

DATE WRITTEN	15 th March 2019
REPORT AUTHOR	Judith Jones
CASE OFFICER	David Cross
COMMITTEE	Special Planning
COMMITTEE DATE	21 st March 2019

Application No.
P/18/0330

Date
22nd January 2019

Determining Authority
MTCBC

Proposed Development

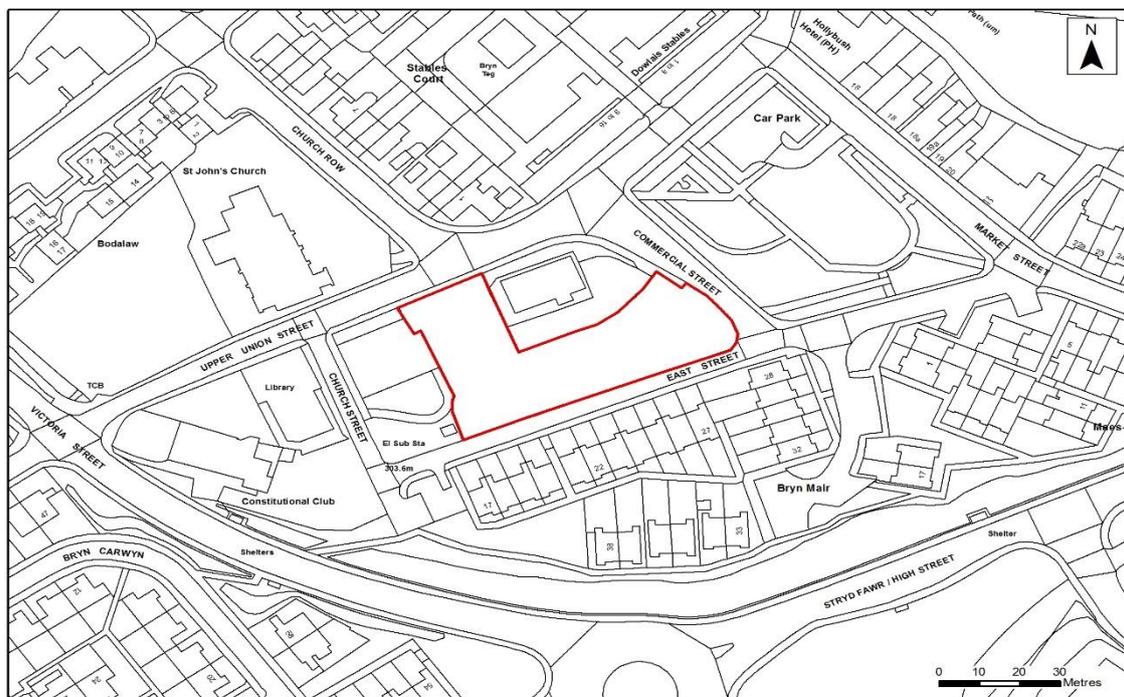
Location

Name & Address of Applicant/Agent

Construction of 10 dwellings with associated retaining walls, parking, access and new footpath

Land At East Street And Upper Union Street Dowlais Merthyr Tydfil

Merthyr Tydfil Housing Association
c/o Osian Roberts
Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ



P/18/0330

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PURPOSE OF REPORT

To further consider planning application P/18/0330

At the 13th March 2019 Planning Committee Members resolved not to accept the Officer recommendation to conditionally approve the planning application and further resolved that they were minded to refuse the application for the following three reasons:-

- 1) Substantial loss of a voluntary organisation that provides palliative care
- 2) Width of the highway even with the proposed widening, committee does not deem wide enough
- 3) Due to the excavation of the site the water run off that could lead to stability concerns of the voluntary organisation and residential homes

Committee are reminded that if refused the applicants have a right of appeal and that any such appeal would have to be defended by those members nominated by the committee (i.e. Councillor Kevin Gibbs, Councillor Gareth Lewis and Councillor David Chaplin). All reasons for refusal will need to be fully evidenced and it should be noted that as set out in the report, the highway and drainage elements of the proposed development have been considered by the Engineering and Traffic Group Leader and are deemed acceptable.

