

**Application No.**  
P/16/0061

**Date**  
12th June 2016

**Determining Authority**  
MTCBC

**Proposed Development**

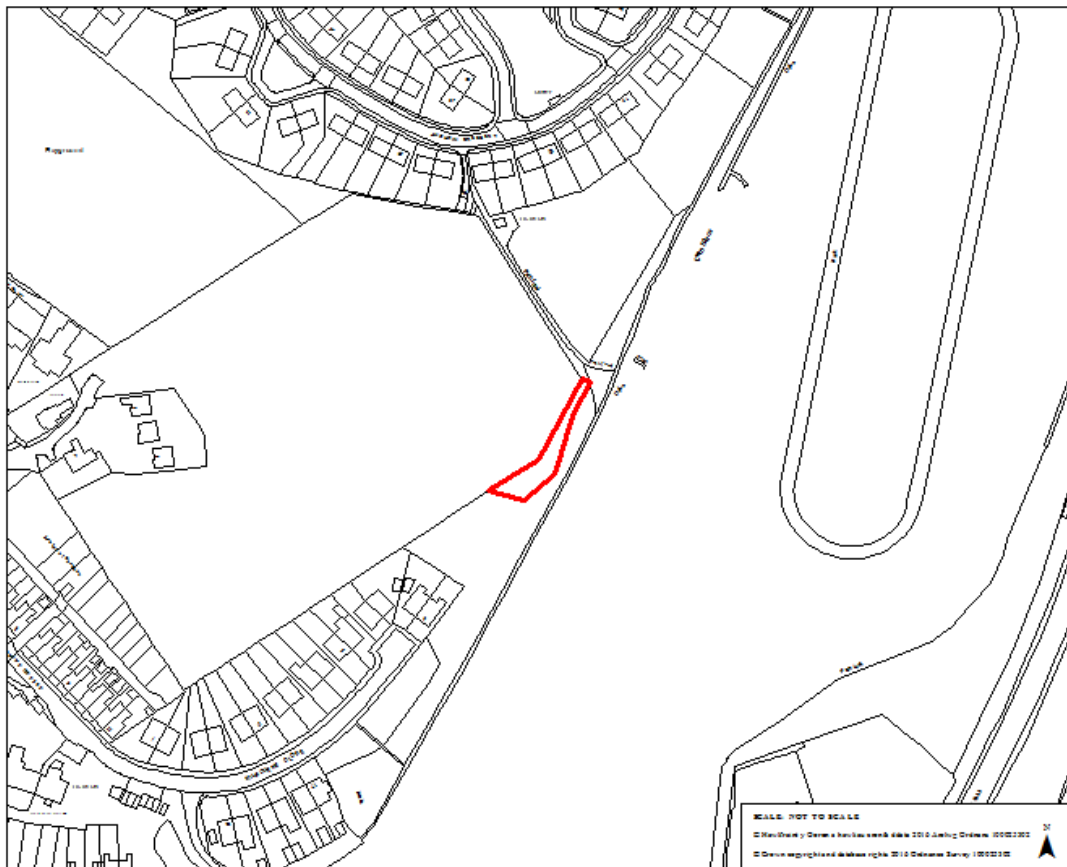
**Location**

**Name & Address of Applicant/Agent**

Construction of an embankment (engineering works) and provision of a drainage ditch

Land Adjacent To Former Mardy Hospital Site  
North East Of Milbourne Close  
Merthyr Tydfil

Taylor Wimpey South Wales  
F.a.o. Gareth Strange  
Eastern Business Park  
Building2  
Wen Fawr Lane



## **PURPOSE OF REPORT**

### **To further consider planning application P/16/0061**

At the Planning, Regulatory and Licensing Committee meeting on the 20th July 2016, it was resolved to defer the determination of the application to undertake a fact finding site visit. This took place on the 8th August 2016.

The main issues raised during the fact finding site visit centred on the surface water run off from the embankment (and its collection and disposal), the landscaping of the embankment and the time period for completion.

At the fact finding site visit members raised concerns about the proposed length of the drainage ditch and its ability to collect all the surface water runoff from the embankment. Members and the Engineering and Traffic Group Leader also considered that the diameter of the pipe that would enable water to flow from the proposed drainage ditch to the existing drainage system was too small. The Engineering and Traffic Group Leader also advised that a head wall should be provided at the inlet to the outlet pipe. Furthermore, he suggested that the section of footpath above the pipe should be reprofiled to ensure that any excess flows are channelled towards the existing open culvert. Members were also concerned about the ability of the proposed landscaping scheme to establish given the current condition of the embankment (i.e. it currently contains large bricks/concrete block, plastic and other waste material). Finally, concerns were raised about the length of time it would take for the landscaping to establish and as such it was pointed out that, if the application was approved, the planting should take place as soon as possible.

