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COMMITTEE	Planning and Regulatory
COMMITTEE DATE	6th February 2019

Application No.
P/18/0054

Date
17th May 2018

Determining Authority
MTCBC

Proposed Development

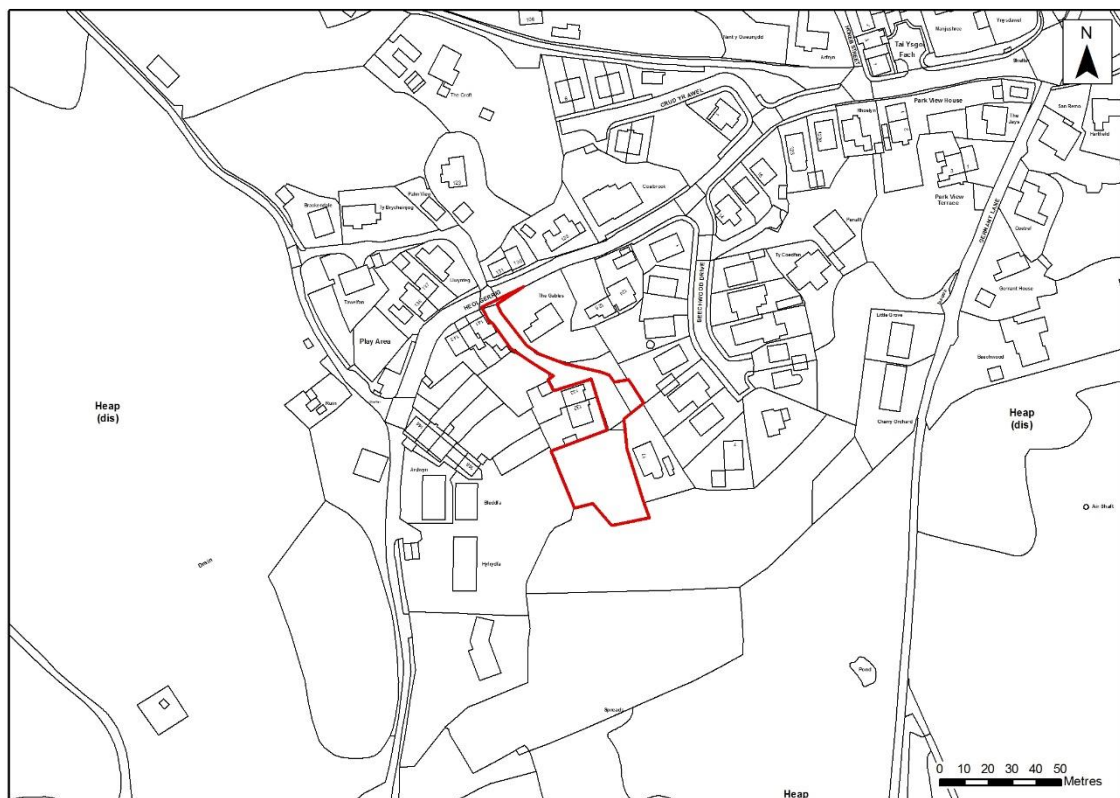
Location

Name & Address of Applicant/Agent

Proposed dwelling with minor works on the junction of Heolgerrig Road

Land Adjacent To 17 Beechwood Drive Heolgerrig Merthyr Tydfil

Mr & Mrs Griffiths
c/o George + Co
Hwyl Hub
1st Floor Woodfired Studios
62 High Street
Merthyr Tydfil



P/18/0054

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Councillor Chaplin has requested that this application be presented to Committee so that Members can consider the access to the proposed development and potential overlooking issues.

APPLICATION SITE

The application site consists of a vacant parcel of land situated immediately to the west of 17 Beechwood Drive and the section of road leading to this site off Heolgerrig Road. The site is located within an established residential area, with residential dwellings surrounding the eastern, western and northern boundaries. It is irregular in its overall shape and is predominately a grassed, sloping parcel of land that falls from west to east. It is bounded by the side elevation of a detached, gable fronted bungalow to the east, the gable end of a semi-detached dwelling to the north and the rear garden of a large detached dwelling to the west. The southern boundary of the site is bordered by a couple of trees which abut an undeveloped parcel of land that is designated as a Site of Important Nature Conservation (SINC). Access into the site is provided via the field gate located within the far north-eastern corner of the plot.

