



PLANNING AND REGULATORY **FACT FINDING VISITS**

1.30 PM WEDNESDAY, 12TH JUNE, 2019

LAND ADJOINING (SOUTH OF) SWANSEA ROAD TO THE EAST OF WAUNBANT COURT AND NORTH WEST OF OLD WINCHFAWR ROAD, SWANSEA ROAD, MERTHYR TYDFIL

This Agenda has been prepared by the Democratic Services Department. Any member of the public requiring information should contact the department on (01685 725284) or email democratic@merthyr.gov.uk.

Any reference documents referred to but not published as part of this agenda can be found on the Council's website or intranet under Background Papers.

AGENDA

1. Apologies for absence
2. Declarations of Interest

Members are reminded of their personal responsibility to declare any personal and prejudicial interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government and Finance Act 1992 relating to Council Tax, the Local Government Act 2000, the Council's Constitution and the Members Code of Conduct

Note:

- (a) Members are reminded that they must identify the item number and subject matter that their interest relates to and signify the nature of the personal interest and

(b) Where Members withdraw from a Meeting as a consequence of the disclosure of a prejudicial interest they must notify the Chair when they leave

3. P/18/0316 - Land Adjoining (south of) Swansea Road to the east of Waunbant Court and north west of Old Winchfawr Road, Swansea Road, Merthyr Tydfil

To consider report of the Deputy Chief Executive **3 - 20**

4. Any other business deemed urgent by the Chair

COMPOSITION:

Councillors: C Tovey (Chair)
M Colbran (Vice-Chair)

Councillors: H Barrett, J Amos, D Chaplin,
E Galsworthy, K Gibbs, C T Jones, G Lewis, J Thomas
and S Thomas

together with appropriate officers

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Agenda Item 3

DATE WRITTEN	24 th May 2019
REPORT AUTHOR	Judith Jones
CASE OFFICER	David Cross
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	5 th June 2019

