

Application No.
P/16/0164

Date
1st June 2016

Determining Authority
MTCBC

Proposed Development

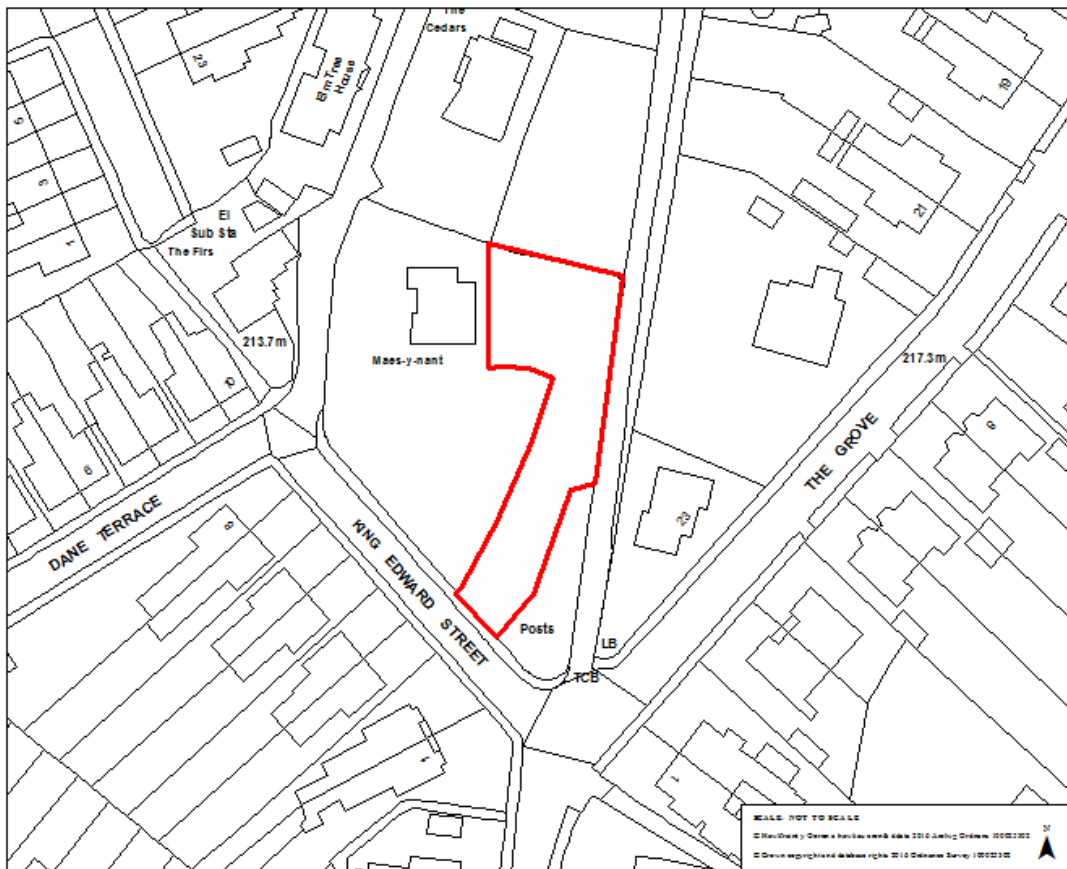
Location

Name & Address of Applicant/Agent

Erection of detached dwelling and private drive (Outline)

Land At Maesynant
Grove Park
Merthyr Tydfil

Mr S Meredith
c/o Stephen George
Architects
25 Courtland Terrace
Merthyr Tydfil
CF47 0DT



PURPOSE OF REPORT

To further consider planning application P/16/0164

At the Planning, Regulatory and Licensing Committee meeting on the 14th September 2016 it was resolved to defer the determination of the application to undertake a fact finding site visit. This took place on the 6th October 2016.

The main issue raised during the fact finding site visit centred on the potential for further development being proposed within the grounds of Maes Y Nant, which would lead to an incremental overdevelopment of the site. It was noted that this application only relates to a single dwelling and any additional dwellings, other than those previously permitted, would be difficult to achieve given the constraints of the site. It is also noted that any future proposals would be considered on their own planning merits.

