

Date: 17th March 2023
Our Ref: 23.108

Planning Department
Merthyr Tydfil County Borough Council (MTCBC)
Unit 5
Pentrebach
CF48 4TQ

Suite D
1st Floor
220 High Street
Swansea
SA1 1NW

Tel: 1792 480535
www.asbriplanning.co.uk

Dear Sir/Madam,

Town and Country Planning Permission Act 1990 (as amended)
Removal of Condition 4 of Planning Permission P/21/0095 relating to surface water
drainage connecting to the public sewerage system
Land at Honeysuckle Close, Gurnos, Merthyr Tydfil
Planning Portal Reference: PP-12024068

Introduction

Asbri Planning Ltd has been instructed by M.Delacey & Sons to submit a Section 73 application on their behalf to remove Condition 4 of Planning Permission P/21/0095 prohibiting surface water drainage connections to the public sewerage system at land at Honeysuckle Close, Gurnos, Merthyr Tydfil.

The application package has been submitted via the Planning Portal and comprises the following:

Document	Prepared by
Application Forms	Asbri Planning
Cover Letter	Asbri Planning
Site Location Plan	-

Background

Condition 4 states:

"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 to ensure no pollution of or detriment to the environment"*

Section 73 of the Town and Country Planning Act 1990 (as amended) provides for local planning authorities to determine applications to develop land without compliance with conditions previously attached – that is to vary the requirements of the original conditions subject to which a previous planning permission was granted.

The principle of development was established through the granting of full planning permission (Ref: P/21/0094), which began on the 21st June 2022. Full planning permission was granted for the erection of 2no. passivhaus dwellings and associated works.

At the time of submission and planning permission being granted, there was no drainage strategy available. The condition was therefore requested by Welsh Water as it was anticipated that the surface water drainage will be dealt with via SuDS and SAB Approval at the time.

However, since planning permission was granted it has become apparent that the site is impermeable and therefore cannot attenuate surface water to ground and the SuDS Approval Body will not adopt the drainage

provision as all units are under Merthyr Valley Homes ownership. The development possesses SAB consent (Ref: SAB/21/0013). A condition on the approval states:

"Surface water flows from the development shall only connect with the public surface water sewer located in Honeysuckle Close, connection shall be made through an attenuation device that discharges at a rate not exceeding 0.6 l/s.

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."*

The SAB permission therefore conflicts with the planning permission by allowing surface water flows to connect to the public surface water sewer.

Welsh Water requested a Deed of Variation to remove the S104 drainage from inside the site but agreed to adopt the laterals for the storm and foul in the highway. This was done under a deed of variation. Once the DOV was approved DCWW explained that a S106 could be applied for. However, in order to apply for a S106, Condition 4 needs to be addressed as it states that no surface water drainage shall be allowed to connect to the public sewerage system.

Planning Policy

The development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 is the Merthyr Tydfil County Borough Council Local Development Plan adopted by the Authority in January 2020. The following policies are considered to be of relevance to the proposal:

Policy Ref	In relation to
<i>Improving our Social Well-being</i>	
SW11	Sustainable Design and Placemaking
<i>Improving our Environmental Well-being</i>	
EnW4	Environmental Protection

Criterion 4 of Policy SW11 states that where appropriate, new development will be required to:

"contribute to the provision of green infrastructure, including open space in accordance with the Council's standards, sustainable drainage systems where appropriate, and ensure that the County Borough's network of green infrastructure is accessible and connected;"

Policy EnW4: Environmental Protection states:

"Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- Pollution of land, surface water, ground water and the air;*
- Land contamination;*
- Hazardous substances;*
- Land stability;*
- Noise, vibration, dust, odour nuisance and light pollution; or*
- Any other identified risk to public health and safety.*

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures have been incorporated to reduce, or minimise the impact identified to the lowest possible acceptable level."

Appraisal

Whilst the site is impermeable and drainage infrastructure will not be adopted by the SuDS Approval Body, the development will still feature Sustainable Drainage Systems in the form of rain gardens as approved by the SAB. Consequently, the development is still considered to be in accordance with criterion 4 of Policy SW11

(Sustainable Design and Placemaking) and the removal of condition 4 is simply required to regularise the proposed surface water connection as approved by the SAB and Welsh Water.

Furthermore, the removal of condition 4 will not result in pollution of surface water in accordance with Policy EnW4 (Environmental Protection) of the adopted LDP.

Conclusion

In summary, Condition 4 is required to be removed in order to regularise the connection to the public sewerage system as approved by the SAB and Welsh Water. The application package has been submitted via the Planning Portal and comprises the following:

- Application Forms; and
- Site Location Plan

The application fee of £230 will be paid directly to MTCBC.

I trust that you have the requisite documentation in order to enable you to validate the application. Notwithstanding, if you require any additional information, do not hesitate to contact me.

Yours Sincerely,



Geraint Jones
Senior Planner

geraint@asbriplanning.co.uk