The form of the appeal will be determined by the Planning Inspectorate and can take the form of written representations, hearing or inquiry. An award of costs can be made by the Planning Inspectorate if they consider that unreasonable behaviour has led the other party to incur unnecessary or wasted expense.

On the basis of the advice set out above the recommendation to approve subject to conditions remains.

COMMITTEE'S DECISION IS REQUIRED

PURPOSE OF REPORT

To further consider planning application P/18/0330 following a fact finding visit on 27th February 2019

At the Planning, Regulatory and Licensing Committee meeting on the 6th February 2019 it was resolved to defer the determination of the application to undertake a fact finding site visit. This took place on the 27th February 2019.

In summary the following issues were raised during the fact finding visit:

- The carriageway along East Street is particularly narrow with limited room for vehicles to pass parked cars without encroaching on to the grass embankment within the application site.
- There would be significant noise and disturbance during the construction phase, which would impact the patients at the Cancer Aid Centre.
- The presence of an underground spring within the site.
- Existing issues with surface water runoff along East Street.

- It was noted that there is Japanese Knotweed present within the site.
- Impact on the views and the privacy of the Cancer Aid Centre.
- Potential loss of privacy for the residents along East Street.
- The impact of the dwellings and retaining walls on the character of the conservation area.

It is acknowledged that East Street is an adopted highway with a narrow carriageway and that traffic movements along this road are restricted by on-street parking. Whilst there is sufficient room for vehicles to travel along East Street, it was highlighted during the fact finding visit that larger vehicles often need to utilise part of the application site in order to avoid parked cars. In this respect, there were concerns that the development may lead to situations where vehicles are forced to mount the proposed footpath, giving rise to pedestrian safety issues. Following these issues raised at the fact finding site visit the applicant has submitted amended plans, which essentially provide an increase in the width of the existing carriageway by 0.5m (from approximately 4.2m to 4.7m wide) This would be achieved by reducing the width of the proposed footpath from 2m to 1.5m. This revision would provide a highway improvement for existing residents and other road users by increasing the carriageway width whilst also protecting pedestrian safety. It is acknowledged that the Engineering and Traffic Group Leader welcomes the proposed amendments and has not raised any highway safety concerns.

Another issue raised at the fact finding site visit was the impact on the Cancer Aid Centre, in particular its patients, due to the noise and disturbance caused during the construction phase of the proposed development. Members of the Committee viewed the application site from both the front driveway and within two rooms of the Cancer Aid Building. It was noted that the patients that would use these rooms would, because of their medical condition, require a certain level of peace and quiet. Whilst these concerns are appreciated and there is every sympathy with the patients, there will inevitably be some noise and disturbance during the construction of any development. However, this will be temporary and only last until the completion of the development. The impact of developing the site should also be balanced against the benefits of the proposal, such as the provision of 10 affordable residential units in a location where there is an identified need. Furthermore, regard should be given to the fact that a number of planning applications have previously been granted at the site for residential development, the most recent (P/08/0214) of which was permitted at a time when the Cancer Aid Centre was in use. Given the above, the temporary impact due to noise and disturbance would not warrant a refusal of the application.

In this instance, the benefit of providing much needed affordable housing outweighs the temporary noise and disturbance impacts that would occur during the construction phase of the development.

It was noted at the fact finding visit by the planning officer that the appropriate management of surface water within the site is a matter that would be controlled as part of the Building Regulations. In this regard, it is noted that Welsh Water has not raised any objection to the development. Furthermore, any alterations to the highway would also require separate consent from the Highways section to ensure that the works carried out meets appropriate highway standards.

It was acknowledged by the planning officer that Japanese Knotweed has been identified within the site and that a scheme for its eradication would need to be agreed prior to any ground works commencing. This would be secured by condition 7 as set out in the attached report.

Concerns were raised that the siting of the dwellings close to the Cancer Aid Centre would have an impact on the outlook from the property and would impinge on their privacy. It was pointed out by the planning office that, in planning terms, there is no right to a view. However the proposed dwellings would be at a significantly lower level to the Cancer Aid Centre with only the roofs of the development being visible. Furthermore, the provision of planting along the adjoining site boundary would provide additional screening.

