

Application No.
P/15/0087

Date
13th August 2015

Determining Authority
MTCBC

Proposed Development

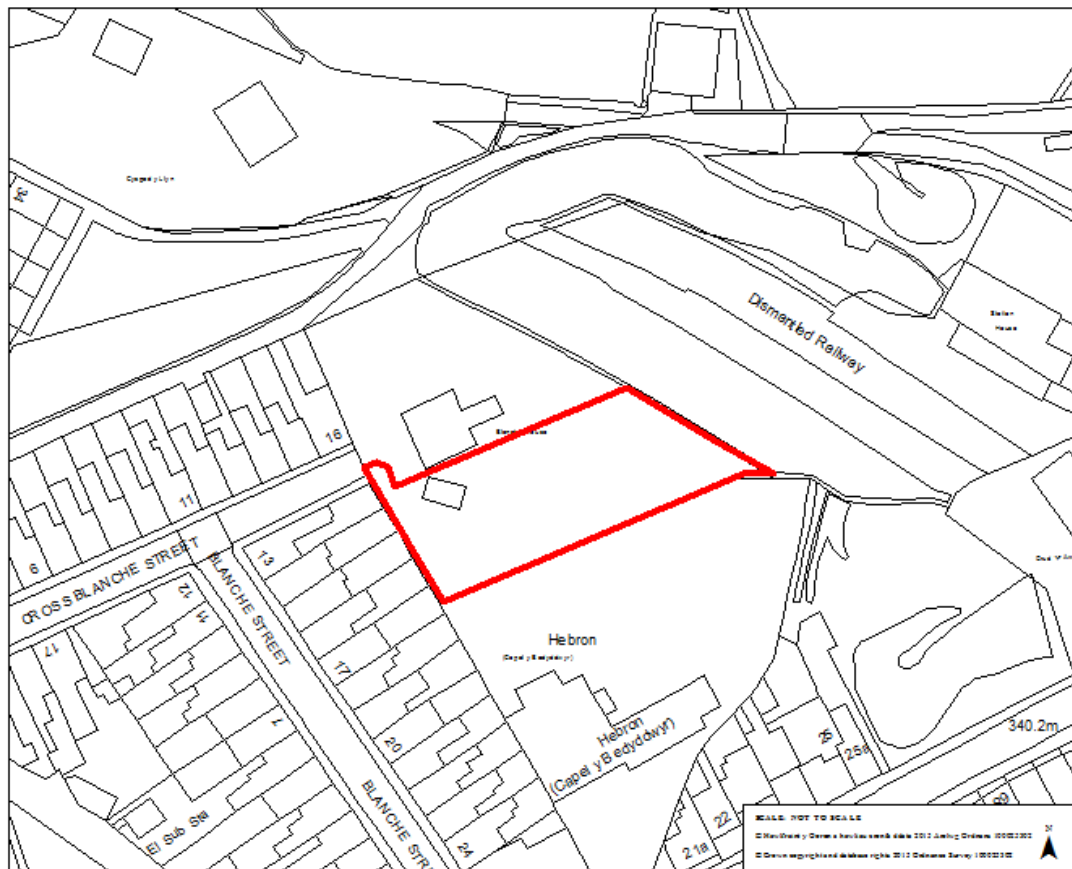
Location

Name & Address of Applicant/Agent

Erection of a dwelling

Blanche House
Blanche Street
Dowlais
Merthyr Tydfil

Mr K Bedford
c/o Mr Paul Thomas
Utopia Design
5 Amberton Place
Penydarren
Merthyr Tydfil



APPLICATION SITE

The application site is part of the generous garden of a large detached dwelling (Blanche House) located within the settlement of Dowlais. A number of mature trees, subject of a Tree Preservation Order (TPO), are present within the site. The site is bound by Cross Blanche Street and Blanche Street to the west, Blanche House to the north, a grassed embankment (which forms part of a historic railway) to the east and a church and its grounds to the south.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a detached dwelling. The means of access to the dwelling is to be considered under this application. Details relating to the

layout of the proposed development, the appearance and scale of the dwelling and the landscaping of the site have been reserved for future consideration i.e. the Reserved Matters.

In accordance with the legislative requirements for an outline planning application, an indicative site layout has been submitted suggesting the possible position of the proposed dwelling and the associated external areas. The plan illustrates a dwelling adjacent to, and to the south of, Blanche House. It would be accessed from Cross Blanche Street and via a shared private access within the curtilage of Blanche House. There would be sufficient space within the site for off-street parking.

The upper and lower scale limits have been set out in the submitted Design and Access Statement, which state the following:

- The minimum dimensions would be 10m wide by 8m deep and 8m high.
- The maximum dimensions would be 12m wide by 10m deep and 10m high.

