

<b>DATE WRITTEN</b>	18th October 2018
<b>REPORT AUTHOR</b>	Judith Jones
<b>CASE OFFICER</b>	David Cross
<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	31st October 2018

**Application No.**  
P/18/0257

**Date**  
3rd September 2018

**Determining Authority**  
MTCBC

**Proposed Development**

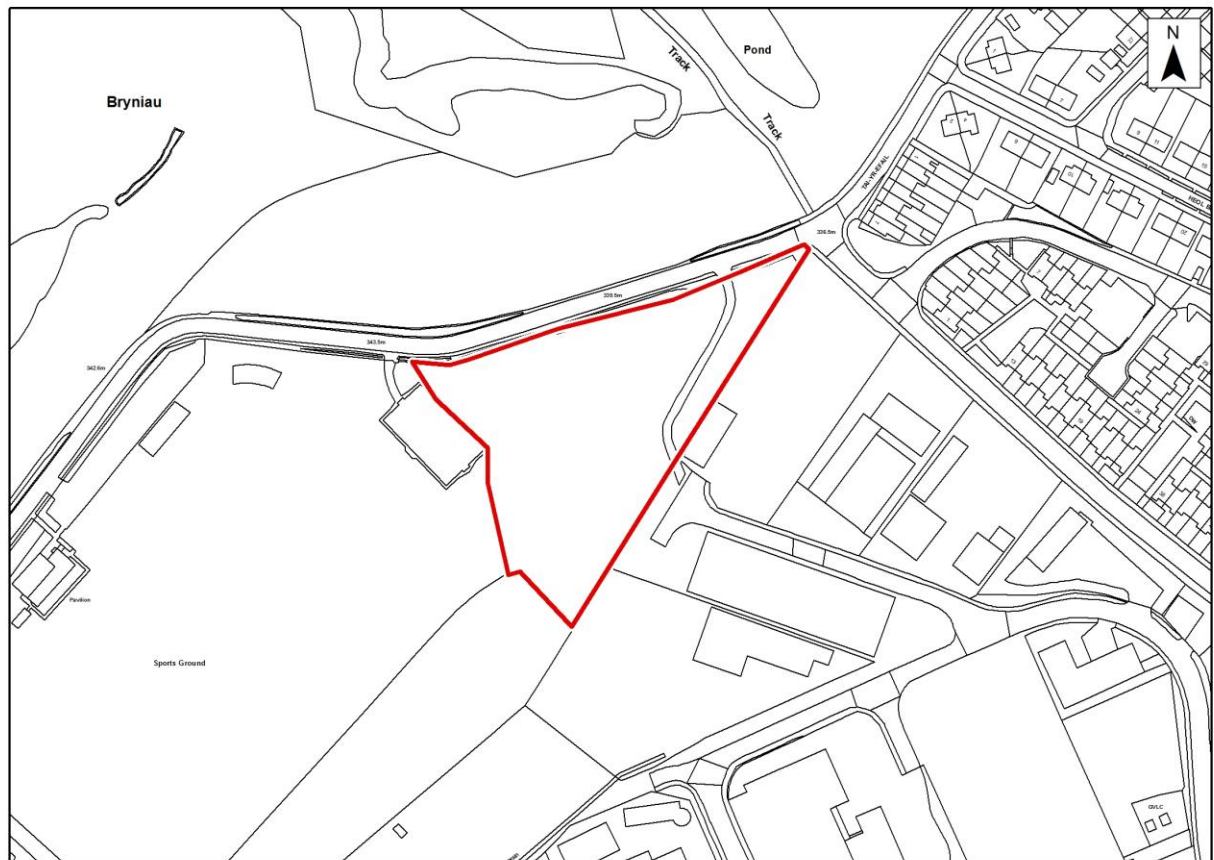
**Location**

**Name & Address of Applicant/Agent**

Residential development

Land North Of Pant  
Industrial Estate  
Bryniau Road  
Pant  
Merthyr Tydfil

Suffolk Life Trustees  
c/o Viv Jones  
114 Brecon Road  
Hirwaun  
RCT  
CF44 9NS



## APPLICATION SITE

This application relates to an area of land that is broadly triangular in shape measuring approximately 0.89 of a hectare. The northern boundary of the site (158m in length) provides a prominent frontage onto the main highway (Bryniau Road), with the open countryside beyond, which forms part of the Merthyr Common. To the south-east of the site is Pant Industrial Estate, with a car park, commercial building and associated external storage area, which immediately abuts the boundary. There is also an existing palisade gate which provides access from the application site into the industrial estate. To the south-west, the site is bound partly by an enclosed basketball court and vacant land with playing fields beyond.

