

DELEGATED REPORT

Application No:	P/24/0236
Site Address:	Land At Ty Llwyd Farm Ty Llwyd Parc Quakers Yard Treharris
Development:	Variation of conditions 2 and 3 of outline planning permission P/21/0020 to extend the time period for the commencement of development and for the submission of reserved matters
Case Officer:	Rebecca Owens
Site Visit:	16th October 2024
Application Expiry Date:	6th December 2024
Consultation reply date expired:	7th November 2024

APPLICATION SITE

This application relates to a rectangular shaped area of land measuring approximately 0.2 hectares with a maximum width of 31m by a maximum depth of 65m. The site is largely bounded by existing residential properties, being Shire Court to the north, Harris Court to the west and The Oaks to the south. The field adjoining the eastern part of the site lies within the neighbouring authority (Caerphilly County Borough Council).

Apart from a small hard surfaced area occupied by a Transmission Mast and enclosed compound area, the site is an open field, forming part of the Ty Llwyd farm complex, with the mast having stood in the middle of the site for many years. There is also an existing stone boundary wall that encloses the site along its eastern boundary and a claimed right of way which crosses the site in a west-east direction along the southern boundary of the site.

PROPOSED DEVELOPMENT

This application seeks permission to vary conditions 2 and 3 of outline planning permission P/21/0020 to extend the time period for the commencement of development and for the submission of reserved matters, effectively renewing the permission. This was an outline application with all matters reserved for residential development (referred to below).

An indicative plan was submitted as part of this previous application illustrating a potential scheme for 6 dwellings with associated access road, parking spaces and garden areas. It also illustrates a buffer zone which would provide reptile habitat along the south and eastern boundaries and partially along the northern boundary. The layout illustrated is a

linear form of development with the dwellings positioned along the eastern part of the site (with the front of the dwellings having a westerly orientation) and an access road along the western part of the site.

The upper and lower scale parameters will remain the same as that previously approved with each dwelling measuring between 5m and 7m wide, 8m and 9m deep and 6m and 9m high.

PLANNING HISTORY

The relevant planning history is detailed below:

P/21/0020	Application to extend the time for the submission of reserved matters and the commencement of works in respect of planning permission P/16/0353 Granted outline planning permission subject to conditions on 25 October 2021
P/160353	Application to extend the time for the submission of Reserved Matters and the commencement of works and to remove conditions 5, 6 and 7 (relating to Code for Sustainable Homes) in respect of Planning Permission P/13/0282 (Outline Planning) Granted outline planning permission subject to conditions on 4 April 2018
P/13/0282	Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for submission of reserved matters and the commencement of works in respect of planning permission P/10/0364 (Outline Planning Permission for Residential Development) Granted outline planning permission subject to conditions on 19 November 2013
P/10/0364	Application under Section 73 of the Town and Country Planning Act 1990 to extend the time for the submission of reserved matters and the commencement of works for a further 3 year period in respect of planning consent P/07/0516 (Residential Development) Granted outline planning permission subject to conditions on 3 February 2011
P/07/0516	Renewal of planning permission P/04/0349 for residential development Granted outline planning permission subject to conditions on 20 December 2007
P/04/0349	Renewal of outline planning consent P/02/0049 - Residential Development Granted outline planning permission subject to conditions on 30 September 2004
P/02/0049	Renewal of Outline Planning Consent Ref: P/99/0005 for a residential development. Granted outline planning permission subject to conditions on 21 May 2002
P/99/0005	Renewal of outline planning permission P/95/0411 for residential development

Granted outline planning permission subject to conditions on 22 April 1999

- P/98/0341 Residential development (Outline development)
Granted outline planning permission subject to conditions on 2 February 1996
- P/95/0411 Residential development (outline)
Granted outline planning permission subject to conditions on 2 February 1996
- P/91/0635 Residential development (outline)
Granted outline planning permission subject to conditions on 9 July 1992

CONSULTATION

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

Head of Engineering and Highways	No objection
Planning Policy Officer	No objection
Planning Ecologist	No objection
Rights of Way	No response
Environmental Health Manager	No objection
Dwr Cymru Welsh Water	No objection
South Wales Fire and Rescue	No objection

PUBLICITY

In accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to neighbouring occupants and three site notices were displayed within the vicinity of the site.

No letters of objection were received following this publicity exercise.

POLICY CONTEXT

National Development Framework

Future Wales: the National Plan 2040 (February 2021) 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.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) is relevant to the determination of this planning application. The following paragraphs are identified as being of particular importance:

- Paragraphs 3.3 to 3.13 set out the principles of good design. Specifically Paragraph 3.3 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’*. In addition, in reference to character, Paragraph 3.9 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’*
- Paragraph 3.55 identifies a preference to the use of previously developed land over greenfield sites. It also notes that *‘In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development’* Paragraph 4.2.18 goes on to state 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’*.
- Paragraphs 4.1.50 – 4.1.55 refer to car parking, with 4.1.51 noting “A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development”.
- In regard to Biodiversity and ecology, paragraph 6.4.3 states *‘The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement’*. Paragraph 6.4.15 also outlines the step-wise approach.

