

Application No.
P/15/0433

Date
29th January 2016

Determining Authority
MTCBC

Proposed Development

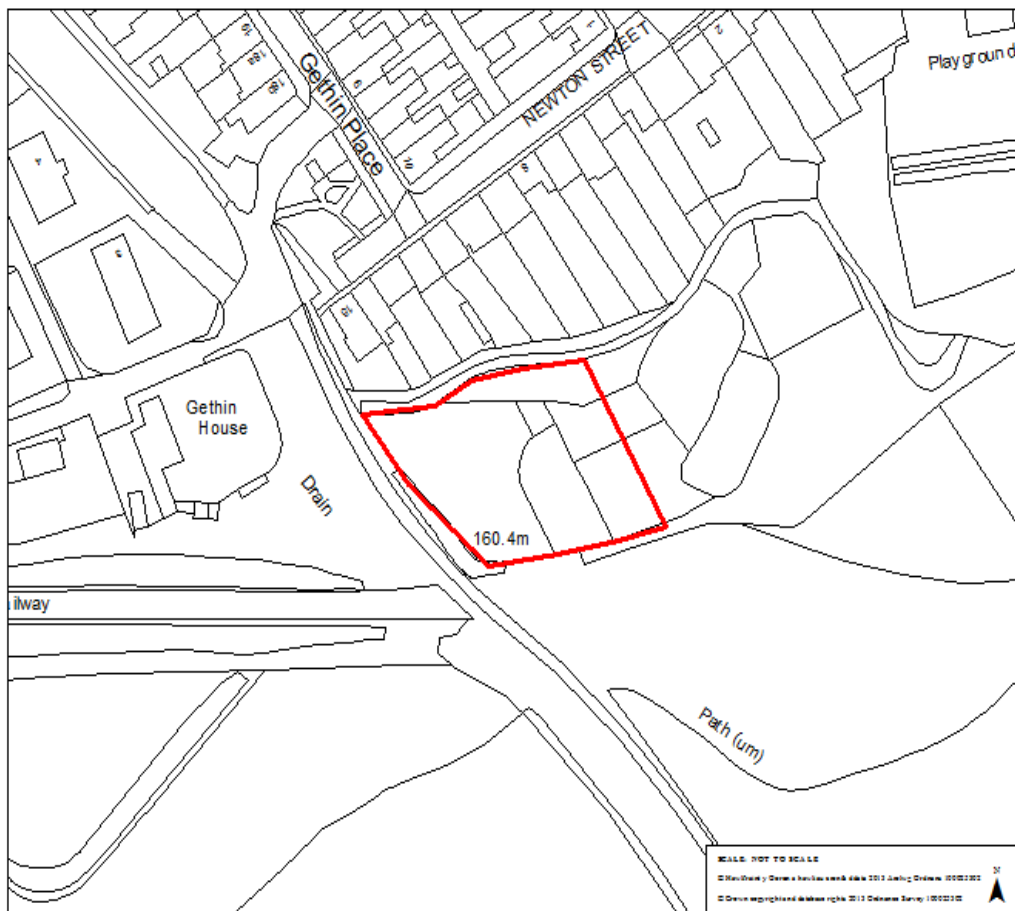
Location

Name & Address of Applicant/Agent

Erection of detached dwelling, barn, shed and car shelter with associated access works

Land To The Rear
(south) Of No. 9-15
Newton Street
Abercanaid
Merthyr Tydfil

Mr & Mrs F & C Thomas
c/o Patrick Borer Architect
F.a.o. Mr P Borer
Cwmwr Isaf
Hirnant
Penybontfawr



PURPOSE OF REPORT

To further consider planning application P/15/0433

At the Planning, Regulatory and Licensing Committee meeting on the 2nd March 2016, it was resolved to defer the determination of the application to undertake a fact finding site visit. This took place on the 15th March 2016.

The main issues raised during the fact finding site visit centred on the proposed access into the site, which runs along the Taff Trail and the potential highway safety implications this has for other users of the trail i.e. pedestrians and cyclists.

