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2 Fitzalan Road
Cardiff
CF24 0EB

Date: 3rd May 2024

Our reference: CSC1169

Merthyr Tydfil County Borough Council
Planning Services
Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

via Planning Portal

Dear Sir/Madam,

**LAND TO THE REAR OF BRONDEG AND WEST OF UPPER COLLIERS ROW, BRONDEG, HEOLGERRIG, MERTHYR TYDFIL
S.73 PLANNING APPLCIATION
(Planning Portal Ref. PP-13001070)**

Introduction

We write on behalf of Pine Fields Private Limited to submit the enclosed application under Section 73 of the Town and Country Planning Act 1990 to vary conditions 2 and 3 of planning consent P/19/0318, granted 26th May 2021. The proposal seeks to allow for a further period of three years from the extended date of permission for applications for approval of reserved matters to be submitted and an associated time extension within which to commence development.

The application comprises the following information:

- Covering Letter (this document);
- Completed Application Form;
- Planning Statement;
- Green Infrastructure Statement;
- Ecological Appraisal; and
- Associated Application Drawings.

Payment of the requisite fee (£230) is submitted under separate cover



Proposal

The applicant is seeking to amend the relevant conditions attached to the above permission to:

1) Extend the period of time for the submission of reserved matters.

Accordingly, it is sought to vary condition 2 of the extant permission to allow further time for reserved matters applications to be submitted. AndAn extension of time is proposed to allow for a further period of three years from the extended date of permission for applications for approval of reserved matters to be submitted.

2) Extend the period of time for development to be begun

Accordingly, it is sought to vary condition 3 of the extant permission to allow further time for the commencement of development. An extension of time is proposed to allow for a further period of five years from the extended date of permission (or two years from the approval of reserved matters) within which to commence development.

It is considered the most appropriate way to achieve the above is to attach conditions 2 and 3, unchanged, to a newly dated planning permission.

Considerations

Circular 016/2014 (The Use of Planning Conditions for Development Management) provides advice on extending time limits in the way suggested. Paragraph 5.21 notes that “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:

- 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);
- 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.”

Future Wales (adopted in February 2021) and the Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016-2031) (adopted in January 2020) were the development plan for Merthyr Tydfil at the time of the extant permission being granted and remain so. While Planning Policy Wales has been updated since the extant permission was granted, as set out in the Planning Statement, the relevant updates do not



weight against the development in any meaningful way. The first criteria above, therefore, does not apply.

Given the site remains allocated for residential development in the Development Plan, the failure to begin the development does not contribute unacceptably to uncertainty about the future pattern of development in the area. The second criteria above, therefore, does not apply.

The extant permission is due to expire in May 2024. The third criteria above, therefore, does not apply. As such, permission should be granted.

Conclusions

Overall, there are no significant changes in planning circumstances since the previous application was approved on the site to prevent the renewal of the existing outline planning permission. It is not considered to contribute unacceptably to uncertainty about the future pattern of development in the area or be unreasonably premature to the expiry of the permission. Therefore it is considered to be reasonable and appropriate to renew the previous permission for a further standard period of time.

Yours faithfully,



Max Lewis
Graduate Planner
CarneySweeney

Encs.

