

DELEGATED REPORT

Application No:	P/22/0054
Site Address:	19 Springfield Rise Treharris Merthyr Tydfil CF46 5RD
Development:	Variation of condition 1 of planning permission P/17/0055 to extend the period of time for works to commence on site
Case Officer:	David Cross
Site Visit:	17th March 2022
Application Expiry Date:	6th June 2022
Consultation reply date expired:	24th March 2022

APPLICATION SITE

This application relates to an irregular plot of land measuring approximately 0.02 hectares. The site is situated at the northern end of Springfield Rise and is the last vacant plot to be developed, which would form part of a group of self-build dwellings. The site is bound to the north-west by the access road and turning facility serving the site with larger detached properties beyond. To the north-east is a legal right of way, which runs alongside the site boundary leading onto Twynygarreg Road to the south-east, and to the south-west is a three storey dwelling (No. 18 Springfield Rise) with a detached garage.

The site can be characterised as an area of disturbed land with some scrub planting along the north-east boundary. The site is elevated above Twynygarreg Road with a brickwork retaining wall positioned along the south-east boundary. Whilst the top half of the site adjoining the access road is relatively flat, the remaining parts of the site slopes down toward the retaining wall.

PROPOSED DEVELOPMENT

Permission is sought to vary condition 1 of planning permission P/17/0055 to extend the period of time for the submission of reserved matters. Essentially this application seeks to renew the previous full permission for the erection of a detached dwelling with an integral garage.

The dwelling would be situated within a central position of the site with a frontage onto Springfield Rise. Due to the position of the turning facility adjoining the site, the dwelling would be stepped back 5.5m from the established building line with the properties to the south-west.

The dwelling would measure 9.1m wide by 8.5m deep. Due to the sloping nature of the site the dwelling would measure 7.8m high from the upper ground level next to the access road and 10.2m high from the lower rear garden area. The dwelling would have a pitched roof with concrete interlocking tiles and facing brickwork on the elevations incorporating stone heads and cills. In addition to the provision of an integral single garage, two parking spaces would be provided on a driveway to the front of the property. To accommodate the driveway part of the land within the site would need to be raised adjacent to the right of way and supported with a new retaining wall measuring up to 3.7m high.

Whilst a detailed landscaping scheme has not been provided, the submitted plans indicate the rear garden area would comprise a patio area and lawn with a small planted area. It is also noted that a section of the existing retaining wall adjacent to Twynygarreg Road would be removed to maintain the alignment of the existing legal right of way.

PLANNING HISTORY

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|-----------|---|--|----------------------------------|
| P/17/0055 | - | Erection of detached dwelling | Permission GRANTED on 26.04.2017 |
| P/07/0347 | - | Erection of detached dwelling (Reserved matters for Plot 19a). | Permission GRANTED on 10.08.2007 |
| P/07/0454 | - | Erection of garage on Plot 18/19. | Permission GRANTED on 25.10.2007 |
| P/05/0476 | - | Drainage, road access and plot layout (to serve residential development consent ref: P/04/0029). | Permission GRANTED on 30.09.2005 |
| P/05/0257 | - | Construction of dwelling house (Plots 18 and 19) | Permission GRANTED on 30.09.2005 |
| P/04/0029 | - | Residential development - 26 plots (Outline). | Permission GRANTED on 10.09.2004 |

CONSULTATION

- | | | |
|-------------------------------|---|--|
| Head of Engineering | - | No objection. |
| Planning Division's Ecologist | - | No objection subject to conditions relating to bird/bat boxes and a lighting strategy. |
| Rights of Way Division | - | No response |
| Welsh Water | - | No objection. |

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring properties.

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

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:

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

Since the approval of the P/17/0055 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.

Whilst the condition of the site is largely the same as it was when considering the previous application (P/17/0055), it is acknowledged that the land is now more overgrown. 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 concluded that there is some potential for the site to be used by birds, reptiles and bats given that it is well connected to the wider landscape to the north-east. However, given the size of the site, no significant impacts on protected species or habitats were identified. Enhancements are proposed through the provision of 2 bird boxes on the south-east or south-west elevations of the dwelling and 1 integral bat box on the north-east elevation. Additionally, a dark corridor should be maintained at the edge of the site from the south-east to the north-east. 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 and their

location within the site, as well as details of a lighting strategy to ensure dark corridors are maintained, in line the advice set out in the PEA. Therefore, the proposal complies with policy EnW1 of the LDP.

The viability of the development in the previous application (P/17/0055) was assessed at the time to determine whether any contributions towards affordable housing would be required. It was concluded that such contributions would render the development financially unviable. 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 as part of this application.

All new dwellings (a construction area of more than 100sqm) are now 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.

The application site would be the last self-build plot to be developed at the end of the Springfield Rise. 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 2nd March 2022, some 8 weeks before the expiry of the previous application (P/17/0055). 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**

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:

Drawing No. SL01 - Proposed Layout, dated 21st April 2017

Drawing No. 01 - Floor Plans, dated 28th March 2017

Drawing No. 02 - Proposed Plans, dated 28th March 2017

Drawing No. 03 - Section A-A, dated 28th March 2017

Drawing No. 04 - Section B-B, dated 21st April 2017

Drawing No. 05 - Section C-C, dated 21st April 2017

Preliminary Ecological Appraisal V1.1, dated 28.04.2022

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

3. **Prior to the construction of the dwelling** hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity and to accord with Policy SW11 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

4. 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.

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 prior to the occupation of the dwelling.

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.

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 County Borough Council Replacement Local Development Plan .

7. **No development or site clearance shall take place** until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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.

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. **Prior to the occupation of the dwelling** details of the proposed integrated bird and bat boxes to be installed on the dwelling, in accordance with the recommendation of the Preliminary Ecological Appraisal V1.1, shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwelling.

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

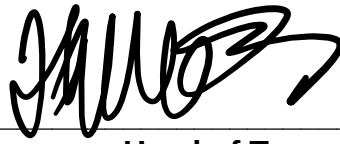
10. **Prior to the occupation of the dwelling**, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall demonstrate that dark corridors for bat foraging/commuting will be maintained and that the access points to the newly installed bat box remains unilluminated, in accordance with the recommendations of the Preliminary Ecological Appraisal V1.1, dated 28.04.2022. The lighting scheme shall be carried out in accordance with the approved details.

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

11. Notwithstanding the provisions of schedule 2, part 1, classes A and 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 extensions shall be erected 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.

RECOMMENDATION ENDORSED

A stylized handwritten signature in black ink, appearing to be 'J. M. B.' or similar, written over a horizontal line.

Head of Town Planning

DATE:

30/5/22