Application No.
P/18/0316

Date
27th February 2019

Determining Authority
MTCBC

Proposed Development

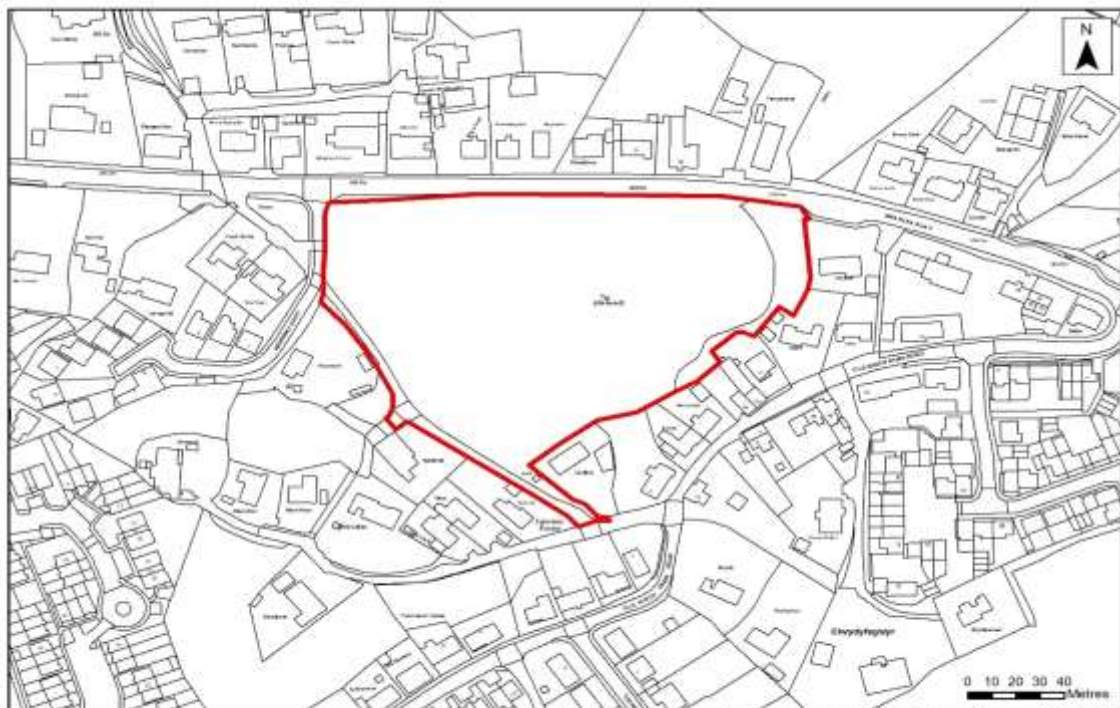
Location

Name & Address of Applicant/Agent

Proposed residential development of 39 houses with parking and new access road

Land Adjoining (south of) Swansea Road to the east of Waunbant Court and north west of Old Winchfawr Road
Swansea Road
Merthyr Tydfil

Pure Commercial Finance
C/o C2J Architects and Town Planners
F.a.o. Mrs A Dallimore
Unit 1A Compass Business Park
Pacific Road
Ocean Park



APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 1.9 hectares, which largely comprises a former tip site. It can be characterised as an area of grassland with steep sloping embankments, particularly along the northern and south-east boundaries, where it is elevated above Swansea Road and residential properties along Old Winchfawr Road. Along the south-west boundary of the site is a private access lane, which serves a number of properties opposite the site and provides a link between Waunbant Court to the north-west and Old Winchfawr Road to the south-east.

Along the northern embankment of the site is mature heathland with scattered trees and scrub. At the bottom of the south-east embankment is a watercourse with a number of trees and vegetation adjacent to the rear garden boundaries of the properties along Old Winchfawr Road. It is also evident that part of this embankment has eroded with some of the tip material being exposed.

PROPOSED DEVELOPMENT

Outline planning permission is sought for the erection of 39 dwellings, comprising a mixture of detached and semi-detached two storey (4 bedroom) properties, with accommodation provided within the roof space. Details relating to the proposed access, appearance, layout and scale of the development have been submitted and are to be determined as part of this application. Only the matter relating to landscaping has been reserved for future consideration.

A detailed layout plan has been provided, which illustrates a new access road would be provided that crosses through the centre of the site from the north-west to the south-east. The majority of the proposed dwellings would be orientated to have a frontage onto the new access road. However, it is noted that four of the dwellings (Plots 1-4) would have a frontage onto Waunbant Court.

The detached dwellings (House type A) would measure 5.7m wide by 9.2m deep and 8.8m high with a pitched roof. A gable feature would be provided on the front elevation with a canopy above the front door and a dormer window on the rear roof plane. The external finishes would comprise a mixture of brickwork and render on the elevations with synthetic slate roofs.

The semi-detached dwellings (House type B) would measure 5.7m wide by 8.9m deep and 9m high with a pitched roof. A gable feature would be provided on the front elevation with a canopy above the front door and a dormer window on the rear roof plane. The external finishes would comprise a mixture of brickwork and render on the elevations with synthetic slate roofs.

The semi-detached dwellings (House type C) would measure 5.7m wide by 8.9m deep and 9m high with a pitched roof. A canopy would be provided above the front door with a dormer window on the rear roof plane. The external finishes would comprise facing brick on the elevations with synthetic slate roofs.

The proposed access road serving the development would link to Swansea Road in the north-west part of the site and would be constructed to adoptable standards, with a 5.5m wide carriageway and 2m wide footpaths on either side. The initial stretch of the proposed access would have a gradient of 1 in 20 rising to 1 in 12 at the top of the embankment, where the rest of the access road would be generally flat across the plateau. The access road would be constructed with turning facilities to enable service vehicles to turn within the site. A pedestrian link would be provided between plots 37 and 38 to create an access on to the existing private lane. At least 2 parking spaces would be provided for each plot on driveways, with some plots accommodating 3 spaces.

