

<b>DATE WRITTEN</b>	29th April 2019
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	David Cross
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	8th May 2019

**Application No.**  
P/19/0065

**Date**  
13th March 2019

**Determining Authority**  
MTCBC

**Proposed Development**

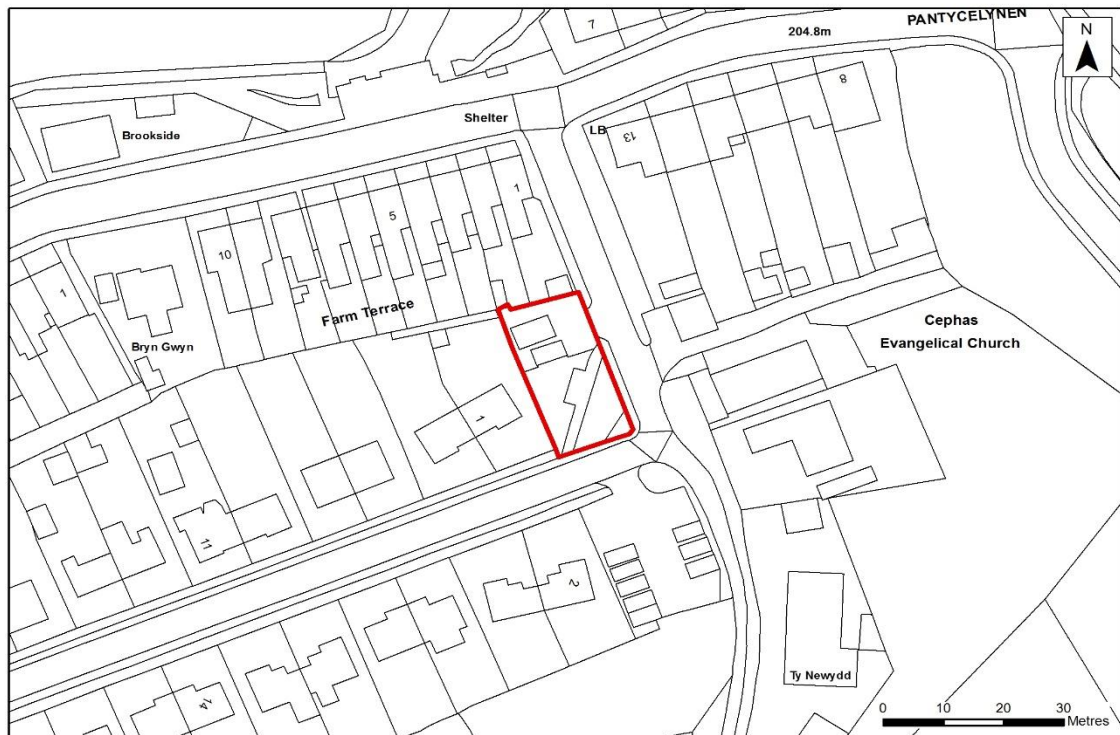
**Location**

**Name & Address of Applicant/Agent**

Erection of detached dwelling  
(Outline)

Land Adjacent To 1  
Brondeg  
Heolgerrig  
Merthyr Tydfil

Merthyr Tydfil County  
Borough Council  
c/o Mr W. Scorey  
1 Glanynys Cottages  
Cwmbach Road  
Aberdare



P/18/0065

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## APPLICATION SITE

This application relates to an area of land measuring approximately 0.04 of a hectare in a prominent corner location along Brondeg. The site is bound to the south and east

by the main highway, with no. 1 Brondeg adjoining the site to the west and nos. 1 & 2 Farm Terrace adjoining the site to the north.

The southern part of the site comprises an area of grass land and a footpath linking to the highway, which forms part of the public realm. The northern part of the site accommodates two detached garages and a hardstanding.

## PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of a detached dwelling. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration. As such, it is only the principle of the proposed development that is to be considered under this application.

To demonstrate how the site could be developed, an indicative layout plan has been submitted in support of the application. It is suggested that the dwelling could be located in the southern part of the site with a frontage onto Brondeg to follow a similar building line with other properties along the street. To provide suitable garden space, the existing garages could be demolished with a driveway provided utilising the existing vehicle access on to the highway.

It is proposed that the scale of the dwelling would measure between 8m to 9m wide by 7m to 7.8m deep and 7.1m to 8m high. It is suggested that the design of the dwelling could have a hipped roof and incorporate a gable feature on the front elevation to reflect other properties along Brondeg.

## PLANNING HISTORY

P/03/0005 - Proposed garage.

Permission GRANTED on 04.03.2003

## CONSULTATION

- |   |   |   |
|---|---|---|
| Engineering & Traffic Group Leader      | - | No objection subject to conditions relating to structural design, retaining works and drainage. |
| Planning Division's Landscape Architect | - | No objection.   |
| Planning Division's Ecology             | - | No objection subject to a condition for a method statement to minimise any harm to bats.        |
| Environmental Health Manager            | - | No response.  |
| Welsh Water                             | - | No objection subject to a condition relating to surface water and land drainage.                |

Western Power Dist. - No response.

Wales & West Utilities - No objection.

## PUBLICITY

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

As a result of this publicity exercise 3 letters of objection were received, which raise the following concerns:

- *The proposed development would result in the loss of the garages which have been built on the land and currently leased to a local resident.*
- *Even though the application is an outline proposal, it is of a poor design and lacks any understanding of scale or the vernacular of the surrounding area.*
- *The development takes away a purposeful part of the street landscape.*
- *The dwelling would be too far forward of the main streetscape and building line, due to the Welsh Water easement.*
- *The development is too small and would be alien to the area with no other meaningful single dwellings on that street.*
- *The development would be too close to No. 1 Brondeg.*

Councillor Geraint Thomas has requested that this application be reported to Committee to scrutinise the loss of public amenity and green space.

