

DELEGATED REPORT

Application No:	P/23/0268
Site Address:	Land Adjacent To 1 Mansfield Terrace Twynyrodyn Merthyr Tydfil CF47 0LB
Development:	Construct 2 dwellings
Case Officer:	Marlene Ferreira
Site Visit:	16th November 2023
Application Expiry Date:	21st March 2024
Consultation reply date expired:	12th February 2024

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.

PROPOSED DEVELOPMENT

This application seeks full planning permission for the erection a pair of semi-detached dwellings.

The 3 bedroom properties, would be constructed over two levels given the topography of the site, and would each measure 6 metres wide, with a maximum depth of 13 metres deep and a maximum height of 8.6 metres (at the front) and 6 metres (at the rear). Each

property would be served by a bedroom, shower room and utility room at ground floor, a kitchen/dining, sitting room, bedroom and bathroom at first floor, and an en-suite bedroom within the roof space. Externally, these would be finished with rendered elevations, concrete roof tiles and UPVc windows.

The dwellings would be set back approximately 6 metres from the front highway. External access into the first floor of the properties would be provided by the provision of steps to the side of each dwelling. The private garden areas would be located to the rear (northeast) and a two vehicle parking area would be provided to the front (southwest).

PLANNING HISTORY

The following planning history is relevant to this site:

P/21/0348 – Vary Condition 2 of planning permission P/18/0297 to extend time scale for the submission of a reserved matters application – Approved: 31st January 2022

P/18/0297 – Erection of a pair of semi-detached dwellings – Approved: 13th November 2018

P/16/0152 – A pair of semi-detached dwellings – Approved: 3rd October 2016

CONSULTATION

Head of Engineering and Highways	No objection, subject to conditions.
Policy Group Leader	No objection.
Ecology Officer	No objection, subject to conditions.
Environmental Health	No objection, subject to conditions.
Welsh Water	No objection, subject to conditions.
Coal Authority	No objections, subject to conditions.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, adjoining properties were consulted and two site notices were displayed within the vicinity of the site. To date one letter of objection was received which referred to the following concerns:

- The land is significantly elevated and there are concerns that if the development is not constructed on the same land level as the neighbouring properties, it may result in overlooking and loss of privacy to neighbours;
- The development of the site may result in drainage issues or land movement given the gradient of the land;
- The development may cause loss of light into neighbouring properties as some of the windows on my property face the application site;

- There is continuous water draining from the plot, into the adjacent car park/turning area and out onto the road. The development of the site should address this issue and there is no reference to it in the application form.
- The development may be beneficial for the area, provided concerns raised are taken into consideration.

Ward members were notified of the objection received and the concerns raised and have not requested that the application be determined at planning committee. As such, the application will progress to be determined, under delegated powers, by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

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

Policy 1 – Where Wales Will Grow

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 4 – Supporting Rural Communities

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

National Planning Policies

- Planning Policy Wales - Edition 12 (February 2024)

Paragraph 3.3 refers to good design and states that *‘...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...’*

Paragraph 3.9 refers to character and states that *‘...the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement...’*

Paragraph 3.14 refers to context appraisal and states that these *‘...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...’*

Paragraph 3.55 states that *‘...previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for*

appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development...

Paragraph 4.2.17 goes on to state 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...'*

Paragraph 6.4.3 discusses biodiversity and states that *'...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'*

- TAN (Technical Advice Note)

TAN 5 – Nature and Conservation Planning (2009)

This TAN provides advice on development affecting designated sites and habitats, in addition to protected or priority habitats and species. Section 6.2.2 states that *'...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'*

TAN 12 – Design (2016)

This TAN advises that the Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment, which is fit for purpose and delivers environmental sustainability, economic development, and social inclusion at every scale throughout Wales. Section 2.6 of TAN12 states that *'...Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality or function of an area, should not be accepted, as these have detrimental effects on existing communities...'* Section 4.3 of TAN12 points out *'...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...'*

Local Planning Policies

- The Merthyr Tydfil Replacement LDP 2016-2031

Policy SW1 - Provision of New Homes

Policy SW3 - Sustainably Distributing New Homes

Policy SW4 – Settlement Boundaries

Policy SW9 – Planning Obligations

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 - Nature Conservation and Ecosystem Resilience

Policy EnW4 - Environmental Protection

- Supplementary Planning Guidance (SPG):

SPG4 - Sustainable Design, July 2013

PLANNING CONSIDERATIONS

The issues to consider when assessing this application relate to whether the proposed development is acceptable in principle in this location, and whether the dwellings, in terms of their siting, scale and design, would be acceptable with regards to their impact upon the character and appearance of the area, residential amenity, ecology, parking provision and highway safety.