The position of the access road serving the site was pointed out to Members. It was noted that there would be sufficient room to provide a suitable access into the site with adequate parking facilities. It was also highlighted that the access road would be capable of accommodating the traffic from the recently approved residential plots which adjoin the site.

The location of the watercourse crossing through the site was identified. It was noted that works could be carried out to the watercourse (i.e. culverted) as part of the proposed development, which would help address some of the existing drainage/flooding problems in the area.

It was noted that the design of the dwelling is reserved for future consideration and that this application is primarily considering the principle of the development.

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.

COMMITTEE'S DECISION IS REQUIRED

Councillor Chris Barry has requested that this application be presented to Committee so that the merits of this application can be carefully considered.

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.069 hectares located within the residential curtilage of Maes Y Nant. The main part of the proposed development would be located at the northern part of the site, which has a maximum depth of 19.5m and a maximum width of 22m. The southern part of the site includes a strip of land that varies between 7m-12m wide and 40m in length. The site generally slopes downwards from north to south with a water course crossing through the centre.

The application site is bound to the west and partly to the east by the garden area serving Maes Y Nant. A public footpath (Red Lane) also runs alongside part of the eastern boundary of the site with detached properties beyond. To the north is a residential property (The Cedars) which forms part of The Grove. To the south is an adopted highway serving a row of semi-detached dwellings forming part of King Edward Villas.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a detached dwelling with a private drive. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration.

An indicative layout plan has been submitted in support of this application which illustrates a potential scheme with the dwelling located to the rear (east) of Maes Y Nant. The upper and lower scale limits of the proposed dwelling would be 8m - 10m wide, 7m - 9m deep and 8m - 9m high.

The indicative layout plan suggests that the dwelling could be constructed near the eastern boundary with the front elevation orientated to the south. Garden areas could then be provided to the side and rear of the dwelling with a driveway and on-site parking located to the front. Access to the property could be created via a new private driveway from King Edward Villas. Members should be aware that this plan simply indicates how the site could be developed. If this application is approved then a further application(s) would have to be submitted in respect of the matters (access, appearance, landscaping, layout and scale) that have been reserved for future consideration.

PLANNING HISTORY

P/15/0434 - Residential Development (Outline).

Permission GRANTED on 18.04.2016

P/14/0322 - Residential Development (Outline).

Permission GRANTED on 05.02.2015

P/12/0169 - Erection of 9 detached dwellings with associated access road and highway works.

REFUSED permission on 27.06.2013 for the following reasons:

1. *The proposed development by virtue of its unacceptable design and poor layout fails to provide an appropriate response to the surrounding context, particularly in terms of the siting of the dwellings and the level of private amenity space provided for each residential plot. The poor layout gives prominence to the extensive parking provision and new access road with limited land made available for the delivery of a comprehensive landscape scheme. Therefore, the proposed development would have a poor relationship with the surrounding area to the detriment of the character and visual amenity, contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
2. *The proposed dwellings by virtue of their scale and proportion in terms of their width, height and roof design fail to harmonise with the character/style of the existing properties in the area, resulting in a negative impact on the visual amenity and quality of the street scene. Furthermore, the steeply pitched roofs on the gabled features to the front and rear elevation of each dwelling, together with the cramped positioning of the windows (including bay windows) and doors on the front elevations to each dwelling would have an adverse impact on the character and visual amenity of the surrounding area. Therefore the proposed development runs contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*
3. *The proposed dwellings located on plots 6 and 7, by virtue of their siting in close proximity to the private garden area serving Elm Tree House, Grove Park, would give rise to an unacceptable level of overlooking that would adversely impinge on the amenities of those nearby occupiers. Therefore the development would be detrimental to the living conditions which those neighbouring occupiers could reasonably expect to enjoy, contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan 2006-2021.*

The application was subsequently DISMISSED at appeal (Ref: APP/U6925/A/13/2209984) on the 10.03.2014.

P/11/0357 - Erection of 14 dwellings comprising 6 pairs of semi detached and 2 detached, with associated access road and highway works.

