

DELEGATED REPORT

Application No:	P/22/0038
Site Address:	Maesynant Grove Park Merthyr Tydfil CF47 8HX
Development:	Variation of condition 2 of planning permission P/18/0217 to extend the period of time for the submission of the reserved matters details
Case Officer:	David Cross
Site Visit:	22nd February 2022
Application Expiry Date:	23rd May 2022
Consultation reply date expired:	16th March 2022

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.15 hectares with a maximum depth of 51.5m from north to south and a maximum width of 47m from east to west. The site generally slopes downwards from north to south with a plateau at the centre of the site. There is also a water course located near the eastern boundary of the site that has recently been culverted.

The application site currently forms part of the residential curtilage of Maesynant, which adjoins the northern part of the site. To the west is a private access road serving a number of detached dwellings forming part of Grove Park. A public footpath (Red Lane) runs along the eastern boundary of the site with large detached properties beyond. To the south is an adopted highway serving a row of semi-detached dwellings forming part of King Edward Villas.

PROPOSED DEVELOPMENT

Permission is sought to vary condition 2 of planning permission P/18/0217 to extend the period of time for the submission of reserved matters. Essentially, this application seeks to renew the previous outline permission for the residential development of the site.

All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration. However, an indicative layout plan has previously been submitted in support of this application, which illustrates a potential scheme comprising three detached dwellings with detached garages located to the south of Maesynant. The upper and lower scale limits of each dwelling would measure between 9m-10.5m wide by 10m-12.5m deep and 9m-11.8m high. The garages would measure between 5.5m-6.5m wide by 5.5m-6.5m deep and 4.3m-5.5m high.

The indicative layout plan suggests that the proposed dwellings could be orientated towards King Edwards Villas, with front and rear garden areas. The garages and driveways could be located to the rear of the properties and served by a shared private driveway, which can be accessed off King Edward Villas.

PLANNING HISTORY

- P/18/0217 - Variation of condition 2 of outline planning permission P/15/0434 to extend the period of time for the submission of reserved matters details for a residential development.
Permission GRANTED on 25.04.2019
- P/17/0343 - Non material amendment to planning application P/17/0192 to omit the security gates on the access road.
Permission GRANTED on 06.12.2017
- P/17/0192 - Construction of private drive and culverting of existing stream.
Permission GRANTED on 29.09.2017
- P/16/0164 - Erection of detached dwelling and private drive (Outline).
Permission GRANTED on 13.04.2017
- P/15/0434 - Residential Development (outline).
Permission GRANTED on 18.04.2016
- P/14/0322 - Residential Development (Outline).
Permission GRANTED on 05.02.2015
- P/12/0169 - Erection of 9 detached dwellings with associated access road and highway works.
REFUSED permission on 27.06.2013

The application was subsequently DISMISSED at appeal (Ref: APP/U6925/A/13/2209984) on the 10.03.2014.
- P/11/0357 - Erection of 14 dwellings comprising 6 pairs of semi detached and 2 detached, with associated access road and highway works.
Application WITHDRAWN on 11.01.2012

CONSULTATION

- Head of Engineering - No objection.
- Planning Division's Policy Officer - No objection.

Planning Division's Ecology Officer	-	No objection subject to a condition to secure appropriate mitigation measures.
Welsh Water	-	No objection subject to a condition relating to surface water and land drainage.

PUBLICITY

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

As a result of the publicity exercise, 3 letters of objection were received, which raised the following concern:

- It is contested that the reason why the development of the site has not progressed is not as a result of Covid19, but due to the fact that applicant has been unable to sell the plots. It is also noted that works have been carried out on the existing property (Maes Y Nant) and elsewhere on the site during the Covid19 outbreak.

The local ward councillors were informed of the concerns raised and did not wish to 'call-in' the application to be presented to the planning committee. As such the application will be determined under delegated powers by the Director of Neighbourhood Services.

POLICY CONTEXT

National planning policy

The Future Wales – the National Plan 2040 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.

Planning Policy Wales (PPW), Edition 11, February 2021:

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 3.55 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 – 4.1.56 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 on cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

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.

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:

- Policy SW4 - Settlement Boundaries
- Policy SW9 - Planning Obligations
- Policy SW11 - Sustainable Design and Placemaking
- Policy CW1 - The Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW2 - Internationally and Nationally Protected sites and species
- Policy EnW4 - Environmental Protection

Supplementary Planning Guidance (SPG):

- SPG1 - Affordable Housing, March 2012.
- SPG2 - Planning Obligations, March 2012.
- SPG4 - Sustainable design, July 2013.
- SPG5 - Nature and Development, May 2015.

Other material considerations:

- Welsh Government Circular 016/2014: The use of planning conditions for development management.