Although matters relating to landscaping have been reserved, the submitted plans indicate that a landscape buffer could be provided alongside part of the private lane. Hedge planting could be provided in front of the proposed garden boundary walls within the site. Additionally, planting could be provided along parts of the embankments and at the main entrance into the site.

In support of this application the following documents have been submitted:

- Pre-application Consultation Report
- Design and Access Statement
- Preliminary Ecological Assessment
- Ecological Assessment
- Site Investigation Report

PLANNING HISTORY

There is no relevant planning history relating to the application site.

CONSULTATION

Engineering and Traffic Group Leader	-	No objection subject to conditions.
Planning Division's Policy Group Leader	-	No objection.
Planning Division's Ecologist	-	No objection subject to the implementation of the recommendations of the Ecological Assessment.
Rights of Way Division number of	-	No objection raised, however it is noted that a claimed rights of ways cross the site.
Environmental Health Manager	-	No response.
Natural Resources Wales	-	No objection.

Glamorgan Gwent Archaeological Trust scheme of	-	No objection subject to a condition to secure a historic environment mitigation.
Welsh Water	-	No objection subject to a condition relating to the submission of a drainage scheme for the disposal of foul, surface water and land drainage.
Wales & West Utilities	-	No objection.
Western Power Distribution	-	No response.

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 10th October 2018, site notices were displayed within the vicinity of the site on the 17th October 2018 and a notice was placed in the local press on the 18th October 2018.

Following revisions to the layout of the development, a further consultation exercise was carried out with letters sent to neighbouring properties on the 15th March 2019 and site notices displayed in the vicinity of the site on the 13th March 2019.

As a result of these publicity exercises a total of 16 objection letters were received, which raise the following concerns:

- There is a claimed right of way which crosses the site that is regularly used by dog walkers and children.
- There are no recreational facilities in the area and the site is the only area of open space available locally.
- The development would be out of keeping with the individually designed properties in the area with too many houses being squeezed onto the site.
- Due to the elevated nature of the site, the proposed houses would tower over existing properties and would result in a loss of privacy and light to surrounding dwellings.
- Two storey dwellings with dormer windows would be out of character with the bungalows surrounding the site.
- There are no garages to be provided with only single car width driveways provided. This is inadequate and would lead to cars parking on the pavement. Additionally, the visitor parking is poorly located and would provide an area that could attract anti-social behaviour.
- The headlights from vehicles exiting the site onto Swansea Road would impact on the lounge/bedrooms of properties opposite the junction.
- Given that the site is an old tip, there are safety/stability concerns with the development of the site, which could present a hazard to surrounding properties.
- There is potential for the ground within the site to be contaminated.

- The development would result in excessive dust given the ground material, an increase in emissions, pollution and an increase in noise levels.
- No details of the nearby watercourse have been provided which has been engulfed by the moving tip.
- There are concerns with surface water run-off and the capacity of the existing drains to accommodate the development.
- The development would greatly increase traffic in the area, coupled with the planned works to the A470 as part of the Heads of the Valleys (A465) dualling scheme.
- The proposed access road into the site would be directly opposite existing properties along Swansea Road and is extremely close to Waunbant Court. The visibility at the junction onto Waunbant Court is poor. Crossing the road in this area is already dangerous due to the volume and speed of traffic.
- There are concerns that the development would increase the level of traffic along Old Winchfawr Road.
- The residents have a right of access over the old lane which links to Swansea Road and Old Winchfawr Road and should not be blocked.
- It is noted that there is Japanese Knotweed on the site which would need to be removed.
- Development of the site would change the landscape character and amenity of the area.
- The clearance/development of the site would have an impact on a number protected species including Great Crested Newts. The survey work carried out was not adequate.
- The position of the section details have not been clearly identified on the submitted plans.
- The development would de-value the properties that surround it.
- The application site boundaries appear to encroach on to land outside of the applicant's control.

