

**Application No.**  
P/16/0057

**Date**  
24th February 2016

**Determining Authority**  
MTCBC

**Proposed Development**

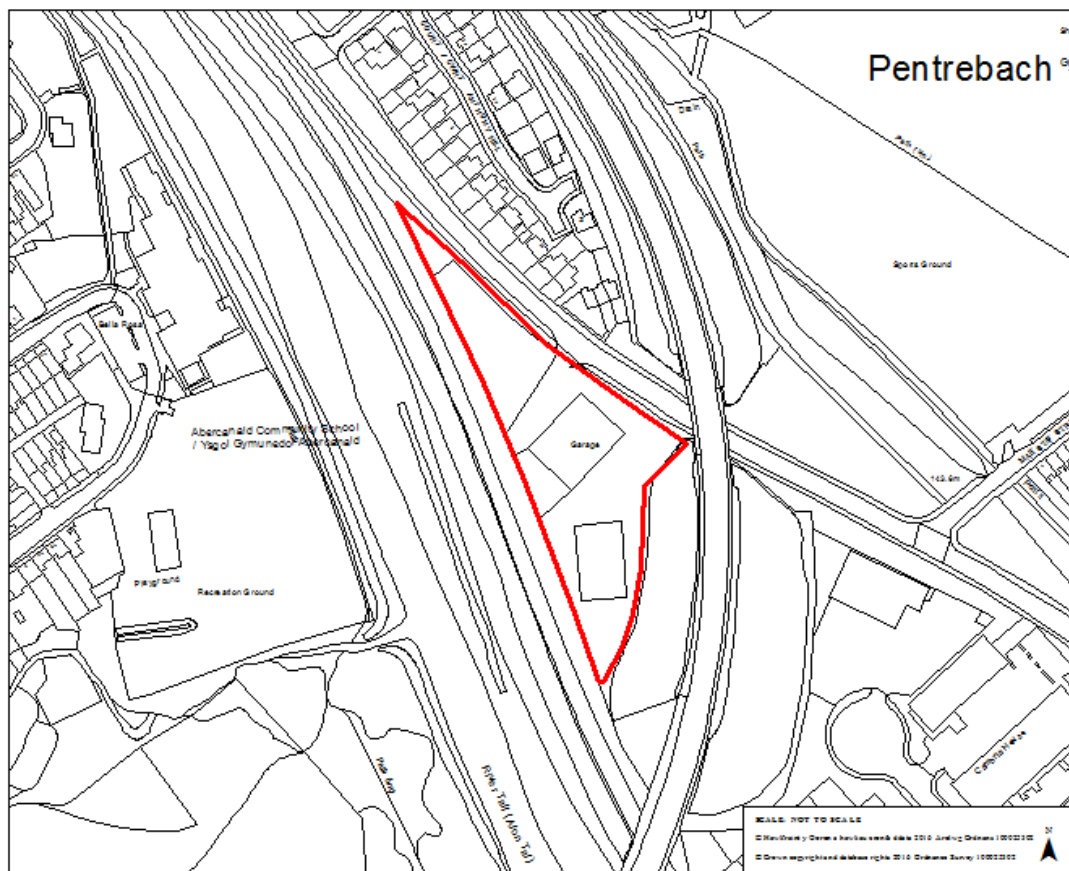
**Location**

**Name & Address of Applicant/Agent**

Residential development  
(Outline)

P & R Motors Merthyr Ltd  
Merthyr Road  
Pentrebach  
Merthyr Tydfil  
CF48 4UB

P & R Motors Merthyr Ltd  
c/o Stephen George  
Architects  
25 Courtland Terrace  
Merthyr Tydfil  
CF47 0DT



## APPLICATION SITE

This application relates to a triangular shaped area of land measuring approximately 0.63 hectares. The site is generally flat with the majority of the land being hard surfaced. Two large commercial buildings are located in the centre and southern parts of the site, which are currently used in association with a vehicle repair business. The northern part of the site is used as a car parking area.

The site has a frontage measuring approximately 165m onto Merthyr Road (A4054) which provides the main access into the site from the north. To the south-east of the site is a woodland area with the A4060(T) flyover beyond, which provides a link to the A470(T).

