

<b>DATE WRITTEN</b>	25th January 2019
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<b>COMMITTEE</b>	Planning and Regulatory
<b>COMMITTEE DATE</b>	6th February 2019

**Application No.**  
P/18/0392

**Date**  
18th December 2018

**Determining Authority**  
MTCBC

**Proposed Development**

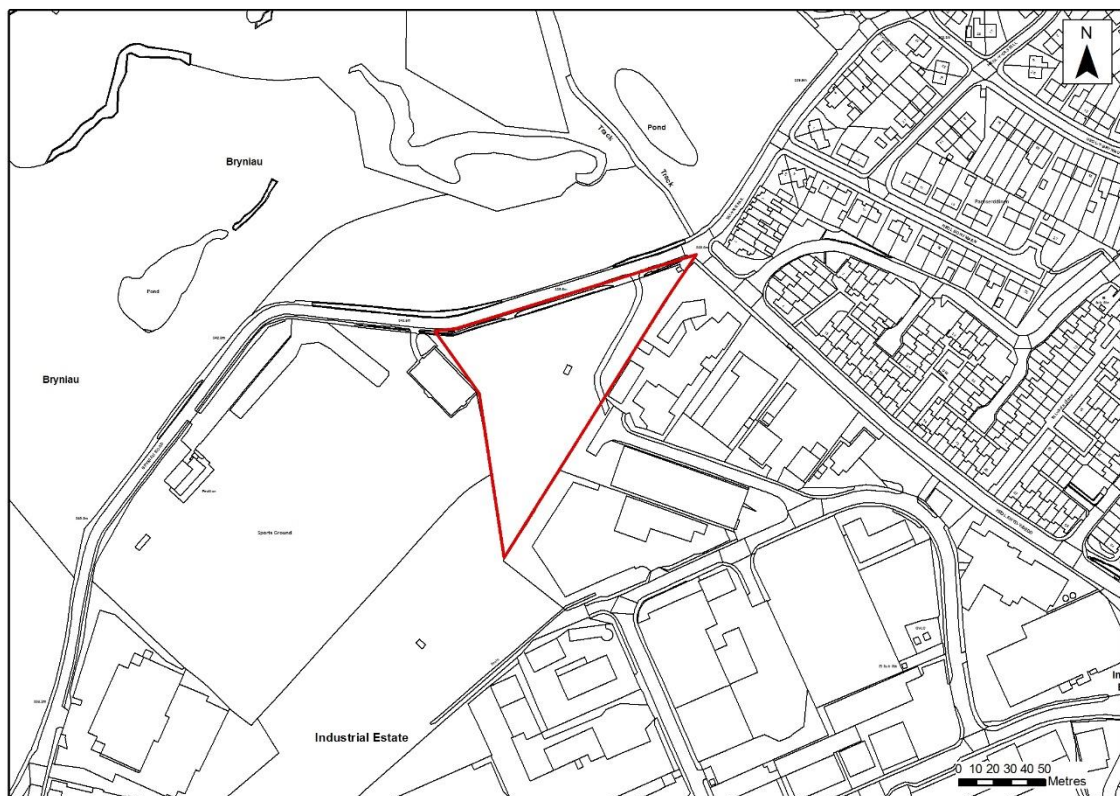
**Location**

**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



P/18/0392

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## 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 abut 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 26 dwellings, comprising 6 detached and 20 semi-detached properties. The scale parameters for these dwellings would measure between 4.5m to 7.5m wide by 7.5m to 10m deep and 7m to 9.5m high. It is suggested that these dwellings would be positioned along the northern, western and southern parts of the site and would be orientated to front onto a central area of public open space.

The layout plan indicates a possible landscaping approach, which involves the planting of hedgerows along the north, west and south-east boundaries of the site. This would help to screen the development from the adjoining industrial estate and provide attractive boundaries. It is also indicated that the area of open space could also be planted with small groups of trees and could be utilised to provide a sustainable drainage system.

