

DELEGATED REPORT

Application No: P/21/0094

Site Address: Land At Honeysuckle Close
Gurnos
Merthyr Tydfil

Development: Proposed erection of 2 No. passivhaus dwellings and associated works

Case Officer: Caroline Pulley

Site Visit: 1st April 2021

Application Expiry Date: 20th May 2021

Consultation reply date expired: 22nd April 2021

APPLICATION SITE

The application site relates to an area of land measuring approximately 0.2 of a hectare located within the predominately residential area of Gurnos. The site is characterised as a maintained grass embankment that slopes down from north-east to south-east and is largely void of any significant features, other than two mature trees in the north-western corner of the site. The site is visible from many public vantage points and is accessible from the road and footpaths, which surround it. To the south is the highway with terraced properties opposite and to the west is an adjoining footpath that links the houses on Honeysuckle Close to Marigold Close to the north.

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of two Passivhaus homes on the site. The two homes would be orientated across the site in a north to south direction and would be orientated to face an easterly direction.

Each unit would have a flat roof with a maximum height of 3.3m, a width of 9.2m and a depth of 4.3m. They would each have an open plan kitchen/dining/living room with a single bedroom and bathroom. The external finishes would comprise white 'Steni' aggregate boards on the elevations with two black composite wood effect panels to the front. Two full height windows and a door would be inserted within the front (eastern) elevations of the two units and two small windows would be located in the rear elevations.

The two units would be laid out around a central parking area which would provide space for two cars. Access to this car parking area would be from the highway which flanks the southern boundary of the site. As part of the proposal, a new section of public footpath would be created along the south boundary of the site. A 2.4m high refuse and cycle store would also be provided immediately to the north of the parking area. It should also be

noted that due to the topography of the grassed embankment, the proposal would require some engineering work involving a cutting exercise to provide a plateau area suitable for the development.

The application is supported by the following documents:

- Tree Survey, Categorisation and Constraints Report;
- Preliminary Ecological Assessment Report; and
- A Proposed Landscaping Proposal.

PLANNING HISTORY

There is no recent planning history relating to the site.

CONSULTATION

Head of Engineering:	No objection subject to a condition relating to the construction of the footpath.
Planning Division's Policy Officer:	No objection.
Planning Division's Ecologist:	No objection subject to conditions.
Landscape Architect:	No objection.
Environmental Health Officer:	Raises no objection subject to conditions which include matters relating to land contamination, construction hours, dust suppression measures and imported soils.
Welsh Water:	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

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. It highlights the

importance of the planning system in dealing with the actions and changes in behaviour that have been introduced as a result of the Covid pandemic. Policy 7 addresses the need to deliver affordable homes in Wales at scale and pace. To address a need in the shortage of affordable homes, the national plan states that a more balanced approach with local authorities, registered social landlords and small and medium sized construction companies will be encouraged to build more homes.

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

Sections 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.

Section 4.2.25 states '*A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications.*'

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

TAN 2 – Planning affordable housing – provide guidance on the role of the planning system in providing affordable housing.

TAN 12 - Design advises that the Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales.

Paragraph 2.6 of TAN12 states that 'Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities'.

Paragraph 4.3 of TAN12 points out 'Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process.'

In relation to the energy efficiency of buildings, paragraph 5.4.4 points out '*It is the Welsh Government's aspiration that in the future all new buildings achieve a zero carbon and nearly zero energy standard for regulated emissions (ie. heating, cooling, lighting and ventilation).*'

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 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):

SPG1 - Affordable Housing, March 2012

SPG2 – Planning Obligations, March 2012

SPG4 - Sustainable Design, July 2013.

SPG5 – Nature and Development, May 2015

PLANNING CONSIDERATIONS

The application site lies within the settlement boundary as defined by the LDP Proposals Map. Therefore, the principle of residential development is considered acceptable and is generally supported by Policy SW4 of the LDP, provided that the proposal is compatible with other relevant policies and material planning considerations. Moreover, this development would provide an opportunity to provide some additional affordable and energy efficient housing on the site, which is in line with the thrust of national planning policy.

