

**Application No.**  
P/16/0127

**Date**  
5th April 2016

**Determining Authority**  
MTCBC

**Proposed Development**

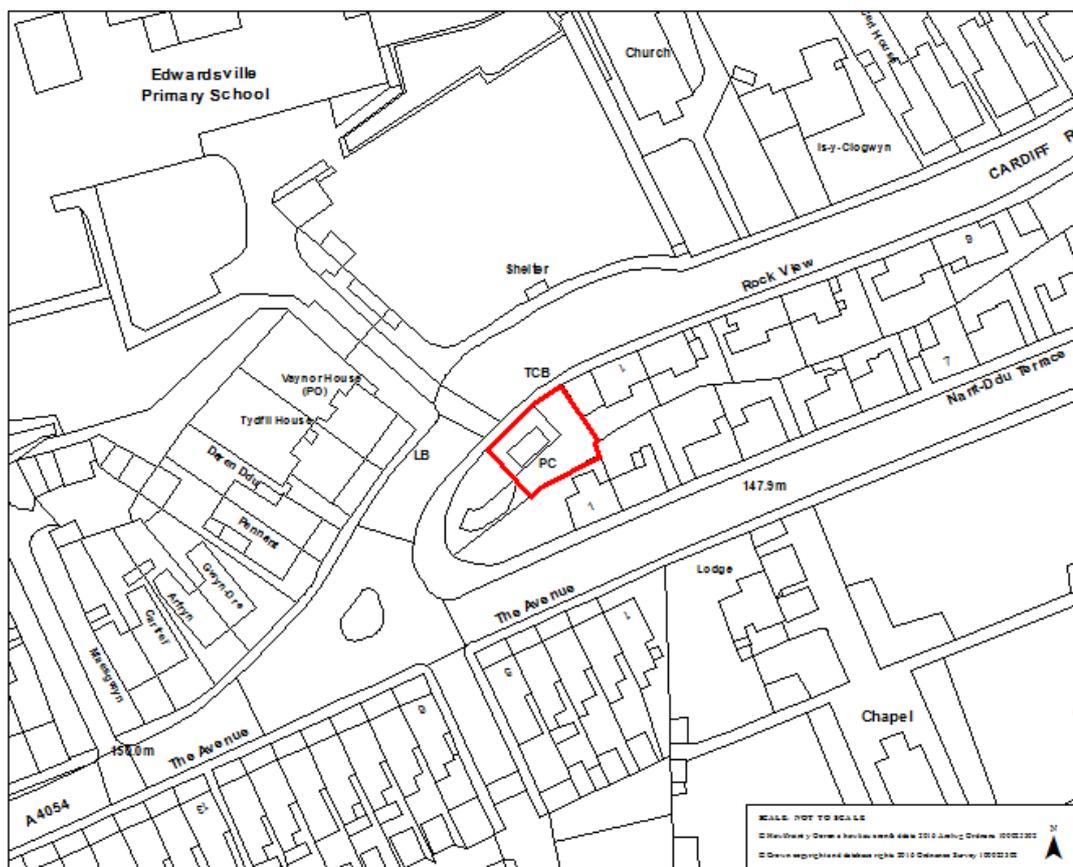
**Location**

**Name & Address of Applicant/Agent**

Demolition of former public toilet building and erection of a two storey detached dwelling

Former Public Toilets  
Cardiff Road  
Edwardsville  
Merthyr Tydfil

Mrs Thelma Palmer  
c/o JonesBattye Chartered  
Surveyors  
F.a.o. Mr G Avon  
3 Victoria Square  
Aberdare  
Rhondda Cynon Taf



Councillors Richard Thomas and Kate Moran have requested that this application be reported to Committee due to highway and pedestrian safety concerns.

**APPLICATION SITE**

The application site relates to an irregular shaped plot of land measuring approximately 190m<sup>2</sup>, located off Cardiff Road (B4254), a main road through Edwardsville, leading to Treharris. The land currently consists of a derelict building which is set back from the pavement and was formerly used as public toilets. The building, which measures just under 30 square metres, is in a poor state of repair and appears to have been redundant for a significant period of time. The remainder of the application site is mostly grassed.