POLICY CONTEXT

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

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

Para 3.5 – 3.15 sets out the importance of high quality design to ensure inclusive design, to promote environmental sustainability and ensure high environmental quality. Regard should also be given to the special characteristics of an area, community safety and to encourage sustainable forms of transport.

Para 3.51 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.1.43 – 4.1.55 sets out the need to reduce the level and speed of traffic in new development, the provision of car parking and how this may be integrated into new development to minimise the reliance of cars. Transport assessments are also an

important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.10 acknowledges the need to identify sites within the LDP to ensure there is an appropriate supply of land which delivers the identified housing requirements in sustainable places.

Para 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 6.3.3 acknowledges that all landscapes of Wales are valued for their intrinsic contribution to a sense of place and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and their role in creating valued places.

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.

Technical Advice Notes (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:

- Policy BW1 - Development Strategy - Primary Growth Area
- Policy BW4 - Settlement boundaries / locational constraints
- Policy BW5 - Natural heritage
- Policy BW6 - Built heritage
- Policy BW7 - Sustainable design and place making
- Policy BW8 - Development and the water environment
- Policy BW12 - Development proposals and transport
- Policy BW17 - Securing community infrastructure benefits
- Policy AS1 - Housing allocations I the Primary Growth Area
- Policy AS4 - Historic landscape
- Policy AS22 - Affordable housing contributions
- Policy 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

Other material considerations

- Merthyr Tydfil Open Space Strategy, June 2016

PLANNING CONSIDERATIONS

Land use

This application relates to an area of brownfield land located within the settlement boundary and the Primary Growth Area, where the majority of new development is generally encouraged by policies BW1 and BW4 of the LDP. Furthermore, the site is allocated (H6 – Clwydyfagwr, Swansea Road) within the LDP for residential development. Therefore, the principle of the proposed development has already been established.

Concerns have been raised by local residents, as a result of the publicity exercise, that the development would result in a loss of open green space that is used locally for recreational activities. The site is currently allocated for housing in the LDP for approximately 50 dwellings, which would help to meet the housing need within the County Borough. Whilst the provision of an area of public open space would have been desirable, it is evident from the proposed layout (comprising 39 plots), that there is simply not enough room to accommodate this and achieve a suitable number of dwellings within the site, which still falls short of that targeted (50 residential units) in the LDP. In this instance, the need to provide housing outweighs the loss of the informal recreational space. Furthermore, the site is not identified as an area of open space within the Open Space Strategy, which may otherwise indicate that it forms part of wider network of green-spaces.

Design and landscaping

Although this application seeks outline permission to establish the principle of the residential development, matters relating to the proposed layout, scale and appearance of the dwellings are to be considered as part of this application. Only the matter relating to the proposed landscaping has been reserved for future consideration.

The layout of the development has partly been informed by the differing levels between the site and Swansea Road (in order to provide a suitable means of access) and partly by the need to provide suitable street frontages, that integrate the development with the surrounding area. In this regard the dwellings on plot 1-4 have been orientated to provide an appropriate frontage onto an area of public space that forms part of Waunbant Court. This would enable an appropriate frontage on a prominent corner of the site, which would be highly visible along Swansea Road. These plots would contribute to the existing group of dwellings that help to

frame/enclose an area of open space and would provide a suitable frontage along Waunbant Court.

The initial approach into the site from Swansea Road would include re-graded embankments to either side of the new access road, which could be landscaped to provide an attractive entrance to the development. In this regard, the submitted plans suggest hedgerows and trees could be planted.

The proposed dwellings would be designed to front onto the new access road with a combination of garden areas and driveways provided to the front of the properties. The rear garden areas of these dwellings would then essentially extend to the top edge of the embankments to the north, east and south-east.

