

Application No.
P/15/0110

Date
13th April 2015

Determining Authority
MTCBC

Proposed Development

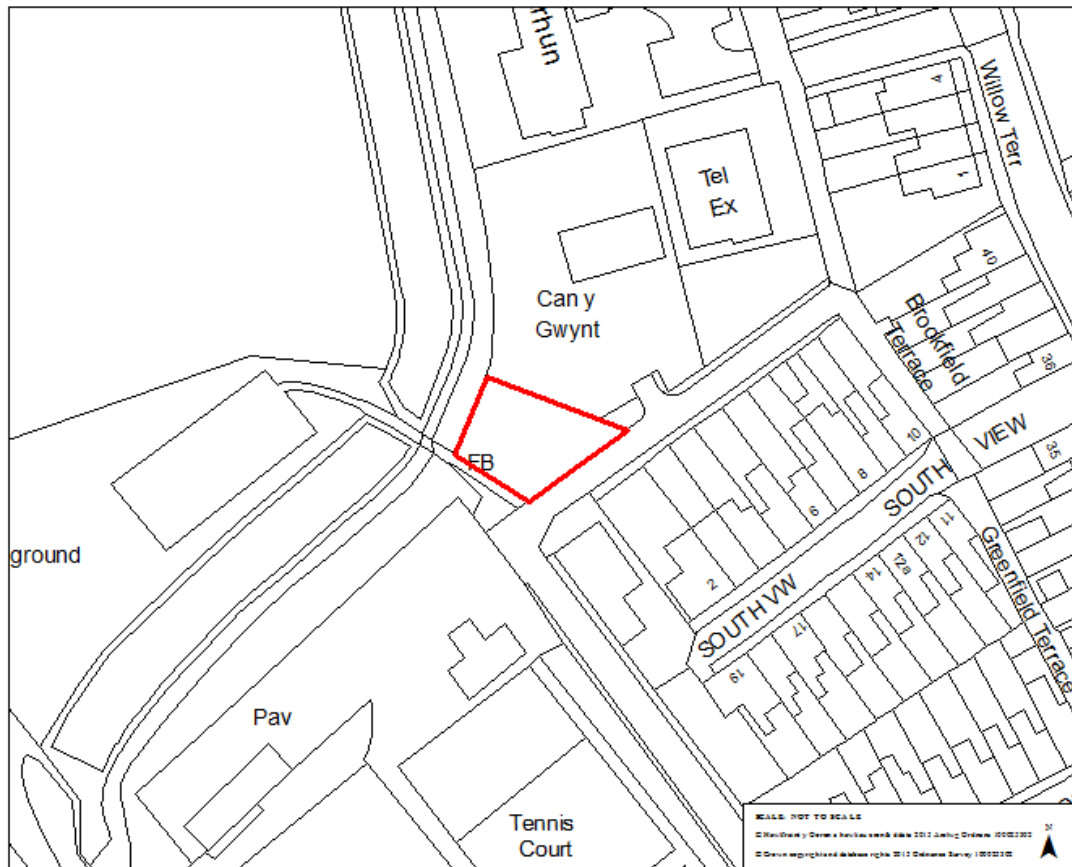
Location

Name & Address of Applicant/Agent

Erection of dormer bungalow

Land Adjacent To Can-y-Gwynt
South View
Troedyrhiw
Merthyr Tydfil

Mr B Jones
c/o Drawing And
Surveying Services
3 Thornbury Close
Clwydyfagwr
Merthyr Tydfil CF48 1HP



APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.041 hectares with a maximum width of 17.4m and a maximum depth of 25.2m. The site is bound to the north-east by a residential property (Can-Y-Gwynt). To the north-west is a water course and beyond is a playing field. To the south-west is a footpath and footbridge crossing over the water course. To the south-east of the site is an access lane which adjoins the rear garden areas of nearby properties along South View.

The application site is generally flat with the majority of the land surfaced in loose stone chippings. A raised embankment forming part of a flood defence is located in the north-westerly part of the site and spans the full width of the site.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a detached dormer bungalow measuring 8.85m wide by 7.8m deep and 6.1m high with a pitched roof. The bungalow would be located within a central position of the site and orientated with a frontage onto the adjoining access lane. Details of the external wall finishes have not been provided, however the roof would be covered with concrete tiles.