The immediate surrounding area mostly consists of two-storey dwellings. To the east the site is bound by two storey semi-detached properties with front gable roof features, to the south by two storey semi-detached properties, some which have had rear two-storey extensions, to the west by an open grassed area and to the north by Cardiff Road (B4254). Beyond the highway and to the north is Edwardsville Primary School. Immediately adjacent to the site there is a bus stop and yellow 'School-Keep-Clear' zig zag lines. On the opposite side of the road, outside the primary school, there is a fairly large double bus stop lay-by and the school access driveway. The site is also located approximately 27 metres to the north east of the junction with the A5054.

The application site lies within the settlement boundary – Secondary Growth Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

## PROPOSED DEVELOPMENT

This application seeks full planning permission for the construction of a two-storey detached dwelling. The 'L' shaped three bedroom property would have a lounge, kitchen, bathroom, study area and attached garage at ground floor and three bedrooms and a shower room at first floor. A driveway would be provided alongside the garage. The property would have a maximum width of 11.2 metres (including garage) and maximum depth of 6.75 metres. It would have a maximum height of 6.7 metres.

The dwelling would be finished with smooth render to the first floor elevations and blue pennant sandstone to the ground floor elevations, brick quoin (painted white) window and door surrounds (on the ground floor front elevation), UPVc double glazed windows and artificial slate roof tiles.

## PLANNING HISTORY

The Council's records do not indicate any other planning history for this site.

## CONSULTATION

Engineering and Traffic Group Leader

Objection raised '*...the proposed development would generate vehicular reversing movements to and from the highway creating traffic hazards to the detriment of highway safety...*'

Town Planning Division's Policy and Implementation Officer

No objection.

Town Planning Division's Design, Heritage and Conservation Officer

No objection.

Environmental Health

No objection.

Welsh Water/ Dwr Cymru

No objection.

Wales and West Utilities

No objection.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to adjacent and nearby properties and two site notices were displayed within the vicinity of the site. Two letters of representation have been received as a result of this consultation and the concerns raised have been summarised below:

- the ground surrounding the public toilets is unstable and the retaining wall (at 1 Nant Ddu Terrace) has been renewed on two occasions due to excessive cracking and movement. On wet days the water pours through the cracks in this rear wall and floods the garden. This is likely to give rise to future problems;
- consideration should be given to the construction of the footings;
- the rear window due to the elevated position of the plot would look into the living room and dining room windows at 1, Nant Ddu Terrace, due to the significantly elevated position of the plot;
- due to the difference in levels there would be direct overlooking into the garden area of 1, Nant Ddu Terrace.
- The proposed dwelling would be built directly opposite the primary school. On the highway there are double yellow zig-zag and 'school access' lines painted. With off road parking proposed, the manoeuvring of vehicles on and off the driveway would cause severe hazards, due to the close proximity of a bus stop and split island junction, during busy school times. The roads in and around the school often have vehicles double parked on both sides of the road with many hazards for parents and children to overcome. Reversing movements during these peak times would be detrimental to highway safety and may cause a serious accident.
- the proposed dwelling would have an oppressive and overbearing presence. It will greatly reduce sunlight and overshadow the main habitable rooms of 1 Nant Ddu Terrace, such as kitchen and living room, as well the rear garden area;

## POLICY CONTEXT

- Planning Policy Wales, 8<sup>th</sup> Edition (January 2016)

Sections 4.11.9 – 4.11.12 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Regard should be given to the appropriate scale, appearance, landscaping and quality of building design and should also be accessible for all.

Section 8.7.1 sets out the criterion that should be considered where transport implications may occur, such as impacts on local travel demand, public transport provision, accessibility and highway safety.

Sections 9.3.1 – 9.3.4 highlights that new housing schemes should be well integrated with and connect to the existing patterns of settlements. Sensitive infilling of small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local

needs, may be acceptable, though much will depend upon the character of the surroundings. In determining applications for new housing, particular regard shall be given to the area's character, amenity and density. High quality design and landscaping standards are also important.

- Technical Advice Notes

TAN 12 – Design 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.

