

DELEGATED REPORT

Application No:	P/22/0066
Site Address:	Builders Yard & Premises Elwyn Drive Twynyrodyn Merthyr Tydfil
Development:	Erection of 4 no. dwellings (2 no. detached and 1. no pair of semi detached) including demolition of existing office building with stores
Case Officer:	Adam Foote
Application Expiry Date:	13th December 2023
Consultation reply date expired:	17th November 2023

APPLICATION SITE

The application site comprises a former builders yard accessed via Elwyn Drive, Twynyrodyn. The site is within the defined settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Local Development Plan (LDP) and as shown on the associated proposals map. The site falls within the designated Landscape of Outstanding Historic Interest: Merthyr Tydfil.

The site is within a residential area and is bound by the rear garden/amenity areas of the neighbouring dwellings; 9 – 16 Elwyn Drive to the south and; Clear View, Lyndale and Catarene to the north. The topography of the area is such that the land level raises to the north resulting in the properties on Elwyn Drive being sited at a lower level and those on St Tydfil's Avenue at a higher level.

There are two existing access points to the site, one on the eastern boundary and one on the western. The site measures approx. 0.08 hectares and is irregularly shaped. A set of public access steps links Elwyn Drive and St Tydfil's Avenue and is located adjacent to the eastern access point.

PROPOSED DEVELOPMENT

This application seeks consent for the construction of a total of x4 dwellings, arranged as x2 detached and a pair of semidetached. All are proposed to be 2 storeys with an external finish of rendered first floor elevations with brick detailing on the corners and the ground floor finished in facing brickwork.

The detached dwellings are proposed to occupy the western section of the site and would be accessed from the existing western access. The properties are proposed to face west with the parking area(s) arranged to the front of the properties and private amenity areas to the rear. The properties are proposed as a mirror of one another with a 2 storey gable front projection, a single storey rear offshoot, clipped gable roof design with both properties providing 4 bedrooms.

The semidetached dwellings are proposed to occupy the eastern section of the site with access being gained via the existing eastern access. The properties are proposed to face west into the site with the vehicular access/driveway proposed to be constructed along the southern boundary of

the site with parking being arranged to the front/west of the houses and garden areas being arranged around the dwellings. The properties have a clipped gable roof design and a single storey front porch projection. Both properties are proposed to provide 3 bedrooms.

Additional detail in respect of the scale, design and position of the development is illustrated on the submitted plans.

PLANNING HISTORY

Pre-application advice was sought for the proposed development which concluded that it was unlikely that consent would be granted as the proposal would result in an adverse impact upon the character and appearance of the area and the amenities of nearby occupiers.

Previously consent was granted for the erection of a pair of semidetached dwellings on part of the site. The application (P/15/0004) was approved in March 2015. This application had a different red line boundary with the properties arranged in the approximate location of the detached properties on the current submission however with a greater deal of separation from the outer boundaries.

Previous to the 2015 consent an application for 3 dwellings (x2 bungalows and x1 dormer bungalow) was refused under application ref P/00/0320 and then dismissed at appeal (ref; APP/U6925/A/00/1052966) with the inspector concluding that the three dwellings represented an overdevelopment/over intensification of the site that would prejudice the living conditions of both future occupiers of the site and of existing nearby residents and that the scheme would be detrimental to the character and amenity of the area.

CONSULTATION

Head of Engineering and Highways:	No objection subject to conditions.
Planning Policy Officer	No objections
Planning Ecology Officer:	No objection subject to conditions.
Dwr Cymru/Welsh Water:	No objection subject to condition.
The Coal Authority:	No objection subject to conditions.
Environmental Health Manager:	No objection subject to conditions.

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.

4 letters of objection were received following this publicity exercise (one representation on behalf of 2 properties), the main material points have been summarised below;

- Loss of privacy
- Loss of security
- Drainage concerns – surface water run off
- Damage during construction
- Height of proposed dwellings not in-keeping leads to other concerns
- Concern over access/capacity of highway and safety concern relating to parking area/provision
- Noise and disturbance from vehicles

Due to the objections received this application has been referred to the local Elected Members, no further objection or representation has been received from the Elected Members nor has any request been received for the application to be reported to Planning Committee.

POLICY CONTEXT

National Policy

The Future Wales

Planning Policy Wales (PPW) Edition 11 (February 2021)

Technical advice note (TAN) 2: planning and affordable housing

Technical advice note (TAN) 5: nature conservation and planning

Technical advice note (TAN) 12: design

Technical advice note (TAN) 18: transport

Local Policy

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW1 – Provision of New Homes

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable design and Placemaking

Policy CW1 - Historic Environment

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

Policy EnW5 – Landscape Protection

Supplementary Planning Guidance (SPG) Note No. 4 – Sustainable Design

PLANNING CONSIDERATIONS

The key considerations in the determination of this application are; The Principle of the development, sustainability, Coal Risk, Highway safety, ecology and residential amenity

Principle of development

Planning Policy Wales, currently in its 11th edition and Future Wales: The National Plan, sets the policy framework for Planning in Wales and both place significant weight upon sustainability and sustainable developments within appropriate locations. The application site is located within the settlement boundary where there is a presumption in favour of development and the efficient use of land is encouraged. The proposal seeks consent for the construction of 4 homes on previously developed land as defined by Planning Policy Wales 11. PPW11 states, "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".