Principle of Development

The application site lies within the settlement boundary. Thus, the principle of residential development is considered acceptable and is generally supported by LDP Policies SW1, SW3 and SW4, provided the proposal is compatible with other relevant policies and material planning considerations. Indeed, the site currently has an extant planning permission, under planning application P/21/0348, for a semi-detached pair of dwellings. The proposed development would therefore comply with the relevant policies.

Character and Appearance

The proposed semi-detached pair of dwellings would have a typical two-storey façade with a simple porch/canopy above the front door, which would frame the entrance into the property and add interest to the dwelling's primary frontage. Thus, the modest proposed properties would appear similar and in context with other existing dwellings along the terraced row, located to the southeast. In terms of their rear elevations, each dwelling would have roof dormer windows and an elevated single storey rear projection, since the centre and rear of the application site is at higher level. Whilst this part of the scheme would differ to the rear street scene forming part of the neighbouring properties, this would be proposed on the secondary elevation and as such would not be readily visible within the front street scene. Furthermore, it would be viewed in context with other developments along the rear of these neighbouring properties, including single and two-storey extensions as well as other outbuildings/garages of various scales and designs. As such, this part of the proposal would therefore not be deemed to cause any significant harm to the character and appearance of the rear street scene.

It is also noted that the layout of the properties would be substantially different to the immediate adjoining neighbouring dwellings, since these would be set back from the front highway to enable the provision of a front vehicular parking area. This layout is not the most desirable given that the site's closest relationship is with the terraced row of properties to the southeast. Thus, this arrangement would therefore not follow the consistent pattern of development along the northern side of Mansfield Terrace. However, it should also be noted that the layout, as proposed, would nevertheless reflect that of the neighbouring properties to the southern side of Mansfield Terrace, which, as noted previously, is made up of semi-detached properties which are set back from the front highway and comprise front parking areas. Furthermore, it is important to note that this arrangement has previously been approved under the extant permission P/21/0348. Thus,

in this instance, the proposal would result in an acceptable form of development which is compatible with the surrounding built environment and would therefore accord with LDP Policy SW11.

Residential Amenity

The proposed dwellings would be located in close proximity to 1 Mansfield Terrace, and this is the property most likely to be affected by the proposed development.

The dwellings would be located 2.7 metres (at its closest point) from the dividing boundary with this neighbouring property (1 Mansfield Terrace) and approximately 3.9 metres from the dwelling itself. Over half of the property would also sit alongside the gable end elevation of this neighbouring property. It is recognised however that the new dwelling would expand further to the rear by means of a rear projection, which would be elevated. However, having considered the separation distance between the proposed dwelling and the existing dwelling, combined with the single storey height of the rear projection, this would ensure that the proposal would not be significantly overbearing when viewed from this neighbouring property. Indeed, this part of the dwelling, although elevated, would have a similar impact to that caused by a two-storey rear extension, which is a frequent form of development, particularly within terraced streets, even when these adjoin the neighbouring dividing boundary. Thus, whilst the concerns of nearby residents have been considered, they would not warrant the refusal of the application in this instance.

It is recognised that this arrangement would cause some loss of light to the rear garden and/or rear and side windows of this neighbouring property, however, this impact would not be deemed significant given that the application property is located away from the dividing boundary and sited to the north of this neighbouring dwelling.

In terms of overlooking and loss of privacy, the plans indicate that there is only one bathroom window and one porch entrance door proposed on the elevated part of the site (at first floor level) and any glazing on this southeastern side elevation can therefore be conditioned to be fitted with obscure glazing, which would safeguard the privacy and amenities of these neighbouring occupiers.

It is therefore considered that the relationship between the proposed development and the existing dwelling, 1 Mansfield Terrace, would be acceptable and accord with LDP Policy SW11.

Ecology

The Council's Ecologist considered the proposed development and concluded that a Preliminary Ecological Assessment, to include a Preliminary Roost Assessment (PRA) was required in support of the application. An Ecological Appraisal was received on the 21st July 2024. It concluded that no other survey work was required and requested certain mitigation and enhancement measures such as the provision of a wildflower meadow, native planting, bird and bat boxes and a landscape and habitat management plan (LHMP). The LHMP was received on the 23rd September 2024 and proposes mitigation, biodiversity compensation and biodiversity enhancement. The Council's Ecologist has considered the reports, including their conclusions, recommendations and enhancements and agrees with their findings. Thus, the Council's Ecologist has not raised any objections, provided the reports are conditioned as part of any planning permission granted. The proposed development would therefore accord with LDP Policy EnW1.

Parking and Highway Safety

The proposed dwellings would each be served by two front vehicular parking spaces, located off Mansfield Terrace, and the use of the spaces would involve reversing movements onto the front highway. The Head of Engineering and Highways has considered the proposed parking provision and access arrangement and has found this to be adequate and acceptable to serve the proposed dwellings. As such, no objections have been raised and the proposal would therefore accord with LDP Policy SW11.

