

DELEGATED REPORT

Application No:	P/23/0145
Site Address:	Winfield 10 School Road Troedyrhiw Merthyr Tydfil CF48 4JS
Development:	Erection of two dwellings
Case Officer:	Adam Foote
Site Visit:	12th June 2023
Application Expiry Date:	3rd August 2023
Consultation reply date expired:	11th October 2023

APPLICATION SITE

The application site comprises a parcel of land associated with Winfield/The Celtic Bunkhouse, 10 School Road, Troedyrhiw. The land is currently arranged as garden/amenity land in association with the bunkhouse and separates it from the rear of the buildings on Taldwyn Terrace to the west. The topography in the area gently increases towards the east resulting in the site being at a slightly higher level than the properties on Taldwyn Terrace and slightly lower than the Bunkhouse.

The application site is within the settlement boundary as identified by Policy SW4 of the Merthyr Tydfil Replacement Local Development Plan (LDP) and its associated proposals map and is within a secondary growth area. The site is outside of but within close proximity of the Troedyrhiw Local Centre and its offerings as well as being within close proximity to both bus and train links. Part of the site falls within a Zone 2 flood zone as shown on Natural Resource Wales (NRW) Flood Maps for Planning.

PROPOSED DEVELOPMENT

This application seeks consent for the development of 2 dwellings arranged as a pair of semi-detached, 2 storey properties which would be orientated to face School Road. Access is proposed to be gained off School Road with parking arranged in tandem to the side of each dwelling. The properties are proposed as a mirror of one another and adopt an a-typical shape/layout. The external finish is proposed as painted brick elevations and artificial slate roof. A private amenity area for each dwelling is proposed to their rear. Further detail in respect of the scale, design and position of the development is illustrated on the submitted drawings.

PLANNING HISTORY

N/A

CONSULTATION

Planning Policy Officer	-	No objection
Environmental Health Manager	-	No objection subject to conditions
Planning Ecology Officer	-	No objection subject to conditions
Head of Engineering and Highways	-	Objection due to lack of parking
Dwr Cymru Welsh Water	-	No objection subject to conditions
Natural Resources Wales	-	No objection

The local Ward Councillors have been informed of the objection raised and have not requested that the application be presented to the planning committee for determination. As such the application shall proceed to be determined by the Director of Neighbourhood Services.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the adjoining properties and x2 site notices were displayed within the vicinity of the site. No representations have been received following this publicity exercise.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040
Planning Policy Wales (PPW) Edition 12 (February 2024)

Technical Advice Notes (TANs):-
TAN 2: planning and affordable housing
TAN 12: design
TAN 15: development and flood risk (2004)
TAN 18: transport

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 SW11: Sustainable Design and Placemaking
Policy SW12: Improving the Transport Network
Policy CW1: Historic Environment
Policy EnW1: Nature Conservation & Ecosystem Resilience

Policy EnW4: Environmental Protection

Supplementary Planning Guidance (SPG):

SPG Note 1: Affordable Housing (March 2012)
SPG Note 2: Planning Obligations (March 2012)
SPG Note 4: Sustainable Design (July 2013)
CSS Wales – Wales Parking Standards 2008

PLANNING CONSIDERATIONS

The primary considerations in the determination of this application are; the principle of the development, sustainability, flood risk, visual amenity and impact upon the character of the area, highway safety, drainage and ecology.

PRINCIPLE OF THE DEVELOPMENT

Planning Policy Wales, currently in its 12th 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 2 homes on previously developed land as defined by Planning Policy Wales 12. PPW12 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".

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 secondary growth area. The site lies within the settlement boundary as defined by Policy SW4 of the LDP and as such no objection is raised to the principle of the development.

The character of the area is mixed with a number of commercial and residential properties within the immediate vicinity, therefore no concern is raised in respect of the use of the land for residential purposes.

Sustainability

The application site is within close proximity to the local centre and would afford any future residents easy access to it and its facilities. It is considered that future residents would be able to easily access the local centre via sustainable modes of transport and provide easy access to public modes of transport. Given the above No objection is raised in respect of the sustainability of the development.

Flooding/flood risk

Part of the site falls within Zone B on the Development Advice Maps (DAM) that accompany the existing TAN15 and within a Zone 2 area for flood risk as shown on NRW's Flood Maps for Planning that will accompany the emerging TAN15. Accordingly, this application has been supported by a Flood Consequences Assessment (FCA) completed by GeoSmart Information Ltd, (dated 4 August 2023, reference 79872.02R1) which demonstrates the site-specific flood risk.