Adjoining the south-west boundary of the site is a hedgerow and mature trees, which runs parallel to a railway lane with the River Taff beyond.

## PROPOSED DEVELOPMENT

Outline planning permission is sought to redevelop the site for residential purposes. All matters relating to the access, appearance, landscaping, layout and scale have been reserved for future considerations. As such, it is only the principle of the development that is to be considered at this stage.

An indicative layout plan has been submitted in support of this application which illustrates a potential scheme for 22 dwellings. The plan suggests that a new access road that links to Merthyr Road could be constructed within the central part of the site. A mixture of detached and semi-detached dwellings could then be located on either side of the new road.

The scale parameters of the proposed dwellings would measure between 5.464m - 9.067m wide, 9.478m - 12.43m deep and 7.752 - 9.5m high.

## PLANNING HISTORY

- P/10/0341 - Residential development (outline).  
Permission GRANTED on 21.01.2011
- P/10/0311 - Retention of two free standing signs.  
Advertisement consent GRANTED on 30.11.2010
- P/06/0102 - Residential development (outline).  
Permission GRANTED on 21.03.2007

## CONSULTATION

### Internal consultees

- Engineering and Traffic  
Group Leader - No objection subject to conditions relating to structural design, access, visibility splays and drainage.
- Town Planning Division's  
Policy & Implementation  
Group Leader - No objection subject to a condition to secure on-site affordable housing provision.
- Town Planning Division's  
Countryside Officer - No objection.
- Town Planning Division's  
Landscape Architect - No objection.

Environmental Health Manager - No objection subject to conditions relating to construction hours, dust and land contamination.

#### External consultees

Welsh Government Highways Network Management Division - No objection, subject to the protection of an existing boundary feature forming part of the A4060(T).

Glamorgan Gwent Archaeological Trust - No objection.

Network Rail - No objection.

Welsh Water - No objection subject to conditions relating to 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, three site notices were displayed within the vicinity of the site on the 1<sup>st</sup> March 2016 and a press notice was displayed in a local newspaper on the 10<sup>th</sup> March 2016.

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

#### POLICY CONTEXT

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

##### National planning policy

Planning Policy Wales (PPW), 8<sup>th</sup> Edition, January 2016:

Sections 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.

Sections 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.

Section 8.7.1 set 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.

Sections 9.3.1 – 9.3.4 highlight that new housing schemes should be well integrated with and connect to the existing patterns of settlements. Sensitive infilling of small groups of houses, or minor extensions to groups may be acceptable, though much will depend upon the character of the surroundings. In determining applications for new housing, particular regard shall be given to the area's character, amenity and density. High quality design and landscaping standards are also important.

Section 13.4.1 – 13.4.2 indicate that proposals situated in areas defined as being at high risk to flood hazards should only be permitted where the location of the development can be justified and that the flooding risks can be appropriately managed.

Technical Advice Notes (TAN):

TAN 5 – Nature Conservation and Planning, September 2009

TAN 12 – Design, January 2016

TAN 15 – Development and Flood Risk, July 2004

TAN18 – Transport, March 2007

### Local Planning Policy

Adopted 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 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 in the Primary Growth Area
- Policy AS4 - Historic landscape.
- Policy AS22 - Affordable housing contributions.
- Policy TB11 - Access, parking and accessibility of local facilities.

### Other Material Considerations

- SPG1 - Affordable Housing, March 2012.
- SPG2 - Planning Obligations, March 2012.
- SPG4 - Sustainable design, July 2013.
- SPG5 - Nature and Development, May 2015.
- CSS Wales Parking Standards, January 2008.

## 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 encouraged. It is acknowledged that the site is allocated (H36) in the LDP for residential development for up to 22 dwellings. Additionally, outline planning permission has been granted previously (P/10/0341 and P/06/0102) to develop the site for residential purposes, which are identical to this proposal but expired in 2015. Therefore, it is considered that the principle of the development has already been established and complies with policies BW1, BW4 and AS1 of the LDP.