Application WITHDRAWN on 11.01.2012

CONSULTATION

Internal consultees

- | | | |
|---|---|---|
| Engineering and Traffic Group Leader | - | No objection subject to conditions relating to access, foundation design, retaining works and drainage. |
| Town Planning Division's Policy & Implementation Group Leader | - | No objection. |
| Town Planning Division's Countryside Officer | - | No objection subject to a condition relating to landscaping. |
| Environmental Health Manager | - | No objection subject to conditions relating to construction hours, dust and unexpected contamination. |

External consultees

- | | | |
|----------------------------|---|--|
| Welsh Water | - | No objection subject to a condition relating to surface water and land drainage. |
| Wales & West Utilities | - | No response. |
| 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 on the 9th June 2016 and site notices were displayed within the vicinity of the site on the 9th June 2016.

As a result of this publicity exercise, two letters of objection were received, which raised the following concerns:

- There would be an over-development of the site with further dwellings being introduced incrementally. This proposal would result in a 4th dwelling alongside Maes Y Nant, in addition to the recent outline permission (P/15/0434) for three dwelling.
- The new private access off King Edward Villas would be narrow and only suitable for cars and not larger vehicles i.e. delivery lorries. As such, there would be potential highway safety concerns.

- There would be considerable inconvenience to existing residents along King Edward Villas who use the highway for parking.
- The proposal would impact on the immediate area in terms of character, density, layout, design and landscaping.
- The car parking requirements would not be met.
- The effect on remaining trees and shrubs which would impact on habitats, open watercourse and a loss of amenity to properties at Grove Park.
- The potential for drainage and flooding issues.

POLICY CONTEXT

The policies listed below are considered to be 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 applications. 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

Adopted 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 BW17 - Securing community infrastructure benefits.
- Policy AS4 - Historic landscape.

- Policy AS22 - Affordable housing contributions.
- Policy TB11 - Access, parking and accessibility of local facilities.

Supplementary Planning Guidance (SPG):

- SPG1 - Affordable Housing, March 2012.
- SPG2 - Planning Obligations, March 2012.
- SPG4 - Sustainable design, July 2013.
- SPG5 - Nature and Development, May 2015.

Other material considerations:

- CSS Wales Parking Standards, January 2008.

PLANNING CONSIDERATION

Land use

The application site is located within the settlement boundary and the Primary Growth Area as defined by the LDP. As such, the development of the site for residential purposes is generally supported by policies BW1 and BW4 of the LDP where the majority of new development is encouraged.

It is considered that the principle of the proposed development is acceptable. In this respect it is acknowledged that outline permission (P/14/0322) for residential development has been granted previously on the site, albeit, that scheme included the entire curtilage of Maes Y Nant.

Design

Whilst matters relating to the layout, scale and appearance of the proposed development have been reserved for future consideration, an indicative layout plan has been submitted in support of the application, which demonstrates a potential scheme for a single detached dwelling. The proposal is also shown in relation to the indicative scheme presented as part of a recent outline approval (P/15/0434) for three dwellings.

The indicative layout plan adequately demonstrates that a dwelling could be accommodated within the site with sufficient private amenity space. It is accepted that the dwelling would have little contribution to the streetscene along King Edward Villas, due to its significant setback from the highway. However, this arrangement would not be dissimilar to the relationship between the prominent side (southern) elevation of Maes Y Nant and King Edwards Villas. Should the previous permission (P/15/0434) for three dwellings be developed, these could provide a prominent frontage along King Edward Villas, which would likely obscure much of the views of the proposal. As such, it is considered that the siting of the dwelling to the rear of Maes Y Nant would not have an adverse impact on the character of the area.

The scale parameters for the minimum/maximum width, depth and height of the dwelling, which would form part of any outline permission, are considered to be acceptable and would enable the detailed design of the development (as part of a reserved matters application) to provide an appropriate response to the surrounding context.

It is acknowledged that there are concerns with the potential over-development of the site, a matter which has been raised in previous applications. If this application is permitted, a total of 5 properties could potentially be located within the curtilage of Maes Y Nant, when taking account of the previous outline scheme for three dwellings and the retention of Maes Y Nant. Members will also recall that outline permission was previously granted in 2014 (P/14/0322), which demonstrated a potential scheme for up to 8 dwellings. It is considered that this proposal for a single dwelling would overall form part of a smaller development within the curtilage of Maes Y Nant and would not lead to an overdevelopment of the site that adversely impacts on the character of the area.

Subject to the detailed design of the development being considered as part of a reserved matters application, it is considered that the site can be developed without adversely impacting on the character and appearance of the area. Therefore, the proposal complies with policy BW7 of the LDP.