The proposed use of the land is highly vulnerable with the TAN defining Zone B as "Areas known to have been flooded in the past evidenced by sedimentary deposits". When using this as part of the precautionary framework the TAN states "Used as part of a precautionary approach to indicate where site levels should be checked against the extreme (0.1%) flood level. If site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider flood risk further".

The details within the FCA have been assessed against the requirement of TAN15 and shows that the site is flood free during a predicted 1% plus climate change scenario which accords with the requirements of section A1.14. Additionally, the expected flood depths are within the tolerable limits as set by section A1.15 of the TAN. NRW conclude that based on the findings of the FCA risks and consequences of flooding are manageable to an acceptable level therefore no objection to the application on flood risk grounds have been received.

Visual amenity/character of the area

The application site is readily visible within the public realm therefore the proposed development would make a significantly different impact relative to the existing and impact upon the amenity and character of the area. The site as existing is not considered to make any significantly positive impact to the amenity or character of the area as the fence and planting adds little visual interest to the street scene.

The proposed dwellings would create an active frontage to the site adding visual interest and contributing to the place making objectives as set out in both local and national Planning Policy. The existing built form in the area has a mixed design/character, the proposed design is considered to be appropriate for the site and would sit comfortably within the plot avoiding any incongruous visual impact.

The immediate area is characterised by high density development built within close proximity of or abutting the public foot path. The proposed development raises no concern in respect of its impact upon the character of the area as the properties would largely mimic the general pattern of development with the properties facing the public realm and within close proximity to the public footpath.

In conclusion the proposed development is considered to comply with the relevant criteria of LDP Policy SW11.

Residential amenity

The scale of the proposal and its relationship with neighbouring properties is considered acceptable. It is considered that the proposal would not be overbearing or generally unneighbourly which would result in an unacceptable impact upon the living conditions of neighbouring occupiers. The separation distances between the proposed dwellings and properties to the west are considered sufficient as to avoid any unacceptable overbearing

impact. It is considered necessary to condition that the windows within the first-floor side elevations are obscurely glazed as to avoid any unacceptable level of overlooking as to protect the amenity of neighbouring occupiers.

The Council's Environmental Health Department has been consulted on this application, no objection has been received however a number of conditions have been suggested in order to limit the impact of the development and to safeguard the interest of neighbouring occupiers. These conditions would be carried through to any grant of consent.

Subject to conditions it is considered that the proposal is compliant with the relevant criterion of LDP Policies EnW4.

Highway safety/parking

Vehicular access is proposed to be gained directly from School Road with parking provision proposed to be sited to the side of each dwelling arranged as 2 spaces in tandem. The Head of Engineering and Highways has been consulted on this application and raises no objection to the accesses being located in this position directly off School Road. However, the Head of Engineering and Highways raises concern in respect of the parking provision as proposed as 2 of the spaces would abut the dwelling houses and therefore the Head of Engineering and Highways considers that the parking provision as proposed can only be considered as 1 space per dwelling which is a shortfall when considered against the requirement of the adopted parking standards which requires 3 off street parking spaces per dwelling for this scheme.

In this instance, it is acknowledged that there would be a shortfall relative to the amount required to comply with the standards as adopted by The Council. However, the parking standards were adopted in 2008, since this time PPW now in its 12th edition has been adopted and Future Wales has been implemented, both advocate for lower levels of parking provision for residential dwellings in suitable, sustainable locations. National Planning Policy aims to reduce the reliance upon private motor cars and to facilitate the modal shift to sustainable and public modes of transport. The Head of Engineering and Highways objects to the proposed development stating that the proposal would result in on-street parking demand to the detriment of highway safety and the free flow of traffic. This directly conflicts with the aims of National Planning Policy, in this instance the proposals proximity to the local centre and the easy accessibility to public modes of transport is considered to justify a lower level of onsite parking provision.

The relevant extracts from PPW/FW are included below;

PPW12 4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

PPW12 4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed.

PPW12 4.1.53 Parking standards should be applied flexibly and allow for the provision of lower levels of parking and the creation of high-quality places.

Future Wales

Policy 12 page 83 "Planning authorities must act to reduce levels of car parking in urban areas, including supporting car free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time".

Policy 12 Page 86 "Planning authorities should also challenge perceptions that housing needs to be built with parking on plots, which promotes car-dominated developments, and promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport".

Drainage

Dwr Cymru Welsh Water (DCWW) as statutory undertaker in this region has been consulted on this application and raises no objection. DCWW have confirmed that there is capacity in the water supply and sewer system to support the proposed development.