To integrate the development with the neighbouring properties a new pedestrian link would be provided to the south-west that links to the adjoining private lane. Dwellings would be provided that overlook this path, which helps to define the entrance in to the site and provide suitable natural surveillance. The construction of stone boundary walls to either side of the pedestrian link is also proposed to enhance the quality of the environment, together with the planting of trees.

It is noted that the rear garden boundaries of some of the proposed dwellings (plots 5-7 and plot 38) would be set back from the private lane (between 2m - 8m) in order to accommodate a landscape buffer. This would assist in the screening of garden fences and to provide an attractive boundary treatment alongside the private lane. Similarly, the layout plan suggests that the landscaping scheme could also provide further planting along the top of the steep embankments to improve the appearance of the development within the wider landscape.

Within the immediate vicinity of the application site, the majority of the properties along Swansea Road, Old Winchfawr Road and along the private lane are bungalows, some of which include large dormer windows to accommodate loft conversions. A number of two storey dwellings are also present in the area, particularly at Waunbant Court and Cyfarthfa Mews (to the south-east of the site). The general appearance of these dwellings varies with some properties incorporating porches, gables and dormer window features, with a combination of render and brickwork finishes to the elevations. Within this local context, the proposed development would essentially accommodate two house designs, being a two storey rendered property (detached and semi-detached) incorporating brickwork detailing, a gable feature and canopy to the front with a rear dormer window, and the other being a brickwork property (semi-detached) with a canopy to the front and a rear dormer window. The proposed dwellings would incorporate features in the design that reflect the surrounding built environment. The scale of the buildings and their general appearance would also have their own local identity that reflects the varied character of the area.

The topography of the site is such that the proposed dwellings on the plateau would be broadly at the same level as the existing dwellings along the private lane. However, given the elevated nature of the site in relation to Swansea Road, the development would likely be visible in the wider landscape, particularly in views towards the site from the north. In such views the proposal would be seen as an infill

development in an urban context. Its elevated relationship with Swansea Road would also not differ greatly to other developments in the area, such as Castle Park and Beacon Heights to the west, which are similarly developed on plateaus with steep embankments that abut the highway. Therefore, the proposal would not have an adverse impact on the wider landscape character or visual amenity.

Although a detailed landscaping scheme has been reserved for future consideration, the areas where planting could be incorporated into the scheme have been illustrated on the submitted layout plan. This includes planting along the boundaries and at the entrance to the site, as well as along the side of gardens within the development to provide attractive street scenes. It has been adequately demonstrated that a suitable landscaping scheme could be presented as part of a reserved matters application.

The overall design of the development is deemed to be acceptable and would not have an adverse impact on the character or appearance of the surrounding area. Therefore, the proposal complies with policy BW7 of the LDP.

Amenities

The submitted layout plan illustrates the proposed dwellings would generally be positioned between 21m to 45m away from the existing properties, with those closest to the development being located at Waunbant Court and along the private lane. Taking into account the siting, orientation, separation distances and scale of the proposed dwellings, the development would not give rise to adverse overbearing or overlooking concerns. In this regard, the dwellings on plots 1-4 would overlook an area of public space and would be at an oblique angle to the front elevations (some 23m away) of the properties at Waunbant Court. Additionally, the proposed dwellings on plots 37 and 38 would essentially present the side elevation to the private lane and would be at least 21m away from the existing adjacent properties.

Whilst the dwellings on plots 23-36 would be directly behind the properties of Old Winchfawr Road, there would be at least a 21m separation distance between their rear elevations. It is noted that, as the difference in levels between the site and existing properties progressively increases towards the eastern part of the site, the separation distances between these properties also increases. This helps to minimise the potential overbearing impacts from the elevated development.

The remaining proposed dwellings nearest to Swansea Road would similarly be elevated above the existing properties opposite, which have a frontage towards the site. However these properties would be a considerable distance (at least 40m) away and their outlook on to the existing grassed embankment would generally remain the same.