The site itself comprises a large area of open grassland that is enclosed partly by a post and wire fence and palisade fencing. The land slopes down from the north to the south with a steep embankment along the northern boundary. There are no significant features within the site other than a small number of bushes and a few mature trees adjacent to the southern boundary.

## PROPOSED DEVELOPMENT

Outline planning 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.

An indicative layout plan has been submitted in support of this application which illustrates a potential scheme for 33 dwellings, comprising 18 two storey semi-detached dwellings and 15 three storey terraced properties. The scale parameters for each dwelling have been provided, which indicates the semi-detached dwellings would measure between 4.5m to 7.5m wide by 7.5m to 10m deep and 7m to 9.5m high. The terraced properties would measure between 4.5m to 6.5m wide by 7m to 9.5m deep and 7m to 11.5m high.

It is suggested on the indicative layout plan that the terraced properties would be located along the northern boundary of the site with a frontage onto the main highway. Due to the changes in levels, these properties could be three storeys with integral garages provided at the lower ground floor level. Access to the garages could then be from within the site via a new service road. The semi-detached dwellings could be accommodated along the south-west boundary, partly along the south-east boundary and at the centre of the site. It is indicated that these properties could then front onto a new internal access road serving the development.

The layout plan and Design and Access Statement suggest a possible landscaping approach. This essentially involves planting along the south-west and south-east boundaries, which could also help to screen the adjoining industrial estate. An area of open space is also indicated in the southern corner of the site, where a drainage swale could be provided.

It is shown on the indicative plan that the access into the site would be from Bryniau Road with the potential for a new stacking lane to be provided, to minimise any impact on the free flow of traffic. A new road (measuring 5.5m wide with a 2m wide footpath on either side)

would extend through the centre of the site. A service road (measuring 4.5m wide with a 2m wide footpath along one side) could also be provided to enable access to the terraced properties, along with a turning area and visitor parking adjacent to the south-east boundary of the site. The existing pedestrian link into the industrial estate could also be retained as part of the development.

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

- Pre-application Consultation Report
- Design and Access Statement
- Preliminary Ecological Appraisal
- Access Appraisal
- Coal Mining Risk Assessment

## PLANNING HISTORY

There is no relevant planning history relating to this site.

## CONSULTATION

Engineering and Traffic  
Group Leader

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

Planning Division's  
Policy Group Leader

- No objection subject to a condition to secure on-site affordable housing contribution.

Planning Division's  
Countryside Officer

- No objection subject to a condition relating to the clearance of the site.

Planning Division's  
Landscaping Officer

- Concerns have been raised in respect of the layout of the development, the scale of the dwellings, appropriate boundary treatments and the provision of open space with drainage attenuation.

Environmental Health  
Manager

- No response.

South Wales Police

- Concerns have been raised due to parts of the site would be devoid of natural surveillance with the service road, visitor parking and drainage swale not being properly overlooked by the proposed properties.

Welsh Water

- No objection subject to a condition for a drainage

scheme for the disposal of 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 22<sup>nd</sup> August 2018 and four site notices were displayed within the vicinity of the site on the 24<sup>th</sup> August 2018. Additionally, a notice was advertised in the local newspaper on the 30<sup>th</sup> 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 promotes 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. Local Authorities are encouraged to reject poor building and contextual designs.

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 9.1.2 promotes sustainable residential environments with greater emphasis on quality, good design and the creation of places to live that are safe and attractive. Development proposals should also provide attractive landscapes around dwellings, with usable open space and have regard to biodiversity, nature conservation and flood risk.

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 Notes (TAN)

- TAN 5, Nature Conservation and Planning, September 2009
- TAN 18, Transport, March 2007
- TAN 12, Design, March 2016
- TAN 12, Guidance on Design and Access Statements, 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 policies BW1 and BW4 of the LDP, where the majority of new development is generally encouraged. Whilst the development would adjoin an established industrial estate, the proposal would be situated close to the main residential area of Pant, which is also located opposite the industrial estate i.e. Heol Rhyd Y Bedd. As such, the principle of residential development is acceptable and the compatibility between the proposed residential and existing industrial uses could be achieved. This would be subject to careful consideration of the future design, layout, landscaping and boundary treatment of the development.