Local Planning Policy

- The Adopted Merthyr Tydfil Local Development Plan (LDP) 2006-2021:

- |             |  |
|-------------|--|
| Policy BW2  | - Development strategy – secondary growth areas.         |
| Policy BW4  | - Settlement boundaries / locational constraints.        |
| Policy BW7  | - Sustainable design and place making.                   |
| Policy BW8  | - Development and the water environment.                 |
| Policy BW12 | - Development proposals and transport.                   |
| Policy BW17 | - Securing community infrastructure benefits.            |
| Policy AS4  | - Historic landscape.                                    |
| Policy AS22 | - Affordable housing contributions.                      |
| Policy TB11 | - Access, parking and accessibility of local facilities. |

- Supplementary Planning Guidance

Supplementary Planning Guidance Note 1: Affordable Housing (March 2012)  
Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)  
Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

- Other Guidance

CSS Wales – Wales Parking Standards 2008

**PLANNING CONSIDERATIONS**

The application site lies within the settlement boundary. LDP Policy BW4 supports development in this location provided that it is compatible with other relevant plan policies and material planning considerations. It is therefore considered that residential development in this location would be acceptable in principle, subject to it satisfying the criteria set out in other relevant LDP policies and national planning guidance.

Notwithstanding the fact that the development is considered acceptable in principle, there are other site specific matters which require consideration. The main considerations in the assessment of this application relate to whether the proposal would be acceptable with regards to its impact upon the character and appearance of the area, the amenity of neighbouring residents, parking and highway/pedestrian safety.

## Character and Appearance

The application site, as referred to above, lies adjacent to a row of semi-detached properties. Although, there are other detached dwellings located near the application site it is the row of semi-detached dwellings along Rock View, Cardiff Road (B4254), which have the closest relationship with the application site. This row of semi-detached dwellings forms a consistent building line and is sited hard up to the pavement. Their frontages, with regards to fenestration arrangement and finishes, remain consistent between each semi-detached pair and include brown concrete or slate roof tiles, render and blue pennant stone front elevations and UPVc windows. The properties in terms of their form also appear to be largely unaltered. These properties therefore represent a consistent form of development along this part of Cardiff Road (B4254).

The proposed dwelling, in terms of its design and scale, would reflect the appearance of the existing properties along this part of the street. The dwelling would follow the contours of the site and would be sited close to the pavement in order to reflect the building line of the existing dwellings. The design of the dwelling, particularly in terms of its primary façade design and external finishes would be sympathetic to the character and appearance of the adjoining properties and the remaining street scene along Cardiff Road (B4254). The proposal would also enhance the character and appearance of the area by removing a visually unattractive and prominent redundant building from this site.

As such, the proposed dwelling, in terms of its scale, siting and design, would not be disproportionate or result in over development of this site. It is therefore considered to relate sympathetically to the context of the existing street scene. The proposal would therefore result in an acceptable form of development in this location, in compliance with Policy BW7 of the LDP.

## Residential Amenity

The dwelling would be located to the west of 1, Rock View, Cardiff Road and to the north of 1, Nant Ddu Terrace, Cardiff Road. It is considered that the proposal would have the greatest impact on the occupiers of 1, Nant Ddu Terrace.

The rear elevation would face 1, Nant Ddu Terrace. It is noted that the proposed dwelling would sit in an elevated position and its ground floor would therefore be higher than that of 1, Nant Ddu Terrace. However, it should also be noted that the proposed dwelling would be located 5 metres from the dividing boundary with this neighbouring dwelling and approximately 6.4 metres from its rear elevation (at its closest point). In addition, the dwelling would only be 0.9 metres closer to this neighbouring dwelling than the public toilets which it would replace. The rear elevation of the proposed dwelling would not have any first floor windows directly facing this neighbouring property. The ground floor rear elevation would only consist of one window. This would serve the downstairs bathroom and could be conditioned to be fitted with obscure glazing as part of any planning permission. It should also be noted that the new dwelling would be located to the north of 1, Nant Ddu Terrace. In this respect, given that the sun rises in the east and sets in the west, the proposed dwelling, although a two-storey development, would not cause a significant loss of light or overshadowing to this neighbouring property.

In terms of the overbearing impact, the proposed dwelling, as noted above, would be located 5 metres from the dividing boundary and a total of 6.4 metres from the neighbouring dwelling's rear elevation. Although a two-storey development would replace the single storey former public toilet, the dwelling would only be 2.25 metres higher than the existing public toilet building. In addition, there is only 1 very small window in the rear first floor elevation of 1, Nant Ddu Terrace. There are windows in the ground floor rear elevation however, these as a result of the ground level are already somewhat obscured and overshadowed by the fencing on top of an existing boundary retaining wall. The main garden area of 1, Nant Ddu Terrace, given its location to the west side of this property, would not be greatly impacted by the proposed development. For these reasons, the relationship between the proposed dwelling and 1, Nant Ddu would be considered acceptable. Thus, the proposal would not be considered to have such a harmful overbearing impact on occupiers of this dwelling to warrant a refusal on such grounds.

