

<b>DATE WRITTEN</b>	4th March 2019
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<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	13th March 2019

**Application No.**  
P/18/0350

**Date**  
13th November 2018

**Determining Authority**  
MTCBC

**Proposed Development**

**Location**

**Name & Address of Applicant/Agent**

Construct 5, 2 bedroom bungalows

Land Off Aneurin Crescent  
Twynyrodyn  
Merthyr Tydfil

Merthyr Valleys Homes Ltd  
c/o Paul Overton Architects  
97A High Street  
Merthyr Tydfil  
CF47 8UD



## **PURPOSE OF REPORT**

### **To further consider planning application P/18/0350**

At the Planning, Regulatory and Licensing Committee meeting held on the 6<sup>th</sup> February 2019 it was resolved to defer the determination of the application to allow members to undertake a fact finding site visit. This took place on the 27<sup>th</sup> February 2019.

The main planning related issues raised during the fact finding site visit centred on the impact the development would have on the existing bus stop and upon highway and pedestrian safety, given that the surrounding area is already heavily congested. The impact on neighbouring residents, due to the proximity of the development was also discussed. All of these issues however, have been previously raised and are fully considered in the original committee report, thus the conclusions reached were simply re-iterated at the site visit.

Therefore, the points raised at the fact finding site visit did not highlight any new issues that would alter the original recommendation to Committee.

### **COMMITTEE'S DECISION IS REQUIRED.**

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

Councillor A. Barry and Councillor Thomas have requested that this application be reported to committee in order to consider the concerns of local residents.

### **APPLICATION SITE**

The application site relates to an open and irregular parcel of land located to the south of Greenwood Close, in Twynrodyn. The grassed area slopes down significantly from east to the west. The site is bound by the bungalows in Greenwood Close to the north, the highway of Jowett Avenue to the east, the highway of Wheatley Place to the west and the highway of Aneurin Crescent to the south. Other than the bungalows in Greenwood Close, the land is surrounded by two-storey semi-detached residential properties.

The application site lies within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

### **PROPOSED DEVELOPMENT**

This application seeks full planning permission to construct 5, 2 bedroom bungalows. The development would consist of three, 2 bedroom bungalows facing onto Wheatley Place and two, 2 bedroom bungalows facing towards Aneurin Crescent. The supporting information submitted with the application indicates that the 5 bungalows would provide accommodation for people over the age of 55.

Each of the bungalows would measure 7.5 metres wide, 10 metres deep and 5.4 metres in height. They would each provide 2 bedrooms, a kitchen/dining area, a lounge and a bathroom. A front canopy would sit above the main entrance. The elevations would be finished in render with coloured panels, the roof would be covered with concrete tiles and the windows would be UPVc. Private garden areas to serve each of the bungalows would be enclosed by a 1.8 metre high brick wall (some of which would be retaining walls). A 1.1 metre high white steel fence would be sited along the eastern boundary of the site, to match the existing fencing adjacent to Jowett Avenue. Two on-site parking spaces would be provided to serve each of the bungalows.

## PLANNING HISTORY

P/18/0275 - Construction of 3, 2 bed bungalows, 2, 2 bedroom flats and 2, 1 bedroom flats – Withdrawn: 15<sup>th</sup> October 2018

## CONSULTATION

Engineering and Traffic Group Leader conditions.	No objection subject to
Environmental Health	No objection, subject to conditions.
The Coal Authority	No objection, subject to conditions.
Western Power	No response.
Welsh Water	No objection, subject to conditions.
Wales and West Utilities conditions.	No objection, subject to

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) Order (Wales) 2012, two site notices were displayed within the vicinity of the site and neighbouring properties were consulted. Four letters of objection were received, which raise the following concerns:

- It would result in the loss of the green space, enjoyed as a leisure space by children, dog walkers and the elderly, leaving no other green space for leisure use;
- The bungalows would be built on the bus stop used by many residents and it is unknown what would happen to the bus stop;
- It will cause increased noise and pollution from the machinery/vehicles used in the construction process, which will also be a highway safety hazard for pedestrians;

- It will result in overcrowding and traffic chaos in an already congested area and result in the additional volume of traffic over-spilling onto the highway and causing an obstruction and a danger to pedestrians and other users of the highway;
- It will result in overlooking and loss of privacy;
- The estate is already crowded and the bungalows will make the estate look unsightly;
- Dust and debris will potentially damage properties, some of which have been recently painted.

