

DELEGATED REPORT

Application No:	P/21/0348
Site Address:	Land Adjacent To No 1 Mansfield Terrace Twynyrodyn Merthyr Tydfil
Development:	Vary Condition 2 of planning permission P/18/0297 to extend time scale for the submission of a reserved matters application
Case Officer:	Rebecca Owens
Application Expiry Date:	16th February 2022
Consultation reply date expired:	28th October 2021

APPLICATION SITE

The application site relates to a parcel of land located to the northwest of 1, Mansfield Terrace. The land, enclosed at the front by a well maintained low hedgerow, rises fairly steeply from the front to the rear (southwest to the northeast) where it meets an informally laid and privately owned track. This track provides access to the rear of the application site and other properties located along this street. A dilapidated building, constructed in timber with galvanised sheeting, is located approximately 6 metres from the rear boundary of the site.

The site adjoins undeveloped land to the northwest and a row of terraced properties to the southeast, along the northern side of Mansfield Terrace. These neighbouring dwellings, although extended to the rear, appear very consistent in their built form when viewed within the street scene, since they all relate to two-storey properties, served by small front courtyards, a few of which have been enclosed by front porches. The properties to the southern side of Mansfield Terrace are more varied in their appearance. These relate to semi-detached dwellings, set back some distance from the front highway and served by front spacious gardens with driveways.

Some of these properties have also been extended by virtue of side extensions or front and rear dormer extensions.

The site lies within the settlement boundary – Primary Growth Area, as designated within the Merthyr Tydfil Local Development Plan (LDP) 2006-2021.

PROPOSED DEVELOPMENT

This planning application seeks permission to vary condition 2 of planning permission P/18/0297 to extend the time for the submission of a reserved matters application and thus to renew the outline planning permission. This application was for the erection of a pair of

semi-detached dwellings on the site with access, appearance, landscaping and scale reserved for future consideration. As such, it was only layout, which was considered under this previous outline application.

The indicative plans illustrate that the proposed dwellings would be two-storey. Each dwelling would accommodate two parking spaces to the front. The plans also indicate that each dwelling could benefit from an external side pedestrian access to the rear, where rear amenity areas could be provided.

The upper and lower scale parameters of the dwellings would remain the same as that previously approved with each dwelling measuring between 6.3m and 6.7m wide, 8m and 8.7m deep and 7.5m and 8.5m high.

PLANNING HISTORY

- P/18/0297 Erection of a pair of semi-detached dwellings (Outline)
Granted outline planning permission subject to conditions on 13 November 2018
- P/16/0152 A pair of semi detached dwellings (Outline)
Granted outline planning permission subject to conditions on 3 October 2016

CONSULTATION

The following bodies were consulted and their responses are presented below:

Head of Engineering	No objection
Planning Policy Group Leader	No objection
Ecologist	No objection subject to enhancements
Landscape Architect Officer	No response
Environmental Health Manager	No objection subject to conditions
The Coal Authority	No objection subject to condition
Dwr Cymru Welsh Water	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring occupants and two site notices were displayed within the vicinity of the site.

No letters of objections were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 11, February 2021)

The advice contained within Welsh Government Circular (WGC) 016/2014: The Use of Planning Conditions for Development Management (paragraph 5.21) is of relevance to the determination of this application.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes
- 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
- EnW5: Landscape Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The advice contained within WGC 016/2014 clearly states that renewal applications should only be refused in the following circumstances;

1. There has been a material change in planning circumstances since the previous permission was granted.
2. The continued failure to begin the development will unacceptably contribute to uncertainty about the future pattern of development in the area.
3. The application is premature because the permission still has a reasonable time to run.

In essence it is considered that the above criteria do not apply to this application.

Site circumstances are generally the same or very similar to what they were at that time of granting the previous permission. It is recognised that since the approval of the previous planning permission P/18/0297, the Merthyr Tydfil Local Development Plan 2006-2021 has been superseded by the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031. As such, the development is now assessed against the policies contained within that document, along with other relevant and up-to-date national and regional planning policies. However, the application site still remains within the settlement boundary (policy SW4) and would continue to comply with the relevant policies of the replacement plan.

