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DELEGATED REPORT

Application No: P/19/0329

Site Address: Land At Maesynant
Grove Park
Merthyr Tydfil

Development: Variation of condition 3 of planing permission P/16/0164 to extend the period of time for the submission of reserved matters details for a single dwelling

Case Officer: David Cross

Site Visit: 20th December 2019

Application Expiry Date: 10th February 2020

Consultation reply date expired: 9th January 2020

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.069 of a hectare located within the residential curtilage of Maes Y Nant. The main part of the proposed development would be located at the northern part of the site, which has a maximum depth of 19.5m and a maximum width of 22m. The southern part of the site includes a strip of land that varies between 7m-12m wide and 40m in length. The site generally slopes downwards from north to south.

The application site is bound to the west and south by the garden area serving Maes Y Nant. A public footpath (Red Lane) also runs alongside part of the eastern boundary of the site with detached properties beyond. To the north is a residential property (The Cedars) which forms part of The Grove. 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 3 of planning permission P/16/0164 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 a detached dwelling located to the east of the existing Maes Y Nant property. The upper and lower scale limits of the proposed dwelling would be 8m - 10m wide, 7m - 9m deep and 8m - 9m high.

The indicative layout plan suggests that the dwelling could be constructed near the eastern boundary with the front elevation orientated to the south. Garden areas could then be provided to the side and rear of the dwelling with a driveway and on-site parking located to the front. Access to the property could be created via a new private driveway from 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

- Engineering and Traffic
Group Leader - No objection.

Welsh Water - No objection.

PUBLICITY

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

No representations were received as a result of this publicity exercise.

POLICY CONTEXT

National planning policy

Planning Policy Wales (PPW), Edition 10, December 2018:

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 3.51 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 – 4.1.55 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 of cars. Transport assessments are also an important mechanism to determine anticipated impacts a development proposal may have.

Para 4.2.25 – 4.2.34 set out the need to have regard for the provision of affordable housing in communities and to ensure that they are accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

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 SW1 - Provision of New Homes
- Policy SW2 - Provision of Affordable Housing
- 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 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.
- CSS Wales Parking Standards, January 2008.

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/16/0164 application, there has been a change in policies with the adoption of the Replacement LDP (2016-2031). Notwithstanding this, the requirements of the new policies do not differ significantly from the previous LDP.

There have been some changes in the site circumstances, with works having commenced to culvert the stream under the future driveway to serve the development, which was permitted under the P/17/0192 application. The siting of the drive would follow the alignment set out in the indicative layout plan. Additionally, the culverting of the water course forms part of the enabling works to accommodate the residential development. Therefore, the implementation of the P/17/0192 permission would not adversely impact on the future residential development of the site.

It is noted that the P/16/0164 permission was granted subject to a S106 agreement to secure a financial contribution of £3,000 towards affordable housing in the area. The applicant has agreed to the same terms and a revised S106 would need to be entered into prior to any new permission being granted.

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 16th December 2019, some 4 months before the expiry of the previous application (P/16/0164). 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 in planning terms and complies with the relevant Replacement 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** and the applicant (and anyone else with an interest in the land) **ENTERING INTO A SECTION 106 AGREEMENT**.

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. **No development shall commence** until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling and retained in perpetuity.

Reason - To ensure adequate disposal of foul and surface water drainage in accordance with Policy SW11 of the Merthyr Tydfil Replacement Local Development Plan.

5. **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 dwellings are occupied.

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 Replacement Local Development Plan.

6. **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 Replacement Local Development Plan.

7. 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 Replacement Local Development Plan.

8. **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 Replacement Local Development Plan.

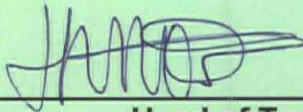
9. The access road/driveway serving the development shall be completed prior to the occupation of the dwelling in accordance with the approved details.

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

10. 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 Policy EnW4 of the Merthyr Tydfil Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

4/2/20