In terms of residential amenity, given the siting and limited size of the two units, it is not considered that there would be any significant overlooking, overbearing or overshadowing impacts arising from this development. While it is noted that the front elevation of unit 2 would be situated in reasonable close proximity to 11 Honeysuckle Close (to the east), the windows in the front of the home would be at a ninety-degree angle to this neighbouring property. As such, there would not be any direct overlooking into the front window of 11 Honeysuckle Close. Moreover, the area of land directly to the front of 11 Honeysuckle Close can be overlooked at present. Given the above and the fact that no objections have been received as a result of the publicity exercise undertaken, the proposal does not conflict with policy SW11 of the LDP.

The Head of Engineering does not consider that the proposal would be detrimental to highway or pedestrian safety and has therefore not raised an objection. The off-street parking arrangements are more than sufficient for residential units of this size. Accordingly, the proposal would not impinge the free flow of traffic within the wider site. As such, it would comply with Policy SW11 of the LDP.

Turning to the design of the proposed housing, whilst the need to provide affordable housing in the area is acknowledged, the general design of the dwellings has a poor relationship with the surrounding properties. This is a concern. The proposed dwellings by virtue of their flat roof design and fenestration arrangement would be out of character with the design and form of the existing housing. As such, the proposed development fails to have a positive contribution to the street-scene. However, it is appreciated that due to the Covid 19 pandemic and subsequent changes in housing legislation, there is an urgent need for this type of affordable housing. Thus considering this need, it is recommended that temporary planning permission, for a period of 5 years, would be appropriate. This would enable that such housing can be met in the short term, whilst allowing a more appropriate form of the development for the site to come forward in the future.

Turning to other matters, the Council's Environmental Health Manager has advised that the site is within 250m of potentially contaminated land, and historic maps show some infill features on the site. Taking this into account, it is recommended that site investigations are carried out to establish the nature and extent of the potential contamination on the site before works start.

In terms of ecology, the Council's Ecologist considers the scheme acceptable. A number of onsite enhancements measures are proposed which include the siting of bird boxes and the inclusion of gaps within the proposed security fencing. A suitable planting schedule is also proposed. Having regard to the enhancements and mitigation measures being put forward with this application, the Council's Ecologist raises no objection to the scheme. As such, the proposal complies with policy EnW1 of the LDP.

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

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. 09 received on 25.03.2021

Drawing no.12 received on 19.05.2021

Drawing no. 03 Rev D received on 25.03.2021

Preliminary Ecological Assessment Version V4.0 received on 21.05.2021

Tree Survey, Categorisation & Constraints Report received on 25.03.2021

North Site: Landscape Works Drawing no. 02 Rev B received on 02.06.2021

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

3. The use shall cease and all buildings, structures and materials brought onto, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before development took place on or before 5 years of the date of the first occupation of any unit hereby approved.

Reason - To preserve the character and appearance of the area in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. 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.

5. **No development shall take place** until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

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

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

8. 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.

9. All planting, seeding or turfing comprised in the approved details of landscaping (drawing number 02 Rev B) 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. **Before the commencement of the development** construction details for the new public footpath shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of highway and pedestrian safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

INFORMATIVES

1. The proposed development site is crossed by a public sewer. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
2. The applicants/developers attention is drawn to the comments of the Authority's Environmental Health Section regarding the potential problem to neighbouring properties arising from the creation of noise and dust during the construction process. To avoid unexpected and unnecessary enforcement action by the Public Health and Protection department, the applicants/developers are advised to contact the Environmental Health Section prior to the commencement of development to agree an appropriate method of noise and dust suppression.
3. 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.

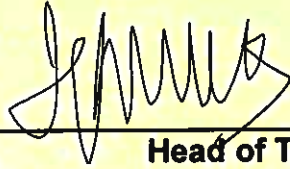
If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

4. The developer is advised to contact Merthyr Tydfil County Borough Council's Highway Division regarding any retaining works or other works affecting the

highway BEFORE construction works commence. This approval is independent of any planning approval.

The developer is advised to liaise with Merthyr Tydfil County Borough Council's Highway Division regarding any consents which are required in association with the provision of any vehicle crossover of verge or footway. This approval is independent of the decision of this planning application.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

21/6/21