

Agenda Item 4

DATE WRITTEN	16th January 2024
REPORT AUTHOR	Judith Jones
CASE OFFICER	David Cross
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	24th January 2024

Application No.
P/23/0197

Date
14th August 2023

Determining Authority
MTCBC

Proposed Development

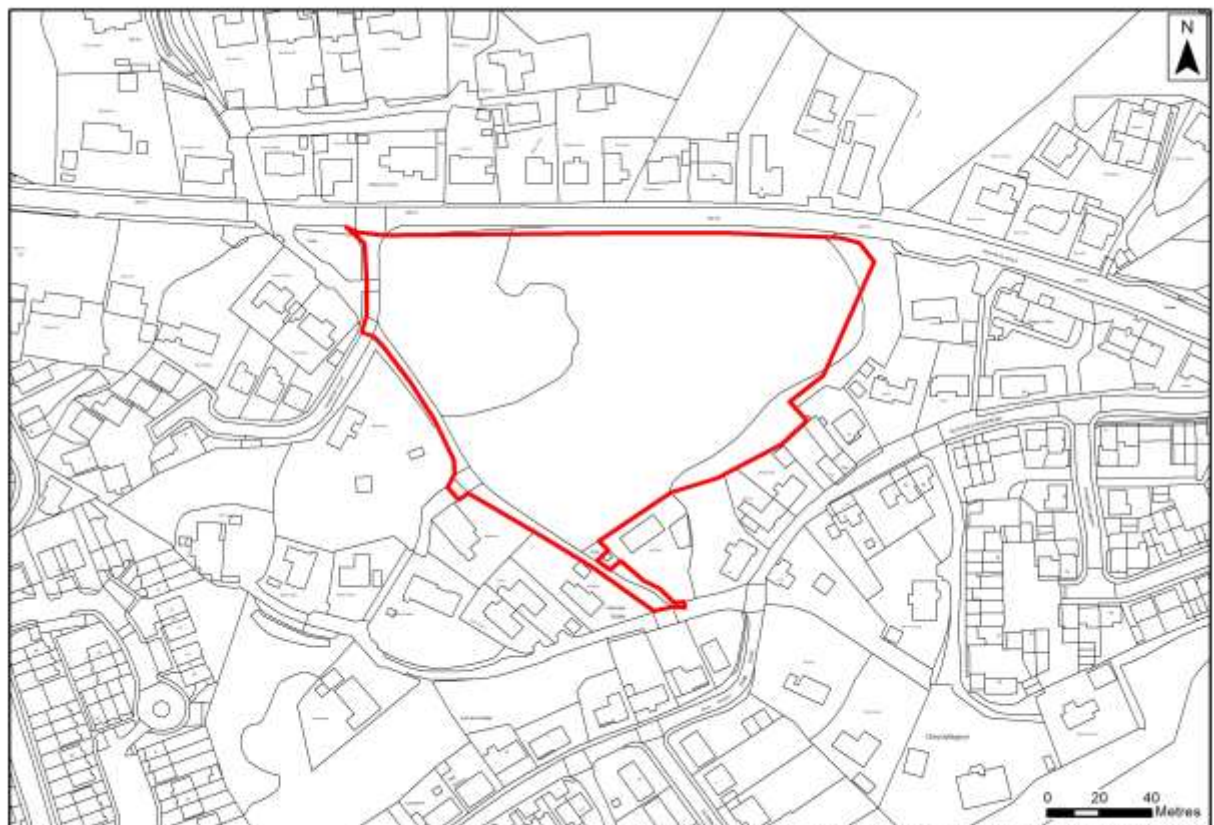
Location

Name & Address of Applicant/Agent

Proposed residential development (42 dwellings) with new access

Land adjoining (South of) Swansea Road to the East of Waunbant Court and North West of Old Winchfawr Road
Swansea Road
Merthyr Tdfil

Merthyr Valleys Homes
c/o Mrs Arran Dallimore
C2J Architects & Town Planners
Unit 1A Compass Business Park
Pacific Road
Ocean Park
Cardiff



P/23/0197

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APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 1.9 hectares, which largely comprises a former tip site. It can be characterised as an area of grassland with steep sloping embankments, particularly along the northern and south-east boundaries, where it is elevated above Swansea Road and residential properties along Old Winchfawr Road. Along the south-west boundary of the site is a private access lane, which serves a number of properties opposite the site and provides a link between Waunbant Court to the north-west and Old Winchfawr Road to the south-east.