It is acknowledged that there would be a degree of inter-visibility between some of the proposed dwellings and the existing properties, particularly from first floor windows. However, as noted above the separation distances between the existing and proposed properties would be sufficient and would not give rise to adverse overlooking concerns. Furthermore, a detailed landscaping scheme could be

presented as part of a reserved matters application, which offers additional screening and enhances the appearance of the development.

Concerns have been raised by local residents that the headlights from vehicles exiting the site onto Swansea Road may impact on the amenities of the residential properties opposite the junction. Given the position of the highway and the fact that it slopes down towards Swansea Road, it is considered that there would be little impact on the surrounding properties i.e. headlight beams shining into bedrooms at night. Indeed this would not differ to other junctions along the same side of the highway, including Waunbant Court which has a similar relationship to Swansea Road as the proposed junction.

Given the scale of the proposal and the extensive ground works that would be required to enable the development of the site, there are likely to be some impacts in terms of dusty and noisy operations. This is a concern that has been raised by local residents. As such a construction management plan can be secured by condition, which sets out the appropriate measures to minimise the temporary impacts on surrounding residents during the construction phase of the development. Therefore the proposal complies with policy BW7 of the LDP.

Highways

The proposed access road serving the development would be constructed to meet the appropriate adoptable highway standards. In this respect, the carriageway would be of an appropriate width (5.5m wide), incorporating 2m wide footpaths on either side and would provide acceptable gradients (1 in 20 and 1 in 12) on the initial approach into the site going up the embankment to the main plateau. Additionally, suitable visibility plays of 2.4m by 43m in both directions would be provided at the proposed junction onto Swansea Road. Whilst concerns were raised by residents that the proposed junction onto Swansea Road would be too close to the existing junction onto Waunbant Court, a minimum separation distance of 40m between these junctions would be provided, which satisfies the Engineering and Traffic Group Leader's requirements.

An appropriate turning facility would be provided in the north-east part of the site, adjacent to plot 22, which enables service vehicles to turn within the site. Adequate off-street parking provision would be accommodated with at least 2 parking spaces for each dwelling. Although no formal visitor parking bays have been provided, this could be adequately accommodated along the highway within the site without impacting on the surrounding area.

It is acknowledged that the private lane (to the west) and Old Winchfawr Road (to the south) are both narrow highways with poor driver visibility in places and intermittent opportunity for passing vehicles. Therefore the creation of a new point of access into the site from Swansea Road, which can adequately accommodate the additional traffic generated by the development, is preferable to the use of otherwise sub-standard lanes. In this regard the Engineering and Traffic Group Leader has not raised any highway safety concerns.

It is acknowledged that concerns have been raised by local residents that the development would impinge on a claimed right of way, which is regularly used by dog walkers and children. It is accepted that the tracks crossing the site have been used informally for recreational activities, despite existing signs informing the public that the land is private. Notwithstanding this, the claimed right of way is not afforded any legal protection and the loss or diversion of these routes would not amount to a reason for the refusal of the application.

No alterations are proposed to the existing private lane serving the properties within the vicinity of the site. Although a pedestrian link would be provided between the development and the private lane, there would be no through vehicular access, which may otherwise lead traffic towards Old Winchfawr Road.

Concerns have been raised by local residents that the traffic generated by the development, together the existing volume and speed of traffic along Swansea Road, would make it increasingly more dangerous for people to cross the highway. Within the vicinity of the site there are no formal crossing points along Swansea Road. However there is a speed camera to the west of the site, which helps to enforce the 30mph speed limits along the highway. Whilst the development would result in an increase in traffic movements along Swansea Road, it would not be to such an extent that it would give rise to significant highway safety concerns. In this respect, the Engineering and Traffic Group Leader has not raised any objection. For the above reason the proposal complies with policies BW12 and TB11 of the LDP.