## POLICY CONTEXT

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

### National planning policy

*Planning Policy Wales (PPW), Edition 10, December 2018:*

Para 3.5 – 3.15 sets out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 sets out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 6.4.21 – 6.4.23 notes that local authorities should seek to maintain and enhance biodiversity and build resilient ecological networks to ensure that any adverse environmental effects can first be avoided, mitigated or compensated. Regard should also be given to any potential impacts on protected species that may result in disturbance or harm to the species or its habitat.

*Technical Advice Notes (TAN):*

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016
- TAN 12, Guidance on Design and Access Statements, March 2016

Local planning policy

*Merthyr Tydfil Local Development Plan (LDP):*

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

*Supplementary Planning Guidance:*

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

## PLANNING CONSIDERATIONS

Land use

The application site is located within the settlement limits and the Primary Growth Area, where the majority of new development is generally encouraged and supported in principle by policies BW1 and BW4 of the LDP. Given the predominantly residential nature of the surrounding area, the development of the site to accommodate a single dwelling would complement the existing uses. Therefore, the principle of the development is acceptable.

It has been highlighted that the existing garages within the site are in the ownership of a local resident. They are both constructed on land that is currently leased by the Council. In order for the development to progress it is likely that the lease agreement would cease and the garages would need to be demolished. Whilst the concerns of

the garage owner are appreciated, any issues relating to land ownership or lease agreements would be a legal matter and would not constitute a material planning consideration.

### Design

It has been adequately demonstrated that a detached dwelling can be accommodated within the site with sufficient garden space provided to the front and rear of the property. The siting of the dwelling would largely be informed by the presence of a sewer pipe crossing the site and the need to provide a suitable easement. Nonetheless, the indicative layout plan suggests that the development could follow the general pattern of development in the area. In this regard, the dwelling could be orientated to front on to the highway with a suitable setback that respects the building line of existing properties.

Whilst the existing properties in the area are largely semi-detached, there are few detached properties within the vicinity, including Mandian House and Ty Newydd opposite the site to the south-east. There is also a degree of variation in the appearance of the dwellings along Brondeg, with some properties incorporating gable features and others only incorporating simple porches or canopies. The scale of the proposed dwelling would be similar to that of the existing properties in the area. Furthermore, the indicative plans suggest the appearance of the dwelling could incorporate similar features that compliment those already present within the street.

It is acknowledged that a concern was raised that the development would result in a loss of street landscape. Currently the site is deemed to be of limited landscape value with no trees or planting to add interest. The development of the site could provide a suitable landscaping scheme, which may include planting within the garden area and garden boundary walls to reflect the character of the area.

Although the layout, appearance and scale of the development have been reserved for future consideration, it has been adequately demonstrated that a dwelling of an appropriate design could be accommodated within the site without adversely impacting on the character or appearance of the area. Therefore the proposal complies with policy BW7 of the LDP.

### Amenities

The properties that have the greatest potential to be affected by the development would be no. 1 Brondeg and nos. 1 & 2 Farm Terrace. The siting of the dwelling would be restricted by a sewer pipe crossing the site and as such the dwelling would most likely be positioned in the southern part of the site. It has been illustrated on the indicative plan that the dwelling could be positioned at least 25m away from the properties along Farm Terrace, which would avoid any adverse overbearing or overlooking concerns. The dwelling could also be positioned approximately 5m away from the side elevation of no. 1 Brondeg and 1.5m away from the adjoining boundary. Whilst the development may have some impact on the driveway area serving no.1 Brondeg, the separation distance between the dwellings would not be dissimilar to that which exists between other properties along the street. There would likely be a negligible impact on the rear garden area and there are no windows to the side of no.

1 Brondeg that may otherwise be affected by the development. It has been adequately demonstrated that the site could be developed without adversely impacting on the amenities of neighbouring occupiers. Therefore, the proposal complies with policy BW7 of the LDP.

### Highways

It is suggested on the indicative layout plan that the part of the site, which currently accommodates garages with a hardstanding area, could be utilised to provide a new driveway to serve the proposed dwelling. The existing access onto the highway would be retained and it is anticipated that a boundary wall, possibly with gates could also be introduced to enclose the garden area. It has been adequately demonstrated that a suitable means of access into the site could be achieved with sufficient off-street parking. In this regard, the Engineering and Traffic Group Leader has not raised any highway safety concerns. Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

### Environment

The site is deemed to be of limited ecological interest given that it is largely void of any features of interest. However, it has been noted by the Planning Division's Ecologist that the presence of bats has been recorded in the general area with nearby suitable habitats. Although bats are not likely to be present within the existing garages, an informative should be attached to any permission to ensure that the developer is aware of the need to contact Natural Resources Wales in the event that any bats are found during the demolition works. Therefore, the proposal complies with policy BW5 of the LDP.

### Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing contributions respectively. The viability of the proposed development has been assessed by the Planning Division's Policy Group Leader using the Three Dragon's Toolkit. In this instance no contributions are sought as this would likely render the development financially unviable. Therefore, the proposal complies with policies BW17 and AS22 of the LDP.

## CONCLUSIONS

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.

For the above reasons the proposed development is acceptable and complies with the relevant LDP policies. Accordingly, the following recommendation is made:

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

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. 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 all buildings 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 construction 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. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason** - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

6. 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.

## **INFORMATIVES**

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.