

Application No.
P/15/0228

Date
9th July 2015

Determining Authority
MTCBC

Proposed Development

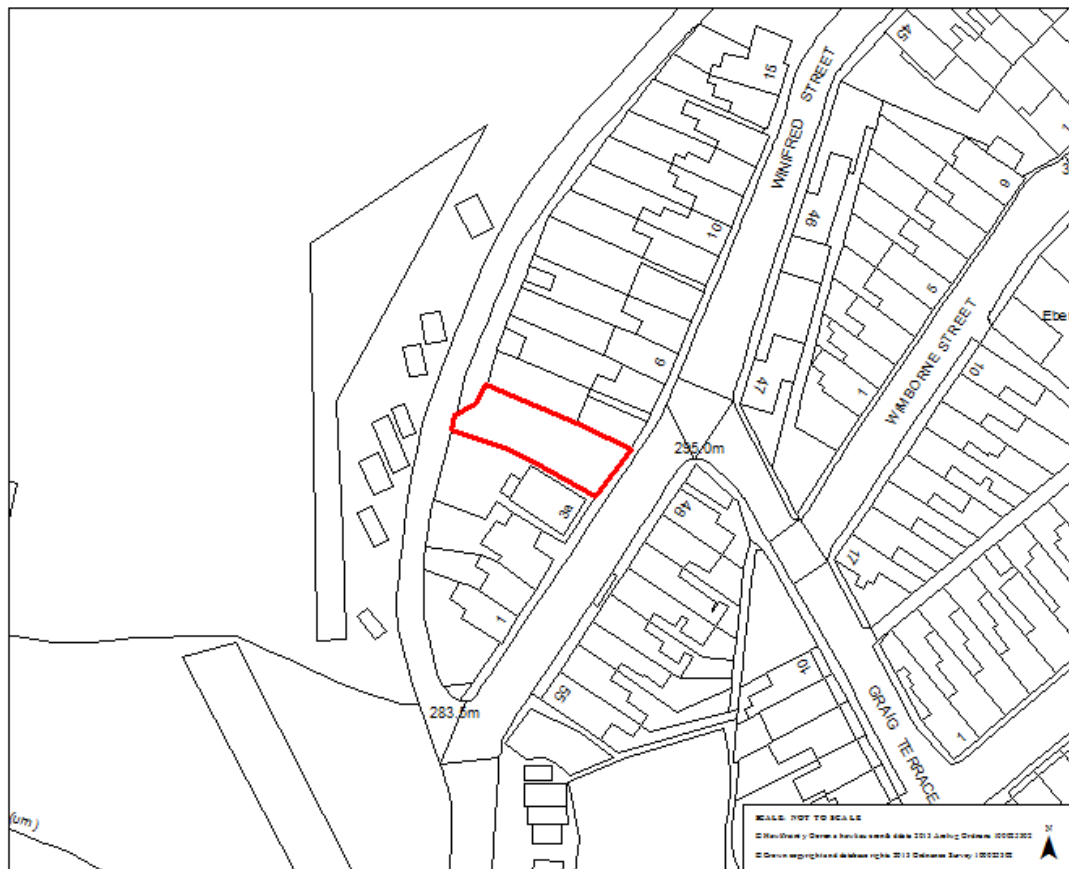
Location

Name & Address of Applicant/Agent

Erection of three storey property containing one two bedroom flat and two one bedroom flats, with associated retaining works and parking area

Land Between 3A And 4 Winifred Street
Dowlais
Merthyr Tydfil

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



APPLICATION SITE

The application site relates to a plot of land located within a residential street in the settlement of Dowlais. The site is bound by the highway of Winifred Street to the front, a terraced dwelling to the northeast, a detached dwelling to the southwest, and a lane to the rear. The land slopes fairly steeply down from east (Winifred Street) to west (rear lane) and is appears to have been recently excavated.

PROPOSED DEVELOPMENT

This application seeks planning permission to erect a detached three storey building, which would comprise one two bedroom flat and two one bedroom flats. The application also proposes two terraced patio areas and a rear parking area for three cars. The rear of the

site, which would contain the patio areas, is at a significantly lower level than the front of the site and the adjacent highway. As such, the building would have a rear basement level. It would therefore be two storey to the front and three storey to the rear.

The building would measure 6.4m wide, a maximum of 10.5m deep and have a ridged roof height of 9.2m high (from the level of the front highway). It would have a two storey rear annexe with a mono-pitched roof which would measure a maximum of 6.2m in height (from ground level).

The front elevation would have a door, two windows and a canopy at ground floor level and two windows at first floor level. The canopy would have a mono-pitched roof with a maximum height of 3.4m. It would project 0.9m from the front of the building. A window would be inserted at ground floor level and one at first floor level in its southwest elevation. To the rear it would have a window and patio doors at basement level and two windows at each ground and first floor level.