The merits of the proposed development, including the potential impacts on the amenities of neighbouring properties and the character of the conservation area, are considered in detail in the 'planning considerations' section of the report below. The points raised at the fact finding site visit do not highlight any new issues that would cause me to alter my original recommendation. However, as a result of the highway amendments noted above, if members are minded to approve the application, it is recommended that the wording of conditions 2 and 11 are revised. The revised conditions would state:-

Condition 2: The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. SK11 Rev P3 (Vehicle Manoeuvres and Visibility Splays), received 01.03.2019

Drawing No. A112 Rev H (Proposed Site Layout), received 28.02.2019

Drawing No. A113 Rev B (Floor Plan - Plots 1 & 2), received 21.01.2019

Drawing No. A114 Rev B (Elevations - Plots 1 & 2), received 21.01.2019

Drawing No. A115 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019

Drawing No. A116 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019

Drawing No. A117 Rev B (Ground Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A118 Rev B (First Floor Plan - Plots 5 - 10), received 21.01.2019

Drawing No. A119 Rev B (Front & Rear Elevations Plots 5-10), received 21.01.2019

Drawing No. A120 Rev B (Side Elevations Plots 5-10), received 21.01.2019

Drawing No. A123 Rev F (Context Elevations), received 22.01.2019

Drawing No. A124 Rev E (Site Sections), received 04.03.2019

Drawing No. A125 Rev B (Perspective View 1), received 21.01.2019

Drawing No. A126 Rev D (Perspective View 2), received 22.01.2019

Drawing No. A127 Rev B (Perspective View 3), received 22.01.2019

Drawing No. A128 Rev D (Proposed Landscape Layout), received 28.02.2019

Ecological Assessment (prepared by David Clements Ecology Ltd), dated May 2017

Archaeological Desk Based Assessment (prepared by Archaeology Wales), dated May 2017

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

Condition 11: Prior to the occupation of any dwelling full construction details for the widening of the carriageway and the provision of a 1.5m wide footpath along the southern boundary of the site, as illustrated on the Site Layout (Drawing No. A112 Rev H, received 28th February 2019), 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 completed to wearing course level prior to the occupation of the last dwelling.

Reason - In the interest of highway safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

COMMITTEE'S DECISION IS REQUIRED

APPLICATION SITE

This application relates to an 'L' shaped area of vacant land measuring approximately 0.18 of a hectare, located within the Dowlais Conversation Area. The site can be characterised as a grassed embankment, which slopes down from the north to south and is largely void of any notable features, other than a small group of trees and vegetation in the south-west corner.

The site is bound to the north partly by the Cancer Aid Centre and Upper Union Street. Beyond this is the grade II listed St Johns Church (currently being converted into flats), the grade II listed Dowlais Works Stables and residential properties along Church Row. To the west of the site is a public car park and grassed embankment. Opposite this is the grade II listed Dowlais Public Library. To the south is East Street with a row of terraced properties that essentially back on to the highway. To the east is Commercial Street, beyond which is a prominent area of public open space.

PROPOSED DEVELOPMENT

Full planning permission is sought for the construction of 10 dwellings, comprising 4, two bedroom semi-detached properties and a block of 6, one bedroom flats. The proposal also involves associated retaining works, the provision of off-street parking and the construction of a new footpath.

The proposed dwellings would essentially be positioned in a linear form along the lower (southern) part of the site with a frontage onto East Street. The block of flats would be positioned at the eastern end of the site, where it would also provide a frontage onto Commercial Street. Access to these properties would be from East Street with at least 2 parking spaces provided on driveways for each of the semi-detached dwellings. A small communal parking area with a total of 6 parking spaces would be provided for the proposed flats.

Each of the pairs of semi-detached properties would measure 11.8m wide by 8.3m deep and 8.1m high with a pitched roof. The external finishes would comprise rendered elevations with slate roofs. These dwellings would be of a modest design incorporating pitched roof canopies above timber front doors and the windows would have a vertical rhythm.