Access into the site would be from the adjoining lane with provision for 2 parking spaces accommodated on a driveway. A landscaping scheme has not been submitted as part of this application. Retaining works are proposed to one side of the existing flood defence with a patio area provided on top.

Councillor Harvey Jones requested that this application be presented to the Planning and Regulatory Committee so that the potential flooding risks of the site can be fully considered.

PLANNING HISTORY

P/11/0338 - Erection of bungalow.

REFUSED permission on 30.04.2013 for the following reasons:

- *The proposed development, by virtue of its layout, scale and the constraints imposed by the existing bund, would result in a cramped and incongruous form of development that fails to respect the existing pattern of development. As such, the proposal would have an adverse impact on the character and appearance of the area contrary to Section 4.11 and 9.3 of Planning Policy Wales (5th Edition) and Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
- *The proposed bungalow, by virtue of its siting and finished floor level would give rise to an unacceptable level of overlooking to South View Bungalow. As such the proposal would result in a loss of residential amenity contrary to Section 9.3 of Planning Policy Wales (5th Edition) and Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
- *The proposed bungalow (highly vulnerable development) is inappropriately located entirely within a zone C2 flood risk area as defined by the Development Advice Map, referred to under TAN15: Development and Flood Risk. The submitted Flood Risk Assessment by 4M Development Services Limited (March 2012) fails to provide an adequate assessment and evidence to demonstrate that the consequences of flooding can be appropriately managed over the lifetime of the proposed*

development. The Flood Risk Assessment fails to appropriately consider access/egress routes from the site to flood-free areas during flooding events, fails to properly address third party impacts (flood flow routes) as a result of raising the ground levels and fails to address the consequences of blockages along the watercourse adjoining the application site. Therefore the proposed development is contrary to Section 13.4 of Planning Policy Wales (5th Edition), TAN15 and Policy BW8 of the Merthyr Tydfil Local Development Plan 2006-2021.

- The proposed development, by reason of its lack of a vehicle turning facility would give rise to reversing manoeuvres onto the access lane serving the site. This lack of turning area, together with the inappropriate parking layout, the narrow width of the carriageway and poor visibility (particularly at the blind corner to the south-west of the site) would create traffic hazards to the detriment of highway safety and the free flow of pedestrian and vehicular traffic. Therefore the proposed development is contrary to Policy BW12 and TB11 of the Merthyr Tydfil Local Development Plan 2006-2021.*

P/10/0277 - Change of use of land for parking, erection of retaining wall, perimeter fencing, access gates and associated re-profiling works.

Granted PERMISSION on 07.04.2011

CONSULTATION

Engineering & Highways
Manager

- No objection subject to a condition relating to surface water drainage.

Town Planning Division's
Policy & Implementation
Group Leader

- No objection.

Environmental Health Manager -

No objection subject to conditions relating to the construction hours, prevention of dust and contamination.

Natural Resources Wales (NRW) -

No objection subject to conditions relating to the finished floor level, surface water strategy and flood defence.

Welsh Water

- No objection subject to conditions relating to foul, surface water and land drainage.

Wales & West Utilities

- No objection.

Western Power Distribution

- No response.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order 2012, a letter was sent to an adjoining property on the 16th April 2015 and two site notices were displayed within the vicinity of the site on the 23rd April 2015.

As a result of this publicity exercise, one letter of objection was received raising the following concerns:

- There are existing problems with surface water drainage in the area with two unlined ponds in the garden area of Can-Y-Gwynt which are used to help address this issue.
- The position of the proposed soakaways would result in surface water permeating into the neighbouring property.
- The construction of a soakaway and the foundations of the proposed bungalow would cause damage to the roots of the existing trees.
- Connecting the foul drainage to the existing systems would cause disruption and damage to Can-Y-Gwynt.
- It is noted that the historical flooding in the area should not be discounted in the flood consequence report as the impacts on the area at the time were significant.
- Noted that the previous application was refused due to a lack of a vehicle turning facility within the site. Reversing movements from the site would raise highway safety concerns for other users of the lane in close proximity to a blind corner and near the entrance to Troedyrhiw car park.
- The use of non-permeable surfaces together with the footprint of the bungalow would greatly reduce the ability of the site to process water.
- The previous application was refused as the proposal would result in the loss of privacy to the existing bungalow opposite the site.
- Reference is made to previous alterations to the bund which is argued to have weakened its effectiveness.