As highlighted in the original report the Engineering and Highways Manager has raised no objection to the application. At the fact finding site visit the Highway Engineer reaffirmed this position by stating that the proposed access into the site from the Taff Trail was adequate and that there would be sufficient visibility for drivers exiting the site not to cause highway safety concerns for other users of the Taff Trail. Members were advised that a turning facility would be provided within the site to enable vehicles to exit the site in a forward gear. Additionally, members were advised that the Taff Trail was already used to provide vehicular access to a number of nearby residential properties. In this respect drivers, cyclists and pedestrians are likely to take a more cautious approach when travelling along this section of the Taff Trail.

The other matters raised at the fact finding site visit (i.e. the impact on the Site of Importance for Nature Conservation, habitat mitigation and the use of the proposed barn) have been addressed in the original report. To ensure the applicant is aware of the need to keep the right of way clear at all times, it is suggested that the following informative shall be attached to any permission which states the following:

“The grant of planning permission does not entitle developers to obstruct a public right of way. Enforcement action may be taken against any person who obstructs or damages a right of way. Development, in so far as it affects a right of way, should not be started; and the right of way should be kept open for public use until the necessary order under s.247 or s.257 of the Town and Country Planning Act 1990 for the diversion or extinguishment of the right of way has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. If you need help or advice concerning the diversion or extinguishment order you should contact Cheryl Jones on 01685 726225 email: cheryl.jones@merthyr.gov.uk.

The merits of the proposed development are considered in detail in the ‘planning considerations’ section of the report below. The points raised at the fact finding site visit do not highlight any new issues that would cause me to alter my original recommendation.

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

COMMITTEE’S DECISION IS REQUIRED.

A copy of the original report to Committee is reproduced below for Committee’s convenience.

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.2 hectares located on the southern edge of Abercanaid. The site is characterised as an area of vacant grassland with overgrown vegetation along its boundaries including a number of

trees and unmanaged hedgerows. The land within the site generally slopes down from west to east.

The site is bound to the west by the Taff Trail, which is elevated above the site and to the north by a watercourse, which also runs along rear garden boundaries of terraced properties that front onto Newton Street. On all other sides the site is bound by vacant land with the open countryside located to the south.

The application site lies entirely within the Afon Taf Site of Importance for Nature Conservation (SINC 58).

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of a detached dwelling located within a central position of the site with a barn and car shelter to be erected to the east and south of the dwelling respectively. Additionally, a new access driveway that links to the Taff Trail would be constructed to serve the development and shed would be constructed adjacent to the driveway.

The proposed dwelling would be 'L' shaped measuring 17m wide by 14.3m deep and between 4.3m to 5.4m high with a single pitched roof. The dwelling would be constructed using straw bale walls with timber cladding applied to the external elevations. The building would have a 'green' roof consisting of grass species. The windows and doors would also be of a timber framed construction. Due to the sloping nature of the site, the dwelling would be supported above the ground by timber posts.

The proposed barn would measure 11.7m wide by 5.5m deep and between 3.5m to 4.3m high with a single pitched roof. The barn would be constructed using timber cladding on the elevations and roof with a stone base. The barn is to be utilised for domestic purposes as a workshop and store area.

The car shelter would be constructed using timber posts with a timber roof measuring 3.5m wide by 4.8m deep and 3m high with a single pitched roof. A small shed measuring 1.9m wide by 2.8m deep and 2.3m high would be constructed adjacent to the driveway serving the development.

The proposed driveway would initially be level with the Taff Trail measuring 4.5m wide and reducing to 3m wide with a gradient of 1 in 9 over a length of 20m where it leads to a turning area measuring 7m wide by 6m deep. The driveway would have a gravel surface and would be supported along one side by gabion baskets measuring up to 2.5m high.

Councillor Gareth Lewis has requested this application be reported to Committee to consider the points raised in the objection letters received from local residents.

PLANNING HISTORY

There is no relevant planning history relating to the application site.

CONSULTATION

Engineering and Highways Manager	-	No objection subject to conditions relating to access, drainage and structural design.
Town Planning Division's Policy & Implementation Group Leader	-	No objection.
Town Planning Division's Countryside Officer	-	No objection subject to a condition relating to a habitat mitigation strategy.
Rights of Way	-	No objection.
Environmental Health Manager	-	No objection.
Welsh Water	-	No objection.
Wales & West Utilities	-	No objection.
Western Power Distribution	-	No response.

