

DELEGATED REPORT

Application No:	P/19/0001
Site Address:	Former Labour Exchange Penydarren Road Merthyr Tydfil
Development:	The retention of an affordable housing scheme (8 flats) and associated off-street parking. Re-grading and engineering works to provide a reinstated landscaped embankment on land to the north east of the flats
Case Officer:	Huw Roberts
Site Visit:	10th January 2019
Application Expiry Date:	28th April 2020
Consultation reply date expired:	31st January 2019

APPLICATION SITE

The application site, which measures approximately 0.66 of a hectare, mainly consists of a block of 8 flats (and associated car parking area and service driveway), part of the front facade of the former Labour Exchange (a locally listed building) and a steep (previously wooded) embankment which has previously been excavated and now is in the process of being re-profiled. The application site also includes part of the Promenade, a raised section of footway that forms the southern boundary of the site and abuts Penydarren Road. This section of the Promenade is approximately 180 metres along.

The site is bound by Merthyr Tydfil Football Club to the north-west, a War Memorial and Masonic Temple to the south, Penydarren Road to the east and the rear gardens of 5, 6, 7 and Llys Penydarren in Penydarren Park to the north. The land is steeply sloping and generally falls from north-west to south-east.

PROPOSED DEVELOPMENT

Retrospective planning permission is sought for the retention of the block of flats and associated off street parking and driveway. The proposal also includes re-grading and engineering works to provide a re-instated landscaped embankment on land to the north of the flats. The flats are constructed for affordable housing purposes.

The flats are contained within a three storey building located to the south of the retained facade of the former Labour Exchange. Two flats are accommodated in the ground floor with three in each of the remaining two floors. The building is 20 metres wide, a maximum of 12.9 metres deep and has a maximum height of 13.5 metres. It is raised approximately 2.5 – 3.0 metres above the level of the Promenade. A 'zig-zag' ramp is provided to the

front of the flats to enable pedestrian access from the Promenade. A first floor walkway enables access from the driveway to the rear of the site. The three storey building has red brick external walling (with some render to the front elevation and stone linear detailing) with an artificial slate roof.

A hard/soft landscaped courtyard is provided to the north of the flats. This is enclosed to its front, eastern boundary, by the retained facade. The facade has undergone extensive repairs. An enclosed bin store, constructed from red brick with a pitched artificial slate roof, is raised above and located to the west of the courtyard and accessed from the driveway.

Vehicular access is gained from Park Terrace. A new driveway runs along the rear of the flats. Six parking spaces are located near the entrance and adjacent to the driveway.

The proposed landscaped embankment is now proposed following the excavation of the land and subsequent soil nailing which took place as part of the implementation of planning permission P/16/0096. The 'Earthworks Specification Report' submitted with the application points out that failures took place within the cut slope face between the soil nail heads. The instability was attributed 'to unexpected ground conditions which resulted in the washing out of soils due to surface water saturation of multiple granular lenses exposed by the cut'. Given the problems encountered trying to precisely locate the source(s), location and route(s) of water penetrating the excavated embankment and the subsequent costs and construction problems associated with the road and 12 houses (planning permission P/16/0096), the developer decided to abandon this element of the proposal. However, the drainage issues and the visual appearance of this part of the site needed to be addressed. The drainage solution was to create a comprehensive mosaic of land drains (both horizontal and vertical) within this part of the site. The vertical drains would feed the surface/ground water into a piped attenuation system located behind a recently constructed, brick faced, retaining wall adjacent to the Promenade. The system would allow the water to be discharged (via a series of hydro-breaks) into the existing underground culvert at appropriate and safe discharge rates.

The embankment is currently being regraded and compacted with the use of suitable imported material (as highlighted in the Earthworks Specification Report) and to a gradient which has been arrived at following a 'Slope Stability Analysis'. The landscape plan submitted with the application indicates that the top 150mm of the compacted engineered infill would be broken up and 100mm of topsoil spread over the site. The landscaping scheme indicates that the whole site (except land behind the retaining wall) would be grassed with areas of individual tree planting scattered throughout the site. A 2.5 metre deep strip of planning would take place behind the entire length of the retaining wall adjacent to the Promenade. In this area, the top soil depth would be 600mm.