The proposed development does have some potential to result in overlooking to 1, Nant Ddu from the proposed rear garden. However, the garden areas and property itself are already overlooked from existing public areas to the north, south and west. Indeed, it could be argued that a suitably designed boundary treatment for the proposed development (secured by a relevant planning condition) could reduce overlooking to part of this property.

The side elevation of the dwelling would face the side elevation of 1, Rock View, Cardiff Road. This elevation would not have any side facing windows. This would ensure that the amenities of this neighbouring dwelling are safeguarded as a result of this development. Given the presence of an attached garage to the side of 1, Rock View there would be limited loss of light and overbearing impact from the proposed development on this property, particularly as it is located over 4 metres from the proposed dwelling.

It is therefore considered that the relationship of the proposed dwelling with the adjacent/adjoining occupiers would not result in an oppressive or un-neighbourly form of development. Thus, the proposal is considered to have been sensitively designed to respect the amenities of residents and would therefore comply with LDP Policy BW7.

### Parking and Highway Safety

In considering the adopted parking guidelines (CSS Wales Parking Standards 2008), the proposed dwelling is likely to require 4 parking spaces, based on one parking space per bedroom, and at least one visitor space per dwelling. The layout plan indicates that a garage and driveway would be provided to the side of the property. As noted above, the garage and driveway would be accessed off Cardiff Road (B4254) and located in close proximity to bus stops, yellow zig zag lines, the school access driveway and a busy junction.

The Engineering and Traffic Group Leader has considered the location of the new dwelling and its associated garage and driveway. Although the number of off-street parking spaces (2) is considered acceptable in this sustainable location, which lies in close proximity to alternative modes of transport (given its proximity to bus stops) and is sited within walking distance of public services, the Engineering and Traffic Group Leader has objected to the application due to the unavoidable and unsafe reversing movements that would take place in order to enter/exit these spaces. These highway safety concerns are exacerbated by the significant increase in vehicle and pedestrian movements and associated activities that take

place during times of the day when children are being dropped off and picked up from school. When these significant increases in activities are combined with the fact that bus stops are located outside and opposite the site and a busy junction is within close proximity, there would undoubtedly be a significant risk to road users as a result of vehicular movements in and out of the application site. The Engineering and Traffic Group Leader has therefore raised an objection to the proposed as it fails to comply with LDP Policies BW12 and TB11.

### Planning Obligations

In this instance no planning obligations for the provision of affordable housing or any other contributions have been sought, as this would likely render the development financially unviable. In order to come to this conclusion, an assessment has been carried out using the default values in the Three Dragons Toolkit.

### Response to Representations

Some of the concerns raised by the objectors have been considered above. With regards to other issues highlighted:

- A land stability and structural report could be requested prior to the commencement of development on-site. This, along with the design of the footings for the proposed dwelling, would be assessed under Building Regulations;
- Any damage to third party properties would be a civil matter between the site owner/developer and the third party in question.

### Conclusion

As a result, it is considered that the proposed dwelling would be an acceptable form of development which would not detract from the character and appearance of the street scene or wider area and would not cause significant harm upon the amenities of nearby occupiers. However, the parking arrangement proposed to serve the dwelling, which would involve reversing movements in or out of the site, located off a main road, near a busy junction, opposite two designated bus stops and the entrance road into the school, would result in combined and conflicting highway activities which would significantly increase risk to other users of the road. The proposed development would therefore be detrimental to highway and pedestrian safety and fail to accord with LDP Policies BW12 and TB11. Accordingly, the following recommendation is made:

### **RECOMMENDATION: BE REFUSED**

1. The proposed development, due to its siting in close proximity to a primary school, busy main highway junction and bus stops, would result in conflict between the vehicular reversing movements from the proposed parking spaces and the volume of traffic and associated movements in the immediate area. This would be detrimental to highway and pedestrian safety and thus fails to accord with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2021.
-