

Date: 10th October 2024

Our Ref: IR/LH/24.218

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Dear Sir or Madam,

Town and Country Planning Permission Act 1990 (as amended)
Variation of Conditions 2&3 of Planning Permission P/21/0020 to Extend the Time For
Submission of Reserved Matters and the Commencement of Works.
Land at Ty Llwyd Farm, Ty Llwyd Park, Quakers Yard, Treharris
Planning Portal Ref: PP-13472885

Asbri Planning Ltd has been instructed by Mrs. Jarrold to submit a Section 73 application on their behalf to vary Conditions 2&3 of Planning Permission P/21/0020 for residential development on Land at Ty Llwyd Farm, Ty Llwyd Park, Quakers Yard, Treharris.

Conditions 2 & 3 attached to that permission state;

2. "Any application for approval of the reserved matters shall be made to the Local Planning Authority no 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 latter."

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.

Section 73 of the Town and Country Planning Act 1990 (as amended) allows for the variation or removal of conditions attached to an existing planning permission. The planning permission has not yet been implemented due to unforeseen circumstances and therefore this application is seeking to extend the life of the permission to enable development to be delivered at an appropriate time.

Paragraph 5.21 of the Welsh Government circular for The Use of Planning Conditions for Development Management states;

Planning permission can be renewed before the time-limit for the commencement of development has expired, under section 73 of the 1990 Act. As a general rule, such applications should only be refused where:

1. *There has been some material change in planning circumstances since the original permission was granted (e.g. a change in some relevant planning policy for the area, or in relevant highway considerations, or the publication by the Government of new planning policy guidance, material to the renewal application);*
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.*

To assess the acceptability of this application, the above criteria have been considered in turn below;

1. The principle of development is established through the extant permission. Since the approval of the previous planning permission (P/21/0020), there has been no change in local planning policy.

Conversely, Planning Policy Wales (PPW) 12 document was adopted as of February 2024. A significant emphasis of PPW 12 is the prioritisation of green infrastructure assessments and biodiversity enhancement. Paragraph 6.2.4 highlights the essential role that green infrastructure plays in shaping our environments. Local Planning Authorities are now required to prepare Green Infrastructure Assessments as part of a proactive approach to enhance green infrastructure, biodiversity, and ecosystem resilience.

In light of this update, this Section 73 application is supported by a Green Infrastructure (GI) statement, a GI strategy plan, a tree report, and an ecological report. It was deemed prudent to commission a comprehensive tree report for the site, which confirms the presence of a Category A tree. Whilst this is an outline application, the application is supported by an Arb Method Statement which demonstrates that the illustrative layout can be delivered without unacceptable impact. The ecological report yields results consistent with those of the previous application, indicating that no additional measures are necessary.

As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water. It is considered that the indicative layout submitted is able to facilitate SuDS and detailed drainage details will be submitted to SAB for approval prior to construction.

Therefore, this application is accompanied by additional information by comparison to previous S73 applications to align with the updated policy requirements of PPW 12 and should not be denied on these grounds.

2. Treharris is identified as a growth area within the LDP and the majority of land within the vicinity has been developed. Whilst the site remains undeveloped, the proposal remains a logical expansion of the settlement. The applicant is committed to implementing the original consent and considers that an extension of time would enable matters to progress in accordance with the terms of the planning permission.
3. The application has been submitted on the 10th of October 2024, just over 15 days before the expiration of the previous planning permission of P/21/0020. The application subject of this report cannot therefore be said to have been submitted prematurely.

The application package has been submitted via the Planning Portal (PP-13472885) and comprises the following:

- Application Forms, duly completed and signed;
- Site Location Plan;

- Site Layout;
- Tree Report;
- Green Infrastructure Statement;
- Green Infrastructure Strategy Plan;
- Preliminary Ecology Report; and
- Ecological Impact Assessment

The application fee of £230 will be paid directly to Merthyr Tydfil County Borough Council.

I trust that you have the requisite documentation in order to enable you to validate the application. Notwithstanding, if you require any additional information, do not hesitate to contact me.

Yours sincerely,

Iestyn Richards

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Student Planner

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