### Design

Although matters relating to the general design of the development have been reserved, the indicative layout plan demonstrates that a residential scheme could be achieved within the site. The precise siting and orientation of the dwellings would be considered in detail as part of a reserved matters application. The applicant suggests that the dwellings could be of a similar design to those in the nearby Anthony Hill Court to the north of the site, which would generally be an acceptable approach to the development of the site. The proposed scale parameters of the dwellings are also deemed to be acceptable and would be similar to the existing residential properties in the vicinity. The site could be suitably developed without adversely impacting on the amenities of nearby occupiers, the nearest of which are located in Anthony Hill Court and are separated from the site by Merthyr Road. It is noted that the Town Planning Division's Landscape Architect has raised no objection to the proposal, but notes the need to provide a landscape buffer between the development and Merthyr Road. This can be addressed as part of a reserved matters application. It is considered that the site can be adequately developed without adversely impacting on the character and appearance of the area. Therefore, the proposal complies with policies BW7 and AS4 of the LDP.

### Highways

Whilst details relating to the proposed access have been reserved for future consideration it is noted that the indicative layout plan suggests that the existing point of access into the site from Merthyr Road could be utilised, which could accommodate suitable visibility splays. The existing highway network is deemed to be of an adequate standard to accommodate any additional traffic that may be generated and the development would not adversely impinge on the free flow of traffic along Merthyr Road. Furthermore, the site is of a sufficient size to accommodate adequate off-street parking for each dwelling. It is acknowledged that the Engineering and Highways Manager has raised no highway safety concerns. Therefore the proposal complies with policies BW12 and TB11 of the LDP.

### Environment

The application site is considered to be of limited ecological value, particularly as the majority of the site is hard landscaped with no features of any significance. The existing trees and hedgerows that adjoin the south-east and south-west boundaries of the site are considered to have an important contribution to the character and quality of the area. These features would not be directly affected by the development and would provide a suitable screen between the development and the railway line. It is acknowledged that the Town

Planning Division's Countryside Officer has not raised any objection to the development. Therefore, the proposal complies with policy BW5 of the LDP.

It is acknowledged that the application site lies within a Zone B flood risk area, where a precautionary approach to the design of the development should be taken i.e. ensure appropriate levels to the development. Residential development in such areas is generally considered to be at a low risk from flooding and any potential issues can be adequately addressed as part of the reserved matters application. In this regard it is noted that the Engineering and Highways Manager has not raised any objection. Therefore the proposal complies with policy BW8 of the LDP.

### Planning obligations

Policies BW17 and AS22 of the LDP consider the requirements for planning obligations and affordable housing respectively. In order to ensure the delivery of affordable housing across the County Borough policy AS22 of the LDP seeks, on sites of 10 or more dwellings within the Primary Growth Area, the provision of 10% affordable housing. The Town Planning Division's Policy and Implementation Group Leader has assessed the viability of the development using the Three Dragons Toolkit. In this instance the provision of 10% on-site affordable housing is sought, which (based on the indicative layout) equates to two affordable residential units. This can be secured by means of an appropriately worded condition. No further planning obligations are necessary. Therefore, the proposal complies with policies BW17 and AS22 of the LDP.

### CONCLUSIONS

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:**

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. **Prior to commencement of development** a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason** - To ensure an appropriate level of affordable housing is delivered in accordance with Policies BW19 and AS22 of the Merthyr Tydfil Local Development Plan.

5. **No development shall take place** until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development 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.

6. **No development shall commence** until an assessment of the nature and extent of contamination affecting the application site has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \*in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice

and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwater and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

**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.

7. **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 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.

8. **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.

9. The access onto Merthyr Road (A4054) shall provide visibility splays of 2.4m by 43m in both directions. The visibility splays shall be maintained free of any obstruction exceeding 0.9m high for as long as the development exists.

**Reason** - In the interests of road safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

10. 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.

11. 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.

## **INFORMATIVES**

1. The applicant / developer is advised to contact the Welsh Government Network Management Division on 02920 826446 before works commence on site, which may otherwise affect the existing boundary features forming part of the A4060(T).
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