

DELEGATED REPORT

Application No:	P/21/0421
Site Address:	Land At Walnut Way Merthyr Tydfil
Development:	Residential development comprising of a pair of semi-detached bungalows with associated works
Case Officer:	Caroline Pulley
Site Visit:	23rd December 2021
Application Expiry Date:	14th February 2022
Consultation reply date expired:	13th January 2022

APPLICATION SITE

The application site comprises a vacant parcel of grassland on the junction of Walnut Way and Hawthorn Avenue in the Gurnos. The parcel of land lies to the north of the front elevations of numbers 2 and 4 Walnut Way, a pair of semi-detached houses, and the side boundary and gable end of number 50 Hawthorn Avenue in which there are two first floor windows. Its eastern boundary adjoins the highway of Hawthorn Avenue and its northern boundary abuts the highway of Walnut Way. The area to the east of the site is undeveloped and covered in dense vegetation.

PROPOSED DEVELOPMENT

This application seeks planning permission for the construction of a pair of semi-detached bungalows on an area of land situated off Walnut Way and Hawthorn Avenue in Gurnos. The proposed dwellings would be sited within the western half of the site. They would front onto and be accessed on foot from the highway of Hawthorn Avenue and would be set back from the pavement by a distance of approximately 10m. The eastern half of the site would be landscaped and would comprise two parking bays (featuring two electric vehicle charging points) and a footpath (serving the rear of the proposed dwellings and the fronts of a pair of existing semi-detached properties, numbers 2 and 4 Walnut Way).

Each property would measure 7.7m wide, 12.5m deep and 5.3m in height and would contain a kitchen/dining room, a lounge, shower room and two bedrooms. They would have a modest design comprising a pitched roof with solar panels, front canopies, central front entrance doors with a window to either side, brown face brick walls, white uPVC windows and doors and concrete roof tiles. Each dwelling would benefit from a storage shed to the rear measuring 2.4m by 2m in area. A 1.8m high brick wall would enclose the

rear garden of each bungalow with a 1.2m high wall forming the dividing boundary between the rear gardens of the two dwellings.

The two properties would each be served by an ambulant footpath positioned to the front of each dwelling. Two off-road parking spaces would be provided on the land to the rear of the most northern dwelling to serve the needs of the occupiers and visitors of the residential properties.

The application is accompanied by the following supporting documents:

- Preliminary Impact Assessment;
- Preliminary Ecological Assessment;
- Drainage Strategy and Suds Compliance Statement;
- Flood Consequence Assessment (FCA);
- Site Investigation Report

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection.
Planning Division's Ecologist:	No objection subject to enhancement measures being implemented in accordance with the submitted ecology reports.
Planning Division's Policy Officer:	No objection.
Environmental Health Manager:	No response.
Welsh Water:	No objection but highlights that the site is crossed by a public sewer and a distribution watermain crosses the western boundary.

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

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant

economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. In particular, it highlights the need to focus on increasing the delivery of social and affordable homes.

Planning Policy Wales (PPW) Edition 11 (February 2021) sets out the land use policies of the Welsh Government. The most relevant sections are:

Paragraphs 3.3 – 3.16 sets out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context.

Paragraph 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Paragraphs 4.2.25 – 4.2.34 sets out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

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 the potential harm to any protected species and habitats.

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

- TAN 2, Planning and Affordable Housing
- TAN 5, Nature Conservation and Planning
- TAN 12, Design

Local Policy

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

Policy SW1 – Provision of New Homes

Policy SW2 – Provision of Affordable Housing

Policy SW3 – Sustainably Distributing New Homes

Policy SW4 – Settlement boundaries

Policy SW9 – Planning Obligations

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking

Policy SW12 – Improving the Transport Network

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW2 – Internationally and Nationally Protected Sites and Species

Policy EnW3 – Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species

Policy EnW4 – Environmental Protection

Other Material Considerations

Supplementary Planning Guidance (SPG) 4 - Sustainable Design (July 2013)

Supplementary Planning Guidance (SPG) 5 – Nature and Conservation (May 2015)

PLANNING CONSIDERATIONS

Principle of the development

The application site lies within the settlement boundary where development is supported by Policy SW4 of the LDP. Given the predominantly residential nature of the area, the construction of two dwellings would be an appropriate form of development for the area. Therefore, the principle of the development is acceptable. Moreover, the proposal comprises two new affordable housing units representing a contribution towards the affordable housing requirement set out within Policy SW2 of the LDP.

Character and appearance of the area

The application site forms a grassy area of land to the south of Walnut Way. It is situated in the middle of an established residential area, which is predominately characterised by simple designed, two-storey properties that have frontages onto the main highway with some gardens being open while others being enclosed by low brick walls. While it is fully acknowledged that this scheme would result in the loss of an area of green space, the land is not identified as Open Space, which would afford protection under Policy SW10 of the LDP. Moreover, the proposal would naturally form an extension to the building line of the existing houses to the south and the layout of the proposed semi-detached properties would not appear out of context with the character of the area. The siting of the dwellings with a set back from the highway to provide landscaping to the front also reflects the character of the existing properties along Hawthorn Avenue.

While being single storey in height, the bungalows would share similar characteristics in terms of their scale and appearance to the existing houses to the west, south and north of the site. Furthermore, the concrete roof tiles and brick elevations would also be consistent with the material finishes of these neighbouring houses. A central canopy and doorway set between two front windows would frame the entrance into the properties and add interest to their primary elevation. As such, 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 Policy SW11 of the LDP.