Along the northern embankment of the site is mature heathland with scattered trees and scrub. At the bottom of the south-east embankment is a watercourse with a number of trees and vegetation adjacent to the rear garden boundaries of the properties along Old Winchfawr Road. It is also evident that part of this embankment has eroded with some of tip material being exposed.

PROPOSED DEVELOPMENT

Full planning permission is sought for the erection of 42 dwellings, comprising a mixture of 2 to 4 bedroom detached, semi-detached and terraced properties, which includes 4 No. bungalows and 6 No. flats.

The layout plan illustrates a new access road would be provided that extends through the centre of the site from the north-west to the south-east. The majority of the proposed dwellings would be orientated to have a frontage onto the new access road. However, three bungalows (Plots 40-42) would have a frontage onto Waunbant Court.

The semi-detached dwellings (house types A1 & A2) would measure approximately 6.2m wide by 9.5m deep and up to 9.1m high with a pitched roof. They would be of a modest design with a canopy above the front door as a feature to the front elevation.

The detached dwellings (house type B1) would measure 6m wide by 9.5m deep and 9.4m high with a pitched roof. It would accommodate a bedroom within the roof space with roof lights and a canopy to front aspect.

The terraced dwellings (house type C1 & C2) would measure 5.3m wide by 10m deep and 7.9m high with a pitched roof. They would be of a modest design with a simple fenestration pattern and canopies above the front door.

The bungalows (house types D and E) would measure between 8.1m to 9.5m wide by 9.6m to 11.8m deep and 5.9m to 6.4m high with a pitched roof. They would be of a modest design with a simple fenestration pattern and canopies above the front door.

The block of flats (house type F) would appear similar to a semi-detached dwelling with a flat on the ground floor and a flat on the first floor. They would measure 8.4m wide by 7.7m deep and 8.5m high with a pitched roof. A canopy would be provided above the front door serving the ground floor flat, with a separate porch providing access to the stairs serving the first floor flat.

The proposed material finishes of the dwellings would include buff brickwork on the elevations with synthetic slate roofs.

The proposed access road serving the development would link to Swansea Road in the north-western part of the site and would be constructed to adoptable standards, with a 5.5m wide carriageway and 2m wide footpaths on either side. The initial stretch of the proposed access would have a gradient of 1 in 20 rising to 1 in 12 at the top of the embankment, where the rest of the access road would be generally flat across the plateau. The access road would be constructed with turning facilities to enable service vehicles to turn within the site. All of the residential units would accommodate parking on driveways, with three spaces provided for the 4 bedroom dwellings, two parking spaces for the 3 bedroom dwellings and 1 parking space for the 1 and 2 bedroom dwellings/flats.

A landscape strategy has been submitted with the application, which sets out the planting of native trees and shrubs along the northern and south-east boundary of the site. Trees and shrubs would also be planted alongside part of the private lane to the south-west of the site, as well as a hedgerow in the southern part of the site. A planted area would be provided at the entrance to the site to include trees, shrubs and herbaceous plants. To the front of the dwellings SUDs planting would be provided in the front gardens as well as swales and attenuation features with species rich grass alongside the highway.

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

- Pre-application Consultation Report
- Design and Access Statement
- Ecological Impact Assessment
- Site Drilling Report
- Tree Survey
- Transport Statement

PLANNING HISTORY

P/18/0316 - Proposed residential development of 39 houses with parking and new access road.

Permission GRANTED on 04.07.2019

CONSULTATION

Head of Engineering and Highways	-	No objection subject to conditions relating to further highway details, a construction management plan, parking and surface water run-off.
Planning Ecologist	-	No objection subject to conditions relating to management plans, external lighting details, method statements and enhancements.
Strategic Housing Team	-	The provision of much needed affordable housing is fully

supported and the design/mix of housing complements the local demand in the area.

