

DELEGATED REPORT

Application No:	P/23/0087
Site Address:	Land Adjacent To 6 Brynseion Street Troedyrhiw Merthyr Tydfil
Development:	Erect two dwellings
Case Officer:	Marlene Ferreira
Site Visit:	20th April 2023
Application Expiry Date:	6th July 2023
Consultation reply date expired:	27th April 2023

APPLICATION SITE

The application site relates to a triangular shaped parcel of land located adjacent to (northwest of) 6 Brynseion Street. It is bound to the southeast by a terrace of three properties, to the east by Brynseion Street and to the north and west by an adopted rear lane. The land historically included residential properties but has more recently consisted of an open grassed embankment. It slopes down steeply from the northeast (Brynseion Street) to the southwest (rear adopted lane). A hardstanding area, previously used for the parking of vehicles (approximately 6/7 cars), forms part of the western boundary of the site. It should be noted that the site has been partly excavated and is now enclosed by metal fencing. However, work on the construction of the proposed dwellings does not appear to have commenced.

The application site lies within the settlement boundary, as designated within the Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031.

PROPOSED DEVELOPMENT

This application seeks full planning permission to construct a pair of semi-detached dwellings. The dwellings would be two storey where they front Brynseion Street and three storey to the rear due to the change in levels. Each dwelling would measure approximately 5.8 metres wide, 8 metres deep and have a maximum height of 10.1 metres. Each dwelling would have a kitchen/diner and bathroom at basement level, a study, living room and WC at ground floor, and three bedrooms and a bathroom at first floor. The dwellings would be finished with rendered elevations, artificial slate roof and UPVc windows.

The proposed dwellings would be detached from the existing row of terraced properties (6-8 Brynseion Street). Each of the dwellings would be stepped to follow the topography of the street. The rear gardens would be enclosed by a brick wall with timber fencing on top,

positioned between brick piers. Each dwelling would be served by two on-site parking spaces, which would be accessed off the rear lane. The rear lane would be widened from 2.7 metres to a minimum of 3.6 metres. A set of steps and small grassed area would be provided between the existing terrace and the new dwellings, which would provide access from Brynseion Street to the rear lane. Part of the site would remain undeveloped and would be retained as a communal grassed area.

This application is almost identical to a previous application, P/16/0205, granted in 2017, for which planning permission has now lapsed.

PLANNING HISTORY

P/16/0205 – Construct two dwellings with on-site parking - Approved: 20th September 2017

P/16/0098 – Erection of three dwellings with on-site parking and amenity space – Refused: 27th May 2016

Reasons:

- 1. The proposed dwellings, by virtue of their inappropriate scale, design and siting, would represent a visually intrusive and incongruous form of development detrimental to the character and appearance of the street scene. The proposed development therefore fails to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
- 2. The proposed dwellings would not be served by adequate on-site car parking which would result in an increase to on-street parking to the detriment of highway safety. The proposal would therefore fail to accord with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2021.*

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, subject to conditions.
Welsh Water	No objection, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining occupiers and two site

notices were displayed within the vicinity of the site. A total of three letters of objections were received, which raised the following concerns:

- The lane at the rear of the site is narrow and there is little parking provision in the area. This development would result in the loss of the open paved area at the rear and having another two dwellings, although each would be served by two spaces, would result in more vehicles being parked on pavements and congestion in the area, causing a hazard to pedestrian and highway safety. It would also prevent anyone else from parking on the block paved area and restrict access for any ambulances/fire service vehicles in the event of an emergency;
- The construction of these dwellings would result in the loss of privacy to the rear garden serving my property, as the dwellings would look down onto my property and garden area;
- The new dwellings would remove any existing views to the rear of my property;
- There is a lot of development currently ongoing and this proposal, if approved, would cause further noise and disturbance to our property;
- The grassed area was previously an area used for playing by children. This should be retained for such purposes.