Residential amenity

The greatest impact from the proposed bungalows, in terms of overlooking, overbearing impact and loss of light would be to the house located to the south of the site, namely 50 Hawthorn Avenue. The closest bungalow would be sited 1.5m from side boundary of this property and 6.4m away from its northern gable end in which there are two first floor windows. Given these distances and the fact the proposed bungalows would be single storey in height, there would be little overbearing impact or loss of light arising from this development. While it is noted that the proposal would include windows facing onto the side boundary of number 50 Hawthorn Avenue, given their low height and positioning next to the neighbour's driveway, the overlooking impact from these windows would not be significantly harmful. It also be noted that no letters of objection have been received to this application from the occupiers of this property.

The impact of the proposed bungalows on the existing two-storey dwellings surrounding the site would also be safeguarded. As mentioned earlier, the bungalows would be set back from the highway to the front. As such, an appropriate distance would be maintained between the bungalows and the dwellings located on the opposite side of Hawthorn Avenue (namely numbers 51, 53 and 55). The pair of semi-detached bungalows situated to the rear of the site are situated at a right angle to the proposed dwellings and their front elevations are positioned in such a way that there would be no significant overlooking arising from the development. While it is noted that the boundary walls proposed to the rear of the dwellings would form a visible feature from the front elevation of no.2 Walnut Way, it is not considered that the wall would be of a siting or height, which would give rise to unacceptable impacts. Likewise, the parking spaces would be situated more than 15m away from the front elevations of numbers 2 and 4 Walnut Way. As such, the use of these bays would not lead to an unacceptable level of noise and disturbance to these neighbouring properties.

Overall, given the single storey nature of the development and the intervening roads, 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 Policy SW11 of the LDP.

Parking and Highway Safety

The proposed bungalows would each be served by a parking space accessed directly off Walnut Way. The Head of Engineering 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. Moreover, the site is located within a sustainable location in close proximity to local amenities. The proposal would therefore comply with Policy SW11 of the LDP in this respect.

Ecology

A Preliminary Ecological Assessment (PEA) has been carried out to determine any potential impacts on protected species or habitats. The principal concern from an ecological perspective has been in respect of bats, which are a European Protected Species. The report notes that there are no trees or buildings on site and the majority of the land within the site boundary is dominated by semi-improved grassland which is unsuitable for use by dormouse. The site is likely to be used by reptiles, invertebrates and hedgehogs. It is also considered likely that the site is used by bats for foraging and commuting purposes as it lies adjacent to a woodland. As such, a series of enhancement and mitigation measures have been put forward as part of the report. These include recommendations for a sensitive lighting strategy, a reptile mitigation strategy, the provision of native planting and the provision of bat and bird boxes on the northern and southern elevations of the proposed buildings. On this basis and subject to precautionary measures being implemented in line with the report, the scheme is unlikely to have an adverse impact on protected species or habitats.

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.

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

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:

Drawing no. 15 Rev G received on 01.02.2022
Drawing no. 13 Rev D received on 20.12.2021
Drawing no. 16 Rev B received on 01.02.2022
Drawing no. 21204-PL-003-A received on 20.12.2021
Drawing no. LA.1 Landscape proposal received on 15.02.2022
Drawing no. LA.2 Planting Plan received on 15.02.2022
Drawing no. LA.3 Landscape Specification received on 15.02.2022
Flood Consequence Assessment received on 20.12.2021
Preliminary Ecological Assessment V 2.0 received on 17.02.2022
Geotechnical and Geoenvironmental Report received on 20.12.2021

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

3. The proposed residential units hereby approved shall only be used for affordable housing purposes in accordance with the definition of affordable housing as set out in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The residential units shall be affordable for both the first and subsequent occupiers.

Reason - To ensure the residential properties are only used for affordable housing.

4. Prior to the construction of the residential units hereby approved, details/samples of the materials to be used in the construction of the external surfaces of the buildings 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. Prior to the construction of the residential units hereby approved details/samples of the facing brickwork material to be used on the boundary walls shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be fully completed in accordance with the approved details prior to the occupation of the residential units.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Prior to the construction of the sheds shown on drawing no. 15, full details of their height and appearance shall be submitted to and approved in writing by the Local Planning Authority. The sheds shall be erected in accordance with the approved details.

Reason - In the interests of residential amenity and 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

7. **No building work or engineering works shall take place** until details, including structural calculations, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Reason - In the interest of safety and visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. 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.

11. The car parking spaces hereby permitted shall be provided prior to the occupation of the residential unit(s) to which they relate and shall thereafter be kept available for the parking of vehicles at all times.

Reason - To ensure that cars are parked off the highway in the interests of highway safety and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

12. The bat and bird boxes detailed on drawing number 15 Rev G shall be installed in accordance with the approved details prior to the occupation of any dwelling on the site.

Reason - To provide biodiversity and environmental enhancements in accordance with Policy EnW1 of the Merthyr Tydfil Replacement Local Development Plan.

INFORMATIVES

1. If a drop kerb is required, an application form to obtain permission for this aspect of the development can be obtained from the highways department;

Website : <https://www.merthyr.gov.uk/resident/parking-roads-and-travel/roads-footways-and-pavements/dropped-kerb/>

Email : Highways.CustomerCare@merthyr.gov.uk Tel no : 01685 727470 or 725000

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

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.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

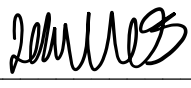
Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

5. No surface water from the driveway/vehicular hardstanding should be allowed to be discharged onto the public highway.
6. The developer's attention is drawn to the comments received from Welsh Water during the application process. The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

There is also a distribution watermain traversing the western boundary of the site. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer. For more information, please contact Welsh Water Developer Services on 0800 917 2652.

RECOMMENDATION ENDORSED 

Head of Town Planning

DATE: 2/3/22