Environmental Health Manager	-	No comments
Glamorgan Gwent Archaeological Trust	-	No objection subject to a condition relating to a scheme of historic environment mitigation.
The Coal Authority	-	No objection
Welsh Water	-	No objection subject to a condition relating to the surface water and land drainage.
South Wales Police	-	No objection
South Wales Fire & Rescue	-	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties on the 24th August 2023, site notices were displayed within the vicinity of the site on the 7th September 2023 and a notice was placed in the local press on the 7th September 2023. Following amendments to the house types and additional ecology details, a further publicity exercise was undertaken by means of letters to neighbouring properties on 8th January 2024.

As a result of these publicity exercises a total of 14 objection letters were received, the concerns of which are summarised as follows:

- Concerns that the existing highway network, particularly the lane to the west of the site, cannot support the additional traffic generated by the development.
- The new junction on to Swansea Road would cause highway safety concerns.
- The development would cause damage and disturbance to existing residents during construction.
- The types of houses proposed are not in keeping with the area.
- Concerns with the unstable ground which has sunk over the years.
- There is knotweed within the site.
- Concerns for the safety of children.
- Loss of privacy to neighbouring properties.
- Social housing development would bring noise / disturbance and anti-social activity to a quiet community.
- Loss of open space currently used by local residents which would have an impact on their health and well-being.
- Concerns with surface water run-off which cannot be supported by the existing drains.
- Insufficient details on the final levels of the site.
- Potential impact on wildlife and trees within the site.

The following points were also raised, but these matters are not material planning considerations:

- Impact on views for residents.
- The development would cross over private property.
- Concerns with who may reside in the properties.
- The development would have an impact on property values in the area.

POLICY CONTEXT

National Policy

The Future Wales – the National Plan 2040 sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Policy 2: Supports the growth and regeneration of towns and cities, which should contribute towards sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed use centres and public transport, integrated with green infrastructure.

Policy 7: seeks to increase the delivery of affordable homes in response to local and regional needs and to explore all opportunities to increase the supply of affordable housing.

Policy 9: To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure. This can include safeguarding areas of ecological importance, as well as identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking.

Policy 12: Improving regional connectivity should be supported and in urban areas, priority should be given to improving and integrating active travel and public transport. Active travel must be an essential and integral component of all new development, large and small.

Planning Policy Wales (PPW), Edition 11, February 2021:

Para 3.5 – 3.15 set 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 3.55 notes that previously developed land wherever possible should be used in preference to greenfield sites where it is suitable for development.

Para 4.0.3 seeks to ensure new development is designed in a way that minimises the need to travel, reduced dependency on the private car and enable sustainable access to employment, local services and community facilities. This is achieved through integrating development with sustainable transport and maximise the provision and use of sustainable forms of travel.

Para 4.1.43 – 4.1.56 set 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 on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.17 states that maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Para 4.2.25 – 4.2.34 set out the need to secure affordable housing for those who cannot afford market housing, both on first occupation and for subsequent occupiers and there should be an appreciation of the demand for different types of housing.

Para 6.4.21 – 6.4.23 note 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 which may result in disturbance or harm to the species or its habitat.

Paragraph 6.9.25 states that planning decisions will need to take into account; the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and, the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Paragraph 6.9.27 states that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

The policies in PPW are supported by Technical Advice Notes (TANs), the most relevant TANs to this application are as follows:

- TAN 2: Planning and Affordable Housing (June 2006)
- TAN 5: Nature Conservation and Planning (September 2009)
- TAN 12: Design (March 2016)
- TAN 18: Transport (March 2007)

Local planning policy

Merthyr Tydfil Replacement Local Development Plan (LDP) 2016-2031:

- Policy SW1 - Provision of New Homes
- Policy SW2 - Provision of Affordable Housing
- Policy SW3 - Sustainably Distributing New Homes
- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy SW12 - Improving the Transport Network

- Policy CW1 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW2 - Internationally and Nationally Protected Sites and Species
- Policy EnW3 - Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection

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

This application relates to an area land, being a former tip, located within the settlement boundary and the 'Primary Growth Area', where the majority of new development is generally supported and encouraged by policy SW4 of the LDP. The site is allocated (Site No. 25 – Clwydyfagwr, Swansea Road) within the LDP for residential development for 40 units. Furthermore, planning permission was previously granted (Ref P/18/0316) for the residential development of the site, which comprised 39 dwellings at the time. Therefore, the principle of the proposed development has already been established.

