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| <b>DATE WRITTEN</b>   | 15th November 2018      |
| <b>REPORT AUTHOR</b>  | Judith Jones            |
| <b>CASE OFFICER</b>   | David Cross             |
| <b>COMMITTEE</b>      | Planning and Regulatory |
| <b>COMMITTEE DATE</b> | 28th November 2018      |

**Application No.**  
P/18/0242

**Date**  
8th August 2018

**Determining Authority**  
MTCBC

**Proposed Development**

**Location**

**Name & Address of Applicant/Agent**

Residential development

Former Ysgol Santes  
Tudful School  
Queens Road  
Twynrodyn  
Merthyr Tydfil

Mr Geoff Pritchard  
c/o ADJ Architects Ltd  
F.a.o. Mr A Jones  
Hopslade  
Rhyse Lane  
Eastham



P/18/0242

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## APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.78 of a hectare. The site was previously occupied by the former Ysgol Santes Tudful School, which was demolished some years ago. A steep grassed embankment, which includes a number of trees, extends along the western part of

the site. This embankment slopes up to the east to a large plateau. The footprint of the former school is evident within the site by the remains of hard surfacing and foundations. The site adjoins Queens Road to the west with a stone wall and railings above defining the boundary and the main frontage of this part of the site. There are also two entrance gates which provide access into the site from Queens Road via narrow access tracks that lead to the plateau.

To the east of the site is an area of dense vegetation and trees, which forms the boundary to a playing field serving Cyfarthfa School. To the north is an area of green open space, which comprises a grassed area with trees along its boundaries and a locally listed stone circle at the centre. Directly opposite the site to the west is Lower Thomastown Park which provides recreational facilities for the local area, including tennis courts, a bowling green and a large area of green open space with footpaths that support more informal recreation. To the south of the site are adjoining residential properties, which includes large detached properties that front onto Queens Road, with generous front and rear garden areas that also incorporate trees and hedgerows along the boundaries. Behind these are a mixture of detached and semi-detached properties that form part of Cae Mari Dwn. Further south along Queens Road is Thomastown Conservation Area where there is the Grade II listed Boer War Memorial, a Victorian Park and other locally listed properties.

## PROPOSED DEVELOPMENT

Outline permission is sought for the residential development of the site. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration. As such, it is only the principle of the development which is to be determined. It is noted that this application is essentially a resubmission of application P/16/0235, which was previously refused permission and dismissed at appeal due to its poor design.

An indicative layout plan has been submitted in support of this application, which illustrates a potential scheme for 10 detached dwellings. It is suggested that the dwellings could be positioned in a staggered row across the western edge of the plateau with a frontage towards Queens Road. The existing access tracks could be utilised and extended across the site to serve parking areas to the rear of each plot. The indicative layout indicates the existing stone boundary wall and railings abutting Queens Road could be retained with some alterations necessary at the points of access. Whilst landscaping details have not been provided, the Design and Access Statement indicates that the existing trees along the western embankment would be retained where possible and supplemented with additional planting. The scale parameters for each dwelling would be between 8.5m to 12m wide by 9m to 12m deep and 7.5m to 9.5m high.

## PLANNING HISTORY

P/16/0235 - Residential development (Outline)

REFUSED permission on 21.09.2018 for the following reason:

1. The proposed development by virtue of its layout and the relationship between plots, would create an unacceptable street scene along the new access road, would have a harmful impact on the privacy of future occupants and would fail to accommodate a suitable landscaping scheme, to the detriment of the quality of the residential environment and the character of the area. As such the proposal is contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan.

This application was subsequently DISMISSED at appeal (Ref APP/U6925/A/17/3190603) on 23.03.18.

P/11/0107 - Residential Development (Outline)

Permission GRANTED on 25.07.2012

## CONSULTATION

Engineering and Traffic  
Group Leader

- No objection subject to conditions relating to retaining works, ground investigation, highway works and drainage.

Planning Division's  
Policy Group leader

- No objection subject to a S106 agreement to secure a contribution to affordable housing.

Planning Division's  
Landscape Architect

- No objection subject to a condition relating to the submission of a hard and soft landscaping scheme.