Ecology

A preliminary Ecological Assessment was initially carried out to identify any existing habitats on the site and assess the potential for any protected species to be present, as well as, identify any potential constraints and mitigation measures. The report recognises the sub-optimal time of year for the initial survey work and that the site has potential to provide suitable habitats, particularly for nesting birds and reptiles. As such, a further detailed Ecological Assessment was carried at a more appropriate time of the year, which included a presence/absence survey to confirm whether reptiles use the site. It was concluded in the report that the site has moderate value for nesting and foraging birds and that reptiles are likely absent or else present in such low numbers that they would not be impacted by the development. It is noted that there are records of Great Crested Newts (GCN) at known ponds in the locality of the site to the south. The Ecological Assessment considers the application site to be suitably separated by distance and given the considerable commuting buffers that GCN are unlikely to occupy the site. Additionally, the report considers GCN are likely to travel to other communities to the east, rather than to the site, which has a poor quality habitat. In this regard, it is acknowledged that Natural Resources Wales have not raised any objection to the proposed development. To compensate for the potential impact on nesting birds, the Ecological Assessment recommends a number of bird boxes be incorporated into the scheme, together with bat boxes to provide additional ecological enhancements. An appropriate landscaping scheme may also provide suitable habitats for nesting/foraging birds across the proposed garden areas and along the boundaries of the site. Therefore, the proposal complies with policy BW5 of the LDP.

Ground conditions

The application site comprises a historic embankment of made up ground (colliery spoil), which is flanked by large and steep embankments to the north, east and south-east. A Site Investigation Report (SI) has been submitted in support of the application, which reviews the ground conditions and any potential contamination.

It is concluded in the SI that there are stability concerns arising from the made up ground, particularly along the embankments, which comprise of un-compacted spoil materials that have suffered continual collapses. It is noted that the existing embankment slopes appear to be steeper than 1 in 2. Therefore re-profiling works are likely to be required in order to ensure that this gradient is not exceeded. It is recommended in the report that a Slope Stability Assessment be carried out to ensure the slopes are regraded appropriately. The SI notes that the slopes should be top-soiled and seeded with grass in order to minimise any future maintenance problems caused by surface water run-off. Geotextile pocket membranes are also recommended to be used to ensure the topsoil does not slip down the slopes.

In order to prepare the site for development the SI recommends that the existing made up ground material should be excavated down to depths of typically 2m. The site should then be capped off with a minimum of 500mm thick well compacted imported granular material. The SI then suggests that reinforced raft-type concrete foundations could be used for the proposed dwellings.

In regards to potential land contamination, the SI indicates that the soil samples tested reveal that all of the analysed chemical elements and compounds are present at concentrations below the appropriate thresholds. The samples were also screened for any asbestos and none was found. As such, the SI concludes that there was no evidence of land contamination that may pose a risk to human health. However, it is recommended that clean imported subsoil and topsoil with a minimum depth of 450mm should be placed over all areas where soft landscaping is proposed, and a minimum of 600mm thick clean soil provided in areas where trees/shrubs with deeper roots would be planted.

Whilst there is a need to provide further details for the preparation of the site for development, which can be secured by a condition, it has been adequately demonstrated that suitable remediation measures can be put in place to address the stability concerns identified. In this regard, it is acknowledged that the Engineering and Traffic Group Leader has not raised any objection to the development. Therefore, it is considered that a suitable engineering solution can be implemented to ensure the safe development of site.

It has been identified in the submitted Ecological Assessment, that two distinct areas of Japanese Knotweed are present in the north-west corner of the site (within the location of the proposed access road). The report notes that the Japanese Knotweed appears to have been treated previously. However, fresh growth was still evident. As such, a Japanese Knotweed strategy would be required to ensure that the invasive species is eradicated from the site. Given the extensive ground works required to develop the site, it is likely that the invasive species would need to be appropriately

removed to a licensed tip. The details of the Japanese Knotweed strategy can be secured by condition.

Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing contributions respectively. In order to secure the delivery of affordable housing across the County Borough, on sites where 10 or more dwellings are proposed, a contribution of 10% on-site affordable housing would be sought. In this instance it would equate to the provision of 4 affordable houses. A Viability Report has been submitted as part of the application, which sets out the anticipated costs of the development. Utilising these details, the viability of the proposed development has been assessed by the Planning Division's Policy Group Leader using the Three Dragon's Toolkit. In this instance, no contributions are sought as it has been sufficiently demonstrated this would likely render the development financially unviable. Therefore, the proposal complies with policies BW17 and AS22 of the LDP.

Representations

The concerns raised as a result of the publicity exercise have been addressed in the respective sections above. Additionally, the following points are noted:

- Matters relating to the value of existing properties within the vicinity of the development are not a material planning consideration.
- Prior to the submission of the application, the application boundary was amended to include land within the applicant's ownership. The application form also indicates that a notice was issued to any other landowners.
- Whilst concerns have been raised in respect of the potential drainage of the development site, no objections have been raised by either Welsh Water or the Engineering and Traffic Group Leader. The specific details of the drainage proposal would be secured by condition.
- The location of the nearby watercourse has been acknowledged in the Site Investigation report. Part of the recommendations of this report is to investigate the water course as part of the ground stability works.

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 acceptable and complies with the relevant LDP policies.

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

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

Drawing No. PL-101 Rev 1 - Longitudinal Sections

Drawing No. AL(01)30 Rev D - Proposed Sections

Drawing No. AL(01)40 Rev A - Type A Plans & Elevations

Drawing No. AL(01)50 Rev A - Type B Plans & Elevations (L/H Side)

Drawing No. AL(01)51 Rev A - Type B Plans & Elevations (R/H Side)

Drawing No. AL(01)60 - Type C Plans & Elevations (L/H Side)

Drawing No. AL(01)61 - Type C Plans & Elevations (R/H Side)

Drawing No. AL(90)02 Rev L - Proposed Site Plan

Preliminary Ecological Assessment, March 2018

Ecological Assessment, September 2018

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

5. **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.

6. **No development shall take place** until a Slope Stability Assessment has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of this investigation shall be submitted to the Local Planning Authority before any development begins. A report specifying the measures to be taken to remediate the site to render it suitable for the development, together with the measures set out in the Site Investigation Report (Prepared by Integral Geotechnique), shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

7. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 6, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out.

8. **Prior to the construction of the dwellings** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings 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 BW7 of the Merthyr Tydfil Local Development Plan.

9. Notwithstanding the details submitted, **no development shall commence** until details of a comprehensive scheme for the disposal of foul and surface water, incorporating SUDS principles where appropriate, 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 the dwellings 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.

10. **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 around the properties and within the public spaces, shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed 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.

11. **No development or site clearance shall take place** until a Habitat Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction, including those measures set out in Section 9 of the Ecological Assessment (prepared by Ethos Environmental Planning, dated September 2018).
- c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).

All construction activities shall be implemented with the approved details and timing of the plan

Reason - To protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

12. **Before works commence on site** details relating to the specification and location of the 8 No. sparrow terrace boxes, 9 No. nesting bird boxes (suitable for house martins, swifts and starlings) and 8 No. bat boxes (comprising bat bricks, tubes and bat access tiles) as recommended in Section 9 of the submitted Ecological Assessment (Ethos Environmental Planning, September 2018), shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details and installed prior to the occupation of the dwellings.

Reason - To protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.

13. **No development shall commence**, including any site clearance works, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be

adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from the construction works.

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policy BW7 of the Merthyr Tydfil Local Development Plan.

14. 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 - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

15. 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.

16. **Before any construction or site clearance works commence on site**, a Japanese Knotweed Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Japanese Knotweed Strategy shall be fully implemented in accordance with the approved details prior to the commencement of any works.

Reason - To prevent the spread and ensure the eradication of a highly invasive species.

17. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of works will be fully

carried out in accordance with the requirements and standards of the written scheme.

Reason - To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to accord with Policy BW6 of the LDP.