Concerns have been raised by local residents, as a result of the publicity exercise, that the development would result in a loss of open green space that is used locally for recreational activities. It should first be acknowledged that the site is privately maintained land and is not recognised as an area of formal or informal public open space. Whilst the majority of the site would be developed, it is noted that a small area of informal open space would be provided close to the entrance of the site. It would be difficult to introduce a larger more central area of open space within the scheme due to the constraints and viability of the development.

The loss of the greenspace needs to be balanced against other policy objectives set out in the LDP. In particular, the residential development of the site would contribute towards the objective of Policy SW1 of the LDP, which seeks to deliver 2,250 new homes across the County Borough. Additionally, the development would make a significant contribution (100% affordable housing) towards the objective of Policy SW2 of the LDP, which seeks to secure up to 253 affordable homes across the County Borough, to meet the identified level of housing need. In this instance, it is considered that the need to provide new affordable homes outweighs the loss of greenspace.

Design and landscaping

The layout of the development has partly been informed by the differing levels between the site and Swansea Road (in order to provide a suitable means of access) and partly by the need to provide suitable street frontages, that integrate the development with the surrounding area. In this regard, the dwellings on plots 40-42 have been orientated to provide an appropriate frontage onto an area of public space that forms part of Waunbant Court. This

would enable an appropriate frontage on a prominent corner of the site, which would be highly visible along Swansea Road. These plots would contribute to the existing group of dwellings that help to frame/enclose an area of open space and would provide a suitable frontage along Waunbant Court.

The initial approach into the site from Swansea Road would include re-graded embankments to either side of the new access road, which would be landscaped to provide an attractive entrance to the development. The submitted landscape strategy suggests native planting would be introduced to screen any garden boundaries, along with the planting of tree, specimen plants and boulders/logs to add features to an area of informal open space.

The proposed dwellings would be designed to front onto the new access road with a combination of garden areas and driveways provided to the front of the properties. The front garden areas would also be designed and planted to provide sustainable drainage. The rear garden areas of these dwellings would then essentially extend to the top edge of the embankments to the north, east and south-east.

It is noted that the rear garden boundaries of some of the proposed dwellings (plots 35-39 and plots 26-29) would be set back from the private lane (approx. 2m - 8m) in order to accommodate a landscape buffer. This would assist in the screening of garden fences and to provide an attractive boundary treatment alongside the private lane. Similarly, the landscape strategy plan indicated native planting would also be introduced along the top of the embankments to improve the appearance of the development within the wider landscape, as well as to provide areas of heathland and acid-grassland restoration.

Within the immediate vicinity of the application site, the majority of the properties along Swansea Road, Old Winchfawr Road and along the private lane are bungalows, some of which include large dormer windows to accommodate loft conversions. A number of two storey dwellings are also present in the area, particularly at Waunbant Court and Cyfarthfa Mews (to the south-east of the site). The general appearance of these dwellings vary with some properties incorporating porches, gables and dormer window features, with a combination of render and brickwork finishes to the elevations. Within this local context, the proposed development would include a mixture of house types, largely of a two-storey nature with a small number of bungalows. The proposed dwellings would incorporate features in the design that would not be at odds with the character of the surrounding built environment. The scale of the buildings and their general appearance would also have their own local identity that reflects the varied character of the area.

The submitted section details illustrate the proposed ground levels across the plateau would be reduced by approx. 0.5m to 1.5m with the steep embankments regraded to a shallower gradient. Given the elevated nature of the site in relation to Swansea Road, the development would likely be visible in the wider landscape, particular in views towards the site from the north. In such views the proposal would be seen as an infill development in an urban context. Its elevated relationship with Swansea Road would also not differ greatly to other developments in the area, such as Castle Park and Beacon Heights to the west, which are similarly developed on plateaus with steep embankments that abut the highway. Therefore, the proposal would not have an adverse impact on the wider landscape character or visual amenity.

Although a landscape strategy plan for the development has been submitted, further details of the planting scheme are required, which can be secured as a condition of any planning permission. This would ensure the site is developed in a way that is visually attractive and that the landscape planting contributes to the ecological value of the site.

The overall design of the development is deemed to be acceptable and would not have an adverse impact on the character or appearance of the surrounding area. Therefore, the proposal complies with Policy SW11 of the LDP.

