

DELEGATED REPORT

Application No:	P/24/0238
Site Address:	1 Park View Houses Heolgerrig Merthyr Tydfil CF48 1SY
Development:	Renewal of outline planning permission P/21/0359 for 1 No. dwelling
Case Officer:	Rebecca Owens
Site Visit:	23rd October 2024
Application Expiry Date:	12th December 2024
Consultation reply date expired:	13th November 2024

APPLICATION SITE

The application relates to a parcel of land which currently forms part of the residential curtilages of numbers 1 and 2 Park View Houses. It is located within a mainly residential area and is within the settlement boundary. The site is accessed off Heolgerrig Road to the north. The profile of the site slopes upwards from the east to the west.

PROPOSED DEVELOPMENT

Permission is sought for the renewal of an outline planning permission (with all matters reserved) for the erection of a dwelling (planning reference P/21/0259).

In accordance with the legislative requirements for an outline planning application, an indicative site layout has again been submitted suggesting the possible position of the proposed dwelling and access. The drawing indicates that the proposed dwelling could be sited within the widest part of the site, fronting onto Heolgerrig Road. Access could be gained via the existing access off Heolgerrig Road which currently serves numbers 1 and 2 Park View Houses and a turning area and car parking spaces could be located alongside this access.

The scale parameters provided state that the proposed dwelling would be between 5.5m and 6.1m in height, between 6.5m and 8m in depth and between 9m and 10m in width.

PLANNING HISTORY

The relevant planning history is summarised below:

P/21/0359 Erection of dwelling (outline with all matters reserved)

Granted outline planning permission subject to conditions on 20th December 2021.

P/17/0304 Erection of new dwelling (Renewal of outline planning permission P/14/0309 will all matters reserved)
Granted outline planning permission subject to conditions on 22nd November 2017.

P/14/0309 Erection of new dwelling
Granted outline planning permission subject to conditions on 14th January 2015.

P/13/0392 Erection of a dwelling (Outline)
Refused outline planning permission on 11th April 2014

P/13/0241 Erection of a dwelling (Outline)
Refused outline planning permission on 11th September 2013

CONSULTATION

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

Head of Engineering and Highways	No objection subject to conditions
Planning Policy Officer	No objection
Ecologist	No objection subject to condition
Environmental Health Manager	No objection subject to conditions
The Coal Authority	No objection subject to conditions
Dwr Cymru Welsh Water	No objection subject to condition

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to the neighbouring properties and 2 site notices were displayed within the vicinity of the site.

No letters of objection 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 12, February 2024) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 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*'. In addition, in reference to character, Paragraph 3.9 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*'
- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that '*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 4.2.18 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*'.
- Paragraphs 4.1.50 – 4.1.55 refer to car parking, with 4.1.51 noting "A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development".
- In regard to Biodiversity and ecology, paragraph 6.4.3 states '*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*'. Paragraph 6.4.15 also outlines the step-wise approach.

In addition, the following Technical Advice Notes are relevant:

- Note 4, Sustainable Design.
- Note 5, Nature Conservation and Planning
- Note 18, Transport
- Note 12, Design

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
- SW13: Protecting and Improving Local Community Facilities
- CW1: Historic Environment
- CW2: Cyfarthfa Heritage Area
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW4: Environmental 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.

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.

Since the approval of the previous planning permission (P/21/0359), there has not been any change in local planning policy. The same LDP Policies apply and the application site remains within the settlement boundary. In addition, site circumstances are generally the same or very similar to what they were at that time of granting the previous permission. However, it is acknowledged that Planning Policy Wales was updated in February 2024 (Edition 12). As a result of this, chapter 6 requests that applications be supported by Green Infrastructure Statements (GIS). It is noted that the Ecological Survey submitted with the previous planning permission has been updated and a brief GIA and management plans has been included. The Council's Ecologist has considered this and has not raised any objection to the application.

It is acknowledged that the site has had outline planning permission for just under three 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 17th October 2024, just over two months 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. Given that the proposal is for a single dwelling, on-site provision of affordable housing or open space, or a financial contribution towards affordable housing, would not be sought. However, Community Infrastructure Levy (CIL) is chargeable on residential development in this part of the County Borough.

CONCLUSION

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:

1. Details of the access, appearance, landscaping, layout, 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. 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.

5. 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) proposed slab or floor levels of all buildings to be erected together with relative yard, ridgeline and highway levels and those of adjacent buildings;

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

6. Prior to the occupation of the dwelling 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 before the dwelling is occupied.

Reason - In the interest of the visual amenity of the area and the privacy of occupiers of adjoining properties.

7. The layout shall allow for a minimum of 2 No. off street car parking spaces for the proposed dwelling and each of the existing dwellings known as numbers 1 and 2 Park View Houses. Such parking areas as may be approved shall be made available for use prior to the occupation of the dwelling and shall remain available for parking purposes at all times thereafter.

Reason - To ensure the parking needs of the development are adequately met at all times.

8. **BEFORE** works relating to the dwelling and any associated parking areas commence on site, full constructional and facing materials details of any necessary retaining walls which exceed 1 metre in height shall be submitted to and approved by the Local Planning Authority in writing and such works as may be approved shall be implemented in full prior to the occupation of the dwelling(s).

Reason - To ensure the development meets with current drainage/engineering requirements.

9. **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.

10. 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 9, 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.

11. **No development shall take place** until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

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. Notwithstanding the provisions of the 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 additions** to the dwelling house shall be erected without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason - Having regard to the restricted nature of the site and the need to assess the potential effect of any future extensions on the residential amenity of occupiers of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

13. Notwithstanding the provisions of the 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 **enlargements of the dwellinghouse consisting of an addition or alteration to its roof** shall be erected without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason - Having regard to the restricted nature of the site and the need to assess the potential effect of any future extensions on the residential amenity of occupiers of neighbouring properties in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

14. No development shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

15. The development shall be carried out in accordance with the Ecological Assessment, Issue 1, Revision VC, dated October 2024, prepared by BE Ecological Ltd, received on 17 October 2024. 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.

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

16. 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 - In the interests of local amenity and to avoid statutory nuisance.

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

Reasons - 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

INFORMATIVES

1. 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.

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.

4. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
5. The developer's attention is drawn to the comments and advice received from Dwr Cymru Welsh Water during the application process.

RECOMMENDATION ENDORSED


Director of Neighbourhood Services

PP

DATE: 18.11.2024