In addition, the following Technical Advice Notes are relevant:

- Note 4, Sustainable Design.
- Note 5, Nature Conservation and Planning
- Note 18, Transport
- Note 12, Design

The advice contained within Welsh Government Circular (WGC) 016/2014: The Use of Planning Conditions for Development Management (paragraph 5.21) is of relevance to the determination of this application.

Local Planning Policies

The following policies of the Merthyr Tydfil County Borough Council Replacement Local Development Plan 2016-2031 are relevant to the determination of this application:

- SW1: Provision of New Homes
- SW4: Settlement boundaries
- SW9: Planning Obligations
- SW11: Sustainable design and Placemaking
- SW12: Improving the Transport Network
- EnW1: Nature Conservation and Ecosystem Resilience
- EnW2: Internationally and Nationally Protected Sites and Species
- EnW4: Environmental Protection

In addition, the application will be determined having regard to the advice contained within the following Supplementary Planning Guidance (SPG) Notes:

- Note 1, Affordable Housing.
- Note 2, Planning Obligations.
- Note 4, Sustainable Design.
- Note 5, Nature and Development.

PLANNING CONSIDERATIONS

The advice contained within WGC 016/2014 clearly states that renewal applications should only be refused in the following circumstances;

1. There has been a material change in planning circumstances since the previous permission was granted.
2. The continued failure to begin the development will unacceptably contribute 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.

In essence it is considered that the above criteria do not apply to this application.

Since the approval of the previous planning permission (P/21/0020), there has not been any change in local planning policy. The same LDP Policies apply and the application site remains within the settlement boundary. In addition, site circumstances are generally the same or very similar to what they were at that time of granting the previous permission. However, it is acknowledged that Planning Policy Wales was updated in February 2024 (Edition 12). As a result of this, chapter 6 requests that applications be supported by Green Infrastructure Statements (GIS). It is noted that the Ecological Survey submitted with the previous planning permission has been updated and a brief GIS and management plans has been included. The Council's Ecologist has considered this and has not raised any objection to the application subject to enhancement measures being secured

It is acknowledged that the site has had outline planning permission for over thirty years without development works actually commencing. However, it is considered that this 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 hence the pattern of local development has already been established.

The application was submitted on the 11th October 2024, just before the expiration of the previous planning permission outlined above. The application subject of this report cannot therefore be said to have been submitted prematurely.

Having regard to the above considerations and the advice contained within WGC 016/2014, it is considered that the application should be approved.

Planning Obligations

Policy SW9 relates to Planning Obligations and having regard to development viability, planning obligations will be sought for a financial contribution towards the provision of affordable housing on sites of between 5 and 9 homes.

The requirement for an affordable housing contribution towards the proposed development has been assessed by the Planning Division's Policy Group Leader. In this instance an affordable housing contribution of £39,000 has been agreed with the applicant. This would be secured through a Section 106 Agreement. Payment of this amount would be required before development of the plot commences.

Issuance of a planning permission will be contingent upon the completion and signing of a Section 106 Agreement and the latter will only become fully binding when the permission is issued.

SUMMARY

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.

Having had regard to the above considerations the renewal of the planning permission is found to be acceptable. Accordingly the following recommendation is made:

RECOMMENDATION: BE APPROVED, subject to a section 106 agreement to secure an affordable housing contribution of £39,000 and 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, ridgeline and highway levels and those of adjacent buildings;
- iii) the means of foul water and surface water drainage;
- iv) the position height and material of all walls, fences and other means of enclosure;
- v) 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. No development shall commence on site until a scheme for a suitable alternative TV relay station/mast to enable continuous reception has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall

be implemented and the TV relay station/mast shall be brought into commission, before the existing TV relay station/mast is taken out of commission.

Reason - To ensure the proposed development does not interfere with the continuous television reception currently enjoyed by residents of the locality in the public interest.

7. The development shall be carried out in accordance with the Ecological Impact Assessment, Version V6.1, dated December 2024, prepared by Ecological Services Ltd. In line with this document, prior to works commencing on site a Reptile Mitigation Strategy and details (including locations and timescale for provision) of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

8. **BEFORE** work commence on site, full details of all external and street lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:

- Details of lighting during construction.
- Details of the siting and types of all permanent lighting to be used.
- Drawings setting out light spillage and demonstrating dark corridors.

The lighting shall only be installed in accordance with the approved details and maintained as such thereafter.

Reason - To limit the impact on protected species and reduce light pollution in accordance with policies EnW2 and EnW4 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

9. No development shall take place until a Landscape and Ecological Management Plan has been submitted to and approved in writing by the local planning authority. The development shall be undertaken, managed and maintained thereafter in accordance with the approved Landscape and Ecological Management Plan.

Reason - In the interests of biodiversity and visual amenity in accordance with Policies SW11 and EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

10. The development shall be carried out in accordance the Arboricultural Report Ref: ArbTS_2022.1_Ty Llwyf Farm, dated 11 October 2024, prepared by ArbTS - Arboricultural Technician Services Ltd, received on 10 December 2024.

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

RECOMMENDATION ENDORSED

DATE: 19.12.2024


Director of Neighbourhood Services