Amenities

The proposed dwellings on plots 36 – 42 in the north-west part of the site would be positioned at least 23m away from the neighbouring properties within Waunbant Court. As such, they would not give rise to adverse impacts on the amenities of the adjacent occupiers. The flats on plots 26 – 29 would be positioned a sufficient distance of approximately 18m away from Highlands (situated to the south-west on the opposite side of the private lane) and would be orientated to the south-east to avoid any overlooking concerns. Similarly, the dwellings on plots 23 – 25 would be positioned at least 20m away from Ketreda (opposite the site to the south) and would not give rise to an adverse impact on residential amenity.

The greatest potential impact would be on the Bungalow (Conifers) adjacent to plots 21 – 23, which would be located approximately 15m from the property. The proposed dwelling on plot 22, which sits immediately behind Conifers would also be a bungalow with a height of 6.4m. The separation distance is deemed to be acceptable and this plot would not give rise to significant impacts on residential amenity.

The dwelling on plot 23 would be positioned and off-set to the western side of Conifers. The first floor windows would likely overlook part of the front garden area, which includes the existing driveway serving the property that can already be partly overlooked from along the private lane. It is acknowledged that there will inevitably be a degree of overlooking from first floor windows, which is not uncommon and this would not be overcome by increasing the separation distance. In this instance, the dwelling on plot 23 would not give rise to a significant overbearing impact. Whilst there may be a degree of overlooking, in the context as described above, the potential impact on residential amenity is not deemed to be significant.

The dwelling on plot 21 would be positioned and off-set to the eastern side of Conifers. The dwelling would also be oriented slightly more to the south-east which helps to reduce some of the potential overlooking. The siting of the dwelling on Plot 21 would not give rise to direct overlooking into the bungalow. However, there would be some potential overlooking towards the rear garden area of the Conifers from the first floor windows. As noted above, overlooking from first floor bedroom windows is quite common in residential areas and is often difficult to avoid. In this instance the harm caused is not deemed to be significant. Furthermore, it is noted that the proposed dwellings are in similar position to the previously approved scheme P/18/0316, which would have had a similar amenity impact.

As a result of the publicity exercise, concerns were raised that the development of the site could cause damage to existing properties and give rise to unacceptable disturbance during construction. Given the scale of the proposal and the extensive ground works that would be required to enable the development of the site, there are likely to be some impacts in terms of dusty and noisy operations. As such a Construction Management Plan can be secured by

condition, which sets out the appropriate measures to minimise the temporary impacts on surrounding residents during the construction phase of the development. The hours of construction can also be conditioned to limit the times to reasonable hours in the day. In the event that there is any damage to neighbouring properties, this would be a civil matter to be resolved outside of the planning process. For the above reasons, the development is deemed to be acceptable and would not cause significant harm to residential amenity. Accordingly, the proposal complies with Policy SW11 of the LDP.

Highways

The proposed access road serving the development would be constructed to meet the appropriate adoptable highway standards. In this respect, the carriageway would be of an appropriate width (5.5m wide), incorporating 2m wide footpaths on either side and would provide acceptable gradients (1 in 20 and 1 in 12) on the initial approach into the site going up the embankment to the main plateau. Additionally, suitable visibility splays of 2.4m by 43m in both directions would be provided at the proposed junction onto Swansea Road. Whilst concerns were raised by residents that the proposed junction onto Swansea Road would be too close to the existing junction onto Waunbant Court, the Head of Engineering and Highway has not raised any highway safety concerns.

An appropriate turning facility would be provided, which enables service vehicles to turn within the site. Adequate off-street parking provision would be accommodated with at least 2 parking spaces for each of the 3 and 4 bedroom dwellings and 1 parking space for each of the 1 and 2 bedrooms dwellings. Although no formal visitor parking bays have been provided, this could be adequately accommodated along the highway within the site without impacting on the surrounding area.

It is acknowledged that the private lane (to the west) and Old Winchfawr Road (to the south) are both narrow highways with poor driver visibility in places and intermittent opportunity for passing vehicles. Therefore, the creation of a new point of access into the site from Swansea Road, which can adequately accommodate the additional traffic generated by the development, is preferable to the use of otherwise sub-standard lanes. In this regard, the Head of Engineering and Highways has not raised any highway safety concerns. No alterations are proposed to the existing private lane serving the properties within the vicinity of the site and there would be no through vehicular access, which may otherwise lead traffic towards Old Winchfawr Road.

