

DELEGATED REPORT

Application No: P/20/0093

Site Address: Land To The Rear Of 1 & 2 Cyfarthfa Gardens
Cefn Coed
Merthyr Tydfil

Development: Renewal of outline planning permission
P/17/0169 (residential development in lieu of
existing vehicle spraying business)

Case Officer: Marlene Ferreira

Site Visit: 14th May 2020

Application Expiry Date: 22nd June 2020

Consultation reply date expired: 25th May 2020

APPLICATION SITE

The application site relates to an 'L' shaped parcel of land located to the rear of 1 and 2 Cyfarthfa Gardens. The site is accessed off a tarmac road which runs in between 1 Cyfarthfa Gardens and 22 Maesgwynne. The site slopes down from the tarmac road to the northwest, measures approximately 17 metres in width and 20 metres in depth, and currently houses a double garage. It was previously used as a vehicle paint spraying workshop but has been vacant and left unmaintained for some time.

The site lies within the settlement boundary as designated within the Merthyr Tydfil Replacement Local Development plan 2016-2031.

PROPOSED DEVELOPMENT

This application seeks permission to renew outline planning permission P/17/0169 for residential development (with all matters reserved), which will expire on the 10th July 2020. This application was submitted to the Town Planning Division on the 27th April 2020 and thus within the required timescale when renewal applications need to be made.

The following scale parameters were submitted for consideration:

4.5 metres minimum width – 5.5 metres maximum width;
6 metres minimum depth – 8 metres maximum depth;
8 metres minimum height – 9.5 metres maximum height;

All matters (including layout, scale, appearance of the building, the means of access thereto and the landscaping of the site) would again be reserved for future consideration. Illustrative plans have been submitted which indicate a proposed layout and potential height of the dwellings. The indicative plans illustrate that the proposed dwellings could be

two-storey developments, with rear garden areas and each of which could have a minimum of two parking spaces to the front of the properties.

PLANNING HISTORY

The following planning history is relevant to this site:

P/17/0169 – Renewal of outline planning permission (P/14/0142) (residential development in lieu of existing vehicle spraying business) – Approved: 10th July 2017

P/14/0142 – Renewal of outline planning permission (P/11/0197) (residential development in lieu of existing vehicle spraying business) – Approved: 29th July 2014

P/11/0197 – Renewal of outline planning permission 08/0319 (residential development in lieu of existing vehicle spraying business) – Approved: 26th September 2011.

P/08/0319 – Renewal of outline planning permission P/05/0398 (Residential development in lieu of existing vehicle spraying business) – Approved: 30th September 2008

P/05/0398 – Residential development in lieu of existing vehicle spraying business – Approved: 30th September 2005

P/84/0534 – Extension to garage premises – Approved: 8th August 1984

CONSULTATION

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

Engineering and Highway Manager	No objection.
Town Planning Division's Policy Officer	No objection.
Ecology Officer	No objection.
Environmental Health Manager	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) Order (Wales) 2012, letters were sent to nearby occupiers, and one site notice was displayed within the vicinity of the site. No letters of representation have been received, as a result of this exercise.

POLICY CONTEXT

National Planning Policies

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

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. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals...*'

- TAN (Technical Advice Note)

- Technical Advice Note (TAN) 12: Design 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 deliver environmental sustainability, economic development and social inclusion at every scale throughout Wales.

- Technical Advice Note (TAN) 18: Transport provides advice on how to integrate land use planning and transport and how transport impacts should be assessed and mitigated.

Local Planning Policies

- The Merthyr Tydfil Adopted Replacement Local Development Plan 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 SW12: Improving the Transport Network
- Policy EnW1: Nature Conservation and Ecosystem Resilience.
- Policy EnW4: Environmental Protection

- Supplementary Planning Guidance

Supplementary Planning Guidance Note 1: Affordable Housing (March 2011)

Supplementary Planning Guidance Note 2: Planning Obligations (March 2012)

Supplementary Planning Guidance Note 4: Sustainable Design (July 2013)

PLANNING CONSIDERATIONS

Issues

The advice contained in paragraph 5.21 of Welsh Government Circular (WGC) 016/2014 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. The continued failure to begin the development will contribute unacceptably 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.