The proposed block of flats would have a 'T' shaped footprint measuring 17.6m wide by 17.4m deep and 8.1m high with a pitched roof. The southern elevation would incorporate a porch with a pitched roof which provides access to two of the flats. Elsewhere a pitched roof canopy would be provided above the other entrances to the flats. The windows serving the flats would also emphasise a vertical rhythm and the external finishes would comprise rendered elevations with a slate roof and timber front doors.

Due to the sloping nature of the site, significant retaining works would be carried out to the rear of the properties and along the western boundary of the site in order to provide raised rear garden areas and to support the land around the Cancer Aid Centre, which is elevated above the site. The land at the northern part of the site (adjacent to Upper Union Street) would be re-profiled to create a level plateau. The retaining walls would vary between 1-4 metres high and would be constructed with a stone finish. Along the top of these walls there would be 1.2 metre high railings to enclose the amenity spaces.

A proposed landscaping scheme has been submitted setting out the key areas where planting can be incorporated into the development. The planting of mixed shrubs and hedging is proposed in front of the principle elevations of the flats and within the communal car parking area. A defensible shrub mix would be planted along the northern boundary of the site which abuts the Cancer Aid Centre. Additionally, wall climbing plants would be provided along the bottom and across the top of the retaining walls.

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

- Pre-application Consultation Report
- Design and Access Statement
- Archaeological Desk Based Assessment
- Desk Study and Preliminary Risk Assessment
- Site Investigation Report
- Drainage Strategy
- Ecological Assessment
- Arboricultural Report

PLANNING HISTORY

P/08/0214 - Erection of 2 No. semi-detached dwellings and 5 No. detached dwellings.

Permission was GRANTED on 05.06.2009

P/82/0018 - Residential development for self-build plots (outline).

Permission GRANTED on 03.03.1982

P/78/0386 - Housing development of 39 units (4 and 5 person units).

Permission GRANTED on 05.07.1978

CONSULTATION

Internal consultees

- | | | |
|---|---|---|
| Engineering and Traffic Group Leader structural | - | No objection subject to conditions relating to design, retaining works, drainage and access. |
| Planning Division's Conservation Officer | - | No objection subject to the use of appropriate material finishes and the integration of suitable soft landscaping. |
| Planning Division's Ecologist | - | No objection subject to a condition relating to the recommendations of the ecological assessments to minimise any harm to wildlife. |
| Planning Division's Landscape Architect | - | No objection subject to a condition relating to the removal of Japanese Knotweed. |
| Environmental Health Manager | - | No response. |

External consultees

- | | | |
|--------------------------------------|---|--|
| Glamorgan Gwent Archaeological Trust | - | No objection subject to a condition for the provision of a watching brief before any ground works takes place. |
| The Coal Authority | - | No objection. |
| Welsh Water | - | No objection. |
| Wales & West Utilities | - | No objection. |
| Western Power Dist. | - | No response. |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2016, letters were sent to neighbouring properties on the 25th October 2018, 3 site notices were displayed in the vicinity of the site on the 25th October 2018, and a notice was placed in the local press on the 30th October 2018.

As a result of this publicity exercise, 60 letters of objection were received along with a petition, which includes a total of 819 signatures. The following is a summary of the concerns raised:

- There would be an impact on the community that utilise the Cancer Aid Centre. The higher density development with retaining walls and fencing enclosures would convey the feeling of a repressive environment and would impact on the level of serenity patients can expect.
- The additional traffic and noise generated by the development in close proximity to the Cancer Aid Centre would impact on the patient's wellbeing.
- There would be a loss of basic rights to privacy and dignity for patients visiting the Cancer Aid Centre.
- The fact that planning permission was previously granted at the site is misleading, as the earlier permission was for a smaller development comprising 7 cottage-sized dwellings and therefore would have a lesser impact.
- The advice given at pre-application stage, relating to parking in front of the bungalows, landscaping and the design of the retaining walls have not been addressed.
- The significant amount of retaining works required and lack of landscaping would have a detrimental impact on the Dowlais Conservation Area.
- There are concerns with parking along Commercial Street and East Street.
- The parking in front of the proposed bungalows appears to have an extremely difficult turning arrangement, resulting in vehicles undoubtedly reversing onto the highway. The development requires vehicles to egress directly onto the junction of Upper Union Street which poses significant risk.
- The development would have a significant effect on traffic, especially with 20 flats being constructed at St Johns Church.
- A highway safety assessment of the traffic issues should be completed to address the initial comments from the Highway Department.
- The provision of a 2 tier retaining wall with a fence above will give the appearance of a heavily fortified embankment and will produce a depressing environment. The use of a wood grain appearance on cast concrete walls would also be unsympathetic to the conservation area.
- The disturbance to the ground may impact on the ability of the site to accommodate a suitable drainage scheme.
- There is potential for the development to result in a loss of support from benefactors if the Cancer Aid Centre is seen to diminish and will collapse through financial difficulties.
- The block of flats would result in an unacceptable level of overlooking into the bedroom windows of the properties along East Street.
- Pollution and fumes from the building/construction works will have an impact on the health of the patients of the Cancer Aid Centre whose resistance is already low.

Following amendments to the proposed development (i.e. removal of two bungalows at the top of the site and alterations to the retaining walls/boundary treatments) a further publicity exercise was carried out in the form of letters sent to neighbouring properties on the 23rd January 2019. At the time of writing this report, no further representations have been received.

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 6.1.10 states that there should be a general presumption in favour of the preservation or enhancement of a listed building and its setting.

Para 6.1.14 states that there should a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their setting.

Para 6.1.23 – 6.1.27 sets out the requirement to consider any potential impacts on archaeological remains.

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:

- 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

Other guidance:

- Dowlais Conservation Area Character Appraisal and Management Plan, January 2014

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. Given the predominantly residential nature of the area, the construction of dwellings would be an appropriate form of development on the site. Additionally, it is noted that planning permission was previously granted (Ref P/08/0214) on the site for 7 dwellings. As such, the principle of residential development has already been established.

Design and heritage

The application site lies within the Dowlais Conservation Area which is designated for its links to the Dowlais and Ivor Iron Works. Notably within the area are a number grade II listed buildings, being the Dowlais Public Library, St John's Church and the

Dowlais Works Stables, which surround the application site. Additionally, adjacent to the site (to the west) is an area of public open space.

The existing residential properties in the vicinity of the site vary in their style with modern semi-detached and terraced dwellings located to the north along Church Row and to the south along East Street. These properties are of a modest design with a simple arrangement of doors and windows, some incorporating front porches. Their external appearances comprise a mixture of brickwork finishes and render on the elevations with concrete roof tiles. To the east (along Market Street) the dwellings are of a more traditional design in terms of their proportions with narrow frontages. These properties largely have rendered elevations and slate roofs with some also incorporating natural stonework. The dwellings in the area generally do not present a strong feature that reinforces the historic character or appearance of the conservation area. In this context the proposed two storey buildings would be of a suitable scale that sits comfortably within the site adjacent to the Cancer Aid Centre and reflects the domestic scale of other residential properties in the area. The appearance of the dwellings would also reflect the more traditional style of properties seen along Market Street with external finishes that complement the character of the area.

A prominent aspect to the proposal would be the provision of retaining walls required in order to accommodate the development within the site. Notably there would be a retaining wall that extends along the western boundary of the site, which would be visible from the grade II listed Dowlais Public Library. The presence of long and high boundary walls is a characteristic of the area. In the vicinity there are stone walls that form the boundary to the St John's Church, the public open space and adjacent public car park. As such, the proposed retaining walls, which would have a natural stonework finish, would not appear out of context with the area. To enhance the quality of the development further, it is proposed that planting would be introduced across the top of the walls. This would help to provide attractive boundaries and assists in softening any visual impacts of the walls. Additionally, railings have been used instead of fencing (where appropriate) to improve the appearance of the development and limit the otherwise overly dominant boundaries.