Concerns have been raised by local residents that the traffic generated by the development, together the existing volume and speed of traffic along Swansea Road, would give rise to greater highway safety concerns. To address this issue, a Transport Statement (TS) has been submitted in support of the application, which assesses the potential traffic impacts of the development. The TS indicates the development would potentially generate up to 19 two-way vehicle movements during the peak morning and afternoon times, which equates to a maximum of 1 vehicle on the local highway network every three minutes during peak times. The TS concludes this level of traffic would have a negligible impact on the capacity of the highway network. The Head of Engineering and Highways is satisfied with the conclusion of the TS.

To assist in encouraging sustainable forms of transport, it is noted that a new footpath (3m wide) would be provided at the entrance to the site, which would link to a new active travel

crossing point. This active travel route extends along Swansea Road to the east and accommodates both pedestrians and cyclists.

For the above reason, the development would not give rise to significant highway safety concerns and would not differ greatly from the previously approved residential scheme for 39 dwellings (P/18/0316). Therefore, the proposal complies with Policies SW11 and SW12 of the LDP.

Ecology

An Ecological Impact Assessment (EA) has been submitted in support of the application, which reviews the potential impacts of the development on any protected species and habitats. The EA includes bat activity surveys and an assessment of the presence of reptiles within the site.

The EA notes that the site largely comprises species-poor neutral grassland with a thicket of mature scrub and Japanese Knotweed in the north-western corner. Along the northern embankment of the site supports a form of dry mature heathland with scattered trees and scrub. Acid grass-land occupies the eastern slopes of the site.

Due to the nature of the site and the engineering works required to address the colliery spoil material, which involves re-profiling/stabilisation works, the vast majority of the vegetation within the site would be lost during the construction phase. However, the hedgerow in the south-eastern part of the site would be retained to maintain a dark corridor for foraging bats. Overall bat activity within the site is deemed to be low and largely by common bat species.

In regards to reptiles, a small number of slow worms were recorded on site, mainly close to the scrub habitats. To minimise harm to any reptiles, appropriate working practises would be followed during the clearance of vegetation. It is proposed that any reptiles found would be translocated to a suitable receptor site. Following the completion of the development, areas of enhanced heathland and acid grassland restoration works would be carried out along the northern, north-eastern and south-eastern embankments of the site. This would enable slow worms to naturally recolonise the site.

It is concluded in the EA that the development would result in some adverse effects on reptiles and their associated habitats. The provision of a reptile translocation receptor site, together with the proposed restoration of habitats within the site and the planting of a new woodland belt along the boundaries of the development would assist in compensating for the loss of existing habitat environments. In this regard, it is acknowledged that the Planning Ecologist has not raised any objection to the development subject to conditions to ensure the mitigation and compensation measures are implemented.

It has been identified in the EA, that two distinct areas of Japanese Knotweed are present in the north-west corner of the site (within the location of the proposed access road). The report notes that the Japanese Knotweed would be removed from the site by specialists to ensure its eradication. The details of the Japanese Knotweed strategy can be secured by condition.

Accordingly, for the reasons above the proposal complies with Policy EnW1, EnW2 and EnW3 of the LDP.

Ground conditions

The application site comprises a historic embankment of made up ground (colliery spoil), which is flanked by large and steep embankments to the north, east and south-east. A Proof Drilling Ironstone Mining Investigation report has been submitted in support of this application, which also draws reference to the Site Investigation Report (SI) undertaken as part of the previous application (P/18/0316).

It was concluded in that SI that there are stability concerns arising from the made up ground, particularly along the embankments, which comprise of un-compacted spoil materials that have suffered continual collapses. It was noted that the existing embankment slopes appear to be steeper than 1 in 2. Therefore, the SI considered re-profiling works are likely to be required in order to ensure that this gradient is not exceeded. It is recommended in the SI report that a Slope Stability Assessment be carried out to ensure the slopes are regraded appropriately. The SI indicated that the slopes should be top-soiled and seeded with grass in order to minimise any future maintenance problems caused by surface water run-off. Geotextile pocket membranes were also recommended to be used to ensure the topsoil does not slip down the slopes.