The application form details that the intention is to discharge foul/waste water into the public sewer system, no concern is raised in this respect given the nature of the development and the location of the application site. However, the application form suggests that surface water would also be discharged into the public sewer system, no justification for this has been submitted with the application and given the scale of the development the proposal 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 however a suitably worded condition would be attached to the grant of any consent to ensure that surface water is not discharged into the public sewers. No concern has been raised from the internal consultation exercise in respect of drainage.

Ecology

The application site comprises amenity land associated with a bunkhouse therefore for the purposes of planning meets the definition of previously developed land. This application has been supported by a Preliminary Ecological Appraisal (Land at Celtic Bunkhouse. A Walkover Preliminary Ecological Appraisal. Version 2 (Amended). Dated 31.01.2023). The PEA concluded that the scheme of works will not impact on any rare or valuable habitats, the site is currently lacking in biodiversity and opportunities for enhancement have been identified, no evidence of protected species was recorded during the survey and the site is considered to have limited potential for priority species.

Given the status of the land and its position within the built up area of Troedyrhiw no significant concern is raised in respect of the development of the land in respect of ecology/biodiversity.

The PEA sets out a scheme of site specific mitigation/enhancement measures which has been incorporated into the proposed drawings and is shown on the proposed plans. It is

considered that the scheme complies with the requirements as outlined in both PPW12 and The Environment Wales Act 2016 subject to a condition requiring the implementation and retention of the ecological enhancements.

Planning obligations

The number of dwellings proposed falls short of the trigger for an onsite contribution for affordable housing, nor would a financial contribution towards affordable housing or open space would be sought. Additionally, Community Infrastructure Levy (CIL) is not chargeable on residential development in this part of the County Borough.

The scale and siting of the development is such that it would have minimal impact upon green infrastructure or biodiversity interests. 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,

CONCLUSION

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.

Having regard to the policy context above, the proposal is considered acceptable and the following recommendation made:

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

1. The development shall be carried out in accordance with the following approved plans and documents:

932.01, 932.02 A, 932.03 A, 932.04, 932.05 B, 932.06, 932.07, 932.08, 932.09 A, 932.10 B, 932.11 B, 932.12 B, 932.13 A, CB/01, Flood Consequences Assessment by GeoSmart Information Ltd, 4 August 2023 (79872.02R1), Preliminary Ecological Appraisal (Land at Celtic Bunkhouse. A Walkover Preliminary Ecological Appraisal. Version 2 (Amended). Dated 31.01.2023).

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

2. 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.

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

4. Prior to the occupation of the dwellinghouses hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as approved before the use is implemented.

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.

5. The parking spaces proposed and as shown on approved plan 932.11 (Site Plan) shall be provided prior to the beneficial occupation of the dwellinghouses and shall be kept available for the parking of motor 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

6. Prior to the beneficial occupation of the development hereby permitted the windows within the first floor side elevations marked as 'obscure glazing' on plans 932.09 REV A and 932.10 REV A shall be fitted with obscured glazing equivalent to Pilkington scale of obscurity level 3 and any part of the window[s] that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house.

Reason - To preserve the open plan character of the housing layout in the interests of visual amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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 to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

9. Prior to the development hereby approved coming into beneficial occupation the ecological enhancements as shown on approved plans 932.11 B, 932.05 B, 932.10 B and 932.12 B shall be implemented. The enhancements shall then be retained in perpetuity.

Reason - In the interest of ecology and to provide a net benefit for biodiversity in accordance with Planning Policy Wales 12 and The Environment Wales Act 2016.

10. 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 - In the interests of local amenity and to avoid statutory nuisance in accordance with Policy EnW4 of the Merthyr Tydfil Local Development Plan.

11. In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified then all development works should be stopped immediately, the Local Planning Authority and the Environmental Health Department contacted within 2 working days and a scheme to investigate the risks and any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

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 in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

12. Prior to the installation of any external lighting a detailed lighting scheme for the site shall be submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained in perpetuity.

Reason - In the interests of the living conditions of future residents, neighbouring occupiers and to protect the natural environment and important habitats to accord with policies SW11, EnW1, EnW2 and EnW3 of the Merthyr Tydfil Replacement Local Development Plan.

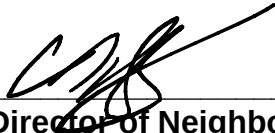
INFORMATIVES

1. All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.
2. Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).
3. Dwr Cymru Welsh Water: As of 7th January 2019, this 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'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com
The planning permission hereby granted does not extend any rights to carry out any works permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. In the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via Merthyr Tydfil Highways Department.

RECOMMENDATION ENDORSED




Director of Neighbourhood Services

DATE: 06.03.2024