Responses to Representations

The majority of the concerns raised in the letter of objection have been addressed in the main body of the report. Responses to other issues raised have been addressed below:

- Welsh Water have not raised any concerns in respect of land drainage and a condition will be added to ensure that no surface water and/or land drainage is connected directly or indirectly with the public sewerage network. Furthermore, given that the proposal exceeds 100 square meters, surface water drainage would be considered under a SAB application, which would be a separate application/process and would need to be approved prior to the construction of the development.

- Part of the dwelling will be constructed on elevated land, however, should any retaining works be required to ensure land stability, a condition relating to retaining walls, would be added to any planning permission granted to ensure that any structural works/calculations are approved by the local planning authority prior to the development commencing on-site. Furthermore, given the site's location in a high-risk area, the Coal Authority have also requested that conditions be added in respect of intrusive site investigations which would determine whether any remediation works to address land stability (arising from the coal mining legacy) would be required.

CONCLUSION

The development, due to the reasons discussed above, is therefore considered acceptable and in compliance with the relevant policies and guidance.

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.

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:

- Existing and proposed site layout and site sections, Drawing no: 23/07/02 Rev C, received: 28th March 2024;
- Proposed Plans and Elevations, Drawing no: 23/07/01 Rev D, received: 22nd April 2024;
- Proposed Landscaping Plan, Drawing no: 24/07/01 Rev B, received: 23rd September 2024;
- Ecological Appraisal, Issue 1 VC, received: 31st July 2024;
- Landscape and Habitat Management Plan, Issue 1 VB received: 23rd September 2024;
- Philips outdoor luminaires, received: 23rd September 2024.

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

3. **Prior to the commencement of development**, a plan indicating the design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatments shall be completed as approved, before the occupation of the dwellings.

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

4. **Prior to the occupation of the dwellings**, the first floor bathroom window and porch entrance door to the southeast side elevation (adjacent to 1 Mansfield Terrace), (as illustrated on Drwg no: 23/07/01 Rev D) shall be fitted with obscured glazing, details of which shall first be submitted to and agreed in writing by the local planning authority. The window and door shall be permanently retained in that condition thereafter.

Reason - In the interest of residential amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

5. **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.

6. No surface water and/or land drainage shall be allowed to discharge directly or indirectly into the public sewerage system.

Reason - To ensure adequate disposal of surface water drainage in accordance with LDP Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

7. The car parking areas at the front of the properties, as indicated on Drwg no: 23/07/02 Rev C, shall be completed in accordance with the approved details prior to the occupation of the dwellings and shall remain available for their designated use in perpetuity.

Reason - To ensure that vehicles are parked off the highway in the interests of road safety in accordance with Policies SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. 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.

9. 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 and in the interest of biodiversity to accord with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. 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 additions or alterations shall be carried out to the roof of the dwelling other than those expressly authorised by this permission.

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

11. Notwithstanding the provisions of schedule 2, Part 1, Class A 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 enlargements, improvements or other any other alterations, shall be carried out to the dwelling other than those expressly authorised by this permission.

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

12. Notwithstanding the provisions of schedule 2, Part 1, Class E 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 outbuildings shall be erected other than those expressly authorised by this permission.

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

13. **No development shall commence** until:

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

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

14. **Prior to the occupation of the dwellings**, a signed statement or declaration prepared by a suitably competent person, confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

15. **Prior to the occupation of the dwellings hereby approved**, the ecological mitigation/enhancement works, shall be provided as shown on Drawing no: 24/07/01 Rev B, and shall be retained in perpetuity thereafter.

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

16. **Prior to the commencement of development**, details of the proposed footway extension across the site frontage and vehicular crossover(s) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and prior to beneficial occupation of the dwellings.

Reason: To ensure the adequacy of the proposed footway and vehicular crossovers, in the interests of highway and pedestrian safety and the free flow of traffic, to accord with LDP Policy SW11.

INFORMATIVES

1. The applicant/developer's attention is drawn to the comments received from Welsh Water during the course of this application. Their records indicate that the site is crossed by a public sewer. Under the Water Industry Act 1991, Dwr Cymru has rights of access to its apparatus at all times.

Some public sewers and lateral drains may not be recorded on Welsh Waters maps because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant is advised to contact Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

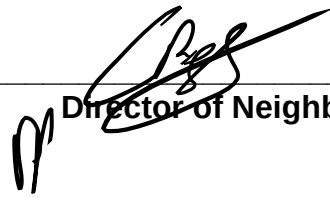
Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

3. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED

A handwritten signature in black ink, appearing to be 'P. S.', is written over a horizontal line.

Director of Neighbourhood Services

DATE: 15.10.2024