The walls of the building would be finished with render with brick-work quoins. The roof would be covered in cement fibre slate and the windows and doors would be Upvc.

The upper patio area would be retained by a 2.1m high wall and the lower patio area by a 2.4m high wall. The patio areas would be secured by a 0.9m fence on top of the retaining structures. The side boundaries of the garden would be enclosed with 1.8m high close-boarded timber fencing.

Councillor Simon Williams has requested that this application be reported to Committee due to the concerns of local residents.

PLANNING HISTORY

P/05/0246	Erection of two detached dwellings Approved 20.06.05
P/03/0388	Erection of two detached dwellings with garages Approved 24.09.03

Other relevant planning history (adjacent plot - 3A Winifred Street)

P/06/0515	Erection of dwelling Approved 28.11.06
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CONSULTATION

Town Planning Division's Policy & Implementation Group Leader	No objection
Engineering & Highways Manager	No objection, subject to condition
Environmental Health Manager	No objection
The Coal Authority	No objection
Wales and West Utilities	No response
Welsh Water	No objection

PUBLICITY

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

Seven letters of representation (two from the same address), from the owner/occupiers of dwellings in Winifred Street (numbers 3A, 4, 5, 6, 49 and 51) were received as a result of this publicity exercise. In summary, the main objections are:

- Winifred Street is comprised of houses, not flats. Flats would be out of character with the street.
- The property would have 3-4 car parking spaces, which would not be enough for the 6-8 people who could be living in the flats.
- There is concern about who will be living in the flats.
- Previous planning applications have been told that they need to be in keeping with the surrounding area.
- The existing properties opposite the site would be severely over-looked, resulting in a loss of privacy.
- The proposal would have an over-bearing impact on the existing properties opposite the site.
- The windows, in the front elevation of the proposed building, would reflect sunlight into the existing properties opposite the site.
- The extra residents and vehicles associated with the development would cause noise and disturbance in the area.
- The proposed parking provision is not adequate to serve a two bedroom flat and two one-bedroom flats.
- The proposed development does not respect the local context, street pattern, or the scale and proportions of surrounding buildings, and would be out of character to the area, to the detriment of the local environment.
- The proposal would harm the amenities of local residents, particularly safe and available on-road parking, valuable green space, privacy, quiet and safety.
- There would not be enough space between the proposed building and the adjacent dwellings to carry out repairs to the sides of the dwellings.
- The development would de-value the surrounding existing properties.
- The extra traffic generated by the development would be hazardous.
- The proposal uses 1m of land which is not in the ownership of the applicant. The land-owners will not allow this land to be built on.
- The off-road parking spaces can only be accessed by moving over land not in the ownership of the applicant.
- The parking spaces are obscured by an existing boundary wall, making entering and exiting them dangerous.
- There are no spaces provided to accommodate visitors to the flats.

POLICY CONTEXT

National Planning Policy

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

Paragraph 4.4.3, amongst other criteria, states that planning policies, decisions and proposals should:

- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites.
- Locate developments so as to minimise the demand for travel, especially by private car.

Paragraph 8.4.2 points out that car parking provision is a major influence on the choice of means of transport and the pattern of development. Local Authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate. Local Authorities should develop an integrated strategy on parking to support the overall transport and locational policies of the development plan.

Paragraph 8.7.1 states that when determining a planning application for development that has transport implications, Local Planning Authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;
- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- 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/locational constraints
- Policy BW6 - Townscape & built heritage
- Policy BW7 - Sustainable design and place making
- 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 main considerations in the assessment of this application are the impact of the proposal on the character and visual appearance of the surrounding area, the impact on the amenities of surrounding residents, and the effect on highway and pedestrian safety.

Land Use

The site is located within settlement limits and within the Primary Growth Area, as defined by policies BW1 and BW4 of the LDP. Therefore the principle of the development of the site is considered acceptable, provided that the proposed development satisfies other relevant planning policies and material planning considerations.

The site is also located within a residential street, therefore the principle of the residential use of the proposed building is considered acceptable. It is noted that the Town Planning Division's Policy and Implementation Group Leader has not objected to the proposal in this regard.

Design

The proposed building would be located between two existing dwellings, which form part of an established residential street. It would be orientated in the same direction (southeast-northwest). The design, scale and external materials of the proposed building are also considered acceptable and appropriate to the local context. Additionally, the ridge height of the building would be similar to the adjacent and surrounding properties and as such would result in a sympathetic stepped down arrangement that follows the topography of the land. It is noted that the proposal is similar in design, scale, form and appearance to an adjacent dwelling, which was granted planning permission (P/06/0515) in November 2006. As such,

it is considered that the proposal is sympathetic to the existing pattern of development and would not have an adverse impact on the character or appearance of the area. Therefore, it complies with Policy BW7 of the LDP.