As a result of its topography, the site is raised in relation to the bungalow to the east and the semi-detached dwelling to the north. The neighbouring bungalow (17 Beechwood Drive) is gable fronted onto the road and its western side elevation sits approximately 2-3m away from the common boundary. There is a single bathroom window located along its side elevation which is partially obscured from the site by the conifer hedge which defines the neighbours boundary. Its rear garden extends to some 10m in length and is also defined by a hedgerow. Beyond this, there is a small rectangular area of garden which is enclosed by post and rail fencing. The northern boundary of the site faces onto the side elevation of number 132 Heolgerrig. This property has a driveway and garage located next to the common boundary. It is enclosed from the site by the side wall of the garage and a low brick wall. Its gable end, in which there is a single doorway, is offset from the boundary by a distance of approximately 5m.

PROPOSED DEVELOPMENT

Outline planning permission is sought for residential development, in the form of a single detached dwelling on a parcel of land situated to the west of 17 Beechwood Drive. All details (i.e. appearance, landscaping, layout and scale) other than the means of access to the site are reserved for future consideration. However, in accordance with the requirements of the Development Management Procedure (Wales) Order 2012, the application is accompanied by an illustrative layout plan. This shows a single dwelling being positioned near to the eastern boundary of the site with the front elevation orientated to the north. Garden areas could therefore be provided to the side and rear of the dwelling with a driveway and on-site parking being located to the front. Vehicular access to the property would be gained from Heolgerrig Road to the north of the site via the existing privately maintained road.

The development of the site for residential purposes involves a proposal to improve the visibility at the junction with Heolgerrig Road. This particular aspect would involve works to be undertaken to the front/side boundary of the neighbouring property which lies to the right of the highway junction, namely The Gables. The existing hedgerow which defines the front boundary of The Gables would be cut back to allow for a 2m x 25m vision splay to be provided to the right of the highway

junction. It is proposed that the existing 600mm high wall would be retained and a new 1.5m high enclosure would be provided to the front of the hedgerow.

Whilst details of the scale and appearance of the dwelling are both matters reserved for future consideration, it has been indicated that the dimensions of the property would fall between:

Minimum – maximum width of 7m – 9.5m

Minimum – maximum length of 8.9m – 12m

Minimum – maximum height of 6m – 7.2m

As the site is elevated, an indicative section drawing has also been provided during the course of this application to show how the proposed dwelling could sit in relation to the adjoining bungalow. This shows the dwelling being sited on a level comparable to the floor level of no.17 Beechwood Drive. The application is also supported by a Coal Mining Risk Assessment (CMRA) and a Speed Survey and Access Appraisal undertaken by Acstro Limited.

PLANNING HISTORY

The planning history relating to the site is as follows:

P/00/0240 Erection of dwelling (Outline)
Refused planning permission on 9th May 2002 for the following reason:

‘The proposed development as submitted is considered unacceptable in that it runs contrary to Policy H2 of the adopted Merthyr Tydfil Borough Local Plan. The proposal would result in increased traffic levels off an existing private lane at its junction with Heolgerrig Road. The said junction is substandard in that it lacks suitable visibility onto the main highway. Any increase in traffic using the access would prejudice the safety of both traffic and pedestrians travelling along this section of Heolgerrig Road.’

Reference was also made to insufficient information being provided in relation to land ownership.

P/92/0348 1no. dwelling (Outline)
Refused planning permission on the 1st October 1992 on highway safety grounds

P/87/1065 Erection of dwelling (Full)
Refused planning permission on the 23rd February 1998. Appeal was dismissed by the Planning Inspectorate.

CONSULTATION

Engineering and Traffic Group Leader – Raises no objection to the proposal subject to conditions.

Ecologist	– Raises no objection.
Environmental Health Manager	- No response received.
The Coal Authority	- Raises no objection to the proposal subject to a ground investigation condition.
Welsh Water	– Raises no objection to the proposal but advises that the application site is crossed by combined public sewers.

Wales & West Utilities – Raises no objection.

Western Power Distribution - No response received.