The application has been supported by the following documents:

- Geotechnical Design Report (Hydrock 12/12/18)
- Earthworks Specification (Hydrock 12/12/18)
- Retaining Wall Calculations (Hydrock 30/11/18)
- Landscape Management Plan (Fiona Clarke - February 2019)

PLANNING HISTORY

P/16/0096 - Construction of an affordable housing scheme (consisting of 12 dwellings and 8 flats) including off street parking, landscaping and associated works. Granted 10/11/2016

P/16/0018 - Variation of condition 4 of planning permission P/14/0295 for the construction of 24 dwellings and associated works, to enable the hard and soft landscaping details to be submitted prior to the commencement of the construction of the approved dwelling. Granted 22/02/2016

P/15/0316 - Vary condition 9 and 10 of planning permission of P/14/0295, which requires submission of details within a specified timeframe - Prior to the construction of the approved dwelling (and not prior to the commencement on site) - Granted 30/10/2015

P/15/0290- Remove condition 2 of conservation area consent P/14/0294 which prevents the demolition of any part of the labour exchange before a signed contract for undertaking the construction works granted under planning permission P/14/0295 has been submitted to and approved in writing by the Local Planning Authority - Granted 20/10/2015

P/14/0295 - Construction of 24 dwellings, including off street parking, landscaping and associated works. Granted 08/01/2015

P/14/0294 - Demolition of part of the Labour Exchange to assist provision of dwellings. Granted 08/01/2015

CONSULTATION

Internal Consultees

Town Planning Division's Landscape Architect - No objection.

Engineering and Traffic Group Leader – No objection.

Environmental Health Manager No objection subject to conditions

External Consultees

Natural Resources Wales No objection

Dwr Cymru Welsh Water No objection subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining and nearby properties and 5 site notices were displayed to the front and rear of the site and in Penydarren Park.

As a result of the publicity exercise undertaken, no objections were received.

POLICY CONTEXT

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

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 3.51 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 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 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 set out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Para 6.4.21 – 6.4.23 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.

Para 6.1.14 - There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings.

Para 6.1.16 - Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.

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 Replacement Local Development Plan (LDP) 2016-2031:

- SW2 - Provision of Affordable Housing
- SW3 - Sustainably Distributing New Homes
- SW4 - Settlement Boundaries
- SW9 - Planning Obligations
- SW11 - Sustainable Design and Placemaking
- SW12 - Improving the Transport Network
- CW1 - Historic Environment
- EnW1 - Nature Conservation and Ecosystem Resilience
- 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

Merthyr Tydfil Town Centre Conservation Area Appraisal (June 2009)

The former Labour Exchange is identified as a locally listed building. Its reuse is a priority for the Council. Chapter 6.5 notes the importance of the historic tramway route and the current poor condition of the site. Chapter 7.11 states that regeneration should be encouraged to deal with run down areas, derelict sites and that it should preserve the special historic and architectural interest of the area.

PLANNING CONSIDERATIONS

The application site is located within the settlement boundary as defined by policy SW4 of the LDP, where the majority of new development is generally encouraged. Furthermore, full planning permission has previously been granted (P/16/0096) for the residential development of the site. As such, the principle of the development has already been established.

Therefore, the main issues to be considered when determining this application are:

- The impact of the development on the character and appearance of the Town Centre Conservation Area.
- The impact of the development on the amenity of neighbouring residents.
- The highway safety implications of the development.

Impact on the character and appearance of the Conservation Area

As stated above, the difference between this application and the previous approval (P/16/0096) is that the 12 dwellings which would have fronted the Promenade will not be constructed. Whilst this is regrettable, the reasons for not constructing these dwellings has been fully explored and explained in the documentation submitted with this application. The block of flats, combined with the retention of part of the front facade of the former Labour Exchange has had a positive impact on the conservation area.

Given the unexpected and significant difficulties encountered by the developer when excavating and retaining the mid and northern part of the site, which eventually scuppered any residential development in this location, there was no alternative but to re-grade the embankment and introduce a comprehensive landscaping scheme. The landscape scheme is considered acceptable and will overtime once again provide a green space in this part of the conservation area with significant ecological enhancements. The effective drainage of this land is also an essential element of the proposal. This part of the proposal, given the previous bare excavated embankment, will also have a positive impact on the conservation area. It is noted that the Landscape Architect has not objected to the proposal and welcomes the long-term management plan.

Given the above the proposal complies with policies SW11, CW1, EnW1 and EnW4 of the LDP

The impact on residential amenity

There would be positive impacts on neighbouring residents since the dwellings fronting the Promenade will now not be constructed. In particular those residents adjoining the site in Penydarren Park will, overtime, again have a green landscaped area adjacent to their rear gardens and those in Park Terrace would experience a significant drop in vehicular movements. As such the proposal accords with policies SW11 and EnW4 of the LDP.

Highway safety

As stated above, there would clearly be less traffic movements along Park Terrace to the site as a result of the reduction in the number of units proposed (i.e. from 20 to 8 units). The car parking spaces are sufficient enough to cater for the needs of those occupying the flats. Furthermore, given the site's proximity to the town centre it is hoped that future residents would access local facilities via public transport, by bike or on foot rather than the private motor car, further reducing traffic flows. As such, the Group Leader Engineering and Traffic has raised no objection to the application.

Therefore, the proposal is considered to comply with policy SW11 of the LDP.