### Design

Where matters relating to the layout have been reserved for future consideration, it is necessary as part of an outline proposal to provide an indicative layout plan to demonstrate that the site can be appropriately developed. Whilst the layout may be subject to change as

part of a reserved matters application, it is nonetheless appropriate to consider whether the indicative approach adequately demonstrates that the development could achieve a good design.

The Design and Access Statement (DAS) is also a tool to essentially explain the key principles that would inform the general design and layout of the development. In this respect, the indicative layout plan is a manifestation of how those key design principles could be implemented on the site i.e. how the development could integrate with its surroundings, key frontages, the arrangement of private spaces and communal areas. Although the DAS provides a brief description of the site characteristics, there is little analysis of the local context and how the development would seek to integrate with its immediate surroundings. Nor are there clear principles to explain the design approach to the development of the site.

It would appear from the layout plan that there is an intention to provide a prominent frontage onto Bryniau Road in the form of terraced properties, which would follow a similar pattern of development further along the highway to the north-east. In response to the change in levels, with the highway being elevated above the site, the indicative sections suggest the ground floor levels of the terraced properties (Plots 19-32) could be raised, to incorporate a garage at the lower ground level. However, in order to gain access to these garages, it would require vehicles to traverse the length of the rear garden areas.

The layout elsewhere within the site appears to be largely informed by the need to provide a suitable means of access with appropriate gradients. Taking into account the topography, the semi-detached dwellings on plots 1- 12 are logically suggested in rows along the south-west and south-east boundaries, where they could gradually step down and front onto the new access road. Additionally, it would appear that dwellings have been avoided in the area immediately next to the industrial unit that abuts part of the south-east boundary, to minimise potential impacts on residential amenity.

There are concerns with the potential siting of dwellings at the centre of the site. It has been demonstrated on the layout plan that the dwellings on plots 13-18 could be positioned a sufficient distance away from the neighbouring properties to avoid overlooking concerns. A frontage on to the access road could also be provided to reinforce the streetscene opposite plots 9-12. However, in doing so, the semi-detached dwellings (plots 13-18) and the terraced properties (plots 19-33) would both back on to the service road creating dead frontages on either side of the carriageway. The streetscene along this section of the site would consequently be dominated by a combination of high boundary fences to secure private garden areas and parked vehicles. Furthermore, this part of the development, including the visitor parking bays adjacent to the turning area, would lack any reasonable natural surveillance. This poor relationship between plots would create a visually harmful and unwelcoming residential environment.

It is suggested on the layout plan that an area of open space could be created in the southern corner of the site, which could be utilised to provide a drainage swale. There is no clear indication in the DAS to explain why this part of the site was chosen to accommodate an area of public space. Nor are there details to help explain how the swale would complement a sustainable drainage scheme (SUD) for the development, which may otherwise inform its potential location. Although the provision of an area of public space and the incorporation of a SUD scheme is welcomed, the layout plan fails to demonstrate how

this could form an integral part of the development. Indeed, as illustrated on the layout plan, the public space would be poorly overlooked, which raises concerns with the potential for this space to attract anti-social behaviour.

It is acknowledged that the Landscape Architect has raised concerns in relation to the layout of the development. In this respect, it has been suggested that a soft boundary treatment along the main highway would be a more appropriate response on the border of the open countryside. The Landscape Architect has also suggested that the open space would be better located within a more centralised area of the site to add setting and character to the development. This would also enable it to form an integral part of the proposal.

Furthermore, it is acknowledged that the South Wales Police have also commented on the poor layout of the proposal, which would render various parts of the site vulnerable to anti-social behaviour. This is particularly due to the poor orientation of the buildings in relation to the public realm, resulting in a lack of suitable natural surveillance.

Given the sloping nature of the site, the proposed scale of the dwellings is acceptable in principle. However, any buildings close to the main highway should maintain a two storey appearance in order to be consistent with other properties in the vicinity. The development has the greatest potential to impact on the character from the main highway due to the length of the frontage and its prominence. However, there remains scope within the application site to present a residential scheme of a modern design.