PUBLICITY

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

As a result of the publicity undertaken during the course of this application, letters of objection have been received from the residents of 17 Beechwood Drive and 132 Heolgerrig which are summarised as follows:

- The overbearing, overshadowing and overlooking impact to number 17 Beechwood Drive;
- Access to the site being narrow with further concern that an additional dwelling in this area would lead to overdevelopment;
- Potential highway safety issues including the level of visibility at the junction with Heolgerrig Road and the narrow width of the access road;
- Concern that the development of a large, 4 bedroom home could cause noise, pollution and nuisance from additional vehicles, people and children in the area;
- Concern regarding the mining history of the area and the potential for shafts to be present in close proximity to the site;
- Maintenance issues relating to the private road.
- Environmental impact arising from the loss of trees on the site.

A letter has also been received raising concern that a proportion of the land which forms the application site does not lie within the applicant's control.

POLICY CONTEXT

National Policy

Planning Policy Wales (Edition 10, December 2018) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

Paragraph 2.2 notes that *“All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being”*. Paragraph 2.3 expands on this highlighting that *“the planning system should create sustainable places which are attractive, sociable, accessible, attractive, secure, welcoming, healthy and friendly.*

Paragraph 3.9 *“the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations”*

Paragraph 3.45 provides guidance in relation to accessibility. It advises that *‘Spatial strategies should support the objectives of minimising the need to travel, reducing reliance on the private car and increasing walking, cycling and the use of public transport’*.

Paragraph 4.1.8 advises that the Welsh Government is committed to supporting sustainable forms of transport with the aim of reducing reliance on the private car.

Paragraph 4.2.17 states *‘Maximising the use of suitable previously and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites’*.

Paragraph 4.2.22 highlights the preference for higher density development in suitable locations noting *“Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their area. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links”*.

The policies in PPW are supported by Technical Advice Notes (TANs). The most relevant TANs to this application are as follows:-

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Paragraph 2.6 of TAN12 states that *‘Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities’*.

Paragraph 4.3 of TAN12 points out *‘Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process.’*

TAN 18 – Transport describes how to integrate land use and transport planning. It explains how transport impacts should be assessed and mitigated.

Paragraph 9.16 states that *‘the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road’*.

Local Policy

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

Policy BW1 – Development strategy – primary growth area
Policy BW4 – Settlement boundaries/location constraints
Policy BW5 – Natural Heritage
Policy BW7 – Sustainable design and placemaking
Policy BW8 – Development and the water environment
Policy BW12 – Development proposals and transport
Policy AS22 – Affordable housing contributions
Policy TB11 – Access, parking and accessibility of local facilities

Supplementary Planning Guidance (SPG) Note No. 1 - Affordable Housing
Supplementary Planning Guidance (SPG) Note No.2 – Planning Obligations
Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design
Supplementary Planning Guidance (SPG) Note No. 5 – Nature and Development

Other guidance

Manual for streets
CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The key issues that need to be considered are the acceptability or otherwise of the principle of development in planning policy terms, the impact of the proposed development on the character and appearance of the area, the impact of the proposed development on residential amenity and privacy and the impact of the proposed development on highway safety.

Principle of proposed development

The application site is situated within a predominately residential area within the designated settlement boundary. New development is acceptable in this location under Policy BW4 provided it complies with other relevant policies and material planning considerations. Therefore, the principle of utilising this site for residential purposes is acceptable, however, there are other site specific matters which require consideration. These matters are addressed below.

Character and appearance

With regard to the character and appearance of the area, the application site comprises a gap in a street scene of predominantly residential properties, appearing as an unmaintained and undeveloped piece of grassland. It is situated amongst a

small group of properties arranged informally around a private access road in a small cul-de-sac type of arrangement.

The illustrative layout plan suggests that the proposed dwelling would be orientated so that its front elevation would face onto the side boundary of number 132 Heolgerrig (the adjacent semi-detached dwelling). While acknowledging that in this location, the dwelling would follow the orientation of the adjacent bungalow, turning the dwelling so that its front elevation would face a north-easterly direction onto the road, would create a more legible and attractive form of development which would logically round off the existing group of dwellings in this location. It would also afford the rear garden area with a higher level of privacy which would be advantageous to the potential future occupiers of the dwelling. However, since layout, which includes siting, is a reserved matter, only the principle of the dwelling can be considered at this stage.

In this case, it is considered that a single dwelling conforming to the scale parameters given could readily be provided between 17 Beechwood Drive and 132 Heolgerrig without having an adverse impact on the street scene. Site levels will be an important consideration, both from a visual and a residential amenity point of view. However, as demonstrated by the illustrative section drawing, the site could be appropriately developed by cutting into the existing slope of the land to provide a development which would be comparable to the level of neighbouring properties.