PLANNING HISTORY

P/14/0349	Proposed residential development (Outline) Withdrawn 25/03/15
P/05/0678	Proposed dwelling (Outline) Refused 06/02/06
P/05/0637	Erection of single-storey rear extension Approved 12/01/06
P/98/0403	Reducing of garden levels, construction of garage block and single-storey study extension to rear of existing dwelling Approved 03/12/98
P/98/0050	Bilingual private day-care nursery operating Monday to Friday 8 a.m. to 6 p.m. Refused 16/04/98

CONSULTATION

Town Planning Division's Policy & Implementation Group Leader	-	No objection
Town Planning Division's Countryside Officer	-	No objection, subject to condition
Engineering and Highways Manager	-	No objection, subject to conditions
Corporate Property Manager	-	No objection
The Coal Authority	-	No objection, subject to conditions
Welsh Water	-	No objection, subject to conditions

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order 2012, letters were sent to nearby properties and 2 site notices were displayed within the vicinity of the site.

One letter of representation from the owner/occupiers of 13 Blanche Street and one letter with an eleven signature petition attached from a number of households in Blanche Street and Cross Blanche Street were received as a result of this publicity exercise. In summary, the main objections are:

1. The increased volume of traffic generated by this proposal would be detrimental to highway safety.
2. On-street parking at Blanche Street and Cross Blanche Street prevents the free movement of vehicles and restricts turning manoeuvres for vehicles.
3. The junction of Blanche Street and Cross Blanche Street is often congested and gridlocked, with considerable potential for accidents.
4. Cross Blanche Street and Blanche Street are used to access the lane to the rear of Muriel Terrace, which is a sub-standard highway. If the proposal were to be permitted, this issue would be exacerbated.
5. Traffic surveys should be undertaken to determine the traffic movements in the vicinity of the application site and whether the highways are at operating capacity.
6. Concerns relating to privacy, loss of light, amenity, green open space and biodiversity.

Councillor Phil Williams has requested that this application be reported to Committee due to concerns about the impact of the development on traffic and the highways.

POLICY CONTEXT

National Planning Policy

Planning Policy Wales (PPW) - Edition 7, July 2014

Paragraph 8.7.1 of PPW states that Local Planning Authorities '*...when determining a planning application for development that has transport implications...*' should consider the impact of the proposal on '*...the effects on the safety and convenience of other users of the transport network...*'

Paragraphs 9.3.1, 9.3.3 and 9.3.4 refers to new housing and states that '*...new housing developments should be well integrated and connected to the existing pattern of settlements.....insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or*

overshadowing...in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity...'

Technical Advice Note (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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

Technical Advice Note (TAN) 18: Transport provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

Local Planning Policy

The following policies contained within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 are relevant to the determination of this application:

- Policy BW4 - Settlement boundaries/location constraints
- Policy BW5 - Natural Heritage
- Policy BW6 - Townscape & built heritage
- 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 AS22 - Affordable housing contributions
- Policy TB11 - Access, parking and accessibility of local facilities

Supplementary Planning Guidance (SPG):

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

Other Guidance:

CSS Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The application site is situated within a residential area and is located within settlement limits as defined by the LDP Proposals Map. Therefore, the principle of developing the site for residential purposes is supported by Policy BW4 of the LDP.

Committee will note that a previous outline application (P/05/0678) for a dwelling at this site was refused in February 2006. The refusal reason stated:

"The proposed development would be contrary to Policy H2 of the Merthyr Tydfil Borough Local Plan as it constitutes a form of backland development being development sited behind existing established properties on a plot which has no recognised road frontage".

There has been a significant change in policy at both national and local level since this decision was issued. The emphasis of current policy is on the provision of good quality sustainable design which is appropriate to its local context. As stated above, the dwelling would be located in a sustainable location (i.e. within settlement limits) and would not harm the character or appearance of the surrounding area. Although located to the rear of dwellings in Blanche Street, it is considered that the site can accommodate an additional dwelling without harming the local context. The site is large enough to accommodate a dwelling and designed correctly it could be sympathetically incorporated into the surrounding area.

Matters relating to the layout, scale, appearance and landscaping of the proposed development have been reserved for future consideration. However, the indicative site layout illustrates the potential location of a single dwelling within the site.

As stated above the design of the proposed dwelling is at this stage unknown, however, it has been adequately demonstrated on the indicative plan that a detached dwelling can be accommodated within the site with sufficient amenity space and off-street parking provision. It is also considered that the proposed dimensions (upper and lower scale limits) are in keeping with other detached dwellings in the area, particularly the adjacent Blanche House.

Accordingly, a two-storey dwelling, within the proposed scale parameters, which is sympathetically designed, could be erected within the site without adversely impacting on the character and visual amenity of the area and in compliance with Policy BW7 of the LDP.