Future Wales identifies appropriate densities for new residential developments (Policy 2) stating; "To support the economic and social success of our towns and cities, including sustaining public transport and facilities, urban growth and regeneration should increase the population density of our towns and cities. New developments in urban areas should aim to have a density of at least 50 dwellings per hectare (net), with higher densities in more central and accessible locations". In this case, the proposed density would accord with the requirement of the policy however, in this instance the individual circumstances and constraints of the site must also be considered in respect of establishing an acceptable density for the site, this will be covered in more detail in a later section of this report.

LDP Policies SW1, SW3 and SW4 are relevant in establishing the principle of the development. SW1 (Provision of New Homes) establishes that 2,250 additional homes are required to sustainably grow the population of the County Borough with a strategy focus on the utilisation of brownfield land.

SW3 (Sustainably Distributing New Homes) has allocated sites for new residential development and has identified primary and secondary growth areas, the application site is within the primary growth area. SW4 (Settlement Boundaries) defines the settlement boundaries, as the site is within the settlement boundary no objection is raised to the principle of the development.

Given the above, no objection is raised to the principle of the development of a brownfield site within a primary growth area and within the settlement boundary.

Sustainability

The application site is within an established area therefore future occupiers would be well served by the existing local amenities which are accessible via sustainable modes of transport. Additionally, occupiers would be well served by public modes of transport with a bus route operating from nearby streets and Merthyr Tydfil Train Station being approx. 0.4 miles/10 minute walk from the site.

No concern or objection is raised in respect of the sustainability of the application site.

Coal Risk

The application site is within a defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

An Intrusive Coal Mining Risk Assessment report (May 2023, prepared by Terra Firma (Wales) Ltd) has been submitted in support of this application. The report states *'It may therefore be concluded that there are no mining related ground instability risks to the proposed housing at the site.'* On the basis of the information submitted The Coal Authority have no objection to the proposed development, subject to conditions.

Highway Safety

The proposed development would utilise the existing entrance points with the detached dwellings sharing the western entrance and the semidetached sharing the eastern. Given that the entrances are both existing and served a former builders yard no concern is raised in respect of the proposal or in respect of the capacity of the local highway network.

Parking for the proposed dwellings is in line with the standards as adopted by The Council therefore no concern is raised in this respect.

Concern has been raised via the public consultation in respect of the proposed access and parking arrangements, citing manoeuvrability of vehicles and the potential for danger should a vehicle collide with a boundary wall. The proposed development has been assessed by The Head of Engineering and Highways who raises no objection to the proposed development, subject to conditions, therefore it is accepted that the development would not have any unacceptable adverse impact upon highway safety.

Surface Water Drainage

The proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS)

features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. This is separate legislation sitting outside the remit of the Town & Country Planning Act therefore the lacking information in this respect would not result in planning consent being withheld. No concern has been raised from the internal consultation exercise in respect of drainage.

Ecology

Policies EnW1 and EnW2 seek to ensure that green infrastructure is protected, enhanced and the effects of climate change mitigated, such requirements accord with policy and guidance within Future Wales 2040 and Planning Policy Wales. The proposal, raises no significant concerns in this regard given the existing context and extent of development proposed. The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests.

At present the site has limited ecological value owing to its former use and the manner in which the site is arranged. The supporting Habitat & Bat Survey Report completed by Little Wing Ecology concludes that the site has little ecological value at present and found no evidence of bats or other priority species on site.

Given the low level of ecological value on site at present the proposed scheme presents an opportunity to provide a significant net benefit in this respect. No ecological enhancement has been proposed through this application. The Local Planning Authority have a duty to take action towards securing the maintenance and enhancement of the afore mentioned features and to mitigate against the effects of climate change, as no enhancement is proposed it is considered that the proposed development is contrary to national planning policy. The Dear CPO Letter of 2019 is clear that "...where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission."

Visual Impact/Character of the area

The proposed development would be visible within the public realm (primarily from the east) and therefore would impact upon the amenity/character of the area. The wider area has been developed incrementally over a number of years which is reflected in the varying style of property in the immediate surroundings. As such the proposed design does not result in any unacceptable visual impact that would warrant concern.

The proposal is akin to backland development with limited interaction with the existing built form or public realm that surrounds it, however, it is considered that there are opportunities for development to make a positive contribution in this respect. It is also noted that the development of the site for residential purposes has the potential to improve the amenity of the area by introducing a use that is more compatible than the former and a style of development which sits more comfortably within the context.