The land within the northern part of the site (to the side of the Cancer Aid Centre) would be re-profiled to provide a level area. The nature of these works is such that it would not greatly affect the character or appearance of the area.

It is identified in the Dowlais Conservation Area Character Appraisal and Management Plan, that there is an opportunity to develop the land within the application site to assist in providing further enclosure around the public open space. In this regard, the block of flats on the eastern corner of the site helps to provide this enclosure while presenting a frontage on to both Commercial Street and East Street.

Given the historic importance of the area, an Archaeological Assessment has been submitted in support of the application. The report concludes that the scale of the development would be appropriate for the area and would not detract from the prominence of key historic buildings in the vicinity. It is acknowledged that the Planning Division's Conservation Officer has not raised an objection to the development, but notes that the design quality of the retaining walls is an important

aspect of the development. In this regard, the introduction of soft planting improves the visual appearance of the development within the conservation area.

The development is deemed to be of an appropriate design, which preserves the character and appearance of the Dowlais Conservation Area and does not adversely impact on the setting of nearby listed buildings. Therefore the proposal complies with policies BW6 and BW7 of the LDP.

Amenities

The properties that have the greatest potential to be affected by the development are the terraced residential properties along East Street to the south and the Cancer Aid Centre, which adjoins the site to the north.

The Cancer Aid Centre would be in an elevated position in relation to the development and the proposed dwellings would be situated approximately 18m from the main building and 7m away from the boundary of its car park. Due to the topography of the site, it is mainly the roofs of the development that would be seen from the Cancer Aid Centre. The submitted landscaping plan also proposes the planting of a defensible shrub mix along the northern boundary of the site, which would provide additional screening of the development and ensure privacy to the upper rear garden areas. Taking into account the proposed levels, separation distance and the implementation of appropriate boundary treatments/landscaping, the development would not have a significant adverse impact on the Cancer Aid Centre in terms of overlooking or overbearing impacts.

It is acknowledged that a number of representations were received from the Cancer Aid Centre and its patients raising concerns in respect of potential noise and disturbance. In particular the initial proposal included two bungalows on the upper (northern) part of the site, which would have been located closer to the Cancer Aid Centre. Concerns were raised that the close proximity of the bungalows to existing consulting rooms and the noisy activities that may be attributed to a residential use would impact on the well-being of the patients and the level of care they receive. This issue is no longer deemed to be a concern given that the bungalows have been omitted from this application. In terms of the siting of the proposed dwellings, these would be a sufficient distance away from the Cancer Aid Centre building to not give rise to adverse noise and disturbance concerns.

The existing properties along East Street are setback 6–8 metres away from the highway and are at a lower level. Their rear garden areas are all enclosed with palisade fencing, with a small number having introduced additional screening. It should be noted that these gardens currently afford little privacy from pedestrians along the existing highway. Furthermore, the windows on the rear elevations of these properties, particularly at first floor level are quite small, some of which appear to serve bathrooms.

The proposed dwellings would be positioned between 14–16 metres away from the terraced properties along East Street and their ground floor would be at a similar level to the highway. There would no doubt be a degree of overlooking into the rear gardens of the existing terraces, largely due to the nature of the existing boundary

treatments, which offer little screening. There would be some inter-visibility between the first floor windows. Taking into the account the separation distance and the size of the window openings to the rear of the terraced properties, it is considered that the development would not give rise to significant overlooking concerns. Whilst the siting of the proposed dwellings is similar to the scheme previously approved (P/08/0214), they would be positioned at a lower level, which helps to further minimise the potential for overlooking.

For the reasons above, the development would appropriately integrate with the surrounding area without adversely impacting on the amenities of existing residents and neighbouring properties. Therefore, the proposal complies with policy BW7 of the LDP.

Highways

Access to each of the semi-detached properties and flats would be via East Street, which extends along the rear boundaries of adjacent terraced properties. This road has a carriageway measuring approximately 4.2m wide with a 1.8m wide footpath along one side. It is noted that the existing residents utilise East Street for parking given that there is limited parking available to the front of their properties.