PUBLICITY

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

As a result of this publicity exercise **5 letters of objection** were received. The following is a summary of the concerns raised:

- The proposal includes the erection of a barn which infers that livestock would be kept on site adjacent to neighbouring gardens, which would introduce unpleasant odours and encourage rats.
- The development is located within a SINC and will damage both the conservation value and aesthetics of the site and surrounding area.
- The barn would be located next to the bank of a watercourse which is slowly eroding which may be exacerbated by the development.
- The development would give rise to overlooking and overshadowing concerns, particularly in relation to the proposed barn.
- Vehicles entering and exiting the site along the Taff Trail raises health and safety concerns for the users of the Taff Trail, which includes cyclists and horse riders. The access does not conform to current standards with inadequate visibility splays, no turning area, no footpaths or street lighting.
- A covenant on the site precludes the construction of a dwelling on the site.
- Existing boundary walls serving neighbouring properties may be damaged during construction by heavy machinery.

- A main gas pipe and water main exist in the verge of the Taff Trail leading past the site to Gethin Street, which may be affected by the development.
- Access along the Taff Trail needs to be kept free to enable safe access for service, delivery and emergency vehicles.

POLICY CONTEXT

The following policies are relevant in the determination of this application:

National Planning Policy

Planning Policy Wales (PPW), 8th 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.

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

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 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.

Local planning policy:

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

- Policy BW1 - Development strategy – Primary Growth Area
- Policy BW4 - Settlement boundaries / locational 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 BW16 - Protecting / enhancing the network of leisure facilities
- Policy BW17 - Securing community infrastructure benefits
- Policy AS4 - Historic landscape
- Policy AS6 - Local nature conservation designations
- 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
- SPG 5- Nature and Development, May 2015

PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement boundary as defined by the LDP. As such, the development of the site is generally supported by policy BW4 of the LDP. Furthermore, the site is located adjacent to existing residential properties and within the 'Primary Growth Area' as defined by policy BW1 where the majority of new development is encouraged. Therefore the principle of the development is considered to be acceptable.

Design

The proposed dwelling would be located in an area that is somewhat isolated from the existing properties in the area, given its siting to the rear of Newton Street on land that is largely enclosed by existing vegetation.

The dwelling would be setback approximately 15m away from the Taff Trail which helps to minimise any visual intrusion on the enjoyment and recreational use of the Taff Trail. Additionally, the dwelling would be single storey in nature with the ground floor level being constructed at a lower level to the trail. The retention of the existing trees and hedgerows would also screen the majority of the development. As such, it is considered that the proposal would have a limited relationship with the more traditional properties in the area.

The general scale and design of the dwelling with timber cladding on the external elevations and a 'green' roof is considered to be appropriate for the site, given its close proximity to the open countryside and Taff Trail. In this respect the appearance of the dwelling would not be dissimilar to an agricultural building in the countryside. Similarly, the proposed barn (which is to be used as a workshop/store), shed and car shelter are also considered to be appropriately located and would not have an adverse impact on the surrounding area. Furthermore, the gabion baskets would have a limited visual impact on the area and the users of the Taff Trail, given that the retaining structure would largely be hidden by the driveway and existing vegetation.

The general design of the development, which incorporates sustainable building techniques and materials, would not have an adverse impact on the character and appearance of the area. Therefore the proposal complies with policy BW7 of the LDP.

Amenities

The nearest residential properties to the proposed development would be the existing terrace properties along Newton Street, which have rear gardens that lie adjacent to northern boundaries of the site. These terraced properties would be situated at least 27m away from the proposed dwelling and their respective rear gardens are separated (4m-5m

away) from the site boundary by a water course. Taking into account the single storey nature of the proposed dwelling, its west to east orientation and the separation distance from the existing terrace, it is considered that the development would not give rise to adverse overlooking or overbearing concerns. Therefore the proposal complies with policy BW7 of the LDP.

Highways

Access to the site from Newton Street would be via a private access road which also forms part of the Taff Trail. This private road serves a small group of dwellings at Gethin Street to the north-west of the site and a number of dwellings further along the Taff Trail to the south-east. There is an existing informal gated access into the application site, which is understood to have been in a place for a few years.