POLICY CONTEXT

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

National Planning Policy

Planning Policy Wales, 7th Edition, July 2014

Chapter 4 – Planning for Sustainability

Para 4.11.9-4.11.12 set 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 the quality of building design, as well as its accessibility.

Chapter 5 – Conserving and Improving Natural Heritage and the Coast

Para 5.5.1-5.5.3 note that the impact a development proposal may have on wildlife or the landscape is an important consideration in determining applications. Where ever possible adverse effects on the environment should be avoided or acceptably minimised.

Chapter 8 - Transport

Para 8.7.1 set 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.

Chapter 9 - Housing

Para 9.3.1-9.3.4 highlight 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 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.

Chapter 13 – Minimising and Managing Environmental Risks and Pollution

Para 13.4.1-13.4.2 set out the criteria that should be taken into consideration when determining development proposals in areas defined as being of high flood hazard, as well as the need to consider the management of surface water drainage.

Technical Advice Notes (TAN):

TAN5: Nature Conservation and Planning, September 2009

TAN12: Design, July 2014

TAN 15: Development and Flood Risk, July 2004

TAN 18: Transport, March 2007

Local Planning Policy

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

- Policy BW3 - Development strategy – Other Growth Areas
- Policy BW4 - Settlement boundaries / location constraints
- Policy BW5 - Natural heritage
- Policy BW7 - Sustainable design and place making
- Policy BW8 - Development and the water environment
- Policy BW12 - Development proposals and transport
- Policy BW17 - Secure community infrastructure benefits
- Policy AS22 - Affordable housing contributions
- Policy TB11 - Access, parking and accessibility of local facilities

Other material considerations

SPG 1: Affordable Housing, March 2012
SPG 2: Planning Obligations, March 2012
SPG 4: Sustainable Design, July 2013
SPG 5: Nature and Development, May 2015
CSS Wales Parking Standards, 2008

PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement limits as defined by the LDP Proposals Map. As such, the proposal is supported by policy BW4 of the LDP. Furthermore, the site is located within an 'Other Growth Area' as defined by policy BW3, where development is limited to proposals that sustain the integrity and vitality of the existing settlements.

Given the residential nature of the surrounding area, it is considered that the proposed dormer bungalow is acceptable in principle and complies with policies BW3 and BW4 of the LDP, subject to its compliance with other relevant policies.

Design

The existing dwellings within the vicinity of the application site are predominantly traditional terraced properties. However there are two detached bungalows to the south and east of the site. Whilst the proposal would be located to the rear of existing properties, it would follow a similar arrangement to other nearby residential properties which are to the rear of the terraced properties (to the east) and are accessed by the same lane. As such, the siting and scale of the development is considered to be acceptable and would follow the existing pattern of development.

The external elevations of the proposed bungalow would have a simple arrangement of windows and doors with a small projecting gabled feature to the front elevation and two dormer windows in the rear roof plane. It is considered that the general design and appearance of the bungalow is acceptable and would not have an adverse impact on the character of the surrounding area.

It is acknowledged that the previous application P/11/0338 was refused (Reason 1) due to the inappropriate design of the scheme resulting in a cramped form of development. In this respect the width of the bungalow has been reduced to enable additional space for off-street parking and adequate private amenity space would be provided in a rear garden that does not compromise the integrity of the flood defence. The general layout of the proposed development is considered to be acceptable and would not result in a cramped form of development. Therefore the proposal complies with policy BW7 of the LDP.

Flooding

The application site lies within Flood Zone C2, as defined by the Development Advice Maps referred to in TAN15. These areas are often floodplains without significant flood defence

infrastructure and are generally not considered suitable for highly vulnerable development, such as new houses. In this instance, it is noted there is an existing flood defence in the form of a bund crossing the northern part of the site. A Flood Consequence Assessment (FCA) has been submitted in support of the application.

Para 13.4.1 of PPW sets out the criteria for assessing development proposals. It points out that where they are located in areas at risk to flooding they should only be permitted if, its location can be justified, would not result in an intensification of existing development that may already be at risk from flooding and would not increase the potential adverse impacts of a flood event. Policy BW8 of the LDP also indicates that built development should avoid identified floodplains, in order that these areas continue to fulfil their flood flow and water storage functions.