As part of the development, a new 2m wide footpath would be provided within the site along one side of the carriageway, which would link to the existing footpath on Commercial Street. The development would also provide two parking spaces to the side of each semi-detached property, as well as one parking space for each of the flats within a communal parking area. As such, adequate off-street parking provision would be created to serve the development, which would minimise the pressure of further parking along East Street.

The highway serving the development would be capable of accommodating two-way traffic, albeit, hindered in places by on-street parking. Whilst this road provides access onto Commercial Street to the east and access onto Church Street to the west (in front of the library), it appears that it is generally a minor road that largely serves the existing residents along East Street. The bulk of any traffic in the area would likely travel along Commercial Street and Upper Union Street, given that they provide links to the wider area. The level of traffic generated by the proposed development (comprising 1 and 2 bedroom residential units) would not significantly increase the level of traffic in the area. It has been demonstrated that vehicles within the site could adequately egress onto East Street and that there would remain adequate driver visibility at the junctions onto Commercial Street and Church Street.

The existing highway is deemed to have sufficient capacity to accommodate the development without adversely impacting on the free flow of traffic or the on-street parking available for existing residents. In this regard, it is acknowledged that the Engineering and Traffic Group Leader has not raised any highway safety concerns. Therefore, the proposal complies with policies BW12 and TB11 of the LDP.

Ecology

An Ecological Assessment has been carried out to determine any potential impacts on protected species or habitats. It is noted in the report that the grassland, scrub and scattered trees have some value to fauna, such as for foraging bats, birds and invertebrates, but is not deemed to be of any significance. As such, the report concludes that the development would unlikely have an adverse impact on protected species or habitats. In this regard, it is noted that the Planning Division's Ecologist is satisfied with the assessment provided and has not raised any objection to the development.

An Arboricultural Report has been submitted in support of the application, which notes a small group of sprawling low quality Goat Willow trees in the south-west part of the site. The report considers these trees are prone to failure and already have some dead/declining branches. Therefore, the report does not recommend any of the trees should be retained.

It has been adequately demonstrated that the development would not have an adverse impact on any trees or wildlife within the site. Therefore the proposal complies with policy BW5 of the LDP

Ground conditions

The application site is located in an area identified by The Coal Authority to be at high risk to past coal mining activities. As such, a preliminary Risk Assessment has been submitted in support of the application. It is concluded in the report that there were no significant coal seams beneath the site and as such there would be a low risk from past coal mining. However, there is potential for ironstone workings in the area likely relating to the Rosser Ironstone seam. Notwithstanding this, the report notes that the workings of the ironstone seam would not have likely progressed under the site. In this regard the report recommends an intrusive site investigation be carried out to confirm the ground conditions and inform the appropriate foundation design. It is acknowledged that The Coal Authority has not raised any objection to the development. Therefore, it is considered that the site can be appropriately developed without posing a significant risk.

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. In this instance, the proposal would provide 100% affordable housing accommodation (managed by Merthyr Housing), which can be secured by means of an appropriately worded condition. Therefore, the proposal would comply with policies BW17 and AS22 of the LDP.

Representations

In addition to the above, the following are responses to some of the other concerns raised as a result of the publicity exercise:

- Whilst the planning history to an application site is a material consideration, the details of each application and the impact it may have on the surrounding area is assessed on its own merits.
- In addition to the pre-application advice given, further amendments to the proposed development have been sought through the application process, which helps address the initial concerns raised.
- The two bungalows initially proposed on the upper level of the site have now been omitted from the application, which essentially addressed the concerns raised in respect of the access and parking to these properties.
- The provision of a highway safety audit was not deemed necessary following the omission of the two bungalows from the application.
- Details of a proposed drainage strategy have been submitted with the application. In this regard, it is acknowledged that Welsh Water has not raised any objection to the proposal.
- The potential financial implication to the Cancer Aid Centre is not a material planning consideration.
- To minimise any issues concerning pollution and fumes (i.e. dust), which may impact on the amenities of the surrounding properties during construction, a condition can be imposed to ensure a construction management plan is agreed.