### National Planning Policies

- Planning Policy Wales (PPW) (Edition 10, December 2018)

Paragraph 3.3 refers to good design and states that *'...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'*

Paragraph 3.9 refers to character and states that *'...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. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...'*

Paragraph 3.14 refers to context appraisal and states that these *'...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals...'*

Paragraph 3.51 states that *'...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...'*

Paragraph 4.2.17 goes on to state that *'...maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites...'*

- TAN (Technical Advice Note)

TAN 12: Design (2016) – This TAN 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.

### Local Planning Policies

- The Adopted Merthyr Tydfil Local Development Plan LDP 2006-2021

BW1 – Development Strategy – Primary Growth Area  
BW4 – Settlement Boundaries/Locational Constraints  
BW7 – Sustainable Design and Place Making  
BW8 – Development and the Water Environment  
BW12 – Development Proposals and Transport  
BW16 – Protecting/Enhancing the Network of Leisure Facilities  
BW17 – Securing Community Infrastructure Benefits  
BW18 – Contaminated Land  
AS22 – Affordable Housing Contributions  
TB11 – Access, Parking and Accessibility of Local Facilities

Supplementary Planning Guidance (SPG)

SPG No. 1: Affordable Housing (March 2012)  
SPG No. 2: Planning Obligations (March 2012)  
SPG No. 4: Sustainable Design (July 2013)

Other Guidance:

Merthyr Tydfil Open Space Strategy (June 2016)

### PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as such LDP Policy BW4 is a relevant policy consideration. This policy states that new development within the settlement '*...will be allowed providing it is compatible with other relevant plan policies and material planning considerations...*' The proposed construction of 5 bungalows would therefore be supported by LDP Policy BW4. Therefore, the main issues to consider when assessing this application relate to whether the proposed development would be acceptable with regards to its impact upon the character and appearance of the area, residential amenity, parking provision and highway safety.

### Character and Appearance

The application site forms the southern end of a broadly oval shaped 'island' sandwiched between Jowett Avenue and Wheatley Place. This 'island' has grassed areas to both its northern and southern ends with the central larger portion made up of semi-detached and terraced bungalows. Neither the application site nor the northern end of this 'island' is identified in the Merthyr Tydfil Open Space Strategy as

areas of land that warrant protection. Nevertheless, any development of this site needs to compliment the character and appearance of the immediate locality. The proposal to extend the existing development of bungalows to the north is considered a sympathetic design response to the sites immediate context. Landscaped areas at the Wheatley Place/Aneurin Crescent junction and along the entire boundary with Jowett Avenue would help to soften the boundaries and provide a visually sympathetic development.

The three bungalows to the west of the site, just off Wheatley Place, would be developed on the flattest part of the site and as such, there would be no deviation in their roof height. The 2 bungalows to the south of the site, just off Aneurin Crescent would be stepped in respect of their roof height, to follow the topography of the land.

The bungalows would share similar characteristics in terms of their scale and appearance to the existing bungalows to the north of the site. Furthermore, the concrete roof tiles and rendered elevations would also be consistent with the material finishes of these neighbouring bungalows. A central canopy and doorway set between two front windows would frame the entrance into the properties and add interest to their primary elevation. Thus, it is considered that the well-proportioned design of the bungalows is reflective of existing dwellings in the immediate context and would not detract from the character or appearance of the area. The proposal would therefore comply with LDP Policy BW7.

#### Residential Amenity

Arguably, the greatest impact from the proposed bungalows, in terms of overlooking, overbearing impact and loss of light would be to the bungalows located to the north of the site, namely 13 and 14 Greenwood Close. The closest bungalow would be sited over 8 metres from these neighbouring properties. Given this distance and the fact the proposed bungalows would be set below the level of these properties ensures that there would be little overbearing impact, overlooking or loss of light.