Planning Obligations

Policies SW2 and SW9 of the LDP consider the requirements for planning obligations and affordable housing. The proposed development would provide 100% affordable housing which would be managed by a Registered Social Landlord (Wales & West Housing). Given the level of grant funding required to deliver this scheme and the site constraints encountered there is no viability within the development to provide any additional planning obligations. Accordingly, the proposed development complies with Policy SW9 of the LDP.

Conclusions

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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**:

CONDITIONS/REASONS:

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

LEM-HYD-XX-GI-DR-G-1004-S3-P2
LEM-HYD-XX-GI-DR-G-1008-A-P2
LEM-HYD-XX-GI-DR-G-1009-A-P2
LEM-HYD-XX-GI-DR-G-1010-A-P1
LEM-HYD-XX-GI-DR-G-1011-A-P1
LEM-HYD-XX-GI-DR-G-1012-A-P1
LEM-HYD-XX-GI-DR-G-1013-A-P1
LEM-HYD-XX-GI-DR-G-1014-A-P1
LEM-HYD-XX-GI-DR-G-1015-A-P1
LEM-HYD-XX-GI-DR-G-1016-A-P1
LEM-HYD-XX-GI-DR-G-1017-A-P1
LEM-HYD-XX-GI-DR-G-1018-S4-P1
LEM-HYD-XX-GI-DR-G-1019-S4-P1
LEM-HYD-XX-GI-DR-G-1020-S4-P1
C161041-S900 - RevC
C161041-S910 - RevC
C161041-S911 - RevB
C161041-S920 - RevB
C161041-S921 - RevB
C161041-S930 - RevA
C161041-S931 - RevA
C161041-S940 - RevD
C161041-S941 - RevC
C161041-S942 - RevD
XXX-HYD-XX-XX-DR-C-0003-S4-P08
LEM-HYD-XX-XX-DR-C-0005-S4-P02
LEM-HYD-XX-XX-DR-C-0200-S4-P02
C161041-C001-02:L Proposed Levels (Apartments)
C161041-C002-02:K Proposed Drainage (Apartments)
C161041-C002-03:B Drainage Details
C161041-C003-02:D Surface and Kerbing
LEM-HYD-XX-XX-RP-G-1002-S2-P1.3
1549_22-25/1 (Flat Elevations including bat and bird boxes)
1549_1-27/1 (Roof Plan)
1549_1-32 (Ground Floor of Flats)
1549_1-33 (First Floor of Flats)
1549_1-34 (Second Floor of Flats)
1549/3/23/1 (Site sections through statue land and proposed car park)
1549/3/24 (Site section C)
1549/4/12/1 (Site Plan: Hard and Soft Landscaping Planning December 2018)
1549/4/11 (Site Plan Planning December 2018)
680/01/B (Proposed Landscape Works)
680/02 (Ground Preparation ZoneB/part Zone A)
Geotechnical Design Report (Hydrock 12/12/18)
Earthworks Specification (Hydrock 12/12/18)
Retaining Wall Calculations (Hydrock 30/11/18)
Landscape Management Plan (Fiona Clarke - February 2019)

The impact on residential amenity

There would be positive impacts on neighbouring residents since the dwellings fronting the Promenade will now not be constructed. In particular those residents adjoining the site in Penydarren Park will, overtime, again have a green landscaped area adjacent to their rear gardens and those in Park Terrace would experience a significant drop in vehicular movements. As such the proposal accords with policies SW11 and EnW4 of the LDP.

Highway safety

As stated above, there would clearly be less traffic movements along Park Terrace to the site as a result of the reduction in the number of units proposed (i.e. from 20 to 8 units). The car parking spaces are sufficient enough to cater for the needs of those occupying the flats. Furthermore, given the site's proximity to the town centre it is hoped that future residents would access local facilities via public transport, by bike or on foot rather than the private motor car, further reducing traffic flows. As such, the Group Leader Engineering and Traffic has raised no objection to the application.

Therefore, the proposal is considered to comply with policy SW11 of the LDP.

Planning Obligations

Policies SW2 and SW9 of the LDP consider the requirements for planning obligations and affordable housing. The proposed development would provide 100% affordable housing which would be managed by a Registered Social Landlord (Wales & West Housing). Given the level of grant funding required to deliver this scheme and the site constraints encountered there is no viability within the development to provide any additional planning obligations. Accordingly, the proposed development complies with Policy SW9 of the LDP.

Conclusions

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

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**:

CONDITIONS/REASONS:

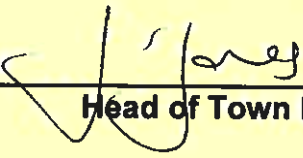
Saturdays - 0900 - 1400 hours

Nor at any time on Sundays, Bank or Public Holidays

Unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that noise emitted from this development is not a source of nuisance to occupants of nearby residential properties.

RECOMMENDATION ENDORSED


Head of Town Planning

DATE:

20/3/20

1870

1871

1872

1873

1874

1875

1876

1877

1878

1879

1880