Amenities

Immediately to the north of the site is a large garden area forming part of The Cedars, which appears to be at a higher level than the application site. There are also a number of mature conifer trees in the garden area of The Cedars adjacent to the northern boundary wall and fencing. The indicative plan suggests the dwelling could be positioned at least 6m away from the northern boundary. Taking into account the context of the site, it is considered that the dwelling could be appropriately designed to minimise the potential for any overlooking into part of the adjoining garden area, which would be partly screened by existing trees. The proposal would also be a sufficient distance away from The Cedars (approximately 26m) to avoid any potential overbearing impact.

The proposed dwelling could be positioned approximately 9.5m away from the rear elevation of Maes Y Nant. Whilst the development of the site would result in a loss of the majority of the rear garden area, there would still be sufficient private garden space to the side (north) and front (west) of the dwelling which can be utilised.

It is acknowledged that the first floor bedroom/bathroom windows on the rear elevation of Maes Y Nant would likely overlook some parts of the garden area serving the development. However, the dwelling could be appropriately designed, possibly incorporating a rear annexe, which would help to create private amenity space. It is considered that the dwelling could be positioned within the site to avoid any adverse overbearing impacts on Maes Y Nant. Careful consideration of window locations would also avoid any potential overlooking concerns.

Furthermore, the dwelling could be appropriately located within the site to avoid any potential impacts on the amenities of the neighbouring plots, which may be developed in the future. As such, it is considered that the proposed development would not give rise to adverse impacts on residential amenity in the area. Therefore, the proposal complies with policy BW7 of the LDP.

Environment

The application site is considered to be of limited ecological value and the development of the site is unlikely to have a significant impact on any protected species or natural features.

In this regard it is noted that the Town Planning Division's Countryside Officer has not raised any objection to the development.

It is acknowledged that there is a ditch crossing through the site, which would be culverted as part of the development. Flooding issues have been experienced historically in the area from the ditch. The development of the site would present an opportunity to improve the drainage and discharge of water from the site.

A detailed landscaping scheme has not been submitted, as this matter has been reserved for future consideration. It is considered that the site is of a sufficient size to incorporate an appropriate landscaping scheme, which may include the planting of trees and/or hedgerows along the site boundaries to complement the character and appearance of the area. Therefore, the proposal complies with policies BW5 and BW8 of the LDP.

Highways

The indicative layout plan suggests that off-street parking could be provided on a driveway with access off the main highway via a private drive. This drive may also be shared by other properties should the previous permitted proposal (P/15/0434) be developed in the future.

It is acknowledged that concerns have been raised by local residents on the adequacy of the proposed access and the potential implication it may have on the on-street parking provision in the area. The indicative plan adequately demonstrates a suitable access into the site could be achieved with the provision of an acceptable turning facility. At least 2 parking spaces on a driveway could also be provided. It is accepted that the construction of the access would displace some of the parking along King Edward Villas. However, the residents of King Edward Villas have driveways and some on-street parking would still be accommodated.

It is considered that the existing highway is capable of accommodating the additional traffic generated by the development. In this regard, the Engineering and Traffic Group Leader has not raised any highway safety concerns. Subject to the future detailed design of the development, it is considered that a suitable means of access and parking provision could be provided without giving rise to highway safety concerns. Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. Using the Three Dragon's Toolkit, the Town Planning Division's Policy & Implementation Group Leader has assessed the viability of the development. In this instance a financial contribution towards the provision of affordable housing in the area is required, together with an appropriate monitoring fee. This would be secured by means of a Section 106 agreement. The terms of the Section 106 agreement would require the applicant to pay an affordable housing contribution of £3,000 to the Council.

CONCLUSIONS

For the above reasons, the proposed residential development of the site 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** and the applicant (and anyone else with an interest in the land) **ENTERING INTO A SECTION 106 AGREEMENT.**

1. Details of the access, 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. **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.

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 before the dwellings are 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.

6. **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 .

7. 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.

8. **No development or site clearance shall commence** until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

Reason - In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Policy BW6 of the Merthyr Tydfil Local Development Plan.

9. The access road/driveway serving the development shall be completed prior to the occupation of the dwelling in accordance with the approved details.

Reason - In the interests of road safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

10. 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.