In this respect it is noted that the application site now lies within the Twynnyrodyn, including Ysgubor Newydd and Penyrheol Urban Character Area and the Merthyr Tydfil Landscape of Outstanding Historic Interest. Accordingly, Policy CW1 is relevant, which aims amongst other things, to support localised management initiatives, regeneration and conservation schemes in relation to urban character areas. It is not considered that the renewal of this application would contravene the objective of this policy or harm the Urban Character Area or indeed the wider Landscape of Outstanding Historic Interest.

It is also noted that as part of this planning application it was considered necessary for an Ecological Impact Assessment to be carried out. The result of this have been considered by the Ecologist and he has not raised any objections to the proposal subject to enhancements. These can be secured through a condition on any new outline planning permission issued to ensure the development meets with current ecological policies and requirements.

It is acknowledged that the site has had outline planning permission for over five years without development works actually commencing. However, it is considered that this absence of development on the site has not contributed to uncertainty about the future pattern of development in the area. In essence the majority of land within the vicinity has already been developed, and hence the pattern of local development has already been established.

The application was submitted on the 6th October 2021, just over a month before the expiration of the previous planning permission outlined above. The application subject of this report cannot therefore be said to have been submitted prematurely.

Having regard to the above considerations and the advice contained within WGC 016/2014, it is considered that the application should be approved.

Planning Obligations

Policy SW9 relates to Planning Obligations however, given that the proposal is for two residential units, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, in this instance, would not be required. However, Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

SUMMARY

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.

Having had regard to the above considerations the renewal of the planning permission is found to be acceptable. Accordingly the following recommendation is made:

RECOMMENDATION: **BE APPROVED** subject to the following **CONDITIONS:**

CONDITIONS/REASONS:

1. Details of the access, appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason - To comply with Section 92 of the Town and Country Planning Act 1990 and Part (3)1 of the Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2012.

4. In conjunction with the statutory "reserved matters" details required by Condition 1, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and completed in full accordance with such approved details **BEFORE** the development hereby approved is brought into use.

i) existing and proposed site levels including full cross sectional drawings;

ii) the means of foul water and surface water drainage;

- iii) the position, height and material of all walls, fences and other means of enclosure;
- iv) full constructional and facing material details of any retaining walls over 1 metre in height;
- v) details of the footpath to the front of the site.

Reason - To ensure a satisfactory standard of development and protect local amenity interests.

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

6. **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 first beneficial use of the development 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.

7. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 6, 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.

8. **No development shall take place** until a Phase 1 Land Contamination investigation has been carried out. The Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient

monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. Should the Phase 1 Contamination investigation carried out under condition 8 Identify the presence of potentially unacceptable risks, **no development shall take place** until a Phase 2 site investigation has been carried out.

A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before the commencement of the Phase 2 investigation.

The completed Phase 2 investigation report together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out.

The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. Should Land Contamination Remediation Works be identified as necessary under condition 9, **no development shall take place** until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

~~The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority.~~

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

11. Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (or validation report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval.

The approved monitoring and maintenance programme shall be implemented.

The verification report shall be prepared by a third party and a "competent person".

Reason - In the interest of health and safety and environmental amenity and so as to accord with Policy EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

12. The development shall be carried out in accordance with the Ecological Assessment, Issue 1, Revision VA, dated December 2021, prepared by BE Ecological Ltd, received on 22 December 2021. In line with this document, details relating to the bat box, bird box, wildflower area and reptile hibernaculum shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works and shall be implemented in full prior to the occupation of the dwelling. They shall be retained in perpetuity thereafter.

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

INFORMATIVES

1. The Developer is advised to check and confirm the positions of all boundaries **BEFORE** construction works commence.

Any discrepancies or problems of interpretation of boundary lines shall be resolved amongst all interested parties **BEFORE** works commence.

Failure to comply with this information could lead to civil action being brought against the developer by aggrieved parties.

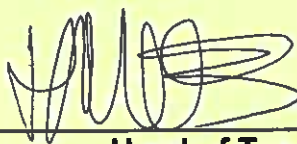
2. The developer is advised to seek appropriate legal advice if the development to which this application refers involves either:-

- i) work on an existing wall shared with another property;
- ii) new building on the boundary with a neighbouring property;
- or
- iii) excavating near a neighbouring building.

as these works may fall within the scope of the Party Wall Act 1996 and may require statutory notices to be served on affected owners.

3. The proposed development site is crossed by a public sewer. Contact is therefore advised with Dwr Cymru Welsh Water.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'MOS' or similar, written over a horizontal line.

Head of Town Planning

DATE:

31/1/22