The Proof Drilling report investigated the potential for any past ironstone mine workings within the site. This involved the drilling of boreholes in the location of each of the proposed plots. The findings of the report concludes that the lack of workings or evidence of significant backfilling of any workings indicates a low risk to past shallow mining beneath the site and the need for any drilling and grouting is not required. It is recommended in the Proof Drilling report that due to the nature of the made up ground, to undertake 'turn and compact' preparatory earthworks in order to improve the strength of the shallow made ground. This would involve the excavation and processing of existing made ground down to depths of approximately 2m, proof roll the reduced formations and then replace a portion of the excavated material in a controlled manner. The compacted colliery spoil material should then be capped off with a minimum of 0.5m layer of granular material to form a sub-base. The dwellings would then be constructed utilising raft foundations, which would be further reviewed during construction under the building regulations.

In regards to potential land contamination, the SI indicated that the soil samples tested reveal that all of the analysed chemical elements and compounds are present at concentrations below the appropriate thresholds. The samples were also screened for any asbestos and none was found. As such, the SI concludes that there was no evidence of land contamination that may pose a risk to human health.

Whilst there is a need to provide further details for the preparation of the site for development, which can be secured by a condition, it has been adequately demonstrated that suitable remediation measures can be put in place to address the stability concerns identified. In this regard, it is acknowledged that the Head Engineering and Highways has not raised any objection to the development. Therefore, it is considered that a suitable engineering solution can be implemented to ensure the safe development of site. Accordingly, the development complies with Policy EnW4 of the LDP.

Planning obligations

Policy SW2 of the LDP sets out the target for development proposals to deliver up to 253 affordable dwellings across the County Borough to meet an identified housing need. Policy SW9 of the LDP seeks contributions towards the provision of affordable housing. In this respect, residential developments, comprising 10 or more dwellings within the Primary Growth Area, shall be required to provide 10% on-site affordable housing.

It is acknowledged that the proposed development would provide 100% affordable housing (42 units). This would far exceed the requirements of Policy SW9, which would seek a minimum of 4 units to be provided on site. It has been highlighted by the Strategic Housing Team that the provision of much needed affordable housing is fully supported and that the design/mix of housing would meet the local demand in the area. The provision of affordable housing can be secured by condition to ensure it is delivered in accordance with Policy SW9 of the LDP.

Representations

Whilst the concerns raised as a result of the publicity exercise have largely been addressed above, the following matters have also been taken into consideration:

- Concerns were raised in respect of the provision of social housing on the site, which would result in greater levels of noise / disturbance and anti-social activity. The development would be located within an established residential area on land that is allocated for residential development, which is supported by the LDP policies. The occupiers of the proposed dwellings and the behaviour of future residents is not a material planning consideration. Excessive noise and disturbance that causes a nuisance would be a matter for Environmental Health and any anti-social activity would be a matter for South Wales Police.
- Prior to works commencing on site, it is necessary for the developer to agree the proposed drainage scheme to manage surface water within the site as part of a separate SAB (Sustainable drainage Approval Body) application. It has been suggested by the developer that a number of rain gardens would be introduced to manage surface water within the site and potential discharged into existing watercourses.
- It has been highlighted that insufficient details on the final levels of the site have been provided. The developer has provided a number of section details across the site that illustrate the existing and proposed levels. Additionally, the proposed site plan indicates the finish floor level (FFL) for each of the dwellings.

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:

- Landscape Strategy Plan LA1, received 08.01.2024
- Dwg No. AL(90)02 Rev A1 - Proposed Site Plan, received 27.11.2023
- Dwg No. AL(90)08 Rev B - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)09 - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)10 - Proposed Site Sections, received 27.11.2023
- Dwg No. AL(90)20 - Proposed Reptile Translocation Site Plan, received 08/01/2024
- Dwg No. AL(01)40 Rev F - House Type A1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)41 Rev B - House Type A2 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)50 Rev G - House Type B1 Plans & Elevations, received 16.11.2023
- Dwg No. AL(01)60 Rev D - House Type C1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)61 Rev D - House Type C2 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)70 Rev A - House Type D1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)80 Rev A - House Type E1 Plans & Elevations, received 14.08.2023
- Dwg No. AL(01)90 Rev B - House Type F1 Plans, received 14.08.2023
- Dwg No. AL(01)91 Rev A - House Type F1 Elevations, received 14.08.2023
- Ecological Impact Assessment V3, dated December 2023
- Proof Drilling Ironstone Mining Investigation, ref 12824/PD/HP/A, dated 03.04.2023
- Tree Survey Categorisation & Constraints Report, dated 07.06.2023
- Transport Statement, ref C23044/TSS01, dated 02.08.2023