Having regard to these matters, this infill site is considered appropriate for development. Thus, subject to more detailed design considerations under a subsequent reserved matters application, a new dwelling could be sensitively located within the plot without having an adverse impact on the character or appearance of the surrounding locality.

Residential amenity

Turning to the impact of the proposal on the existing levels of residential amenity and privacy currently enjoyed by neighbouring properties, it is considered that a dwelling could be accommodated on this site without having an adverse overlooking or overbearing impact on neighbouring properties. The concerns raised by the occupiers of the neighbouring bungalow (17 Beechwood Drive) are acknowledged. However, as this is an outline application with all matters other than access reserved for future consideration, the final siting and design of the dwelling (including the arrangement of windows and doors) would be subject to further control at the reserved matters stage

Notwithstanding this, the neighbours have raised valid concerns in respect of the height of the land in relation to their property and the potential overbearing and overlooking impacts which may arise from this scheme. Having regard to these concerns, discussions have taken place with the agent during the course of the application and this has led to the upper scale parameter for the height of the dwelling being reduced from 8.5m down to 7.5m. Whilst it is difficult at this stage to assess in detail the full impact of the development on the neighbouring properties, the illustrative layout and section drawings submitted with the application are helpful in proving that the site could be developed on a similar level to the adjacent

properties so that levels of amenity and privacy could be maintained. While these details are for indicative purposes only, the siting of a new dwelling in this location subject to careful consideration of levels, siting and the positioning of any side window openings, is unlikely to have a direct overlooking or overbearing impact, particularly upon the principal front and rear elevations of the adjoining properties. Also, it is considered that a dwelling could be sensitively located on this site to prevent an adverse overshadowing impact upon the adjacent dwellings.

Notwithstanding this, in respect of residential amenity issues, if outline planning permission is approved then neighbouring properties will be able to scrutinise much more detailed plans at the reserved matters stage.

Highway safety

With reference to highway safety issues, and noting the representations received from local residents, the Engineering and Traffic Group Leader has raised no objections to the proposal. In arriving at this conclusion, consideration has been given to the key issues that affect this proposal such as the visibility onto Heolgerrig Road, the suitability of the private access road to serve the proposed development and the level and frequency of traffic passing the access on Heolgerrig Road. Whilst noting the historic planning history relating to the development of this site and the previous highway safety concerns raised in relation to the intensification of the narrow private access road and the available visibility at the junction with Heolgerrig Road, the Engineering and Traffic Group Leader remains mindful that the proposal relates to a single dwelling and the level of passing traffic is relatively light along this section of Heolgerrig Road.

The Speed Survey and Access Appraisal submitted with the application has considered the highway implications of allowing the proposed development in detail. It highlights that the access onto Heolgerrig Road currently achieves sub-standard visibility with splays of 2m x 8m being obtained to the left of the junction and 2m x 15m to the right. It has also determined that the traffic volume passing the access is light with a total of 13 two-way vehicle movements being recorded during the morning peak hour (0800-0900) and 27 movements during the afternoon/evening peak period (1700-1800). Based on the speed and the volume of traffic recorded, the survey has determined that a stopping sight distance (SSD) of 23m would be required for eastbound traffic (downhill) and a distance of 25m for westbound traffic (uphill).

As highlighted above, the available visibility to the right (east) of the junction is 2m x 15m. Therefore, from this direction, the existing level of visibility is substandard for the speed of the traffic recorded along this section of Heolgerrig Road. To the left (west) of the junction visibility is further restricted by the front boundary of number 141 Heolgerrig Road. However, as highlighted in the traffic statement, eastbound traffic approaching from this direction will normally be travelling on the far side of the road and visibility on this side is approximately 2m x 15m.

If this application were to be permitted, the visibility to the right of the junction would be improved. This would be achieved by making changes to the front boundary of the adjacent property, The Gables. This would allow for a 2m x 25m vision splay to

be provided which is appropriate to the speed of the traffic recorded by the survey. Whilst it is acknowledged that visibility in this direction would still be partially obscured by a telegraph pole and highway sign and that the visibility to the left would still fall short of the required standard, the access is an established one and the Engineering and Traffic Group Leader has not raised any concerns in this respect. The intensification of use of the private access road by a single dwelling would generate limited additional traffic. The site itself is also considered to be of sufficient size to provide parking for a dwelling of the suggested scale and layout. As illustrated, the proposed dwelling could be served by two parking spaces and an on-site turning area. Taking all matters into account, the addition of one extra dwelling is not considered to significantly impact on the existing highway network.

