

DELEGATED REPORT

Application No:	P/22/0122
Site Address:	Former Ffynon Beili Well Street Cefn Coed Merthyr Tydfil
Development:	Renewal of planning permission P/19/0087 for residential development
Case Officer:	David Cross
Site Visit:	1st June 2022
Application Expiry Date:	29th November 2022
Consultation reply date expired:	22nd June 2022

APPLICATION SITE

This application relates to an irregular shaped area of land measuring approximately 0.17 of a hectare, which previously accommodated two dwellings (No 1 & 2 Ffynon Beili) that were demolished some years ago. The site remains vacant and is generally overgrown with a hedgerow along the eastern boundary of the site and a number of mature trees and vegetation along the western boundary of the site.

The site is bound to the south by a number of residential properties, the majority of which back onto the site and front onto High Street. One of the adjoining properties is located adjacent to the existing access into the site (south-east corner) and fronts onto Well Street. To the west of the site is a Grade II listed Vaynor War Memorial and to the north is a playing field and playground. Access to the site would be via the existing lane, which adjoins the eastern boundary of the site.

PROPOSED DEVELOPMENT

Permission is sought for the renewal of planning application P/19/0087 for the residential development of the site. All matters relating to access, appearance, landscaping, layout and scale have been reserved for future considerations.

An indicative layout plan has been submitted which illustrates a potential scheme for two detached dwellings located within a central position of the site. The existing access could be utilised and improved by increasing the width of lane with a turning facility provided within the site, along with three off-street parking spaces provided for each dwelling.

The upper and lower scale parameters for each dwelling would be 7.7m to 13m wide by 8.8m to 12m in length and 8.5m to 10.5m high.

PLANNING HISTORY

P/19/0087 Renewal of planning permission P/16/0170 for residential development

Permission GRANTED on 28.05.2019

P/16/0170 - Residential Development (Outline)

Permission GRANTED on 26.07.2016

CONSULTATION

Head of Engineering
& Highways

- No objection subject to conditions relating to vision splays, retaining works, structural design, drainage and access.

Planning Division's
Ecologist

- No objection subject to a condition relating to landscape and habitat management plan, external lighting scheme and bird/bat boxes.

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) (Wales) Order 2016, letters were sent to the neighbouring properties and a site notice was displayed in the vicinity of the site.

No objection letters 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 4.2.17 states that maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.

Para 4.2.25 – 4.2.34 set out the need to secure affordable housing for those who cannot afford market housing, both on first occupation and for subsequent occupiers and there should be an appreciation of the demand for different types of housing

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 2 Planning and Affordable Housing
- TAN 5 Nature Conservation and Planning, September 2009
- TAN 12 Design, March 2016
- TAN 18 Transport, March 2007

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 - Historic Environment
- Policy EnW1 - Nature Conservation and Ecosystem Resilience
- Policy EnW2 - Internationally and Nationally Protected Sites and Species
- Policy EnW3 - Regionally Important Geological Sites, Sites of Importance for Nature Conservation, Local Nature Reserves and Priority Habitats and Species.
- Policy EnW4 - Environmental Protection

Supplementary Planning Guidance (SPG):

- SPG 1 Affordable Housing, March 2012
- SPG 2 Planning Obligations, March 2012
- SPG 4 Sustainable Design, July 2013
- SPG 5 Nature and Development, May 2015

Other material considerations:

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

PLANNING CONSIDERATIONS

The advice within Circular WGC 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/19/0087 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/19/0087), it is acknowledged that the land has generally become overgrown and there are a number of features that may support protected species e.g. reptiles, nesting birds and foraging bats. 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.

It is noted in the PEA that the site largely comprises of regenerated perennial scrub habitat. The vegetation is long and dense in places making some parts of the site difficult to access. There is also hedgerow in the north-west corner of the site and along the north-east boundary. It has been highlighted in the report that the site has been subjected to repeated vegetation clearance, which has been ongoing since 2001 and is evident on aerial photographs.

It has been identified that the site has some potential to provide suitable habitats for bats, breeding birds, reptiles and invertebrates. Whilst there are limited features within the site to support bat roosts, the development would have some impact of the loss of foraging areas for bats. To mitigate this, the report indicates native hedgerow planting could be introduced along the northern and western boundaries and that dark corridors could be maintained.

A number of bird species were recorded that may use the site for nesting and feeding. Whilst there is limited potential for ground nesting birds, some of the scrub areas and scattered trees would likely be used during the breeding season. As such, it is recommended that any site clearance avoids the bird nesting period and that the

landscaping scheme should also include/retain areas of scrub habitats to be utilised for nesting birds.

In regards to reptiles, the PEA notes that the site is not generally suitable due to the height of some of the vegetated areas, with only a small area of suitable habitat where there is grassland and rubble. The report suggests that the land to the north of the application site provides a better habitat environment, but given its lack of connectivity it would likely only supports a small population. It is recommended in the report that a method statement be prepared prior to any clearance works to avoid any harm to reptiles that may be present within the site. Additionally, the loss of scrub and grassland would have a slight impact on invertebrates but this could be addressed through the landscaping of the future garden areas.

Overall, the report considers the site to be of moderate ecological value at a local level and that with mitigation the development would not have an adverse impact on protected species or habitats. The Planning Division's Ecologist is generally satisfied with the conclusions reached in the PEA and has raised no objection to the proposal. However, it is recommended that a Landscape and Ecological Management Plan be submitted with the reserved matters application to appropriately set out the mitigation measures. Therefore, the proposal complies with policies EnW1, EnW2 and EnW3 of the LDP.

All new dwellings (with 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 a 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.

Whilst works have not commenced on site since May 2019, this absence of development has not contributed to uncertainty about the future pattern of development in the area. The majority of the land within the vicinity that lies within the settlement limits has already been developed, and hence the pattern of local development has already been established.

This application was submitted to the Planning Division on the 19th May 2019, some 9 days before the expiration of the P/19/0087 permission. The application, subject of this report, cannot therefore be said 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, it is considered that the proposed development is acceptable and complies with the relevant circular advice and LDP policies. 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. 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.

5. **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.

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. **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 of the Preliminary Ecological Assessment (dated July 2022), which shall include the provision of 1 integral bat box and 1 integral bird box on each dwelling. 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 and important habitat in accordance with Policies EnW1, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

8. **No external lighting shall be installed on the dwellings**, until a detailed lighting scheme has first been 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 bat boxes remain unilluminated, in accordance with the recommendations of the Preliminary Ecological Assessment (dated July 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, EnW2 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE:

14/10/22