Way Officer	No objection.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, adjoining properties were consulted and three site notices were displayed within the vicinity of the site. No letters of representation were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 11 (February 2021)

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 6.4.3 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...'*

- TAN (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be*

granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

This TAN advises that the Welsh 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. Section 2.6 of TAN12 states that '*...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...*' Section 4.3 of TAN12 points out '*...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...*'

TAN 24: The Historic Environment (2017)

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 Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy CW1 – Historic Environment

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and whether, the dwellings, in terms of their siting, scale and design, would be acceptable with regards to their impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided the proposal is compatible with other relevant policies and material planning considerations.

The site also lies within the Brecon Road Local Centre and LDP Policy EcW5 is therefore a relevant policy consideration, which states '*...development enhancing the vitality and viability of the Town and Local Centres will be supported...*' As briefly explained above, a large storage shed/building previously occupied the site and given its poor condition, it was demolished some time ago and the site remains vacant. The re-development of the land to comprise two residential properties would bring the site back into use. This would undoubtedly improve the appearance of the area and therefore enhance the vitality and viability of the local centre. The proposal would therefore comply with LDP Policy EcW5.

Character and Appearance

The proposed semi-detached dwellings would have a typical two-storey façade, rear gable projection and a shallow roof design. Their appearance, when viewed from Brecon Road, would reflect other dwellings along this street. Whilst the proposed dwellings would be set back from the main highway and comprise a front enclosed courtyard/garden, this is also reflective of the neighbouring dwellings forming part of a relatively new residential development on the opposite side of the road. It is noted that solar panels would be installed to the front roof slope. Details of the solar panels would therefore be requested by condition to ensure that these are incorporated into the roof and do not project above the roof slope.

The siting, scale and appearance of the proposed dwellings are therefore considered acceptable and in context with the immediate surrounding built environment. As such, they would not be deemed detrimental to the character or appearance of the existing street scene or Morganstown Conservation Area. The proposal would therefore comply with LDP Policy SW11.

Residential Amenity

The proposed dwellings would be located in close proximity to 99 Brecon Road, this being the property most likely to be affected by the proposed development.

The proposed dwellings would be located to the south east of this neighbouring property approximately 1.8 metres, at its closest point. Given that the development would be located alongside the gable end elevation of this neighbouring property and given that their two-storey rear gable projections would be located between 1.6 metres and 2.2 metres from the dividing boundary, the proposal would not be considered to have a significant overbearing impact, which may otherwise impact on the amenities of these adjacent occupiers. However, given that the proposed dwellings would be set back slightly from the front highway, and their orientation in relation to this neighbouring property, the proposal would result in some loss of light to the rear garden area serving this neighbouring occupier, particularly during the earlier part of the day. However, it should be noted that the resulting loss of light would not have a significant impact on the amenities of these occupiers, since these occupiers would continue to be served by a relatively

spacious rear garden, which would remain largely unaffected by this proposal. Thus, the overbearing and loss of light impact resulting from this proposal would not warrant the refusal of the application.

With regards to the loss of privacy, the fenestration arrangement has been considered and it is noted that a new first floor window would be sited on the side elevation adjacent to the neighbouring property (99 Brecon Road). This however would be serving a landing area and could be conditioned as part of any planning permission to be fitted with obscure glazing, which would prevent any direct overlooking into the neighbouring rear garden. As such, it would not have any impact on the amenities of this adjoining plot in terms of the potential loss of privacy. Whilst a new first floor window, to serve the master bedroom, is also proposed on the southeast side elevation, it would be facing the vacant parcel of land which also lies under the applicant's ownership. Thus, the proposed first floor southeast facing window is therefore considered acceptable in this instance.

As a result, the relationship between the proposed dwellings and the existing neighbouring dwelling, 99 Brecon Road, would be considered acceptable and the proposal would therefore comply with LDP Policy SW11.

Ecology

The application site constitutes previously disturbed brownfield land, which has been vacant for some time. As such, the Council's Ecology Officer has not requested any survey work. However, enhancement works in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' has been requested which includes the installation of two single integrated bat boxes near the apex of the gable end of each of the dwellings. These works would therefore be requested by condition as part of any planning permission granted. The proposal would therefore accord with LDP Policy EnW1.

Parking and Highway safety

The proposed dwellings would each be served by two on-site parking spaces, which would be located to the rear of the property, which would be accessed off the rear lane. It is noted that the use of the parking spaces would involve reversing movements into the rear lane. It is also noted that the rear lane would be widened from its narrowest point of 3.2 metres to a maximum width of 6.3 metres. The proposed car parking layout and the widening of the lane have been considered by the Head of Engineering and Highways and no objections have been raised. The proposed development would therefore not give rise to any adverse highway/pedestrian safety concerns and would comply with LDP Policy SW11.

CONCLUSION

For the reasons set out above the proposed development is considered to be acceptable and complies with the relevant LDP policies.

Finally, 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:

- Title: Site Plan and Street Scene, Drwg no: BREC RD PLAN v16C, received: 24th August 2023;
- Title: Plans and Elevations, Drwg no: BREC RD PLAN v20, received: 24th August 2023;

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

3. **Prior to the commencement of development**, a plan indicating the design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved, before the occupation of the dwelling.

Reason - To ensure that the new development will be visually attractive and in the interest of residential amenity in accordance with Policy SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **Prior to the commencement of development**, a plan indicating the positions, dimensions, design and type of solar panels to be erected on the front roof slope, shall be submitted to and approved by the local planning authority. The solar panels shall be completed in accordance with the approved details prior to the occupation of the dwellings.

Reason - To ensure that the new development will be visually attractive in accordance with Policies SW11 and CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the occupation of the dwellings hereby approved, details of a bat box and its siting near the apex of each of the gable ends of the proposed dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The bat box shall be erected in accordance with the approved details prior to the occupation of the dwelling.

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

6. Prior to the occupation of the dwellings, the first floor landing window to the northwest side elevation (adjacent to 99 Brecon Road), (as illustrated on Drwg no: Brec

Rd Plan v20) shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The window 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.

7. 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 Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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 enlargements, improvements or other any other alterations, shall be carried out to the dwelling 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. 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.

10. 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.

11. The car parking areas at the rear of the properties, as indicated on Drwg no: Brec Rd Plan v16C, shall be completed in accordance with the approved details prior to the occupation of the dwellings and shall remain available for their designated use in perpetuity.

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

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 14.09.2023

PP