PLANNING CONSIDERATIONS

The advice within the Welsh Government Circular 016/2014 (Section 5.21) clearly states that renewal applications should only be refused in the following circumstances:

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

Since the approval of the P/18/0217 application, there has been a change in policies with the adoption of the Replacement LDP (2016-2031) and the introduction of Planning Policy Wales 11th Edition. Notwithstanding this, the requirements of the new policies do not differ significantly from the previous policies in respect of the proposed development. However, it is noted that policy EnW1 of the LDP, which deals with ecological considerations, requires new development to provide biodiversity enhancements. Additionally, policy SW9

of the LDP, relating to planning obligations, does not require any contribution towards affordable housing for developments of less than 5 dwellings.

There have been no significant changes in the site circumstances, which remain the same or are very similar to that when the previous application was determined. It is noted that permission (P/17/0192) was granted for the provision of a private drive and culverting works (has been implemented), which would essentially serve the proposed residential scheme. The siting of the drive follows the alignment set out in the indicative layout plan. Additionally, the culverting of the water course also forms part of the enabling works to accommodate the residential development. Therefore, the implementation of the P/17/0192 permission does not adversely impact on the future residential development of the site.

Whilst the condition of the site is largely the same as it was when considering the previous application (P/18/0217), it is acknowledged that parts of the site have become overgrown. Additionally, the watercourse has now been removed which may affect the ecological value of the site. As such, a Preliminary Ecological Appraisal (PEA) was submitted in support of this application to consider whether there were any changes in circumstances in respect of protected species or habitats.

The report notes that the site has limited features of ecological interest but considers that there is some potential for the site to be used by nesting birds, reptiles and foraging bats given that it is reasonably well connected to the wider landscape and with records of bat roosts in the immediate vicinity. However, no significant impacts on protected species or habitats were identified subject to a reptile mitigation strategy being agreed. Enhancements are proposed with the provision of 3 integrated bird boxes and 3 integrated bat boxes to be located on the new dwellings. Additionally, careful consideration should be given to any external lighting to avoid adverse impacts on nearby bat activity. The Planning Division's Ecologist is satisfied with the conclusions reached in the PEA and has raised no objection to the proposal. However, conditions are recommended in relation to the details of the bird/bat boxes, an external lighting strategy, reptile mitigation strategy and soft landscaping, in line with the advice set out in the PEA. Therefore, the proposal complies with policy EnW1 of the LDP.

It is noted that the P/18/0217 permission was granted subject to a S106 agreement to secure a financial contribution of £13,000 towards affordable housing in the area. However, the site layout plan only indicates 3 dwellings would be provided. Even when taking into account that planning permission (P/19/0329) has also been granted for a single dwelling to the north of the site, only a total of 4 dwellings would be provided within the curtilage of Maesynant. It is noted that under policy SW9 of the LDP, the threshold for seeking affordable housing contributions has changed and that such planning obligations would no longer be required for residential schemes of less than 5 dwellings. As such, it is no longer necessary to consider the viability of the development or seek an amended S106 agreement as part of this application.

Given that the proposal comprises of more than 1 dwelling the developer would be required to submit a separate sustainable drainage scheme (SAB application) to manage surface water to the Drainage Engineers for approval. As such, it is no longer necessary for a condition relating to the submission of the drainage scheme. Instead, a condition shall be imposed that prevents the surface water or land drainage connecting to the public sewerage network, in line with the advice from Welsh Water.

Much of the land within the vicinity of the site has already been developed. Therefore, the continued failure for development to commence within the application site has not contributed to uncertainty about the future pattern of development in the area.

This application was submitted to the Planning Division on the 15th February 2022, some 12 weeks before the expiry of the previous application (P/18/0217). The renewal of this application is not deemed to have been submitted prematurely.

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. Furthermore, the proposal meets the three tests set out in the Welsh Government circular advice. 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. In conjunction with the statutory "reserved matters" details required by Condition 1, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall provide full details of the ecological mitigation, compensation and enhancement measures in accordance with the recommendations set out in Section 4 of the Preliminary Ecological Assessment (dated 25.03.2022), which shall include a reptile mitigation strategy, an external lighting strategy and details for the provision of 3 integral bat boxes and 3 integral bird boxes. All works shall be completed fully in accordance with such approved details **BEFORE** the dwellings hereby approved are brought into use.

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

5. 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 ensure no pollution of or detriment to the environment in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

6. Prior to the occupation of the dwellings 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 prior to the occupation of the dwellings.

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

7. **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 .

8. 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.

9. **No development or site clearance shall commence** until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

Reason - In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with Policy CW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The access road/driveways serving the development shall be completed prior to the occupation of the dwellings in accordance with the approved details.

Reason - In the interests of road safety in accordance with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

31/5/22