The general design of the driveway in terms of its dimensions and gradients are considered to be of an acceptable standard to serve a single dwelling. Additionally, adequate turning facilities and parking for at least 3 cars can be accommodated within the site. It is considered that there is sufficient visibility for drivers exiting the site to see oncoming traffic, including pedestrians and cyclists. The access road also widens to the north-west of the site which provides sufficient room to enable vehicles to pass along the access road. The traffic speeds along the Taff Trail are expected to be generally low and self regulated by its established shared use with pedestrians and cyclists. It is acknowledged that the Engineering and Highways Manager and the Rights of Way Division have not raised any objection. As such, it is considered that the proposed development would not give rise to adverse highway safety concerns or impinge on the free flow of traffic in the area. Therefore the proposal complies with policies BW12 and TB11 of the LDP.

Ecology

The application site lies entirely within the Afon Taf Site of Importance for Nature Conservation (SINC 58). As such, an Ecological Assessment has been carried out which considers the potential impacts of the development on a number of protected species and the qualities of the SINC. Whilst the assessment identifies the site being used by a small number of reptiles, birds and foraging bats, it is concluded that the ecological integrity of the SINC would be improved through better management of the existing trees and hedgerows which are to be retained, the provision of bat boxes and removal of invasive species.

In this instance, it is considered that the proposal would not have an adverse impact on protected species or the qualities of the SINC and as such the Town Planning Division's Countryside Officer has not raised any objection to the proposal. Therefore the proposal complies with policies BW5 and AS6 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 a viability 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

Concerns were raised in respect of the siting of the proposed barn adjacent to rear gardens and its use to accommodate farm animals. The applicant has confirmed that the barn is intended to be used as a workshop/store for domestic purposes only and is not to be used to house animals. The barn has also been repositioned to the east of the dwelling, where it is located further away from the existing properties. Furthermore, this minimises any potential impacts to the embankment of the watercourse and visual impacts along the Taff Trail.

The potential impacts on the ecology of the site, aesthetics of the area and the amenities of neighbouring occupiers have been addressed above in the relevant sections of this report.

Whilst the Taff Trail does not meet the normal standards required for an adopted highway, it is noted that the trail is already used to provide vehicular access to a number of properties in the vicinity. The approach to the site from the north and south has also been considered to ensure there is adequate visibility for drivers and other users of the Taff Trail. In this regard the Engineering and Highways Manager has not raised any highway safety concerns. Furthermore, the right of way along the Taff Trail will be kept open for public use at all times.

No evidence has been submitted to substantiate the claim that the site is covered by a covenant that precludes the construction of a dwelling on the land. Nevertheless, this is not a planning issue and would be a civil matter.

Any damage that may occur to neighbouring properties i.e. boundary walls, would be a matter for the respective land owners to resolve privately and would not be a sufficient reason to refuse this application.

The concerns raised in respect of the potential impacts on existing gas or water mains, which extend past the site in the verge of the Taff Trail have been noted. It should be pointed out that both Welsh Water and Wales and West Utilities have raised no objection to the application.

CONCLUSIONS

For the above reason 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 dwelling** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwelling 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 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 prior to the occupation of the dwelling and retained in perpetuity.

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

4. **No development shall take place** until full engineering details and sections of the proposed access, 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 access and 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 .

5. **Prior to the occupation of the dwelling** 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 prior to the occupation of the dwelling.

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.

6. **No development shall take place** until a Habitat Mitigation Plan has been submitted to and approved in writing by the local planning authority. The plan shall take in to account the recommendations and mitigations set out in Section 5 of the Ecological Assessment by Merlin Bio-Surveys (Dated May-June 2014). The plan shall also set out the locations, timings, methods of working and protection measures. All works shall be carried out in accordance with the approved details.

Reason - To protect the natural environment in accordance with Policy BW5 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 dwelling 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. **No development shall take place**, or any demolition works or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rhus decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

10. Notwithstanding the provisions of schedule 2, part 1, class(s) A, B, D and 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, roof alterations, porches or buildings/platforms shall be erected other than those expressly authorised by this permission.

Reason - In the interest of visual amenity and to protect the natural environment in accordance with Policies BW5 and BW7 of the Merthyr Tydfil Local Development Plan.