Overall, there are a number of concerns with the indicative layout, which fails to adequately demonstrate how the development of the site can achieve an appropriate design. It should be noted that the concerns highlighted above were previously raised as part of a pre-application response (PA/18/0033). However, the main issues in respect of street frontages and the location of the public open space have not been addressed. Considerable alterations may be required to enable a more suitable layout, which may impact on the number of residential units, key frontages and the arrangement of public/private spaces. Therefore, the indicative layout does not adequately demonstrate how the development would meet the requirements of policy BW7 of the LDP, which seeks to secure good quality sustainable design.

### Highways

The Access Appraisal submitted in support of the application, indicates that the potential point of access into the site from Bryniau Road, is a sufficient distance (97m) away from the junction onto Heol Rhyd Y Bedd. Additionally, the new junction onto Bryniau Road could be constructed with appropriate visibility splays of 2.4m by 51m in both directions. It suggests that a right-turn lane could be provided on Bryniau Road to store traffic waiting to turn into the site. However, the report also concludes that the anticipated level of traffic generated by the proposed development would be modest and unlikely to have a material impact on the operation of the surrounding highway network. As such, it would appear that the need for a right-turn lane is unnecessary.

It has been demonstrated that the new roads to serve the development can be accommodated within the site to meet adoptable standards, in terms of the carriageway widths, the provision of footpaths and turning facilities. Additionally, at least 2 parking

spaces could be provided on each plot with designated areas incorporated for visitor parking. It is acknowledged that the Engineering and Traffic Group Leader has raised no adverse highway safety concerns, subject to further details being provided as part of a reserved matters application. Therefore the proposal complies with policy BW12 and TB11 of the LDP.

### Environment

The proposal lies within 10 metres (south-east) of the Bryniau Site of Importance for Nature Conservation (SINC 2), with the development being separated by the main highway. A Preliminary Ecological Appraisal (EA) has been submitted in support of the application, which concludes that the site is overall of low/negligible ecological value. The habitats within the site are noted in the EA to be common and widespread with optimal conditions for reptiles. Accordingly, a method statement for the progressive clearance of vegetation within the site is proposed in order to avoid any harm to reptiles, in this case potentially Slow Worms, Grass Snakes, Common Lizards and Adders. The Planning Division's Countryside Officer has indicated that a suitable survey of the site has been carried out and that the recommendations to manage any reptiles on the site are appropriate, which should be secured by condition. Furthermore, the Planning Division's Countryside Officer acknowledges that there are Great Crested Newt habitats known within the adjacent SINC. However, the development is unlikely to have an impact on these habitats due to the intervening highway and the location of these habitats away from the site. Therefore, the proposal would not have a significant ecological impact and would comply with policy BW5 of the LDP.

### Ground conditions

The application site is located in an area identified by The Coal Authority to be at low risk from past coal mining activities. Notwithstanding this, a Coal Mining Risk Assessment has been submitted in support of the application. It is concluded in the report that the risk from past coal mining activities is low and that no significant ground stability issues have been identified. However, the report recommends that an intrusive site investigation be carried out to inform an appropriate design for the foundations.

### 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 seeks, on sites where 10 or more dwellings are proposed within the Primary Growth Area, the provision of 10% on-site affordable housing. Based on the indicative layout, this could amount to the provision of 3 affordable houses. In this respect, the Planning Division's Policy Group Leader has not raised any objection, subject to a condition to ensure that an adequate affordable housing scheme is provided as part of a reserved matters application. Therefore, the proposal would comply with policies Bw17 and AS22 of the LDP.

## 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.

Whilst the principle of developing the site for residential purposes is acceptable, the submitted details fail to demonstrate that the layout of the proposal could achieve an adequate design. Therefore the proposal runs contrary to the objectives of policy BW7 of the LDP, which seeks to secure good quality sustainable design. Accordingly, the following recommendation is made:

**RECOMMENDATION: BE REFUSED** for the following **REASON:**

1. It has not been adequately demonstrated that the site can be developed in a way which effectively integrates with both the internal and surrounding environments. There is insufficient evidence to suggest that the development could provide appropriate active street scenes with integrated public open spaces. As such the proposal would fail to create a good quality, well designed and safe environment contrary to Policy BW7 of the Merthyr Tydfil Local Development Plan.