Similarly, the impact of the proposed bungalows on the existing two-storey dwellings surrounding the site (i.e. those in Wheatley Avenue, Jowett Avenue and Aneurin Crescent) would also be safeguarded. As such, given the single storey nature of the development and the intervening roads and/or topography, the proposal would not harm the amenity of surrounding residents in terms of overbearing impact, overlooking or loss of light. The proposal would therefore comply with LDP Policy BW7.

#### Parking and Highway Safety

The proposed bungalows would each be served by 2 parking spaces with 3 bungalows accessed off Wheatley Place and 2 bungalows accessed off Aneurin Crescent. The Engineering and Traffic Group Leader has considered the proposal and does not consider that the bungalows with associated parking would be detrimental to highway or pedestrian safety. The surrounding roads are also sufficient to cater for the increase in vehicular movements from the proposed development. As such no objection has been raised. The proposed development would therefore not give rise to adverse highway/pedestrian safety concerns or

impinge the free flow of traffic within the vicinity. The proposal would therefore comply with Policies BW12 and TB11 of the LDP.

### Responses to Representations

Many of the concerns raised by local residents have been considered above. Other concerns raised are addressed below:

- Although there are not any signs indicating a designated bus stop, there does not seem to be any reason why buses could not continue to stop on the highway to the south of the site (Aneurin Crescent) if the proposal is developed;
- The construction noise and traffic disruptions associated with the proposed development will be temporary as with any new development. However a condition is recommended in respect of construction times, in order to protect the amenities of nearby occupiers;
- Any damage to neighbouring properties as a result of the construction works would be a civil matter between the relevant parties.

### Conclusion

The proposed development, although resulting in the loss of a grassed area, is deemed a sympathetic design response in context with its surrounding built environment, which would not detract from the amenities of nearby occupiers or cause an adverse impact on highway safety. The proposal is therefore considered acceptable and would comply with the relevant LDP policies.

Furthermore, I have considered 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”). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision 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. 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. The development shall be carried out in accordance with the following approved plans and documents:

- Project No. 7858, Drawing No. 11, revision A, received: 11th December 2018;
- Project No. 7858, Drawing No. 12, revision A, received: 26th November 2018;
- Project No. 7858, Drawing No. 13, received: 11th December 2018.

**Reason** -To ensure compliance with the approved plans and clearly define the scope of the permission.

3. Prior to the construction of the dwellings hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings 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.

4. **No development shall take place** until full engineering details and sections, 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 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 Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan

5. Notwithstanding the submitted plans, **no development shall commence** until details of a scheme for the disposal of foul and surface water, to incorporate SUDS principles, 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 dwellings 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.

6. 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.

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 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.

9. **No development shall take place** until a Phase 1 Land Contamination investigation has been carried out. The Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation.

- The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

- The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

**Reason** - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Should the Phase 1 Contamination investigation carried out under condition 9 identify the presence of potentially unacceptable risks, **no development shall take place** until a Phase 2 site investigation has been carried out.

- A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before the commencement of the Phase 2 investigation.

- The completed Phase 2 investigation report together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out.

- The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11"

- The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

**Reason** - To ensure the risks from land contamination to future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Should Land Contamination Remediation Works be identified as necessary under condition 10, **no development shall take place** until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation. The development shall be carried out in accordance with the approved scheme.

**Reason** - To ensure the risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a

verification report (or validation report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The monitoring and maintenance programme shall be implemented in accordance with the approved details

**Reason** - To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. **No development shall take place** until the undertaking of an appropriate scheme of intrusive site investigations, which shall be prepared and conducted by a suitably competent person, has been carried out and a report of the findings arising from the intrusive site investigations, which shall also be prepared by a suitably competent person, has been submitted to and approved in writing by the local planning authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, any remedial works identified by the site investigation shall be undertaken **prior to the commencement of development**.

**Reason** - In the interests of the safety and stability of the site and development.

14. The boundary treatments as illustrated on drawing no. 12, Rev A, received 26th November 2018 shall be completed as approved and retained in perpetuity before the occupation of the bungalows.

**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.