Members were notified in respect of the objections received to this application, but have not requested that the proposal be considered at planning committee. As such, the application falls to be determined, under delegated powers by the Director of Neighbourhood Services.

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 4 – Supporting Rural Communities

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 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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

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 18: Transport (2007) – This TAN provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

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 SW9 - Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)
Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)
Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)
Supplementary Planning Guidance Note 5: Nature and Development (May 2015)

- Other Guidance

CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the principle of residential development at this site is acceptable. This proposal must also be assessed with regards to its impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principal of Development

The application site is located within the settlement boundary - Other Growth Area. LDP Policy SW4 supports new development in this area provided that it is compatible with other relevant plan policies and material planning considerations. It is therefore considered that residential development in this location is considered acceptable in principle and would comply with Policy SW4. Indeed, as discussed above, a previous application, P/16/0205, was granted planning permissions in 2017 for a very similar form of development.

Character and Appearance

The application site is surrounded by properties which vary in terms of their design, age, and size. However, it is the row of three terraced dwellings along Brynseion Street which have the closest relationship with the application site. This row consists of traditional two-storey terraced properties (three-storey to the rear) which form a consistent building line sited hard up to the pavement along Brynseion Street. They are stepped to follow the gradient of the road and have a pebble dashed finish with white UPVc windows and doors. These properties in terms of their form are largely unaltered, with only one dwelling having been extended by means of a rear, single storey, flat roof addition.

The proposed pair of semi-detached dwellings have been designed to reflect the character and appearance of this adjacent terrace and therefore echo a similar scale and roof pitch, with rendered elevations and a simple fenestration arrangement. This proposal would therefore sit comfortably in the street scene without causing significant harm to the character or appearance of the area. An area of open/communal space has also been retained to soften the impact of the proposal and ensure the land would not be overdeveloped. The proposed rear and side boundary treatments would provide appropriate enclosures acceptable within this context. As such, the proposed development would result in a sympathetic development which would be compatible with character and appearance the local area. Thus, it would accord with LDP Policy SW11.

Residential Amenity

Given the siting of the dwellings and their relationship with surrounding properties, the main impact in terms of overlooking would be from the rear ground floor lounge windows and rear first floor bedroom windows. These windows would be located at least 12 metres away from the rear boundaries of the properties in Ash Villas and in excess of 21 metres away from any habitable windows serving these properties. As such, there would be no significant loss of amenity to these occupiers by virtue of overlooking into these properties. Likewise, given the acute angle between the windows that would serve the new dwellings and those serving 6 Brynseion Street and 4 Zion Close, there would not be significant overlooking into these properties. Whilst some overlooking would result to the rear garden areas of these dwellings, this relationship is already prevalent in the area, and as such, this proposal would not be considered any more harmful when compared to the overlooking already achieved from the rear windows between the existing dwellings along Brynseion Street and the neighbouring dwelling's along Ash Villa and Zion Close. In terms of overbearing and loss of light impact, the proposals distance from neighbouring dwellings combined with their siting and the fact that the proposal would be constructed adjacent to the gable end of 6 Brynseion Street, would ensure that this impact would not be significant.

As such, whilst the proposed dwellings would be 0.3 metres deeper than those previously approved under planning permission P/16/0205, this would not be a significant change in the scale of the properties. Thus, the relationship of the proposed dwellings with the neighbouring properties would not result in an unneighbourly form of development. Instead, this proposal would be considered acceptable and would accord with LDP Policy SW11.

Ecology

The application site, as noted above, has been partly excavated and as such, an ecological survey has not been requested. However, in line with the Environment (Wales) Act 2016 and Welsh Government Circular 'Securing Biodiversity Enhancements' the Council's Ecologist has requested ecological enhancements be provided. These would comprise of a 10 year management and maintenance plan in respect of the open space/communal grassed area, as well as the erection of 1 bat box and 1 bird box. Whilst the details of the bat and bird box has been included in the application plans, the 10 year management and maintenance plan can be secured by condition. The proposed development would therefore comply with LDP Policy EnW1.