Following the fact finding visit the applicant was made aware of the concerns that were raised and, as a result, submitted a revised plan which proposes the following:

- A 20 metre extension to the southern end of the originally proposed drainage ditch.
- An increase in the diameter of the pipe which connects the proposed drainage ditch to the existing open culvert from 100mm to 300mm.
- A head wall to both the proposed drainage ditch and existing open culvert.
- The re-grading of the footpath above the pipe to enable excess water to be channelled to the open culvert.

The applicant has also confirmed that the embankment would be screened and the bricks, concrete and other waste material removed prior to any planting commencing. It has also been confirmed that the landscaping would be implemented towards the end of 2016 or early next year.

The revised plan/proposals have been assessed by the Engineering and Traffic Group Leader who considers them to be acceptable. The proposal, subject to these amendments, is therefore considered acceptable and as such is recommended for approval. If the Committee are minded to approve the application the following conditions are recommended. These conditions would supersede those originally recommended.

**RECOMMENDATION: BE APPROVED subject to CONDITIONS**

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

12100-SK106-1 revision A;  
12100-SK106 revision L;  
13205/100 A  
13205/101 B.

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

2. Within 3 months of the date of this decision, the development shall be completed in accordance with the drainage details shown on drawing number 12100-SK106 revision L.

**Reason:** To ensure the adequate disposal of surface water in accordance with policy BW8 of the Merthyr Tydfil Local Development Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping (Engineered Batter Landscaping Scheme - 13205/101B) shall be carried by **31<sup>st</sup> March 2017** 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.

### **COMMITTEE'S DECISION IS REQUIRED.**

A copy of the original report to Committee is reproduced below for Committee's convenience.

Councillor Linda Matthews has requested that this application be reported to Committee due to concerns as to whether this proposal would exacerbate water egress from the site.

### APPLICATION SITE

This application site relates to an embankment located to the northeast of 16, Milbourne Close. A retaining wall measuring between 0.2 and 1.4 metres in height stretches across approximately two thirds of the width of the application site. The site lies to the south eastern part of a housing development currently being constructed on the former Mardy Hospital site. It is currently enclosed by high steel mesh fencing which separates the site from the public rights of ways to the north (PRoW 108/15) and east (PRoW 108/18).

Part of the application site lies outside the housing site on land which is owned by Merthyr Tydfil County Borough Council. A number of trees have been felled and scrub cleared from the site. These operations did not require planning permission.

### PROPOSED DEVELOPMENT

This application seeks planning permission to remove the existing retaining wall and create a sloping earth embankment which rises gradually from the rear of the footpath (PRoW 108/18) to the east before levelling out when it reaches the housing development to the west.

The sloping embankment is an alternative proposal to the permitted engineering retaining wall system granted by planning permission P/12/0307. This retaining wall would have had

a maximum height of 2.65 metres. During the course of developing the housing site the developer ascertained that the ground levels in a small section of the north eastern corner of the site (i.e. part of the land subject of this application) were lower than originally surveyed. Therefore, if the development was carried out in accordance with the previously permitted scheme the wall retaining the embankment would have been between 3 and 4 metres high. For visual and health and safety reasons the applicant contends that the current proposal is a more acceptable solution to secure the embankment.

The application also includes a comprehensive landscaping scheme for the re-engineered embankment which would consist of a mix of trees, shrubs and wildflowers.

A 1.5 metre wide and 47 metre long drainage ditch is also proposed alongside the public right of way which runs to the east of the application site.

## PLANNING HISTORY

The following recent planning history is relevant to this application:

P/15/0416 – Erection of 10 dwellings in lieu of 15 dwellings approved under planning permission P/07/0292 – Approved: 21<sup>st</sup> December 2015

P/12/0307 – Erection of 10 dwellings in lieu of 15 dwellings approved under planning consent P/07/0292 – Approved: 3<sup>rd</sup> May 2013.

P/11/0007 –Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for a further 3 years in which to submit an application for reserved matters, and to allow for a further five years in which to commence development (or a further 2 years from approval of reserved matters, whichever is the later) from the date of permission, in respect of planning consent 05/0157 (Residential development comprising the erection of houses and garages, demolition of No's 7-10 Milbourne Terrace and all associated engineering and building operations) – Approved: 2<sup>nd</sup> June 2011

P/07/0292 – Demolition of Nos 7-10 Milbourne Terrace and erection of 73 dwellings and associated access road (Reserved Matters) – Approved: 27<sup>th</sup> September 2007

P/05/0157 – Residential development comprising the erection of houses and garages, demolition of No's 7-10 Milbourne Terrace and all associated engineering and building operations (Outline) – Approved: 4<sup>th</sup> August 2006

## CONSULTATION

Engineering and Traffic Group Leader No objection.

Town Planning Division's  
Countryside Officer No objection.

Town Planning Division's  
Landscape Architect No objection.