Given the above, the other issues that need to be considered in the assessment of this application are the impact on highway safety, the impact on residential amenity and whether the development would have an adverse effect on trees subject to a Tree Preservation Order (TPO).

Highway Safety

The submitted plan indicates that access into the site would be from the adopted highway of Cross Blanche Street, and via a shared private drive which would be located to the front of Blanche House. While the issues raised by local residents are appreciated, it is considered that the residential use of the site, for one dwelling, would not increase the level of traffic movement in Cross Blanche Street, Blanche Street or surrounding roads to such a degree that there would be a detriment to highway or pedestrian safety. There is sufficient space within the application site to accommodate the necessary off-street parking spaces to the front/side of the dwelling. There is also space to allow for turning facilities within the application site, which would enable vehicles to exit the site in a forward gear. It is noted that the Engineering and Highways Manager has raised no objection to the proposed development. Committee will also note that the previous application (P/05/0678) for the erection of a dwelling on this site was not refused on highway safety grounds. Accordingly, the proposal accords with policies BW12 and TB11 of the LDP.

Residential amenity

The dwelling, if developed in the illustrated position, would have the greatest impact on the adjacent dwellings of 13 -18 Blanche Street (to the west). The illustrations show that the dwelling could be positioned to the east of, and 12.1m away from, the shared boundary with

the closest adjoining property. It would also be located over 23m away from the rear elevation of the closest dwelling in Blanche Street. This siting is considered sufficient to prevent any significant loss of light to the rear of the adjoining dwellings. The separation distance, as well as the boundary fencing at the rear of 13-18 Blanche Street, is also considered sufficient to prevent any significant overlooking or loss of privacy to these dwellings. It is not considered that the proposal would result in any appreciable overbearing impact. Any impact could be further reduced, or removed, if the proposed dwelling were to be positioned in an alternative location within the application site. Notwithstanding the above, these impacts can be fully considered when assessing any subsequent reserved matters application.

There are two ground floor windows in the southeast side elevation of Blanche House. There could be some loss of light to the windows but again not significant enough to result in the application being refused.

It is therefore considered that the application site could accommodate a single dwelling up to the stated maximum scale limits and with the necessary parking facilities and amenity space, without adversely impacting on the amenities of the surrounding residents. The proposal therefore accords with Policy BW7 of the LDP.

Tree Preservation Order (TPO)

A number of trees are present within the application site which are protected by a TPO. The submitted plans indicate that a dwelling could be positioned within the site so as not to require the removal of, or cause harm to, these trees. Matters relating to the layout of the site are reserved for future consideration, however it is considered appropriate to attach a condition to any approval requiring a report: Trees in Relation to Construction (BS 5837) to be submitted and approved before development commences. The Town Planning Division's Countryside Officer has raised no objection, subject to the addition of this condition and therefore it accords with Policy BW5 of the LDP.

Although an objection has been received from local residents with regard to the loss of green space and biodiversity, the Countryside Officer has raised no concerns in relation to biodiversity and the proposal would not result in the loss of any public open space.

Other considerations

The application site lies within an area of 'High Risk', in relation to historical mining. A Mining Risk Assessment report has been received and the Coal Authority have concurred with the recommendations of the report and raised no objection, provided that suitable conditions are attached to any permission, to ensure that intrusive site investigations are undertaken.

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. Using the default values within the Three Dragon's Toolkit, the Town Planning Division's Policy and Implementation Group Leader has acknowledged that no planning obligation for the provision of affordable housing or any other contributions have been sought, as this would likely render the development financially unviable.

Therefore the proposal complies with policies BW17 and AS22 of the LDP.

CONCLUSIONS

For the reasons set out above, the proposed development is considered to be acceptable in planning terms and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use:-

- i) existing and proposed site levels including full cross sectional drawings;
- ii) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;
- iii) the means of foul water and surface water drainage;
- iv) the position height and material of all walls, fences and other means of enclosure;

- v) full constructional and facing material details of any retaining walls over 1 metre in height.

Reason - To ensure a satisfactory standard of development and protect local amenity interests.

- 5. 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 6. **No development shall take place**, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees within the site. The approved scheme shall be carried out throughout the course of the development and shall include:

- a) a plan, at 1:500 scale; showing the position of every tree on the site that could influence or be affected by the development, indicating which trees are to be removed or affected;
- b) and in relation to every tree identified a schedule listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
 - any proposed pruning, felling or other work;
- c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
 - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
- d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason - To protect the existing trees on the site during the course of building work in the interest of amenity in accordance with Policies BW5 and BW7 of the Merthyr Tydfil Local Development Plan.

7. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety, remedial measures may need to be carried out.

8. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 7, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety, remedial measures may need to be carried out.

9. 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 Policy BW7 of the Merthyr Tydfil Local Development Plan.