Parking and Highway Safety

The current proposal includes two off-street car parking spaces per dwelling (i.e. 4 spaces). The layout plan also illustrates that part of the land would be used to widen the adopted lane from 2.7 metres to a minimum of 3.6 metres. It is considered that the amount of off-street car parking provided is sufficient for dwellings of this size and the proposed changes to the rear lane would ensure adequate turning facilities are provided. It is acknowledged that the Head of Engineering and Highways has not raised an objection to the proposed development and considers it acceptable in terms of highway safety. The proposal would therefore accord with LDP Policy SW11.

The concerns raised by local residents with regard to the loss of the existing parking spaces are fully appreciated. However, the applicant also owns the hardstanding area at

the rear and can therefore prevent neighbouring residents from parking on this land. Thus, the loss of these spaces and the subsequent impact on surrounding on-street parking and highway safety cannot be a reason for refusing this application. Furthermore, residents have stated that the proposal would restrict the use of the lane for emergency and other vehicles. However, it should be noted, as previously discussed that part of the site would be used for the widening of the lane, which would subsequently improve manoeuvring/access along the adopted rear lane. This is recognised by the Head of Engineering and Highways who has raised highway safety concerns.

Response to Representations

In respect of the other concerns raised by the objectors, these have been considered below:

- The blocking of an access to a property/garage or illegal parking is a matter for the police and cannot be controlled by the Local Planning Authority;
- The loss of views or property value as a result of a development is not a material planning consideration;
- Part of the site would be retained as an open/communal space, and as such, children will be able to continue to play in this area.

Planning Obligations

LDP Policy SW9 sets out the requirements for planning obligations. Given that the proposal is for 2 dwellings, onsite provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought.

CONCLUSION

The proposed development, for the reasons discussed above, is acceptable and should therefore be approved.

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.

RECOMMENDATIONS: 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:

- Drawing no: 941.02, Floor plans and site plan, received 11th May 2023;
- Drawing no: 941.03, Sections and Elevations, received: 11th May 2023.

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

3. **Prior to the construction of the dwellings** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings and boundary enclosures 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 area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

4. **No development shall take place** until full engineering details and sections, including structural calculations and 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 Local Development Plan.

5. **No development shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a 10 year landscape management and maintenance plan. The plan shall be focussed on the open/communal space and all species will be native (including the grass seed mix, which should also include wild flower species) and of local (if not UK) provenance. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity, to accord with Policy SW11 and EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscape management and maintenance 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 biodiversity and to accord with Policies SW11 and EnW1 of the Merthyr Tydfil 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. **Prior to the occupation the dwellings**, hereby approved, the car parking spaces and widening/improvements of the rear lane shall be completed (and available for use) in accordance with the approved Drawing no: 941.02, Floor Plans and Site Plan, received 11th May 2023. The car parking spaces and road widening/improvements shall be retained for their intended purpose thereafter.

Reason - To ensure the access/parking/turning requirements of the development are adequately met at all times in the interest of highway and pedestrian safety and to ensure compliance with policies SW11 of the Merthyr Tydfil Replacement Local Development Plan.

9. The area highlighted as 'Communal Grassed Area' on approved Drawing no: 941.02, Floor Plans and Site Plan, received 11th May 2023, shall only be used as open-space and shall not be incorporated within the curtilage of the residential plots or used for residential purposes.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and biodiversity in accordance with LDP Policies SW11 and EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

10. Notwithstanding the provisions of Schedule 2, Part 1, Class A, B, C, D and E and Part 2, 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 extensions, outbuildings, other alterations, walls, gates, fences or other means of enclosure shall be erected or carried out other than what is expressly authorised by this permission.

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

11. Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1400 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 Policy SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 30.06.2023