Whilst there are some concerns about potential flood risks, it is considered that the consequences of flooding can be appropriately mitigated as set out in Section 4.11 of the FCA. The mitigation measures mainly involve the raised finished floor level (139.10m AOD) of the bungalow and the use of temporary barriers that can be put in place to prevent water entering the property.

It is acknowledged that the proposed dwelling would intensify the existing residential use of the area by virtue of an additional dwelling to the rear of South View. However, Section 4.1.12-4.1.13 of the FCA indicates that the proposed development would have a negligible impact on adjacent infrastructure and neighbouring properties. As such, the proposed development would not increase the risks or impacts of flooding in the area. Nor would the development increase the potential adverse impacts of a flood event. It is noted in PPW (Para 13.4.3) that the advice of NRW should be given due weight in the determination of an application within a flood zone. In this instance, NRW have not raised any objection to the proposed dwelling or concerns with the intensification of residential use in the area.

TAN15 provides additional advice on assessing applications within Zone C2 flooding areas. Whilst, there is generally a presumption against residential (vulnerable) development within a C2 Zone, it states in Section 7.2 *'whether a development proposal should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature / type of development being proposed'*. It goes on to state *'that it would not be sensible for people to live in areas subject to flooding where timely flood warnings cannot be provided and where safe access/egress cannot be achieved'*.

It is considered that the FCA provides an adequate assessment of the risks of flooding and the mitigation measures are deemed to be appropriate. Section 4.14 of the FCA also highlights that there are a number of routes that can be utilised as a safe means of escape during a flooding event. Additionally, it is noted that NRW have a flood warning service which can give advanced notification of a potential flooding event in the area to help minimise the risks. It is acknowledged that both the Engineering and Highways Manager and NRW have not raised any objection to the proposed development. As such, the flooding concerns (reason 3) which resulted in the refusal of the previous application P/11/0338 have now been addressed and overcome.

Accordingly the proposed development is considered to comply with Section 13.4 of PPW and Policy BW8 of the LDP.

Amenities

When considering the potential impact of the development on the amenities of neighbouring occupiers, it should be noted that the finished floor levels of the bungalow would be raised 0.8m above the existing levels of the site to minimise the risks from flooding.

The proposed bungalow would be located approximately 22m away from Can-Y-Gwynt. The property would be largely screened from the development by existing trees along the north-eastern boundary of the site. As such, the proposal would not have a detrimental impact on the amenities of the occupiers of Can-Y-Gwynt.

The proposal would be located approximately 10m away from South View Bungalow and 6m from their rear boundary. Taking into account the siting, levels and orientation of the proposal, which would be at an acute angle to South View Bungalow, the development would not adversely impinge on the amenities of the occupiers of this property.

The proposed bungalow would be located at least 24m away from the terraced dwellings along South View. This is a sufficient distance to prevent any direct overlooking into these dwellings. The proposal would be situated 7m away from the rear garden wall serving No. 2 South View, which raises some concern with the potential for overlooking. However it is noted that there is a shed and planting within the garden area, adjacent to their rear garden wall which helps to minimise any overlooking impacts. In this respect it is noted that no objection has been raised by the local residents in respect of any impacts on their amenities.

Therefore, it is considered that the proposed bungalow would not have an adverse affect on the amenities of neighbouring occupiers in terms of overlooking or overbearing impacts. It is acknowledged that the previous application P/11/0338 was refused (Reason 2) due to overlooking to South View Bungalow. The siting and orientation of the bungalow has been revised so that the building is at a more acute angle to South View Bungalow, which addresses the potential overlooking concerns. In this respect it is noted that the residents of South View Bungalow have not raised any objection.

Therefore the proposal complies with policy BW7 of the LDP.

Highways

The means of access into the site is via a narrow lane which serves a number of nearby residential properties and a recreational facility. The previous application P/11/0338 was refused (reason 4) due to the poor parking arrangement within the site (with the parking spaces being at an acute angle to the lane), which compromised driver visibility.

The submitted plans illustrate two parking spaces located to the side of the bungalow. This would enable vehicles to reverse onto the lane, at an appropriate angle, to allow sufficient driver visibility. Furthermore, the driveway to the front of the bungalow can be utilised to aid such movements. It should be noted that the site already has planning permission (P/10/0277) to be used as private car park, which could accommodate more vehicles within the site than the proposal. Furthermore, the traffic generated by the two bedroom bungalow

is expected to be small and would not have an adverse affect on the free flow of traffic in the area.