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

3. **Prior to any construction works commencing on site** 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. **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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **No development shall take place** until a Slope Stability Assessment has been carried out. The results of this investigation shall be submitted to and approved in writing by the Local Planning Authority before any construction work begins, together with a report specifying the measures to be taken to remediate the site to render it suitable for the development, which shall include the measures set out in the Proof Drilling Ironstone Mining Investigation (Prepared by Integral Geotechnique - Ref 12824/PD/HP/A). The remedial measures shall be completed 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 in accordance with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

6. If during the course of development, any unexpected land instability issues are found which were not previously identified in the report submitted under Condition 5, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Reason - The site may be unstable and as such in the interests of safety remedial measures may need to be carried out in accordance with Policy EnW4 of the Merthyr Tydfil Replacement 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 the dwellings.

Reason - To ensure that the new development will be visually attractive and boundaries protected in the interests of amenity in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **Before any construction or site clearance works commence on site**, a Japanese Knotweed Strategy shall be submitted to and approved in writing by the Local Planning

Authority. The Japanese Knotweed Strategy shall be fully implemented in accordance with the approved details prior to the commencement of any works.

Reason - To prevent the spread and ensure the eradication of a highly invasive species.

9. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing 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 the archaeological resource and to accord with Policy CW1 of the Merthyr Tydfil Replacement Local Development Plan.

10. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason - To ensure that the noise emitted/activities are not a source of nuisance to occupants of nearby properties in accordance with Policies SW11 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. **No development shall commence**, including any site clearance works, until a Construction Environment Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors within the site;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from the construction works.
- viii) details of any external lighting during construction

Reason - In the interests of the highway safety and free flow of traffic and to protect the environment and so as to accord with Policies SW11 and EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

12. **Prior to construction works commencing on site** 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 4 housing units;
- 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 SW2, SW9 and SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

13. **Prior to the occupation of any dwelling**, details for the provision of a widened footpath, as identified in the Transport Statement (Doc Ref C23044/TS01), that links to a new active travel route shall be submitted to and approved in writing by the Local Planning Authority. The footpath shall be constructed in accordance with the approved details prior to the occupation of the dwellings.

Reason - To ensure appropriate pedestrian and cycle links are provided to encourage sustainable form of transport to accord with Policies SW11 and SW12 of the Merthyr Tydfil Replacement Local Development Plan.

14. 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 any the dwellings.

Reason - In the interest of visual amenity and the privacy of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

15. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason - To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment to accord with Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

16. **No construction works shall take place** until details of the landscape scheme have been submitted to and approved in writing by the local planning authority. These details 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; an implementation programme (including phasing of work where relevant).

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 dwellings 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 SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

17. **No development shall commence**, including any works of demolition until a Landscape Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. These details shall include:

- a plan illustrating areas of onsite habitats to be retained, protected and enhanced;
- details of the compensation measures to replace the loss of dwarf heath scrub, neutral grassland, acid grassland and on-site woodland;
- details of the enhancement measures set out in Section 7 of the Ecological Impact Report (dated December 2023);
- a method statement for hedgehogs and for the protection of nesting birds;
- details for the enhancement of the reptile receptor site to be implemented prior to the commencement of translocation;
- a management plan for a period of 10 years for the monitoring and maintenance of all new habitats created on site.
- an implementation programme including the phasing of works; and
- details of the qualified person who will provide ecological supervision.

The development shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

18. **Prior to the installation of any external lighting**, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:

- horizontal and vertical illuminance plans demonstrating dark corridors/routes to be maintained, together with dark routes for access to the bat boxes.
- a plan illustrating the lux levels across the site overlaid with the dark corridors
- the onsite lighting shall include details of the proposed colour temperatures

The lighting scheme shall be carried out in accordance with the approved details.

Reason - To protect the natural environment and important habitats in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.