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. Accordingly, the following recommendation is made:

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:

Drawing No. SK11 Rev P2 (Vehicle Manoeuvres and Visibility Splays), received 23.01.2019

Drawing No. A112 Rev G (Proposed Site Layout), received 22.01.2019
Drawing No. A113 Rev B (Floor Plan - Plots 1 & 2), received 21.01.2019
Drawing No. A114 Rev B (Elevations - Plots 1 & 2), received 21.01.2019
Drawing No. A115 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019
Drawing No. A116 Rev B (Floor Plan - Plots 3 & 4), received 21.01.2019
Drawing No. A117 Rev B (Ground Floor Plan - Plots 5 - 10), received 21.01.2019
Drawing No. A118 Rev B (First Floor Plan - Plots 5 - 10), received 21.01.2019
Drawing No. A119 Rev B (Front & Rear Elevations Plots 5-10), received 21.01.2019
Drawing No. A120 Rev B (Side Elevations Plots 5-10), received 21.01.2019
Drawing No. A123 Rev F (Context Elevations), received 22.01.2019
Drawing No. A124 Rev D (Site Sections), received 21.01.2019
Drawing No. A125 Rev B (Perspective View 1), received 21.01.2019
Drawing No. A126 Rev D (Perspective View 2), received 22.01.2019
Drawing No. A127 Rev B (Perspective View 3), received 22.01.2019
Drawing No. A128 Rev C (Proposed Landscape Layout), received 21.01.2019
Ecological Assessment (prepared by David Clements Ecology Ltd), dated May 2017
Archaeological Desk Based Assessment (prepared by Archaeology Wales), dated May 2017

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

3. **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.

4. **Prior to works commencing on site** details/samples of the railings and stonework facing material to be used on the retaining walls, shall be submitted to and approved in writing by the local planning authority. The retaining walls and boundary treatments (as illustrated in drawing No. A112 Rev G) shall be fully completed in accordance with the approved details prior to the occupation of any 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.

5. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The soft landscape works shall include planting

plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate and an implementation programme (including phasing of work where relevant).

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.

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. **No development shall take place**, or site clearance, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Reason - To ensure compliance with the Wildlife and Countryside Act 1981.

8. **No development shall take place** until details, including structural calculations, 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. **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 occupation of any dwelling, 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.

10. **No development shall take place** until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved 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 archaeological resource and to accord with Policy BW6 of the Merthyr Tydfil Local Development Plan.

11. **Prior to the occupation of any dwellings** full construction details of a 2m wide footpath along the southern boundary of the site that abuts the highway, as illustrated on the Site Layout (Drawing No. A112, received 22nd January 2019), 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 completed to wearing course level prior to the occupation of the last dwelling.

Reason - In the interest of highway safety in accordance with Policies BW12 and TB11 of the Merthyr Tydfil Local Development Plan.

12. **No development shall commence**, 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) wheel washing facilities;
- v) measures to control the emission of dust and dirt during demolition and construction; and

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

13. 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.

14. The clearance/development of the site shall be carried out in accordance with the recommendations set out Section 6 of the Ecological Assessment (Prepared by David Clements Ecology Ltd).

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

15. The proposed residential units hereby approved shall only be used for affordable housing purposes in accordance with the definition of affordable housing as set out in paragraphs 5.1 and 5.2 of Technical Advice Note (TAN) 2: Planning and Affordable Housing (June 2006) or any future guidance that replaces it. The residential units shall be affordable for both the first and subsequent occupiers.

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.

16. Notwithstanding the provisions of schedule 2, part 1, class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no dormer windows shall be erected on the rear roof plane of any dwelling house.

Reason - In the interest of visual amenity in accordance with Policy BW7 of the Merthyr Tydfil Local Development Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, railings, gates or walls shall be erected within the curtilage of any dwelling house.

Reason - To minimise any potential overbearing impacts and the interests of character and appearance on the Dowlais Conservation Area in accordance with Policies BW6 and BW7 of the Merthyr Tydfil Local Development Plan.