Environmental Health  
Manager

- No response

South Wales Police

- No objection.

Welsh Water

- No objection subject to a condition relating to surface water and land drainage.

Western Power Distribution

- No response.

Wales & West Utilities

- No objection.

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 13th August 2018 and three site notices were displayed within the vicinity of the site

on the 20<sup>th</sup> August 2018. A notice was also placed in the local newspaper on the 23rd August 2018.

No representations were received as a result of this publicity exercise.

## POLICY CONTEXT

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

### National planning policy

*Planning Policy Wales (PPW), Edition 9, November 2016:*

Para 4.9.1 supports proposals on previously developed land which promote sustainability objectives.

Para's 4.11.9 – 4.11.12 set out the principles of good design in new development proposals, which should take into account its relationship to its surrounding context. Regard should be given to the appropriate scale, appearance, landscaping and quality of building design and should also be accessible for all.

Para's 5.5.1 – 5.5.3 note that the impact a development proposal may have on wildlife or the landscape is an important consideration in determining applications. Where ever possible adverse effects on the environment should be avoided or acceptably minimised.

Para 8.7.1 sets out the criterion that should be considered where transport implications may occur, such as impacts on local travel demand, public transport provision, accessibility and highway safety.

Para 9.3.1 – 9.3.4 indicates new housing developments should be well integrated with its local context and not cause damage to the area's character or amenity. High quality design and landscape standard are also important considerations.

### Technical advice note (TAN)

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

### Local planning policy

*Merthyr Tydfil Local Development Plan (LDP) 2006-2021:*

- BW1 - Development Strategy - Primary Growth Area
- BW4 - Settlement boundaries / locational constraints
- BW5 - Natural heritage
- BW6 - Built heritage
- BW7 - Sustainable design and place making
- BW8 - Development and the water environment

- BW12 - Development proposals and transport
- BW17 - Securing community infrastructure benefits
- AS4 - Historic landscape
- AS22 - Affordable housing contributions
- TB11 - Access, parking and accessibility of local facilities

*Supplementary Planning Guidance (SPG):*

- SPG 1- Affordable Housing, March 2012
- SPG 2- Planning Obligations, March 2012
- SPG 4- Sustainable Design, July 2013
- SPG 5- Nature and Development, May 2015

## PLANNING CONSIDERATIONS

### Land use

The application site is located within the settlement boundary and Primary Growth Area as defined by the LDP, where the majority of new development is generally supported by policies BW1 and BW4 of the LDP. It is acknowledged that outline planning permission was previously granted (P/11/0107) for the residential development of the site, at which time the indicative plan illustrated a potential scheme of 8 dwellings. Whilst application P/16/0235 was subsequently refused and dismissed at appeal for a potential residential scheme comprising 20 dwellings, this was due to concerns with its design and layout. As such, the principle of the development has already been established, albeit, the proposed layout plan now indicates a total of 10 dwellings could be provided within the site. Therefore, the proposed use of the site for residential purposes complies with policies BW1 and BW4 of the LDP.

### Design

It is noted that the previous application P/16/0235 was refused planning permission due to its poor layout and the relationship between plots, which failed to meet the objectives of good design. This was in part attributed to the number of dwellings that were being sought within the site at that time. To overcome this issue the indicative layout plan now demonstrates a reduction in dwelling numbers (10), which is more akin to that approved previously (P/11/0107) for 8 dwellings. There remain some concerns with the current layout, particularly in regards to the dominant highway arrangement and the staggered siting of the dwellings. However, it is considered that these issues are not unsurmountable to address as part of a detailed reserved matters proposal. Such alterations may involve setting the dwellings further back to form a common building line with private drives to the front to reinforce an appropriate street frontage.

In terms of the general design and appearance of the proposed dwellings, no details have been provided at this stage. The DAS makes reference to the varying styles in the area, which suggests dwellings of a modern design could be accommodated within the site. The DAS also indicates the potential external finishes would reflect the character of Queens Road. Furthermore, the existing stone boundary wall and

railings that abut the highway would be retained as an original feature of the site, which would help to maintain an attractive frontage, along with the retention of the existing trees on the embankment.