Access into the site is shown on the indicative plan to be provided off Bryniau Road. A new road could then be provided into the site, which then extends around the area of open space. In the southern and north-east corners of the site, private roads (measuring 4.5m wide) could also be provided to serve a small number of dwellings. Each plot could accommodate at least 2 parking spaces on driveways to the side of the dwellings. 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

P/18/0257 - Residential development

Application WITHDRAWN on 26.10.2018

## CONSULTATION

Engineering and Traffic  
Group Leader

- No objection subject to conditions relating to visibility splays, ground investigation, drainage, road safety audit and access details.

Planning Division's  
Landscaping Officer

- No objection subject to conditions relating to landscaping and sustainable drainage.

Environmental Health  
Manager

- No response

Welsh Water  
to

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

## PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 20<sup>th</sup> December 2018 and four site notices were displayed within the vicinity of the site on the 21<sup>st</sup> December 2018. Additionally, a notice was placed in the local newspaper on the 10<sup>th</sup> January 2019.

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), 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 4.2.25 – 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 6.4.21 – 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 any potential impacts on protected species may result in disturbance or harm to the species or its habitat.

#### 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 would be compatible adjacent to the existing industrial uses. This would be subject to careful consideration of the future design, layout, landscaping and boundary treatments 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.

The concept of the proposal is to provide a number of detached and semi-detached dwellings that front onto an area of public open space, which provides a focal point to the development. The layout has partly been informed by the topography of the site and the need to provide a suitable point of access into the site, positioned a suitable distance away from the junction on to Heol Rhyd Y Bedd.

Due to the differing levels between the site and Bryniau Road it would be difficult for the dwellings to front onto the highway, without either compromising the amenities of the future occupants or creating an awkward access arrangement. Therefore, these dwellings could instead provide a frontage within the site that overlooks the public open space. The planting of a hedgerow alongside Bryniau Road would provide an attractive boundary treatment that integrates the development with the open countryside opposite.

The indicative plan demonstrates that dwellings could be adequately sited and orientated within the site to create suitable street scenes around an open space that reinforces a sense of place. The dwellings could also be positioned away from the adjoining industrial unit to minimise any potential impacts on future occupants. The planting of trees and hedgerows along the south-east boundary could also help screen the industrial unit and enhance the quality of the development.

The scale of the proposed dwellings is considered to be appropriate for the site and would generally be consistent with other two storey dwellings in the surrounding area. Given the location of the site, there would unlikely be any impact on the amenities of nearby properties, the nearest being a row of terraced properties (approx. 25m to the north-east) which front onto Bryniau Road.

It has been adequately demonstrated that the site could be developed with a layout that achieves a good design and integrates well with its local context. The scale of

the development is acceptable and there would be no adverse impacts on existing residents. Therefore, the proposal complies with Policy BW7 of the LDP.

### 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. The report concludes that the anticipated level of traffic generated by the proposed development would be modest and unlikely to have a material impact on the surrounding highway network.

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 off-street parking spaces could be provided on driveways within each plot. 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 Ecologist has previously acknowledged (as part of application P/18/0257) that an adequate survey of the site has been carried out and that the recommendations to manage any reptiles are appropriate, and should be secured by condition. Furthermore, the Planning Division's Ecologist has acknowledged 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 submitted plans, this could amount to the provision of 2 affordable houses, which can be secured by means of an appropriately worded condition. It should also be noted that the development could provide for an area of open public space within the site (as illustrated on the indicative plans), which contributes to the wellbeing of future residents. 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.

The principle of developing the site for residential purposes is acceptable and the submitted details adequately demonstrate that a suitable scheme could be provided within the site that is of an adequate design. Therefore the proposal is 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 two of the 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 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.

6. 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.

7. 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 each dwelling.

**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.

8. **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.

9. The clearance/development of the site shall be carried out in accordance with the method statement set out Appendix B and E of the Preliminary Ecological Appraisal, prepared by BE Ecological Ltd.

**Reason** - To minimise potential harm to reptiles and to protect the natural environment in accordance with Policy BW5 of the Merthyr Tydfil Local Development Plan.