Environmental Health Officer No response.

Rights of Way Division	No objection.
The Coal Authority	No objection.
Welsh Water/Dwr Cymru	No objection.

## PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to nearby properties and three site notices were displayed within the vicinity of the site. Two letters of representation have been received as a result of this consultation process. The concerns raised have been summarised below:

- Since the commencement of work on the housing site there have been continual problems with the main issues relating to the release of water from the site onto Pease Lane and onto the main road;
- The water bowser being used only spreads mud around the road and it is not appropriately cleaned. This matter has been looked into, but the company has done little to avoid the spreading of the dirty water and mud coming off the site;
- The public right of way which runs adjacent to the embankment is continually being flooded resulting in muddy conditions for residents. This was an area frequently used prior to the commencement of building works;
- The release of water by Taylor Wimpey (accidentally) last year, caused flooding and left deposits of mud in the water channels around houses 17-22 Milbourne Close. Dirty water is still flowing during wet weather, particularly on the southern site where chippings have been laid for the water to flow through. There are also drainage pipes being laid on the northern side of the embankment. This water can only flow onto the walkway which has been used since 1976;
- Taylor Wimpey need to ensure that the water ways are correctly constructed before carrying out any further work on the embankment;

## POLICY CONTEXT

### National Planning Policy

- Planning Policy Wales (PPW) (edition 8, January 2016)

Paragraphs 5.2.8, 5.2.9 and 5.10 are relevant to the consideration of this application and states that '*...the planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable...Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source*'.

- Technical Advice Notes (TAN's)

## TAN 5 – Nature Conservation and Planning (September 2009)

Paragraph 1.6.1 states '*...the use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and other adverse impacts. But development can also present significant opportunities to enhance wildlife habitats and the enjoyment and understanding of the natural heritage...*'

### Local Planning Policies

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

BW4 - Settlement boundaries / locational constraints

BW5 – Natural Heritage

BW7 - Sustainable design and place making

BW8 - Development and the water environment

- Supplementary Planning Guidance (SPG):

SPG Note 4: Sustainable Design (July 2013)

SPG Note 5: Nature and Development (May 2015)

### PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development is acceptable with regards to its impact upon the character and appearance of the immediate area and residential amenity. The stability of the embankment is also a material consideration.

The application site lies within the settlement boundary. LDP Policy BW4 supports development in this location provided that it is compatible with other relevant policies and material planning considerations. It is therefore considered that the proposed works in this location would be acceptable in principle.

As noted above, the proposed development would remove a retaining wall and provide a battered landscaped embankment that would vary in terms of its depth and angle of the slope. It is noted that the slope would be fairly steep in parts, however, the proposed landscaping, which the Council's Landscape Architect considers to be acceptable, would serve to soften the appearance of the embankment, resulting in a landscape buffer which would complement the semi-rural environment in this area. As such, this part of the development would appear sympathetic and in context with the appearance of the area which is characterised by landscaped steep embankments. Indeed, the proposal would avoid the need for the erection of a high retaining wall (measuring between 3 to 4 metres) which would have resulted in an insensitive and incongruous form of development to this part of the site. In terms of the stability of the embankment, the Engineering and Traffic Group Leader has considered the detailed drawings and has not raised an objection.

The proposed drainage ditch would collect surface water run-off from the application site and direct it into an existing drainage channel which is located to the east of the public right of way. This would help prevent any flooding of this part of the right of way. The Engineering and Traffic Group Leader and the Rights of Way Division have not raised any objections however it is recommended that an informative be attached to any permission to make the developer aware that any works proposed should not result in the damage or obstruction of the public right of way.

It is noted that the proposed development would be located over 30 metres from the nearest residential dwelling. As such, it is not considered that the development would adversely impact upon the amenities of nearby occupiers.

The concerns raised by the objectors, which have not been considered above are addressed below:

- The issues raised in the objection letters, such as the release of water and mud from the site relates to the construction of dwellings, their associated access network and engineering works at the housing site currently being developed at the former Mardy Hospital site. As such, these concerns cannot be considered as part of this application.

In conclusion, the proposed development would result in a sympathetic form of development which would not harm the character or appearance of the area. It would therefore comply with LDP Policies BW5, BW7 and BW8.

**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:

12100-SK106-1 revision A;  
12100-SK106 revision K;  
13205/100 A  
13205/101 B.

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

3. All planting, seeding or turfing comprised in the approved details of landscaping (Engineered Batter Landscaping Scheme - 13205/101B) 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.

## **INFORMATIVES**

1. The applicant is advised that a public right of way lies adjacent to the application site. The grant of planning permission does not entitle developers to obstruct a public right of way. If you need help or advice concerning the diversion or extinguishment order you should contact the Rights of Way Division on 01685 725309/rightsofway@merthyr.gov.uk.
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