Considerations

The Merthyr Tydfil Replacement Local Development Plan 2016-2031 was adopted on the 29th January 2020. As such, there has been a material change in planning circumstances since the last planning permission (P/17/0169) was granted on the 10th July 2017. However, the site, as under the previous application, lies within the settlement boundary where new development is acceptable subject to it complying with the other LDP policies and material planning considerations. Furthermore, the site circumstances are still very similar to what they were at the time of the last application. Thus, the principle of developing the site for residential development would be considered acceptable. Furthermore, the indicative details illustrate that the site would be capable of accommodating appropriately sized dwellings, with adequate amenity space and car parking provision, which could be provided without having an adverse impact upon the amenities of nearby occupiers and highway safety. Thus, the proposal is capable of complying with the relevant policies.

It is acknowledged that the site has had outline planning permission for over three years without development works commencing, and has also been renewed previously. However, it is considered that the 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 designated, and thus the pattern of local development has already been established with the adoption of the Local Development Plan in May 2011 and the subsequent adoption of the Replacement Local Development Plan 2016-2031.

The application was submitted to the Planning Section on the 27th April 2020, less than three months before the expiration of the previous planning permission (P/17/0169). This application is therefore not considered to have been submitted prematurely.

Accordingly, after having regard to the scheme submitted and the advice contained within WGC 016/2014, it is considered that the application should again be approved.

Ecology

Given that the site currently houses a double garage and is located close to sites, where protected species have been recorded, the proposed development has the potential to impact upon priority and protected species. The Council's Ecologist has therefore requested that a Preliminary Roost Assessment (PRA) be submitted in support of the application. The final report, BE Ecological – Initial Bat Inspection Survey (Issue 1, Version B – June 2020) was submitted on 11th June 2020. The Council's Ecologist has concluded that the report is satisfactory and that the development could be acceptable, provided it is carried out in accordance with the enhancements and recommendations set out within the report. As such, no objections have been raised and the development could therefore comply with LDP Policy EnW1.

Planning Obligations

Policy SW9 sets out the requirements for planning obligations. However, having considered the nature of the development and the number of dwellings proposed, on-site provision for affordable housing or open space, or a financial contribution towards affordable housing, would not be sought in this instance.

CONCLUSION

Accordingly, having regard to the above considerations, the following recommendation is made.

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.

RECOMMENDATIONS: 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, 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, ridge line and highway levels and those of adjacent buildings;
- 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.

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. **BEFORE** the development hereby approved commences on site, a site investigation to determine the nature and extent of contamination shall be undertaken, and the results provided to the Local Planning Authority in the form of a risk assessment. If the site investigation results indicate that the site is contaminated, a scheme of remediation works shall be submitted to and approved by the Local Planning Authority in writing. The scheme as approved shall be fully implemented and completed **BEFORE** the development hereby approved commences on site.

Reason - To ensure that any contaminated soil or material is addressed and dealt with in an appropriate manner, in the public interest and in the interests of the future occupiers of the dwelling hereby approved.

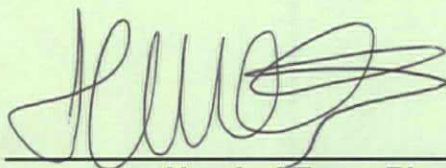
7. If the site investigation required by Condition 6 indicates that the site is contaminated, the dwelling(s) hereby approved shall not be occupied until a third party report which verifies that the submitted scheme of remediation works have been implemented in full, has been submitted to and approved in writing by the Local Planning Authority. This report shall also provide evidence that any material imported to the site as part of any remediation strategy is free from contamination.

Reason - To ensure that any contaminated soil or material is addressed and dealt with in an appropriate manner, in the public interest and in the interests of the future occupiers of the dwelling hereby approved.

8. The development shall be carried out in accordance with the enhancements and recommendations set out in the Initial Bat Inspection Report Issue 1, Version B, June 2020, prepared by Be Ecological Ltd, received on the 12th June 2020.

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

RECOMMENDATION ENDORSED



Head of Town Planning

DATE:

18/6/20