Amenity

Regard has also been had for the impact of the proposed development on the amenity of the surrounding residents. In this respect, the adjacent dwellings of 3A and 4 Winifred Street would be most affected. There would also be an impact on those dwellings located opposite the site.

The proposed building would be erected 2.7m away from the gable end of 4 Winifred Street (an end-of-terrace dwelling). This elevation has three window openings, two of which have been blocked up. There would clearly be a loss of light to the remaining opening however; it appears to be a secondary window which is in a poor condition. There is also a side window (currently covered in ivy) in the rear extension of 4 Winifred Street. This is a secondary window and the loss of light to this window would not be significant. It is noted that the owners of this property have not objected to the application with regard to loss of light to these side windows. Some loss of light would also be experienced to the rear garden of number 4 for a limited part of the day. However, it is not considered that this impact would be severe enough to warrant a refusal of the application.

The proposed building would also be erected adjacent to the gable end of 3A Winifred Street (a detached dwelling). This property has no window openings in the side elevation. As such the proposal would not result in any loss of light to any habitable rooms. The proposal would also not extend past the rear elevation of number 3A. As such there would be no overbearing impact. It is noted that the owner/occupiers of number 3A have not objected to the proposal in this respect.

It is acknowledged that the proposal would result in a degree of over-looking to the rear gardens of number 3A and number 4. However, given that the gardens of the dwellings on this side of Winifred Street are at a lower level than the dwellings themselves, the gardens already experience a relatively high degree of overlooking from the rear elevations of existing dwellings. Additionally, a degree of over-looking between the rear gardens of terraced and closely-positioned dwellings is unavoidable. Therefore this impact is considered to be acceptable.

The proposal would result in a degree of over-looking to the existing dwellings located opposite the application site. However, this impact is considered to be acceptable, given it is a typical arrangement in the street and has already been accepted when granting permission (P/06/0515) for the adjacent dwelling (3A Winifred Street). Furthermore, there is only one proposed first floor window (bedroom) that could result in any loss of amenity. Therefore, given the combination of these factors the harm caused by overlooking would not be significant. Additionally, as the proposed building would be located over 11m from the front elevations of these dwellings, it would not result in any unacceptable overbearing impact.

Having regard to the above points, it is not considered that the proposal would have an adverse impact on residential amenity and as such complies with Policy BW7 of the LDP.

Highways and Parking

It is acknowledged that the proposed development would result in an increased amount of traffic using the surrounding highways. However, it is considered that the highway network serving the site is adequate to accommodate any increase in traffic without resulting in a detrimental impact on highway or pedestrian safety.

The proposed development includes provision for three off-street parking spaces which is considered acceptable for the proposed flats. Additionally, on-street parking is not restricted in the surrounding residential streets, which provide further opportunities for parking. The access to the proposed parking area is also considered acceptable. It is noted that existing garages are currently served by the same access.

Given these factors, and considering that the Engineering and Highways Manager has not objected to the development, it is not considered that the proposal would have a detrimental impact on highway safety and as such complies with Policies BW12 and TB11 of the LDP.

Other considerations

Following the submission of a Coal Mining Risk assessment report, the Coal Authority has raised no objection to the application.

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.

Objections

The majority of the objections raised by local residents have been addressed above. Committee will be mindful that the de-valuation of properties resulting from a development is not a material planning consideration. Likewise Committee will be aware that the planning system cannot control the owners/occupiers of the flats. With regard to private land ownership issues, these are civil matters. Issues relating to noise and disturbance from such properties are controlled under Public Health legislation or by the Police and the reflection of sunlight from the proposed windows would not result in significant harm to neighbouring residents.

Accordingly, 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. **No development shall commence** until a plan indicating the positions, height, design, materials and type of boundary treatment to be erected has been submitted

to and approved by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details before the flats are brought into use.

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.

3. **No development shall commence** until details of a scheme for the disposal of foul and 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.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

4. Prior to the occupation of the flats hereby approved, the parking area shall be completed in accordance with the approved plans. The parking spaces shall be kept available for the parking of motor vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan

5. **No development shall take place** until details, including structural calculations and facing 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 BW7 of the Merthyr Tydfil Local Development Plan.

INFORMATIVES

1. The applicant/developer is strongly advised to liaise with Dwr Cymru Welsh Water (Developer Services - (0800 917 2652) in relation to any connections to the public sewer and/or to any works which affect the line of or are in close proximity to existing public sewers and/or water mains.
 2. The applicant/developer is advised to liaise with the County Borough Council's Head of Engineering regarding any consents which are required in association with the provision of any vehicle cross over.
 3. The developer is advised to contact the County Borough Council's Head of Engineering regarding any retaining works or other works affecting the highway **BEFORE** construction works commence.
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