It is considered that proposed development would not give rise to highway safety concerns and that the highway reason for the refusal of application P/11/0338 has been overcome. In this respect, it is acknowledged that the Engineering and Highways Manager has not raised any objection.

Therefore the proposal complies with policies BW12 and TB11 of the LDP.

Ecology

The application site is considered to be of limited ecological value and largely consists of a grassed embankment to the north-west of the site and a gravel area to the south-east, which is currently used for parking. It is noted that there are a number of trees along the north-east boundary of the site within the garden area of Can-Y-Gwynt. Taking into account the siting of the proposed bungalow, it is considered that these trees would not be adversely affected by the development of the site.

Therefore, the proposal complies with policy BW5 of the LDP.

Planning Obligations

The requirement for an affordable housing contribution or any other appropriate planning obligations has been assessed by the Town Planning Division's Policy and Implementation Group Leader. In this instance no such planning obligations have been sought as this would likely render the development financially unviable. This conclusion is based on an assessment carried out using the default values in the Three Dragons Toolkit.

Therefore, the proposed development complies with policies BW17 and AS22 of the LDP.

Representations

A number of concerns were raised as a result of the publicity exercise relating to surface water drainage and the construction of soakaways, flooding risks, access serving the site, impact on neighbours and the integrity of the existing flood defence.

It is acknowledged that NRW has reviewed the flooding concerns noted in the objection letter and has raised no objection to the proposed development. Furthermore, both the Engineering and Highways Manager and NRW have requested that a suitably worded condition should be imposed, on any permission, to ensure that a suitable surface water drainage scheme is provided for the development.

As highlighted above, the concerns relating to the means of access serving the site and the potential impact on neighbours have been overcome.

The future maintenance of the bund is the responsibility of the land owner. It is noted that the proposal seeks to reinforce the bund with a retaining wall to one side and a patio surface along the top. This would help maintain the function of the bund.

CONCLUSIONS

For the above reasons the proposed development is considered to be acceptable and complies with the relevant LDP policies. 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. **Prior to the construction of the bungalow** hereby approved details / samples of the materials to be used in the construction of the external surfaces of the bungalow 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 BW7 of the Merthyr Tydfil Local Development Plan.
3. **No development shall commence** until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the bungalow and retained in perpetuity.
Reason - To ensure adequate disposal of surface water drainage and reduce the risk of surface water flooding in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.
4. The finished floor level of the property shall be set at a level of 139.10m AOD in accordance with the mitigation measures set out in Section 4.11 of the Flood Consequence Assessment, March 2015 and the approved plans.
Reason - To ensure the built development is flood free during a predicted 1 in 100 year flood event, including an allowance for climate change.
5. **No development shall take place** until details, including structural calculations and facing materials of the proposed retaining wall adjoining the existing flood defence have been submitted to and approved in writing by the Local Planning Authority. The existing flood defence shall be maintained at a level not less than 139.43m AOD and the wall shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use. The flood defence and wall shall be retained in perpetuity.
Reason - To ensure the flood defence is maintained at an appropriate level and in the interest of safety and visual amenity in accordance with policies BW7 and BW8 of the Merthyr Tydfil Local Development Plan.
6. Prior to the occupation of the bungalow hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected

shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the bungalow is occupied.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

7. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

8. 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 bungalow 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 BW7 of the Merthyr Tydfil Local Development Plan.

9. Notwithstanding the provisions of schedule 2, part 1, class A and 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 extensions or buildings shall be erected.

Reason - To ensure the integrity and effectiveness of the existing flood defence is not compromised and in the interest of visual amenity in accordance with Policies BW7 and BW8 of the Merthyr Tydfil Local Development Plan.

10. Notwithstanding the provisions of schedule 2, 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 fences, gates or walls shall be erected within the curtilage of the bungalow forward of the principle elevation of that dwelling house.

Reason - To ensure that the means of access serving the bungalow is not impinged vehicle movements within the site in the interest of highway safety in accordance with Policy BW12 of the Merthyr Tydfil Local Development Plan.

INFORMATIVES

1. The applicant and future occupiers are advised to contact Natural Resources Wales on 0300 065 3000 in respect of signing up to a flood warning service