The scale parameters provided for the proposed dwellings are considered to be acceptable and would generally reflect the larger properties positioned along Queens Road. Whilst the dwellings would be elevated above Queens Road, which could result in a visually dominant impact on the streetscene, the existing trees along the embankment and the setting back of the dwellings would help to integrate the development within the surrounding context.

Although there are some concerns with the indicative layout, these matters could be adequately resolved as part of a detailed reserved matters proposal. Therefore, the proposal would comply with policy BW7 of the LDP.

### Amenities

The existing residential properties situated to the south of the site have the greatest potential to be affected by the development, in particular, the rear garden areas of The Mount and No. 1 Cae Mari Dwn, which adjoin the site. Due to the elevated nature of the site, there is potential for the development to impact on those garden areas i.e. in terms of overbearing or loss of privacy concerns. It has been demonstrated on the indicative layout plan, that the dwellings could be adequately orientated and positioned away from the adjoining boundaries to avoid/minimise any harm. The amenities of adjoining properties can be further protected with the implementation of appropriate boundary treatments. In this respect, it is acknowledged that no representations have been received from local residents. Therefore, the proposal complies with policy BW7 of the LDP.

### Highways

The submitted layout plan adequately demonstrates that the existing means of access into the site could be utilised to serve the proposed dwellings. It is suggested that these roads would be upgraded to meet adoptable standards, with the provision of segregated footpaths and turning facilities. It is also likely that re-profiling works would be necessary to ensure the roads achieve appropriate carriageway widths and gradients. Notwithstanding this, the provision of two access roads into the site appears to be somewhat overly engineered and dominant within the site. However, an alternative approach to the layout of the development could be achieved with a more integrated highway solution, enabling a more efficient use of the land and a reduction in any unnecessary highway infrastructure.

A Traffic Survey (undertaken by Tracsis) was submitted in support of the application, which assesses the traffic movements and traffic speeds experienced along Queens Road. In this regard, the Engineering and Traffic Group Leader has indicated that the existing highway network can adequately accommodate the additional traffic generated by the proposed development and has not raised any highway safety concerns. Furthermore, adequate visibility splays could be provided at the junctions on to Queens Road and sufficient off-street parking could be accommodated on

driveways within the site. Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

### Ecology and landscaping

The application site is generally considered to be of limited ecological interest, particularly as a large proportion of the site comprises hard surfacing and the remains of foundations on the plateau area. As such, the development would not have an adverse impact on any protected species or habitats. In this respect the Planning Division's Countryside Officer has not raised any objection. Therefore the proposal complies with policy BW5 of the LDP.

### Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. On sites where more than 10 residential units are proposed within the Primary Growth Area, a 10% on-site affordable housing contribution would be sought. Based on the submitted layout plan, this would amount to the provision of a single affordable residential unit on the site. Notwithstanding this, the provision of a single dwelling away from other affordable housing stock would likely present management issues for a Registered Social Landlord. As such, in this instance, a financial contribution would be more beneficial towards the delivery of affordable housing elsewhere in the Primary Growth Area.

Using the Three Dragon's Toolkit, the Planning Division's Policy Group Leader has assessed the viability of the development. A financial contribution of £28,000 is sought towards the provision of affordable housing, which has been agreed with the applicant and would be secured by means of a Section 106 agreement.

### Conclusions

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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

**RECOMMENDATION: BE APPROVED** subject to the following **CONDITIONS** and the applicant (and anyone else with an interest in the land) **ENTERING INTO A SECTION 106 AGREEMENT.**

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

**Reason** - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. **No development shall commence** until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of any dwelling and retained in perpetuity.

**Reason** - To ensure adequate disposal of foul and surface water drainage in accordance with Policy BW8 of the Merthyr Tydfil Local Development Plan.

5. **Prior to the occupation of the dwellings** 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 prior to the occupation of the dwellings.

**Reason** - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

6. **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 BW7 of the Merthyr Tydfil Local Development Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason** - To ensure that the new development will be visually attractive in the interests of amenity and to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

8. **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 BW18 of the Merthyr Tydfil Local Development Plan.