The detached dwellings face outwards and although any visual impact from the public realm would be limited they do address the public realm given their siting, as such no concern is raised in this respect. However, by contrast, the semidetached dwellings face into the site turning their backs to the public realm. This does not adopt the principles of good place making or inclusive design and would detract from the amenity and character of the area. Additionally, a high retaining wall with fencing atop it is proposed which cuts off the site from the public realm opposed to addressing the constraints of the site. For the aforementioned reasons the proposed development is unacceptable and contrary to points 1 and 2 of LDP Policy SW11.

Residential amenity

The application site is bound by residential dwellings to the north and south and given the relatively small area and relationship with the closest properties the proposed development will undoubtedly have an impact upon the living conditions of neighbouring occupiers.

The dwellings are proposed to be constructed within close proximity of the site boundaries and therefore within close proximity of the primary amenity space of a number of neighbouring dwellings. The properties on St Tydfils Avenue (Catarene and Lyndale) are bungalows with shallow rear gardens, at the shortest point the rear garden area for Caterne is 6.75M, the proposed 2 storey dwelling would be located at a lower level but within close proximity of the site boundary and therefore would have a significant adverse impact upon outlook and light to both the garden area and within the property. This is considered to be exacerbated as the development site is south of these properties.

The proposed section 2-2 on submitted plan No 6 illustrates this relationship and shows that the side gable of the proposed dwelling would sit considerably higher than the existing rear boundary fence, this relationship is unacceptable resulting in a loss of light, loss of outlook and overbearing impact both within the property and within the private amenity/garden area.

The properties on Elwyn Drive occupy a significantly lower position than the application site therefore the proposed development would have a significant adverse overbearing impact due to its height and scale in such a close proximity to the site boundary.

In respect of the properties on Elwyn Drive additional concern is raised due to the proposed siting of the access road and parking areas associated with the proposed development. No sections have been proposed to illustrate the relationship between the proposal and the existing dwellings however, based on the existing ground levels the development would be on a similar level to the first floor of the properties on Elwyn Drive. A considerable amount of disturbance could arise from the coming and goings of vehicles which it would not be reasonable to condition to set times. This impact would be significantly different to that of the previous use which would be expected to only operate during the day, therefore, the former use and the noise/disturbance generated from it is not a suitable fall back position to overcome this concern. Disturbance from noise and possible light spill particularly at night-time when the background noise/disturbance can be significantly lower may lead to adverse health effects because it often disturbs basic people activities such as concentration, rest, sleep and communication thus reducing people's quality of life.

Concern is also raised in respect of the living conditions of future occupiers of the proposed semidetached dwellings due to the relationship of the existing steps that provides pedestrian access from Elwyn Drive to St Tydfils Avenue. A 3m distance would be maintained between the rear elevation of the property and a high boundary wall/fence, it is accepted that the boundary treatment would alleviate some of the overlooking impact from the steps however this in turn creates a problem in respect of outlook and loss of light to the proposed properties. This impact is unacceptable for the future occupiers of the proposed dwellings.

For the aforementioned reasons the proposed development is considered to have an unacceptable impact upon the living conditions of neighbouring occupiers due to its height, scale, siting and relationship to the closest residential properties. Therefore, the proposal is contrary to points 1 and 3 of LDP Policy SW11 (Sustainable Design and Placemaking) which requires proposals to *"contribute to the creation of attractive and sustainable places through high quality, sustainable and inclusive design"*.

Planning Obligations

Policy SW9 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 Policy Officer. 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.

Wellbeing of Future Generations Act

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.

Conclusion

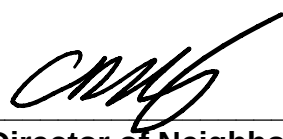
The proposed development seeks consent for 4 dwellings to be constructed on Brownfield Land within the settlement boundary and within a residential area therefore no objection is raised to the principle of the development. No concern is raised in respect of highways safety, parking provision or the capacity of the local highway network. However, the proposed development is considered to represent an over development of the site as the proposed scheme has not been able to demonstrate that the 4 dwellings can be accommodated on site in an suitable layout that would not prejudice the living conditions of existing neighbouring occupiers or future occupiers of the proposed homes.

Accordingly the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following REASONS;

1. The development as proposed by reason of its siting, scale, height and relationship with neighbouring properties would have an unacceptable adverse impact upon the living conditions of neighbouring occupiers contrary to the requirements of point 3 of Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.
2. The proposed layout is not appropriate to its context as it fails to make a positive contribution to the character and amenity of the area contrary to points 1 and 2 of Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.
3. The application has not demonstrated a net benefit in respect of biodiversity contrary to Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan, Planning Policy Wales 11 and The Environment (Wales) Act 2016.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

DATE: 01.02.2024