It is acknowledged that the developer would need to obtain the permission of the adjacent land owner in order to undertake works to the front boundary of 'The Gables'. However, a suitably worded condition can be imposed to ensure that the development is not carried out until the highway improvement works to the junction are completed. Therefore, if a scenario occurs whereby the developer cannot gain the necessary permission to carry out the proposed works to the boundary of the adjacent property, he would not be able to commence development on the proposed dwelling. It should also be noted that through this application, the applicant has certified that the relevant notice has been served on the owner of The Gables and no objections have been received in this respect.

Having regard to the issues listed above and notwithstanding the highway concerns raised by local residents, the Council's Engineering and Traffic Group Leader has concluded that subject to conditions the current proposal is acceptable. For clarification, it should be noted that this application differs from those previously refused in so far as it is supported by a Speed Survey and Access Appraisal and proposes improved visibility at the access onto Heolgerrig Road.

Other matters

Coal Mining

As the site is located within a High Risk Coal Mining Development area, the application is accompanied by a Coal Mining Risk Assessment (CMRA). The submitted report which is based on a review of appropriate sources of coal mining and geological information highlights that the site is located within an area which is affected by underground mining of coal seams at a shallow depth. The Coal Authority acknowledge that the site is subject to unrecorded underground coal mining at shallow depth and that their records indicate the presence of a recorded mine entry within 20m of the site. Acknowledging these risks, they have raised no objection to the application providing that intrusive site investigations are carried out prior to the commencement of development on the site. The purpose of this is to ensure that the site is safe and stable for development.

Land ownership

The matter raised in respect of land ownership is not a material planning consideration. Nonetheless, this issue has been raised with the applicant's agent

with the view of clarifying the position. The agent has responded by providing title deeds confirming that the land identified by the red line boundary does fall within his client's ownership.

Ecology

The Council's Ecologist has been consulted on this application and has raised no issues relating to Ecology. Although it is acknowledged that the site does border a Site of Important Nature Conservation (SINC), the illustrative plans provided with this application clearly show that the dwelling could be suitably accommodated within the middle of the site. In this location, the Council's Ecologist considers the development is unlikely to have an indirect impact on the SINC.

Other matters

Any damage that may occur to the private road during the course of development is a private matter between the applicant and the owners of the road.

With regard to deliveries and construction traffic, it is appreciated that this would need to be managed appropriately and a condition has been recommended requiring details of the parking of vehicular construction traffic, the loading and unloading of plant and materials and the management of construction traffic.

Planning Obligations

Policies BW17 and AS22 of the Merthyr Tydfil Local Development Plan (LDP) 2006-2021 consider the requirement for planning obligations and affordable housing contributions on all residential schemes. On proposed residential developments of less than 10 units or where it can be demonstrated that on-site provision for affordable housing is not possible, the Council will require a financial contribution towards the provision of affordable housing elsewhere in the corresponding growth area of the LDP.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy & Implementation Group Leader. In this instance no planning obligations for the provision of affordable housing or any other contributions have been sought as this would likely render the development financially unviable. In order to come to this conclusion, an assessment has been carried out using the Three Dragons Toolkit.

Conclusion

For the above reasons, the proposed residential development is considered an acceptable form of 'infill' development and subject to detailed consideration at reserved matters stage, would not be harmful to the character of the locality or the amenity of neighbouring residents. The scheme is also considered acceptable in highway safety terms.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of

the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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 the dwelling to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;

- iii) the position height and material of all walls, fences and other means of enclosure;
- iv) 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 interest

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 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 beneficial use of the development 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.

7. **Before the commencement of the dwelling hereby approved**, the boundary enclosures to the dwelling known as 'The Gables' shall be amended and completed in accordance with drawing number 547-002. Thereafter, the visibility splay shown on drawing numbers 547-002 and 547-001 shall be maintained free of any obstruction exceeding 0.9m in height thereafter

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

8. **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.

9. 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 8 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 for the period agreed in the remediation scheme.

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

10. **No development shall commence**, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

11. 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.